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3rd Session, 5th Parliament, 20 Victoria, 1857.

BILL.

An Act to make Seduction and Adultery Criminal Offences.

Received and read, first time, Monday, 16th March, 1857.

Second reading, Monday, 23rd March, 1857.

Mr. Congen.

TORONTO:

PRINTED BY JOHN LOVELL. YONGE STREET.

An Act to make Seduction and Adultery criminal offences.

WHEREAS it is necessary for the well-being of society to make the Preamble. crime of Seduction and Adultery criminal offences, and to provide for the punishment of the same; Therefore Her Majesty, &c., enacts as follows:

I. Every man who shall seduce, and render pregnant, any unmar- Seduction of ried female under the age of twenty-one years, or who shall entice or an unmarried take her away from her parent, guardian, or place of abode for the purpose woman, under the her away from her parent, guardian, or place of abode for the purpose 21 years; to of seducing her, shall be guilty of a misdemeanor, and upon conviction be a misdeshall be punished by imprisonment for a term of not less than one nor meanor. 10 more than three years, and be fined in a sum of not less than £50 nor more than £500; and for the second or subsequent offence, may be sentenced Punishment. to the Provincial Penitentiary for a period not to exceed seven years, and fined in a sum not less than £100 nor more than £750, in the discretion of the Court before which such offence is tried.

II. Any man who shall seduce, and render pregnant, any unmar- Seduction of ried female of previous chaste character, shall be guilty of misde-an unmarried meanor, and upon conviction shall be punished by fine or imprisonment, or age to be a both, in the discretion of the Court before which such offence is tried; misdemeanor. Provided always, that no conviction shall be had under this Act unless Provise. 20 within two years next after the commission of the offence.

III. Every man who shall seduce any married woman, or who shall entice Seduction of a or take her away from her husband or his place of abode for that purpose, married woshall be guilty of a misdemeanor, and shall upon conviction be fined and misdemeanor. as provided in the first section of this Act: And any married Adultery of a 25 woman, who shall commit adultery with any man, shall be guilty of a mis- married wodemeanor, and shall upon conviction, be liable for the first offence to im- man to be a prisonment for a term of not less than six months and not more misdemeanor. than three years, in the discretion of the Court before which such offence is tried.

IV. In cases of seduction the woman shall be a competent witness and Woman to be her credibility left to the Jury, unless she has been convicted of some crime a competent which would by law disqualify her from giving testimony in any other witness.

V. From and after the passing of this Act no civil action shall be Nocivil action 85 brought or damages recovered for Seduction or Adultery; but nothing in for seduction this Act shall prevent actions being brought or damages recovered for Provise. breach of promise of marriage.

VI. The Court of Queen's Bench in Lower Canada, or the Court of What Courts Oyer and Terminer and General Gaol Delivery in Upper Canada, shall shall have jurisdiction un-40 alone have jurisdiction of offences under this Act.

der this Act.