



# **Courted and Abandoned: Seduction in Canadian Law (Osgoode Society for Canadian Legal History)**

*Patrick Brode*

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A pregnancy outside of marriage was a traumatic event in frontier Canada, one that had profound legal implications, not only for the mother, but also for the woman's family, the alleged father, and for the entire community. Patrick Brode examines the history of the 'heartbalm' torts in nineteenth-century Canada - breaches of duty leading to liability for damages for seduction, breach of promise of marriage, and criminal conversation - that were part of the inherited English law and were a major feature of early Canadian law.

Encompassing all ten Canadian provinces, Brode's study examines the court cases and the communities in which they arose. He illustrates the progression of these 'heartbalm' actions as women gained more and more autonomy in the late nineteenth century, until questions arose as to the applicability of these feudal remedies in a modern society. He argues that the heartbalm cases are a testament to how early Canadians tried to control sexuality and courtship, even consensual activity among adults. In mixing legal and social issues, and showing how they interact, *Courted and Abandoned* makes a significant contribution to legal history, women's studies, and cultural history.

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