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Statutory Rape: Previous Chaste Character in Florida

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NOTES

STATUTORY RAPE: PREVIOUS CHASTE CHARACTER IN FLORIDA

Carnal intercourse with a female below the age of ten constituted the crime of rape at common law irrespective of the victim's consent.[1] Above that age a young girl was considered capable of valid consent, and intercourse with her was not a crime.[2] In order to protect young women, numerous states have created statutory crimes eliminating consent as a defense to an act of intercourse with females below certain ages.[3] Although the statutes have raised the age of consent above ten years, penalties imposed under the statutory crimes do not approach the severe sanctions of common law rape[4] or forcible rape statutes.[5]

Section 794.05 of Florida Statutes 1959, commonly termed "statutory rape,"[6] provides:

> "Any person who has unlawful carnal intercourse with any unmarried person, of previous chaste character, who at the time of such intercourse is under the age of eighteen years, shall be punished by imprisonment in the state prison for not more than ten years, or by fine of not exceeding two thousand dollars."

While the statute is an extension of common law rape with

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[1] 18 Eliz. c. 7, §4 (1576); see 1 HALE, PLEAS OF THE CROWN 628 (1736).

[2] *But see* discussion, 1 HALE, *op. cit. supra* note 1, at 730-71. Lord Coke implied that consent negated a charge of rape above age 10; Hale felt that 12 was the age age of consent and that Coke's definition was erroneous.

[3] *E.g.*, IND. ANN. STAT. §10-4201 (1956); IOWA CODE ANN. §698.1 (1950); ME. REV. STAT. ANN. ch. 130, §11 (1954).

[4] 1 HALE, PLEAS OF THE CROWN 627 (1736) (death penalty and, at a later date, castration and loss of eyes, though sometimes only imprisonment when suit was brought by the king).

[5] *E.g.*, FLA. STAT. §794.01 (1959) (death or imprisonment); MINN. STAT. ANN. §617.01 (1947) (7 to 30 years); N.H. REV. STAT. ANN. §585:16 (1955) (up to 30 years).

[6] FLA. STAT. §794.01 (1959), which is a statutory adoption of common law rape, is referred to as forcible rape, or the capital crime of rape, to distinguish it from §794.05.

respect to the age of consent, it varies the elements of the capital crime by use of the words *previous chaste character.* This phrase is a condition to conviction for the statutory crime. If the victim was not of previous chaste character, the defendant did not commit statutory rape.

The first Florida statute prohibiting intercourse with unmarried females under a certain age made no reference to the chastity of the victim.[7] This statute underwent some changes with respect to age[8] and the seriousness of the crime[9] until 1915, when the legislature added the requirement that the victim be of "previous chaste character."[10] The statute was further amended in 1921 by replacing the words "any unmarried female" with "any unmarried person."[11] Although there have been no reported cases involving male victims, the Florida Supreme Court has stated that the purpose of the 1921 amendment was to protect male or female victims of previously chaste character.[12] The statute has been re-enacted without change since 1921.

Previous Chaste Character As an Element of the Crime

Florida Definition

The Florida Supreme Court has been explicit in defining the words *previous chaste character.* In *Lowe v. State* the Court stated:[13]

> "The clause in the statute, supra, 'of previous chaste character,' does not mean purity of mind, nor purity of heart, but purity of body — i.e. that the prosecutrix had never sustained illicit relations with any one prior to the alleged offense with the defendant."

The Court, in *Williams v. State,* quoted the following passage from *Words and Phrases* as the acceptable definition of the phrase:[14]

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[7]Fla. Laws 1887, ch. 3760.

[8]Fla. Laws 1901, ch. 4965, §1 (from age 16 to 18).

[9]Fla. Rev. Stat. §2598 (1892) (misdemeanor); Fla. Laws 1901, ch. 4965, §1 (felony).

[10]Fla. Laws 1915, ch. 6974, §1.

[11]Fla. Laws 1921, ch. 8596, §1.

[12]Blount v. State, 102 Fla. 1100, 138 So. 2 (1931).

[13]154 Fla. 730, 733, 19 So.2d 106, 108 (1944).

[14]92 Fla. 125, 127, 109 So. 305, 306 (1926).

> " 'Chaste' is defined as meaning 'pure from all unlawful commerce of the sexes'; applied to persons before marriage, it signifies pure from all sexual intercourse. Previous chaste character, as used in the law in cases of this kind, means 'actual personal virtue and not reputation.' "

A much broader definition was given in *Deas v. State,* although the statement was unnecessary to the decision: "her undefiled virginity, prior to her initial indulgence with the defendant . . . ."[15] This is misleading because virginity and chastity are not synonymous. Virginity is lost by *any* act of intercourse, while chastity is lost only by an *illicit* act of intercourse. Thus it has been held that a widow[16] or a victim of forcible rape[17] is not rendered unchaste by intercourse. The victim of a statutory rape could not ordinarily be considered chaste to subsequent actors, for it would make the words *previous chaste character* meaningless.

Burden of Proof on the State

Before a defendant can be convicted of statutory rape, the state must allege and prove beyond a reasonable doubt the prior chastity of the prosecutrix. In *Dallas v. State,*[18] the first Supreme Court interpretation of the words *previous chaste character,* the trial court had charged that chastity of the female was presumed. The Court reversed, holding that by the addition of the words the legislature created an essential element of the crime, which the state must allege and prove. In rejecting a rule that presumes chastity, the Court felt that such a presumption would destroy the greater presumption of innocence which operates in favor of a defendant in a criminal case and force him to prove his innocence. A second reason for rejecting the presumption of chastity had an unusual policy as its basis:[19]

> "What has been said by some courts about an unchaste female in our country being a comparatively rare exception is no doubt true where the population is composed largely of

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[15]119 Fla. 839, 842, 161 So. 729, 730 (1935).
[16]State v. Eddy, 40 S.D. 390, 167 N.W. 392 (1918).
[17]Hickman v. State, 137 Tex. Cr. App. 616, 132 S.W.2d 598 (1939).
[18]76 Fla. 358, 79 So. 690 (1918).
[19]*Id.* at 364, 79 So. at 691.

> the Caucasian race, but we would blind ourselves to actual conditions if we adopted this rule where another race that is largely unmoral constitutes an appreciable part of the population."

Several states agree with Florida that chastity must be alleged and proved by the prosecution,[20] but most states with a similar statute presume chastity and require the defendant to present unchastity as an affirmative defense.[21] Even when chastity is not an element of the crime, lack of chastity may be admissible under ordinary rules of evidence to mitigate the penalty,[22] or to discredit the prosecutrix's testimony by showing that her pregnancy may have been caused by someone other than the defendant[23] or that she is shielding others by prosecuting the defendant.[24] Such evidence does not amount to a defense, as it would under statutes using the words *previous chaste character*. Her bad character is immaterial when chastity is not an issue,[25] except for impeachment or mitigation. *Williams v. State* is an example of evidence sufficient to prove actual chastity. The Court stated:[26]

> "The witness having testified that no one else had ever had sexual intercourse with her, this was proof of previous chaste character in the manner in which the law contemplates that personal chastity — actual character — shall be proven."

In a later case, *Deas v. State*,[27] the Court stated by way of dictum that when the defense rests on a denial of the act of intercourse, proof of the previous chaste character of the prosecuting witness is only technically required, "like proof of venue." This is consistent with the *Williams* doctrine. But in *Howell v. State*[28] the majority

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[20]*E.g.*, Larson v. State, 125 Neb. 789, 252 N.W. 195 (1934); Humphrey v. State, 34 Okla. Cr. 247, 246 Pac. 486 (1926).

[21]*E.g.*, Smith v. State, 188 Miss. 339, 194 So. 922 (1940); Benton v. State, 158 Tenn. 273, 12 S.W.2d 946 (1929); Williams v. State, 105 Tex. Crim. 381, 288 S.W. 205 (1926).

[22]State v. Thompson, 289 S.W. 788 (Mo. 1926).

[23]State v. Kraus, 175 Minn. 174, 220 N.W. 547 (1928).

[24]State v. Smith, 90 Utah 482, 62 P.2d 1110 (1936).

[25]State v. Armijo, 64 N.M. 431, 329 P.2d 785 (1958).

[26]92 Fla. 125, 127, 109 So. 305, 306 (1926).

[27]119 Fla. 839, 161 So. 729 (1935).

[28]121 Fla. 327, 163 So. 691 (1935).

opinion summarily reversed the conviction and held that the state's evidence of previous chaste character was unsatisfactory. The dissent by Justice Buford[29] indicated that both the mother and the father of the victim testified to her chaste character. The victim testified, but it does not appear whether the state specifically asked her if she had prior relations that would have rendered her unchaste. On cross-examination of the prosecutrix and other state's witnesses, the defendant's counsel brought out the facts that the prosecutrix, who was thirteen, knew about the "possibility" of intercourse and knew of the "instrumentalities" used for intercourse, that she had been committed to an industrial school *after* the act, and that the defendant had told a police officer that he did not think he was the first person to have intercourse with her. Justice Buford pointed out that the facts did not establish lack of chastity. It is unfortunate that the majority of the Court did not give reasons for holding that the state failed to meet the burden of proof. Perhaps the majority decision could have been justified if the victim had not testified to her chastity, but the dissent, by citing the *Williams* decision, at least implied that she did. By reversing the conviction, in which the prosecutrix testified to her chastity and the defendant offered evidence amounting only to insinuations of unchastity, the Court seems to have been overruling a factual issue decided by the jury and merely tabbing it "insufficient in law" in order to reach a particular result.

The *Williams* case will provide the prosecution with a guide in establishing prior chastity, but the *Howell* case may be an appellate cloud hovering over a conviction in which the defendant brings out any evidence of unchastity by cross-examination or through his own witnesses. If the *Howell* dissent gave all pertinent facts, there seems to have been no legal error in the trial court's decision.

Reformation

Florida has not ruled on whether a female once unchaste can by her subsequent conduct regain her chastity. In an early Iowa seduction prosecution[30] the court held that a female could be considered reformed, since she had discontinued acts for about one year and then resumed an illicit relationship with the defendant. Michigan has a

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[29]*Id.* at 364, 79 So. at 691.

[30]State v. Moore, 78 Iowa 494, 43 N.W. 273 (1889).

variation of the Iowa rule in that when a reasonable time has elapsed between acts with the defendant, the female is *presumed* to have reformed.[31] The specific holding was that the acts were so close in point of time that the state was given the burden of showing reformation on retrial. It is felt that Florida would not accept a reformation rule because of language in certain Florida cases implying that once a female loses her chastity by the initial act she will thereafter be unchaste.[32] At best, reformation is a fiction that dilutes the strength of the defense of prior unchaste character. If a legislature sees fit to allow a defense of unchastity, the courts ought not to engage in a fictional restoration of the flower of maidenhood. Reformation in morals and reformation in law should be sharply delineated when it is sought to punish a man for an act in which the fault of the female plays some part.

TIME OF THE ACT

Within the Statute of Limitations and Within the Jurisdiction

Florida's statute of limitations applying to crimes not punishable by death requires that a crime be prosecuted within two years of the commission of the offense.[33] Ordinarily, if the state proves that the crime was committed within this period, the defendant may be convicted even though the indictment or information specifies a date of commission other than that proved on trial.[34] In an early statutory rape prosecution, *Bynum v. State*,[35] however, the Court held that the prosecutrix, who had admitted initial and subsequent acts of intercourse with the defendant just six months before the date charged in the indictment, was unchaste as to the defendant. As a result of this holding a defendant could rely upon his own wrong as a defense to the crime alleged unless the state charged him with the initial act that deprived the prosecutrix of her chastity. This indefensible precedent was overruled several years later in *Hunter v. State*.[36] The defendant's first act of intercourse with the prosecutrix

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[31]People v. Clark, 33 Mich. 112 (1876).

[32]Capps v. State, 98 So.2d 745 (Fla. 1957); Deas v. State, 119 Fla. 839, 161 So. 729 (1935); Hunter v. State, 85 Fla. 91, 95 So. 115 (1923).

[33]FLA. STAT. §932.05 (1959).

[34]Straughter v. State, 83 Fla. 683, 92 So. 569 (1922).

[35]76 Fla. 618, 80 So. 572 (1918).

[36]85 Fla. 91, 95 So. 115 (1923).

was in June, 1921. The indictment charged that the act took place on September 15, 1921, and that the prosecutrix had been of previous chaste character. The prosecutrix testified that she had relations with the defendant about twenty-five times before that date within the jurisdiction. The Court, in overruling the *Bynum* case in so far as it was inconsistent, held that a date different from that alleged in the indictment and within the statute of limitations could be proved as the date on which the crime was committed. The Court held that the particular time of an illicit act is not of material importance and that prior acts with the defendant within the period of limitations do not render the female unchaste as to him. This approach will not allow the state to be defeated for such an unimportant procedural defect, and the defendant will not be allowed to hide behind his earlier wrongful acts of intercourse with the prosecutrix.

Within the Statute of Limitations but Outside the Jurisdiction

Although the *Hunter* case permitted conviction when the defendant and the prosecutrix engaged in illicit relations within the statute of limitations and within the jurisdiction, *State v. Capps*[37] held otherwise when the initial act took place in another jurisdiction. The information alleged that the defendant and the prosecutrix committed an unlawful act of intercourse on December 25, 1955, in Escambia County, Florida, and that the prosecutrix had no intercourse with anyone but the defendant for one year prior to December 25, the initial act taking place in Virginia. The Supreme Court, without discussion, held that the *Hunter* case cannot "logically" be considered as authority for a conviction when the defendant has had previous intercourse with the prosecutrix in another jurisdiction. Under the theory of the *Hunter* case, an indictment charging a subsequent act of intercourse relates back to the initial act, and the defendant is actually tried for the initial violation of chastity that took place within the statute of limitations and within the jurisdiction. In effect, the initial act renders a female unchaste.

Carrying the *Capps* case to its logical extreme, the question might be asked whether a defendant could be convicted by showing that he committed the initial act within the two-year statute of limitations but in a county other than that alleged in the indictment or the in-

[37] 98 So.2d 745 (Fla. 1957).

formation. Both the *Capps* and the *Hunter* cases show that a defendant can be convicted only when the trial court can take jurisdiction over the initial act of illicit intercourse. Florida has not answered the question with regard to statutory rape, but has held that a defendant cannot be convicted of kidnapping by showing that he committed the crime anywhere other than in the county shown in the indictment.[38] Florida further gives a defendant a constitutional right to trial in the county in which the offense is committed.[39]

Within the Jurisdiction but Outside the Statute of Limitations

Florida has not expressly ruled that when the initial act between the defendant and the prosecutrix is beyond the statute of limitations the female will be considered unchaste. The strong implications of the *Capps* and *Hunter* cases, however, make the conclusion inescapable that the female would be considered unchaste even though she had never had intercourse with anyone but the defendant. The reasoning of the Florida Court seems to prevent conviction for any act other than the initial taking of chastity. If that act were barred by the statute of limitations the Court would be prevented from asserting jurisdiction over the cause. In *Lowe v. State*[40] the prosecutrix admitted acts with the defendant prior to the statute of limitations, but the dissent emphasized that the female was under the age of ten at that time and such acts would constitute the crime of rape.[41] If those acts had rendered the female unchaste, it is submitted that the majority of the court would not have granted a new trial but rather would have entered a verdict for the defendant.

Bynum and *Hunter* imply that a female is unchaste when the initial act takes place beyond the statute of limitations. The *Bynum* case, which held that *any* act prior to that alleged in the indictment renders a female unchaste, was overruled only in so far as it was inconsistent with *Hunter*. Since *Hunter* permits conviction for the initial act within the jurisdiction and within the statute of limitations, it is reasonable to conclude that *Bynum* still stands as authority for the rule that *any act committed prior to the statute of limitations* renders the female unchaste.

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[38]Barber v. State, 13 Fla. 675 (1869).
[39]FLA. CONST. Decl. of Rights §11.
[40]154 Fla. 730, 19 So.2d 106 (1944).
[41]*Id.* at 737, 19 So.2d at 110.

EVIDENCE OF UNCHASTE CHARACTER

Denial and Unchastity

Howell v. State allows a defendant to give evidence of unchastity even though his defense is based on a complete denial of the act charged. Howell testified to acts that would indicate unchastity, and also denied the act with which he was charged. Although Justice Buford, dissenting,[42] felt that the defendant should not be allowed to show unchastity when it was not a matter of defense, it is submitted that in reversing and remanding the case for a new trial, the Court recognized that both denial and assertions of unchastity of the prosecutrix are acceptable defenses in the same case, even though the defendant does not plead unchastity. The defendant in *Ward v. State*[43] also used both defenses.

Specific Acts of Intercourse by the Prosecutrix with Others

Specific acts of intercourse with others are definitely within the contemplation of a defense based on the unchastity of the prosecutrix.[44] This rule is accepted in all jurisdictions that have statutes similar to that of Florida.[45] It would indeed be unreasonable to refuse proof of violation of a girl's chastity when such evidence is a direct contradiction of an element necessary for conviction. Pennsylvania's statute uses the words *of good repute*,[46] and it has been held that specific acts of intercourse are not admissible because the words refer to the reputation of the female in the community and not to the true state of her chastity.[47] This ruling is consistent with a technical definition of repute.

An interesting question arises under the statute when the prosecutrix loses her chastity to one party and immediately thereafter has intercourse with another. Is the prosecutrix rendered unchaste as to

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[42]121 Fla. 327, 328, 163 So. 691 (1935).

[43]149 Fla. 107, 5 So.2d 59 (1941).

[44]*E.g.*, Hickman v. State, 97 So.2d 37 (2d D.C.A. Fla. 1957); Ward v. State, *supra* note 43.

[45]Moya v. People, 79 Colo. 104, 244 Pac. 69 (1926); Taylor v. State, 165 Tenn. 156, 53 S.W.2d 377 (1932); Williams v. State, 105 Tex. Crim. 381, 288 S.W. 205 (1926).

[46]PA. STAT. ANN. tit. 18, §4721 (1945).

[47]Commonwealth v. Sutton, 171 Pa. Super, 105, 90 A.2d 264 (1952).

the second person because of her initial act with the first? In *Coots v. State*[48] the Texas Supreme Court held that the female was unchaste as to the second person even though the acts followed closely in point of time. The decision was technically correct under the statute because the victim could hardly regain her chastity in such a short time without benefit of a fiction. The court specifically stated, however, that the defendant might be convicted on the basis of participation as an accessory or principal for the initial act by his friend. In *Alford v. State*[49] the Florida Court upheld conviction of several defendants as principals and accessories before the fact of an attempt to have unlawful intercourse with the female victim. Whether the Florida Court would take a stand similar to the issue presented in the Texas case is not known, but in preparing an indictment prosecutors should be on guard to relate it to the initial act of intercourse.

Immoral Acts Other Than Intercourse

Florida has generally admitted evidence of immoral conduct of the prosecutrix when it has a bearing on her chaste character. It would be extremely difficult for a defendant to prove that a prosecutrix actually engaged in sexual intercourse with another, so it is entirely proper to bring in circumstantial evidence of specific acts of bad conduct from which the jury may draw an inference as to her actual unchastity.

In *Dallas v. State*[50] the following questions were excluded at the trial level:

> "Q. Have you ever seen this girl in any act of familiarity with any man in the last six months?
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> "Q. Have you seen this girl ....[51] sitting on the lap of any man during February or March of this year?"

These questions do not necessarily relate to specific acts of intercourse but do relate to specific acts of bad character. The Court granted a

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[48]110 Tex. Crim. 105, 7 S.W.2d 539 (1928).

[49]132 Fla. 624, 181 So. 839 (1938).

[50]76 Fla. 358, 79 So. 690 (1918).

[51]FLA. STAT. §794.03 (1959) prohibits publication of the name of a rape victim. It is probably applicable to a statutory rape victim, but perhaps publication in

new trial, holding that the questions were proper as showing lack of chastity or impugning her chastity:[52]

> "[I]t is proper for the defendant . . . to introduce evidence that the prosecutrix had, prior to the alleged act of carnal intercourse with the defendant associated with persons of low morals, conducted herself in a free and intimate manner with men, or permitted them to take liberties with her."

In *Thomas v. State*[53] the Court excluded evidence tending to show that the prosecutrix was a person of low morals and indulged in loose conduct with men. The ground for exclusion was that the evidence was indefinite as to times and terms. It seems that this rule conflicts somewhat with the rule in the *Dallas* case, in which the questions were indefinite. The *Thomas* case does not show just what evidence was offered, but it would probably be admissible even if indefinite as to time and terms, if phrased as a question about the girl's reputation.

The Florida Court has also admitted testimony of a mother who found her daughter in bed with a soldier,[54] a letter from the prosecutrix to a "boy friend" inviting him to visit her,[55] and proof that the prosecutrix had contracted a venereal disease before she was eleven.[56]

The *Dallas* decision stands firmly for the proposition that evidence of particular acts of bad conduct are admissible when they have a bearing on the female's chastity. This is to be distinguished from the burden placed upon the state to prove that the female is in fact chaste. *Williams v. State* implies that circumstantial evidence of her chastity might not sustain the state's burden. It is extremely doubtful that the state could prove *chastity* by showing only prior *good* acts of the prosecutrix. Such evidence would be of slight probative value in establishing the actual fact of chastity. Although the *Williams* case shows that a testimonial assertion by the victim is sufficient to show previous chaste character, it is submitted that her testimony should also be a minimum acceptable standard of proof. The imposition of dual standards of proof would be a commendable interpre-

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legal reporter systems is an exception.

[52]76 Fla. at 361, 79 So. at 690.

[53]105 Fla. 332, 141 So. 145 (1932).

[54]Hickman v. State, 97 So.2d 37 (2d D.C.A. Fla. 1957).

[55]Dallas v. State, 76 Fla. 358, 79 So. 690 (1918).

[56]Ward v. State, 149 Fla. 107, 5 So.2d 59 (1941).

tation of the Florida statute. It would properly place a heavier burden of proof on the state.

Reputation Evidence

Impeachment. When the prosecutrix takes the stand to testify to her prior chastity the defendant is permitted to introduce evidence of her general unchaste reputation. The Court in *Deas v. State*[57] held that such rebuttal evidence was admissible as affecting the veracity of the female's testimony that she was of chaste character. While the defendant appeared to base his defense on prior unchastity, evidence of repute was admitted on the ground that it would impeach the witness' reputation for truth and veracity rather than as a formal defense. Since lack of chastity is a defense to the crime, does not the admission of general reputation evidence perform the function of a defense under the statute if the jury does not believe that the witness is telling the truth about her chaste character? Since the state will probably be forced to ask the prosecutrix to take the stand in order to sustain its burden of proof, the defendant should have an opportunity to bring forth any evidence of the female's bad reputation.

Ordinarily, the "reputation" referred to when a witness is impeached means reputation for truth and veracity in the community[58] rather than for chastity. Certainly an unchaste female might be reliable for truthfulness in some cases, but when the female is a prosecutrix on a charge of statutory rape and conviction depends upon her assertion of chastity, general reputation for unchastity definitely bears upon her reliability to tell the truth on that issue.

Proof of Unchaste Character. Some Florida cases appear to have admitted reputation evidence to prove unchastity inferentially rather than to impeach the prosecutrix. Although the state probably could not meet its burden by reputation evidence,[59] it seems fair to allow the defendant to prove character by use of the girl's reputation for morality. Reputation evidence of unchaste character was admitted in *Ward v. State,* in which the defendant showed that the female "was brought up and lived in an environment of lewdness and adulterous

[57]119 Fla. 839, 161 So. 729 (1935).
[58]State v. Ternan, 32 Wash. 2d 584, 203 P.2d 342 (1949).
[59]See Williams v. State, 92 Fla. 125, 109 So. 305 (1926).

cohabitation which obtained among some of her associates . . . ."[60] The Court in *Hickman v. State* also approved of evidence of the general moral reputation of the girl as a rebuttal to chastity. Although the issue in *Dallas v. State* related to specific acts of immoral conduct, the Court quoted from a New York case in support of acceptance of *character* evidence:[61]

> " 'But I think the defense is not confined to cases of actual incontinency, but may prevail upon the ground of reputation alone, and that if the jury find the female really had the reputation of being unchaste, the case is not within the statute. The use of the word 'character' is important in this respect, and in such case she does not come within the class described in the act, although illicit intercourse, in fact, can not be proved.' "

Thus Florida courts have properly permitted reputation evidence in statutory rape prosecutions under an impeachment rule or as a matter of formal defense. A distinction between evidence to impeach and a formal defense should be noted. Admission of reputation evidence to impeach is dependent upon the prosecutrix taking the witness stand. The same evidence may enter as a defense regardless of whether the prosecutrix testifies. This distinction will not be important in most cases because the victim's testimony will probably be necessary to establish corpus delicti and her prior chastity.

Conclusion

Should a female's chastity be an element of statutory rape? It is felt that the legislature has dealt sensibly with a difficult problem. It is not always justifiable to punish a male as a felon for succumbing to the lures of an immoral, underage female. The words *previous chaste character* allow the female's immorality to be raised as a defense. States refusing to accept chastity as an issue in this crime overlook the maturity and fault of some young women. As a preventive measure, it is doubtful that the statute would cause a defendant to give much consideration to the victim's chastity before consummating an act. Conviction of one who steals the flower of

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[60] 149 Fla. 107, 108, 5 So.2d 59, 60 (1947).
[61] 76 Fla. 358, 361, 79 So. 690 (1918).