

Offences against the Person.

ANALYSIS:

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Carnally knowing woman or girl of unsound mind.</p> | <p>4. Whipping may be awarded in addition to other punishments in cases of sodomy or attempt, rape or attempt, abusing children, &c.</p> <p>5. Act not to apply to offences committed before commencement of Act.</p> |
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A BILL INTITULED

AN ACT to amend "The Offences against the Person Act, 1867." Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act shall be "The Offences against the Person Act Amendment Act, 1873." Short Title.

2. Where used in this Act, the term "the said Act" means "The Offences against the Person Act, 1867." Interpretation.

3. Whosoever shall unlawfully and carnally know and abuse any woman or girl of any age, who at the time was a lunatic patient within the meaning of "The Lunatics Act, 1868," shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be kept in penal servitude for life, or for any term not less than three years, or to be imprisoned for any term not exceeding two years with or without hard labour. Carnally knowing woman or girl of unsound mind.

4. Notwithstanding anything to the contrary contained in the said Act or the said Amendment Act, when any male person is convicted of a crime under any of the sections of the said Act numbered from forty-five to forty-eight, both inclusive, or of any attempt to commit the crime of rape, or of a crime under the fifty-eighth or fifty-ninth sections of the said Act, or of a crime under the third section of this Act, the Court before whom such person is convicted may, in addition to the punishments authorized by the said provisions respectively, or by any law now in force, to be awarded, sentence such person to be once twice or thrice privately whipped. Whipping may be awarded in addition to other punishments in cases of sodomy or attempt, rape or attempt, abusing children, &c.

The number of strokes to be inflicted at each whipping, and the instrument with which they shall be inflicted, shall be specified by the Court in the sentence, but in no case shall the number of strokes to

be inflicted at each whipping exceed fifty, nor shall any such whipping take place after the expiration of six months from the passing of the sentence.

In all cases where the punishment of whipping shall be inflicted under the authority of this Act, the Surgeon or Medical Officer of the gaol in which the offender is confined shall be present when the said punishment is inflicted, and such Surgeon or Medical Officer, if he be of opinion that the person is not at any time able to bear the whole or any part of the said punishment so awarded, may from time to time order the infliction of the whole or any part of the said punishment to be postponed, and shall, within seven days after the making of any such order, send a report in writing, stating his reasons for making such order, to the Colonial Secretary.

5. Every offence committed before the commencement of this Act shall be dealt with and punished as if this Act had not been passed.

Act not to apply to offences committed before commencement of Act.