

Hon. Mr. Fergus.

OFFENCES AGAINST THE PERSON.

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A BILL INTITULED

AN ACT to amend the Law relating to certain Offences against the Person. 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 is "The Offences against the Person Act, 1888." Short Title.

2. Whosoever does anything to any female by her consent which but for such consent would be an indecent assault, such consent being obtained by false and fraudulent representations as to the nature and quality of the act is liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour. Acts of an indecent nature with consent. Punishment.

3. (1.) It shall be no defence to an indictment for an indecent assault on a female under the age of sixteen years that she consented to the act of indecency. (1.) Consent of girl under sixteen no defence.

(2.) It shall be no defence to an indictment for an indecent assault on a male of any age that he consented to the act of indecency. (2.) Consent of male of any age no defence.

4. Whosoever induces a married woman to permit him to have connection with her by personating her husband shall be deemed guilty of rape. Person fraudulently personating husband guilty of rape.

5. The fourth and fifth sections of "The Offences against the Person Act Amendment Act, 1874," are hereby amended by substituting the word "thirteen" for the word "twelve" where the same respectively occur in the said sections. Amendment of sections 4 and 5 of "The Offences against the Person Act Amendment Act, 1874."

(1.) Defiling girls between thirteen and sixteen.

6. (1.) Whosoever unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any girl being of or above the age of *thirteen* years and under the age of *sixteen* years, is guilty of a misdemeanour, and on conviction is liable at the discretion of the Court to be kept in penal servitude for any term not exceeding *five* 5 years or be imprisoned for any term not exceeding two years, with or without hard labour.

(2.) What a sufficient defence.

(2.) It shall be a sufficient defence to any charge under this section if it shall be made to appear to the Court or jury before whom the charge shall be brought that the person so charged had reasonable 10 cause to believe that the girl was of or above the age of *sixteen* years.

(3.) Limit to prosecution.

(3.) No prosecution shall be commenced for an offence under this section after the expiration of *six* months after the commission of the offence. 15

Defiling idiots or imbecile women.

7. Whosoever unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any female idiot or imbecile woman or girl, under circumstances which do not amount to rape, but which prove that the offender knew at the time of the commission of the offence that the woman or girl was an idiot or imbecile, is guilty of 20 a misdemeanour, and being convicted thereof is liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

(1.) Unsworn evidence of children may be taken in certain cases.

8. (1.) Where, upon the hearing of a charge for unlawfully and carnally knowing any girl under the age of *thirteen* years, or for 25 attempting to have unlawful carnal knowledge of any girl under the age of *thirteen* years, the girl in respect of whom the offence is alleged to have been committed, or any other child of tender years who is tendered as a witness, does not, in the opinion of the Court or Justices, understand the nature of an oath, the evidence of such girl 30 or other child of tender years may be received though not given upon oath, if, in the opinion of the Court or Justices, as the case may be, such girl or other child of tender years is possessed of sufficient intelligence to justify the reception of the evidence.

(2.) No conviction on such evidence unless corroborated.

(2.) But no person shall be liable to be convicted of such offence 35 unless the evidence admitted by virtue of this section, and given on behalf of the prosecution, shall be corroborated by some other material evidence in support thereof implicating the accused.

3.) False evidence perjury.

(3.) Any witness whose evidence has been admitted under this section shall be liable to indictment and punishment for perjury in all 40 respects as if he or she had been duly sworn in the usual manner.

Foregoing sections to be read with existing law.

9. This Act shall be read and construed as part of "The Offences against the Person Act, 1867," and any Act amending the same.