



ANNO QUADRAGESIMO OCTAVO ET QUADRAGESIMO
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VICTORIÆ REGINÆ.

A.D. 1885.

No. 358.

An Act to amend "The Criminal Law Consolidation Act, 1876," and "The Justices Procedure Amendment Act, 1883-4."

[Assented to, December 11th, 1885.]

WHEREAS it is expedient to provide better protection for young persons—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited for all purposes as "The Criminal Law Consolidation Amendment Act, 1885." Short title.

2. Any person who—

1. Procures, or endeavors to procure, any female under twenty-one years of age to become a common prostitute: or,

2. Procures, or endeavors to procure, any female under twenty-one years of age, not being a prostitute, to leave the province, or to leave her usual place of abode in the province, and to become the inmate of a brothel, for the purposes of prostitution, either within or without the said province:

Procuring a female to be a common prostitute or to enter a brothel.

Shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labor.

3. Any

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Procuring defilement
of female by threats
or fraud.

3. Any person who—

- I. By threats or intimidation, procures, or endeavors to procure, any female to have unlawful carnal connection with any male: or,
- II. By false pretences, false representations, or other fraudulent means endeavors to procure any female, not being a common prostitute or of known immoral character, to have unlawful carnal connection with any male: or,
- III. Induces a female, not being a common prostitute or of known immoral character, under the age of twenty-one years, with intent that she shall have unlawful carnal connection with any male, to enter a brothel, she not knowing the same to be a brothel, nor being a party to the intent:

Shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labor.

Defilement of female
between thirteen and
sixteen years of age.

4. Any person who—

- I. Unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of, any female being of or above the age of thirteen years, and under the age of sixteen years, with or without her consent: or,
- II. Who 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 child was an idiot or imbecile:

Shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labor: Provided that it shall be a sufficient defence to any charge under subsection I. of this section, if it shall be made to appear to the Court, Special Magistrate, or Justices, before whom the charge shall be brought, that the person so charged had reasonable cause to believe that the female was of or above the age of sixteen years: Provided, as to subsection I., when the accused at the time of the alleged offence is under the age of sixteen years, consent of the female shall be a valid defence.

Proviso.

Proviso.

Prosecution must be
within two months.

5. No prosecution shall be commenced for an offence under section 4 of this Act more than two months after the commission of the offence.

Householder, &c.,
permitting defilement
of female under
seventeen on his
premises.

6. Any person who, being the owner or occupier of any premises, or having, or acting, or assisting in the management or control thereof, induces or knowingly suffers any female under the age of seventeen

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seventeen years, to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any male, whether such carnal knowledge is intended to be with any particular man or generally, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labor.

7. Any person who shall take away or detain, or cause to be taken away or detained, any unmarried female, being under the age of eighteen years, out of the possession of and against the will of the father or mother, or of any other person having the lawful care or charge of her, with intent that she shall have unlawful carnal connection with any male, whether such carnal connection shall be with any particular male or generally, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labor; and it shall be lawful for the Justice of the Peace who commits such person for trial, or for the Judge who tries such person, to order that such unmarried female shall be returned to the custody of the parent or other person from whom she was taken or obtained.

Detention of unmarried girl and restoration to her parents.

8. Any Justice of the Peace, if satisfied by information made before him on oath by any parent, relative, or guardian of any such female, or any other person having the lawful care or charge of her, or any superintendent, inspector, or sergeant of police, in the event of such female having no lawful guardian, that there is reasonable cause to suspect any offence under either of the last two preceding sections is being committed in or upon any premises within the province, may grant a warrant under his hand authorising any superintendent, inspector, or sergeant of police at any time or times within the period named in the warrant, but not exceeding one month from the committal of the offence, to enter with such assistance as may be necessary, and, if need be, by force, and make search for, and, when found, to take to and detain in a place of safety, such female until she can be brought before a Justice of the Peace, and the Justice of the Peace before whom such female is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit or require. The Justice of the Peace issuing such warrant may, by the same or any other warrant cause any person accused of any offence under the said sections, to be apprehended and brought before a Justice, and proceedings taken for punishing such person according to law.

Justice may grant warrant.

9. No child under the age of sixteen years shall be deemed capable of consenting to any indecent assault, and no person under the age of eighteen years shall be deemed capable of consenting to any indecent assault committed by the guardian, teacher, or schoolmaster of such person.

Indecent assault.

10. Any person who, being the owner or occupier of any premises,

Owners of premises suffering youths under

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seventeen years of age to resort to brothels guilty of a misdemeanor.

mises, or having, or acting, or assisting in the management, or control thereof, induces, or knowingly suffers, any boy under the age of seventeen years to resort to, or be in or upon such premises for the purpose of unlawfully and carnally knowing any female, whether such carnal knowledge is intended to be with any particular female or generally, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, with or without hard labor.

Defilement of female by guardian.

11. Any person who, being the guardian, teacher, or schoolmaster of any female under the age of eighteen years, unlawfully and carnally knows, or attempts to have unlawful and carnal knowledge of such female, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years, with or without hard labor.

Power on information of rape to convict of indecent assault.

12. If upon the trial of any information for rape the jury shall be satisfied that the accused is guilty of an indecent assault, but are not satisfied that the accused is guilty of the felony charged in such information, then, and in every such case, the jury may acquit the accused of such felony, and find him guilty of an indecent assault, and thereupon such defendant shall be liable to be imprisoned for any term not exceeding two years, with or without hard labor.

Power to exclude certain persons, &c.

13. When any hearing or trial takes place in relation to any offence under this Act or "The Criminal Law Consolidation Act, 1876," relating to rape or other offences against females, or unnatural offences, it shall be lawful for the Court or Justice of the Peace to direct that all persons not directly interested in the case shall be excluded from the place where such hearing or trial is being heard or conducted.

Corroborative evidence required in certain cases.

14. No person shall be convicted of an offence under sections 2, 3, 10 of this Act upon the evidence of one witness only, unless the evidence of such witness be corroborated in some material particular by evidence implicating the accused.

Threatening to accuse any person of offences with a view to extort money.

15. Whosoever, with intent—

- i. To cause any person to marry, or to promise to marry any person:
- ii. To obtain any money or valuable consideration for the benefit of any persons,

shall, directly or indirectly—

- i. Threaten to accuse any person of any offence: or,
 - ii. Offer to refrain from accusing any person of any offence: or,
 - iii. Knowingly send, post, deliver, or cause to be received by any person, any letter or paper threatening to accuse any person of any offence, or offering to refrain from accusing any person of any offence:
- Shall

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Shall be guilty of a misdemeanor, and upon conviction shall be liable to be imprisoned, with or without hard labor, for any term not exceeding two years. Nothing contained in this section shall apply to any *boni fide* claim made by or on behalf of any injured person in any case in which compensation for such injury may be legally recovered.

16. Section 5 of the “Justices Procedure Amendment Act,” No 298 of 1883-4, shall hereafter be read as if the words “on recognizance,” inserted after the words “such court,” in the fifth line of the said section, had not been inserted therein. Witnesses' expenses may be paid.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.