



ANNO TRICESIMO SEPTIMO ET TRICESIMO OCTAVO

# VICTORIÆ REGINÆ.

A.D. 1874.

## No. 19.

*An Act to amend the Law relating to the Punishment of certain Offences against Women and Children, and to facilitate the reception of Evidence in certain cases, and for other purposes.*

[Assented to, 6th November, 1874.]

**B**E it 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. Notwithstanding the provisions of Act No. 9 of 1859, and of Act No. 3 of 1866, the punishment of whipping may be awarded to any male offender convicted under any clause of the said Acts, irrespective of the age of the offender: Punishment of whipping to be awarded in certain cases. Provided—

i. That in the case of an offender, whose age does not exceed sixteen years, the number of strokes at each whipping shall not exceed twenty-four, and the instrument used shall be similar to the birch rod used in England, or shall be a light cane:

ii. That in case of an older offender, the number of strokes shall not exceed forty-eight at each such whipping, and the instrument used shall be a cat of nine tails:

iii. That in every case the Court or Judge shall specify the number of strokes to be inflicted at such whipping.

2. No child under the age of ten years shall be deemed capable of consenting to any indecent assault, or any assault with intent to commit a rape. Children under ten years of age incapable of consenting to certain offences.

3. In

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*Offences against Women and Children Act.—1874.*

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Unsworn testimony of children may be received in certain cases.

3. In every prosecution for a criminal offence wherein or to which the testimony of a child under the age of ten years may be required, the Court, Judge, Coroner, Justice, or Justices of the Peace, having jurisdiction in the matter to which the testimony relates, may receive such testimony without administering any form of oath, and without any formality, except that such Court, Judge, Coroner, Justice, or Justices, as the case may be, shall, before receiving such testimony, cause it to be explained to such child that he or she is required to tell what he or she knows about the matter to which his or her testimony relates; and the testimony so taken and reduced to writing under the hand and seal of the Judge, Coroner, Justice, or Justices taking the same shall be available as evidence for all purposes whatever.

Effect of the evidence so given.

4. The effect of such unsworn testimony shall be according to the weight and credibility which, in the opinion of the Court, Judge, Coroner, Justice, or Justices, or of the jury under their direction, as the case may be, ought to be attached thereto as evidence given without the sanction of an oath.

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

A. MUSGRAVE, Governor.