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*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and having this day passed as now printed is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.*

*Legislative Council,  
16th July, 1873.*

(*Hon. Dr. Pollen.*)

## Offences against the Person.

### ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Repeal. Offences committed before this Act comes into operation to be dealt with under the repealed section of the said Act.</p> <p>3. Attempts to commit rape.</p> <p>4. Carnally knowing a girl between the ages of ten and twelve.</p>	<p>5. Attempt to commit the last two offences.</p> <p>6. Whipping for offenders against this Act, or forty-fifth or forty-seventh sections of "The Offences against the Person Act, 1867."</p> <p>7. Act to be read as part of "The Offences against the Person Act, 1867."</p>
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### A BILL INTITLED

AN ACT to amend "The Offences against the Person Act, 1867," and to repeal "The Offences against the Person Act Amendment Act, 1868," and to make other provisions in lieu thereof. 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, 1874." Short Title.
2. Subject to the provision hereafter contained, the forty-eighth section of "The Offences against the Person Act, 1867," and "The Offences against the Person Act Amendment Act, 1868," are hereby repealed. Repeal.
3. Provided however that every offence committed before the coming into operation of this Act against the provisions of the enactments hereby repealed shall be dealt with and punished as if the said enactments had not been repealed; and every act duly done before the coming into operation of this Act shall continue and be of the same force as if the said enactments hereby repealed had not been repealed. Offences committed before this Act comes into operation to be dealt with under the repealed section of the said Act.
4. Whosoever shall be convicted of an attempt to commit, or of an assault with intent to commit, the crime of rape, shall be liable at the discretion of the Court to be kept in penal servitude for any term not exceeding ten years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour. Attempts to commit rape.

Carnally knowing a girl between the ages of ten and twelve.

4. Whosoever shall unlawfully and carnally know and abuse any girl being above the age of ten years and under the age of twelve years shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding ten years and not less than three 5 years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Attempt to commit the last two offences.

5. Whosoever shall be convicted of any indecent assault upon any female or of any attempt to have carnal knowledge of any girl under twelve years of age shall be liable at the discretion of the Court to be 10 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.

Whipping for offenders against this Act, or forty-fifth or forty-seventh sections of "The Offences against the Person Act, 1867."

6. Where any person is convicted of a crime under any of the foregoing sections of this Act, or the forty-fifth or forty-seventh 15 sections of "The Offences against the Person Act, 1867," the Court before whom he is convicted may, in addition to the punishment awarded, direct that the offender be once, twice, or thrice privately whipped: Provided the number of strokes do not exceed 20 fifty at each such whipping, and that the Court in its sentence shall specify the number of strokes to be inflicted and the instrument to be used: Provided also that in no case shall such whipping take place after the expiration of six months from the passing of the sentence: Provided also that in all cases where the 25 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 prisoner 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 30 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.

Act to be read as part of "The Offences against the Person Act, 1867."

7. This Act shall be constructed and read as part of "The Offences 35 against the Person Act, 1867."