



ANNO TRICESIMO QUINTO ET TRICESIMO SEXTO

VICTORIÆ REGINÆ.

A.D. 1872.

No. 35.

An Act for the more effectual Punishment of Juvenile Offenders.

[Assented to, 30th November, 1872.]

WHEREAS it is desirable to make more effectual provision for Preamble.
the Punishment of Juvenile Offenders in certain cases—Be
it therefore Enacted by the Governor of the Province of South
Australia, by and with the advice and consent of the Legislative
Council and House of Assembly of the said Province, in this present
Parliament assembled, as follows:

1. If any male person under the age of sixteen years shall com- Whipping may be
ordered in certain
cases.
mit any of the offences following, that is to say—
 - i. Any person who shall, in any road, street, thoroughfare, or
public place, be guilty of riotous or indecent conduct or
behaviour, or of using indecent or obscene language, or
of assaulting any woman, or female child:
 - ii. Any person who shall expose his person in any street, road,
thoroughfare, or public place, or within view thereof:
 - iii. Any person who shall in any street, road, thoroughfare, or
public place sing any obscene song, or ballad, or place,
write, or draw any indecent or obscene word, or figure,
or representation:
 - iv. Any person who shall, in any street, road, thoroughfare, or
public place, wilfully throw, scatter, or place any deleter-
ious drug or substance at, over, or upon any person, to
the damage or danger of any person:
 - v. Any

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- v. Any person who shall be convicted as a rogue and vagabond:
- vi. Any person who shall wantonly throw or discharge any stone or missile to the damage or danger of any person, after a previous conviction for a similar offence:
- vii. Any person who shall be guilty of placing any obstruction on railways, or of larceny from the person with violence, when the property stolen is of the value of Five Pounds or less:

the Court, Magistrate, or Justices lawfully having power to decide or adjudicate upon the charge against such offender may sentence him to be once or twice privately whipped, either in substitution of, or in addition to, any sentence with which by law such offender may be now punished.

Onus probandi to be on defendant.

2. Whenever any persons shall be charged before any Justice of the Peace, Magistrate, or Court with committing any of the offences hereinbefore mentioned, and hereby made punishable, the onus of proving that the age of the person so charged exceeds sixteen years, shall in all cases lie on the person so charged; and unless the person so charged shall adduce such proof to the satisfaction of the Justice of the Peace, Magistrate, or Court, he shall then, if found guilty of the offence wherewith he is charged, be liable to all the penalties and punishments by this Act provided.

Imprisonment may be awarded to give time for whipping to be administered.

3. In case any person shall be charged with, and found guilty of, any of the offences hereinbefore specified, and the Act under which such person has been charged provides only for the payment of a pecuniary penalty, and does not authorize the imprisonment of the offender, or authorizes his imprisonment for a less period than fourteen days, it shall, in every such case, be lawful for the Justices of the Peace, Magistrate, or Court before whom such person is charged and found guilty, to order the person so found guilty to be imprisoned for any period not exceeding fourteen days for the purpose of enabling the sentence of whipping, by this Act authorized to be inflicted, to be carried out, anything in the Act under which such offence is charged to the contrary notwithstanding.

Mode of whipping.

4. The number of strokes at each such whipping shall not exceed twenty-five, and the instrument used shall be as nearly as may be similar to the birch rod used in England, and such punishment shall be inflicted in the presence of a Justice of the Peace or an Inspector of Police; and the Magistrate, Justice, or Court, in its sentence, shall specify the number of strokes to be inflicted.

Summary procedure.

5. Every proceeding for an offence under this Act may be had and taken, and may be heard and determined, in a summary way by any Special Magistrates or two Justices, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850,

“To

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“To facilitate the performance of the duties of Justices of the Peace out of Sessions with respect to summary convictions and orders;” and all convictions and orders may be enforced and appealed against as in the said Ordinance or in any other Act is or may be provided.

6. Public place shall include and apply to any public place or place of public resort within the meaning of the “Police Act, 1869.” Interpretation.

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

JAMES FERGUSSON, Governor.