

PAPUA.



No. 2 of 1926.

AN ORDINANCE

To Amend the Criminal Law.

J. H. P. MURRAY.

[L.S.]

9th January, 1926.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *White Women's Protection Ordinance, 1926.* Short title.

2. In this Ordinance unless the context otherwise indicates the terms used respectively shall have the same meanings as are assigned to identical terms by the *Criminal Code.* Interpretation.

3. Any person who commits or attempts to commit the crime of rape upon any European woman or girl shall be guilty of a crime and being convicted thereof shall be liable to the punishment of death. Punishment of rape and attempt to rape Europeans.

Indecent assaults on Europeans.

4. Any person who unlawfully and indecently assaults a European woman or girl shall be guilty of a crime and being convicted thereof shall be liable to imprisonment with or without hard labour for life with or without whipping which may be inflicted once twice or thrice.

Defilement or indecent treatment of European girls under fourteen.

5. Any person who—

(1) has or attempts to have unlawful carnal knowledge of a European girl under the age of fourteen years; or

(2) unlawfully and indecently deals with a European girl under the age of fourteen years,

shall be guilty of a crime and being convicted thereof shall be liable to imprisonment with or without hard labour for life with or without whipping which may be inflicted once twice or thrice.

Whipping.
Cf. *Criminal Code*, s. 19 (5).

6. The punishment of whipping cannot be inflicted upon a person who is sentenced to imprisonment with or without hard labour for a longer term than seven years for any offence under the provisions of this Ordinance.

Cf. *Criminal Code*, s. 655.

When an offender is sentenced to whipping the Court is required to give directions in the sentence as to the whipping and may direct that the offender be once twice or thrice privately whipped. The number of strokes which may not exceed fifty at each whipping and in case of an offender under the age of sixteen years may not exceed twenty-five at each whipping and the instrument with which they are to be given must be specified in the sentence.

The instrument must be either a birch rod a leather strap or the instrument commonly called a cat which shall be made of leather or cord without any metallic substance interwoven therewith: Provided that the cat shall not be used in the case of an offender under the age of sixteen years.

Cf. *Criminal Code*, s. 666.

The punishment of whipping is not in any case to be inflicted after the expiration of six months from the passing of the sentence.

The punishment of whipping must be inflicted before the offender is put to any employment or labour at any place outside the walls of any prison in which he is confined.

7. Upon an indictment charging a person with the crime of rape upon a European woman or girl he may be convicted of either of the offences following that is to say—

Conviction of offence other than that charged.

(a) attempting to commit the crime of rape upon the European woman or girl; or

(b) unlawfully and indecently assaulting the European woman or girl

if such offence is established by the evidence.

Upon an indictment charging a person with the crime of attempting to commit the crime of rape upon a European woman or girl he may be convicted of unlawfully and indecently assaulting the European woman or girl if such offence is established by the evidence.

8. This Ordinance shall not exempt any person from any proceedings for an offence which is punishable under the provisions of the *Criminal Code* or under any Ordinance other than this Ordinance so that a person be not twice punished for the same offence.

Saving of liability to other Criminal proceedings.

Passed in Council this ninth day of January, in the year of Our Lord One thousand nine hundred and twenty-six.

