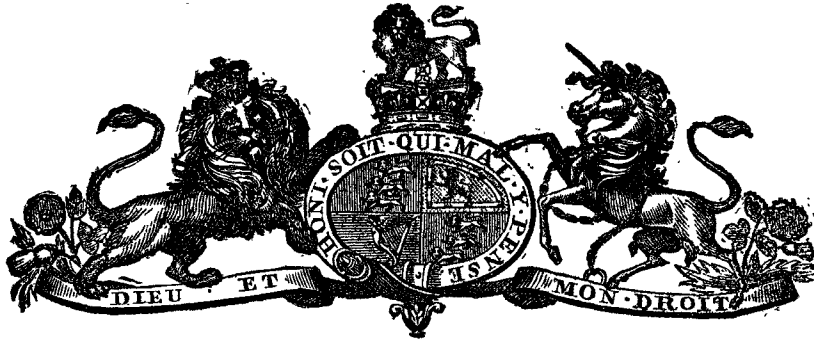


NEW ZEALAND.



QUADRAGESIMO

VICTORIÆ REGINÆ.

No. XVI.

ANALYSIS.

Title.
Preamble.
1. Short Title.

2. Indemnity.
3. General issue may be pleaded, and this Act given
in evidence.

An ACT to relieve certain Members of the Executive Council from any penal consequences under "The Disqualification Act, 1870." Title.

[29th September, 1876.]

WHEREAS on the first day of September, one thousand eight hundred and seventy-six, His Excellency the Governor, by virtue of the powers in him vested, did appoint Harry Albert Atkinson, Daniel Pollen, Frederick Whitaker, Donald McLean, John Hall, John Davies Ormond, Edward Richardson, Charles Christopher Bowen, and George McLean, to be members of the Executive Council of New Zealand: And whereas on the said first day of September, His Excellency the Governor did appoint the said Harry Albert Atkinson to be Premier and Colonial Treasurer; Daniel Pollen to be Colonial Secretary; Frederick Whitaker to be Attorney-General; Donald McLean to be Native Minister; Edward Richardson to be Minister for Public Works; Charles Christopher Bowen to be Minister of Justice and Commissioner of Stamp Duties; John Davies Ormond to be Secretary for Crown Lands and Minister for Immigration; and George McLean to be Commissioner of Customs, Postmaster-General, and Commissioner of Telegraphs: And whereas the said Harry Albert Atkinson, Frederick Whitaker, Donald McLean, Edward Richardson, Charles Christopher Bowen, John Davies Ormond, and George McLean were members of the House of Representatives at the time of their appointments to the said offices, and the said Daniel Pollen and John Hall were members of the Legislative Council of the said colony at the time of their said appointments: And whereas it was referred by the Legislative Council and the House of Repre- Preamble.

Executive Councillors Indemnity.

sentatives to a Committee of each House to consider whether any of the provisions of "The Disqualification Act, 1870," or "The Attorney-General's Act, 1866," or "The Civil List Act 1863 Amendment Act, 1873," had been infringed by the said members of the present Ministry: And whereas the said Committees reported that they were of opinion that the provisions of "The Disqualification Act, 1870," had been infringed by members of the present Ministry: And moreover, whereas on the thirteenth day of September, one thousand eight hundred and seventy-six, the Committee of the House of Representatives did further report that they had considered whether any of the provisions of "The Attorney-General's Act, 1866," had been infringed by the present Ministry, and that there seemed to be considerable doubt whether the said Act does not limit the Governor to the selection of some person not a member of the Assembly as Attorney-General, and that if there be such limitation, then that there has been a clear infringement of the provisions of the said Act: And whereas it is expedient that the said Harry Albert Atkinson, Daniel Pollen, Frederick Whitaker, Donald McLean, John Hall, John Davies Ormond, Edward Richardson, Charles Christopher Bowen, and George McLean, should be indemnified from all penal consequences arising from sitting and voting in Parliament:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act shall be "The Executive Councillors Indemnity Act, 1876."

Indemnity.

2. The said Harry Albert Atkinson, Daniel Pollen, Frederick Whitaker, Donald McLean, John Hall, John Davies Ormond, Edward Richardson, Charles Christopher Bowen, and George McLean shall be and are, and each and every of them shall be and is, hereby indemnified freed and discharged from and against all penalties forfeitures incapacities and disabilities whatsoever (if any) incurred or to be incurred by them or any or either of them for or by reason of their several appointments as aforesaid or any of them, or for or by reason of any infringement of "The Disqualification Act, 1870," "The Civil List Act 1863 Amendment Act, 1873," and "The Attorney-General's Act, 1866," or any or either of the said Acts, in relation to the said appointments or any or either of them, or for or by reason of any of the matters aforesaid.

General issue may be pleaded, and this Act given in evidence.

3. In case any action suit bill of indictment or information has been or shall be brought carried on or prosecuted against the said Harry Albert Atkinson, Daniel Pollen, Frederick Whitaker, Donald McLean, John Hall, John Davies Ormond, Edward Richardson, Charles Christopher Bowen, and George McLean, or any or either of them, for or on account of any penalty forfeiture incapacity or disability whatsoever incurred or to be incurred for or by reason of any such infringement as aforesaid of the said three Acts above-mentioned, or any or either of them, they or he may plead the general issue, and upon their or his defence give this Act and the special matter in evidence upon any trial to be had thereupon: Provided that in any action suit bill of indictment or information commenced before the coming into operation of this Act, such general issue shall not be pleaded unless the person pleading such general issue shall first tender full payment of costs previously incurred in such action suit bill of indictment or information.

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