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New Zealand.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

No. —.

ANALYSIS.

- Title.
- Preamble.
- 1. Short Title.
- 2. Who indemnified.

- 3. In cases of doubt Governor may declare indemnity.
- 4. Act not to abridge prerogative of Her Majesty.

A BILL INTITULED

An Act for indemnifying persons acting in the suppression of the Native Insurrection. Title.

WHEREAS there lately existed in various districts within this Colony armed Insurrections of certain of Her Majesty's subjects of the Native Race made with the object of subverting Her Majesty's authority And whereas military force has been employed to quell such Insurrections and acts have been done for the purpose of quelling the said Insurrections for which it is proper and expedient that the persons acting therein should be indemnified by law Preamble.

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

I. The Short Title of this Act shall be "The Indemnity Act 1866." Short Title.

II. All and singular the Officers of Her Majesty's forces and all and every other person and persons whosoever who shall at any time before the passing of this Act have done any act matter or thing or advised commanded ordered or directed any act matter or thing to be done in or about the suppressing or quelling of the said Insurrections or in or about the resisting apprehending detaining confining or imprisoning of any person or persons concerned or suspected to be concerned therein or in or about the destroying or damaging of property belonging to any person or persons concerned or suspected to be concerned in the said Insurrections or in or about the preserving or restoring of peace or good order in any part of the said Colony or the apprehension detention confinement or imprisonment of any dangerous or disloyal person or persons or of any person or persons believed or suspected to be dangerous or disloyal or the providing for the safety of Her Majesty's peaceable and loyal subjects shall be and they are hereby severally and respectively freed acquitted and indemnified of and from all actions suits indictments informations prosecutions proceedings and liabilities whatsoever and all judgments and orders if any there be which they or any of them respectively may have been or may be or become liable or subject to for or by Who indemnified.

Indemnity.

reason or by means of or in relation to any such act matter or thing as aforesaid by them respectively done or advised commanded ordered or directed to be done before the passing of this Act and no such act matter or thing as aforesaid by any such officer or person as aforesaid done or advised commanded ordered or directed to be done shall be questioned in the Supreme Court or any other Court whatsoever And if any action suit indictment information prosecution or proceeding has been or shall be commenced or prosecuted against any such officer or person or persons as aforesaid for or in respect of any such act matter or thing as aforesaid by him or them done or advised commanded ordered or directed to be done as aforesaid he or they may plead the general issue and give this Act or the special matter in evidence or may apply in a summary way to the Supreme Court or to the Court in which such proceedings are pending to stay such action suit indictment information prosecution or proceeding and the same shall be stayed by the said Court accordingly.

In cases of doubt
Governor may
declare indemnity.

III. In order to prevent any doubt which may arise whether any act matter or thing alleged to have been so done or advised commanded ordered or directed to be done as aforesaid in or about the quelling of the said Insurrections the resisting apprehending detaining confining or imprisoning of any person or persons concerned or suspected to be concerned therein the destroying or damaging of property belonging to any person or persons concerned or suspected to be concerned in the said Insurrections the preserving or restoring of peace or good order in any part of the said Colony the apprehension detention confinement or imprisonment of any dangerous or disloyal person or persons or of any person or persons believed or suspected to be dangerous or disloyal or the providing for the safety of Her Majesty's peaceable and loyal subjects shall have been done in or about the quelling of the said Insurrections or in or about some or all of the other matters aforesaid it shall be lawful for the Governor to declare any such act matter or thing to come within the provisions of this Act and such declaration signified by writing under the hand of the Governor of which all Courts shall take judicial cognizance shall be a sufficient discharge and indemnity to all and every person and persons concerned in any such act matter or thing and shall be conclusive evidence that such act matter or thing was done or advised commanded ordered or directed to be done in or about the quelling of the said Insurrections or in or about some or all of the other matters aforesaid.

Act not to abridge
prerogative of Her
Majesty.

IV. Nothing in this Act shall be construed to interfere with Her Majesty's Royal Prerogative or to abridge the right of Her Majesty to do any act warranted by law for the suppression of rebellion or treason.