

Indemnity Bill.

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

*Legislative Council Chambers,  
New Zealand, 24th September, 1867.*

A BILL INTITLED

**AN ACT** *for indemnifying persons acting in* Title.  
*the suppression of the Native Insur-*  
*rection.*

**W**HEREAS there lately existed in various districts within this Preamble.  
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 Insurrec-  
5 tions 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

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

10 1. The Short Title of this Act shall be "The Indemnity Act 1867." Short Title.

2. All and singular the Officers of Her Majesty's Imperial or Who indemnified.  
Colonial Forces and all and every Justice of the Peace of the Colony  
of New Zealand and all and every other person and persons acting  
under the authority of the Government of New Zealand or of  
15 any responsible civil authority in the said Colony in quelling  
the said Insurrections and all and every other person and  
persons acting by the direction or under the orders of any officer  
of Her Majesty's Imperial or Colonial Forces or by the direction  
or under the orders of any Justice of the Peace as aforesaid or  
20 by the direction or under the orders of any such person or  
persons as aforesaid so acting under the authority of the Government  
of New Zealand or of any responsible civil authority in the said Colony  
in quelling the said Insurrections as aforesaid who shall at any time  
before the passing of this Act with the view or for the purpose of sup-

pressing or quelling the said Insurrections 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 the said Insur-  
 rections or in or about the resisting apprehending detaining confining  
 or imprisoning any person or persons concerned or suspected to be  
 5 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 preserv-  
 ing or restoring of peace or good order in any part of the said  
 Colony or the apprehension detention confinement or imprisonment of  
 10 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 from and against the same and all actions suits  
 15 indictments informations prosecutions proceedings and liabilities  
 whatsoever and all judgments and orders if any there be against them  
 or any of them or which they or any of them respectively may have  
 been or may be or become liable or subject to for or by reason or by  
 means of or in relation to any such act matter or thing as aforesaid  
 20 by them respectively done or advised commanded ordered or directed  
 to be done before the passing of this Act shall be discharged and made  
 void 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  
 25 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  
 30 aforesaid he or they may plead the general issue and give this Act or  
 the special matter in evidence and if the plaintiff or plaintiffs in any  
 such action shall become nonsuit or forbear further prosecution or  
 suffer or enter discontinuance or if a verdict shall be found  
 against such plaintiff or plaintiffs the defendant or defendants shall  
 35 recover his or their costs for which he or they shall have the like  
 remedy as in other cases in which costs are given by law to defendants  
 or the defendant or defendants or any of them in any such action suit  
 indictment information prosecution or proceeding may apply by notice  
 or otherwise in a summary way to the Court or a Judge thereof in which  
 40 the same hath been or shall be brought commenced preferred exhibited  
 or had or shall be depending to stay all further proceedings and such  
 Court or any Judge thereof is authorized and required to examine the  
 matter of such application and upon proof by the oath or affidavit of  
 the person or persons making such application or any of them or other  
 45 proof to the satisfaction of such Court or Judge that such action suit  
 indictment information prosecution or proceeding is brought commenced  
 preferred exhibited or had for or on account of any such act matter or  
 thing as aforesaid or upon production of a declaration signified in  
 writing under the hand of the Governor made under the third section  
 50 of this Act that any act matter or thing for or in respect of which any  
 such action suit indictment information or proceeding hath been or  
 shall be brought commenced preferred or exhibited comes within the  
 provisions of this Act such Court or Judge is authorized and required  
 55 to make an order for staying execution and all other proceedings in such  
 action suit indictment information prosecution or proceeding in whatever  
 state the same shall or may then be and although judgment may have  
 been given or entered up and the Court or Judge making such order for  
 stay of proceedings shall also order unto the defendant or defendants  
 60 and he and they shall be entitled to his and their costs for all such

proceedings as shall be had or carried on in any such action or suit and for which costs he and they shall have the like remedy as in cases where costs are by law given to defendants.

In cases of doubt  
Governor may  
declare indemnity.

5 3. In order to prevent any doubt which may arise whether any such  
person or persons as aforesaid have acted under the authority of the  
Government of New Zealand or of any responsible civil authority in the  
Colony in quelling the said Insurrections or whether any such person or  
persons as aforesaid have acted by the direction or under the orders of  
10 any of Her Majesty's Imperial or Colonial Forces or by the direction or  
under the orders of any such Justice of the Peace as aforesaid  
or any person or persons acting under the authority of the  
Government of New Zealand or of any responsible civil authority in  
the Colony in quelling the said Insurrections or whether any act matter  
or thing alleged to have been so done or advised commanded ordered or  
15 directed to be done as aforesaid in or about or with the view or for the  
purpose of quelling the said Insurrections resisting apprehending detain-  
ing confining or imprisoning of any person or persons concerned or sus-  
pected to be concerned therein destroying or damaging property belong-  
ing to any person or persons concerned or suspected to be concerned in  
20 the said Insurrections preserving or restoring 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  
providing for the safety of Her Majesty's peaceable and loyal subjects  
25 shall have been done in or about or with the view or for the purpose  
of quelling the said Insurrections and by or by the direction or under  
the orders of an officer of Her Majesty's Imperial or Colonial forces or  
by or by the direction or under the orders of a person or of persons  
acting under the authority of the Government of New Zealand or any  
30 responsible civil authority in the Colony in quelling the said Insurrec-  
tions 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 declara-  
tion signified by writing under the hand of the Governor of which  
all Courts shall take judicial cognizance shall be a sufficient discharge  
35 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 or with the view or for the purpose of quelling  
the said Insurrections or in or about some or all of the other matters  
40 aforesaid and by or by the direction or under the orders of an officer  
of Her Majesty's Imperial or Colonial forces or by or by the direction  
or under the orders of a person or persons acting under the authority  
of the Government of New Zealand or of some responsible civil authority  
in the Colony in quelling the said Insurrections.

45 4. 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.

Act not to abridge  
prerogative of Her  
Majesty.