

New Zealand.

ANNO VICESIMO NONO

VICTORIAE REGINÆ.

No. 1.

ANALYSIS

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AN ACT for indemnifying persons acting in ^{Title.} the suppression of the Native Insurrection. [8th August 1865.]

WHEREAS there exists in the Colony an armed Insurrection of ^{Preamble.} certain of Her Majesty's subjects of the Native Race having for its object the subversion of Her Majesty's authority and whereas military force has been employed to quell such Insurrection and acts have been done under Her Majesty's authority for the purpose of quelling the same 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—

- I. The Short Title of this Act shall be "The Indemnity Act 1865." ^{Short Title.}
- II. All and singular the Officers of Her Majesty's forces and all ^{Who indemnified.} and every other person and persons whosoever who shall at any time before the passing of this Act have acted by authority of the Government or in execution of orders or directions of any Officer of Her Majesty's Imperial or Colonial forces or of any Judge Magistrate or other person acting under authority of the Government in or about the quelling of the said Insurrection 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 Insurrection 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 be and they are hereby severally and respectively freed and indemnified of and from all actions suits indictments informations prosecutions proceedings and liabilities whatsoever which they or any of them respectively may have

Indemnity.

been or may be or become liable or subject to for or by reason or by means of or in relation to any act matter or thing done by them respectively before the passing of this Act by such authority or in execution of such orders or directions as aforesaid and no act matter or thing done by any such person so acting as aforesaid 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 person or persons as aforesaid for or in respect of any such act matter or thing done by him or them 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.

*Meaning 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 as aforesaid shall have been done under such authority or in execution of such orders and directions as aforesaid it shall be lawful for the Governor to declare any such act matter or thing to have been done under such authority or by such orders and directions as aforesaid 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 under such authority or in execution of such orders and directions as 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.