

A BILL INTITULED

AN ACT for indemnifying Persons acting in  
the Suppression of the Native Insurrec-  
tion. Title.

WHEREAS there have existed from time to time since the passing  
of "The Indemnity Act 1867" 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  
5 And whereas military force has been employed to quell such Insurrec-  
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 Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zea-  
10 land in Parliament assembled and by the authority of the same as  
follows—

1. The Short Title of this Act shall be "The Indemnity Act 1868." Short Title.
2. All and singular the Officers of Her Majesty's Imperial or  
Colonial Forces and all and every Justices and Justice of the Peace of  
15 the Colony of New Zealand and all and every other persons and person  
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 and all and every other person and persons acting by the  
direction or under the orders of any officer of Her Majesty's Imperial  
20 or Colonial Forces or by the direction or under the orders of any Justice  
of the Peace as aforesaid or by the direction or under the orders of any  
such persons or person 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  
25 at any time upon or since the tenth day of October one thousand eight

hundred and sixty-seven and before the passing of this Act with the view  
 or for the purpose of suppressing 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 insurrections or in or about the resisting apprehending  
 detaining confining or imprisoning 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 per-  
 sons 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 indem-  
 nified of from and against the same and all actions suits 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 by them respec-  
 tively 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 afore-  
 said 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 a  
 general denial and give this Act and 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 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 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 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 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 to make an order for staying execution and  
 all other proceedings in such action suit indictment information prosecu-  
 tion 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 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.

- 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  
10 orders of 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  
15 or thing alleged to have been so done or advised commanded ordered or directed to be done as aforesaid in or about or with the view or for the purpose of quelling the said insurrections resisting apprehending detaining confining or imprisoning of any person or persons concerned or suspected to be concerned therein destroying or damaging property  
20 belonging to any person or persons concerned or suspected to be concerned in 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  
25 or disloyal or providing for the safety of Her Majesty's peaceable and loyal subjects 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  
30 person or of persons acting under the authority of the Government of New Zealand or any responsible civil authority in the Colony in quelling the said insurrections 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  
35 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 or directed to be done in or about or with the view or for  
40 the purpose of quelling the said insurrections or in or about some or all of the other matters 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  
45 responsible civil authority in the Colony in quelling the said insurrections.

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 for the suppression of rebellion or treason.

In cases of doubt  
Governor may  
declare indemnity.

Act not to abridge  
prerogative of Her  
Majesty.