

NEW ZEALAND.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. 7.

ANALYSIS.

Title.	Proviso.
Preamble reciting existence of rebellion.	6. Governor or General or other Officer empowered by the Governor may authorise the holding of Courts Martial.
1. Short Title.	7. Constitution of such Courts.
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3. Acts done in pursuance of such orders not to be questioned in Supreme Court.	9. Act not to abridge power of proclaiming Martial Law.
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AN ACT for the suppression of the Rebellion which unhappily exists in this Colony and for the protection of the Persons and Property of Her Majesty's Loyal Subjects within the same (Temporary).

[3rd December 1863.]

WHEREAS a combination for the subversion of the authority of Her Majesty and Her Majesty's Government has for some time existed amongst certain Aboriginal Tribes of this Colony and has now manifested itself in Acts of open Rebellion And Whereas persons in prosecution of the said Rebellion have committed murders on some of Her Majesty's subjects engaged in their peaceful occupations have pillaged their homesteads and burnt and destroyed their property And Whereas the ordinary course of Law is wholly inadequate for the suppression of the said Rebellion and the prompt and effectual punishment of those who are guilty of such atrocity and outrage.

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 Suppression of Rebellion Act 1863."

Title.

Preamble reciting existence of Rebellion.

Short Title.

Suppression of Rebellion.

Governor to issue orders for the suppression of the Rebellion.

II. It shall be lawful for the Governor in Council from time to time during the continuance of the said Rebellion to issue his Orders to all persons whom he shall think fit to authorize in that behalf to take the most vigorous and effectual measures for suppressing the said Rebellion in any part of this Colony which shall appear to be necessary for the public safety and for the safety and protection of the persons and properties of Her Majesty's peaceable and loyal Subjects and to punish all persons acting aiding or in any manner assisting in the said Rebellion or maliciously attacking or injuring the persons or properties of Her Majesty's loyal subjects in furtherance of the same according to Martial Law either by death penal servitude or otherwise as to them shall seem expedient and to arrest and detain in custody all persons engaged or concerned in such Rebellion or suspected thereof and to cause all persons so arrested or detained in custody to be brought to trial in a summary manner by Courts Martial at the earliest possible period for all offences committed in furtherance of the said Rebellion whether such persons shall have been taken in open arms against Her Majesty or shall have been otherwise concerned in the said Rebellion or in aiding or in any manner assisting in the same and to execute the Sentences of all Courts Martial whether of death penal servitude or otherwise and to do all other Acts necessary to such several purposes.

Acts done in pursuance of such orders not to be questioned in Supreme Court.

III. No Act which shall be done in pursuance of any order issued as aforesaid shall be questioned in Her Majesty's Supreme Court of New Zealand or in any other Court And in order to prevent any doubt which might arise whether any act alleged to have been done in conformity to any Orders so issued as aforesaid was so done it shall be lawful for the Governor to declare such Acts to have been done in conformity to such Orders and such declaration signified by any writing under the hand of the Governor shall be a sufficient discharge and indemnity to all such persons concerned in any such Acts and shall in all cases be conclusive evidence that such Acts were done in conformity to such Orders.

Officers &c. acting under such orders responsible only to Courts Martial.

IV. All Officers Non-Commissioned Officers Soldiers and Militiamen who shall act under any such orders as aforesaid shall be responsible for all things which shall be done under such orders to Courts Martial only by which they shall be liable to be tried for any offence against the Articles of War under any Act then in force for any such purposes and Courts Martial shall have full and exclusive cognizance of all matters and things which shall be objected against such Officers Non-Commissioned Officers Soldiers and Militiamen respectively and all proceedings shall be had thereon in the same manner as for Offences against the Articles of War and not otherwise and the Supreme Court or any other Court of Justice civil or criminal shall not take cognizance of any Act matter or thing which shall be done by any such Officer Non-Commissioned Officer Soldier or Militiaman in pursuance of this Act and if any proceeding shall be

Suppression of Rebellion.

of any such Court when confirmed by the Governor or the General or other Officer Commanding Her Majesty's Forces in New Zealand may be carried into execution.

Act [not to abridge
power of proclaiming
Martial Law.

IX. Nothing in this Act contained shall be construed to take away abridge or diminish the acknowledged Prerogative of Her Majesty for the Public safety to resort to the exercise of Martial Law against open Enemies or Traitors or any powers by law vested in the said Governor of this Colony with or without the advice of the Executive Council or of any other person or persons whomsoever to suppress Treason and Rebellion and to do any act warranted by law for that purpose in the same manner as if this Act had never been made but such Prerogative is hereby declared to be in full force in this Colony in Her Majesty the Queen and in the Governor as Her Majesty's Representative in that behalf.

Indemnity for acts al-
ready done.

X. Every person shall be and is hereby freed indemnified and discharged of and from all actions and prosecutions which he may have been or may become liable or subject to for or by reason or by means of or in relation to any Act matter or thing done by him before the passing of this Act which would have been lawful if done in pursuance of any order duly issued under the authority of this Act And no such act matter or thing shall be questioned in the Supreme Court or in any Court whatsoever within the Colony of New Zealand.

Duration of Act.

XI. This Act shall come into operation on the day of the passing hereof and shall continue and be of force until the end of the next session of the General Assembly only and no longer.