

BILLE SLANAIOCHTA, 1924.

INDEMNITY BILL, 1924.

Mar do leasúidh ar Thuarascabháil.

(As amended on Report.)

ARRANGEMENT OF SECTIONS.

Section.

1. Restrictions on taking proceedings against certain persons.
2. Certificate of Executive Minister to be evidence of certain matters.
3. Validation of sentences and execution of sentences of military tribunals.
4. Establishment of committee to enquire into claims.
5. Assessment and payment of compensation in certain cases.
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7. Termination of authority of First or Second Dáil Eireann.
8. Short title.

SAORSTÁT EIREANN.

BILLE SLANAIOCHTA, 1924.

INDEMNITY BILL, 1924.

BILL

entitled

5

AN ACT TO RESTRICT THE TAKING OF LEGAL PROCEED-
INGS IN RESPECT OF CERTAIN ACTS AND THINGS
DONE DURING THE STRUGGLE TO BRING ABOUT
THE ESTABLISHMENT OF THE FIRST DÁIL EIREANN
AND THE SECOND DÁIL EIREANN RESPECTIVELY AS 10
THE LAWFUL GOVERNMENT OF SAORSTÁT EIREANN
OR DONE DURING THE PERIOD IMMEDIATELY SUC-
CEEDING THE CONCLUSION OF THAT STRUGGLE,
AND TO MAKE PROVISION FOR THE PAYMENT OF
COMPENSATION TO CERTAIN CLASSES OF PERSONS 15
IN RELATION TO SUCH ACTS AND THINGS AS AFORE-
SAID, AND TO VALIDATE SENTENCES AND THE
EXECUTION OF SENTENCES IMPOSED BY MILITARY
TRIBUNALS ACTING UNDER THE AUTHORITY OF
THE FIRST DÁIL EIREANN OR THE SECOND DÁIL 20
EIREANN, AND FOR OTHER PURPOSES CONNECTED
THEREWITH.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT
EIREANN AS FOLLOWS:—

Restrictions
on taking
proceedings
against certain
persons.

1.—(1) No action or other legal proceeding whatsoever, 25
whether civil or criminal, shall be instituted in any court of law
or equity in Saorstát Eireann for or on account of or in respect of
any act, matter, or thing done, whether within or outside Saorstát
Eireann, after the 21st day of January, 1919, and before the 28th
day of June, 1922, provided such act, matter, or thing— 30

(a) was done by a person then holding office under the First
Dáil Eireann or the Second Dáil Eireann or employed
in any capacity whatsoever in any service, military
or civil, established or maintained by or under the
authority of the First Dáil Eireann or the Second Dáil 35
Eireann, or was done by any other person acting under
the authority of a person so holding office or so
employed; and

(b) was done or purported to be done for the purpose or in
the course of the struggle to bring about the 40
establishment and maintenance of the First Dáil
Eireann and the Second Dáil Eireann respectively
as the lawful government of Saorstát Eireann, or (if
done on or after the 11th day of July, 1921) was done
or purported to be done in connection with the 45
struggle aforesaid or in continuance of a course of
conduct begun before the date aforesaid for the pur-
pose or in the course of the said struggle; and

(c) was done in good faith; and

5 (d) was done or in good faith purported to be done in the execution of the duty of the person doing the same, or in exercise or execution of any authority conferred on such person, or the person under whose authority he was acting, by the First Dáil Eireann or the Second Dáil Eireann, or for the public safety, or for the enforcement of discipline, or otherwise in the public interest.

10 (2) No action or other legal proceedings whatsoever, whether civil or criminal, shall be instituted in any court of law or equity in Saorstát Eireann for or on account of or in respect of the retention during any period previous to the passing of this Act, of any weapon, ammunition, bicycle, motor car, or other article
15 which was taken from the owner or his servant or agent in such circumstances that the institution of an action or other proceeding after the passing of this Act in respect of such taking would be prohibited by the foregoing sub-section of this section.

(3) If any such action or other proceeding as is mentioned in
20 this section was instituted before the passing of this Act and is now pending the same shall be discharged and made void, subject to such order as to costs as the court in which such action or proceeding is pending or a judge thereof or any court to which the jurisdiction of that court has been transferred or a judge
25 thereof shall think fit to make.

(4) Where any such action or other proceeding as is mentioned in this section was instituted before the passing of this Act, and final judgment was given in such action or proceeding after the 11th day of June, 1924, and before the passing of this Act, such
30 judgment and any appeal therefrom, and any order or judgment made on such appeal before the passing of this Act shall be and is hereby made void, and such action or proceeding shall be discharged and made void, subject to such order as to costs as the court by which such judgment was given or a judge thereof or
35 any court to which jurisdiction of that court has been transferred or a judge thereof shall think fit to make.

(5) This section shall not prevent the institution or prosecution of—

- 40 (a) any proceedings by or on behalf of the Government of Saorstát Eireann or any Minister or Department of that Government; or
- (b) any proceedings in respect of any alleged rights under, or breaches of, any contract; or
- 45 (c) any civil proceedings founded on negligence in respect of damage to person or property; or
- (d) any proceedings respecting the validity or infringement of a patent; or
- (e) any proceedings for enforcing or otherwise giving effect to any final judgment by any court in Saorstát Eireann
50 on or before the 11th day of June, 1924, and from which no appeal lies by law or is pending at the passing of this Act.

2.—(1) A statement in writing signed by an Executive Minister certifying any of the matters mentioned in this section shall be conclusive evidence of the matters so certified, that is
55 to say:—

Certificate of Executive Minister to be evidence of certain matters.

- (a) that any act, or thing complained of in any such action or other legal proceeding as is mentioned in section 1 of this Act was done in the execution of the duty of the person by whom it was done;
- 60 (b) that at the time when such act, matter, or thing as

whereas if aforesaid was done, the person by whom or under whose authority the same was done held office under the First Dáil Eireann or the Second Dáil Eireann or was employed in a service established or maintained by or under the authority of the First Dáil Eireann or the Second Dáil Eireann.

(2) Any such act, matter, or thing as aforesaid if done by or under the authority of a person holding office under the First Dáil Eireann or the Second Dáil Eireann or employed in a service established or maintained by or under the authority of the First Dáil Eireann or the Second Dáil Eireann shall be deemed to have been done in good faith unless the contrary is proved.

Validation of sentences and execution of sentences of military tribunals.

3.—Every military court, committee, or tribunal (in this section referred to as a military tribunal) maintained by or under the authority of the First Dáil Eireann or the Second Dáil Eireann for the trial of persons shall be deemed to be and always to have been a lawfully established tribunal, and every sentence passed judgment given or order made by such military tribunal after the 21st day of January, 1919, and before the 28th day of June, 1922, and everything done in execution of any such sentence judgment or order, shall be deemed to be and always to have been valid and lawful, and such sentence or order shall be deemed to be and always to have been within the lawful jurisdiction of the tribunal by which the same was passed or made.

Establishment of committee to enquire into claims.

4.—An Executive Minister may establish a committee of not less than two nor more than five persons to enquire into and report upon all claims referred to such committee by an Executive Minister pursuant to this Act.

Assessment and payment of compensation in certain cases.

5.—(1) An Executive Minister may refer to the committee established under this Act any claim made not later than three months after the passing of this Act by a person claiming to have suffered any direct loss or damage necessarily arising from interference with his property after the 21st day of January, 1919, and before the 28th day of June, 1922, by—

(a) any person holding office under the First Dáil Eireann or the Second Dáil Eireann, or

(b) any person employed in any military or civil service established or maintained by or under the authority of the First Dáil Eireann or the Second Dáil Eireann, in the proper exercise or execution of any power, authority, or duty vested in or imposed on him by virtue of such office or employment.

(2) The said committee shall inquire into all claims referred to them pursuant to this section and shall report to the Executive Minister whether the person making the claim has suffered any such direct loss or damage as is mentioned in the foregoing subsection, and the compensation, (if any) which, on the principles laid down in this section, might reasonably be paid to such person in respect of such loss or damage.

(3) In assessing the compensation pursuant to the foregoing sub-section the committee—

(a) shall not take into consideration any loss or damage—

(i) arising from the billeting or quartering of troops, or

(ii) arising from sums paid or subscribed to any national or local levy, requisition, or loan, or

(iii) arising from any fines imposed by any tribunal deriving authority directly or indirectly from the First Dáil Eireann or the Second Dáil Eireann, or

(iv) due to or arising through the enforcement of any order or regulation of general or local application made by, or directly or indirectly under the authority of, the First Dáil Eireann or the Second Dáil Eireann, or

(v) due simply and solely to the existence of a state of war, or

(vi) founded on the loss of mere pleasure or amenity;

10 (b) the committee shall take into consideration any compensation or recoupment received in respect of the loss or damage under any insurance, or from any government, or under a decree or order of any court or other tribunal, or from any general fund whether public or private;

15 (c) the committee shall only recommend the payment of compensation in cases where special or continuing hardship has resulted from the loss or damage.

(4) Where the said committee reports that compensation might reasonably be paid to a person in respect of any such direct loss
20 or damage as aforesaid, the Minister for Finance may, out of moneys to be provided by the Oireachtas, pay to such person as compensation for such loss or damage such sum as the Minister for Finance thinks proper but not exceeding the sum mentioned in the report of the committee.

25 6.—(1) An Executive Minister may refer to the committee established under this Act any claim for indemnification or recoupment made not later than three months after the passing of this Act by a person who alleges that a judgment, order, or decree was made by a court of competent jurisdiction in
30 Saorstát Eireann for payment by him of damages, compensation, or other moneys in respect of any act, matter, or thing done by him after the 21st day of January, 1919, and before the 28th day of June, 1922, in the proper exercise or execution of any power, duty or authority vested in or imposed on him by virtue of any
35 office held by him under the First Dáil Eireann or the Second Dáil Eireann or his employment in any military or civil service established or maintained by or under the authority of the First Dáil Eireann or the Second Dáil Eireann.

Assessment and payment of indemnity in certain cases.

(2) The said committee shall inquire into all claims referred
40 to them pursuant to this section and shall report to the Executive Minister whether the allegations made by the person making the claim are or are not true, and the sum (if any) which might reasonably be paid to such person in indemnification against his liability under the judgment, order, or decree on which his claim
45 is founded or in recoupment of any sums paid by him under such judgment, order, or decree.

(3) Where the said committee reports that a sum might reasonably be paid to a person in such indemnification or recoupment as aforesaid the Minister for Finance may, out of moneys to
50 be provided by the Oireachtas, pay to such person for such indemnification or recoupment such sum as the Minister for Finance thinks proper but not exceeding the sum mentioned in the report of the committee.

7.—For the purposes of this Act, no authority conferred by or
55 derived from the First Dáil Eireann or the Second Dáil Eireann shall be considered to have been terminated by the setting up of the Provisional Government of Ireland, or by the confirmation, continuance, or recognition of such authority by that Government, or by the election of the Third Dáil Eireann.

Termination of authority of First or Second Dáil Eireann.

60 8.—This Act may be cited as the Indemnity Act, 1924.

Short title.

Saorstát Éireann

BILLE SLANAIOCHTA, 1924.

BILLE

(mar do leasuoidh Thuarasgabháil)

dá ngairmtear

Acht chun srian do chur le himeachta dlí do bhunú i dtaobh gníomhartha agus nithe áirithe a dínadh le linn na gleice chun an Chéad Dháil Éireann agus an Dara Dáil Éireann fé seach do bhunú mar Rialtas dleathach do Shaorstát Éireann, no a dínadh i rith na tréimhse a tháinig láithreach tar éis deire na gleice sin, agus chun forálacha do dhéanamh chun cúiteamh d'íoc le haicmí áirithe daoine maidir le gníomhartha agus nithe den tsórt roimhraithe, agus chun dleathacht do thabhairt do dhaor-bhreitheanna agus d'fheidhmiú daor-bhreitheanna a thug binsi míleata agus iad ag gníomhú fé údarás an Chéad Dháil Éireann no an Dara Dáil Éireann, agus chun crícheanna eile a bhaineas leis na nithe sin.

An tUachtarán do thug isteach.

*Do b'áduidh, ar Dáil Éireann, do chlóbhuála,
2adh Iúil, 1924.*

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Saorstát Éireann

INDEMNITY BILL, 1924.

BILL

As amended on Report,

entitled

An Act to restrict the taking of legal proceedings in respect of certain acts and things done during the struggle to bring about the establishment of the First Dáil Éireann and the Second Dáil Éireann respectively as the lawful Government of Saorstát Éireann, or done during the period immediately succeeding the conclusion of that struggle and to make provision for the payment of compensation to certain classes of persons in relation to such acts and things as aforesaid and to validate sentences and the execution of sentences imposed by military tribunals acting under the authority of the First Dáil Éireann or the Second Dáil Éireann and for other purposes connected therewith.

Introduced by the President.

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