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LEGISLATIVE COUNCIL.

VOLUNTEER.

THIS Bill consolidates five Acts regulating the Volunteer Force, viz., the Acts 1865, No. 53; 1866, No. 67; 1867, No. 38; 1870, No. 88; and 1874, No. 65.

The principal Act of 1865 appears to have been founded upon the 26 and 27 Vict., cap. 65, which, as amended by 32 and 33 Vict., cap. 81, is still the law in England so far as we are aware.

In the interpretation clause, reference is made to "The Army Discipline Act, 1879," (42 and 43 Vict., cap. 33), which has taken the place of the Annual Mutiny Act, and is continued by yearly enactment.

Clause 4. In the original Act of 1865 there are references to officers of the permanent staff who have no existence now. The new matter suggested renders the clause more elastic.

Clause 5. Special provision is made for constituting districts. In previous Acts reference was frequently made to districts, but there was no power to define them. In practice, *Militia* districts were recognized as Volunteer districts. The new clause permits this to continue if deemed advisable.

Clause 7 merely puts into one clause what is now scattered through various provisions.

Clause 13. The amendments shown explain themselves.

Clause 15 continues all corps in existence at the date of the passing of this Act.

Clause 27. As a corps has power to vest its property in trustees, there is a conflict between section 3 of the Act of 1867 and section 20 of the Act of 1865. The words in italic seemed necessary to make clear that the property of a corps shall only vest in the commanding officer where there are no trustees.

Clauses 28 to 32 inclusive are adaptations from the English Volunteer Act of 1863, and its amendment of 1869. They are suggested as being useful provisions for recovering money due to a corps and for the protection of its property.

Clause 34. An amendment is suggested in this clause. At present, if there is no person who was commanding officer of a disbanded corps, the meeting is to be called by the adjutant of the permanent staff. We are informed there is frequently no such officer, but there always is an officer commanding the district, and to him it is proposed to give the necessary power in case of need.

Clause 39. The latter part of section 6 of the Act of 1874 has been omitted, as it would seem sufficient provision is already made in clause 27.

Clause 43. In this clause we have omitted the provision making Volunteers liable to the Mutiny Act when undergoing inspection. It appears to have crept in by inadvertence, and is evidently founded on

a provision of the Imperial Act of 1863, putting Volunteers for purposes of inspection under a general officer of the regular forces.

Clause 44 is suggested to get rid of any doubt as to the application to the Volunteer Force of the Acts quoted.

Clause 49. The amendment is intended to bring the provision into harmony with the existing procedure in summary proceedings.

Clause 50 is adopted from the Imperial Act of 1869 and seems a desirable provision.

Clauses 55 and 56 are the usual clauses saving reference in other Acts to those repealed.

A. J. JOHNSTON.

W. S. REID.

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This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

*Legislative Council,
16th August, 1881.*

[STATUTES REVISION COMMISSION.]

VOLUNTEER.

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A BILL INTITULED

AN ACT consolidating the Law for the regulation of the Volunteer Force.
 BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Title.

Short Title.

Interpretation.
 1865, No. 69, s. 2.

1. The Short Title of this Act is "The Volunteer Act, 1881." 5
2. In this Act, if not inconsistent with the context,—
 - "Appointments" includes accoutrements and equipments of every kind other than clothing : 5
 - "Army Discipline Act" means the Act of the Imperial Parliament cited as "The Army Discipline and Regulation Act, 1879," and includes any Act amending or continuing the same, and the Articles of War for the time being in force made under the authority thereof respectively : 10
 - "Camp" means any special assembly of two or more corps of the Volunteer Force for instruction or exercise at a particular place authorized or ordered by the Commander-in-Chief pursuant to regulations : 10
 - "Corps" includes a troop, company, battery or portion of a battery of artillery, troop of cavalry, company of engineers, a rifle company, a company of Naval Volunteers, or a fire brigade : 15
 - "District" means a district appointed under this Act :
 - "Efficient Volunteer" means any member of the Volunteer Force who holds a certificate of efficiency from any officer duly appointed to grant such certificates : 20
 - "Property" means and includes arms, stores, ammunition, or musical instruments, and money subscribed by or for the use of any corps, and all other real or personal property belonging to any corps : 25
 - "Regulations" means regulations made under this Act : 25
 - "Volunteer" means a non-commissioned officer or private belonging to a Volunteer corps formed under this Act, inclusive of the permanent staff :
 - "Volunteer Force" means the officers, non-commissioned officers, or privates enrolled or deemed to be enrolled under this Act, including the permanent staff. 30

ADMINISTRATIVE PROVISIONS.

(1.) Permanent Staff, &c.

The Governor to be
 Commander-in-
 Chief.
 Ib., s. 8.

3. The Governor shall be Commander-in-Chief of the Volunteer Force, and shall have the power of convening general courts-martial, and of confirming the sentences thereof, and of convening or issuing his warrant to convene general and district Courts-martial, and shall have all the powers and may exercise and discharge all the duties and obligations appertaining to the office of Commander-in-Chief respecting the Volunteer Force, or any part thereof. 35

Governor to appoint
 permanent staff.
 Ib., ss. 11, 12.

4. The Governor may from time to time appoint for the Volunteer Force a paid permanent staff and a commanding officer for a district, and also such other officers as he deems necessary in any district; and by regulations may prescribe the relative rank of such permanent staff. 40

He may in like manner revoke or vary any such appointments; and all persons so appointed shall be deemed to be officers or efficient Volunteers, as the case may require, for the purposes of this Act. 45

Governor may con-
 stitute districts.

5. The Governor may from time to time constitute districts under this Act, and may define and alter or vary the boundaries thereof, and, until any such district shall be so constituted, the districts constituted under "The Militia Act, 1870," shall be deemed to be districts under this Act.

Governor to appoint
 inspector.
 Ib., s. 10.

6. The Governor shall from time to time appoint officers to inspect the Volunteer Force, and may revoke such appointments at pleasure. Any officer 50

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so appointed shall, while holding he same, be senior in rank to all officers of the Volunteer Force.

7. Commissions to officers shall be issued by the Governor under this Act in the name and on behalf of Her Majesty, under the Seal of the Colony.

Governor may issue and cancel commissions.

5 The Governor may from time to time cancel or revoke such commissions.

1865, No. 53, s. 14.

(2.) Appointments of Officers, &c.

8. The Governor may appoint officers for the several Volunteer corps, whose names shall be submitted to him by the corps to which such officers are proposed to be appointed: Provided that no names shall be so submitted unless they have been approved by not less than one-half of the enrolled members (being efficient Volunteers) of any such corps.

Appointment of officers. Ib., ss. 13, 14.

9. No person shall be an officer of the Volunteer Force, or a Volunteer, or a non-commissioned officer of the Volunteer permanent staff unless he is one of Her Majesty's subjects by birth or naturalization, nor if he is a subject by naturalization unless he shall have taken the oath of allegiance.

Officers to be British subjects and efficient Volunteers. 1866, No. 67, s. 2.

It shall not be competent for the Governor to confer a commission in the Volunteer Force on any person until such person shall have passed such an examination as may be prescribed by regulations.

10. Non-commissioned officers in the Volunteer Force shall be appointed and may be reduced, as prescribed by regulations.

Appointment of non-commissioned officers. 1865, No. 53, s. 13.

11. Every officer shall, on receiving his commission, and every Volunteer shall, on his enrolment in the muster-roll of his corps, or in either case as soon afterwards as may be, take the following oath of allegiance before some Justice of the Peace, or an officer of the corps who has taken such oath:—

Oath to be taken by officers and Volunteers.

25 "I, A.B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and that I will faithfully serve in the Volunteer Force until I shall be lawfully discharged."

Ib., s. 15.

30 Provided that any person objecting from conscientious scruples to take an oath may make a solemn affirmation to the same effect as the oath.

Proviso.

12. Commissions of officers of the Volunteer Force, and of every branch thereof respectively, and all appointments of non-commissioned officers heretofore made, shall be deemed to have been made under the authority of this Act, but so nevertheless that the seniority of the several persons appointed before the coming into operation of this Act shall remain and subsist as it would have done if this Act had not been passed.

Saving of existing commissions. Ib., s. 6.

(3.) Orders and Regulations.

13. All orders given by the Commander-in-Chief or by any officer authorized to be given by this Act, or given in execution of this Act, shall be valid and effectual if verbally given on parade or issued in any other manner customary in Her Majesty's military service, unless in cases where this Act specially requires any such order to be in writing.

Orders, how to be given. Ib., s. 38.

45 The production of an order in writing, purporting to be made according to the provisions of this Act, shall be *prima facie* evidence of such order without proving the signature thereto, or the authority of the person making such order.

14. The Governor in Council may, from time to time, make, alter, and revoke regulations,—

Governor in Council may make regulations.

50 Respecting the enrolment, discipline, training, exercise, arms, accoutrements, clothing, equipment, conveyance, pay, rations, and lodging of the Volunteer Force or any part thereof, or respecting the dismissal or discharge of Volunteers;

Ib., s. 12.

1874, No. 65, s. 5.

Regulating *artillery* and rifle practice on *target grounds, rifle ranges, or on grounds purchased, acquired, or used for the purposes of this Act, and for preventing intrusion thereon during the times of shooting or practice;*

1865, No. 53, s. 19.

Regulating the granting of certificates of efficiency, and declaring what is requisite to entitle a Volunteer to be deemed an efficient Volunteer; and

Generally *providing for anything authorized by this Act to be prescribed by regulations, or that may be deemed necessary for more effectually carrying out this Act;*

and may appoint penalties for any breach of the provisions of this Act or of such regulations, not exceeding five pounds for each offence, or, in default of payment, imprisonment for any time not exceeding fourteen days for each offence.

Effect of Regulations.

All such regulations shall have the same force and effect as though they formed a part of this Act, and shall affect and govern all persons whom they may purport to affect and govern, whether in the Volunteer Force or in any part thereof or not: Provided that such regulations shall not be repugnant to the provisions of this Act.

VOLUNTEER CORPS.

(1.) *Formation and Inspection.**New Clause.*

Existing Volunteer corps to be deemed formed under this Act.

15. Every Volunteer corps in existence at the date of the passing of this Act shall be deemed to have been formed, and all subsisting commissions and appointments in the Volunteer Force shall be deemed to have been issued and made, under and subject to this Act.

Governor may accept services of Volunteers.

16. The Governor may accept the services of any persons desiring to be formed under this Act into a Volunteer corps, and upon such acceptance the proposed corps shall be deemed lawfully formed under this Act as a Volunteer corps.

1865, No. 53, s. 4.

Governor may unite two or more Volunteer corps into a regiment or battalion, and may appoint officers.

17. The Governor may form two or more Volunteer corps into a regiment or battalion in manner prescribed by regulations, and may appoint an officer to command the same, and may appoint such other officers, whether for financial or military administration, as he may deem expedient, and may revoke or cancel any such appointments, but so, nevertheless, that each separate corps shall be severally deemed a Volunteer corps for all the other purposes of this Act:

Provided that, in the absence of the officer appointed to command such regiment or battalion, the officer on duty next senior in rank shall take the command.

Governor to fix head-quarters of corps and regiments.

Ib., s. 5.

18. Upon the acceptance of the services of any Volunteer corps, and upon the formation of two or more corps into a regiment or other division, the Governor shall appoint some place to be the head-quarters of such corps, regiment, or other division.

Yearly inspections to be made.

Ib., s. 10.

19. Every Inspector appointed under this Act shall annually prepare a report of his proceedings, and of the efficiency and condition in all respects of each Volunteer corps inspected by him, which report shall be presented to each House of the General Assembly within fourteen days from the commencement of the session next following such inspection.

(2.) *Certificates of Efficiency, &c.*

Efficient Volunteers exempted from training for certain period.

1870, No. 88, s. 2.

20. All certificates of efficiency shall be annual certificates. Every Volunteer holding three or more annual certificates given in succession shall be entitled to claim one year's exemption from training and exercise in respect of each such certificate, but such exemption shall not deprive him of any of the rights and privileges which he would have been entitled to in case he had not claimed the same.

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21. Volunteers holding such *successive* certificates of efficiency as aforesaid shall, during the continuance of exemption, be enrolled upon a reserve list, but shall remain upon the rolls of their respective corps, and be liable to be called out for inspection parades four times a year, at such times as the officer commanding the district shall appoint.

Volunteers holding successive exemption certificates to be enrolled on reserve list.
1870, No. 88, s. 2.

No capitation allowance shall be paid in respect of any Volunteer so long as he shall remain entered upon the reserve list.

If the officer commanding shall, on inspection, deem any Volunteer for the time being on such reserve list to be inefficient, from failing to keep up to the standard of drill, his exemption shall thenceforth cease.

(3.) *Ordinary Discipline.*

22. With respect to the discipline of officers and Volunteers, the following provisions shall take effect and be in force while they are not on actual military service:—

Discipline when not on actual service.
1865, No. 53, s. 22.

(1.) The commanding officer of a Volunteer corps may suspend, and, with the approval of the Commander-in-Chief first obtained, may dismiss, any Volunteer and strike his name out of the muster roll either for disobedience of orders by him while doing any military duty with his corps, or for neglect of duty or misconduct by him as a member of the corps, or for other sufficient cause, the existence and sufficiency of such causes respectively to be judged of by the Commander-in-Chief.

(2.) The Volunteer so dismissed shall, nevertheless, be liable to give up in good order, fair wear and tear only excepted, all arms, clothing, and appointments, being public property or property of his corps issued to him, and to pay all money due or becoming due by him under the rules of his corps, either before or at the time or by reason of his dismissal, but shall not be eligible to serve in any Volunteer corps thereafter.

(3.) If any officer of a Volunteer corps, or any Volunteer, while under arms or on march or duty, or while engaged in any military exercise or drill with such, and going to or returning from any place of exercise or assembly of such corps, disobeys any lawful order of any officer under whose command he then is, or is guilty of misconduct, the officer then in command may order the offender, if an officer, into arrest, and if not an officer, into the custody of any Volunteer belonging to the corps, but so that the offender be not kept in such arrest or custody longer than during the time of the corps, or such portion thereof as aforesaid, then remaining under arms or on march or duty, or assembled or continuing engaged in any such military exercise or drill as aforesaid.

(4.) *Power to quit Corps. Disbandment.*

23. Any Volunteer may, except when on actual military service, quit his corps on complying with the following conditions, viz. :—

Volunteers may quit their corps.
Ib., s. 16.

(1.) Giving to the commanding officer of his corps three months notice in writing of his intention to quit the corps: But any Volunteer who may desire his discharge, for the purpose of leaving the district where he was enrolled, shall be entitled to receive the same upon giving one fortnight's notice, and fulfilling the conditions hereinafter provided:

Provided that should any corps be called out for actual service, all persons then on the roll of the corps shall be liable to serve whether they shall have given such notice or not:

(2.) Delivering up in good order, fair wear and tear only excepted, all arms, clothing, and appointments, being public property or property of his corps issued to him:

(3.) Paying all money due or becoming due by him under the rules of his corps, either before or at the time or by reason of his quitting it :

And thereupon he shall cease to be a Volunteer.

Governor may disband corps.
1865, No. 53, s. 18.

24. The Governor may disband or discontinue the services of any Volunteer corps, or any part thereof, whenever it seems expedient for him so to do ; and if any officer, non-commissioned officer, or Volunteer of such disbanded corps shall refuse to give up in good order, to such person as the Governor may direct, any article supplied to him as a Volunteer at the public expense, a sum of money equal to twice the cost price of such article or articles shall be recoverable from him, with costs, as a penalty under this Act is recoverable. 5 10

RULES AND PROPERTY OF CORPS.

(1.) Rules.

Volunteer corps may make rules, &c.
Ib., s. 20.

25. The officers and Volunteers belonging to a Volunteer corps may from time to time make, alter, or repeal rules—

For the admission of honorary members and persons wishing to be enrolled in such corps ; 15

For the management of the property and civil affairs of the corps, and may vest any such property in trustees for the benefit of the corps ;

1874, No. 65, s. 7.

Providing in what manner lands purchased, leased, or otherwise acquired under this Act, shall be sold, leased, or otherwise managed or disposed of, either during the existence of any such corps, or upon the disbandment thereof, and how any rents or other moneys derived from any such sale, lease, or other disposition, shall be applied, invested, or otherwise managed : 20

But any such rules shall not have effect unless and until the same be approved by the Governor. 25

Penalties.
1865, No. 53, s. 20.

Such rules and regulations may provide for the enforcement thereof against the several members of such corps by the imposition of fines, which fines may be recovered in a summary way, or by a civil action at the suit of the officer commanding such corps : Provided that no such fine shall in any one case exceed the sum of five pounds. 30

A copy of the rules, certified under the hand of the commanding officer as a true copy of the rules whereof the Governor's approval has been obtained, shall be conclusive evidence of the rules of the corps.

Two or more corps may be financially united.
Ib., s. 23.

26. Two or more Volunteer corps may, with the approval of the Governor, unite together to make rules for the appropriation of joint funds, and may vest such funds in trustees, to be applied for the benefit of such united corps ; and such trustees shall have the power of suing or being sued in respect of such trusts. 35

(2.) Property.

Property of corps to vest in commanding officer where not vested in trustees.
1867, No. 38, s. 3.
(Modified.)

27. Where the property of a corps is not vested in trustees, the same or such part thereof as shall not be so vested shall be deemed to be vested in the commanding officer of such corps and his successors in office for all purposes of any proceeding, criminal or civil, at law or in equity, and shall for such purposes be deemed to be his property, and may be so laid in any such proceeding. 40

No such proceeding shall be discontinued by the death, resignation, or removal of a commanding officer, but the same may be proceeded in by the succeeding commanding officer. 45

Disposal of property of disbanded corps.
1867, No. 38, s. 4.

28. Any money, or other real or personal property whatsoever, which at the time of the disbandment of any corps disbanded previous to the passing of this Act or hereafter to be disbanded was subject to any trust for the benefit of the corps, shall be disposed of by the person or persons in whom the same is vested as may be determined in manner hereinafter mentioned. 50

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29. A meeting of the persons who were members of the disbanded corps at the time of the disbandment thereof shall be summoned by the last commanding officer of the corps, or, in the event of his death or absence from the colony, by the *officer commanding* the district to which the corps belonged, by advertisement
5 in some paper circulating in the said district, such advertisement giving not less than fourteen days' notice of the meeting, and stating the purpose thereof.

Procedure for that purpose.
1867, No. 38, s. 4.

At such meeting a majority of such of the persons present who were members of the disbanded corps at the time of the disbandment thereof, and *entitled to vote at its meetings*, shall decide in what manner and for what purposes, public or
10 private, the said money or property shall be disposed of.

30. There shall be paid out of moneys to be appropriated by the General Assembly for the benefit of the several Volunteer corps, after rates not exceeding the following :—

Capitation allowance.
1865, No. 53, s. 24.

15 An annual allowance of three pounds to cavalry corps, and an annual allowance of two pounds ten shillings to corps of engineers, or rifle or other Volunteer corps, for every officer and efficient Volunteer, to be appropriated in such manner as may be prescribed by regulations.

RIFLE RANGES, ETC.

(1.) *Acquisition of Land.*

20 31. Subject to the provisions of this Act, any Volunteer corps may, with the assent of the Governor, purchase, take on lease, or otherwise acquire, any land or easement in land, for rifle or artillery practice, and for the erection of butts, targets, batteries, and other accommodations for the use of the corps when practising with rifles or artillery, or for the purpose of erecting and maintaining
25 drill-sheds on any such land.

Volunteer corps may acquire land for certain purposes.
1874, No. 65, s. 2.

Before giving his assent to the purchase, lease, or other acquisition of any such land for the purposes aforesaid, the Governor shall ascertain that such land is suitable for such purposes, and shall give or withhold his consent accordingly.

30 32. For the purposes of rifle or artillery practice, or for drill, a license to use any lands hereinafter mentioned may, with the consent of the Governor, be granted to any Volunteer corps as follows :—

Licenses may be granted to Volunteer corps for use of land.
Ib., s. 3.

(1.) In the case of Crown lands, by the Commissioner of Crown Lands of the Land District :

35 (2.) In the case of other lands vested in Her Majesty, or in any corporate body, and not otherwise specifically reserved or set apart for any particular object or purpose, by the Governor, on behalf of Her Majesty, or by such corporate body, as the case may be :

Provided,—
40 (1.) That no such license shall be granted for a longer period than seven years, but any license when granted may be renewed by the same authority that has power to grant the same :

Proviso.

(2.) That in the event of any land to which such license relates ceasing to be used for the purposes of this Act, the license shall thereupon absolutely cease.

45 33. Any land in respect of which a license shall have been granted under this Act shall be deemed to have ceased to be used for the purposes of this Act where there has not been any such use by the corps to or for which the license was granted for a period of one year, and a certificate of the fact of such non-user has been given by some officer of the permanent staff of the Volunteer
50 Force ; and such certificate shall be conclusive evidence of such fact as against all persons and in all Courts of Justice.

Provision for ceasing of license.
Ib., s. 4.

(2.) *How land to be vested.*

Land to vest in commanding officer of the corps and his successors.

1874, No. 65, s. 6.

34. Where any lands purchased or leased, or any estate or interest therein acquired, under this Act, shall *not be vested in a trustee or trustees on behalf of the corps, the same shall vest in the commanding officer of the corps for the time being and his successors in office, as hereinbefore provided*, with power for him and his successors to sue, and to make any contracts, conveyances, or other assurances thereof, and do all other lawful things relating thereto. 5

Act to apply to land heretofore purchased, &c.

Ib., s. 8.

35. The provisions of this Act shall be applicable to any land, or any estate or interest in land, heretofore purchased, leased, or acquired by any Volunteer corps for like purposes to those mentioned in the *thirty-sixth* section hereof, as fully and effectually as if such lands, or such estate or interest as aforesaid, had been purchased, leased, or acquired under this Act: 10

Provided that nothing in this Act contained shall be construed to prejudicially affect any conveyance, mortgage, lease, contract, agreement, or other deed or instrument whatsoever executed, made, or entered into before the passing of this Act, and affecting or intended to affect any such land, or any estate or interest therein, as aforesaid. 15

ACTUAL SERVICE.

(1.) *Powers of Governor.*

Governor to call out Volunteers for actual service.

1865, No. 53, s. 29.

36. The Governor may at any time call out for actual service any Volunteer corps, or any part thereof; and every officer and Volunteer belonging to any corps so called out shall be bound to assemble at such place as the Governor may direct, and shall remain on actual service until released by the Governor's authority. 20

No member of the Volunteer Force shall, except with his own consent, or in case of emergency, be compelled to march to or serve at any place being distant more than twenty miles from the head-quarters of the corps to which he belongs. 25

Pay, rations, &c., of Volunteers when on active service.

Ib., s. 32.

37. Volunteers on actual service shall be paid and rationed at such rates, and after such scales, as the Governor may from time to time appoint, and no Volunteer shall be deemed to have been released from actual service, and struck off pay and rations, until his corps has been returned to the head-quarters thereof. 30

(2.) *Application of certain Acts to Corps.*

When on actual service Army Discipline Act to apply to Volunteer Force.

Ib., s. 30.

38. During the time when any Volunteer corps is on actual service, or in camps of exercise, the *Army Discipline Act* shall apply to and the powers thereby created shall be exercised by the officers and Volunteers of such corps: 35

Provided that no Volunteer shall be liable to any corporal punishment, except death or imprisonment, for any offence against the said Act.

New Clause.

Provisions of certain Acts to apply to Volunteers under this Act.

1866, No. 6.

1868, No. 36.

39. The provisions of "The Military Pensions Act, 1866," and "The Colonial Forces Courts-Martial Act, 1868," shall extend and apply to the persons serving in any Volunteer Force under this Act. 40

GENERAL PROVISIONS.

(1.) *Exemptions of Volunteers.*

Arms exempt from seizure.

1865, No. 53, s. 27.

40. The arms and accoutrements of every officer of the Volunteer Force, and of every Volunteer, and the horses used by any of the same while serving in the Volunteer corps in discharge of their duties as members of such corps, shall be exempt from seizure in execution, and from distress and assessment of every kind. 45

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41. Any duty or toll leviable at any pier, wharf, quay, landing-place, ferry, or bridge, or at any turnpike gate or bar, or at any other gate or bar on a public road, shall not be demanded or taken for,— Exemption from tolls, &c. 1865, No. 53, s. 28.

5 (1.) Any officer of the Volunteer Force, or any Volunteer, being on march or duty, or going to or returning from the place appointed for and on the day for exercise, inspection, review, or other public duty and being in uniform :

(2.) Any horse, when ridden or used by any such officer or Volunteer on march, on duty, or going or returning as aforesaid :

10 (3.) Any cart, wagon, or carriage, public or private, employed only in carrying or conveying any such officer or Volunteer, being on march or duty, or going or returning as aforesaid, and being in uniform, with or without any conductor or driver of such cart, wagon, or carriage, or domestic servant of such officer or Volunteer :

15 (4.) Any cart, wagon, or carriage, public or private, employed only in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying any arms or baggage of any such officer or Volunteer, being on march or duty, or going to or returning from the place appointed for exercise, inspection, review, or other public duty, or any provisions or military stores belonging to or for the use of or any gun belonging to or used by the Volunteer Force, or any part thereof :

20 (5.) Any horse or other animal drawing any such cart, wagon, or carriage, as aforesaid, or any artillery.

25 If any person knowingly demands or takes any duty or toll in contravention of the present section, or if any person makes any false representation respecting himself or any other person, or any animal or thing, with intent to obtain for himself or otherwise, or fraudulently obtain for himself or otherwise, any exemption under the present section, he shall for every such offence be liable to a Penalty for breach of section, or falsely claiming exemption. Ibid.

30 penalty not exceeding five pounds.

(2.) Penalties and Procedure.

New Clauses.

35 42. If any person belonging or having belonged to a Volunteer corps neglects or refuses to pay any money subscribed or undertaken to be paid by him towards any of the funds or expenses of such corps, or due under the rules of such corps, and actually payable by him, or to pay any fine incurred by him under the rules of such corps, such money or fine shall, without prejudice to any other remedy, be recoverable from him, with costs, at any time within twelve months after the same becomes due and payable as a penalty is recoverable, or by a civil action at the suit of the commanding officer of such corps, and when recovered Recovery of subscriptions or fines. 26 and 27 Vict., c. 65, s. 27.

40 shall be applied as part of the general fund of the corps.

45 43. If any person designedly makes away with, sells, pawns, wrongfully destroys, wrongfully damages, or negligently loses anything issued to him as a Volunteer, or wrongfully refuses or wrongfully neglects to deliver up on demand anything issued to him as a Volunteer, the value thereof shall be recoverable from him with costs as a penalty is recoverable, or in a civil action at the suit of the commanding officer of the corps to which such Volunteer belongs. Wrongful sale, non-delivery, &c., of public or corps property. 26 and 27 Vict., c. 65, s. 28.

And he shall also for every such offence of designedly making away with, selling, pawning, or wrongfully destroying as aforesaid, be liable on the pro-

Wrongful buying of arms, &c., from Volunteers.
26 and 27 Vict., s. 29.
32 and 33 Vict., c. 81, s. 5.

Conviction to be recorded, and may be given in evidence.
26 and 27 Vict., c. 65, s. 29.

As to wilful injury to butts or targets.
Ib., s. 30.

Contravention of Act or regulations punishable by penalties.
1865, No. 53, s. 36.

Continued liability.
Ib., s. 35.

Recovery of penalties.
Ib., s. 37.

Officers or Volunteers competent witnesses.
Ib.

Commanding officers may appear by officer or non-commissioned officer.
32 and 33 Vict., cap. 81, s. 6.

secution of the commanding officer of the corps issuing the thing made away with, sold, pawned, or destroyed, to a penalty not exceeding *five* pounds.

44. If any person knowingly buys or takes in pawn or exchange from any Volunteer, or any person acting on his behalf, or solicits or entices any Volunteer to sell or pawn, or knowingly assists or acts for any Volunteer in selling or pawning, or has in his possession or keeping without satisfactorily accounting for any arms, clothing, or appointments, being public property or property of any Volunteer corps, or any public stores or ammunition issued for the use of any such corps, he shall—

- (1.) On the first commission by him of any such offence, be liable to a penalty not exceeding *twenty* pounds ; and shall
- (2.) On a second and every other subsequent commission by him of any such offence, and on being convicted thereof in the like course of proceeding as that in which any such penalty is recoverable, be liable to a penalty not exceeding *twenty* pounds or less than *five* pounds, with or without imprisonment for any term not exceeding six months with or without hard labour.

45. The Justices before whom any person is convicted of any offence under the last preceding section shall transmit the conviction to the Resident Magistrate's Court at or nearest to the place where the conviction is had, there to be kept by the Clerk of such Court.

On the prosecution of any person for any subsequent offence under the last preceding section a copy of such conviction, certified by the Clerk of the Resident Magistrate's Court, or proved, to be a true copy shall be sufficient evidence to prove a conviction for the former offence; and such conviction shall be presumed not to have been quashed on appeal until the contrary is shown.

46. If any person wilfully commits any damage to any butt or target belonging to or lawfully used by any Volunteer corps, or without the leave of the commanding officer of the corps searches for bullets in or otherwise disturbs the soil forming such butt or target, he shall for every such offence be liable, on the prosecution of the commanding officer, to a penalty not exceeding *ten* pounds.

47. Any person who wilfully contravenes this Act, or any regulations, when no other penalty is imposed for such contravention, shall thereby incur a penalty not exceeding ten pounds for each offence, but this shall not prevent his being indicted and punished for any greater offence if the facts amount to such.

48. Any pecuniary penalty, duly inflicted under this Act, shall not in any way be released or invalidated on account of the person upon whom such penalty was inflicted having ceased to belong to the Volunteer Force.

49. All penalties incurred under this Act, or under any regulations, shall be recoverable *in a summary way, as provided by "The Justices of the Peace Act, 1866," as follows:—*

- (1.) Before one Justice of the Peace if the amount does not exceed five pounds :
- (2.) Before two Justices of the Peace if the amount exceeds that sum.

Any officer of the Volunteer Force, or any Volunteer, shall be a competent witness in any such case, although the penalty is applicable to the purposes of the corps to which he belongs.

New Clause.

50. The commanding officer of any corps may appear in any Court, or before any Justice of the Peace, by any officer or non-commissioned officer of such corps, or any member of the permanent staff, or by a solicitor, authorized in writing under the hand of such commanding officer.

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The production of a writing purporting to be signed by such commanding officer shall be *prima facie* evidence that the same has been so signed.

51. Any pecuniary penalty recovered under this Act, or any regulations, on the prosecution of the commanding officer of a Volunteer corps, shall be paid to the commanding officer, and be applied as part of the general fund of the corps.

Penalties to go to fund of Volunteer corps. 1865, No. 53, s. 34.

52. A summary conviction or adjudication under this Act, or an adjudication made on appeal therefrom, shall not be quashed for want of form or be removed by *certiorari*; and a warrant of commitment on any such conviction shall not be held void by reason of any defect therein, if it is therein alleged that the person therein named has been convicted and there is a good conviction to sustain the same.

Convictions not to be quashed for want of form. *Ib.*, s. 33.

(3.) *Limitation of Actions.*

53. No action or prosecution against any officer or Volunteer for anything done or purporting to be done in pursuance of this Act shall be commenced after the end of three months from the doing of such act, nor until one month's notice in writing of the action and of the cause thereof has been given to the defendant, except as is provided under section *forty-two* of this Act;

Limitation of actions. *Ib.*, s. 39.

In any such action the defendant may plead the general issue, and give the Act and this special matter in evidence at the trial, and no plaintiff shall recover in any such action if a tender of sufficient amends was made before the action was brought, or if a sufficient sum of money has been paid into Court by the defendant after the action was brought.

54. If a verdict passes for the defendant in any action referred to in the next preceding section, or the plaintiff becomes nonsuited, or discontinues the action after issue joined, or, if on demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client, and shall have the same remedy therefor as any defendant hath in other cases; and though a verdict is given for the plaintiff, he shall not have costs against the defendant unless the Judge before whom the trial has been had certifies his approbation of the action and verdict therein.

Costs. *Ib.*, s. 40.

SAVING OF ACTS AND REPEALS.

New Clauses.

55. Wherever in any Act now in force reference is made to any Act hereby repealed, such first-mentioned Act shall take effect and operate, so far as it may not be inconsistent with or repugnant hereto, and as if this Act had been referred to in such first-mentioned Act instead of such repealed Act.

References to repealed Acts to apply to this Act.

56. The Acts enumerated in the Schedule hereto are hereby repealed.

Repeals.

But all Orders in Council and regulations relating to the Volunteer Force made under any Act hereby repealed and in force at the commencement of this Act shall continue in force as if the same had respectively been made under this Act.

SCHEDULE.

Schedule.

- 1865, No. 53.—The Volunteer Act, 1865.
- 1866, No. 67.—The Volunteer Act Amendment Act, 1866.
- 1867, No. 38.—The Volunteer Act Amendment Act, 1867.
- 1870, No. 88.—The Volunteer Act Amendment Act, 1870.
- 1874, No. 65.—The Volunteer Act Amendment Act, 1874.