A BILL

Entitled An Act to establish a Volunteer Force.

WHEREAS it is expedient to establish a Volunteer Force in the Colony of Vancouver Island and its Dependencies.

Be it therefore enacted by the Governor of the said Colony, by and with the advice and consent of the Legislative Council and Assembly thereof, as follows:

I. This Act may be cited as The Volunteer Act, 1866.

II. The Governor shall by virtue of his office be Commander in Chief of the Volunteer Force of the Colony.

III. It shall be lawful for the Governor on behalf of Her Majesty from time to time to accept the services of any persons desiring to be formed under this Act into a Volunteer Corps, and on such acceptance the proposed Corps shall be deemed lawfully formed under this Act as a Corps of the Colony, and all Volunteer Corps may be disbanded from time to time, and reorganized by authority of the Commander in Chief, as may in his opinion best tend to farther the purposes of this Act and the public good.

IV. All arms shall be supplied by the said Colony to the non-commissioned officers and privates of the Volunteer Force, and for these the Commanding Officer of the Corps shall be responsible, and said arms shall be renewed and kept in repair at the expense of the Colony, when it becomes necessary on account of wear in service. Sufficient ammunition also shall be supplied for practice at the expense of the Colony, as the Commander in Chief may direct.

V. Every Volunteer Corps shall be officered by persons commissioned by the Governor of the Colony, on behalf of Her Majesty, and a Commission so granted shall not be deemed vacated by the revocation or other determination of the Commission by which said Governor was appointed; and Officers of the Volunteer Force shall rank with Officers of Her Majesty's Regular and Militia Forces, as the youngest of their respective ranks.

VI. The acceptance of a Commission in the Volunteer Force by a member of the Legislative Assembly shall not render his seat vacant.

VII. All non-commissioned Officers in the Volunteer Force shall be appointed by the Officer Commanding the Corps or the particular Company to which they belong.

VIII. The establishment of each Corps formed under this Act, and the general regulations for its management, shall be in accordance with the regulations of the Volunteer Force of Great Britain, as from time to time officially published.

IX. No person shall be an Officer of the Force unless he is one of Her Majesty's subjects by birth or naturalization, nor if he is such subject by naturalization only, unless he has taken the Oath of Allegiance.

X. Every Officer shall on receiving his Commission, and every Volunteer shall on his enrollment in the Muster Roll of his Corps, or in either case as soon afterwards as he is called upon to do so by his superior Officer, take the oath set forth in the Schedule to this Act, before either the Governor, the Chief Justice, a Magistrate, or a Commissioned Officer of the Corps, who has himself taken the said oath.

XI. Except when on actual military service, any Volunteer may quit his Corps on complying with the following conditions, viz.:

1. Giving to the Commanding Officer of his Company fourteen days notice in writing of his intention to do so.

2. Delivering up in good order, fair wear and tear excepted, all arms, clothing, and appointments, being public property or property of the Corps issued to him.

3. Paying all money due or becoming due by him under the Rules of the Corps, either before or at the time, or by reason of his quitting it. And thereupon he shall cease to be a member of the Force, and shall be entitled to be struck out of the Muster Roll thereof by the Commanding Officer, who shall thereupon furnish him with a certificate of discharge.

XII. The Commander in Chief may call out the Volunteer Force, or any part thereof, for military service whenever it is in his opinion advisable to do so, by reason of actual or apprehended invasion of or insurrection in any part of the Colony; the occasion to be notified by Proclamation under his hand and seal. Every Officer and Volunteer so called out shall be bound to assemble as the Commander in Chief directs, and to march or proceed according to orders within the Colony, and from the time of his Corps being so called out, shall be deemed on actual military service. If any such Officer or Volunteer not certified by proper authority to be incapacitated by infirmity for military service or specially exempted by the Commander in Chief, refuses or neglects so to assemble and march, shall be deemed a deserter.

XIII. After the Volunteer Force or any part thereof has been called out for actual military service, it shall only be considered released therefrom by a Proclamation of the Governor declaring the occasion of need having passed, and before any Volunteer Corps is so released it shall be brought back to the place to which it belongs.

XIV. When Volunteers are on actual military service, the Governor of the Colony may put them and their Officers under the command of a General or Field Officer of Her Majesty's Army, senior in rank to every Officer of the Volunteer Force so put under command, but so, nevertheless, that the Volunteers put under such command, and while under it shall be led by their own Officers; and all Volunteer Officers and Volunteers when called on for actual military service, shall be subject to the provisions of the Mutiny Act, the same as the officers and soldiers of Her Majesty's Army.

XV. The Commanding Officer of a Volunteer Corps may discharge from the Corps any Volunteer, and strike him 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 cause sufficient in the judgment of the said Commanding Officer; the Volunteer so discharged shall deliver up in good order, fair wear and tear excepted, all arms, clothing and accoutrements being public property or property of his Corps issued to him, and shall 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 discharge; but nothing herein contained shall prevent the Governor on behalf of Her Majesty from giving such directions with respect to any such case of discharge, and if need be reversing the same as to the Governor may appear just and proper.

XVI. If any Officer or Volunteer while under arms, or on march, or doing duty with the Corps to which he belongs, or while wearing clothing or accoutrements of his Corps, and going to or returning from any place of exercise or assembly of his Corps, disobey any lawful orders of any Officer under whose command he then is, or is guilty of misconduct, the Officer then in command of the Corps 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 then remaining under arms or on duty.

XVII. The Officers and Volunteers belonging to a Volunteer Corps may from time to time make rules for the management of the property, finances and civil affairs of the Corps, and may alter and repeal such rules; and any such rules transmitted to the Governor by the Commanding Officer of the Corps, and approved of by him on behalf of Her Majesty, shall be binding on all members of the Corps, and a copy of such rules either in print or writing, or both, certified to be a true one by the Commanding Officer, shall be conclusive evidence of the rules of the Corps.

XVIII. All money subscribed by or for the use of a Volunteer Corps, and all effects thereto belonging, and the exclusive right to sue for and recover current or past due subscriptions, and any other money due to the Corps, and all lands or buildings acquired by the

Corps, shall rest in the Commanding Officer of the Corps for the time being, and his successors in office, with power for him or them to sue and make contracts and conveyances, and do all other lawful things relating thereto, and any civil or criminal proceeding taken by virtue of the present section by the commamding Officer of any Corps shall not be discontinued or abated by his death, resignation or removal from office, but may be carried on by and in the name of his successor in Office.

XIX. If any person belonging or having belonged to a Volunteer Corps neglects or refuses to pay any money subscribed or undertaken by him to be paid towards any of the funds or expenses of said Corps, or to pay any fine incurred by him under the rules of the Corps, such money or fine shall be recoverable from him with costs in a summary way, on the prosecution of the commanding Officer before a Stipendiary Magistrate, or two or more Justices of the Peace, having jurisdiction where the offence was committed or where the offender may be, and any penalty so recovered shall be paid to the Commanding Officer, and applied by him as part of the general fund of the Corps.

XX. If any person designedly makes away with, sells, pledges, wrongfully destroy, willfully damage, or negligently loses any thing issued to him as a Volunteer, or wrongfully refuses, or neglects to deliver up on demand of the Commanding Officer anything issued to him as a Volunteer, the value thereof shall be recoverable from him with costs, along with a penalty of not exceeding twenty dollars, in the manner prescribed in the foregoing clause.

XXI. Any person convicted according to sections 18 and 19 may appeal to the Supreme Court, provided he pay into Court such sum of money as shall be considered by the said Magistrate or Justices sufficient to cover the amount of the penalty or money adjudged to be paid, together with the costs of the conviction and appeal, which deposit shall be dealt with by the Supreme Court as usual in such cases.

XXII. The provisions of this Act shall be applicable to any Corps now in actual existence and service, and whose services have been regularly accepted prior to the passage of this Act by the Governor of the Colony, subject to Her Majesty's approval; and the rules of such Corps submitted in accordance with this Act for approval of the Governor are declared binding, and all commissions of officers of such Corps provisionally granted or recognized by said Governor and now existing unrevoked are by this Act affirmed.

XXIII. The term "Volunteer" means a non-commissioned officer or private belonging to a Volunteer Corps, and the term "Corps" shall for the purposes of this Act mean any Battery, Troop of Cavalry, Artillery or Rifle Company, or any two or more Batteries, Troops or Companies united for military purposes. The word Governor shall mean the Governor of the Colony of Vancouver Island and its Dependencies, or other the person for the time being lawfully acting as such Governor.

Passed the Legislative Council this 13th day of April, 1866.

E. J. NESBITT.

SCHEDULE.

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 Her Majesty in the Colony of Vancouver Island and its Dependencies for the defence of the same against all her enemies and opposers whatsoever, according to the conditions of my service.

(The name of the successor of Her Majesty Queen Victoria for the time being, with proper words of reference thereto, to be substituted as occasion requires.)