

We publish from the *Belleville Intelligencer* of the 3rd inst., the decision of a most important case before the Police Magistrate of that town, in which the Volunteer force is deeply interested. It is to be hoped that this clear exposition of the law will put a stop to vexatious litigation and annoyance to officers and men, who must have ample opportunities for perfecting themselves in the use of weapons so necessary for the defence of the country, and let it be remembered that the convenience of the Volunteer must be consulted in preference to other considerations in this matter of the location of rifle ranges; they must be brought as near as possible to where his daily avocations are carried on.

The Magistrate to-day gave judgement in the case of Dr. Coleman against Copt. W. Crowther, whom he charged with infringing the Town By-Law by discharging loaded fire-arms at a target at the range of the Hastings Rifle Association, which shooting was within the limits of the Town of Belleville. The case was argued on Saturday, and the following is the judgement as delivered by the Magistrate:

"COLEMAN VS. CROWTHER.

"The defendant in this case is prosecuted at the instance of the Town By-laws, which prohibits the discharge of loaded fire arms any place within two hundred yards of a house inside of the corporation limits.

"The defendant admits the charge so far as the discharge of firearms within the prohibited limits is concerned, but contends that he did go as a Volunteer officer, and as a member of the Rifle Association regularly established according to law, while at target practice at the rifle range which has been duly inspected and approved by the competent authorities. The prosecution on the other hand urge that this is no sufficient answer to the charge, and that it has not been shown that any authority exists to override the By-law in question; and if there is, it is not proved that the defendant is within the protection of such authority.

"In coming to a decision there are three questions to consider:

"First. Is there any Statutory authority for the maintenance of rifle ranges for target practice, such as the one in question?

"Secondly. Is there any evidence that a rifle range has been properly established within the Town of Belleville, viz., the one in question.

"Thirdly. Does the alleged offence consist in the Defendant's firing at target practice on this rifle range under the authority and permission of the Statute?

"The first question is answered in the affirmative by referring to the 53rd Section of the Militia Act of 1868. This Section provides that "at, or as near as may be to the headquarters of every Regimental Division, there may be provided a Rifle Range with suitable butts, targets and other necessary appliances, &c.," but that "such ranges shall be subject to inspection and approval before being used, and the owners of private property shall be compensated for any damage that may accrue to their respective properties from the use of such Rifle Ranges."

"As to the second question, it is in evidence sworn before me by Col. Campbell and Capt. Nunn, that this Rifle Range, at which the alleged firing took place, has been established for the use of the Volun-

teer Militia in this locality; that it was duly inspected and approved before it was used, by Col. McPherson, Deputy Adjt. General, assisted by the District Staff Officers.—The Militia Act, it will be perceived, is silent as to whose duty it is to inspect and approve these ranges, but the 96th section of the said Act enables the Governor General in Council to make regulations relating to any thing necessary to be done for the carrying into effect of this Act. By 96th section "all copies of such Regulations printed by the Queen's Printer, shall be evidence of such regulations and of their contents, &c."

"A copy of the Regulations and Orders for the Active Militia, adopted by the Governor in Council on the 4th March, 1870, and printed by the Queen's Printer, has been put in evidence in this case. They have, therefore, the force of Legislative Enactment. Among the duties therein contained of the Deputy Adjutant General, (Sub-Section 7, Section 115,) we find "Inspections of Rifle Ranges and their maintenance.

"It has been objected, however, that such inspection and approval can only be proved by documentary evidence, which has not been done. I do not find any authority for such contention; on the contrary, I think that oral testimony of the fact is more satisfactory, (because higher evidence) unless it can be shown (and it has not been) that such approval to be valid should be in writing in the first instance.

"The third and last question to decide, there can be little doubt about. It has not been asserted on the part of the prosecution that the Defendant was firing otherwise than as a Volunteer Officer at Target Practice on the Rifle Range in question, and it was proved that it was under competent military authority and permission. I am also led to understand that this prosecution has not been instituted so much for the punishment of the Defendant as an individual, as it is to test the right of the Volunteer Militia to fire at Target Practice in the place mentioned. The question is no doubt considered important by the prosecutor, whose land it is alleged is occupied without his permission. But it is of no less consequence to the Volunteer Force in this vicinity, to know if they can be interfered with by private prosecutions when they are endeavoring to become efficient soldiers by learning the skillful use of an arm that they may hereafter be obliged to use in repelling a hostile invasion of our country. Indeed, so impressed are the Government of the supreme necessity of an Active Militia becoming expert in the use of the Rifle as a fire-arm, that we find it embodied in Section 175 of the Regulations, and orders that "Officers commanding Corps will be careful that each man under their command shall within each year fire at Target Practice the number of Rounds authorized for that purpose," that is 40 Rounds. It necessarily follows that which is made an imperative duty under a Statute cannot be an offence under a Municipal By-law, as the superior must of necessity over-ride or supersede the inferior law; and if Defendant is aggrieved, he must seek redress in the manner pointed out by the Statute.

"I hold therefore after giving the questions my best consideration, that the Statute authorizes the establishment and maintenance of Rifle Ranges, and provides and authorizes target practice at such ranges; that the one in question has been lawfully established, and that it was duly inspected and approved before the act complained of took place, and that the firing by the Defendant was done by him as a Volunteer Militia Officer at the said Rifle Range, at target

practice, under the authority and permission of the Statute; and he is therefore not amenable to punishment under the By-law; for if he were it would follow that if the active Militia were called out to repel a hostile invasion of our Territory, and would discharge their Rifles at the onomy within the precincts of the corporation, they would be equally liable for an infraction of the By-law in question.

"I therefore dismiss the case with costs."

THE CANADIAN VOLUNTEERS.

The Lord Mayor has recently received at the Mansion-house upwards of £150 on behalf of the fund for presenting valuable prizes to the volunteers of Canada at their annual contest, to be held at the end of August next, at Fredericton, New Brunswick, as a token of the public appreciation of the loyalty and valour shown by them in defending the frontiers of the Dominion. The suggestion of such a movement first made by the Lord Mayor about a month ago, at a meeting of the British and Colonial Emigration Fund, and his lordship has since been actively but privately engaged in forming a committee to carry out the object in view. His Royal Highness the Duke of Cambridge has expressed his hearty approval of the movement, and, in addition, has subscribed £10 10s to the fund. The other members are the Lord Mayor, who acts as treasurer, the Marquis of Westminster, the Marquis of Donegal, Lord Ducie, Lord Truro, Mr. Cardwell, Lord Northbrook, Lord Bury, Lord Elcho, Lord Alfred Churchill, Baron Alfred de Rothschild, Macleod of Macleod, Sir John Rose Colonel Lloyd Lindsay, M. P., Alderman Sir William Rose, Alderman Sir J. Lawrence, M. P., Colonel Warde, Mr. Alderman Carter, Mr. Thomas Baring, M. P., Mr. B. W. Currie, Mr. Robert Gillespie, Mr. Henry Kingscote, Mr. Jervoise Smith, Captain Templar, Mr. William Dixon of Toronto, and Mr. Joseph Gibbs. Lord Westminster has given a donation of £20, and sums of £10 10s. has been contributed by the Lord Mayor, Sir C. Mills, Mr. Baring, Mr. Kirkman Hodgson, M. P., Mr. H. B. Midmay, Sir J. Rose, and Mr. Russell Sturgis. The Royal Canadian Emigration Club, consisting entirely of working men has sent a cheque for £3 3s through its chairman, Mr. Herring, Subscriptions are received at the Mansion House by the Lord Mayor, and at the bank of Messrs. Smith, Payne & Co. The gallant services of the volunteers on the occasion of the late Fenian raid have met with the warmest approval and commendation from all classes of Englishmen, and the answer of Mr. Monsell to Major Walker in the House of Commons on Thursday night amply testifies to the feelings of the Government on the subject. The appeal of the Mansion House Committee may therefore be considered not only justifiable but extremely opportune.

The disappointment at Mr. Gladstone's failure to make a positive declaration to protect Belgium on Monday night seems far more general, and even more indignant than was yesterday described. Throughout the speech the House had an air of painful waiting, changing at its close to one of dissatisfaction. To-day the people are no longer silent. Liberals and Conservatives complain bitterly that the Government fails to comprehend the determination of the people, and that Mr. Gladstone's economical and sentimental shrinking from war threatens to precipitate England into the very conflict he seeks to avert.