

[No. 133.]

5th Session, 8th Parliament, 29-30 Victoria, 1866.

B I L L .

An Act to amend an Act respecting the Volunteer Militia Force.

Received and read first time, Tuesday, 3rd
July, 1866.

Second reading, Thursday, 5th July, 1866.

HON. MR ATTORNEY GEN. MACDONALD.

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An Act to amend *An Act respecting the Volunteer Militia Force.*

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The second section of an Act made and passed in the second Session of Parliament, held in the twenty-seventh year of Her Majesty's Reign, and intituled: *An Act respecting the Volunteer Militia Force*, is hereby repealed, and the following section shall be taken and read in lieu thereof, and as the second section of the said Act, that is to say:— Sec. 2, of 27 V. c. 3 repealed, and new sect. substituted.

“2. The Commander-in-Chief may raise, organize, arm, uniform and equip a Volunteer Militia Force to serve within the Province for the defence of the same in case of need, and in aid of the Civil power, as hereinafter mentioned: and the Commander-in-Chief may call out such Volunteer Militia Force or any part, or any corps thereof, for actual service, whenever it is in his opinion advisable so to do; Provided that the several corps of Volunteers organized and gazetted, prior to this Act, shall be and continue as if organized and gazetted under this Act, and shall constitute part of the Volunteer Force before mentioned.” New section.
Governor may raise a Volunteer Force, &c.
Proviso.

2. The fourth section of the said Act is hereby amended by inserting after the word “Cavalry” in the first line of that section, the words, “Troops of Mounted Infantry, or of Mounted Rifles.” Sect. 4 amended.

3. The fifth section of the said Act is hereby amended by inserting the word “Corps” in lieu of the words “Companies or Battalions” in the first line of that section. Sect. 5 amended.

4. The sixth section of the said Act is hereby amended by inserting after the word “Cavalry” in the first line of that section, the words “Troops of Mounted Infantry or of Mounted Rifles.” Sect. 6 amended.

5. The seventeenth section of the said Act is hereby repealed and the following section shall be taken and read in lieu thereof and as the seventeenth section of the said Act:— Sect. 17 repealed, and new sect. substituted.

“For the safe keeping of any arms, accoutrements or ammunition furnished to any corps, the Corporation of the Municipality may provide” Municipalities may provide

armouries, &c., and may raise and expend money for purposes connected with the support and encouragement of the Volunteer Force.

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unicipality within which such corps may be organized, may, if they think fit, provide at the expense of such Municipality, one or more good, safe and commodious fire proof Armouries, fitted with arm racks and other necessary and proper storage and for the heating thereof; and may also build and construct or aid partially in the erection or construction of any fortified intrenchments or of any drill shed or exercise ground or range for rifle practice, and may purchase and hold any real estate or may appropriate any land or building belonging to such Corporation, for any such purposes; and may provide moneys for such purposes or any of them, or for or towards compensating, maintaining or promoting the efficiency of the corps of volunteers within such Municipality, or for purchasing or aiding in the purchase of arms for any volunteer corps or for any drill association lawfully formed under the Acts in force in that behalf, and may grant gratuities or sum or sums of money to any corps on actual service, or to any officer, non-commissioned officer or private thereof, on actual service, or who may be wounded, injured, maimed or incapacitated from following his ordinary calling or employment in the performance of military duty as such volunteer, or to the family of any officer, non-commissioned officer or private on actual service or who may be killed in the performance of such military duty as aforesaid, and the several Municipalities throughout Upper Canada shall have all and every the powers conferred upon them in respect to the raising and levying the same as are provided by the two hundred and two hundred and twenty-fourth sections of the fifty-fourth chapter of the Consolidated Statutes for Upper Canada; and the several Municipalities in Lower Canada shall have all the powers conferred on them by the Lower Canada Consolidated Municipal Act and the Acts amending it, or by the special Act or Acts incorporating and governing the Municipality (if any such there be) with regard to the raising of money for any purpose, for which such Municipalities are by law empowered to raise the same.

By-laws for such purpose to be valid, &c.

6. For and notwithstanding any thing in the preceding section contained, any by law heretofore passed or which may be hereafter passed by any Municipal Corporation prior to the first day of January next after the passing of this Act for any of the purposes in the preceding section mentioned, shall be held to be and shall be valid for the purposes thereof, and as respects Upper Canada, whether the same may or may not have been submitted for or received, or may or may not be submitted or receive the assent required by the two hundred and twenty-fourth section of the Act in the preceding section last mentioned.

Sect. 22, amended.

7. The twenty-second section of the said Act is hereby amended by inserting after the word "Discipline" in the eighth line of that section, the words "or conduct," and by inserting after the word "any" in the ninth line of that section, the word "Officer."

8. The twenty-seventh section of the said Act is hereby amended by inserting after the word "service" in the fourth line of that section, the words "and also during the period of annual drill prescribed by this Act or by any Act amending the same or by any Order of the Commander in Chief, under the authority thereof," and the following proviso shall be added to and form part of the twenty-seventh section of the said Act, that is to say :

10 " Provided always, that any officer, non commissioned officer or man charged with any offence committed whilst a volunteer or whilst on actual service, shall be held liable to be tried and if convicted to be punished therefor, within six months after ceasing to be a volunteer or after the corps to which he belongs or belonged is relieved from actual service, notwithstanding that he shall have so ceased to be a volunteer or the corps to which he belonged shall have been so relieved from actual service.

Section 27 amended.
New proviso added.

9. The forty-second section of the said Act is hereby repealed and the following shall be taken and read in lieu thereof and as the forty-second section of the said Act, that is to say :—

Section 42 amended.

42. Whenever the Volunteer Militia Force or any part or Corps thereof shall be called out for actual service, the officers, non-commissioned officers and men so called out shall be paid at such rates of daily pay as are paid and allowed to officers, non-commissioned officers and men of the relative and corresponding grade in Her Majesty's service, or such other rates as may for the time being be fixed by the Governor in Council; Provided, that where the same shall be called out for partial intermitted or non continuous service, they shall be paid for the days only of such service.

Pay of Volunteers.

10. No officer shall be entitled to ask or to receive half pay, or pay in respect of his rank when unattached.

No half pay.

11. The Commander in Chief may, whenever it is in his opinion advisable so to do, by reason of war, invasion or insurrection, or imminent danger of any of them, raise in addition to the Militia or Volunteer Militia Force of the Province, Regiments of Volunteer Militia, by voluntary enlistment for General Service during such war, invasion or insurrection, or imminent danger of any of them; and for a reasonable time after the termination of any such danger or emergency; and such Regiments shall be subject to the provisions of this Act.

Regiments of Volunteer Militia, in case of war, &c.

12. The several clauses, enactments, provisions and amendments in this Act contained shall be deemed, taken and read as if made at the time of the passing of the said Act intituled : *An Act respecting the Volunteer Militia Force*, and as respectively parts of the said Act.

This Act to form part of 27 V. c. 3.