

subject to the limitations aforesaid, both by fine and imprisonment.

Mode of
describing
declaration.

4. A declaration made under this Ordinance may be referred to in any Ordinance or other legal document as a statutory declaration.

Passed in Council this first day of May, in the year of our Lord one thousand eight hundred and seventy-nine.

A. C. ROSS,
Clerk of the Council.

THE SCHEDULE.

I, A. B. do solemnly and sincerely declare as follows:—

[*Here state the matters declared*].

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Ordinance, 1879, and I am aware that if there is any statement in this declaration which is false, in fact, which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

No. 6.—1879.

3rd June.

AN ORDINANCE to provide for the constitution of
a Volunteer Force.

(L. S.) HENRY T. IRVING.

11th June, 1879.

BE it enacted by His Excellency the Governor with the advice and consent of the Legislative Council as follows:—

Short title.

1. This Ordinance may be cited for all purposes as “The Volunteer Ordinance, 1879.”

2. It shall be lawful for the Governor on behalf of Her Majesty to accept the services of any persons desiring to be formed into a volunteer corps, and offering their services to Her Majesty.

Power to the Governor to accept service.

On such acceptance the proposed corps shall be deemed lawfully formed.

3. In this Ordinance

The term "Volunteer" means a non-commissioned officer or private belonging to any volunteer corps;

Interpretation of terms.

The term "Mutiny Act" means the English Act for punishing mutiny and desertion, and for the better payment of the Army and their quarters, for the time being in force, and includes the articles of war made under the authority of that Act for the time being in force;

The term "Appointments" includes accoutrements and equipments of every kind other than clothing.

4. The Trinidad Volunteer Force shall consist of such troops of cavalry and companies of artillery or of infantry, as may be accepted by the Governor on behalf of Her Majesty and enrolled.

Constitution of force.

5. The Governor shall have power to form any such troops or companies into a regiment or battalion, and from time to time to make regulations (not being inconsistent with any of the provisions of this Ordinance) for the management thereof, for enforcing due discipline, for defining the details of regiments, battalions, troops or companies, for artillery and rifle practice, for the storing and issue of ammunition, and for the safe keeping and good order of arms issued to the force; and may alter or repeal any such regulations.

Power to the Governor to organise and make regulations.

6. The Trinidad Volunteer Force shall be subject, so far as they can be applied to this Island, to the regulations for the volunteer force in England issued by the Secretary of State for War.

General regulations.

7. The Governor shall appoint the officers of the volunteer force with such rank as he may from time to time think necessary. Such officers shall have such

Appointment of officers.

rank and authority in the volunteer force as are held by officers of the corresponding rank in Her Majesty's Service, and their duties shall be the same as are prescribed for officers of the Army in the Queen's regulations.

Instructors. 8. The Governor shall also appoint competent persons to instruct and drill the volunteer force, which persons shall receive such remuneration as the Governor with the consent of the Legislative Council may order.

Qualification of officers. 9. No person shall be an officer of the volunteer force unless he is a British subject.

Oath of allegiance. 10. Every officer, non-commissioned officer and private of the volunteer force shall take and subscribe the oath of allegiance within one month after he shall become a member of such corps; such oath of allegiance may be administered by the commanding officer of such corps (he having previously taken such oath before the Governor), and shall be in the following form:—

“I, *A. B.* do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria (or the Sovereign for the time being), and that I will faithfully serve Her Majesty in Trinidad for the defence of the same against all her enemies and opposers whatsoever, according to the conditions of my service.”

Arms and accoutrements. 11. The arms and accoutrements of the volunteer force shall be such as the Governor may from time to time direct, and shall be supplied by and remain the property of the Colonial Government.

Money allowance. 12. Such provision for drill and ball-practice, and such capitation grant for every effective member of the force shall be made, as the Governor with the consent of the Legislative Council may direct.

Power for volunteer to quit his corps on conditions herein stated. 13. Any volunteer may, except when on actual military service, quit his corps on complying with the following conditions, namely:—

- (1.) Giving to the commanding officer of his corps thirty days notice in writing of his intention to quit the corps:

- (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 be struck out of the muster roll of the corps by the commanding officer.

If any volunteer gives such notice, and the commanding officer refuses to strike him out of the muster roll, and the volunteer considers himself aggrieved thereby, the volunteer may appeal to a Stipendiary Justice of the Peace (not being a member of the corps), who shall hear and determine the appeal, and may for the purposes thereof administer oaths and examine any person as a witness; and if it appears to such Justice that the arms, clothing, and appointments issued to the volunteer, being public property or the property of his corps, have been delivered up in good order (fair wear and tear only excepted), or that he has paid, or is ready to pay, sufficient compensation for any damage that such articles may have sustained, and that 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, has been paid, such Justice may order the commanding officer forthwith to strike such volunteer out of the muster roll of his corps and his determination shall be binding upon all persons.

14. Whenever any volunteers are on actual military service or are undergoing inspection or are voluntarily doing any military duty, the Governor may put them and their officers under the command of the officer commanding Her Majesty's Regular Forces (whatever his rank) or of such other officers of Her Majesty's army senior in rank to every officer of the Volunteer force to be so put under their command as the Governor may appoint or designate, but so nevertheless that the Volunteers put under such command shall be led by their own officers under such command.

Power to the Governor to put corps under command of certain officers.

Annual
inspection.

15. An annual inspection of every Volunteer corps shall be held by an officer of Her Majesty's army or such other officer as the Governor may appoint.

Requisites of
efficiency.

16. The Governor may by regulation from time to time declare what is requisite to entitle a volunteer to be deemed an efficient volunteer, defining the extent of attendance at drill to be given by the volunteer, and the course of instruction to be gone through by him and his corps. The qualification shall be as near as circumstances will permit to that which is provided by Her Majesty's Order in Council for volunteers in England.

Power to the
Crown to
disband corps.

17. The Governor may disband or discontinue the services of any Volunteer corps or any part thereof whenever it seems to the Governor expedient to do so.

Courts of
inquiry.

18. The Governor may at any time assemble a Court of Inquiry to inquire into any matter relative to any corps or regiment or to any officer or volunteer belonging thereto, and to record the facts and circumstances ascertained on such inquiry, and, if required to report on the same for the information and assistance of the Governor; such Court, where the inquiry is with reference to an officer, to be composed wholly of officers of the Volunteer force, or partly of officers of Her Majesty's Regular Service and partly of officers of the Volunteer force; and in other cases to be composed of officers and volunteers of the Volunteer force, or of such officers or of such volunteers.

The commanding officer of the Volunteer force may at any time assemble a Court of Inquiry composed either of officers of the Volunteer force and volunteers, or of such officers, or of such volunteers, to inquire into any matter relative to the corps or regiment or to any volunteer or non-commissioned officer belonging thereto, and to record the facts and circumstances ascertained on such inquiry, and if required to report on the same for the information and assistance of the commanding officer; but nothing herein shall authorise any inquiry with reference to an officer otherwise than by a Court assembled by direction of the Governor.

19. In case of actual or apprehended invasion of this Island or of any neighbouring British Colony, or of civil insurrection, the Governor may call out the Volunteer corps, or any of them, for actual military service.

Power to the Governor to call out volunteers or actual military service.

Every officer and volunteer belonging to every corps so called out shall be bound to assemble as the Governor directs, and to march and act according to orders within the Island, 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 being incapacitated by infirmity for military service refuses or neglects to so assemble or march or act he shall be deemed a deserter.

Whenever a Volunteer corps is called out for actual military service the same provisions shall take effect as by law in England would take effect with regard to volunteers in England when called out for actual military service.

20. 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 military service.

- (1.) 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 sufficient cause, the existence and sufficiency of such causes respectively to be judged of by the commanding officer. The volunteer so discharged shall, nevertheless, be liable to deliver up in good order, fair wear and tear only excepted, all arms, accoutrements, clothing and appointments, being public property or property of his corps issued to him, and to pay all moneys 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 shall prevent the Governor from signifying his pleasure in such manner and giving such directions with respect to any such case of

discharge as to the Governor may appear just and proper :

- (2.) If any officer as aforesaid, or any volunteer, while under arms, or on march, or duty with the corps or regiment to which he belongs, or any portion thereof,—or while engaged in any military exercise or drill with such corps or regiment or any portion thereof,—or while wearing the clothing or accoutrements of such corps or regiment and going to or returning from any place of exercise or assembly of such corps or regiment—disobeys any lawful order of any officer under whose command he then is, or is guilty of misconduct, the officer then in command of the corps or regiment, or any superior officer under whose command the corps or regiment then is, may order the offender, if an officer, into arrest, and if not an officer, into the custody of any volunteer belonging to the corps or regiment or of any non-commissioned officer, but so that the offender be not kept in such arrest or custody longer than during the time of the corps, or regiment, or such portions 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.

Discipline
when in
training
with regular
forces.

21. When any part of the Volunteer force is assembled for the purpose of being trained and exercised with the regular forces the Mutiny Act and Articles of War shall apply to the part of the Volunteer force so assembled in the same manner as they apply to volunteers on actual military service.

Mutiny Act,
1877, s. 2.

The Mutiny Act and Articles of War shall apply to any officer of the Volunteer forces, whether in receipt of pay or otherwise, during or in respect of the time when with his own consent he may be attached to or doing duty with any body of troops then subject to the Mutiny Act.

Discipline
of the
volunteer
force when on

22. With respect to the discipline of officers of the Volunteer force and volunteers, the following provision shall take effect and be in force when they are on actual

military service; namely, all the provisions of the Mutiny Act shall extend to and apply to and in the case of all officers of the volunteer force and volunteers, and those officers and volunteers shall be subject to the Mutiny Act and shall also be entitled to the benefits thereof, in all respects as the officers and soldiers of Her Majesty's army for the time being are, and as if the volunteer force belonged to and formed part of Her Majesty's army.

23. 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 or repeal any such rules; but any such rules shall not have effect unless and until the commanding officer of the corps thinks fit to transmit the same for the Governor's approval and such approval is notified to the commanding officer of the corps, to be by him forthwith communicated to the corps, whereupon the rules so approved shall be binding on all persons.

Power for corps to make rules, subject to approval of Governor.

A copy of the rules in print or writing, or partly in print and partly in writing, certified under the hand of the commanding officer as a true copy of the rules whereof the Governor's approval has been notified as aforesaid shall be conclusive evidence of the rules of the corps.

24. All money subscribed by or to or for the use of a volunteer corps or regiment, and all effects belonging to any such corps or regiment, or lawfully used by it, not being the property of any individual officer or volunteer, and the exclusive right to sue for and recover current subscriptions, arrears of subscriptions and other money due to the corps or regiment, shall vest in the commanding officer of the corps or regiment for the time being and his successors in office, with power for him and his successors to sue to make contracts and conveyances and to do all other lawful things relating thereto; and any civil or criminal proceedings taken by virtue of the present section by the commanding officer of a corps or regiment shall not be discontinued or abated by his death, resignation or removal from office,

Vesting of property in commanding officer, *ex officio*.

but may be carried on by and in the name of his successor in office.

Recovery of
subscriptions
or fines.

25. If any person belonging or having belonged to a volunteer corps or regiment 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 regiment, 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, and when recovered shall be applied as part of the general fund of the corps or regiment.

Wrongful
sale, non-
delivery, &c.,
of public or
corps
property.

26. If any person designedly makes away with, sells, pawns, wrongfully destroys or 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, and he shall also for every such offence of designedly making away with, selling, pawning or wrongfully destroying as aforesaid, be liable, on the prosecution of the commanding officer of the corps or regiment issuing the thing made away with, sold, pawned or destroyed, to a penalty not exceeding five pounds.

Remedy for
non-delivery
of arms, &c.,
on demand.

27. Where any person neglects or refuses on demand made as hereinafter mentioned to deliver up any property (whether arms, clothing, appointments, ammunition or public stores) which is public property, or the property of a volunteer corps or regiment, and has been issued to such person, or is in his possession or keeping as an officer or volunteer, any Justice of the Peace may, upon reasonable ground being shown for a suspicion that the property is to be found on any premises, issue a warrant under his hand empowering the person therein named to enter upon such premises and search for the property, and the person so empowered may enter and search accordingly, and shall seize such property, if

found, and remove the same with all convenient speed to such place as may be directed by the Colonial Secretary, commanding officer, officer or other person who made the demand.

Notwithstanding any such seizure and removal the same penalty may be enforced against any person, and the value of any such property may be recovered from the person neglecting or refusing as aforesaid.

The jurisdiction under this section may be exercised by any magistrate who has jurisdiction with respect to the recovery of a penalty.

28. A demand may be made for the purposes of the Ordinance by the following persons, viz. :— Mode of making demand.

- (1.) In any case by the Colonial Secretary, or any person authorised in writing by him.
- (2.) In the case of any volunteer and any officer of inferior rank to the person making the demand, by the commanding officer or adjutant of the corps or regiment, or the captain of the company to which such property belongs, or to which such volunteer or officer belongs.

The demand may be made by the delivery of a written notice to the person upon whom the demand is made, or by leaving the same at his usual or last known place of abode, or if no such abode is known, by affixing the same at the orderly room of the corps or regiment to which he belongs or belonged, or at the place where notices relating to such corps or regiment are usually affixed.

29. If any person knowingly buys or takes in exchange or in pawn from any volunteer or from any person, 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 regiment, or any public stores or ammunition issued for the use of any such corps or regiment, he shall on the first commission by him of any such offence be liable to a penalty not exceeding twenty pounds, and shall on a second and every subse-

Wrongfully buying arms, &c.

quent commission by him of any such offence, and on being convicted thereof, 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.

All offences under this Ordinance may be tried, and all moneys, fines and penalties recovered summarily before any Stipendiary Justice of the Peace, and on the prosecution of any person for any subsequent offence under this section a copy of such conviction certified by the proper officer of the 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.

Appearance of commanding officer by adjutant, &c. **30.** In all proceedings under this Ordinance the commanding officer of any corps or regiment may appear before any Court or before any magistrate by the adjutant or serjeant major of the corps or regiment, or any officer of the corps or regiment authorised in writing under the hand of such commanding officer.

Wilful injury to butts or targets. **31.** If any person wilfully commits any damage to any butt or target belonging to, or lawfully used by any volunteer corps or regiment or without the leave of the commanding officer of the corps or regiment, 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 five pounds.

Obstruction of volunteers at drill, &c. **32.** If any person wilfully obstructs or molests any volunteer corps, or any portion of any volunteer corps, or any officer or volunteer while at drill, exercise or rifle practice, or while on the march, he shall be liable on the prosecution of the commanding officer to a penalty not exceeding five pounds, and may be arrested or given in custody by the senior officer present and conveyed to the nearest police station.

Application of certain penalties. **33.** Any pecuniary penalty recovered summarily on the prosecution of the commanding officer of a volunteer corps or regiment, shall (notwithstanding anything in

any Ordinance contained to the contrary) be paid to the commanding officer, and be applied as part of the general funds of the corps or regiment.

Passed in Council this third day of June, in the year of our Lord one thousand eight hundred and seventy-nine.

A. C. ROSS,
Clerk of the Council.

No. 7.--1879.

3rd June.

AN ORDINANCE to amend the Law as to the punishment for riot and similar offences.

(L. S.) HENRY T. IRVING.

11th June, 1879.

WHEREAS it is expedient that the punishments for rioting and similar offences should be revised and in some cases made more severe: Be it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

1. This Ordinance may be cited for all purposes as Short title.
“The Punishment for Riot Ordinance, 1879.”

2. In this Ordinance the following terms (that is to Interpretation. say), affray, unlawful assembly, rout and riot, shall respectively have the same meanings as they have according to the Laws of England.

3. Whoever takes part in an affray shall be guilty of Punishment for affray. a misdemeanor and on conviction thereof may be fined in any sum not exceeding fifty pounds, or imprisoned, with or without hard labour, for any term not exceeding two years, or, subject to the limitations aforesaid, punished both by fine and imprisonment.

4. Whoever takes part in an unlawful assembly or in Unlawful assembly and rout. a rout shall be guilty of a misdemeanor, and on con-