Legislative Council for the said colony, and may by any such Order make such provisions and regulations respecting the constitution, powers, and proceedings of the said Legislature or either branch thereof, the number, the appointment, and election of the members of the Legislative Council, their tenure of office, and generally in respect to such Legislature or either branch thereof, as may seem to her expedient. constitute a Legislature.

4. Her Majesty may from time to time, by any such Order or Orders in Council, empower the Governor of the said colony, with or without any conditions or restrictions, by proclamation, to determine the qualification of electors and of elective members of the Legislative Council, and to make provision for the division of the said colony into convenient electoral districts; for the registration of persons qualified to vote, and the compilation and revision of lists of all such persons; for the appointment of returning officers; for the issuing, executing, and returning the necessary writs for the election of members to the said Legislative Council; for taking the poll thereat, and determining the validity of all disputed returns; and generally for securing the orderly, effective, and impartial conduct of such elections, and to revoke any proclamation previously made. Power to Her Majesty to delegate certain powers to the Governor of British Columbia.

CHAP. 67.

An Act to shorten the time of Active Service in the Army, and to amend in certain respects the Law of Enlistment. [9th August 1870.]

WHEREAS it is expedient to shorten the period of army service of soldiers enlisted to serve in Her Majesty's army, and to establish a reserve force which may be called into active service in a time of emergency; and also to amend in certain respects the law of enlistment in Her Majesty's army:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Army Enlistment Act, 1870." Short title.

2. From and after the passing of this Act, no person shall be enlisted for the first term of his engagement to serve Her Majesty as a soldier for a longer period than twelve years, to be reckoned from the day on which the recruit is attested for service. Twelve years the limit of enlistment.

3. Enlistments under this Act shall be as follows: either Terms of enlistment.

(1.) For the whole of the said period, in army service; or

(2.) For a portion of the said period, to be fixed from time to time by the Secretary of State and specified in the attestation paper, in army service, and for the residue thereof in the first class of the reserve force established under the provisions of the Reserve Force Act, 1867; but nothing in this clause shall interfere with the power of Her Majesty to enlist men for a less period than twelve years in army service alone.

4. The Secretary of State may from time to time by general or special regulations vary the conditions of service so as to permit a soldier who has served not less than three years in army service, with such soldier's free assent, either Change of service.

(1.) To enter the reserve force at once for the residue unexpired of his term of twelve years; or

(2.) To extend his army service for the residue unexpired of his term of twelve years.

5. It shall be lawful for Her Majesty, in case of imminent national danger or of great emergency, the occasion being first communicated to Parliament if Parliament be then sitting, or declared by proclamation, in pursuance of an order of Her Majesty in Council, In imminent national danger, Her Majesty may

continue soldiers in army service.

if Parliament be not then sitting, to direct that any soldier enlisted under this Act shall at any time within the period of twelve years for which he has been enlisted continue in or re-enter upon army service for such periods from time to time, not exceeding in the whole the unexpired residue of the term of his enlistment, as Her Majesty may determine; and upon such order being issued every soldier to whom it applies shall be bound to obey the same in the same manner as if it had formed part of this Act. When any such soldier is directed to re-enter upon army service under this section, it shall be lawful for the military authorities to attach him to any regiment of that arm or branch of the service in which he has previously served.

Enlistment for general service, &c.

6. From and after the passing of this Act, all enlistments, except as herein-after mentioned, shall be for general service; and it shall be lawful for the military authorities to post any recruit so enlisted to any regiment or corps, and at any time within fifteen months after his attestation to direct him to be attached to any regiment or corps; but the Secretary of State may, from time to time, by any general or special regulations, permit recruits to be enlisted for particular regiments, and in such case they shall at once be attached to such regiments.

Effect of attachment to a regiment.

7. When a soldier has been attached to a regiment or corps he shall serve therein for the period of his army service; provided that it shall be lawful for the military authorities to transfer him to any regiment or corps of the same arm or branch of the service serving in the United Kingdom, in the following cases;

(1.) When he has been invalided from foreign service;

(2.) When, in the case of his regiment or corps being ordered on foreign service, he is either unfit for foreign service by reason of his health, or is within two years of the termination of the period of his army service, or of his enlistment, or of such re-engagement as is herein-after mentioned;

and to a regiment or corps of the same arm or branch of the service serving abroad, when, in the case of his regiment or corps being on foreign service, and ordered to return home, he has more than two years to serve previous to the termination of the period of his army service: Provided that the power of transfer in this case shall not apply to any man who enlists for the whole of the period of twelve years in army service, or to any man who, having enlisted for a portion of the said period in army service, has extended his army service for the residue unexpired of his term of twelve years, or to any man who has re-engaged.

Provided also, that nothing in this section contained shall affect the powers of transferring soldiers contained in any Act for punishing mutiny and desertion, and for the better payment of the army and for their quarters, for the time being in force.

Re-engagement of soldiers.

8. Any soldier

(1.) Who being in army service has commenced the twelfth year from his first enlistment, or

(2.) Who being within three years of the expiration of his first enlistment and in army service has been ordered but has not yet proceeded on foreign service,

may, with the approval of his commanding officer or of some other competent military authority, and subject to such regulations as may from time to time be made by the Secretary of State, be re-engaged for such further period of army service as will make up a total continuous period of twenty-one years in Her Majesty's service, reckoning from the time of his first enlistment.

Limit of numbers.

9. The number of men serving in the militia reserve under the Militia Reserve Act, 1867, and in the army reserve, first class, under the Reserve Force Act, 1867, and this Act, shall not exceed in the whole sixty thousand.

Continuance in Her Majesty's service after twenty-one years therein.

10. Any soldier who has completed a total period of twenty-one years service may give notice to his commanding officer of his desire to continue in Her Majesty's service; and if his commanding officer or any other competent military authority approve of such application he may be continued as a soldier in the same manner in all respects as if his term of service were still unexpired, except that it shall be lawful for him to claim his

discharge at the expiration of any period of three months after he has given notice to his commanding officer of his wish to be discharged.

Prolongation of enlistment in certain cases.

11. Any soldier whose period of army service or whose whole period of enlistment, as the case may be, expires while a state of war exists between Her Majesty and any foreign power, or while he is serving on foreign service, or on any colonial or Indian station, may be detained and his service may be prolonged for such further period not exceeding twelve months as the Secretary of State or the commanding officer at the station may direct; but at the expiration of such prolonged service, or sooner, if the said Secretary of State or commanding officer see fit, such soldier shall be transferred to the reserve force or discharged, as the case may be, and if serving abroad he shall, unless he desires to remain at the place where he is serving, be sent home at the public charge, with all convenient speed, and after his arrival he shall be transferred to the reserve force or discharged, as the case may be.

Rules for reckoning service.

12. In reckoning the service of a soldier for the purposes of discharge under the provisions of this Act, all periods of time shall be excluded during which he has been absent from his duty for any of the following causes; that is to say,

1. Imprisonment; provided that imprisonment shall not for the purposes of this section include detention in respect of any trial which results in the acquittal or discharge of the prisoner.
2. Desertion.
3. Absence without leave exceeding five days.
4. Detention as a prisoner of war, unless it appear to the satisfaction of a court-martial to be summoned on his rejoining Her Majesty's service that he was not taken prisoner through his own wilful neglect of duty, and that he rejoined as soon as he could and ought to have done.

Discharge on completion of service.

13. Every soldier who has completed his period of service or of army service, according to the provisions of this Act, shall be entitled to his discharge, or transfer to the reserve force, as the case may be, unless at the time of the expiration of such period of service he stands charged with the commission of any offence, in which case his discharge or transfer to the reserve force shall be deferred, until he has undergone his trial and any punishment awarded to him.

Provisions in Reserve Force Act, 1867, and Militia Reserve Act, 1867, as to calling reserve and militia into active service extended to cases of imminent national danger.

14. Whereas by the Reserve Force Act, 1867, section ten, it is provided that in case of actual invasion or imminent danger thereof, or in case a state of war exists between Her Majesty and any foreign power, it shall be lawful for Her Majesty by proclamation to direct that the reserve force by that Act constituted, or such part thereof as Her Majesty may think fit, be called out on permanent service:

And whereas by the Militia Reserve Act, 1867, section eight, it is provided that whenever a state of war exists between Her Majesty and any foreign power, and in all cases of actual invasion or imminent danger thereof, it shall be lawful for Her Majesty to order that the men enlisted under the said Act or such of them as Her Majesty may judge necessary shall enter upon army service:

And whereas it is expedient to assimilate the conditions under which men of the reserve force established under the said Acts of one thousand eight hundred and sixty-seven may be called to enter upon army service to those under which men enlisted under this Act may be directed to continue in or re-enter upon army service: Be it enacted as follows:

30 & 31 Vict. c. 110. s. 10.
30 & 31 Vict. c. 111. s. 8.

1. Section ten of the Reserve Force Act, 1867, shall be construed as if the words "in "case of imminent national danger or of great emergency, the occasion being first "communicated to Parliament if Parliament be then sitting, or declared by pro- "clamation," were inserted in the said section in place of the words "in case of "actual invasion or imminent danger thereof, or in case a state of war exists "between Her Majesty and any foreign power:"
2. Section eight of the Militia Reserve Act, 1867, shall be construed as if the words "in "case of imminent national danger or of great emergency, the occasion being first

"communicated to Parliament if Parliament be then sitting, or declared by pro-
"clamation," were inserted in the said section in place of the words "whenever a
"state of war exists between Her Majesty and any foreign power, and in all cases
"of actual invasion or imminent danger thereof."

Provided that nothing in this section contained shall affect any person enlisted under the said Acts of one thousand eight hundred and sixty-seven before this Act comes into operation, except with his own consent.

Soldiers who have exceeded the first term of their engagement may be enrolled in reserve.

15. From and after the passing of this Act any soldier who is serving or has served in any of Her Majesty's regular forces, and whose service (or past service) has exceeded the first term of his enlistment, may be enrolled to serve in the first class of the reserve force established under the Army Reserve Act, 1867; provided that no such soldier is when so enrolled above the age of thirty-four years.

Power of Secretary of State to issue orders and forms.

16. The Secretary of State may from time to time issue such orders and forms for enlisting recruits and for otherwise carrying into effect this Act as he thinks expedient, and any orders and forms so issued shall be of the same force as if expressly enacted in this Act.

Saving of provisions of Acts relating to enlistment.

17. All provisions of any Act of Parliament for the time being in force relating to the enlistment of recruits for Her Majesty's army shall, in so far as they are not inconsistent with this Act, be deemed to be incorporated with this Act, and to apply accordingly to any enlistments made in pursuance of this Act.

Application of Act to men under Army Enlistment Act, 1867.

18. This Act shall apply to men serving for the first term of their enlistment under the Act of the session holden in the tenth and eleventh years of Her Majesty's reign, chapter thirty-seven, intituled "An Act for limiting the term of service in the army," and the Army Enlistment Act, 1867, in the same manner as if they had been enlisted under this Act; provided that this Act shall not be applied to any man enlisted under such last-mentioned Act, except with his own consent.

Training of first class of reserve force.

19. The Secretary of State may from time to time make regulations for the training of persons serving in pursuance of this Act in the first class of the reserve force in such manner and during such periods as he may consider to interfere as little as possible with their ordinary trades or occupations, and as do not exceed in any one year twelve whole days or twenty drills.

Service of notices on reserve force.

20. The Secretary of State may require the chief officer of police in every district in the United Kingdom to cause to be served within his district any notice the Secretary of State may desire to be served on any members of the reserve forces in such district; and all officers and men of every police force shall conform to the orders of the said Secretary of State in relation to the service of such notices given through such officer.

"The reserve forces" shall mean the army reserve, the militia reserve, and any other reserve forces as defined by Act of Parliament, also the militia, yeomanry, volunteers, and any other land forces whatever within the United Kingdom, serving or liable to be called upon to serve Her Majesty in any military capacity and not forming part of the regular army.

Repeal.

21. From and after the passing of this Act, section eight of the Reserve Force Act, 1867, and all enactments inconsistent with this Act, shall be repealed.

Definition of Secretary of State.

22. The Secretary of State shall mean any one of Her Majesty's Principal Secretaries of State.