CHAP. 81.

An Act to amend the Volunteer Act, 1863. A.D. 1869.

[9th August 1869.]

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:

Short title.

1. This Act may be cited as "The Volunteer Act, 1869."

This Act to be construed with 26 & 27 Vict. c. 65.

2. This Act shall be construed as one with the Volunteer Act, 1863, in this Act referred to as the principal Act, and that Act and this Act may be cited together as The Volunteer Acts, 1863 and 1869.

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

3. Where any person neglects or refuses, on demand made as herein-after 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 administrative 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 Secretary of State, person, officer, or adjutant 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, in the same manner as it might have been under the principal Act if this Act had not passed.

A.D. 1869.

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

Mode of making demand.

4. A demand may be made for the purposes of this Act by the following persons, viz. :—

(1.) In any case by one of Her Majesty's Principal Secretaries of State or any person authorized 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 volunteer corps or administrative regiment 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.

Wrongful pawning of arms, &c. by volunteers.

5. Section twenty nine of the principal Act, which relates to the wrongful buying and selling of any property (whether arms, clothing, appointments, ammunition, or public stores,) which is public property or the property of a corps or administrative regiment shall extend to the pawning and taking in pawn of such property ; and the said section shall be construed as if the words "buy," "sell," and "selling" included take in pawn, pawn, and pawning respectively.

Appearance of commanding officer by adjutant, &c.

6. The commanding officer of any corps or administrative regiment may appear in any county court or before any justice, sheriff, or magistrate, by the adjutant or sergeant-major of such corps or regiment, or any member of the staff of the corps or regiment authorized in writing under the hand of such commanding officer.

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