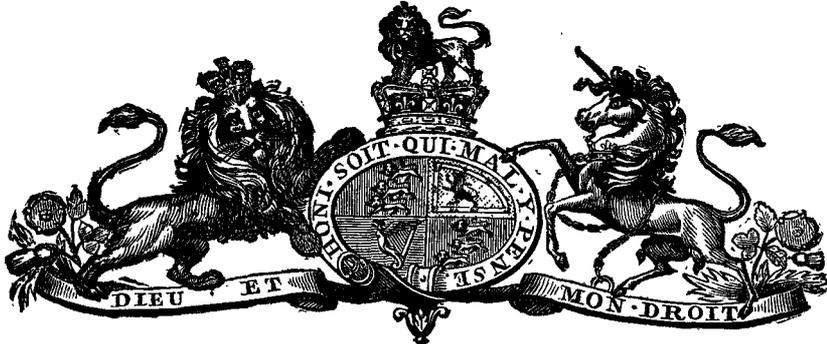


NEW ZEALAND.



ANNO TRICESIMO SECUNDO

## VICTORIÆ REGINÆ.

No. XXXVI.

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## ANALYSIS.

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| <p>Title.<br/>Preamble.<br/>1. Short Title.<br/>2. Governor authorized to proclaim Districts as Disturbed and in such districts Armed Constabulary to be subject to Mutiny Act.<br/>3. Governor may authorize officers to convene Courts-Martial.</p> | <p>4. Provisions of Mutiny Act and Articles of War to apply to Courts-Martial convened by officers authorized by this Act.<br/>5. Number of officers of which Courts-Martial shall consist.<br/>6. Courts-Martial may consist of officers of Militia Volunteers or Armed Constabulary.</p> |
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AN ACT to extend and apply the Mutiny Act to the Armed Constabulary when on service in Proclaimed Districts and to authorize the constitution of Courts-Martial for the purpose of trying Offenders serving in the Armed Constabulary in such Districts and Offenders serving in the Militia or Volunteers whilst on Actual Service. Title.

[16th October 1868.]

WHEREAS by "The Militia Act Amendment Act 1860" it is enacted that during the time that any such Militia as in the said Act mentioned shall be on actual service all things contained in any Act of Parliament which shall then be in force for punishing mutiny and desertion and for the better payment of the Army and their quarters and in the Articles of War made in pursuance of such Act shall be in force with respect to such Militia and to all the officers non-commissioned officers drummers and privates of the same in all cases whatsoever And whereas by "The Militia Act 1865" it is enacted that during the time that any part of the Militia shall be on actual service all things contained in any Act of the Imperial Parliament which shall then be in force for punishing mutiny and desertion and for the better payment of the Army and their quarters and in the Articles of War made in pursuance of such Act shall apply to and the powers thereby Preamble.

*Colonial Forces Courts-Martial.*

created shall be exercised by such part of the Militia in all cases not otherwise provided for as in the now-reciting Act mentioned And whereas by "The Volunteer Act 1865" it is enacted that during the time when any Volunteer Corps is on actual service or is undergoing inspection by the Inspector the Mutiny Act shall apply to and the powers thereby created shall be exercised by the Officers and Volunteers of such Corps And whereas it is expedient to extend and apply the Mutiny Act to the New Zealand Armed Constabulary while employed in Disturbed Districts proclaimed as such and to authorize and regulate the constitution of Courts-Martial for the purpose of trying offenders serving in such Armed Constabulary while employed in such Districts and offenders serving in the Militia or Volunteer Forces in New Zealand whilst on Actual Service

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

Short Title.

1. The Short Title of this Act shall be "The Colonial Forces Courts-Martial Act 1868."

Governor authorized to proclaim Districts as Disturbed and in such districts Armed Constabulary to be subject to Mutiny Act.

2. The Governor may from time to time by Proclamation published in the *New Zealand Gazette* appoint and declare any portion of the Colony defined in such Proclamation to be a "Disturbed District" within the meaning of this Act and also any such Proclamation by Proclamation published in the said *Gazette* at any time revoke And during the time that any of the officers or men of the New Zealand Armed Constabulary embodied under "The Armed Constabulary Act 1867" shall be stationed employed or in any way on service within any district proclaimed under this section of this Act as a Disturbed District all things contained in any Act of the Imperial Parliament which shall then be in force in New Zealand for punishing mutiny and desertion and for the better payment of the Army and their quarters and in the Articles of War made in pursuance of such Act shall apply to and the powers thereby created shall be exercised by such officers and men of the New Zealand Armed Constabulary aforesaid.

Governor may authorize officers to convene Courts-Martial.

3. For the purpose of bringing to justice persons on actual service in the Militia or Volunteer Forces and persons in the New Zealand Armed Constabulary employed or on service in Disturbed Districts proclaimed as such as aforesaid who shall offend against the provisions contained in any Act of the Imperial Parliament of Great Britain and Ireland for the time being in force and applicable in New Zealand as aforesaid for punishing mutiny and desertion and for the better payment of the Army and their quarters and against the Articles of War made under the authority of any such Act it shall be lawful for the Governor to authorize any officer holding a command in the Militia or Volunteer Forces aforesaid or in the New Zealand Armed Constabulary aforesaid to convene Courts-Martial as occasion may require for the trial of offences committed by any of the Forces under the command of any such officer whether the same shall have been committed before or after such officer shall have taken upon him such command provided that the officer so authorized be not below the degree of a Field-officer of the Militia or Volunteer Forces or a Commandant in the Armed Constabulary aforesaid except in detached situations where a Field-officer or Commandant as aforesaid is not in command in which case a Captain of Militia or Volunteers or an Inspector in the Armed Constabulary may be authorized to convene District or Garrison Courts-Martial Every officer so authorized to convene Courts-Martial may confirm the sentence of any Court-Martial convened by him according to the terms of his warrant.

*Colonial Forces Courts-Martial.*

4. The provisions of the Act of the Imperial Parliament of Great Britain and Ireland for the time being in force in New Zealand for punishing mutiny and desertion and for the better payment of the Army and their quarters and the Articles of War made under the authority of the said Act shall apply to all Courts-Martial convened under the authority of the Governor as provided by this Act and to all proceedings by such Courts in the same manner so far as the same may be applicable as such provisions apply to Courts-Martial convened by any officer authorized to convene Courts-Martial by the Commander of the Forces or the person or persons Commanding-in-chief any body of troops belonging to Her Majesty's army and commissioned by Her Majesty to authorize officers to convene Courts-Martial.

Provisions of Mutiny Act and Articles of War to apply to Courts-Martial convened by officers authorized by this Act.

5. It shall be lawful for the Governor in Council from time to time to fix the number of officers of which General Courts-Martial District Courts-Martial and Regimental or Detachment Courts-Martial respectively to be convened by any such officer authorized by the Governor under this Act shall consist and any such Courts-Martial convened by any officer so authorized as aforesaid shall respectively consist of the number of officers fixed by the Order in Council made under this Act for the time being in force.

Number of officers of which Courts-Martial shall consist.

6. Notwithstanding anything in any Act heretofore passed to the contrary on any Militia Volunteer or Armed Constabulary Court-Martial officers in the Militia Volunteers or Armed Constabulary may sit together and such Courts-Martial may consist of officers chosen from any one of such forces or bodies or from all or any two of such forces or bodies.

Courts-Martial may consist of officers of Militia Volunteers or Armed Constabulary.

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