

New Zealand.



ANALYSIS.

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1908, No. 28.

Title.

AN ACT to make Better Provision for the Internal Defence of New Zealand.

[24th December, 1909.]

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

1. (1.) This Act may be cited as the Defence Act, 1909.

Short Title.

(2.) This Act is divided into Parts, as follows:—

PART I.—General Powers of the Governor. (Sections 3 to 13.)

PART II.—Permanent Force. (Sections 14 to 18.)

PART III.—Territorial Force. (Sections 19 to 26.)

PART IV.—Militia. (Sections 27 to 32.)

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2. In this Act, if not inconsistent with the context,—

Interpretation.

“Appointments” includes accoutrements and equipments of every kind other than clothing:

“Army Act” means the Imperial Act called the Army Act, and includes any Act continuing or amending the same, and the Rules of Procedure for the time being in force made under the authority thereof respectively:

“Camp” means any special assembly of any portion of the Defence Forces for instruction or training and exercise at a particular place authorised or ordered by the Commander-in-Chief or other competent authority:

“Commandant of the Defence Forces” or “Commandant” means the officer appointed by the Governor to command the whole of the Defence Forces, and to have charge of the defences of New Zealand:

“Commanding officer” means such officer as may be appointed by the Governor to command a district or camp, or, in his absence, the senior combatant officer, according to relative rank, serving in or belonging to the Defence Forces:

“Commanding officer of corps” means the senior officer present in command of any regiment, battalion, division, or corps, or any part thereof:

“Corps” means a regiment of mounted rifles, a battery of artillery, a division of garrison artillery, or a battalion of infantry, a company of engineers, a transport corps, an ambulance company, and a reserve corps forming part of the Defence Forces:

“Defence Forces” or “Forces” means all officers, non-commissioned officers, and men in the Permanent Force, the Territorial Force, and Reserve; and includes any rifle club, and any volunteer body enrolled in the Forces under the authority of the Governor for special service within or beyond New Zealand:

“District” means a district constituted under this Act:

“Field Officer” means an officer above the rank of captain:

“Militia” means and includes all commissioned and non-commissioned officers and men in the Militia constituted under this Act :

“Minister” means the Minister of Defence :

“Officer” means any commissioned officer appointed under this Act to the Defence Forces, or to any branch thereof :

“Prescribed” means prescribed by this Act or by regulations or military orders hereunder :

“School” means any school giving primary education, and “attending school” means attending such a school and receiving primary education :

“Unit” means a subdivision of a corps :

“War” means an invasion or apprehended invasion of, or attack or apprehended attack on, the Dominion of New Zealand or any part thereof by an enemy or armed force ; and “time of war” means any time during which a state of war actually exists, and includes the time between the issue of a Proclamation of the existence of war or of danger thereof and the issue of a Proclamation declaring that that war or danger no longer exists.

PART I.

GENERAL POWERS OF THE GOVERNOR.

Governor may divide New Zealand into districts.

3. The Governor may from time to time divide New Zealand into districts for the purposes of this Act, and designate the same respectively by such names as he thinks fit, and may alter or abolish such districts or designations, and appoint others in place thereof respectively.

Regulations.

4. (1.) The Governor may from time to time make regulations, not inconsistent with this Act, for any of the following purposes:—

- (a.) Fixing the number of men to be embodied in the Permanent Force and determining the qualifications required of recruits :
- (b.) The enrolment, promotion, discipline, training, exercise, arms, appointments, clothing, conveyance, pay, rations, and lodging of the Forces or of any portion or individual thereof :
- (c.) The punishment, dismissal, discharge, or disbandment of any portion or members of the Forces :
- (d.) The regulation of artillery and rifle practice, and the control of the grounds used for the purposes of this Act, and the prevention of intrusion thereon during the times of shooting or practice :
- (e.) The granting of rewards and prizes for long service or efficiency :
- (f.) The issue of certificates for efficiency to members of the Territorial Force :
- (g.) Fixing a limit of age at which officers, non-commissioned officers, and men shall cease to serve in the Defence Forces :

(h.) The establishment and conduct of canteens in camps or other assemblies of the Defence Forces :

(i.) Prescribing the mode and subjects of examination for commissions in the Defence Forces :

(j.) Anything deemed necessary for effectually carrying this Act into effect.

(2.) All such regulations shall be gazetted, and shall come into force at a time to be therein prescribed, and shall thereupon have the force of law.

5. The Governor shall be the Commander-in-Chief of all the Defence Forces of New Zealand, and shall have all the powers and may exercise and discharge all the duties and obligations respecting the Forces or any part thereof appertaining to the office of Commander-in-Chief; and, among other things, shall have the following powers, and may exercise the same from time to time:—

Governor to be Commander-in-Chief, and may appoint officers of the Defence Forces.

(a.) He may, in the name and on behalf of His Majesty, by commission under the Public Seal of New Zealand, appoint to the Forces or any part thereof such officers as seem to him necessary; and may, by notice in the *Gazette*, attach or cause to be attached such officers to the general or headquarters' staff of the Forces, or to the regimental staff of any portion of such Forces, or to any corps, regiment, or battalion, or other division thereof, as he thinks fit; and may from time to time cancel any such commission, or summarily dismiss any such officer, and annul or vary any such appointment, or may discontinue the services of any officer in any capacity wherein such officer is no longer required:

Provided that it shall not be competent for the Governor to confer or cancel a commission or appointment in any of the Forces except under the restrictions and in conformity with this Act and any regulations hereunder:

(b.) He may appoint an officer to be the Commandant of the Defence Forces, who shall be responsible for the discipline and efficiency of the Force:

(c.) He may appoint District Commanding Officers, of such rank as he deems fit, to command all or such portions of the Forces within any district as the Governor determines, and appoint also for such district a permanent paid staff:

(d.) He may appoint any officer or officers to inspect the Forces, or any portion thereof, and to report upon the state thereof:

(e.) He may contract for the engagement of such officers and non-commissioned officers of the Imperial or other Forces as he thinks fit for any period not exceeding five years:

(f.) He may establish a Reserve of Officers.

6. The Governor may from time to time, by notice in the *Gazette*,—

(a.) Divide any portion of the Forces into brigades, battalions, regiments, corps, squadrons, companies, or other divi-

Governor may divide Forces into brigades, &c., and may disband such Forces.

sions, and designate such bodies by such names as he thinks proper; and also alter or cancel such divisions, and change or abolish any such designations, and regulate the uniforms to be worn:

(b.) Disband any portion of the Forces, or dismiss any member thereof for misconduct or insubordination.

Officers and members of Forces to be British subjects.
Relative rank of officers.

7. No person shall be an officer or member of any of the Forces unless he is a subject of His Majesty by birth or naturalisation.

8. (1.) Officers of the Permanent Staff and Permanent Force shall take precedence in rank of officers of the same rank in other branches of the Defence Forces.

(2.) Officers of the Territorial Force and Militia of like rank, when serving together or on the staff, shall rank with each other according to the dates of their commissions.

(3.) Where any commissions of like rank bear the same date, the holders thereof respectively shall rank according to the dates of their prior commissions, and in case there are no such prior commissions, then the aforesaid holders shall take rank according to order of merit on passing the prescribed examination.

Officers already appointed deemed to be appointed under this Act.

9. All officers already appointed to any portion of the Defence Forces shall be deemed to have been appointed under and subject to this Act, and their commissions and appointments shall remain and subsist according to the seniority thereof respectively as if this Act had not been passed.

Appointment and reduction of non-commissioned officers.

10. (1.) Non-commissioned officers of the Defence Forces shall be appointed and may be reduced as prescribed by regulations.

(2.) All appointments of non-commissioned officers heretofore made shall be deemed to have been made under the authority of and subject to this Act.

Oath of allegiance by officers and men of Defence Forces.

11. (1.) Every officer on receiving his commission, and every man on his enrolment in the Defence Forces, or as soon afterwards as may be, shall take the following oath of allegiance before a Justice or a prescribed officer:—

I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to our Sovereign Lord the King, and that I will faithfully serve in the Permanent Force [or Territorial Force, or Militia, as the case may be] until lawfully discharged.

(2.) No person who has already taken the oath of allegiance aforesaid shall be required to take a new oath under this Act.

COUNCIL OF DEFENCE AND INSPECTOR-GENERAL OF DEFENCE FORCES.

Council of Defence.

12. (1.) There is hereby established in connection with the Defence Forces of New Zealand a Council of Defence consisting of—

(a.) The Minister, who shall be the President of the Council; provided that in the absence of the Minister from any meeting of the Council any other Minister (being a member of the Executive Council) may attend that meeting in the stead and as the substitute of the Minister, and while so attending shall be deemed to be a member of the Council:

(b.) The Chief of the General Staff, who shall be responsible to the Minister for the administration of so much of the business of the Council relating to the organization, disposition, armament, and maintenance of the Defence Forces as is from time to time assigned to him by the Minister: and

(c.) Some fit person, to be appointed by the Governor as Finance member, who shall be responsible to the Minister for the finance of the Defence Forces, and for so much of the other business of the Council as may from time to time be assigned to him by the Minister.

(2.) The President may from time to time summon any person he thinks fit to attend any meeting of the Council as expert adviser.

13. (1.) The Governor may from time to time appoint some fit person to be Inspector-General of the Defence Forces. Inspector-General.

(2.) The duties of the Inspector-General of the Defence Forces shall be, under the orders and direction of the Council, to review generally and to report to the Council on the results of the policy of the Council, and for that purpose to inspect and report annually upon the training and efficiency of all branches of the Defence Forces, on the suitability of their armament and equipment, on the conditions of the fortifications and defences, and generally on the readiness and fitness of the Defence Forces for war.

PART II.

PERMANENT FORCE.

14. The Governor may from time to time cause the prescribed number of fit and able men to be embodied to serve as a Permanent Force in and throughout New Zealand or beyond the limits thereof. Governor may embody Permanent Force.

15. Every member of the Permanent Force embodied under the provisions of the last preceding section shall serve for a period of eight years from the time of his enrolment, subject to the following provisions:— Period of service by members of Permanent Force.

(a.) At the expiration of five years' service he shall be enrolled in the Reserve, and shall serve therein for the remainder of such period of eight years.

(b.) Every member enrolled in such reserve list shall be liable during the remainder of his term of service to be called on at any time to rejoin the Permanent Force for duty.

(c.) Every member of the Permanent Force may at the expiration of five years' service, if of good character, be allowed to continue in active service for a further period to be fixed by regulations.

(d.) Every member of the Permanent Force may obtain his discharge at his own request at any time during the first three years on payment of the sum of ten pounds, and at any time during the next succeeding two years on payment of the sum of five pounds, and after five years of service without payment:

Provided that the right conferred by this paragraph shall not be exercisable during any period in which members of the Permanent Force are on actual service.

- (e.) Every member obtaining his discharge by payment as aforesaid shall be enrolled on the reserve list, and shall be liable to be called on at any time to rejoin the Force for duty during the remainder of the period of eight years aforesaid.

Permanent Force to be subject to its own officers.

16. Members of the Permanent Force shall, unless on actual service, be subject only to the orders of their own officers, and of the Commander-in-Chief, and of the Council of Defence, and of the officers and non-commissioned officers of the Permanent Staff.

In special cases Governor may order Permanent Force to assist Police Force.

17. (1.) In the case of any sudden or extraordinary disturbance of the peace, or whenever any such disturbance is immediately apprehended, the Governor may order the whole or any part of the Permanent Force to act therein either in aid of or as a Police Force.

(2.) When so acting every member of the Permanent Force, although not sworn as a constable, shall have the same rights, powers, and authorities as if he were a member of the Police Force.

Disposition of estate of deceased intestate member of Permanent Force.

18. If any member of the Permanent Force dies intestate, the commanding officer of the corps to which the deceased belonged, or such other officer as the Governor appoints, may cause the effects of the deceased to be disposed of by public auction in such manner as he thinks fit; and the proceeds of such sale, together with any balance of pay or other moneys due to the deceased, shall be applied as follows:—

- (a.) Firstly, in payment of the funeral expenses and debts of the deceased; and
- (b.) Secondly, if, after payment of such expenses and debts, the sum remaining does not exceed one hundred pounds, the commanding officer or other officer as aforesaid shall pay the same to the widow or next-of-kin of the deceased; and the receipt of the person so entitled shall be sufficient discharge, although no letters of administration have been taken out; but if the sum so remaining exceeds one hundred pounds, it shall be paid to the Public Trustee.

PART III.

TERRITORIAL FORCE.

Formation and Government of the Territorial Force.

Governor may raise Territorial Force.

19. It shall be lawful for the Governor to raise and maintain a Force to be called the "Territorial Force," consisting of such number of men as may from time to time be provided for by Parliament.

Volunteer Force to become Territorial Force.

20. (1.) On and after the commencement of this Act the Volunteer Force existing under the Defence Act, 1908, shall become the Territorial Force under this Act, and every Volunteer corps (except Defence Cadet corps) existing on such commencement shall be deemed to be formed and enrolled under this Act.

(2.) The provisions of sections fifty-six to one hundred and two of the Defence Act, 1908, shall extend and apply to the Territorial

Force, but with the following modifications—that is to say, all references in those sections to “Volunteer Force,” “Volunteer,” and “corps” shall be read as references to “Territorial Force,” “member,” and “unit” respectively :

Provided that nothing in this section shall, without his consent, affect the conditions of service of any person commissioned or enrolled before the passing of this Act.

21. Regulations under this Act shall not—

- (a.) Affect or extend the term for which, or the area within which, members of the Territorial Force are liable under this Part of this Act to serve ; or
- (b.) Authorise a member of the Territorial Force when belonging to one corps to be transferred without his consent to another corps ; or
- (c.) When the corps of a member of the Territorial Force includes more than one unit, authorise him when not embodied to be posted without his consent to any unit other than that to which he was posted on enrolment.

Restricting the operation of regulations under this Act.

22. Any part of the Territorial Force shall be liable to serve in any part of New Zealand, but no part of the Territorial Force shall be carried or ordered to go out of New Zealand.

Territorial Force not to serve outside New Zealand.

23. (1.) If at any time the establishment of the Territorial Force, or any part thereof, is below that provided for by Parliament, it shall be lawful for the Council of Defence to transfer from the General Training Section, hereinafter mentioned, to the Territorial Force any number of men required to make up that establishment.

Complement of Force to be made up from General Training Section.

(2.) The men so transferred shall be selected either by ballot or in the prescribed manner, and when so transferred shall become members of the Territorial Force.

24. (1.) All commissioned officers in the Territorial Force shall be appointed by the Governor on the recommendation of a Board of Selection appointed for each district by the Council of Defence.

Appointment of officers.

(2.) Before any person so recommended is granted a commission he shall, within the time prescribed, pass an examination, and if he fails so to do the Board of Selection shall again consider the case for further recommendation.

(3.) All non-commissioned officers in the Territorial Force shall be appointed by the prescribed officer.

Training.

25. (1.) Subject to the provisions of this Part of this Act, the training of the Territorial Force shall in each year be as prescribed.

Training of the Territorial Force.

(2.) At the termination of each year's training ending the last day of February each member of the Territorial Force shall be classified in the manner and by the officer prescribed either as “efficient” or “non-efficient,” and those who are classified as “non-efficient” shall be liable to special extra training in the year succeeding that in which they were non-efficient.

(3.) Every person under the age of thirty years who has been classified as efficient for three years shall, in the prescribed manner, be drafted into the Reserve, unless, on application, he is permitted to continue in the Territorial Force :

Provided that in the case of members transferred to the Territorial Force from the General Training Section, efficient service in the latter shall be deemed to be efficient service in the Territorial Force.

Special Service.

Volunteers for special service outside New Zealand.

26. (1.) It shall be lawful for the Governor at any time to accept the offer of any members of the Territorial Force, signified through their commanding officer, to subject themselves to the liability to serve in any place outside New Zealand; and upon such offer being accepted they shall be liable whenever required during the period to which the offer extends to serve accordingly, and while so serving shall be subject to the provisions of the Army Act.

(2.) A person shall not be compelled to make such an offer, or be subjected to such liability as aforesaid except with his own consent; and a commanding officer shall not certify any voluntary offer previously to his having explained to every person making the offer that the offer is to be purely voluntary on his part.

PART IV.

MILITIA.

Persons liable to service in Militia.

27. (1.) All the male inhabitants of New Zealand between the ages of seventeen and fifty-five, not hereinafter exempted, who have resided in New Zealand for a period of six months are liable to be trained and serve in the Militia.

Persons exempt from such service.

(2.) The following persons shall be exempt from the liability to training and service in the Militia:—

- The Judges of the Supreme Court :
- The Judge of the Arbitration Court :
- The members of the Executive Council :
- The members of the General Assembly :
- The officers of the General Assembly :
- Secretaries and Under-Secretaries of the General Government :
- The Judges of the Native Land Court :
- The Public Trustee :
- Magistrates :
- Telegraph clerks :
- Postmasters, mail-carriers, and ferrymen :
- All officers, clerks, or other persons acting in the management or collection of the Customs revenue :
- Persons employed on railways open for traffic :
- All Officiating Ministers within the meaning of the Marriage Act, 1908 :
- The professors in the New Zealand University or in any college or university affiliated thereto :
- All sheriffs and constables :
- All wardens of any proclaimed mining district or gold-mining district respectively :
- All duly registered medical practitioners in practice :
- The warders and keepers and guards of every public prison and lunatic asylum, and the attendants on the sick in every public hospital :

Teachers of schools actually engaged in teaching :
 Seafaring men (other than watermen and boatmen) actually engaged in their calling :
 All persons enrolled under this Act in the Permanent Staff, Permanent Force, or Territorial Force :
 All persons who are certified by a duly registered medical practitioner, appointed by the Governor for the purpose, to be physically unfit.

(3.) The Militia shall be divided into the following classes, namely:—

Class I: Unmarried men between seventeen and thirty years of age ;
 Class II: Married men between seventeen and thirty years of age, and unmarried men between thirty and forty years of age ;
 Class III: Married men between thirty and fifty-five years of age, and unmarried men between forty and fifty-five years of age.

(4.) Where any person claims exemption, whether on the ground of age, period of residence, or otherwise, or alleges that he ought to be placed in a class different from that in which he is placed, the burden of proof shall rest on the person so claiming exemption, or so alleging.

28. (1.) In time of war it shall be lawful for the Governor (the occasion being first communicated to Parliament if Parliament is then sitting, or notified by Proclamation if Parliament is not then sitting) by Proclamation to call upon persons liable to serve in the Militia to enrol in the Militia, and thereupon such persons shall within the time and in the manner prescribed enrol in the Militia for the prescribed period.

Militia may be called out by Proclamation.

(2.) A Proclamation under this section may call upon all the persons specified in any one or more of the classes hereinbefore mentioned so to enrol, but so that the persons specified in any class shall not in any case be called upon so to enrol until the persons specified in every preceding class are or have been so called upon.

29. If Parliament is not sitting at the date of the issue of the Proclamation calling upon persons to enrol in the Militia, it shall be summoned to meet within ten days after that date, notwithstanding that it may then stand adjourned or prorogued until a later date.

Parliament to be summoned, if not sitting.

30. On the issue of any Proclamation calling upon persons to enrol in the Militia, the Militia shall be deemed to be included in the Defence Forces, and shall so continue until the Militia is disembodied in the manner prescribed by section thirty-four hereof.

Militia when called out to form part of Defence Forces.

31. No officer who has voluntarily retired or has been superannuated from His Majesty's military or naval service shall be required to serve in the Militia in a lower rank than he held in such service.

Rank of retired naval or military officers in Militia.

32. Where any miners or any holders of miners' rights are called out for Militia duty, their claims and interests in claims or water-rights and other mining privileges shall be protected during their absence on such duty.

Miners' rights to be protected during absence on duty.

PART V.

LIABILITY TO SERVE IN TIME OF WAR.

Embodiment of
Forces in time of
war.

33. (1.) On the issue of a Proclamation calling upon persons to enrol in the Militia as mentioned in section twenty-eight hereof, it shall be lawful for the Council of Defence from time to time to give, and when given to vary or revoke, such directions as it deems necessary for embodying all or any part of the Defence Forces, and in particular to make such special arrangements as the Council thinks proper with regard to units or individuals whose services may be required in other than a military capacity.

(2.) All such directions shall be obeyed as if enacted in this Act; and where such directions for the time being direct the embodiment of any part of the Defence Forces, every officer and man belonging to that part shall attend at the place and time fixed by those directions, and after that time shall be deemed to be embodied.

Governor may
disembody those
Forces.

34. (1.) It shall be lawful for the Governor, by Proclamation, to order that the Defence Forces be disembodied, and thereupon the Council of Defence shall give such directions as it thinks necessary for carrying the said Proclamation into effect.

(2.) After the date fixed by the directions for the disembodying of any part of the Defence Forces the officers and men belonging to that part shall be in the position of officers and men not embodied.

PART VI.

UNIVERSAL OBLIGATION TO BE TRAINED.

Liability of male
inhabitants to be
trained.

35. Subject to the provisions of this Act, all male inhabitants of New Zealand who have resided therein for six months and are British subjects shall be liable to be trained as prescribed as follows:—

- (a.) From twelve years to fourteen years of age or to the date of leaving school, whichever is the later, in the Junior Cadets; and
- (b.) From fourteen years of age or the date of leaving school, as the case may be, to eighteen years of age, or in the case of those who on attaining the age of eighteen are attending a secondary school, then to the date of their leaving school, in the Senior Cadets; and
- (c.) From eighteen years of age, or from any later date on which they cease to attend a secondary school as aforesaid, to twenty-one years of age, in the General Training Section; and
- (d.) From twenty-one years to thirty years of age, in the Reserve.

Junior Cadets.

Governor may
appoint a
Commandant of
Junior Cadets.

36. (1.) The Governor may from time to time on the recommendation of the Minister of Education appoint a Commandant of the Junior Cadets and such other officers and instructors as he thinks fit.

(2.) The Commandant of the Junior Cadets shall be responsible to the Minister of Education for the administration and training of the Junior Cadets, and shall report annually to him on its efficiency.

37. (1.) The training in the Junior Cadets shall begin on the first day of February in the year in which the persons liable attain the age of twelve years; or in the case of persons who attain the age of twelve years, thirteen years, or fourteen years in the year in which this Act commences, and are then attending school, the training shall begin on the first day of February in the next succeeding year; and in the case of each person shall continue until he attains the age of fourteen years or ceases to attend school, whichever is the later.

Training of the
Junior Cadets.

(2.) The prescribed training in the Junior Cadets in each year shall be of not less than fifty-two hours' duration:

Provided that the Minister of Education may at any time or times require attendance at such drills or parades and for such periods as he thinks fit.

(3.) The training shall be carried out in the manner and at the times prescribed, under the direction and to the satisfaction of the Commandant of the Junior Cadets.

(4.) Non-commissioned officers shall be appointed by the prescribed officer from among the persons being trained in the Junior Cadets; and officers of the rank of lieutenant or above that rank shall be appointed by the Minister of Education from amongst the male teachers on the staffs of schools, or, with the consent of the Defence Council, from the General Training Section or Reserve hereinafter mentioned:

Provided that in the case of any male person who is a teacher at any school the consent of the Council shall not be required to the appointment of that person as an officer in the Junior Cadets.

(5.) Every person so appointed shall act in the position to which he is appointed, and his training while so acting shall be deemed to be training in the Junior Cadets or in the General Training Section, as the case may be.

(6.) The Commandant of the Junior Cadets, the staff officers and instructors, and all persons liable to be trained in the Junior Cadets, including their officers, shall, while being so engaged or being so trained, be under the control of the Minister of Education.

(7.) Subject to the provisions of section thirty-nine hereof, all persons liable to be trained shall, on attaining the age of fourteen years or on ceasing to attend school, whichever is the later, be drafted, in the manner prescribed, into the Senior Cadets.

38. (1.) On a day to be notified by Proclamation, being not earlier than twenty-eight days after the gazetting of the Proclamation, all Defence Cadet and Reserve corps then in existence under the Defence Act, 1908, shall cease to exist.

Defence Cadet and
Reserve corps to
cease to exist on a
day to be notified.

(2.) On or before the day so notified all arms, clothing, and appointments (being public property or the property of the corps) issued to any member of any such corps shall, in the prescribed manner, be delivered to the prescribed officer.

(3.) On the day so notified all the assets of any such corps and all the liabilities of any such corps incurred prior to the gazetting of

the said Proclamation, which after investigation by the Council of Defence are considered lawful and necessary, shall become the assets and liabilities of the Crown, and all persons other than the Crown shall be deemed to be effectually discharged from any such liability.

Boy Scouts.

39. The Minister of Education may, at the request of the controlling authority, take over the control of the Boy Scouts in such manner and to such extent as he thinks fit, and when so taken over they shall form part of the Junior Cadets, and be subject to the provisions of this Act so far as they relate to the Junior Cadets:

Provided that the restrictions as to age-limit contained in subsection one of section thirty-seven hereof shall not apply to Boy Scouts, and Boy Scouts may continue in the Junior Cadets until they attain the age of sixteen years.

*Senior Cadets.***Training of the Senior Cadets.**

40. (1.) The training in the Senior Cadets, in the case of those who are drafted into it from the Junior Cadets as aforesaid, shall begin as from the date of their being so drafted, and in all other cases shall begin on the first day of March in the year in which they attain the age of fourteen years, or in the case of those who attain the age of fourteen, fifteen, sixteen, or seventeen years in the year in which this Act commences shall begin on the first day of March in the next succeeding year, and in the case of each person shall continue until he attains the age of eighteen years, or until such later date as he ceases to attend a secondary school.

(2.) The prescribed training in the Senior Cadets shall in each year ending the last day of February not exceed six whole-day drills, twelve half-day drills, and twenty-four night drills, or their equivalents.

(3.) All persons liable to be trained in the Senior Cadets shall be trained in discipline, elementary military exercises, and musketry or gunnery, and shall be organized in military units and allotted to the Defence Forces in each district.

(4.) The training shall be carried out in the manner and at the times prescribed, and to the satisfaction of the officer commanding the district.

(5.) Non-commissioned officers shall be appointed by the prescribed officer from among the persons being trained in the Senior Cadets, and officers of the rank of lieutenant or above that rank shall be appointed by the Council of Defence; and every person so appointed shall act in the position to which he is appointed, and his training while so acting shall be deemed to be training in the Senior Cadets, or the General Training Section, or the Territorial Force, as the case may be.

(6.) All persons liable to be trained in the Senior Cadets, including their officers, shall, while being so trained, be under the control of the Council of Defence.

(7.) All persons liable to be trained shall, on attaining the age of eighteen years, or on any later date on which they cease to attend a secondary school, be drafted in the manner prescribed into the General Training Section.

General Training Section.

41. (1.) The training in the General Training Section, in the case of those who are drafted into it from the Senior Cadets as aforesaid, shall begin as from the date of their being so drafted, and in all other cases shall begin on the first day of March in the year in which they attain the age of eighteen years, or in the case of those who attain the age of eighteen, nineteen, or twenty years in the year in which this Act commences shall begin on the first day of March in the next succeeding year, and shall in the case of each person continue until he is drafted into the Reserve as hereinafter mentioned.

Training of the
General Training
Section.

(2.) The prescribed training in the General Training Section shall in each year ending the last day of February be fourteen days in training-camp and twelve half-days, except in the Artillery and Engineer branches, in which the training shall be fourteen days in training-camp and twenty half-days or the equivalent of twenty half-days.

(3.) All persons liable to be trained in the General Training Section shall, while being so trained, be under the control of the Council of Defence.

(4.) At the end of each year's training in the General Training Section each person shall be classified in the manner and by the person prescribed either as "efficient" or "non-efficient," and those who are classified as non-efficient shall be liable to be trained for an additional year for each year in which they are non-efficient, or to special extra training in the year succeeding that in which they were non-efficient.

(5.) Every person who has been classified as efficient for three years shall, in the prescribed manner, be drafted into the Reserve.

The Reserve.

42. The prescribed training in the Reserve shall consist of two muster parades in each year.

Training in the
Reserve.

Defence Rifle Clubs.

43. (1.) The Governor may from time to time, by notice in the *Gazette*, accept the service of Defence rifle clubs, and may in like manner disband any Defence rifle club as he thinks fit.

Rifle clubs may be
established.

(2.) All Defence rifle clubs formed and gazetted under the Defence Act, 1908, and existing on the commencement of this Act, shall be deemed to have been formed and gazetted under this Act, and shall be affiliated to the Active and Reserve Forces, as local conditions admit and as prescribed from time to time by the regulations and military orders of the Council of Defence:

Provided that no person liable to be trained under the foregoing provisions of this Act (otherwise than in the Reserve) shall be eligible to become or to remain a member of a Defence rifle club while he is so liable.

44. Where in any area of New Zealand the prescribed training of Senior Cadets or of the General Training Section cannot in the opinion of the Council of Defence be conveniently carried out, the training of persons who reside within any such area with any Defence

Training with rifle
clubs may be
accepted in certain
cases.

rifle club (except training in camp) and in accordance with regulations may be accepted in lieu of the training hereinbefore prescribed.

Registration.

Registration of persons liable to be trained.

45. All persons liable to be trained under this Part of this Act shall, within three months after the commencement of this Act or in the month of January in the year in which they become liable, apply in writing to the prescribed officer to be registered :

Provided that if any such person is enrolled on the roll of any school such enrolment shall be accepted in lieu of registration.

Miscellaneous Provisions.

Commandant of Junior Cadets to have right to examine schools in physical drill.

46. The Commandant of the Junior Cadets shall at all times at which any school is open have the power to enter that school and inspect and examine in physical drill all the boys and girls attending that school.

Officers in Junior or Senior Cadets may be granted commissions.

47. Officers in the Junior Cadets or Senior Cadets shall be permitted to present themselves for examination in the subjects prescribed for the examination of officers in the Territorial Force, or such other examination as may from time to time be prescribed ; and, if they pass such examination, may be granted substantive commissions by the Governor and be included in the Reserve of Officers.

Discipline, &c., of Senior Cadets and General Training Section.

48. (1.) Subject to the provisions of this Part of this Act, the Council of Defence may from time to time make regulations with respect to the government, organization, establishment, equipment, and discipline of the Senior Cadets and the General Training Section, and with respect to the pay and allowances of the General Training Section, and with respect to the discipline, training, equipment, and maintenance of Defence rifle clubs.

(2.) Subject to the provisions of this Part of this Act, the Minister of Education may from time to time make regulations with respect to the government, organization, training, equipment, and discipline of the Junior Cadets, and the liability of teachers to act as officers therein.

Persons physically unfit to be exempt from training.

49. Nothing in this Part of this Act shall require any person to be trained who is certified in the prescribed manner by a duly registered medical practitioner, appointed by the Minister for the purpose, to be physically unfit for such training.

PART VII.

OFFENCES.

Refusal to take oath of allegiance an offence.

50. Every person who, being required by this Act to take the oath of allegiance, refuses so to do is liable to a fine not exceeding five pounds.

Refusal to register under Part VI an offence.

51. (1.) Every person who, being required to be registered under Part VI of this Act, fails so to do within the time and in the manner prescribed, or who without lawful excuse evades or fails to render the personal service required of him under that Part, is liable to a fine not exceeding five pounds, and shall not be entitled to be enrolled as

an elector under Division II of the Legislature Act, 1908, nor to employment or continuation of employment in any branch of the Government service.

(2.) Every person required under subsection five of section thirty-seven or subsection five of section forty to act as therein mentioned, who fails to so act, is liable to a fine not exceeding fifty pounds.

52. (1.) Every person is liable to a fine not exceeding ten pounds who prevents or attempts to prevent any person in his employ and required to serve in the Senior Cadets or General Training Section or Territorial Force from rendering the personal service required of him by Part VI of this Act, or in any way penalises such last-mentioned person for rendering such service, whether by reducing his wages or deducting therefrom any money, or by dismissing him from his employment, or in any other manner:

Employers not to prevent training..

Provided that this section shall not be construed to require any person to pay any person in his employ any wages for the time when he is absent from work for the purpose of being trained under the said Part.

(2.) In any proceedings for a breach of this section it shall lie on the employer to show that any employee who is proved to have been penalised as aforesaid was so penalised for some reason other than for having rendered the personal service required of him as aforesaid.

53. (1.) Every person of whom information is required by any authorised person in order to enable him to comply with the provisions of this Act relating to enrolment in the Militia, or to registration of persons liable to be trained under Part V hereof, who fails without just cause (proof whereof shall lie on him) to give such information, or gives false information, is liable to a fine not exceeding five pounds.

Penalty for refusing to give information as to persons liable to be trained.

(2.) Every person appointed in that behalf who without just cause (proof whereof shall lie on him) fails to make any enrolment or registration, or to make or transmit in the prescribed manner any prescribed roll or return, is liable to a fine not exceeding fifty pounds.

54. Every person who fails, when so required by this Act, to enrol himself in the Militia, or fails without just cause (proof whereof shall lie on him) to appear at the time and place appointed for assembling or embodiment is guilty, according to the circumstances, of deserting, or of absenting himself without leave within the meaning of the Army Act, and shall be punishable accordingly.

Failure to enrol in Militia, when so required, an offence.

55. (1.) If any person designedly makes away with, sells or pawns, or wrongfully destroys or damages, or negligently loses anything issued to him as an officer, non-commissioned officer, or man of any branch of the Defence Forces, or as an officer or other member of the Junior or Senior Cadets, or of the General Training Section, or wrongfully refuses or neglects to deliver up on demand anything so issued to him, the value thereof shall be recoverable from him or, if he is under the age of twenty-one years, then from his father (if alive), on complaint to a Court of summary jurisdiction by the prescribed officer, and he shall also for any such offence of designedly making away with, selling or pawning, or wrongfully destroying or damaging as aforesaid, be liable on conviction to a fine not exceeding five pounds.

Failure to account for property issued to members of Defence Forces.

Wilful injury to
butts or targets.

(2.) Every person who wilfully commits any damage to any butt or target or other property belonging to or lawfully used by the Forces, or any branch thereof, or without the leave of an officer of the Permanent Staff searches for bullets in or otherwise disturbs the soil forming such butt or target, is liable for every such offence to a fine not exceeding ten pounds.

Wrongful buying of
arms, &c., from
member of Defence
Forces.

56. Every person who—

- (a.) Solicits or entices any member of the Defence Forces or of the Junior or Senior Cadets or of the General Training Section to sell or pawn, or knowingly assists or acts for any such member in selling or pawning, any arms, clothing, or appointments being public property or property of any branch of the Forces, or of any corps thereof, or any public stores or ammunition issued for the use of any such branch or corps; or
- (b.) Has any such property, stores, or ammunition in his possession or keeping without satisfactorily accounting for the fact,— is liable to a fine not exceeding twenty pounds, with or without imprisonment for any period not exceeding six months.

Obstructing
parades, &c.

57. Every person who—

- (a.) Interrupts or obstructs any muster, inspection, or parade held under this Act; or
- (b.) Goes or remains upon any place where any persons are exercising, or at muster, inspection, or parade under this Act after being warned by any officer not to go thereon or to depart therefrom,—

is liable for every such offence to a fine not exceeding one pound, and may be arrested by order of the senior officer present, and kept in custody until the exercising, muster, inspection, or parade is over for the day, and then either taken in custody before a Justice or discharged from custody, as the senior officer present at the conclusion of the parade, muster, or inspection thinks fit.

Penalty for giving
false certificate, &c.

58. Every person who knowingly gives any false certificate, or makes any false statement or return respecting any matter or thing required by or under this Act, is liable to a fine not exceeding one hundred pounds.

Liquor not to be
brought into camp,
&c.

59. (1.) No person shall bring or convey any intoxicating liquor into any camp, barrack, fort, or other place where any of the Defence Forces are quartered, stationed, or serving.

Power to search for
and confiscate
liquor.

(2.) Any officer or non-commissioned officer in the Defence Forces, with or without persons under his command, may lawfully enter into or upon and search any ship, vessel, or boat, or any conveyance or vehicle of any kind, hovering about or approaching, or that may have hovered about or approached, any such camp, barrack, fort, or other place as aforesaid, and if any intoxicating liquor is found on board such ship, vessel, or boat, or in or on such conveyance or vehicle, may seize such liquor, and the same shall be forfeited to His Majesty.

Bringing liquor into
camp, barracks, &c.,
or inciting officers
or men in Defence
Forces to desert.

(3.) Every person is liable to a fine not exceeding twenty pounds who—

- (a.) Brings or conveys any intoxicating liquor into any such camp, barrack, fort, or other place as aforesaid; or

(b.) Approaches or hovers about any such camp, barrack, fort, or other place as aforesaid (and whether in any ship, boat, vessel, conveyance, or vehicle or not) for the purpose of bringing any intoxicating liquor thereon or thereto, or for the purpose of giving or selling intoxicating liquor to persons engaged or serving therein, or of inciting, aiding, or assisting any officer, non-commissioned officer, or private, or other person enrolled or serving in the Defence Forces or any branch thereof, to desert or improperly absent himself from any camp, barrack, fort, or other place as aforesaid.

(4.) Any commissioned officer or non-commissioned officer of the Defence Forces, or any constable, may, with or without any warrant or other process, apprehend or cause to be apprehended any offender or person acting contrary to this section, and bring him or cause him to be brought before a Justice for the purpose of being dealt with under this section.

Power to apprehend person acting contrary to section.

60. (1.) It shall not be lawful for any person not serving in His Majesty's Military Forces, or in His Majesty's Naval Forces, or in the Defence Forces, or in the Junior Cadets, or for any honorary member of a Volunteer corps, to wear without the Governor's permission the uniform, or any portion of the uniform, of any of those Forces :

Military uniforms not to be worn without authority.

Provided that nothing herein shall prevent any persons from wearing any uniform or dress in the course of a stage play performed in a place duly licensed or authorised for the public performance of stage plays, or in the course of a music-hall or circus performance, or of a ball, or in the course of any *bona fide* military representation.

(2.) Every person who offends against this section is liable to a fine not exceeding five pounds.

(3.) Every person not serving in His Majesty's naval or military Forces, or in the Defence Forces, or in the Junior Cadets, who wears without the Governor's permission the uniform of any of those Forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform, in a manner or under circumstances likely to bring contempt upon that uniform, or employs any other person so to wear that uniform or dress, is liable to a fine not exceeding ten pounds, or to imprisonment for a term not exceeding one month.

Penalty for bringing contempt on uniform.

(4.) For the purposes of this section "His Majesty's Military Forces" means the Regular Forces, the Reserve Forces, and the Auxiliary Forces within the meaning of the Army Act (other than the Naval Coast Volunteers and Naval Volunteers); and "His Majesty's Naval Forces" means the Navy, the Naval Coast Volunteers, and the Naval Volunteers within the meaning of the Imperial Acts relating thereto.

61. (1.) Every person is liable at the discretion of the Court to imprisonment with or without hard labour for a term not exceeding one year, or to a fine, or to both imprisonment and a fine, who—

Disclosure of information relating to defences.

(a.) For the purpose of wrongfully obtaining information—

(i.) Enters or is in any part of a place belonging to His Majesty, being a fortress, fort, arsenal, factory, dock-

yard, camp, ship, office, or other like place, in which part he is not entitled to be ; or

(ii.) Being lawfully or unlawfully in any such place as aforesaid, either obtains any document, sketch, plan, model, or knowledge of any thing he is not entitled to obtain, or makes without lawful authority any sketch or plan ; or

(iii.) Being outside any fortress, fort, arsenal, factory, dockyard, or camp belonging to His Majesty, makes or attempts to make without authority given by or on behalf of His Majesty any sketch or plan of that fortress, fort, arsenal, factory, dockyard, or camp : or

(b.) Knowingly having possession of or control over any document, sketch, plan, model, or knowledge obtained or taken by means of any act amounting to an offence against this section, at any time wilfully and without lawful authority communicates or attempts to communicate the same to any person to whom the same ought not in the interests of the State to be communicated at that time : or

(c.) Being intrusted in confidence by some officer under His Majesty with any document, sketch, plan, model, or information relating to any such place as aforesaid, or to the naval or military affairs of His Majesty, wilfully and in breach of such confidence communicates the same to any person when in the interest of the State it ought not to be communicated : or

(d.) Having possession of any document, sketch, plan, model, or information relating to any fortress, fort, arsenal, factory, dockyard, camp, ship, office, or other like place belonging to His Majesty, or otherwise relating to the naval or military affairs of His Majesty, in whatever manner the same has been obtained or taken, at any time wilfully communicates the same to any person to whom he knows the same ought not in the interest of the State to be communicated at that time.

Disclosure to foreign State.

(2.) Where a person commits any act punishable under the last preceding subsection he shall, if he intended to communicate to a foreign State any information, document, sketch, plan, model, or knowledge obtained or taken by him, or intrusted to him as aforesaid, or if he communicates the same to any agent of a foreign State, be liable at the discretion of the Court to imprisonment with hard labour for life or for any term not less than five years, or to imprisonment for any term not exceeding two years with or without hard labour.

Breach of official trust.

(3.) Every person is guilty of a breach of official trust who, by means of his holding or having held an office under His Majesty, has lawfully or unlawfully either obtained possession of or control over any document, sketch, plan, or model, or acquired any information, and at any time corruptly or contrary to his official duty communicates or attempts to communicate that document, sketch, plan, model, or information to any person to whom the same ought not in

the interest of the State, or otherwise in the public interest, to be communicated at that time.

(4.) Every person guilty of a breach of official trust is liable, at the discretion of the Court,—

- (a.) If the communication was made or attempted to be made to a foreign State, to imprisonment with hard labour for life or for any term not less than five years, or to imprisonment for any term not exceeding two years with or without hard labour; and
- (b.) In any other case, to imprisonment with or without hard labour for a term not exceeding one year, or to a fine, or to both imprisonment and a fine.

(5.) The two last preceding subsections of this section apply to a contractor with any Department of the Government of New Zealand, or with the holder of any office under His Majesty as such holder, where such contract involves an obligation of secrecy, and to any person employed by any such contractor and being under a like obligation of secrecy, in the same manner as if the contractor and the person so employed were respectively holders of an office under His Majesty.

(6.) Any person who incites or counsels or attempts to procure another person to commit an offence against any of the preceding provisions of this section is liable to the same punishment as if he had committed the offence.

Punishment for inciting or counselling offence.

(7.) A prosecution for an offence against any of the preceding provisions of this section shall be by indictment, and the prosecution shall not be instituted except by or with the consent of the Attorney-General or Solicitor-General of New Zealand.

Restriction on prosecution.

(8.) Every person is liable on summary conviction before a Magistrate or two or more Justices to imprisonment for any period not exceeding one month, or a fine not exceeding twenty pounds, who—

Penalty for trespassing upon any fort, battery, &c.

- (a.) Is found loitering in the immediate vicinity of any defences, and with sketching, drawing, photographic, or printing materials or apparatus in his possession, with the intention or apparent intention of committing an offence against this Act; or
- (b.) Without authority or permission of the person in charge of any defences, enters upon or trespasses on such defences or any part thereof, or on any land reserved for or forming part of such defences, whether any erection, fortification, or work of any kind is standing thereon or not; or
- (c.) Refuses to depart from the vicinity of such defences, or to quit or leave such defences or any part thereof, or any land reserved for or forming part of any such defences or used in connection therewith, on being requested by the person in charge thereof to do so.

(9.) Any officer or non-commissioned officer of the Defence Forces, or any constable, may,—

Trespassers, loiterers about fort, battery, &c., may be apprehended.

- (a.) Without any warrant or other authority, arrest any person found offending against the last preceding subsection, and

take or cause him to be taken, as soon as conveniently may be, before a Justice, to be dealt with under this Act:

Drawings, sketches,
tools, apparatus,
&c., may be seized.

(b.) Seize and take possession of any drawing, sketch, or model, or any tools, implements, materials, or apparatus in the possession of any person found committing an offence against this section; and all things so seized shall, on the conviction of the offender, be forfeited to His Majesty, and may be destroyed, sold, or otherwise disposed of as the Governor directs.

(10.) For the purposes of this section—

“Defences” means any fort, battery, field-work, or fortification, and any vessel of any kind and any place or erection of any kind armed with artillery or other means intended to repel hostile aggression; and includes any magazine or store in which arms, ammunition, or warlike material is stored or kept, or intended for any such purpose as aforesaid, and also any mine (on land or in or under water), torpedo, or torpedo-boat, and any guns, arms, weapons, or warlike implements or machinery of any kind used, placed, or being in any such fort, battery, field-work, fortification, vessel, torpedo-boat, mine, place, or erection as aforesaid:

“Document” includes part of a document:

“Model” includes design, pattern, and specimen:

“Office under His Majesty” includes any office or employment in New Zealand in or under any Department of the Government of the United Kingdom, or in or under any Department of the Government of New Zealand:

“Sketch” includes any drawing, photograph, or other mode of representation of any place or thing:

Any reference to a place belonging to His Majesty includes a place in New Zealand belonging to any Department of the Government of the United Kingdom or of New Zealand, whether such place is or is not actually vested in His Majesty:

Expressions referring to communications include any communication, whether in whole or in part, and whether the document, sketch, plan, or information itself, or the substance or effect thereof only, is communicated.

Breach of Act or
regulations
punishable by fine.

62. Every person who commits any breach of this Act for which no other penalty is imposed by this Act or by regulations hereunder is liable to a fine not exceeding ten pounds for each such offence, but this shall not prevent his being indicted and punished for any greater offence, if such appears to have been committed.

Continuing liability.

63. Any fine duly imposed under regulations shall not in any way be released or invalidated by reason of the person on whom such fine is imposed quitting the branch of the Forces to which he belonged.

Recovery of fines.

64. All fines under this Act shall be recoverable in a summary way, as provided by the Justices of the Peace Act, 1908, as follows:—

(a.) Before one Justice if the amount does not exceed five pounds :

(b.) Before two Justices if the amount exceeds that sum.

65. (1.) In all proceedings under this Act the commanding officer, or the commanding officer of any corps, may appear in any Court or before any Justice by any officer or non-commissioned officer of such corps, or any member of the Permanent Staff, or by a solicitor authorised in writing under the hand of such commanding officer.

Commanding officer
may appear by
solicitor, &c.

(2.) The production of a writing purporting to be signed by such commanding officer shall be *prima facie* evidence that the same has been so signed.

(3.) Any member of any corps in the Forces shall be a competent witness in any such proceedings, although the fine may be applied for the benefit of the corps to which he belongs.

66. All fines imposed under this Act, or under any regulations under this Act, shall, when recovered, be paid and applied as follows :—

Application of fines.

(a.) If imposed in respect of the breach of this Act or the regulations thereunder by any member of the Permanent Force, they shall be paid to the Public Trustee, to be placed to the credit of an account to be called the "Permanent Force Reward Fund," which (together with the moneys which on the commencement of this Act are standing to the credit of the Permanent Militia Reward Fund) shall be applied for the benefit of the Permanent Force in such manner and at such times as the Governor directs :

Provided that all rewards given for special services shall be paid at once to the persons entitled to receive the same.

(b.) If imposed under section fifty-nine hereof, one moiety of each fine shall be paid to the informer or complainant, and the residue shall be paid into the Public Account and form part of the Consolidated Fund.

(c.) Excepting as aforesaid, all fines recovered under this Act shall be paid into the Public Account and form part of the Consolidated Fund.

PART VIII.

COURTS OF INQUIRY AND COURTS-MARTIAL.

67. (1.) The Commander-in-Chief, the Council of Defence, or the Commandant in any case, and any officer commanding a district in cases arising within his district, may from time to time summon commissioned officers of the Defence Forces under their command to form a Court of Inquiry, consisting of not less than three such officers, of whom the senior officer present shall be the President, to inquire into any matter relating to Government property which in the opinion of the Minister requires investigation, or to examine into the truth of any charge or complaint preferred against any officer, non-commissioned officer, or any other member of the Defence Forces :

Constitution of
Court of Inquiry.

Provided that no officer except those on the Permanent Staff or in the Permanent Force shall sit on a Court of Inquiry dealing with a charge or complaint relating solely to the Permanent Force, and no officer in the Territorial Force shall sit on a Court dealing with a charge or complaint relating solely to the Militia.

How summoned.

(2.) The Court shall be summoned by delivering to each member thereof a summons in the prescribed form.

(3.) Every summons shall be delivered personally to the officer summoned at least twenty-four hours before the time appointed for the meeting of the Court.

(4.) No officer shall be compelled to attend as a member of any Court when the place of meeting is distant more than twenty miles from his usual place of residence.

(5.) No officer who has conducted or held a preliminary inquiry as to any charge or complaint preferred against an officer, non-commissioned officer, or member of the Defence Forces shall sit as President or member of a Court of Inquiry dealing with the same charge or complaint.

(6.) If the Court is appointed to inquire into the conduct of an officer of the Defence Forces, every member of the Court shall be of equal or superior rank to the officer whose conduct is to be inquired into, and one member at least shall be of superior rank.

Neglecting to attend Court.

(7.) Subject as aforesaid, if any officer of the Defence Forces, being duly summoned, refuses or neglects to attend at the time and place named in such summons for the meeting of the Court, his commission may be cancelled.

Witnesses to be sworn.

68. (1.) All Courts of Inquiry so constituted shall have power and authority, and are hereby required, to administer an oath to every witness or other person examined before such Court in any matter relating to any proceeding before the same.

(2.) All persons who may be required to give or produce evidence, whether on behalf of the prosecution or of the person charged, shall be summoned by the President or any member of the Court.

Refusal to attend or give evidence.

(3.) Every person who, being duly summoned, does not attend the Court, or refuses to be sworn, or to give evidence, or to answer all such questions as the Court may legally demand of him, is liable to the same pains and penalties as if the proceedings were an action in the Magistrate's Court.

Proceedings when officer charged.

69. Where a charge or complaint is preferred against any commissioned officer of the Defence Forces, such officer may be placed under arrest by the senior officer present, and such charge or complaint shall, with all convenient speed, be heard before a Court of Inquiry constituted as hereinbefore provided.

In certain cases Court only to take evidence and report.

70. The duties of every Court of Inquiry shall be confined to taking evidence on oath and reporting thereon, and such report and evidence shall forthwith be forwarded by the President of the Court to the commanding officer for transmission to the Minister, who shall submit the same to the Governor for his decision.

Remuneration of members of Court and witnesses.

71. All officers comprising a Court as hereinbefore constituted shall, if they are not at the time in receipt of regular pay from the Government, be paid for their services at the rate of one pound one shilling for each day or part of a day during which they respectively

sit as members of such Court; and all witnesses duly summoned shall be entitled to the same fees and privileges as if they had been duly subpoenaed to attend on the trial of any action in the Magistrate's Court.

72. (1.) When any portion of the Forces is called out for actual service, or is in any camp of exercise, and as regards such portion only, the Governor may— Courts-martial.

(a.) Convene General Courts-martial and confirm the sentences thereof;

(b.) Issue his warrant to any officer not under the rank of a Lieutenant-Colonel to convene General Courts-martial, and to confirm the sentences thereof, except in the case of officers and death sentences, or simply to convene such General Courts-martial; and

(c.) Issue his warrant to officers commanding districts to convene and confirm District Courts-martial.

(2.) The Governor may from time to time fix the number of officers of which General Courts-martial, District Courts-martial, and Regimental Courts-martial respectively shall consist, and any such Courts-martial shall respectively consist of the number of officers so fixed.

(3.) Officers in any branch of the Defence Forces may sit together on any Court-martial; and such Court-martial may consist of officers chosen from any one or more of such Forces.

(4.) The provisions of the Army Act relating to Courts-martial shall apply to all Courts-martial convened under the authority of the Governor, and to all proceedings by such Courts, in the same manner, so far as applicable, as such provisions apply to Courts-martial convened by any officer of His Majesty's army authorised to convene Courts-martial.

(5.) No Court-martial or other authority under this Act shall order the infliction of corporal punishment, except death or imprisonment, on any officer or member of any portion of the Defence Forces.

PART IX.

MILITARY PENSIONS.

73. In this Part of this Act, if not inconsistent with the context,— Interpretation

“Board” means the Medical Board appointed under this Part:

“New Zealand Forces” includes all officers, non-commissioned officers, and privates enrolled by and serving under the New Zealand Government:

“Officer” means an officer holding a commission in the New Zealand Forces under the Public Seal of New Zealand.

74. (1.) The Governor may from time to time appoint a Board, Medical Board. consisting of not less than three duly qualified medical practitioners, whose duty it shall be to inquire into every claim for a pension, gratuity, or allowance under this Act, and to report thereon to the Governor.

Remuneration of Board.

(2.) No such pension, gratuity, or allowance shall be granted except on the unanimous recommendation of the Board.

(3.) Medical officers comprising the Board shall, if they are not at the time being in the receipt of consecutive pay from the New Zealand Government, be entitled to a remuneration of one pound one shilling for each day or part of a day during which they respectively sit as members of such Board.

Pensions and allowances.

Pensions and Allowances to Officers and Men.

75. There shall be paid out of the Consolidated Fund pensions and allowances, as hereinafter specified, to officers, non-commissioned officers, and privates of the New Zealand Forces who are wounded in action or injured in the actual performance of military duty whilst on active service :—

(a.) In respect of officers :—

(i.) If an officer receives a wound as aforesaid occasioning the loss of an eye or a limb, or the total loss of the use of a limb, or receives bodily injury as aforesaid fully equal to the loss of a limb, he may be eligible to receive a gratuity in money of one year's full pay of the regimental rank or staff appointment held by him at the time he was wounded or injured :

(ii.) If an officer is wounded or injured as aforesaid, and it appears upon examination by the Board that he has in consequence of his wound lost an eye or a limb, or has totally lost the use of a limb, or that he has sustained a severe injury fully equal in every respect to the loss of a limb, he shall be entitled to a pension not exceeding the rate set out in Part I of the First Schedule hereto, according to the rank held by him when he was wounded or injured, and commencing one year after the wound or injury was received, the continuance of which pension shall depend upon subsequent examination before the Board :

(iii.) If the officer has lost more than one eye or limb the amount of the pension may be increased by not more than one-half the aforesaid rate :

(iv.) If such wound or injury is so severe in its permanent effects as to be nearly equal but not fully equal to the loss of a limb, the officer may be recommended for a gratuity of eighteen months' full pay of his regimental rank or staff appointment held by him when wounded or injured, in which case no pension shall at any subsequent time be granted to him :

(v.) If such wound or injury is certified to be severe and dangerous, but in its permanent effects not equal to the loss of a limb, the officer may, in consideration of the expense attending the cure thereof, receive a gratuity varying according to the nature of the case from three to twelve months' full pay of the regimental rank or staff appointment held by him at the time he was wounded or injured :

(vi.) If an officer has held a pension for a wound or injury for a term of five years, and has been examined twice at the least before the Board, he may be recommended for the permanent continuance of such pension; but if before the expiration of the term of five years he has so far recovered that his wound or injury is not fully equal to the loss of a limb, then he shall cease to receive such pension, and shall receive a gratuity as aforesaid according to the degree of his injury:

(vii.) If the officer does not apply for a pension within five years after the wound or injury was received, or if on his applying therefor the wound or injury is not proved to be fully and permanently equal to the loss of a limb, his claim to a pension shall not at any subsequent period be entertained:

(viii.) No gratuity or allowance for any wound or injury shall be granted after the lapse of five years from the time the wound or injury was received:

(ix.) No pension for the loss of one eye from a wound or injury shall be granted unless the actual loss of vision occurred within five years after the wound or injury was received, and is solely attributable to such wound or injury:

(x.) As a general rule the pension shall be granted according to regimental rank, but in cases where officers with brevet rank were employed at the time they were wounded or injured in discharge of duties superior to those attached to their regimental commissions the pensions shall be given according to the brevet rank.

(b.) In respect of non-commissioned officers and privates:—

(xi.) Pensions for wounds received in action or injuries received in the actual performance of military duty whilst on active service shall be granted according to the scales set out in Part II of the First Schedule hereto, and such pensions may be either permanent or temporary, according to the circumstances of the case and the report of the Board:

(xii.) In special cases, where it is considered more advantageous to the grantee that instead of a pension there should be given to him a gratuity in money proportioned to the rate and duration of the pension that would otherwise have been awarded, a sum varying from one pound to thirty pounds may be allowed at the discretion of the Governor.

Pensions to Widows.

76. (1.) Subject to the limitations and restrictions hereinafter provided, pensions in accordance with the scale set out in Part III of the First Schedule hereto may be given to the widows of officers, non-commissioned officers, and privates of the New Zealand Forces in the following cases:—

Pensions to widows.

(a.) If the deceased was killed in action, or died of his wounds within twelve months after being wounded, then in either of those cases, but in those only, the special pension fixed in the first column of the said scale may be allowed.

(b.) The special pension fixed in the second column of the said scale may be allowed if the deceased died from illness brought on by the fatigue, privation, and exposure incident to active operations in the field before an enemy within twelve months after his having first been removed from duty on account of such illness, provided the illness is certified to have commenced during and as the result of active operations, or, if he died in consequence of injuries received in the performance of military duty otherwise than in action, within twelve months after having been injured.

(2.) Pensions to widows are to be granted as rewards for good and faithful military services rendered by their deceased husbands, and cannot be claimed as of right; they are to be conferred on deserving persons only, and may be discontinued in case of any misconduct on the part of the pensioner; they are not to be granted to widows in wealthy circumstances.

(3.) Where a widow receiving any such pension marries again, and as often as she remarries, her pension shall be suspended from the date of her remarriage; but in the event of her again becoming a widow, the pension may be restored upon proof that she is not in wealthy circumstances and is otherwise deserving.

Claim of widow.

77. (1.) A widow's pension shall in general commence from the date of her husband's death, but her claim must be established by the production of satisfactory documents in support thereof within one year after the death.

(2.) Where a widow dies without having established her claim to a pension, the amount of pension to which she might have been entitled if living shall not be allowed to her representatives.

Pension to be according to regimental rank of husband.

78. Pensions to widows of staff, regimental, and medical officers shall be given according to the regimental or staff commission by which any such officer received pay, and not according to his brevet rank (if any).

Special Allowances to Relatives.

Gratuities to widow and children.

79. If an officer, non-commissioned officer, or private is killed in action or dies of his wounds, as mentioned in paragraph (a) of section seventy-six hereof, and leaves a widow or children or both, a gratuity of one year's pay of the regimental commission held by him may be given to his widow in addition to her pension, and one-third of the amount of such gratuity to each of his children under age and unmarried.

Allowance to mother.

80. (1.) If such officer, non-commissioned officer, or private leaves no widow or child, an annual allowance, as specified in the third column of the aforesaid scale, may be granted to his mother, provided she is a widow and in distressed circumstances and was mainly dependent upon the deceased for support; but if the mother

is herself in receipt of a pension from the Government, or has any other provision of any kind from the public, no allowance under this section shall be made to her on account of her son unless she relinquishes such pension or provision; and in the event of her re-marrying, any allowance that may have been granted to her shall cease.

(2.) The aforesaid annual allowance shall be payable to the mother who is not a widow in any case where her husband is incapable through infirmity or incapacity of earning his livelihood and she is otherwise lawfully entitled to the allowance.

81. If such officer, non-commissioned officer, or private has left no widow, child, or mother, but has left a sister or sisters having no parent or surviving brother and having been dependent for support upon the deceased officer, non-commissioned officer, or private, an annual allowance, as specified in the aforesaid third column, may be granted to such sister, or to such sisters collectively, under extraordinary and special circumstances to be judged of by the Governor; but the allowance in such case shall cease when the person receiving it marries, or is in any other manner sufficiently provided for.

82. (1.) Annual allowances, as specified in the fourth and fifth columns of the aforesaid scale, may be given to the children in those cases in which the widow would be entitled to a pension if it is shown that the children have no other allowance, pension, or provision from the Government, and that the pecuniary circumstances of themselves and their families are so limited that they actually require assistance.

(2.) The fourth column shall apply where the father was killed in action or died of wounds as mentioned in paragraph (a) of section seventy-six hereof, and the fifth column where he died from illness or injuries as mentioned in paragraph (b) of that section.

83. The allowances granted to sons may be continued until they attain the age of eighteen, or are otherwise provided for before attaining that age, and those to the daughters may be continued until they marry or attain the age of twenty-one, whichever first happens, and no longer, except in very special cases in which it is shown that such sons or daughters are afflicted with any mental or bodily infirmity rendering them incapable of making any exertion for their own support, and that they are still in distressed circumstances.

84. The aggregate amount of the foregoing allowances granted to the family of any officer, non-commissioned officer, or private (including the widow's pension, if he leaves a widow) shall in no case exceed the rates specified in the scale set out in Part III of the First Schedule hereto.

General Provisions.

85. All pensions, allowances, and gratuities granted under this Act shall be exempt from seizure in execution and from distress and assessment.

86. Every pension, allowance, and gratuity under this Act shall be granted by the Governor; and every such pension and allowance shall be deemed to commence from such date as the Governor determines.

PART X.

GENERAL PROVISIONS.

Ammunition-supply.

Governor may enter into contracts for manufacture or supply of ammunition.

87. (1.) Subject to any existing contract, the Governor may establish and maintain arms and ammunition factories, or may from time to time enter into contracts with any person or company in New Zealand or elsewhere for the manufacture and supply or for the supply of ammunition for the Defence Forces of New Zealand, at such prices and subject to such conditions, restrictions, and provisions as the Governor thinks fit; and with respect to every such contract the following provisions shall apply:—

- (a.) The term of the contract may be any period not exceeding five years.
- (b.) For the purpose of insuring continuity of supply the Governor may at any time during the last year of the term of the contract enter into a fresh contract with the same or any other contractor for a further term not exceeding five years, and this power may be exercised in the case of every such fresh contract and as often as the occasion arises.
- (c.) In connection with and for the purposes of the contract the Governor may from time to time grant to the contractor as a site for his works a lease of any area of Crown lands not exceeding ten acres, at such rent and on such terms and conditions as the Governor thinks fit.
- (d.) All moneys payable by the Crown under the contract shall be payable out of moneys appropriated by Parliament.
- (e.) A copy of every such contract and of every such lease shall be laid before Parliament within twenty-one days after the execution thereof if Parliament is then in session, or if not, then within twenty-one days after the commencement of the next ensuing session.

Crown may purchase works.

(2.) The contract may provide that the Governor on behalf of the Crown may purchase the works, plant, and stock-in-trade of the contractor in New Zealand as a going concern, at a price to be fixed by valuation in manner specified in the contract.

Training-grounds, Rifle Ranges, &c.

Governor may set apart land for purposes of this Act.

88. The Governor may from time to time set apart any Crown land for permanent training-grounds, or for rifle or artillery practice, or for the erection of drill-sheds or other buildings necessary for military purposes, or for the erection of butts, ranges, and other accommodation for the use of the Defence Forces; or he may take, purchase, lease, or otherwise acquire land or any easement in land for any such purpose.

Foreign Troops.

Landing soldiers or sailors from foreign warships.

89. The Governor may from time to time make regulations prescribing the conditions under which soldiers or sailors from foreign warships may be permitted to land in New Zealand.

Arms and Appointments, &c.

90. All arms and appointments supplied by the Government to the Defence Forces shall remain the property of the Government, and may be withdrawn at any time by order of the Council of Defence.

Arms, &c., property of Government.

91. The horses, arms, and appointments, including uniform, used by every member of the Defence Forces while serving in any portion of the Forces in discharge of his duty as such member shall be exempt from seizure in execution, and from distress and assessment of every kind.

Arms, &c., not distrainable.

Miscellaneous.

92. (1.) Nothing in this Act shall require any person to bear arms or perform or undergo military service or training if the doctrines of his religion forbid him to do so, but every such person shall be liable to perform as an equivalent to such service and training such non-combatant duties as are prescribed by the Governor in Council.

Exemption on ground of religious objections.

(2.) The burden of proving exemption under this section shall rest on the person claiming exemption.

93. The canteen at any encampment shall be under the control and sole direction of the officer in command of the encampment, and no intoxicating liquor shall be sold or supplied at any such canteen to any person.

Control of canteens.

94. (1.) No action or prosecution against any officer, non-commissioned officer, or other member of the Forces, or of any branch thereof, for anything done or purporting to be done in pursuance of this Act shall be commenced after the expiration of three months from the doing of such act, nor unless notice in writing of the action and of the cause thereof has been first given to the defendant.

Limitation of actions.

(2.) In any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at the trial, and no plaintiff shall recover in any such action if a tender of sufficient amends was made before action brought, or if a sufficient sum of money is paid into Court by the defendant after action brought.

(3.) If in any such action a verdict is given for the defendant, or if the plaintiff becomes nonsuited or discontinues the action, or if judgment is given against the plaintiff, the defendant shall recover his full costs as between solicitor and client, and shall have the same remedy therefor as any defendant has in other cases; and though a verdict is given for the plaintiff, he shall not recover costs against the defendant unless the Judge certifies his approval of the action and verdict therein.

Costs.

95. Every person appointed to the office of paymaster of the Forces or of any branch thereof shall, before entering upon the duties of his office, give security to His Majesty in such manner and for such amount as the Minister of Finance directs, for the faithful accounting for and due application of all public moneys that come to his hands, and for the due and faithful execution of all other duties of his office.

Paymaster to find security.

96. All Proclamations, Orders in Council, Warrants, and General Orders relating to the Defence Forces shall be deemed to be sufficiently notified to all persons whom they may concern

General Orders, &c., sufficiently notified when published in Gazette.

by being gazetted ; and the production of a copy of the *Gazette* purporting to contain any such Proclamation, Order in Council, Warrant, or General Order shall be conclusive evidence of the making, publication, and contents thereof, and of the date of such *Gazette*.

Orders authorised
by Act, how
promulgated.

97. All orders relating to any particular branch of the Defence Forces given under the authority of or in execution of this Act by the Commander-in-Chief, or by any officer of the said Forces, shall be valid and effectual if given verbally on parade, or by advertisement in a newspaper circulating in the district, or by a printed or written notice affixed at a place previously appointed for that purpose, or issued in any other manner customary in His Majesty's military service, unless in cases where this Act specially requires any such order to be in writing

Orders by officer
commanding
district, &c., how
promulgated.

98. All orders made by the officer commanding any district, battalion, troop, battery, company, corps, or other division shall be deemed to be sufficiently notified to all persons whom they may concern on being advertised in some newspaper circulating in the district where the persons to be thereby affected reside, or on copies thereof being posted at the drill-shed or other usual place of muster for such persons, or on being publicly read on parade.

Evidence of such
order.

99. The production of an order in writing purporting to be made according to the provisions of this Act shall be *prima facie* evidence of such order without proving the signature thereto or the authority of the person making such order.

Exemption from
tolls, &c.

100. (1.) Any duty or toll leviable at any pier, wharf, quay, landing-place, ferry, or bridge, or at any turnpike gate or bar, or at any other gate or bar on a public road, shall not be demanded or taken for—

- (a.) Any officer, non-commissioned officer, or other member of the Forces being on march or duty, or going to or returning from the place appointed for and on the day for exercise, inspection, review, or other public duty, and being in uniform :
- (b.) Any horse when ridden or used by any such officer, non-commissioned officer, or other member, on march or duty, or going or returning as aforesaid :
- (c.) Any cart, wagon, or carriage, public or private, employed only in carrying or conveying any such officer, non-commissioned officer, or other member, being on march or duty, or going or returning as aforesaid, and being in uniform, with or without any conductor or driver of such cart, wagon, or carriage, or domestic servant of such officer, non-commissioned officer, or other member :
- (d.) Any cart, wagon, or carriage, public or private, employed only in carrying or conveying or returning empty from carrying or conveying, having been employed only in carrying or conveying any arms or baggage of any such officer, non-commissioned officer, or other member, being on march or duty, or going to or returning from the place appointed for exercise, inspection, review, or other public duty, or any provisions or military stores belonging to or for the use of, or any gun belonging to or used by, the Forces, or any part thereof :

(e.) Any horse or other animal drawing any such cart, wagon, or carriage as aforesaid, or any artillery.

(2.) Every person is liable to a fine not exceeding five pounds who—

(a.) Knowingly demands or takes any duty or toll in contravention of this section; or

(b.) Makes any false representation respecting himself or any other person, or any animal or thing, with intent to obtain for himself or otherwise, or fraudulently obtain for himself or otherwise, any exemption under this section.

101. All members of the Defence Forces, with the exception of members of Defence rifle clubs, shall be exempt from serving on any jury. Exemption from serving on juries.

102. The enactments mentioned in the Second Schedule hereto are hereby repealed: Provided that notwithstanding such repeal— Repeals.

(a.) All districts, offices, appointments, commissions, Proclamations, Orders in Council, regulations, orders, warrants, contracts, and instruments subsisting or in force on the coming into operation of this Act shall continue for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated; but so that in the case of current appointments, engagements, or contracts for specified terms each such term shall be computed from the date of its commencement. Savings.

(b.) All pensions and allowances granted under any of the said enactments, and subsisting on the coming into operation of this Act, shall be deemed to have been granted under this Act, and the provisions of this Act shall apply to them accordingly; subject, however, in each case to the provisions of the enactments in force when they were actually granted.

(c.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

PART I.—RATE OF PENSION TO OFFICERS UNDER SECTION 75 (a).

Section 75 (a).

Rank.	Amount of Annual Pension to be specially considered. £
Colonel	250
Lieutenant-Colonel	200
Major	150
Captain	100
Surgeon	75
Lieutenant	
Assistant Surgeon	
Second Lieutenant	

FIRST SCHEDULE—*continued.*

Section 75 (b).

PART II.—RATE OF PENSION TO NON-COMMISSIONED OFFICERS AND PRIVATES UNDER SECTION 75 (b).

Rank.	First Degree.		Second Degree.	Third Degree.	
	Men losing two limbs or both eyes from wounds or injuries, or being so severely wounded or injured as to be totally incapable of earning a livelihood and to require the assistance and care of some other person.		Men rendered incapable by wounds or injuries of earning a livelihood but not requiring the aid of another person.	Men able to contribute towards earning a livelihood, but rendered by wounds or injuries unfit for the ordinary duties of a soldier.	
	From s. d.	To s. d.	s. d.	From s. d.	To s. d.
Sergeant	2 6	4 0	3 0	1 3	2 8 per day.
Corporal	1 10	3 4	2 6	1 0	2 3 "
Private	1 6	3 0	2 2	0 8	2 0 "

Section 76, 84.

PART III.—ALLOWANCES TO WIDOWS AND RELATIVES.

Rank.	Widows' Pensions.		Allowance to the Mother under Section 80, or Sister under Section 81.	Allowance to Children under Section 82.	
	To Widows, under Section 76 (a).	To Widows, under Section 76 (b).		In Cases under Section 76 (a).	In Cases under Section 76 (b).
Colonels... ..	£ 150	£ 120	£ 80	£ 18 to 25	£ 16 to 20 per year.
Lieutenant-Colonels	120	90	70	16 " 20	14 " 17 " "
Majors	80	65	50	12 " 16	10 " 14 " "
Captains	60	50	40	8 " 14	6 " 12 " "
Surgeons	46	40	36	8 " 14	6 " 12 " "
Lieutenants	36	30	26	6 " 10	4 " 8 " "
Assistant Surgeons					
Second Lieutenants					
Non-commissioned officers and privates					

Section 102.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

1908, No. 41.—The Defence Act, 1908: Except sections 56 to 102.

1908, No. 119.—The Military Pensions Act, 1908.

1908, No. 135.—The Official and Defence Secrets Act, 1908.

1908, No. 234.—The Defence Amendment Act, 1908.