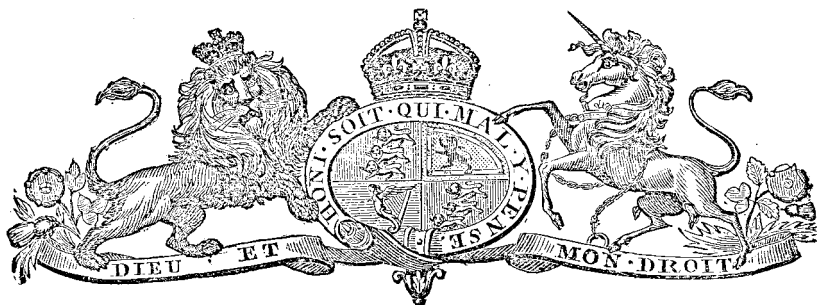


No. 1 of 1906.



In the name of His Majesty, EDWARD VII., of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Emperor of India, &c., &c., &c.

KING'S REGULATION

(Made by His Majesty's High Commissioner for the Western Pacific, in accordance with the provisions of the Pacific Order in Council, 1893.)

TO ESTABLISH A VOLUNTEER RESERVE IN FANNING ISLAND.

[L.S.] EVERARD IM THURN.

Interpretation.

IN this Regulation the words—

“Volunteer Reserve” or “Reserve” shall mean the Defence Force established by this Regulation.

“High Commissioner” shall mean the High Commissioner for the Western Pacific, or any person duly authorised to act in that capacity.

“Deputy Commissioner” shall mean the Deputy Commissioner for the Western Pacific resident in Fanning Island, or any person duly authorised to act in that capacity, or, in the event of the death, incapacity, or absence of both, the person for the time being acting as Superintendent of the Cable Station.

“Officer”

- “Officer” shall mean any person appointed as such, or otherwise invested with command as such under section 18 hereof.
- “Actual service” shall mean service under military law by virtue of a Proclamation under section 13 hereof.
- “Appointments” include accoutrements and equipments of every kind other than clothing.
- “Army Act” shall mean the Army Act 44 and 45 Vict. c. 58, and includes all Acts amending or substituted for the same.
- “Cable Station” or “Cable” shall mean the telegraph cable and station, buildings, machinery, and appliances of the Pacific Cable Board in Fanning Island.

I.—*Constitution of Volunteer Reserve.*

1. It shall be lawful for the High Commissioner for the Western Pacific, on behalf of His Majesty, to accept the services of such members of the staff of the Pacific Cable Board serving on Fanning Island, and of such other persons residing on the same island as may desire to join the Volunteer Reserve and offer their services to His Majesty. Provided that it shall not be obligatory on the High Commissioner to accept the services of any person.
- President. 2. There shall be a President of the Volunteer Reserve, who shall be the person for the time being acting as Superintendent of the Cable Station.
- Enrolment. 3. Every member of the Reserve upon joining the same shall—
- Engagement. (a) Sign an engagement in the form given in Schedule (A) to this Regulation, or to the like effect; and
- Oath. (b) Take the oath or make the declaration set forth in Schedules (B) and (C) hereto, to be administered by a Deputy Commissioner.
- Arms. 4. For the use of the Reserve such number of rifles and their appointments as the High Commissioner may direct shall be issued to the President of the Reserve on loan, and such President shall be responsible to the High Commissioner for such arms and appointments.
- Ammunition. 5. There shall be issued to the President in respect of each rifle supplied such number of rounds of ammunition as the High Commissioner may direct. Provided that a quantity of not less than 200 rounds per rifle, in good condition, shall always be maintained in store in the island as a war reserve.
- Uniform. 6. The uniform or distinctive badges worn by the members of the Reserve shall be such as the High Commissioner may direct.
- Inspections. 7. Inspections of the Reserve shall be held by such officers and at such periods as the High Commissioner may direct.
- Rules for management of Reserve. 8. The members of the Reserve may from time to time make Rules for the management of the property, finances, and civil affairs of the Reserve, and may alter or repeal any such Rules; but any such Rules shall not have effect unless and until the President of the Reserve thinks fit to submit the same for the approval of the High Commissioner, and such approval is notified to the President, to be by him forthwith communicated to the Reserve.
- Expulsion. 9. The President of the Reserve may, subject to appeal to the High Commissioner, discharge from the Reserve any member for misconduct as a member of the Reserve, or for other sufficient cause, the sufficiency of such cause to be judged of by the President, and strike him off the strength, and the member so discharged shall be liable to deliver up in good order, fair wear and tear only excepted, all arms, ammunition,

ammunition, clothing, and appointments being public property that may have been issued to him. Provided that any member who feels aggrieved by such discharge may appeal to the High Commissioner, and the High Commissioner may cancel or confirm such discharge or give such other directions with reference thereto as to him may seem just and proper.

10. Any member of the Reserve may, except when on actual service, quit such Reserve, on complying with the following conditions:—

- (a) Giving to the President of the Reserve notice in writing of his intention to quit the Reserve; or, if he is a member of the Pacific Cable Board Staff, on leaving the island by reason of transfer to another station or otherwise.
- (b) Delivering up in good order, fair wear and tear only excepted, all arms, ammunition, clothing, and appointments being public property issued to him; and thereupon he shall be struck off the strength by the President.

11. The High Commissioner may by Proclamation disband or discontinue the services of the Reserve whenever it may seem expedient to him to do so, and may give such directions as shall be necessary for carrying any such Proclamation into effect.

12. (1) The High Commissioner may make such subsidiary Regulations consistent with the provisions of this Regulation as he shall deem proper—

- (a) Regulating the mode of enrolment.
- (b) Regulating mustering, instruction, rifle practice, and inspections.
- (c) Regarding the storing and issuing of arms, ammunition, and uniform.
- (d) Regarding targets, butts, and shooting-ranges.
- (e) For giving proper and better effect to the provisions of this Regulation.

(2) A copy of every such Regulation shall be furnished to every member of the Reserve.

II.—*Actual Service.*

13. In the event of any actual or apprehended invasion or attack on the cable station or cable, or of civil disturbance threatening the security of life or property, the High Commissioner, or, in case of sudden emergency not permitting of prior communication with the High Commissioner, the Deputy Commissioner, may by Proclamation call out the Reserve for actual service.

14. Whenever the Reserve is so called out every member thereof shall attend at once in obedience to the call at such time and place as may be directed by such Proclamation, and from the time of the Reserve being so called out shall, for the purposes of this Regulation, be deemed on actual service.

15. Every member of the Reserve who, unless for good and sufficient cause, refuses or neglects to obey the call, shall be liable, on summary conviction, to pay a fine not exceeding fifty pounds, or to be imprisoned for any term not exceeding twelve months.

16. The period for such service as aforesaid shall continue until determined by order of the High Commissioner. Provided that, if the High Commissioner shall be unable from any cause to communicate with persons on Fanning Island and the Deputy Commissioner shall

be

be of opinion that the necessity for keeping the Reserve called out for actual service no longer exists, an order determining such service may be made by the Deputy Commissioner.

Limitation of service.

17. Nothing in this Regulation contained shall render any member of the Reserve liable to serve or proceed on duty, without his consent, beyond the limits of Fanning Island.

Military command.

18. The High Commissioner may appoint persons to be officers in the Reserve when called out for actual service, and may make subsidiary Regulations as to the persons to be invested as officers, or otherwise, with command over the Reserve when so called out, or any person belonging thereto. Provided that no person shall be appointed as an Officer unless he is a British subject. Provided also that if no person shall have been appointed or invested with command as an officer when the Reserve is so called out, the Deputy Commissioner, or, in the event of his death, incapacity, or absence, the person for the time being acting as Superintendent of the Cable Station, shall be invested with command as an officer, and shall rank as a lieutenant in the Reserve.

Application of Army Act.

19. With respect to the discipline of members of the Reserve when they are on actual service, the provisions of the Army Act, so far as applicable, shall apply with the following modifications:—

Application of terms.

(a) The words "Volunteer Reserve" may be read therein for the words "regular forces," the words "member of the Volunteer Reserve" for the word "soldier," and the words "High Commissioner" for the words "His Majesty" and "Secretary of State";

Death penalty not to be inflicted.

(b) No member of the Volunteer Reserve shall for any offence against the Army Act be subject to the penalty of death, or to any longer term of imprisonment than five years;

Substitution of imprisonment.

(c) Any person who, but for the last foregoing provision, would be subject to the penalty of death, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding five years;

Courts-martial.

(d) No sentence of a Court-martial upon a trial of a member of the Reserve shall be carried into execution unless confirmed by the High Commissioner; and

Pay.

(e) Such other modifications consistent with this part of this Regulation as the High Commissioner may determine.

20. All members of the Reserve when called out for actual service shall be entitled to such pay as may be determined by the High Commissioner.

Power of Commanding Officer to impress men, &c.

21. The Commanding Officer of the Reserve may, when the Reserve is called out for actual service, impress men, horses, mules, donkeys, oxen, carriages, waggons, carts, riding and driving gear, and boats and their accessories, as the service may require.

Wilful injury to butts or targets.

22. If any person wilfully commits any damage to any butt or target or any other article in lawful use by the Reserve, he shall, on the prosecution of the President, be liable on summary conviction to a penalty not exceeding five pounds.

Wrongful detention or disposal of arms, &c.

23. All arms, ammunition, clothing, appointments, or any article whatsoever issued to any member of the Reserve shall be and remain the property of His Majesty's Government, and shall be produced, exhibited, and delivered to any person authorised by the High Commissioner to inspect or receive the same.

Destruction or damage of articles issued to Reserve.

24. If any person designedly makes away with, sells, pawns, or wilfully destroys or damages or negligently loses anything issued to a member

member of the Reserve, or refuses or neglects when lawfully required to produce, exhibit, or deliver on demand anything which he is liable under this Regulation or the rules or regulations made under this Regulation, to produce, exhibit, or deliver the value thereof shall be recoverable from him by the President, and he shall also for every such offence be liable on summary conviction to a fine not exceeding five pounds. Penalty.

25. Whoever knowingly buys, or takes in exchange or in pawn, from any member of the Reserve or person acting on his behalf, or solicits or entices any member of the Reserve to sell or pawn, or knowingly assists or acts for any member of the Reserve in selling or pawning, or has in his possession or keeping without satisfactorily accounting for, any arms, ammunition, clothing, appointments, or necessaries being public property, shall be liable on summary conviction to a fine not exceeding five pounds for every such offence. Buying or taking arms, &c., from members of the Reserve.

26. In all proceedings under this Regulation before a Deputy Commissioner the President may appear by any person authorised by him in that behalf by writing under his hand. Proceedings under the Regulation.

27. No action shall lie against any member of the Reserve, nor shall he be subject to any penalty or punishment, for any act or thing done by him while on actual service; provided that the act or thing was done in pursuance of a lawful command given to him by the High Commissioner or a Deputy Commissioner or his Commanding Officer, or in defence of his post or person or otherwise in the lawful performance of his duty. Immunities of members of the Reserve when on actual service.

28. This Regulation may be cited as "The Fanning Island (Volunteer Reserve) Regulation, 1906." Short title.

29. "The Fanning Island (Volunteer Reserve) Regulation 1905" is hereby repealed and the Defence force established in pursuance thereof shall be and is hereby declared to be disbanded. Repeal of Regulation No. 2 of 1905.

SCHEDULES.

SCHEDULE (A).

Engagement to be signed by member of the Volunteer Reserve.

I [insert name] hereby engage myself to serve in the Fanning Island Volunteer Reserve, subject to the provisions of "The Fanning Island (Volunteer Reserve) Regulation 1906," of any regulations amending the same, and the regulations and standing orders thereunder in force.

(Signature.)

Before me :

(Signed)

, Deputy Commissioner.

Dated at , this day of , 190 .

SCHEDULE (B).

Oath to be taken by member of the Volunteer Reserve.

I [insert name] do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King Edward VII., His heirs and successors, according to law, and that I will faithfully serve in the Fanning Island Volunteer Reserve according to the conditions of my service.

So help me God!

Before me :

(Signed)

, Deputy Commissioner.

Dated at , this day of , 190 .

SCHEDULE (C).

Declaration to be made by member of the Volunteer Reserve.

I [insert name] do solemnly, sincerely, and truly declare that I will be faithful and bear true allegiance to His Majesty King Edward VII., His heirs and successors, according to law, and that I will faithfully serve in the Fanning Island Volunteer Reserve according to the conditions of my service.

Before me :

(Signed)

, Deputy Commissioner.

Dated at , this day of 190 .

Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this twenty-second day of February one thousand nine hundred and six.

By Command,

R. S. D. RANKINE,
Acting Secretary, Western Pacific High Commission.