



1854.

No. 2.

*An Act to organize and establish a Volunteer Military Force
in South Australia.*

[Assented to, September 14, 1854.]

WHEREAS it is expedient to provide for the internal defence of the Province of South Australia by means of the organization, equipment, and training of a Volunteer Military Force from among the inhabitants thereof, and to authorize the raising of the same for the purpose aforesaid—Be it Enacted by the Lieutenant-Governor of South Australia, with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

1. It shall be lawful for the Governor to raise, organize, arm, equip, train, and exercise, a Volunteer Military Force to serve within the said Province for the defence of the same, in case of need; and such force shall consist of not less than eight hundred and fifty men, nor more than two thousand men, exclusive of Commissioned Officers, and shall be formed into such descriptions of force, in such proportions, and with such organization, as the Governor may, from time to time, direct; and, also, by Proclamation in the *South Australian Government Gazette*, to constitute Districts for the purposes hereof, and to define the boundaries of such Districts, and such boundaries, from time to time, to alter; and to appoint the number of such Volunteers to be raised for each or any of such Districts.

Governor may raise a
Volunteer Force of
not less than 850 men.

2. The Governor shall appoint one or more persons to raise and enrol such Volunteers as aforesaid, and may define the Districts, or parts of Districts, within which any or all of such persons shall act; and such persons shall, immediately after their appointment, proceed

Governor to appoint
persons to enrol
Volunteers.

ceed to raise such Volunteers, being resident within the District in which such men are directed to be raised, or in any District immediately adjacent thereto, and being able-bodied men.

Governor may appoint Officers.

3. It shall be lawful for the Governor to appoint to every regiment, corps, company, and troop of such Volunteers, such and so many Officers, and such Staff-Officers and Non-commissioned Officers as he may deem necessary for the efficiency of the Service, and from time to time to remove such Officers and Non-Commissioned Officers, and to appoint others in the place thereof: Provided that it shall be lawful for each troop or company of the said Volunteers to recommend to the Governor any persons duly enrolled and engaged as Volunteers to be Captain, Lieutenant, and Ensign or Cornet for any such troop or company.

Volunteers may recommend persons to the Governor.

Exemptions of Volunteers.

4. All persons duly enrolled and engaged as Volunteers as aforesaid shall, during their continuance in the said Force, be exempt from all other military or militia service, and from serving on juries, and their houses, horses, and carriages shall be exempt from impressment for any military service under any Act of the Governor and Council of the said Province; and such persons, after completing the full term of three years' service in such Volunteer Force (if otherwise not exempt), shall be exempt from service in any other Force until the expiration of six years from the date of their discharge from such Force.

Officers of Volunteers, how to rank.

5. All Officers of Volunteers appointed under the authority hereof shall take precedence among themselves according to the rules which obtain in that behalf in the regular troops of Her Majesty, and shall rank as juniors of their respective ranks with Officers in the Regular Forces of Her Majesty, and as seniors of their respective ranks with Officers of any Militia raised in the Province: Provided that all Field Officers of Her Majesty's Regular Forces shall command all Field Officers of Volunteers.

Volunteers to sign an engagement for three years.

6. Every Volunteer upon enrolling himself shall sign an engagement to serve as such Volunteer for the period of three years, and, during such period, shall, whilst disembodied, be subject to all such rules and regulations for the maintenance of discipline in the said Force as may be made and published under the authority hereof. Provided that, notwithstanding such engagement, it shall be lawful for any such Volunteer to retire from the said force at the expiration of the first or second year of his service, upon giving one month's notice in writing of his intention so to do to the Captain of his troop or company.

Governor may make regulations for discipline of Volunteers.

7. It shall be lawful for the Governor, from time to time, by Proclamation to be published in the *South Australian Government Gazette*, to make and establish rules and regulations, which shall have effect only when such force shall be called out for training and exercise, for the maintenance of discipline in any Volunteer Force to be raised under the authority hereof, and therein to define offences, and to

Fine or imprisonment.

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fix the punishment thereof by fine or imprisonment; but so that no fine shall exceed the sum of Ten Pounds, except for breach of engagement by absence from duty when called out, the fine for which shall not exceed the sum of Fifty Pounds, and no period of imprisonment shall exceed the term of forty-two days; and any breach of such rules and regulations may be heard and adjudicated on by any two or more Justices of the Peace in a summary way: Provided that any punishment not exceeding one day's imprisonment in any guard-house to be appointed for that purpose by the Governor, or a fine not exceeding one day's pay may be inflicted summarily by the Officer for the time being in command: And provided, also, that such Officer in command may order any person committing a breach of such rules and regulations to be arrested and kept in custody until he shall be brought before two or more Justices, which shall be within twenty-four hours at the furthest.

8. It shall be lawful for the Governor to accept of the resignation of any Volunteer during the period of his engagement, provided that such Volunteer shall provide some approved person to serve as a Volunteer in his place for the residue of the period for which he was engaged to serve.

Governor may accept resignation, if substitute provided.

9. No Volunteer shall be liable to any punishment for breach of engagement by absence from duty, if such absence from duty shall be occasioned by his absence from the Colony, and such Volunteer shall have given fourteen days' notice, in writing, to the Captain of his troop or company of such intended absence.

Volunteer not liable to punishment by reason of absence from the Colony.

10. The clothing, arms, and accoutrements of such Volunteer Force shall be of a description and pattern which shall be approved by the Governor, and shall be furnished to each Volunteer by or at the cost of the Government, and such arms and accoutrements shall be and remain the property of the Government, and shall be produced, exhibited, and given up by the person to whom the same may be issued to any person authorized by the Governor to inspect or receive the same, and any clothing so issued shall be and remain the property of the Government during such period as the Governor may fix, at the expiration of which period it shall become the property of the person to whom it shall have been issued.

Clothing, arms, and accoutrements.

11. Every Volunteer who shall be enrolled in any troop of Mounted Riflemen, or other mounted troop, shall provide a suitable horse, to the satisfaction of the Commanding Officer of the Regiment or Corps, and shall be entitled to receive forage for such horse, or an allowance in lieu thereof, for any period during which he shall be called out for the purpose of training or otherwise.

Mounted Volunteers to provide horses.

12. It shall be lawful for the Governor to call out the said Volunteer Force, either in whole or in part, for the purpose of exercise and training, at such times and places as he may think fit: Provided that no part of such Force, except the Artillery, shall, for

Governor may call out Volunteers for training and exercise.

for the purposes last aforesaid, be called out for a greater number of days than thirty-six in any one year, or shall be required to leave the District within which they are raised for a greater number of days than six in any one year; and provided that the Artillery shall not be called out for the purposes aforesaid for a greater number than forty-eight days in any one year.

Volunteers to be paid on service.

13. There shall be paid to every such Volunteer, for every day of the period for which he may be called out, for the purpose aforesaid, or for actual service, the sums following, that is to say—

To each Volunteer in the Artillery, the sum of Ten Shillings.

To each Volunteer of Cavalry or Infantry, the sum of Six Shillings.

And an additional sum of Four Shillings, for marching money, for each day in which they shall be required to leave the District for which they are raised.

But such sums shall include any pay which such Volunteers may at the time be receiving from the Government in respect of any other service.

Pay of Staff-Officers and Sergeants for one year.

14. There shall be granted for the pay and allowances of not more than three Staff-Officers for the said Volunteer Military Force for one year a sum not exceeding Three Hundred and Sixty-five Pounds each, and for the pay of not more than three Staff-Sergeants, a sum not exceeding One Hundred and Eighty-two Pounds Ten Shillings each; and each of the said Staff-Officers shall keep a horse for the due performance of his military duties, and the said pay and allowance shall include forage; and the said Staff-Officers, when so ordered by the Governor, shall inspect, train, and exercise the Volunteer Military Force in Adelaide, and in the several Districts, and perform such other duties as the Governor may direct.

Staff-Officers when ordered shall train the Volunteers in Adelaide, and in the several Districts.

Governor may accept services of Volunteers without pay.

15. It shall be lawful for the Governor, in addition to the number of Volunteers hereinbefore authorized to be raised, to accept and avail himself of the services of such and so many persons as may be willing to serve as Volunteers without receiving any pay, and who shall enrol themselves as such Volunteers, and shall provide, at their own expense, all such necessary and fitting horses, arms, clothing, uniforms, and accoutrements, as the officers of the several troops or companies into which such Volunteers shall be formed shall respectively decide upon; and all such Volunteers as last aforesaid shall be authorized to enrol themselves in troops or companies of not less than twenty-five men in each, and to appoint such Officers as they may think fit; and such Volunteers, when enrolled, shall be entitled to the same exemptions and immunities, and shall be subject to all such rules and regulations as may, from time to time, be made and established by the Governor under authority hereof: Provided that no Officer to be elected and appointed as aforesaid shall have command over the Volunteers as herein authorized to be raised, or shall have any rank or authority until his appointment have been confirmed by the Governor.

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16. It shall be lawful for the Governor, in the event of the invasion of any part of the said Province by any hostile force, or if there shall appear to be imminent danger thereof, to embody and call out the whole or any part of the said Volunteer Force for actual service, and to direct the same to be marched to any part of the said Province, under such officers as he may appoint, and to keep the same embodied for such period as he may deem requisite, or at his discretion again to disembody them; and such Volunteers, during the time that they shall be so embodied for actual service, shall be subject to the Mutiny Act and to the articles of war made in pursuance thereof: Provided that no punishment to be awarded against any such Volunteer by any Court Martial, under authority of the said Act or articles, shall extend to loss of life or limb, or to corporal punishment by flogging; but, in the stead thereof, it shall be lawful for any such Court Martial to award imprisonment, with or without hard labor, for any period not exceeding six calendar months; and in respect of offences to which the punishment of death is annexed, to award imprisonment with hard labor for the period of seven years: Provided that it shall be lawful for the Governor to remit any punishment to be so awarded either in whole or in part.

In case of invasion, Volunteers may be called out for actual service.

17. No person who may be enrolled as a Volunteer under the authority hereof shall, by reason of such enrolment, or of any duty, liability, matter, or thing, consequent thereupon, lose, forfeit, or be deprived of any right, claim, benefit, share, or interest to which he may be, at the time of such enrolment, or to which, but for such enrolment, he would have been entitled.

No party to forfeit any benefit or interest by reason of his enrolment.

18. No person duly summoned to serve on any jury shall be exempted from such service by virtue of this Act, unless he shall, within fourteen days from and after his enrolment as a Volunteer under the provisions hereof, give notice to the Sheriff of the said Province, in the form contained in the Schedule hereto, of his claim to such exemption.

Persons wishing to be exempt from juries to claim exemption.

19. Every Volunteer who may be raised or enrolled under the authority hereof shall, within one month after being so raised or enrolled, take the following oath, to be administered by any Justice of the Peace for the said Province:—

Oath of Volunteers.

“I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty, Her Heirs, and Successors; and that I will faithfully serve in the Volunteer Force within the Province of South Australia, for the defence of the same, during the time for which I am enrolled (or while I may continue such Volunteer), unless I shall be sooner discharged.”

20. This Act may be amended or repealed during the present Session of Council.

Act may be amended or repealed.

SCHEDULE REFERRED TO.

I, the undersigned, do hereby give you notice
that I claim to be exempted from serving as a Juror for the Province of South Aus-
tralia, having on the day of been enrolled as a Volunteer
for the District of under the provisions of an Act to Organize
and Establish a Volunteer Military Force in South Australia. Dated, &c.
To the Sheriff of South Australia.