An Act to organize and establish a Militia Force in South Australia.

[Assented to, December 4, 1854.]

WHEREAS, by an Act passed during this present Session of the Legislative Council, intituled "An Act to organize and establish a Volunteer Military Force in South Australia," it was declared that it should be lawful for the Governor to raise, organize and equip, train and exercise, a Volunteer Military Force, to serve within the Province of South Australia, for the defence of the same in case of need; and that such force should consist of not less than eight hundred and fifty men, nor more than two thousand men: And whereas it may happen that a sufficient number of persons within the said Province may not volunteer to complete the Force in the said Act directed to be raised; or that, in the event of actual invasion or of the imminent prospect thereof, such Force might prove insufficient for the defence of the said Province, and it is therefore expedient that power should be given by Law to raise and organize a Militia Force within the said Province, and to ascertain and determine the numbers thereof to be raised and kept in constant readiness for service—Be it therefore Enacted as follows:

2. The Governor may, from time to time, call together, arm, array, and cause to be trained and exercised, such persons and in such manner as hereinafter directed; and the said Governor may appoint a proper number of Officers, and grant commissions to them respectively to train, discipline, and command the persons to be so armed and arrayed, according to the rules, orders, and directions hereinafter mentioned; and the Officers so appointed for the Militia shall rank with the Officers of Her Majesty's regular forces, and of the Volunteer
teer force by the said Act authorized to be raised, as youngest of their rank: Provided, that whenever the Militia shall be called out for actual service, and shall act together with any of Her Majesty’s Regular Forces, all Field Officers of Her Majesty’s Regular Forces shall command all Field Officers of Militia.

3. No commission of any Officer of Militia shall be vacated by reason of the death, recall, resignation, or discontinuance in office of the Governor granting any such commission.

4. Every Officer of Militia shall at some Local Court of full jurisdiction, or in the Supreme Court, at Adelaide, within two months after he shall have accepted his commission, take the following oath:—

"I, , will be faithful, and bear true allegiance, to Her Majesty Queen Victoria, Her Heirs, and Successors."

5. The Governor of the Province may, from time to time as he shall think fit, displace all or any Officers in the Militia, and appoint others to serve in their stead.

6. Every male inhabitant of the Province, between the ages of eighteen and forty-six, fit and able to bear arms, and not exempted by any of the provisions of this Act, shall be, and he is hereby declared to be, liable to serve in the Militia to be raised under this Act, either personally or by substitute, when called upon by virtue of any of the provisions of this Act.

7. No Member of the Executive or Legislative Councils; no Judge or Commissioner of the Supreme Court, other than a Commissioner for taking affidavits; or of any Civil Court in the Province; no Special Magistrate; no Chairman of the Bench of Magistrates, or of the Meetings of Justices of the Peace hereinafter directed to be held, or any Ministerial Officer of the said Courts or Meetings respectively; no person holding office under the Colonial Government, no Clergyman in Holy Orders, or Ministers of Religion, duly entered as officiating Ministers; no Medical Practitioners, certificated and actually practising; no Officer in Her Majesty’s Army and Navy, on full or on half pay; no Non-Commissioned Officers and Private Men serving in any of Her Majesty’s other Forces, nor any Commissioned Officer serving, or who has served three years, in the Militia; no person entitled to exemption by virtue of the said Act to organize and establish a Volunteer Military Force in South Australia; no Police Constable or other Peace Officer; Seaman, or Seafaring Man; and no Aboriginal Inhabitant of the Province shall be liable to serve personally or provide a substitute to serve in the Militia; and no person who, either personally or by substitute, shall have served three successive years in the Militia to be raised under this Act, or in any Volunteer Force raised under the provisions of
of the said Act to organize and establish a Volunteer Military Force in South Australia, shall be obliged to serve again until after six years from the end of such service; and no person who has served, either personally or by substitute, at different times, for periods together amounting to three years, shall be obliged to serve again until after six years from the date of his last discharge: Provided always, that no person who has served only as a substitute or volunteer in the Militia shall be thereby exempted from serving again if he shall be chosen by ballot.

8. It shall be lawful for the Governor, from time to time as he shall see fit, to establish Militia Districts within the Province, and to proclaim the boundaries thereof, and the same to alter as he shall deem expedient.

9. The Governor shall, from time to time, whenever any such Districts respectively shall be established, if he shall find it necessary, appoint a sufficient number of persons usually resident therein to be Justices of the Peace for the said Districts, and in case it shall seem expedient to him, he may appoint any Officer or Officers of Militia to be a Justice or Justices of the Peace for any such Militia District.

10. The Governor shall and may, from time to time, appoint Clerks of the Meetings of Justices to be holden within such Districts respectively, as hereinafter directed, and may displace such Clerks, or any of them, and appoint others or another in their or his stead.

11. Meetings, consisting of two Justices of the Peace at the least, shall be holden at some central and convenient place to be fixed by the Governor, within the several Militia Districts respectively, for the purpose of carrying the provisions of this Act into effect; and any two Justices, or the Governor, when and as often as occasion shall require, shall and may summon, or cause to be summoned, any such meetings, on any days to be fixed by such summons, of which days, and the places of holding such meetings respectively, the Clerks of the several meetings shall give notice in writing to such Justices of the Peace who shall be resident within such District, and also to the Senior Officer of Militia present in the District, if there be any, and if not, then to the Commandant of Militia in Adelaide, together with an account of the several days fixed for receiving lists, and for balloting and enrolling the Militiamen within such District, and shall, as soon as the Militiamen are enrolled, likewise transmit to the Senior Officer of Militia of the District, or to the Commandant in Adelaide, as aforesaid, a list specifying the names, trades, ages, and the usual places of abode of all such Militiamen as are enrolled, and where there are substitutes, the names, trades, ages, and places of abode of the persons in the room of whom such substitutes were enrolled; and one such meeting shall be holden within every Militia District upon the first Tuesday which shall happen in the month of March in every year, or earlier if occasion shall require.
to receive lists and hear appeals therefrom.

The Chief Commissioner of Police to appoint Police Constables in Militia Districts,

To carry out this Act, and to return to the said meetings, lists of the number of persons in each District between the ages of 18 and 46.

Police Constables shall give notice, in the form of Schedule A, to housekeepers, &c., to produce lists of men between 18 and 46.

The Chief Commissioner of Police, when required by the Governor, shall appoint a sufficient number of Police Officers or Police Constables in the several Militia Districts, when they shall be proclaimed, to act therein in the execution of this Act, and shall issue his orders to them requiring them to return to the Justices, at their said meetings to be holden upon the first Tuesday which shall happen in the month of March in each year, or at such times as shall be necessary for carrying out the purposes of this Act, at the places and on the days appointed, fair and true lists, in writing, in manner by this Act directed, of the names of all the men usually and at that time dwelling within the Districts, or parts of Districts, for which they shall respectively act in execution of this Act, between the ages of eighteen and forty-six years, fit and liable to serve in the Militia.

12. The several Police Officers and Police Constables required to return lists of persons fit and liable to serve in the Militia shall, within fourteen days after the day of the receipt of any order to that effect from the said Commissioner of Police, give or leave notice, in writing, in the form in the Schedule to this Act annexed marked A, to or for every occupier of every dwelling-house where any person shall reside, within the limits of the Districts for which they are ordered to act as aforesaid, at his dwelling-house, to prepare or produce, within fourteen days next ensuing the day of giving such notice, a list in writing to the best of his belief, of the Christian and surname, age, and occupation of each and every man resident in such dwelling-house, between the ages of eighteen and forty-six years, distinguishing every person in such dwelling-house between such ages as aforesaid, and also distinguishing every person therein between such ages claiming to be exempt from serving in the Militia, together with the ground of every such claim of exemption; and every such notice shall mention the day, time, and place appointed for hearing appeals, by persons claiming to be exempt from serving in the Militia, and every such occupier shall, after such notice so given or left, make out such list and sign the same with his or her own name, and shall deliver the same, or cause the same to be delivered to such Police Constable as aforesaid; and if any occupier shall neglect or refuse to make out, sign, and deliver such list as aforesaid, within the time before limited, or shall omit any person who ought to have been included therein in pursuance of this Act, or knowingly make any false return of any particulars required therein, every such occupier shall, for every such offence, forfeit and pay a sum not exceeding Five Pounds.

13. The Police Officers and Police Constables aforesaid shall, within
within one month after having delivered such notices as aforesaid, make out (in every year) a fair and true list, in writing, according to the form in the Schedule to this Act annexed marked B, of the names of all the men usually and at that time dwelling within the respective places for which they shall act in the execution of the provisions of this Act, between the ages of eighteen and forty-six years, as well of those who have not made any return, or been returned, in pursuance of such notice as aforesaid, as of those who shall have made such returns or been returned in pursuance thereof, distinguishing their respective ages, ranks, occupations, and qualifications as aforesaid (if any), and those who have made returns to such notices from those who have neglected to make such returns, and where the true names of such persons cannot be procured, the common appellation of such persons shall be sufficient, and distinguishing which of the persons so returned labor under any infirmity likely to incapacitate them from serving as Militiamen, and which of them claim to be exempt from serving in the Militia; and on what account, and shall affix a true copy of every list, at least seven days before the meeting of Justices at which such return is to be made, on the door of the Court House, or other building in which such meeting is to be held within the District; and shall also give notice, in writing, at the bottom of the said copy of such list, of the day, and hour, and place of meeting, for hearing appeals under this Act, and that all persons who shall think themselves aggrieved may then appeal, and that no appeal will be afterwards received; and shall afterwards attend such meetings of Justices, and deliver a true and exact copy of such list to the clerk of such meeting.

15. If any person whose name shall be inserted in any list in pursuance of this Act shall think himself aggrieved thereby, or by the omission of any other name or names, or shall claim to be exempted from serving in the Militia, it shall be lawful for such person, and he is hereby required, to appeal to the meeting of Justices hereinafter appointed to be held for receiving the lists and hearing such appeals within the said Districts aforesaid; and any two or more of the said Justices are hereby empowered and required to hear and determine all such appeals, and if the same cannot be heard on the day first appointed, to adjourn to any other day or days, and their determination shall be final to all intents and purposes, and no appeal shall be afterwards heard or allowed, or any exemption whatever claimed or admitted by or on behalf of any person or persons whatever.

16. On the days and at the places appointed for holding the said meeting, the Police Officers and Constables respectively so appointed as aforesaid shall attend and verify the said returns upon oath, and the said Justices assembled at such meeting, after hearing any appeals or claims of exemption, shall direct the lists to be amended as the case shall require, and shall also direct the names of lists in form in Schedule B, of the names of men between 18 and 46, and affix a copy on the door of the place of meeting of Justices, with notice of the meeting for appeals, and return another copy to the meeting of Justices.
of all persons, by this Act exempted from serving in the Militia, to be struck out, and the names of any persons that shall have been omitted, and who shall be mentioned in any such appeal, to be inserted; and after amending the said lists, shall appoint the times and places for their second meeting for balloting for the Militiamen required to serve for the respective Districts, which said second meeting shall be holden on the second Tuesday that shall happen in the month of May in every year, or earlier if required; and the said amended lists shall be fairly transcribed and signed by two of the Justices who attended the said first meetings, and shall afterwards be filed by the Clerk, and as soon as may be after the said lists shall be amended, any two Justices shall return to the Governor certificates under their hands, in the form in the Schedule to this Act annexed marked C, of the number of men in each town, hundred, or other territorial division within their District between the ages of eighteen and forty-six years, liable to serve in the said Militia Force, and also the number of men exempt from serving, in each town, hundred, and other territorial division within the District for which they act in execution of this Act.

17. If any Police Officer or Police Constable shall refuse or neglect to return any such list as before directed, or to comply with such orders and directions as he shall from time to time receive in writing from any two or more Justices acting in pursuance of this Act, or shall, in making such return, be guilty of any fraud, or wilful partiality, or gross neglect in his duty, any two or more Justices are hereby empowered to commit the person so offending to the common gaol, there to be kept without bail or mainprize for any period not exceeding one month, or at their discretion to fine such person in any sum not exceeding Forty Pounds nor less than Forty Shillings.

18. If any person shall refuse to tell his Christian and surname, or shall falsely tell a Christian or surname, pretending the same to be his true Christian or surname, or shall refuse to tell the Christian or surname of any man lodging or residing within his house, to any Police Officer or Police Constable appointed to act in any Militia District under the authority hereof, every such person shall forfeit and pay the sum of Five Pounds.

19. It shall be lawful for the Governor, with the advice of his Executive Council, on or after the first Tuesday of April next ensuing the commencement of his Executive Council, on or after the first Tuesday of April next ensuing the commencement of this Act, or as soon thereafter as may be, and afterwards every three years, to fix and declare the whole number of Militia that shall be raised within the said Province, under this Act, for the three years then next ensuing, and to ascertain, settle, and fix the number of Militiamen who shall, for the then next succeeding three years, serve for the several Militia Districts, and the quotas for each respectively, as near as may be, by the proportion
portion that the number of men fit and liable to serve in each District shall bear to the whole number of Militiamen fixed by the Governor and Executive Council to be raised; and shall thereupon transmit the numbers so fixed and settled to the Commandant of Militia and Clerk of the Meetings in Adelaide; and shall cause notice of the same to be printed in three consecutive numbers of the Government Gazette, and shall also transmit to the Clerks of District Meetings notice of the quotas required to be furnished by each District: Provided that no quota shall be fixed and settled, or required, in any Militia District not possessing a population of at least ninety males fit and able to bear arms, and liable to serve in the Militia, in terms of this Act: And provided also, that the whole number at any time to be raised in the several Districts respectively shall not, under any circumstances, exceed one-third of the number of men fit and liable to serve in such Districts respectively, according to the provisions of this Act.

20. The whole number of Militia to be raised in the Province shall not exceed two thousand men, including any Volunteer Force specially raised under the said recited Act, unless in case of actual invasion or imminent danger thereof, when the Governor may, if he see fit, increase the number to the maximum hereinbefore fixed, such maximum number, if raised, to include any Volunteer Force; and, in order to regulate the mode of raising and fixing the said number of men, the Governor, with the advice and consent of his Executive Council, shall apportion the quotas by fixing and declaring the ages, within the limits mentioned in this Act, of the men who shall be so called out, commencing at the age of eighteen years, and so on until the said number has been raised.

21. The number of private men, so from time to time to be fixed by the Governor and Executive Council, to serve for the Province and for the several Districts respectively, when fixed as aforesaid, shall continue to be and remain the respective quotas of the Militia Force of the several and respective Districts for each successive period of three years after they shall be so ascertained, settled, and fixed, as aforesaid, until other quotas shall be settled, ascertained, and appointed, under this Act.

22. When the number of Militiamen so fixed and settled for any District shall be greater than the former quota of such District, then, and in every such case, any two or more Justices, at a meeting to be holden for that purpose, shall cause the additional number of Militiamen, so fixed and settled, as aforesaid, to be provided or chosen in the same manner as other Militiamen are, by this Act, to be provided or chosen; and all the additional men so provided or chosen as aforesaid, or their substitutes, and also all Volunteer Militiamen shall take the oath by this Act required to be taken, and shall be enrolled, or sign their consent to serve in the Militia, in such manner

No quota shall be required in any District not containing at least 90 males liable.

Number to be raised not to exceed one-third of such persons in any District.

Number of Militia to be raised.

The number of private men fixed by the Governor and Council to serve for the Province, and the quotas for the Districts shall remain the number and quotas for three years.

When the number fixed shall be greater than the former quota, the men shall be chosen as other men are directed to be chosen.

The number of private men fixed by the Governor and Council to serve for the Province, and the quotas for the Districts shall remain the number and quotas for three years.
manner as is directed by this Act; and, in case of refusal, shall be subject to the same penalties as in like cases are inflicted by this Act; Provided always, that where the number of Militiamen so fixed and settled for every District as aforesaid shall be less than the former quota of any District, then, and in every such case, any two or more of the said Justices, assembled at a meeting as aforesaid, shall dismiss to their own homes, by ballot, so many Militiamen as shall exceed the number so fixed and settled as aforesaid, and such of the several persons so dismissed as aforesaid, who shall not have completed their term of three years' service, shall remain liable to serve in the Militia; and shall and are hereby required to join any regiment, battalion, or company of Militia, serving for the District from the Militia of which they shall have been dismissed, whenever called upon so to do, for the purpose of supplying vacancies that may arise in the said Militia; and the names of all the persons so dismissed as aforesaid shall be entered in a list, and the Justices shall cause the men necessary for supplying any vacancies that may thereafter arise in the Militia of such District to be balloted for out of the persons contained in any such list as aforesaid, while fit persons can be found to supply such vacancies, and so, from time to time as occasion shall require, so long as any of the persons contained in any such list can be found fit to supply such vacancies as aforesaid, and every person so balloted to supply such vacancy, who shall not be unfit by reason of sickness or bodily inabilitv, shall serve in the Militia of such District upon the conditions, and for the remainder of the time for which such person shall have been engaged to serve in such Militia before he was dismissed as aforesaid; and whenever, and as soon as all persons returned in any such list, that can be found fit to supply such vacancies as aforesaid, shall by ballot have supplied such vacancies as aforesaid, then, and in every such case, the men necessary for supplying such future vacancies as may arise in such Militia shall be raised, chosen, and balloted for in manner directed by this Act.

23. Any two Justices, assembled at any second meeting within any District as aforesaid, shall cause the number of men required to serve to be chosen by ballot out of the list returned and filed as aforesaid, and shall appoint another meeting, to be held within fourteen days, in the same District, and shall issue out an order to the Police Officers and Constables appointed as hereinbefore directed to act for the District, to give notice to every man so chosen to serve in the Militia to appear at such meeting, which notice shall be given or left at his place of abode at least seven days before such meeting; and every Constable serving any such notice shall attend such meeting, and make return, upon oath, of the days when such notice was served; and every person so chosen by ballot shall, upon such notice, appear at such meeting, and if proved able and fit for the service, and approved of in manner hereinafter directed, shall then and there take the following oath, that is to say—

"I, A.B., do sincerely promise and swear that I will be faithful and
and bear true allegiance to Her Majesty, Her Heirs, and Successors; and that I will faithfully serve in the Militia within the Province of South Australia, for the defence of the same, during the time of three years for which I am enrolled, unless I shall be sooner discharged."

And every such person shall be then and there enrolled (in a roll to be then and there prepared for that purpose), to serve in the Militia of such District as a Private Militiaman for the space of three years: Provided always, that if any person so chosen by ballot shall produce for his substitute a man of the same District, or of some adjoining District, able and fit for service, such substitute, so produced, shall be enrolled to serve in the Militia of such District as a Private Militiaman for the space of three years, and also for such further time as the Militia shall remain embodied, if, within the space of three years, the Governor shall order and direct the Militia, for which such man is enrolled, to be drawn out and embodied, as hereinafter provided; and such substitute shall take the following oath:

"I, A.B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her Heirs, and Successors; and that I will faithfully serve in the Militia within the Province of South Australia, for the defence of the same, during the time of three years, and for such further time as the Militia shall remain embodied, if, within the space of three years, the Governor shall order and direct the Militia to be drawn out and embodied, unless I shall be sooner discharged."

And any person so chosen by ballot, for whom such substitute shall have been so produced, enrolled, and sworn as aforesaid, shall be exempt from service in the Militia, in the same manner as if he himself had served according to the directions of this Act.

24. If, through the neglect or mistake of any Police Officers or Constables, or from any other cause, the full number of men appointed for any District should not be duly enrolled at the meeting appointed for that purpose, as before directed, or at any other meeting for enrolling men, then the Justices, at their said meeting, or at any other meeting, or any two or more of them, may, and they are hereby required, immediately to cause the lists to be amended, and to proceed to a fresh ballot, and to adjourn their meeting, or appoint other meetings, and repeat the amending of the lists as may be necessary and expedient for carrying the purposes of this Act duly and fully into execution; and it shall be lawful for any one Justice to administer the oath hereinbefore required to be taken by persons to serve in the Militia, to any person balloted, or to any person offering as a Militia Volunteer, under the directions of this Act, or to any person who, being qualified as this Act requires, shall offer to serve as
as a substitute, such balloted man, volunteer, or substitute, having been duly approved, as is hereinafter mentioned; and such Justice is hereby authorized to direct and require the Clerk of the District Meeting, for which every such person by whom the said oath has been before him taken is to serve, to enrol the name of every such person so having been duly approved as aforesaid, together with the date of the day on which the said oath was so administered to him, in the roll of such District.

25. If any person chosen by ballot, according to the directions of this Act, to serve in the Militia, not being one of the people called Quakers, shall refuse or neglect to appear and take the said oath, and serve in the Militia, or to provide a substitute who shall take the said oath, and sign his consent to serve as a substitute, every such person so refusing or neglecting shall forfeit and pay the sum of Thirty Pounds, and at the expiration of three years be again liable to serve or provide a substitute, and in default of payment of such penalty, or for want of sufficient effects whereon to levy the same, the name of such person shall be entered on the roll, and such person shall be delivered over to some proper officer of the regiment, battalion, or corps, for which he was balloted, and shall be compelled to serve for such term, to be computed from the time of his being apprehended, as any other person who should be then balloted for would be compellable to serve, and shall be subject to the same punishments for afterwards absconding or deserting as he would have been subject to in case he had appeared and been duly sworn and enrolled as a Militiaman.

26. If the list of any District shall be lost or destroyed, it shall be lawful for the said Justices, or any two or more of them, to cause a new list in such District to be made and returned to them at their next District Meeting, in the same manner as the list lost or destroyed was made and ought to have been returned to them by direction of this Act.

27. Every person chosen by ballot to serve in the Militia shall be liable to such service, although he may have removed from the place where his name was inserted in the list, provided he was residing at such place at the time when the list was, according to the directions of this Act, prepared; and every person liable to serve in the Militia, having more than one place of residence, shall serve for the District where his name shall have been first inserted in such list as aforesaid, and the Clerk to the District Meeting to which such list shall be returned shall, if such person requires the same, grant a certificate (gratis) under his hand that such person's name was inserted in such list, and specifying the time when such list was made and returned: Provided, that it shall be lawful for the Commandant of Militia, at his discretion, to authorize any person liable to serve in the Militia, to serve in another District than that for which he is so liable to serve.

28. If
28. If any person, being one of the people called Quakers, shall be chosen by ballot to serve in the Militia, and shall refuse or neglect to appear and to take the oath and serve in the Militia, or to provide a substitute, of the same District, or of some adjoining District, who shall take the said oath and subscribe his consent to serve as a substitute for such Quaker, then and in every such case any two or more Justices shall, if they shall think proper, upon as reasonable terms as may be, provide and hire a fit person of the same District, or of some adjoining District, to serve as a substitute for such Quaker; and such substitute shall take the said oath, and subscribe his consent to serve in the Militia for the same term and on the same conditions as hereinbefore directed in the case of substitutes produced by persons chosen by ballot; and any two or more Justices may and are hereby authorized by warrant under their hands and seals, to levy by distress and sale of the goods and chattels of such Quaker such sum of money as shall be necessary to defray the expense of providing and hiring such substitute, rendering to such Quaker the overplus (if any) after deducting the charges of such distress and sale, and if no goods or chattels belonging to such Quaker can be found sufficient to levy such distress, and it shall nevertheless appear satisfactorily to such Justices, that such Quaker is of sufficient ability to pay such sum, then it shall be lawful for such Justices to commit such Quaker to the common gaol, there to remain without bail or mainprize for the space of three months, or until he shall have paid such sum of money as such Justices shall have agreed to pay to such substitute as aforesaid; and in case any measures shall be used in making distress as aforesaid, which may be by any such Quaker thought oppressive, it shall be lawful for such Quaker to complain to the Justices at their next meeting, who are hereby empowered and required to hear and finally to determine the same.

29. No man shall be exempted from service by reason of bodily infirmity, unless he shall have been carefully examined by some surgeon of competent skill, and declared and reported unfit for service from bodily infirmity, to be stated in such report; and the Justices assembled in their District Meetings shall, in all cases in which it may be necessary, before they proceed to allow any claim of exemption on account of bodily infirmity, cause such examination to be carefully made; and it shall be lawful for any two Justices, and they are hereby empowered and required to summon, by two days' previous notice in writing, any competent surgeon residing at or nearest to the place where any meeting for appeals or enrolment shall be held, to attend at such meeting; and every such surgeon shall, before he begins any such examination, make the following declaration, which declaration any Justice is hereby authorized to administer, that is to say—

"I __________ do solemnly declare that I will, to the best of
my ability, faithfully and truly report as to the fitness for
service of the man (or men) about to be submitted to my
examination; and that I will not receive from him (or any
of them) any fee or reward whatever for any such ex-
amination."

And every such surgeon shall receive for each day's attendance
at such meeting a sum or allowance, to be recommended by the
Justices, not less than Half a Guinea, nor exceeding Two
Guineas, according to the extent of the duty performed: Provided
always, that the accounts and vouchers upon which the said allow-
ances shall be recommended by the Justices shall be transmitted to
the Auditor-General in Adelaide, with the accounts of the District
Clerks, for examination and payment.

30. Whenever any Militiaman, after having been sworn and
enrolled, shall become unfit for service, it shall be lawful for the
Colonel or other Commandant of the regiment, battalion, or corps
to which such Militiaman shall belong, together with any two or
more Justices of the District to which such regiment, battalion, or
company belongs, if the said regiment, battalion, or company shall
then be within the said District, or for the Colonel or other Com-
mandant only, if the said regiment, battalion, or company shall be
absent therefrom, to discharge such Militiaman from his regiment,
battalion, or company; but another man shall not be balloted for,
in the room of such Militiaman so discharged, until such discharge
shall be confirmed under the hands of two or more Justices of the
District to which such regiment, battalion, or company belongs,
assembled at any meeting in the District for which such Militiaman
was enrolled, or at any meeting for the District as aforesaid.

31. When any Private Militiaman shall, before the expiration
of the term for which he was to serve, die, or be appointed a Ser-
jeant, Corporal, or Drummer in the Militia, or be discharged in
manner aforesaid as unfit for service, or in pursuance of the sentence
of a Court Martial, the Colonel or Commanding Officer of the regi-
ment, battalion, or corps to which such private man shall belong,
shall certify the vacancy occasioned by such death, appointment, or
discharge (as the case may be) to the Clerk of the meetings of the
District for which such private man shall have been enrolled, and
such vacancy shall be filled up by a fresh ballot for a Militiaman,
to serve according to the provisions of this Act.

32. Whenever any certificate, signed by the Colonel or other
Commandant of any regiment, battalion, or company of Militia
shall be transmitted to the Justices of the District for which any
Private Militiaman shall have been enrolled, or any such Private
Militiaman having died, or been appointed a Sergeant, Corporal, or
Drummer in the Militia, or been discharged as being unfit for
service,
service, in manner aforesaid, or in pursuance of the sentence of a Court Martial, such Justices shall and are hereby required to cause such vacancy to be filled up by ballot, immediately after the receipt of such certificate, except in such cases as are in this Act excepted.

33. Any two or more Justices, at their several District Meetings, shall, and they are hereby required to ballot for Militiamen, in the room of all Militiamen actually serving, whose terms of service will expire, or will be dismissed under any of the provisions of this Act, within one calendar month then next ensuing the holding of such District Meetings, and shall, at a following meeting, to be held as soon as conveniently may be, proceed to enrol the said balloted men, or their substitutes, as aforesaid; and the Commanding Officer of any regiment, battalion, or corps, is hereby empowered, from time to time, to discharge any man of his regiment, battalion, or corps, whose time of service will expire within one calendar month then next ensuing the holding of such District Meetings, and to receive any other Militiaman in his room, who shall have taken the oath and been enrolled according to the directions of this Act; and every such man so discharged, if serving for himself, shall be entitled to the same immunity from further service as if he had served his full term; and if any such man so discharged was serving as a substitute, then the person for whom he served shall be entitled to the like immunity aforesaid.

34. If any servant whatever, hired for any time whatsoever, and in any manner, shall be enrolled as a Militiaman, by virtue of this Act, such enrolment shall not vacate or rescind the contract, or alter the engagement between such servant and his master or employer, unless the Militia of the District for which such servant shall be enrolled shall be embodied or called out by the Governor, or ordered so to be, in pursuance of this Act; and in every such case where any dispute shall arise between such servant and his master or employer, touching any sum of money due to such servant, for or on account of his service performed before the time of his departure from service, under the conditions of the said enrolment, or by being called out to join the Militia in which he shall have been so enrolled, or touching any abatement to be made by such servant by reason of his absence for the purpose of being trained and exercised, it shall and may be lawful, on complaint made thereof to any Justice of the Peace for the Province, being in the District where such master or employer shall inhabit, for such Justice to hear and determine every such complaint, and to examine upon oath every such servant, or any other witness, touching the same, and to make such order for the payment of so much wages to such servant, in proportion to the service he has performed, or such abatement from his wages, in proportion to the duration of his absence from his service, as the case may require, and as to such Justice shall seem just and reasonable, provided the sum in question do not exceed the sum of Twenty Pounds; and in case of refusal, or non-payment

Enrolment of servants shall not vacate their contracts with their masters, unless the Militia shall be embodied.

Disputes touching wages, or abatements thereof, under £20, may be settled by one Justice, and the sum levied by distress, &c.
35. Every person who shall receive money from any other person to serve as his substitute or to serve as a Volunteer in the Militia as aforesaid, and shall neglect to appear at the usual meeting appointed for swearing in the Militiamen, or before some Justice, in order to be sworn, according to the directions of this Act, being convicted thereof before any Justice of the Peace, shall be obliged to return the money to the person or persons from whom he received it, and shall forfeit and pay to such person or persons any sum not exceeding Forty Shillings, or less than Twenty Shillings, at the discretion of the Justice before whom he shall be so convicted; and if such offender shall not immediately return the money so by him received as aforesaid, and likewise pay the said penalty, he shall be committed to the common gaol or house of correction for three calendar months, or until the said sum shall be returned.

36. If any person chosen by ballot to serve in the Militia shall have engaged any other person to serve as his substitute, and the person so chosen by ballot shall have agreed to pay to the person so engaged a certain sum for such service, it shall be lawful for any one Justice when the Militia of the District for which such substitute shall be enrolled shall not be embodied, and he is hereby required, after such substitute has been approved, according to the directions of this Act, and enrolled by the Justices, in pursuance thereof, to order such sum of money as shall appear to him to be due to the substitute so engaged to be immediately paid to him, on such enrolment, by the person by or for whom he shall be engaged to serve as aforesaid; and in every case where the Militia shall be embodied at the time of such enrolment, it shall be lawful for the said Justice to direct any sum not exceeding one-half part of the said sum of money so engaged to be given as aforesaid to be paid to him forthwith, or to be advanced to such person, or to such of his family, and in such proportions as he shall request at the time of his such enrolment, and the remaining part thereof to be paid to and received by the Clerk of the District Meeting, who shall thereupon forthwith remit the same to the Paymaster or Battalion Clerk of the regiment, battalion, or company of Militia to which such substitute or volunteer shall be sent as a Militiaman, to be retained by him until such substitute or volunteer shall have joined such regiment, battalion, or corps, and been approved at head quarters as fit to serve, and then to be paid or accounted for to such substitute or volunteer; and if he shall not join, or be approved of, then such money shall remain in the hands of such Paymaster to be afterwards
wards applied in like manner to the payment of some other substitute or volunteer, in lieu of the one for whom such money shall have been remitted, as aforesaid; and such Justice shall proceed therein for enforcing the payment of every such sum of money, in such and the like manner in every respect, and by all such and the like powers and authorities as is and are directed by and contained in an Act, No. 9 of 1847, "To amend the laws relating to Masters and Servants," and as fully and effectually as any two Justices are empowered to act in execution of the said Act; and if any such District Clerk shall omit or neglect to remit such money within one week after the same shall have been paid to him as aforesaid, such Clerk shall forfeit and pay for every such offence the sum of Twenty Pounds.

37. In case any Officer, Sergeant, or other person shall at any time wilfully and knowingly enlist any man to serve in Her Majesty's other Forces, who at the time of such enlisting shall be enrolled or engaged to serve in the Militia, every such enlisting shall be deemed null and void; and in case any Militiaman, at the time of offering to enlist as aforesaid, shall deny to the Officer, Sergeant, or other person recruiting for men to enlist and serve in Her Majesty's other Forces, that he is (at the time of his offering to enlist) a Militiaman then actually enrolled and engaged to serve (which the said Officer, Sergeant, or other person is hereby required to ask every man offering to enlist in Her Majesty's other Forces), or shall offer himself to be enrolled, and serve in any other regiment, battalion, or corps of Militia, every Militiaman so offending shall, on conviction thereof upon the oath of one witness before any one Justice of the Peace, be committed to the common gaol or house of correction, there to remain without bail or mainprize for and during any time not exceeding six months over and above any penalty or punishment to which such person so offending is or shall be otherwise liable; and every person so offending, from the day on which his engagement to serve in the Militia shall end, and not sooner, shall belong as a Soldier to the Corps of Her Majesty's other Forces into which he shall have been so enlisted; and if any Officer or other person shall enlist any man belonging to the Militia to serve in Her Majesty's other Forces, knowing him to belong to the Militia, or without asking him if he belongs to the Militia, every such Officer, Sergeant, or other person shall, for every such offence, forfeit and pay the sum of Twenty Pounds; and if any person actually serving in any of Her Majesty's other Forces shall offer himself to serve and be enrolled as a substitute in the Militia, every person so offending shall forfeit and pay to the person informing of such offence the sum of Ten Pounds, or be committed to the common gaol or house of correction for any time not exceeding three months.

38. The money arising by penalties incurred for refusing to serve in the Militia, or to find substitutes to serve in their room, shall be applied by any two or more Justices, within their respective Districts, in providing substitutes for the persons who have paid such
such penalties, which substitutes shall be approved, sworn in, and enrolled to serve, for the same term, in the same manner, and on the same conditions as hereinbefore provided in the case of substitutes provided by persons chosen by ballot; and if any surplus shall remain, the same shall be paid to the Colonels or other Commandants of the respective regiments, battalions, or corps, in which such persons ought to have served as Militiamen, and be applied as part or return of the regimental stock; and the return of the amount of such penalties, with the names of persons paying the same, shall be transmitted by the Clerk of the District Meetings to the Clerks of the Meetings in Adelaide.

39. In all cases in the execution of this Act, when any matter or thing is directed to be inquired of or examined into, upon the oath of any witness or witnesses, before any Justice or Justices of the Peace, any such Justice or Justices of the Peace is or are hereby authorized to administer such oath to any witness or witnesses; and that all other oaths or declarations to be taken in pursuance of this Act shall and may be respectively administered by any Justice of the Peace.

40. The Militia of the several Districts aforesaid, whenever the numbers admit, shall be formed into companies, the respective strength of which shall be regulated as follows, that is to say—each such company shall consist of not more than one hundred nor of less than fifty private men, and that to each there shall be one Captain, and one Lieutenant, and one Ensign; and when the number raised is sufficient, the said companies shall be formed into regiments, consisting of not more than twelve nor less than eight such companies; and where the number of men raised is not sufficient to form a regiment, the companies thereof shall be formed into a battalion, consisting of not more than seven nor of less than four such companies; and where the number of men raised in any District is not sufficient to form a battalion of four such companies, the Militia thereof shall be formed into a corp, consisting of not less than three such companies; and the Field Officers of such regiments, battalions, and corps, respectively, shall in no case exceed the respective numbers and ranks following, that is to say—in every regiment consisting of not less than eight hundred private men, one Colonel, one Lieutenant-Colonel, and two Majors; in every regiment or battalion of not less than four hundred private men, one Colonel, one Lieutenant-Colonel, and one Major; and in every battalion consisting of less than four hundred men, one Lieutenant-Colonel and one Major; and in every corps consisting of three Companies, one Lieutenant-Colonel or Major, and no other Field Officer: Provided always, that no Colonel or Field Officer in the Militia shall be a Captain of a company: Provided also, that every battalion consisting of five companies or upwards may have one company of Grenadiers or Light Infantry, to which two Lieutenants shall be appointed, instead of one Lieutenant and one Ensign; and that every regiment may have one company of Grenadiers.
diers and one company of Light Infantry, to each of which companies two Lieutenants shall be appointed, instead of one Lieutenant and one Ensign: Provided also, that to every company consisting of seventy-five private men and upwards, there may be two Lieutenants and one Ensign, or three Lieutenants, as the case may be.

41. In the several Districts where the number of Militiamen shall not be sufficient to form a regiment, battalion, or corps of three companies, according to the intent and meaning of this Act, the Militia of such District shall be formed into independent companies, each company to consist of one hundred private men at the most, and of fifty private men at the least, with one Captain, one Lieutenant, and one Ensign to each company, and that the Governor may, whenever he thinks proper, order any number of such independent companies of the Militia of different Districts to be joined together to form a regiment, battalion, or corps: Provided always, that the number of companies in any such regiment, battalion, or corps, be not thereby made to exceed the number of companies of which a regiment, battalion, or corps is hereinbefore directed to consist.

42. It shall be lawful for the Governor to cause the Militia of any District to be formed and regulated in such manner as to the said Governor shall seem meet, in regard to the number of regiments, battalions, or corps, or to the uniting any number of companies of any Districts, Counties, Hundreds, or places, not having respectively a sufficient number of men to form a distinct battalion or corps of three companies for each, conforming in every case as near as the proportions of men will admit to the establishment with regard to regiments, battalions, corps, and companies in the Act particularly directed.

43. Every Officer of any Militia regiment, battalion, or corps, who may have accepted or shall accept a commission or appointment of the same rank in any other Militia regiment, battalion, or corps, and shall thereby vacate his former commission, shall continue to rank in the general Militia service, according to the date of his commission or appointment of the same rank in the Militia so vacated as aforesaid.

44. The Governor shall and may appoint one proper person who shall have served in some of Her Majesty's other Forces, or in the Militia of the Province while embodied, for the term of three years at the least, to be an Adjutant to each regiment, battalion, and corps, of Militia; and it shall be lawful for the Governor, on the recommendation of any Colonel or other Commandant of any regiment, battalion, or corps of Militia, to appoint the Adjutant of such regiment, battalion, or corps, to serve with the rank of Captain, provided such Adjutant shall have served three years in the Militia while embodied, or in Her Majesty's other Forces:
Forces: Provided always, that no such appointment to the rank of Captain shall be valid, unless in the instrument granting the same it be specified in what regiment, battalion, or corps of Militia while embodied, or of Her Majesty’s other Forces, such Adjutant has served, and what was or were the date or dates of his commission or commissions: Provided also, that no Adjutant so appointed to serve with the rank of Captain, shall, by virtue of the date of such appointment as aforesaid, or otherwise, be entitled to rank above or to command any Captain of a company in the Militia: Provided also, that no such Adjutant shall, by reason of such appointment as aforesaid, be entitled to receive any greater or other pay than that of Adjutant.

45. In every case where the number of private Militiamen raised in any District is sufficient to form a regiment, battalion, or corps, consisting of not less than three companies of fifty private men each at the least, it shall be lawful for the Governor to appoint one fit and proper legally qualified Medical Practitioner to be Surgeon of such regiment, battalion, or corps; and every such appointment shall recite the certificate of the person so appointed, and every such Surgeon, when the Militia is embodied, shall be subject to the like rules, restrictions, and directions in every respect, as far as the same may be applicable, as any Surgeon in Her Majesty’s other Forces; and no such Surgeon shall be capable of holding any other commission, or of receiving any pay in respect of any other commission, in such Militia during the time of his being such Surgeon as aforesaid.

46. In every case where the number of Private Militiamen raised in any District is sufficient to form a regiment or battalion, consisting of not less than three hundred private men, it shall be lawful for the Colonel of such regiment or battalion, with the approbation of the Governor, to appoint one fit and proper person who has served in Her Majesty’s other Forces, or in the embodied Militia, to be the Quartermaster of any such regiment or battalion respectively; and it shall be lawful for the Governor, on the recommendation of the Colonel thereof, to appoint such Quartermaster to serve with the rank of Lieutenant or Ensign: Provided always, that such Quartermaster shall not be capable of holding any commission, or receiving any pay in respect of any commission in any company in the Militia, during the time of his being such Quartermaster as aforesaid.

47. The Colonel or other Commandant of every regiment, battalion, or corps of Militia, consisting of not less than three companies, when such regiment, battalion, or corps is not in actual service, may appoint a Regimental or Battalion Clerk, who shall execute the office of Paymaster; but where the number of private men shall not be sufficient to form three companies of fifty private men at the least, no Clerk shall be allowed; but the Colonial Treasurer
Treasurer and all other persons required by this Act to remit or pay any money to any Regimental or Battalion Clerk in respect of the Militia, or on behalf of any men serving, shall remit and pay all moneys to be paid in respect of such company or companies, or on behalf of any man serving therein, to the Commanding Officer thereof, which Commanding Officer shall account for the same in like manner in every respect as a Regimental or Battalion Clerk.

48. No Adjutant, Surgeon, Regimental or Battalion Clerk, Paymaster, or Quartermaster in the Militia, shall be capable of being appointed Captain of a company, nor shall any person holding the commission of Captain of a company be capable of being appointed Adjutant, Surgeon, Regimental or Battalion Clerk, Paymaster, or Quartermaster of Militia.

49. Sergeants, Corporals, and Drummers shall be appointed to the Militia in the following proportion, that is to say—when not on actual service, there shall be one Sergeant and one Corporal to every fifty private men; and when the Militia shall be drawn out into actual service, an addition shall be made so that there shall be one Sergeant and one Corporal to every twenty private men, and two Drummers to every company so drawn out; and when not on actual service, there may be any number of Drummers appointed, at the discretion of Colonels or Commandants willing to clothe and pay the same as hereinafter provided; and all Sergeants, Corporals, and Drummers shall take the following oath, that is to say—

"I, __________, do solemnly promise and swear that I will be true and faithful, and bear true allegiance to Her Majesty Queen Victoria, and that I will faithfully serve in the Militia of South Australia, for the defence of the same, until I shall be legally discharged."

And the Colonel or other Commandant of any regiment, battalion, or corps, consisting of two or more companies of Militia, may appoint a Sergeant-Major; and the Colonel or other Commandant of every regiment, battalion, or corps, consisting of three or more companies, when such regiment, battalion, or corps shall be drawn out into actual service, may appoint a Drum-Major: Provided always, that no person who shall be licensed to sell fermented or spirituous liquors shall be capable of being appointed, or of serving, or receiving pay as a Sergeant, Corporal, or Drummer in the Militia.

50. Any Sergeant, Corporal, or Drummer may be discharged by the Colonel or other Commandant, and the said Colonel or other Commandant may appoint any proper person in the room of every Sergeant, Corporal, and Drummer who shall die, desert, or be discharged, all which Sergeants, Corporals, and Drummers so appointed, shall take the like oath as hereinafter required to be taken by Sergeants, Corporals, and Drummers respectively.

51. In
51. In case the Colonel or other Commandant of any regiment, battalion, or corps of Militia shall be desirous of keeping up any Drummers when the Militia shall not be on actual service, or a greater number of Drummers than is herein directed to be employed as Fifers or Musicians for the use of any such regiment, battalion, or corps, when on actual service, and shall be willing to defray the expense of such extra Drummers, it shall and may be lawful for such Colonel or other Commandant to engage in their respective regiments, battalions, or corps, any number of Drummers, to be employed as Fifers or Musicians therein, or to retain over and above the number established by this Act, or at any time to engage any additional number of Drummers to act as Fifers or Musicians in their respective regiments, battalions, or corps, and such Drummers so engaged or retained, or in future engaged to serve in any such corps as Fifers or Musicians, shall be deemed Drummers of Militia within the meaning of this Act, to all intents and purposes whatsoever, and shall be subject to the same orders, regulations, penalties, and punishments as other Drummers of Militia are by this Act subject, and shall continue to serve as Drummers so long as they shall receive the same pay and clothing as other Drummers have, when the Militia is embodied, or better clothing in lieu thereof, and no longer.

52. And whereas it may be found expedient, in order to carry into effect the provisions of this Act, when the Militia is disembodied, to retain, on constant pay, an Adjutant or Adjutants, and certain Non-commissioned Officers, and also, from time to time, to increase the said disembodied staff: Be it Enacted, That all Adjutants and Non-commissioned Officers appointed to full pay, and all Drummers engaged under any of the provisions of this Act, shall be at all times during the continuance of their full pay under this Act, and whilst the Militia is disembodied respectively, subject to any Act which shall be in force for punishing mutiny and desertion, and for the better payment of the army and their quarters, and to the Articles of War under the command of the Colonel or other Commandant of the regiment, battalion, corps, or company to which they shall respectively belong; and it shall be lawful for the Colonel or other Commandant of any regiment, battalion, or corps, to direct the holding of Courts Martial as hereinafter directed, for the trial of any Sergeant-Major, Sergeant, Corporal, Drum-Major, or Drummer, by either a General or Regimental Court Martial, for any offence against the said Act or Articles of War, during the time such regiment, battalion, or corps, shall not be embodied, and for the trial of any Sergeant-Major, Sergeant, Corporal, Drummer, or private man of such regiment, battalion, or corps, who shall have deserted while the said regiment, battalion, or corps was embodied, and shall not have been apprehended till after it shall have been disembodied, but so that no punishment shall extend to life or limb, or corporal punishment by flogging.

53. If
53. If a sufficient number of Officers to form a Court Martial cannot be found, it shall be lawful for the Colonel or other Commandant, and in his absence for the Senior Field Officer of the regiment, battalion, or corps to which the person on whom such Court Martial is to be held shall belong, to order any Officer of the Militia of the District or place to which such regiment, battalion, or corps shall belong, actually resident within the District where such Sergeant-Major, Sergeant, Corporal, Drum-Major, or Drummer, is to be tried, or within ten miles thereof, to attend and assist as members of such Court Martial, who shall thereupon attend at the time required, and assist accordingly; but no officer shall be entitled to receive pay for any such attendance: Provided always, that no sentence of any Court Martial held as aforesaid on any Sergeant-Major, Sergeant, Corporal, Drum-Major, Drummer, or private man, as aforesaid, shall be put in execution until it shall have been confirmed by the Colonel or other Commandant, or by the Field Officer by whose order such Court Martial was assembled.

54. Any Sergeant, Corporal, or Drummer of the Militia may, by sentence of a Court Martial, be reduced to the condition of a private Militiaman, to serve as such during any time not exceeding fifteen months, in case the regiment, battalion, or corps, to which he belongs shall not be then embodied, or called out into actual service, and in case the regiment, battalion, or corps to which he belongs shall be then embodied or called out into actual service, to serve as aforesaid until the disembodying of the said regiment, battalion, or corps, after which time, or at the end of the said fifteen months, as the case may be, if not regularly reappointed to the rank of a Non-commissioned Officer or Drummer, he shall be discharged from the service.

55. The clothing, arms, and accoutrements of every Officer and private soldier shall be of a description and pattern which shall be approved by the Governor, and every Militiaman shall, unless otherwise ordered, appear so armed and accoutred at every muster or other occasion of duty.

56. Every Field Officer of Infantry shall appear, on all occasions of field duty, mounted on a charger of such value at the least, as the Governor shall from time to time direct, and with such furniture and equipments as the Governor shall appoint.

57. No arms or accoutrements shall be issued to any Colonel or Commanding Officer of Militia for distribution, save and except by a special order of the Governor, and every such Colonel or Commanding Officer of Militia shall give a receipt for all arms and accoutrements delivered to him for distribution, and shall be accountable for the same until he shall discharge himself by rendering a satisfactory account of the same.

58. The arms, accoutrements, clothing, and other stores belonging to the Militia to give receipts and be accountable for arms and accoutrements.
ing to the Militia, when not embodied, shall be kept in such convenient place as the Governor shall direct, and it shall be lawful for the Governor to order and direct a convenient and proper place for that purpose to be provided or built in every Militia District.

59. All arms and accoutrements delivered for the service of the Militia shall be marked distinctly in some visible place with the letter M, and the name of the District or place to which they belong; and in case any Militiaman shall sell, pawn, or lose any of his arms, clothes, accoutrements, or ammunition, or neglect or refuse to return the same in good order to the Captain, or to the person appointed to receive the same, when ordered by his Commanding Officer, every such Militiaman shall, for every such offence, forfeit and pay a sum not exceeding Fifteen Pounds; and if such Militiaman shall not immediately pay such penalty, the Justice of the Peace before whom he shall be convicted, shall commit him to a house of correction, to be kept to hard labor for any time not exceeding three months, or until he shall have paid the said penalty.

60. If any person shall knowingly and wilfully buy, take in exchange, conceal, or otherwise receive, any Militia arms, clothes, or accoutrements, or any such articles belonging to any Militiaman as are generally deemed regimental necessaries, according to the custom of the Army, being provided for the soldier, and paid for by deductions out of his pay, or any public stores or ammunition whatever delivered for the Militia, upon any account or pretence whatsoever, contrary to the true intent and meaning of this Act, the person so offending shall forfeit and pay for every such offence the sum of Ten Pounds; and if such offender shall not immediately pay such penalty, and shall not have sufficient goods and chattels whereon to levy such penalty, the Justice before whom he or she shall be convicted shall commit him or her to the common gaol, there to remain without bail or mainprize for the space of six months, or until he or she shall have paid the said fine.

61. It shall be lawful for the Governor, once in every year, with the advice of the Executive Council, order that the Militia shall be exercised in any year for any term not exceeding 28 days.

62. During such time as any Militia shall be assembled, for the purpose of being trained and exercised, all the clauses, provisions, matters,
matters, and things contained in any Act of Parliament which shall be then in force for the punishing mutiny and desertion, and for the better payment of the Army and their quarters, and in the Articles of War made in pursuance of such Act, shall be in force with respect to such Militia, and to all the Officers, Non-commissioned Officers, Drummers, and private men of the same, in all cases whatsoever, but so that no punishment shall extend to life or limb, or to corporal punishment by flogging; and that it shall be lawful for the Officer commanding, or present with any detachment or division of Militia, called out to exercise, under any of the provisions of this Act, not being under the rank of Captain, to order, when he shall think it necessary, a Regimental Court Martial to be held for the trial of any offence committed by any Sergeant, Corporal, Drummer, or Private Man, under and during his command; and if a sufficient number of Officers shall not be present to constitute such Court Martial, it shall be lawful for the Commanding Officer of the regiment, battalion, or Corps of Militia to which any such detachment or division of Militia shall belong, and he is hereby required, on application made to him by the Officer commanding such detachment or division for that purpose, to order a sufficient number of Officers of proper rank to attend for the purpose of assisting at such Court Martial, who shall forthwith attend the same, and assist as members thereof; and the sentence of every Court Martial shall, in every case, be submitted to the Colonel or other Commandant of the regiment, battalion, or corps, to which such detachment or division shall belong, or (in his absence from the District) to the senior Field Officer within the same, or otherwise to the Commandant of Militia in Adelaide, for his approval thereof, who shall cause such sentence to be put in execution, mitigated, or remitted, as he shall in his discretion think best for the service.

63. Notices of the times and places of exercise of the Militiamen, to be raised by virtue of this Act, shall be published in the South Australian Government Gazette, by order of the Governor, and shall be sent by the Clerk of the Meetings in Adelaide to the Clerks of District Meetings, and also to the Commissioner of Police in Adelaide, who shall cause the men serving for each District named in the order of the Governor, to be called out in such order and course as shall be notified by the Clerk of the Meetings in Adelaide, and for that purpose shall issue orders to the Police Officers and Constables of the several Districts directing them to affix a copy of such notice on the doors of the several Police Station-houses in such Districts respectively, which notice shall be deemed a sufficient notice to every person enrolled by virtue of this Act, notwithstanding any omission in the delivery of written notices, in manner herein-after directed; and such Police Officers and Constables are hereby required also to give notice in writing, to the several Militiamen who shall be called out to be trained and exercised at such times and places respectively, by serving them personally, or by leaving the same at their usual place of abode, to attend at the time and place mentioned in such order, and all such Militiamen shall duly attend
attend at the time and place of exercise, according to such notice respectively.

64. The Clerks of the Meetings in every District shall, within the space of ten days after the receipt of such notices, as aforesaid, cause a full and true list, specifying the name and date of the enrolment of all the persons enrolled within each District respectively, to serve in such Militia, and the time and place of exercise to be transmitted to the Commanding Officer of the regiment, battalion, corps, company, or troop of Militia for which such persons have been enrolled by virtue of this Act, or to such person as shall be appointed by such Commanding Officer to receive the same.

65. Every Militiaman (not laboring under any infirmity incapacitating him) who shall not appear at the time and place appointed for his being exercised, according to the directions of this Act (notice having been published and given, as by this Act required), shall be deemed a deserter, and if not taken until after the time of any such exercise, shall forfeit and pay the sum of Twenty Pounds; and also every Militiaman who, having joined the regiment, battalion, corps, or company, to which he belongs, or detachment or division thereof, shall desert or absent himself during the time of any such exercise, and shall not be taken until after the time of such exercise, shall forfeit and pay the sum of Twenty Pounds, and if such penalty shall not be immediately paid, the Justice of the Peace before whom any Militiaman shall be convicted of any such offence shall commit such Militiaman to the house of correction to hard labor, or to the common gaol, there to remain, without bail or mainprize, for the space of six calendar months, or until he shall have paid the said penalty.

66. In case any Militiaman shall desert or absent himself from his duty, and shall not return and voluntarily surrender himself to the Adjutant or other Officer, Commissioned or Non-commissioned, commanding at any town or place where the arms of the regiment, battalion, corps, or company to which he shall belong shall be deposited, or shall not be taken within the space of three months from the time of his so deserting or absenting himself, then, upon certificate thereof from the Commanding Officer of the regiment, battalion, corps, or company to which he belonged, to the Justices, at any of their Meetings for the District for which such Militiaman was enrolled, such Justices, or any two or more of them, are hereby required to hold a District Meeting, and to proceed to ballot for another person to serve and be returned to such regiment, battalion, corps, or company, in the room of such Militiaman; and in case such Militiaman shall at any time thereafter return, or be taken, he shall, notwithstanding any person shall have been chosen in his room, be compelled to serve in the same manner, and for the same term as if no person had been chosen in his room.

67. If any Militiaman shall not join the regiment, battalion, corps, detachment, or division to which he belongs, at the time of annual exercise,
exercise, or shall desert during the time of annual exercise, and
shall not be apprehended before the expiration of the time ap-
pointed for such exercise, the Commanding Officer, or the Adju-
tant of such regiment, battalion, or corps, or the Commanding
Officer of the company, detachment, or division to which such
offender belongs, may, and he is hereby empowered to issue a
warrant, under his hand and seal, addressed to any Police Constable,
and to direct the apprehension of the offender, and in such warrant
he shall describe the person and supposed residence of such offender,
and also certify that he did not join the regiment, battalion, corps,
detachment, or division, at the time of actual exercise, or that he
deserted during the time of exercise (as the case may be), and upon
production of such warrant and proof being made upon oath of a
credible witness, for the knowledge of such Justice, of the hand-
writing of the Militia Officer issuing such warrant, it shall and may
be lawful for any Justice of the Peace, and he is hereby empowered
and required to endorse his name on such warrant, which shall be a
sufficient authority to all Police Constables to apprehend and carry
such offender before some Justice of the Peace residing near to where
such person shall be apprehended; and if by his confession, or the
testimony of any witness or witnesses upon oath, or the knowledge
of such Justice, it shall appear, or be found, that such person is
guilty of such offence, the case shall be dealt with as this Act
directs in cases of Militiamen deserting, or absenting themselves
from their duty, when not embodied or called out into actual service,
and shall transmit an account thereof to the Clerk of the Meetings
of the District to which such deserter belongs; and the Constable
who shall have apprehended any such deserter shall receive a reward
of Twenty Shillings for each such deserter apprehended by him
over and above any expense incurred by such Police Constable for
the subsistence and other necessary charges attending the conveying
of such deserter to the place of commitment of any such deserter;
and any Justice of the Peace, before whom such deserter shall be
convicted, shall and may give a certificate to the Police Constable
apprehending him that he is entitled to such reward, on production
of which, and a like certificate from the Commissioner of Police as
to the reasonableness of the charge for subsistence and travelling,
the amount of such certificate shall be allowed in the public
accounts, and be paid accordingly.

68. If any person shall harbor, conceal, or assist a deserter,
knowing him to be such, the person so offending shall forfeit for
every such offence the sum of Five Pounds.

69. The pay of every person enrolled to serve in the Militia of
any District, when not embodied and called out into actual service,
and who shall be called out for the purpose of being trained and
exercised as aforesaid, shall commence upon the day on which such
person shall join the regiment, battalion, corps, detachment, or
division to which he shall belong, and not before: Provided always,
that if such person shall have been prevented joining such regiment,
battalion, corps, detachment, or division, by sickness or other suf-

Policy Constable apprehending any such deserter shall receive £1 and expenses.

Penalty on concealing deserters, £5.

When pay of men called out to exercise shall commence.

Provided
cient cause, and shall produce to the Commanding Officer thereof a satisfactory certificate of such sickness or other sufficient cause, it shall be lawful for the Commanding Officer of such regiment, battalion, corps, detachment, or division, and he is hereby required to direct an allowance of pay to be made to the person so prevented, according to the time mentioned in such certificate as aforesaid.

70. When the Militia shall be called out to be trained and exercised, any Justice of the Peace resident in any District, being thereunto required by an order from the Colonel or other Commanding Officer of any regiment, battalion, corps, detachment, or division of Militia being within such District, may and shall issue his warrant to the Police Constables of the several places from, through, near, or to which any such regiment, battalion, corps, detachment, or division of Militia shall be ordered to march, requiring them to provide such sufficient carriages to convey the arms, clothes, accoutrements, ammunition, and other stores, with able men to drive such carriages as shall be mentioned in the said order; and in case such sufficient carriages and men cannot be provided within any such District or place, then any Justice for any adjoining District may and shall upon such order as aforesaid being shown unto him, issue his warrant to the Police Constables of any places within such adjoining District for the purposes aforesaid, to make up such deficiency of carriages and men, and such Colonel or other Commanding Officer requiring such carriages and men to be provided as aforesaid, shall at the same time pay to every such Police Constable for the use of the person or persons who shall provide such carriages and men the sum of Four Shillings for every mile any wagon with four horses and any wain with six oxen or with four oxen and two horses shall respectively travel; and the sum of Three Shillings for every mile any such cart with two horses shall travel, and so in proportion for any carriages drawn by any less number of horses or oxen, for which respective sums every Police Constable receiving the same is hereby required to give a receipt to the person paying the same, and every such Police Constable shall order and appoint such person or persons having carriages within their respective places as they shall think proper to provide, and furnish such carriages and men according to the warrant aforesaid; and every person so ordered is hereby required to provide and furnish the same accordingly for one day's journey and no more; and in case any such Police Constable shall be at any charges for such carriages over and above the money which shall be so received by him as aforesaid, such surplus shall be repaid to him by the Colonial Treasurer.

71. The Commanding Officer of every regiment, battalion, corps, troop, or detachment of Militia, as often as the men under his command shall be called out to exercise as before directed, and within fourteen days from the time of assembling, shall, and he is hereby required to return to the Commandant of Militia in Adelaide a true state of such regiment, battalion, corps, troop, or detachment, and
a duplicate thereof to the Clerk of the Meetings for the District for which the men are enrolled, on pain of forfeiting Twenty Pounds for every such omission; and the said Commandant receiving such returns shall, within fourteen days after the receipt by him of the above returns, transmit a general return to the Governor, and a duplicate thereof to the Clerk of the Meetings in Adelaide, to be filed; and in case any Officer shall refuse or neglect, for three months after the time herein appointed for making such returns, so to do, he shall for every such offence forfeit and pay the sum of Fifty Pounds.

72. In all cases of actual invasion, or upon imminent danger thereof, and in all cases of rebellion or insurrection, it shall be lawful for the Governor (the occasion being first communicated to the Legislature, if the Legislature shall be then sitting, or declared in Executive Council, and notified by Proclamation if the Legislature be not then sitting) to order and direct the Commandant of Militia with all convenient speed to draw out and embody the whole or such part of the Militia, within the Province, hereinbefore appointed to be raised and trained, as the Governor shall judge necessary, and in such manner as shall be best adapted to the circumstances of the danger, and to put the said Forces under the command of such Officers as the Governor shall be pleased to appoint, and to direct the said Forces to be led by their respective Officers into any parts of the said Province for the repelling and prevention of any invasion, and for the suppression of any rebellion or insurrection within the said Province; and from the time of any regiment, battalion, corps, or detachment of Militia being called out and embodied as aforesaid, until the same shall be returned again to its own District or place and disembodied by the Governor's order, the Officers, Non-commissioned Officers, Drummers, and Private Men of every such regiment, battalion, corps, or detachment shall be subject to all the provisions contained in any Act of Parliament which shall then be in force for punishing mutiny and desertion, and for the better payment of the army and their quarters, and the Articles of War made in pursuance thereof; and all the provisions contained in every such Act and Articles of War shall be in force with respect to the Militia, and shall extend to all the Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia while embodied as aforesaid, in all cases whatsoever: Provided always, that neither the whole, nor any part of the Militia directed by this Act to be raised and maintained, shall on any account be carried, or ordered to go out of South Australia; and provided that no punishment shall extend to loss of life or limb, or to corporal punishment by flogging.

73. Whenever the Governor shall cause the Militia to be drawn out and embodied as aforesaid, if the Legislative Council shall then be separated by such prorogation or adjournment as will not expire within fourteen days, the Governor may and shall issue his orders for the meeting of the Council within fourteen days, and the Council shall accordingly meet and sit upon such day as shall be appointed by such
such Proclamation, and continue to sit and act in like manner, to all intents and purposes, as if it had stood adjourned to the same day.

74. On receipt of the order of the Governor calling out the whole or any part of the Militia then enrolled pursuant to this Act, the Commandant of Militia shall forthwith, by warrant under his hand and seal (in which warrant shall be recited the Governor's order), require the Senior Commissioner of Police to cause notice in writing to be given to the several men of the said Militia, or left at their usual places of abode, to attend within their respective Districts at the time and place mentioned in such order, and also to cause notice thereof (such notice to contain a list of the names of all such Private Men as shall have been appointed to serve, in case a part only of the Militiamen shall have been directed to be embodied in any District, but only in such case) to be affixed on the doors of the house or place of meeting of the Justices of any District for which such men are enrolled, which notice shall be deemed a sufficient notice to every person concerned and enrolled under this Act, notwithstanding any omission in the delivery of written notices in manner herein directed; and all such Militiamen shall duly attend at the time and place appointed in such notices respectively.

75. No Officer serving in the Militia shall sit on any Court Martial upon the trial of any Officer or soldier serving in any of Her Majesty's other Forces; nor shall any Officer serving in any of Her Majesty's other Forces sit on any Court Martial upon the trial of any Officer or soldier serving in the Militia.

76. If any person of the said Militia ordered to be drawn out and embodied as aforesaid (not laboring under any infirmities, incapacitating him to serve as a Militiaman) shall not appear and march in pursuance of such order, every such Militiaman shall be liable to be apprehended and punished as a deserter, according to the provisions of any Act which shall be then in force for punishing mutiny and desertion, and for the better payment of the Army and their quarters, and of the Articles of War, made in pursuance of the same; and if any person shall harbor and conceal any such Militiaman, when ordered to be drawn out and embodied as aforesaid, knowing him to be such Militiaman, every person shall, for every such offence, forfeit and pay the sum of One Hundred Pounds.

77. From the date of the Governor's warrant for drawing out the Militia into actual service, the Officers and men so drawn out shall be entitled to pay, at the rates and subject to the provisions hereinafter specified.

78. The pay of every Officer, Serjeant, Corporal, Drummer, and Private Man, who shall not join his regiment, battalion, corps, or detachment of Militia on the day appointed for that purpose, shall commence only from the day of his joining such regiment, battalion, corps, or detachment, unless such Officer, Sergeant, Corporal,
poral, Drummer, or Private Man shall have been prevented from joining on the day appointed as aforesaid by sickness or any other inevitable necessity, to be proved to the satisfaction of the Commanding Officer of the regiment, battalion, corps, or detachment, in which case such Officer, Sergeant, Corporal, Drummer, or Private Man may, by order of his Commanding Officer, be accounted with for his pay, from the date of the Governor’s warrant as aforesaid.

79. The pay of every person enrolled to serve in the Militia of any District or place, after such Militia shall have been embodied and called out into actual service, shall commence upon the day on which such person shall join the regiment, battalion, or corps to which he shall belong, and not before: Provided always, that it shall be lawful for the Justices of the Peace by whom any such person shall have been so enrolled to order and direct an allowance to be made to such person, for the purpose of enabling him to proceed and join the regiment, battalion, or corps to which he may belong, not exceeding the rate of the pay of so many days as would enable him to march from the place where he was enrolled to the place where the said regiment, battalion, or corps may be stationed, to be calculated at the rate of not less than ten miles per day, with the usual number of halting days; and the said allowance of pay shall be advanced to such person at the time of his enrolment by the Clerk of the District Meeting, under the order of the Justices aforesaid, or one of them, and shall be repaid to the said District Clerk by the Colonial Treasurer, on the production of a certificate to that effect, signed by the said Justices, or one of them, and the said Colonial Treasurer shall be allowed for the same in his accounts accordingly.

80. When any regiment, battalion, corps, or detachment of Militia shall be drawn out into actual service, and during the time it shall continue in actual service, the Colonel or other Commandant thereof, shall and may appoint an agent to such regiment, battalion, corps, or detachment, and shall take security from such agent, and such Colonel or other Commandant shall be, and is hereby made subject and liable to make good all deficiencies that may happen from the said agent, or from himself, upon account of the pay, clothing, or public stock of such regiment, battalion, corps, or detachment.

81. When the Militia shall be ordered out into actual service, the Colonial Treasurer shall, and is hereby required forthwith to pay to the Captain or other Commanding Officer of every company of Militia so ordered out, the sum of One Guinea for the use of every Private Militiaman belonging to his company; and the said Colonial Treasurer shall also pay to every Captain or other Commanding Officer of a company as aforesaid the sum of One Guinea for every recruit, as early as may be after such recruit shall have joined his company, while out in actual service as aforesaid (all which money so paid by the said Colonial Treasurer shall be allowed him in his accounts), and the money so received by any Captain or other Commanding
manding Officer, or so much thereof as such Captain or Commanding Officer shall think proper, shall be laid out in the manner he shall think most advantageous for the respective Militiamen, and such Captain or Commanding Officer shall, on or before the last day of the month next ensuing that in which he shall have received such One Guinea as aforesaid, account to such Militiaman how the said sum of One Guinea hath been applied and disposed of, and shall, at the time of settling such account, pay the remainder of the money (if any) to the said Militiaman.

82. When any regiment, battalion, or corps of Militia shall be embodied, and absent from the District or place to which it belongs, the Commanding Officer of such regiment, battalion, corps, or detachment of Militia shall apply to every man chosen by lot, whose term shall be within three months of expiring, and who are willing to continue on bounty.

83. Within three days after the receipt of any such list as aforesaid, public notice thereof shall be given by the Clerks of the respective District Meetings receiving the same, by affixing a copy on the door of the house or place of the meetings of the Justices within the District, and the Justices assembled at the then succeeding meeting to enrol recruits in the place of such Militiamen whose names are included in the said list, shall and may receive from any person or persons who shall offer to pay the same, any sum or sums of
of money that may be sufficient to pay all or any of the sums demanded as bounty by the men proposing to volunteer for further service as above; and it shall be lawful for any two Justices, if they shall think fit, to cause the men willing to continue to serve as aforesaid, or any of them, the amount of whose bounty shall have been paid to such Justices, to be enrolled as Volunteers for the District for which they shall have been originally serving; and to remit the bounty or bounties, to be given to such men, to the Paymaster of the regiment, battalion, corps, or troops in which they shall be then serving, who shall forthwith pay or account to the said men respectively for the same, and the Justices shall proceed to supply any vacancies, if any remain, in manner hereinbefore provided for enrolling Militiamen.

84. In case the term of service of any person who shall have been chosen by lot and enrolled to serve in the Militia shall be prolonged in the manner herein directed beyond the term of three years, then and in such case the Colonial Treasurer shall and he is hereby required to pay forthwith to the Captain or other Commanding Officer of each troop or company respectively the sum of One Guinea for every person whose term of service shall be so prolonged, and shall in like manner, so often as the term of service of any person so chosen by lot and enrolled to serve in the Militia shall be prolonged as aforesaid, pay the further sum of One Guinea (all which money so paid by the Colonial Treasurer shall be allowed in his accounts) and the money so received by any Captain or Commanding Officer shall be laid out in the manner he shall think most advantageous for each respective person so chosen by lot and enrolled, and whose time of service shall be prolonged as aforesaid; and such Captain or Commanding Officer shall, on or before the last day of the month next ensuing that in which he shall have received any such Guinea, account to such person for the same, and pay over to him the remainder, if any.

85. In case the time of service of any substitute, hired man, or volunteer, serving in the Militia shall, by reason of the Militia being embodied, continue beyond the term of three years, then and in such case the Colonial Treasurer shall, and he is hereby required, forthwith to pay to the Captain or other Commanding Officer of each Company respectively the sum of One Guinea for every substitute, hired man, or volunteer, whose term of service shall so continue; and in case such term shall so continue for more than three years beyond the said term of three years, then, at the expiration of the said three years, the said Colonial Treasurer shall pay the like further sum of One Guinea for every substitute, hired man, or volunteer, whose term shall so further continue, and shall in like manner, at the expiration of every additional term of three years pay the like further sum of One Guinea (all of which money so paid by the Colonial Treasurer shall be allowed him in his account); and the money so received by any Captain or Commanding Officer, or so much thereof as such Captain or Commanding Officer

And may enrol such men as volunteers.

Whenever the term of service of men is prolonged beyond three years, One Guinea per man shall be paid by the Colonial Treasurer to the Captain for necessaries.

A like bounty at the end of every three years of their further prolonged service for substitutes, hired men, or Volunteers.
Officer shall think proper, shall be laid out in the manner he shall think most advantageous for each respective substitute, hired man, or volunteer; and such Captain or Commanding Officer shall, on or before the last day of the month next ensuing that in which he shall have received such money as aforesaid, account to such substitute, hired man, or volunteer, how the said sum or sums shall have been applied and disposed of, and shall, at the time of settling the account as aforesaid, pay over to such substitute, hired man, or volunteer, the remainder of the said money, if any, which shall not have been so applied, disposed of, and accounted for.

86. If any person sworn and enrolled in the said Militia, either as a substitute or volunteer (not laboring under any infirmity incapacitating him to serve as a Militiaman) shall not with due diligence join the regiment, battalion, corps, or troop of Militia of the District or place for which he shall be so sworn or enrolled (in case such regiment, battalion, corps, or troop shall then be embodied), according to such order as shall be given him in that respect by any Justice or Justices, or by any Officer of the said regiment, battalion, corps, or troop, or by any other person authorized to give such order, or if any person serving in any embodied Militia as a substitute or volunteer, or any Sergeant, Corporal, Trumpeter, or Drummer shall desert or absent himself from his duty, every such Sergeant, Corporal, Trumpeter, Drummer, or private Militiaman shall be liable to be apprehended and punished according to the provisions of any Act which shall be then in force for the punishing mutiny and desertion, and for the better payment of the army and their quarters, and of the Articles of War made in pursuance of the same, and may, by a general Court Martial be adjudged to further service in the said Militia, for some period to be limited.

87. Whenever the whole number or any of the persons enrolled in the Militia of any District or place shall have been ordered to be drawn out and embodied as aforesaid, and in case any of the persons so ordered to be drawn out and embodied shall afterwards make default, either by not appearing in pursuance of any such order as aforesaid, or by desertion or absence from duty, and such person shall not be taken within the space of three months from the time of such default, desertion, or absence, then a vacancy shall be declared by the Justices at their first meeting, to be holden for the District for which such person was enrolled, next after the receipt of the certificate of such default, desertion, or absence, under the hand of the Officer commanding the regiment, battalion, corps, troop, or company, to which such person belonged, and the vacancy thus occasioned shall be forthwith filled up by a fresh ballot.

88. In case the whole of the Militia shall not have been embodied at first, nothing herein contained shall be construed to debar the Governor from ordering the remainder of the said Militia, or so many of the remainder of the said Militia of any District or place...
place as the Governor shall think proper, to be drawn out and
embodied, whenever the occasion shall require, according to
the provisions prescribed by this Act; and whenever the
Governor shall think fit to draw out and embody any further part
of the Militia, it shall be lawful for all Justices, and all other
Officers respectively, and they shall respectively pursue the rules
and directions hereinbefore prescribed for drawing out and embody-
ing the first part thereof.

89. If, during such time as any part of the Militia which
shall have been drawn out and embodied for service shall continue
embodied, the Governor shall deem it expedient that the Militia of
any District or place or any part thereof, which shall not at such
time be actually embodied for service, should be drawn out in order
to be trained and exercised for a limited time, instead of being so
embodied for service, according to the provisions of this Act, it
shall be lawful for the Governor to cause the said Militia not
actually embodied, or any part thereof, to be drawn out in order to
be mustered, trained, and exercised, in such proportion, and for
such time, and at such place or places as he shall appoint, in man-
ner as is hereinbefore directed, for training and exercising the
disembodied Militia; and the same shall be mustered, trained, and
exercised accordingly.

90. Whenever the whole or part of the Militia of any District
or place is ordered to be embodied, all the Officers, Non-Commis-
sioned Officers, Trumpeters, Drummers, and Privates of every
regiment, battalion, corps, or troop of the Militia of such District or
place so ordered out, shall immediately join the regiment, battalion,
corps, or troop to which they respectively belong, at the time and
place appointed for the embodying such Militia; and whenever the
Militia of any District or place is called out and embodied by
detachments or divisions, under any order of the Governor for that
purpose, pursuant to the provisions of this Act, it shall be lawful
for the Governor to order and direct the proportion and description
of Officers and Non-Commissioned Officers, Drummers, and
Privates, who shall accompany and form such detachments or divi-
sions of men, and the respective establishments of such detach-
ments or divisions, and also to regulate the numbers and duties of
all such Officers, Sergeants, Corporals, Trumpeters, and Drummers,
as shall remain within any such District or place, for the mustering,
training, and exercising of the remainder of the Private Militiamen
thereof, as the service may require, and to the Governor may seem
most fit and convenient.

91. It shall be lawful for the Governor, from time to time, as
he shall think fit, to disembbody any part or proportion of any
Militia of any District or place embodied under this Act, and, from
time to time, again to draw out and embody any such Militia so
disembodied as aforesaid, or any proportion thereof, as to the
Governor shall seem necessary, according to the rules and provi-
sions of this Act.

92. When
92. When the Militia, or any part thereof, having been so drawn out into actual service as aforesaid, shall be again duly disembodied, and the Officers and men thereof dismissed to return to their several places of abode, the Officers, Non-Commissioned Officers, Drummers, and Private Men, shall be subject to the same orders, directions, and engagements only as they were subject to under the provisions of this Act, before they were so drawn out into actual service as aforesaid.

93. And whereas it may happen, in case of actual invasion, or of imminent danger thereof, and in case of rebellion or insurrection, that the full proportion of men authorized and limited by this Act to be enrolled to serve in the Militia, shall not have been directed to be enrolled by the Governor and Executive Council for the then current three years: And whereas it may be expedient, in such cases before-mentioned, that the Governor should be empowered to increase without delay the number of Militia Forces for the more effectual protection and defence of this Province: Be it therefore Enacted, That it shall be lawful for the Governor, the occasion being first communicated to the Executive Council, with the advice of the said Council, to proceed forthwith to regulate and increase the quotas of the several Districts then furnishing quotas, and to ascertain, settle, and fix the quotas of the Districts, if necessary, and to order and direct by Proclamation, that, in addition to the number of men then serving for the Province, there shall be forthwith raised and enrolled in the several Districts of the Province any number of men proportionate to the number in each fit and liable to serve, not exceeding the number of men limited by this Act as the greatest proportion to be at any time raised within any District, and the Justices of the Peace shall, immediately upon the issuing of any such Proclamation, assemble in the several Districts, and forthwith proceed to raise and enrol such men, at such time or times as shall be specified for that purpose in such Proclamation; and all the powers, provisions, regulations, rules, penalties, forfeitures, bounties, allowances, clauses, matters, and things in this Act contained, relative to the Militia, shall be applied, practised, enforced, and put in execution for the raising, training, and exercising, and for the embodying and calling out into actual service the Supplementary Militia, so ordered and directed to be raised and enrolled in as full and ample a manner, in every respect, as far as the same can be applied and put in force, as if the said number of men so added to the Militia had been included in the number of men already provided to be raised by virtue of this Act.

94. It shall be lawful for the Governor, from time to time (whatever he shall deem it expedient to reduce the whole or any part of the Supplementary Militia, by his Proclamation, to declare such reduction accordingly; and in case the said Supplementary Militia, or any part thereof, shall be then embodied), to disembodily the same, or any number of Private Militiamen equal thereto, without regard to whether such men were raised and enrolled in pursuance of any Proclamation for raising the Supplementary Militia, or were enrolled before, and were serving at the time of the issuing thereof; and the Private Militiamen so disembodied as aforesaid, or so many of them
as may have been enrolled and not embodied at the time of issuing such Proclamation, shall nevertheless remain liable to serve for the respective periods for which they shall have been respectively enrolled to serve, and shall during such periods supply all the vacancies that may arise in the respective places for which they shall have been so enrolled, whenever called upon to do so; and the Justices of the respective Districts shall from time to time cause any man or men, as the case may be, that may be required for supplying any vacancy or vacancies in the established Militia, that may arise for any place in their respective Districts, to be provided or balloted, as the case may require, according to the provisions of this Act, until all the men remaining liable, and that shall be fit to serve, if there be any, shall have supplied such vacancies: Provided always, that no ballot shall take place for the raising and enrolling any man to supply any vacancy that may arise from any place so long as the same can be supplied from any men, or by any man then enrolled for such place, that shall remain liable, and be fit to serve: Provided also, that no man so remaining liable to serve as aforesaid for any place, shall be called upon or be liable to supply any vacancy arising for any other place than that for which he shall be originally enrolled to serve under the provisions of this Act: Provided also, that no such man so remaining liable to supply such vacancy as aforesaid shall, during the time he so remains liable, be capable of being enlisted into Her Majesty's Regular Forces.

95. All fines, penalties, and forfeitures by this Act imposed, which shall exceed the sum of Twenty Pounds, shall be recovered by action of debt, bill, plaint, or information, in any Court of competent jurisdiction in the Province, as the case shall require; and that all fines, penalties, and forfeitures, by this Act imposed, which shall not exceed the sum of Twenty Pounds, shall, on proof upon oath of the offence before any Justice of the Peace of the District or place where the offence shall be committed, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of such Justice, rendering the overplus, if any, on demand, after deducting the charges of such distress and sale, to the person whose goods and chattels shall have been so distrained and sold; and for want of sufficient distress, such Justice is hereby required, in all cases where no particular time of commitment is hereinbefore directed, to commit such offender to the common gaol of the District or place where the offence shall have been committed, for any time not exceeding three months, and the money arising from all such fines, penalties, and forfeitures, the application whereof is not otherwise particularly directed by this Act, shall be paid to the Clerk, or where there are no Clerks, to the Commanding Officers of the respective regiments, battalions, or other bodies of Militia, of the respective Districts or places where such offences shall have been respectively committed, and shall be made part of the public stock of such regiments, battalions, or other bodies of Militia respectively.

96. No order of conviction made by any Justice or Justices of the Peace, by virtue of this Act, shall be removed by certiorari out of the District, county, division, town, or place wherein such order shall
shall have been made into any Court whatsoever; and that no writ of 
*certiorari* shall supersede execution or other proceedings upon 
any such order or conviction so made in pursuance of this Act, but 
that execution and other proceedings shall be had and made there-
upon, any such writ or writs or allowances thereof notwithstanding.

97. If any action shall be brought against any person or persons 
for anything done in pursuance of this Act, such action or suit shall 
be commenced within six months next after the fact committed, and 
not afterwards; and the defendant or defendants in every such action 
or suit may plead the general issue, and give this Act and the special 
matter in evidence at any trial to be had thereupon, and if the jury 
shall find for the defendant or defendants in any such action or suit, 
or if the plaintiff or plaintiffs shall be nonsuit, or discontinue his, 
her, or their action or suit, after the defendant or defendants shall 
have appeared; or if upon demurrer, judgment shall be given against 
the plaintiff or plaintiffs, the defendant or defendants shall have 
treble costs, and have the like remedy for the same as any defendant 
hath in other cases to recover costs by law.

98. And whereas it is necessary that the rates of pay should be 
fixed for the Officers, Non-commissioned Officers, and Privates of 
the Militia, when embodied for actual service, and that provision 
should be made for defraying the charge of the pay, clothing, arms, 
accoutrements, and contingent expenses of the Militia to be raised 
under this Act: Be it Enacted, That when the Militia is embodied, 
the rates of pay of the several Officers, Non-commissioned Officers, 
Drummers, and Private Men of the Militia, shall be according to the 
rates in the Schedules following; and when the Militia is dis-
embodied, the Officers, Non-commissioned Officers, Drummers, and 
Private Men, except in the cases otherwise provided by this Act, 
shall be entitled to pay at the rates given in the said Schedule, but 
only for and during the period when they shall be respectively called 
out and assembled for training or exercise under the provisions of 
this Act.

**Rates of daily Pay of the under-mentioned Persons—**

<table>
<thead>
<tr>
<th>Office</th>
<th>£</th>
<th>s</th>
<th>d</th>
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</thead>
<tbody>
<tr>
<td>Colonel</td>
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<td>0</td>
</tr>
<tr>
<td>Lieutenant-Colonel</td>
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<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Major</td>
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<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Captain</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Lieutenant</td>
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<td>12</td>
<td>6</td>
</tr>
<tr>
<td>Ensign or Second Lieut.</td>
<td>0</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>Paymaster</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Adjutant</td>
<td>0</td>
<td>12</td>
<td>6</td>
</tr>
<tr>
<td>Quartermaster</td>
<td>0</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>Surgeon</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sergeant-Major</td>
<td>0</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>Sergeant</td>
<td>0</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>Drum-Major</td>
<td>0</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Corporal</td>
<td>0</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Private</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Drummer</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
</tbody>
</table>

99. For
99. For the clothing of the Militia to be raised under this Act, there shall be granted a sum at the rate of not exceeding Five Pounds for each Non-Commissioned Officer, Drummer, and Private Man enrolled under this Act.

100. There shall be granted for the pay and allowances of a Staff-Adjutant for the said Militia for one year the sum of Three Hundred and Sixty-five Pounds, and for the pay of a Staff-Sergeant One Hundred and Eighty-two Pounds Ten Shillings; and the said Adjutant shall keep a horse for the due performance of his military duties, and the said pay and allowance shall include forage; and the said Adjutant when so ordered by the Governor, shall train and exercise the Militia in Adelaide, and in the several Districts, if required, with the assistance of the Staff-Sergeant, who shall be under his orders; and in the event of the said Militia being raised, there shall be paid the like sums for a Staff-Adjutant and Staff-Sergeant for such Militia, who shall, when ordered by the Governor, train and exercise the Militiamen in Adelaide and in the several Districts; and the said Adjutants and Sergeants respectively shall be appointed to any regiment, battalion, or corps raised within the District of Adelaide; and they shall be respectively subject to all the provisions of this Act relating to such Adjutants and Non-Commissioned Officers whilst the Militia is disembodied.

101. A sum not exceeding Three Thousand Pounds for the City of Adelaide, and Five Hundred Pounds for each and every other Militia District, shall be allowed for the purpose of erecting a suitable building to contain the arms, accoutrements, clothing, and other stores of the Militia, in each Militia District, if found necessary.

102. There shall be granted for each regiment of Militia, when disembodied, a sum of money after the rate of Five Pounds for every one hundred men of each such regiment, for the expense of necessary medicines for the sick Non-Commissioned Officers, Drummers, Fifers, and private men of such regiment, during the period or periods of assembly for exercise or training; and also, at the rate of Two Shillings and Sixpence per annum for each private man for defraying the cost of repair of arms and other contingent expenses of each regiment, battalion, corps, or company; and allowances shall be made to the Police Constables for the following services when rendered by them:

<table>
<thead>
<tr>
<th>Service</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>For filling up and delivering notices to householders, for each day consisting of eight hours</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>For making out lists, for each folio of sixty words</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>For attending any meetings of Magistrates on any matter under this Act where their attendance shall be required</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>For filling up and delivering notices to balloted men, per day</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>For stationery per annum</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
</tbody>
</table>

103. This Act shall commence and take effect from and after such day fixed by Proclamation.
such day as may be fixed by the Governor by any Proclamation to be by him published in the *South Australian Government Gazette*: Provided that no such Proclamation shall be issued unless the number of Volunteers, by the said recited Act authorized to be raised, shall, for the period of three calendar months, fall below the minimum number thereby authorized to be raised, except in case of invasion, or the imminent danger thereof.
SCHEDULES REFERRED TO.

A

ACT No. 18

To of the Militia District of Yeoman.

Take notice, that you are hereby required, within fourteen days from the date hereof, to prepare and produce a list in writing, to the best of your belief, of the Christian name and surname of each and every man resident in your dwelling-house, between the ages of 18 and 46, distinguishing in such list the several particulars mentioned in the columns thereof, and you are to sign such list with your own name, and to deliver or cause the same to be delivered to me.

Neglect of compliance with this notice will subject the party to a penalty of Five Pounds.

<table>
<thead>
<tr>
<th>Name in full.</th>
<th>Description</th>
<th>Age</th>
<th>Exempt or not exempt from Militia</th>
<th>Grounds of exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alfred Woodhouse</td>
<td>Housekeeper</td>
<td>40</td>
<td>Exempt</td>
<td>Clergyman</td>
</tr>
<tr>
<td>C. A. D.</td>
<td>Servant</td>
<td>25</td>
<td>Not</td>
<td></td>
</tr>
<tr>
<td>A. B.</td>
<td>Lodger</td>
<td>30</td>
<td>Not</td>
<td></td>
</tr>
<tr>
<td>L. M.</td>
<td>Inmate</td>
<td>18</td>
<td>Not</td>
<td></td>
</tr>
</tbody>
</table>

N. B. If any house be divided into distinct stories or apartments, occupied distinctly, each distinct occupier is to make this return.

Take notice, that the day of next, at the hour of in the forenoon, at is appointed for hearing appeals within this District, by persons claiming to be exempt from serving in the Militia.

B. C., Police Constable.

B

ACT No. 18

[List to be made by the Police Officer or Constable, to the Clerk of the Meetings of Justices of the Peace.]

List of persons between the ages of 18 and 46, dwelling within the town [or hundred as the case may be] of in the Militia District of

<table>
<thead>
<tr>
<th>Name.</th>
<th>Description</th>
<th>Ages</th>
<th>Exempt or not exempt from Militia</th>
<th>Grounds of exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alfred Woodhouse</td>
<td>Clergyman</td>
<td>40</td>
<td>Exempt</td>
<td>Clergyman</td>
</tr>
<tr>
<td>A. B.</td>
<td>Inmate</td>
<td>20</td>
<td>Not</td>
<td></td>
</tr>
<tr>
<td>C. D.</td>
<td>Servant</td>
<td>25</td>
<td>Not</td>
<td></td>
</tr>
</tbody>
</table>

Take notice, that the day of next, at the hour of in the forenoon, at is appointed for hearing appeals within this District, by persons claiming to be exempt from serving in the Militia.

B. C., Police Constable.
[Return to be made by the Justices in every Militia District.]

<table>
<thead>
<tr>
<th>Local Divisions within the District</th>
<th>Number of Persons liable to serve in Militia</th>
<th>Persons exempt from Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Adelaide</td>
<td>2,000</td>
<td>150</td>
</tr>
<tr>
<td>Hindmarsh and Bowden ...</td>
<td>100</td>
<td>10</td>
</tr>
<tr>
<td>Walkerville</td>
<td>50</td>
<td>—</td>
</tr>
<tr>
<td>Hundred of Adelaide (rural)</td>
<td>300</td>
<td>—</td>
</tr>
<tr>
<td>General totals</td>
<td>2,450</td>
<td>160</td>
</tr>
</tbody>
</table>