ANNO QUADRAGESIMO NONO ET QUINQUAGESIMO
VICTORIÆ REGINÆ.
A.D. 1886.

No. 390.

The Defence Forces Act, 1886.

ANALYSIS.

Preamble.
1. Acts repealed.
2. Short title.
3. Interpretation.

PART I.—Sections 4 to 36.
PROVISIONS GENERAL TO ALL THE FORCES.

Governor, Commander-in-Chief.
5. Forces under command of Commandant.
7. Existing Forces to come under this Act.
8. Precedence of Forces.

Officers and Non-commissioned Officers.
10. Rank and precedence of officers.
11. Medical department.
12. Veterinary department.

Regulations.
13. Regulations may be made.
14. Existing regulations in force until new regulations made under this Act.

Military Districts and Sub-districts.
15. Military districts and sub-districts may be proclaimed.

Calling out Forces by Proclamation for Actual Service.
17. Provisions for transfer of corps.
18. Remuneration of Forces when called out.
19. Penalties for disobedience to call.
20. Men killed on actual service.

Privileges of Forces.

Boards of Inquiry.
22. Formation of Boards.
23. Penalty on officers refusing to attend Board.
24. Powers of Board.
25. Charges against commissioned officers, how dealt with.
26. Resumation of officers composing Board.
27. Civil affairs of corps to be subject to regulations.

Licences of Land for Rifle and Artillery Ranges and Drill.
28. Licences may be granted for rifle and artillery ranges and drill.
29. Provision for cessation of licence.
30. Governor may make regulations stopping traffic, &c., during practice.

Billeting and Conveyance of Forces.
31. Regulations for billeting and conveyance of Forces.
32. Penalty for refusing conveyance.

Offences and Penalties.
33. Offences by persons not belonging to Forces.
34. Offences by persons belonging to Forces.

Protection to Officers.
35. Protection to officers.
36. Honorary officers and members of the Forces.

PART II.—Sections 37 to 62.

MILITIA.

Active Militia.
37. Numbers which may be raised of Active Militia.

Re-engaged Corps of the same.
38. Persons who may be enrolled in the Re-engaged Corps of the Active Militia.

Enrolment
The Defence Forces Act.—1886.

Enrolment and Re-enrolment.
39. Officers to enrol.
40. Manner of enrolment in Militia.

Transfer and Resignation.
41. Transfer of militia men.
42. Resignation of militia men.
43. Absence with leave from province.
Clothing, Arms, and Accoutrements.
44. Clothing, arms, and equipment.
45. Mounted militia men to provide horses.

Drill Exercise and Training.
46. Periods of drill or exercises.

Pay Allowances and Prizes.
47. Rates of pay and allowances.
48. Pay issued quarterly.
49. Members of Parliament to receive no pay.
50. Prize-money.

Offences and Punishments.
51. Offences defined by regulations, and punishments.
52. Summary punishment or imprisonment by an officer.

PART III.—Sections 53 to 70.

Reserve Militia.
53. Reserve Militia Force may be raised and called out by Governor.
54. Persons liable to serve in Reserve Militia.
55. Classes of persons liable to serve.

Mode of Raising Reserve Militia.
56. Enrolment to be made by enrolment officer.
57. Householder to give information to enrolment officer.
58. Governor to fix number of men to serve, and quotas for various districts.

Balloting.
59. Number to serve to be determined by ballot.
60. Men shall be balloted for in order of classes.
61. As to substitutes for men balloted.
62. Enrolment officer may provide substitute for Quakers.

Oath or Declaration to be taken.
63. Officers and men to take oath or declaration.

Clothing, Arms, and Accoutrements.
64. Clothing, arms, and accoutrements.

Pay and Allowances.
65. Rates of pay and allowances.

Enrolment of Servants.
66. Enrolment of servant not to vacate contracts with his master, unless called out for active service.

Offences and Penalties.
67. Refusing required information, or giving false information.
68. Men drafted refusing to be sworn.
69. Any person who falsely personates another at any parade.
70. Resisting draft, &c.—Offences connected with desertion.

PART IV.—Sections 71 to 92.

Volunteer Force.

Constitution of Force.
71. Constitution of.
72. Precedence of corps.
73. Organisation of.
74. Term of service.

Formation of Corps.
75. Formation of corps—Persons anxious to form, procedure of.
76. Boys as buglers.
77. Members joining corps already formed.

Membership.
78. Commandant to keep list of members of volunteer corps.
79. Certificates of membership.
80. Expulsion of members.
81. Disbandment of corps or of the Force.
82. Expelled volunteers cannot rejoin.
83. Cess of membership.

Officers.
84. Appointment of officers.

Uniform, Rifles, and Ammunition.
85. Uniform.
86. Rifles, accoutrements, and ammunition.
87. Surrender of arms and ammunition.
88. Government property may be lent to corps subject to regulations.

Drill and Prizes.
89. Drill and inspection.
90. Efficient and extra-efficient.
91. Prizes.

Offences.
92. Offences may be defined by regulations.

PART V.—Sections 93 to 96.

National Rifle Association.
94. Composition of.
95. Government of.
96. Rules of.

PART VI.—Sections 97 to 100.

Miscellaneous.

Legal Proceedings except when Forces called out for Actual Service.
97. Recovery of penalties.
98. Appeal.

Property of Corps Association or Club.
99. Vesting property of corps and association and club.
100. Property of disbanded corps, association, and club, how disposed of.
An Act to consolidate and amend the Law relating to the Volunteer Military Force, the Reserve Force, the Militia, and the Rifle Volunteer Force.

[Assented to, November 17th, 1886.]

PREAMBLE.

WHEREAS it is desirable to consolidate and amend the law relating to the Volunteer Military Force, the Reserve Force, the Militia, and the Rifle Volunteer Force—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

PRELIMINARY.

Repeal.

1. The Acts mentioned in the First Schedule to this Act, and hereinafter termed "the said repealed Acts," are hereby repealed from and after the commencement of this Act, to the extent specified in the third column of that Schedule:

Provided that—

(1) Nothing herein shall be deemed to affect or to render invalid any regulation, appointment, or promotion lawfully made, or any act or thing lawfully done or suffered, under any enactment hereby repealed:

(2) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act.

This repeal shall not affect—

(a) The past operation of any enactment hereby repealed nor anything duly done or suffered under any enactment hereby repealed; nor

(b) Any right, privilege, obligation, or liability acquired or incurred under, or any appointment or promotion lawfully made under, any enactment hereby repealed; nor

(c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor

(d) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, appointment, promotion, penalty, forfeiture, or punishment as aforesaid, and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not been passed.
Short Title of Act.

2. This Act may for all purposes be cited as "The Defence Forces Act, 1886."

Definitions.

3. In the interpretation of this Act the following terms shall, unless the context otherwise requires, have the several meanings set against them respectively, that is to say—

"Minister"—The Responsible Minister of Her Majesty’s Colonial Government of the said province for the time being administering this Act:

"Commandant"—The commissioned officer in chief command for the time being of the Forces of South Australia:

"Commanding officer"—The officer commanding a corps raised under this Act:

"Officer"—A person holding a commission or warrant in the Forces:

"The Forces"—The Forces authorised by this Act:

"Militia"—The Active Militia Force authorised by this Act:

"Reserve Militia"—The Reserve Militia Force authorised by this Act:

"Volunteer Force"—The Volunteer Force authorised by this Act:

"Militiaman"—A member of the Militia:

"Reserve militiaman"—A member of the Reserve Militia:

"Volunteer"—A member of the Volunteer Force:

"Corps"—Any battery of artillery, troop of cavalry, or company of infantry or mounted infantry, or any company of cadets of the Forces, but so that where two or more troops of cavalry, companies of mounted infantry, or of infantry are formed into a squadron, battalion, or regiment, such squadron, battalion, or regiment may be termed a corps:

"Army Act"—The Act of the Imperial Parliament called "The Army Act, 1881," or any Act or Acts that shall for the time being be in force in the United Kingdom amending or in substitution for the same, including the Articles of War made and for the time being in force thereunder:

"Regulations"—Any regulations which shall be made by the Governor in pursuance of this Act:

"Prescribed"—Prescribed by this Act, or by regulations made under this Act:

"District"—The locality prescribed as a district by this Act, or by any regulations made under this Act:
"Sub-district"—That portion of any district prescribed as a sub-district for the purposes of this Act, or by any regulations made under this Act:

"Proclamation"—A Proclamation published in the Government Gazette.

PART I.

PROVISIONS GENERAL TO ALL THE FORCES.

4. The Governor, as Her Majesty's Representative, shall be Commander-in-Chief of the Forces mentioned in this Act.

5. The Commandant shall, subject to regulations, command the Forces authorised by this Act.

Constitution of the Forces.

6. The Forces authorised by this Act shall consist of—

(1) The "Active Militia Force"—

The Force in the said repealed Acts termed "The Volunteer Military Force":

Including its Reserve in the said repealed Acts termed "The Reserve Force," and in this Act termed "Re-engaged Corps" of the "Active Militia Force."

(2) The "Reserve Militia" Force—

Termed in the said repealed Acts "The Militia Force":

(3) The "Volunteer Force"—

Termed in the said repealed Acts "The Rifle Volunteer Force."

7. Every member of the Volunteer Military Force, and of the Reserve Force, commissioned or enrolled under the said repealed Acts, or any of them, shall continue to serve in the Militia under the provisions of this Act in the same manner as if he had been commissioned or enrolled under this Act.

And every rifle volunteer officer or rifle volunteer company whose services have been accepted under the said repealed Acts, or any of them, shall continue in existence as a volunteer officer or volunteer corps respectively under the provision of this Act in the same manner as if he or they had been commissioned or formed under this Act.

Any member of the Forces aforesaid may, within three months of the passing of this Act, resign his commission if an officer, or claim his discharge from such Force by giving fourteen days' notice of the same through his commanding officer to the Commandant.

Except as herein expressly provided, nothing herein contained shall be deemed to deprive any person who has been a member of
of any of the Forces under the said repealed Acts of any immunity or privilege to which under any of the said Acts he may be, or, but for this Act, would have been, entitled at the passing hereof.

8. The Militia and the Reserve Militia shall be equal in rank, but shall rank junior to the Permanent Military Force of the said province, and senior to the Volunteer Force of the said province. The Volunteer Force shall rank junior to the said Permanent Military Force, the Militia, and Reserve Militia of the said province.

Officers and Non-commissioned Officers.

9. The Governor may appoint to the Forces such staff officers and staff non-commissioned officers as he may deem necessary, and may also appoint to every Force, or corps of a Force, such and so many officers subject to regulations, as he deems necessary; but in time of peace no person except the Commandant shall hold higher rank than that of lieutenant-colonel, except as an honorary rank.

The Commandant, on behalf of the Governor, may appoint all warrant officers and superior non-commissioned officers including sergeants.

The commanding officer may, subject to regulations, appoint to his corps all non-commissioned officers not included in the last preceding paragraph of this section.

The commissions or appointments of all such officers and non-commissioned officers are held at pleasure, and the proper authority may from time to time remove any officer or non-commissioned officer and appoint another in his stead.

10. Officers and non-commissioned officers of the Forces shall have relative rank and take precedence among themselves in their respective Forces according to the rules which obtain in that behalf in the Regular Troops of Her Majesty, and officers of these Forces shall rank as juniors of their respective ranks with officers in Her Majesty's Regular Forces, and with officers of the Permanent Force of this province.

Officers and non-commissioned officers of the Volunteer Force shall be junior to officers and non-commissioned officers of the Militia and Reserve Militia of the same rank, whatever be the dates of their respective commissions or appointments:

But any field officer of Her Majesty's Forces shall have precedence of and command over field officers of the Militia, Reserve Militia, and Volunteer Forces.

11. There shall be a Medical Department of the Forces, and all medical officers commissioned as such in the Forces shall belong to this department, and, subject to regulations, shall be under the orders of the principal medical officer, at the time of the passing of this Act, on the Staff of the South Australian Military Forces or of the principal medical officer for the time being of the Forces.

Such medical officers though belonging to one medical department,
ment, shall rank according to the position and precedence by this Act given to the respective Force to which they may be respectively commissioned, and according to the position and precedence by this Act given to the officers of the respective Forces.

Such medical officers may be attached to any particular corps, portion or assemblage of corps, of the respective Forces to which they belong, but they may be transferred, subject to regulations, by the Commandant or principal medical officer aforesaid for duty, when necessary, with any branch of the Forces, retaining, however, the rank and position they occupy in the Forces to which they are commissioned.

12. There shall be a veterinary department of the Forces, and all veterinary surgeon officers commissioned as such in the Forces shall belong to this department, and, subject to regulations, shall be under the orders of the principal veterinary surgeon officer for the time being on the staff of the Forces.

Such veterinary surgeon officers, though belonging to one department, shall rank according to the position and precedence by this Act given to the respective Force to which they may be respectively appointed, and according to the position and precedence by this Act given to the officers of the respective Forces.

Such veterinary surgeon officers may be attached to any particular corps, portion, or assemblage of corps of the respective Forces to which they belong, but they may be transferred, subject to regulations, by the Commandant or principal veterinary surgeon officer aforesaid for duty, when necessary, with any branch of the Forces, retaining however the rank and position they occupy in the Forces to which they are appointed.

Regulations.

13. The Governor may from time to time make, alter, or revoke regulations not inconsistent with this Act, for carrying into effect and for enforcing the provisions thereof, and for the enrolment, promotion, employment, training, discipline, and better government of the Forces, or of any portion or individual thereof, and for the punishment, dismissal, or discharge or disbandment of the same, or of any portion or individual thereof.

Such regulations shall be published in the Government Gazette, and afterwards shall be judicially noticed and have the force of law, and a copy of the Government Gazette, purporting to contain a copy of any such regulations, shall be conclusive evidence thereof: Provided that all such regulations shall be laid before both Houses of Parliament within fourteen days of the making thereof, if Parliament be then sitting, and if Parliament be not sitting, then within fourteen days after the commencement of the next sitting of Parliament.

Such regulations shall be in force at all times, whether the said Forces shall be on parade, under arms, or otherwise.
14. Until the Governor shall make and publish regulations under the powers herein contained, all rules and regulations made, and which are in force at the time of the passing of this Act, under the provisions of any of the said repealed Acts with respect to any of the Forces thereby authorised, shall (except as far as they are inconsistent with this Act) be and continue in force, and shall apply to the corresponding or similar Force under this Act, and shall have the same force and effect, and may, except as aforesaid, be enforced in all respects as if the same had been duly made and published under this Act.

Military Districts and Sub-districts.

15. For the purposes of this Act, and for more efficiently raising such Forces as aforesaid, the Governor may, by Proclamation, constitute "Military Districts" and "Military Sub-districts," and may define the boundaries thereof, and such districts, or the boundaries thereof, may, from time to time, abolish, alter, or vary, and by such Proclamation as aforesaid may, subject to the provisions of this Act, appoint the number of militiamen, reserve militiamen, and volunteers to be raised for each or any of such districts, and such number may from time to time alter or vary.

Calling out the Forces by Proclamation for Actual Service.

16. (a) The Governor may, by Proclamation, call out the Forces, or any portion or portions thereof, for actual service in case of invasion or attack on the province or its dependencies, or of rebellion or insurrection therein, or of danger of such invasion, attack, rebellion, or insurrection:

(b) Any such Proclamation being published, every member of the corps called out shall assemble in obedience thereto at such time and place as may be directed by the Commandant, with any arms, equipment, accoutrements, and ammunition in his possession, and with such provisions as his commanding officer may direct, and shall be subject to the Army Act and all other laws and regulations then applicable to the Permanent Military Force of South Australia as if he were a member of such Force, and until the Governor, by Proclamation, shall signify that the services of such corps are no longer required:

(c) No member of the Forces so called out shall be subject to any corporal punishment, save death or imprisonment, for any contravention of the Army Act, laws, or regulations above mentioned:

(d) The regulations may prescribe that any portion of the above-mentioned Army Act, or of the laws or regulations, shall not apply to the Forces, or portion of the Forces, so called out:

(e) No militiaman or reserve militiaman shall be required to serve out of Australasia, and no volunteer shall be ordered for service outside the province:

(f) Whenever
The Defence Forces Act.—1886.

(f) Whenever the Militia or Reserve Militia, or any portion or portions thereof, are called out for actual service as above, by Proclamation made by the Governor, by reason of such invasion or attack, rebellion, or insurrection, or of danger of such invasion or attack, rebellion, or insurrection, the Governor may place them under the orders of the Commander of Her Majesty's regular Land Forces in this province, or in any other place where the Forces or portions thereof may be required to serve, or under the orders of any other officer then in command of the Land Forces of any other of the Australasian colonies.

17. (a) The Commandant may, on behalf of the Governor, detail the members of the Reserve Militia, when called out for actual service by Proclamation of the Governor as aforesaid, to any corps of the Militia to be attached thereto, and to form part of such corps, for the period during which such members of the Reserve Militia are called out, or for any part of that period, to complete or augment the strength of such corps aforesaid: or

(b) He may, subject to regulations, form the members of the Reserve Militia so called out into such corps as may be desirable:

(c) The Commandant may, subject to regulations, further transfer any member of the Militia Force when called out, or any corps or part of a corps of such Force, from any one corps to any other corps of the same:

(d) If the Volunteer Force, or any portion thereof, be called out by Proclamation as aforesaid, the Commandant may similarly attach any corps or portion of corps to any other corps or portion of corps in that Force:

(e) And he may attach any corps or portion of corps of the said Force to any corps or portion of corps of any of the Forces under this Act, to be a part of such corps for the time being.

18. Members of the Forces when called out for actual service as above, shall, for the day on which they assemble pursuant to such call, and until their services are no longer required, be entitled to the remuneration in their several ranks as laid down in the Second Schedule to this Act; and also shall be provided with accommodation in quarters or camp, and shall further receive daily rations and camp or field allowances, as may be prescribed.

19. If any member of the Forces shall refuse or neglect to obey any call for actual service made by the Governor by Proclamation pursuant to this Act, not being prevented by infirmity disabling him from active service, or by absence from the province, the proof whereof shall lie on him, he shall, if a militiaman or a reserve militiaman, be liable to be proceeded against under the Army Act as a deserter, and, if convicted, shall be punished accordingly; and, if a volunteer, be liable on summary conviction to pay a penalty of not less than Twenty nor more than One Hundred Pounds, and to be imprisoned for a term not exceeding twelve months.
Provision for families of men killed on actual service.

20. When any officer or man is killed on actual service, or dies from wounds contracted on actual service, provision shall be made for his wife and family out of the public funds.

Privileges of the Forces.

21. All persons duly commissioned or enrolled in the Militia, and officers and efficient or extra-efficient members of the Volunteer Force, while in the said Forces, shall be exempt from other military service, from being balloted for the Reserve Militia, and from serving as district constables, and, further, the houses, horses, and carriages of such persons shall be exempt from impression for any military service under any Act of the Parliament of the said province.

Boards of Inquiry.

22. The Commandant, and such of the commanding officers of the Forces as may be empowered so to do by regulations, may summon, in manner hereinafter contained, any commissioned officer of the Forces to form a Board, which shall consist of not less than three commissioned officers, of whom the senior officer present shall be the president thereof, to examine into the truth of any charges or complaint preferred against any officer, or non-commissioned officer, or other member of the Forces, or into any other matter in connection with the Forces which may be laid before them.

The form of summons shall be as follows:—

I, A. B. [rank of officer convening Board], do hereby summon you, in terms of section of "The Defence Forces Act, 1886," to attend at on the day of 18, at the hour of noon, to examine into the truth of certain charges (or complaints) to be preferred against (or to examine into state here the other matters in connection with the Forces, which may be laid before them).

of the [rank].

Dated the day of 18.

[Signature.]

Penalty on officer refusing to attend Board of Inquiry.

23. If any officer of the Forces, summoned as aforesaid, shall refuse or neglect to attend at such time and place as may be named in such summons for the meeting of the Board, he shall render himself liable to have his commission cancelled, subject, however, as follows:—

(a) Every member of the Board appointed under this Act to inquire into the conduct of an officer of the Forces shall be of equal or superior rank to the officer whose conduct is so to be inquired into, and one member at least shall be of such superior rank:

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

(c) No officer may be summoned to attend as a member of any Board when the place of meeting is distant more than twenty miles from his usual place of residence, unless under special circumstances to be indorsed by the Commandant on the said summons.

24. (a) All Boards of officers as hereinbefore constituted shall have power and authority, and are hereby required, to administer an oath to or take a declaration by every witness or other person who shall be examined before such Board in any matter relating to any proceeding before the same:

(b) Every witness who may be required to give or produce evidence before such Board shall be summoned by the convener thereof, and all witnesses or other persons so duly summoned who shall not attend such Board, or attending shall refuse to be sworn, or to take a declaration, or shall not produce the documents being under their power and control required to be produced by them, or being sworn, or making a declaration, shall refuse to give evidence or to answer all such questions as the Board may legally demand of them, shall be liable to the same pains and penalties as if such witness or other person had, after being duly summoned or subpoenaed, refused to attend on a trial, or to be sworn or to give evidence in any proceedings before a Special Magistrate or any two Justices of the Peace, under the “Local Courts Act, 1861,” or any Act or Acts amending or in substitution therefor, and such Board shall have the same power in respect hereto as such Special Magistrate or such two Justices:

(c) Any person who shall give false evidence, or take a false oath, or make a false declaration, and be thereof duly convicted, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to such pains and penalties as persons convicted of wilful and corrupt perjury are or may be subject or liable to.

25. In any case where charges or complaints are preferred against any commissioned officer of the Forces, such commissioned officer may be placed under arrest by the senior officer present, report of the same being at once made to the Commandant, and such charges or complaints shall, if not adjudicated by the Commandant be heard, if necessary, before a Board of officers convened and constituted as hereinbefore provided; but the duties of such Board shall be confined to taking evidence upon oath or declaration and reporting upon such evidence.

The report and evidence of such Board on any charge, complaint, or any other matter which they may be summoned to consider, shall forthwith be forwarded by the president of the Board to the Commandant, who shall submit the same, with his recommendation, for the decision of the Governor.
PART I.

Remunerating officers composing Boards.

Civil affairs of corps to be subject to regulations.

Licences may be granted for use of lands for rifle and artillery ranges and drill.

The Defence Forces Act.—1886.

26. All officers composing a Board as hereinbefore constituted shall, if they are not at the time being in receipt of consecutive pay from Her Majesty's Colonial Government of the said province, be entitled to a remuneration of one day's pay according to their rank for each day, or part of day, during which they shall respectively sit as members of such Board; and all witnesses duly summoned by the president of a Board of officers shall be entitled to the same fees and privileges as if such witnesses had been duly summoned or subpoenaed to attend on a trial in any proceedings before any of the Local Courts of the said province.

Civil Affairs.

27. The management of the civil affairs of every corps of the Forces shall be subject to regulations.

Licences of Land for Rifle and Artillery Ranges and Drill.

28. For the purposes of rifle or artillery practice or for drill a licence to use any lands hereinafter mentioned may, with the consent of the Governor, be granted to any corps of the Forces as follows:—

(1) In the case of Crown Lands, by the Commissioner of Crown Lands for the time being:

(2) In the case of lands vested in or under the care, control, or management of any Municipal Corporation or District Council, by such Corporation or District Council.

Provided—

(1) No licence shall be granted for a longer period than seven years, but any licence, when granted, may be renewed by the same authority that has power to grant the same:

(2) In the event of any land to which such licence relates ceasing to be used for the purposes of this Act the licence shall thereupon absolutely cease.

29. Any land in respect of which a licence shall have been granted under this Act shall be deemed to have ceased to be used for the purposes of this Act when there has not been any such use by the corps to or for which the licence was granted for a period of one year, and a certificate of the fact of such non-user has been given by the Commandant, and such certificate shall be conclusive evidence of such fact as against all persons and in all courts of justice.

30. The Governor may by regulations direct to be stopped at such times and for such periods as may be necessary during such rifle or artillery practice or drill the traffic on such roads or footpaths as he may deem necessary, and may make regulations for conducting
conducting such practice and registering the results thereof, and for preventing any persons other than those engaged in such practice or drill from going on the lands for which such licences may be granted, or in the vicinity thereof, and for the safety of the public, and may impose penalties for any breach of any of such regulations, and for any wilful damage to any butts, targets, or appliances on any such lands.

**Billeting and Conveyance of Forces.**

31. The Governor may make regulations for the billeting and cantoning of the Forces when called out for actual service, or for drill exercise or training, for the furnishing of railway cars, engines, carriages, carts, wagons, horses, oxen, boats, and other conveyances for their transport and use, and for adequate compensation therefor, and may by such regulations impose fines not exceeding Five Pounds for breach thereof, and imprisonment in case of default of payment of such fines.

32. Any person lawfully required under this Act, or by the regulations, to furnish any railway car, engine, carriage, cart, wagon, horse, ox, boat, or other conveyance, for the conveyance or use of the Forces, who neglects or refuses to furnish the same shall be liable to a penalty not exceeding One Hundred Pounds for each such offence.

**Offences and Penalties.**

33. It shall not be lawful for any person, not a member of the Forces authorised by this Act to wear the uniform, or any part thereof, of any of the Forces.

Any person who shall—

(a) Falsely represent himself to be a member of any of the said Forces; or

(b) Not being a member shall wear the uniform, or any part of the uniform, of any of the said Forces:

shall for every such offence be liable on summary conviction to a penalty not exceeding Twenty Pounds, with or without imprisonment for any term not exceeding six months, with or without hard labor.

34. Any person, whether a member of the Forces or otherwise, who shall—

(a) Knowingly buy, sell, or take in exchange, conceal, or, without satisfactorily accounting for the same, receive or have in his possession any arms, accoutrements, equipments, ammunition, or other articles, the property of Her Majesty's Colonial Government of the said province, delivered for the
The Defence Forces Act.—1886.

PART I.

the use of any corps, or solicit or entice any person to buy, sell, take in exchange, or conceal the same; or

(b) Make default in delivering up the arms, accoutrements, equipments, or ammunition, or any other articles in his possession, the property of Her Majesty's Colonial Government of the said province, as required and directed by this Act:

shall for every such offence be liable on summary conviction to a penalty not exceeding Twenty Pounds, with or without imprisonment for any term not exceeding six months, with or without hard labor.

Protection to Officers.

35. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act, shall be commenced within three calendar months after the act was committed.

Notice in writing of such action, and the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action.

The defendant in any such action may plead the general issue, and give the act and the special matter in evidence at any trial.

The plaintiff shall not recover in such action if tender of sufficient amends shall be made before action brought, or if, after action brought, the defendant shall pay into Court sufficient amends; but in such last-named case the plaintiff shall recover his costs of suit up to the time of payment into Court.

If a verdict shall pass for the defendant, or the plaintiff become nonsuit or discontinue, the defendant shall recover full costs as between solicitor and client, and have his remedy for the same in the usual way.

Honorary Officers and Members of the Forces.

36. Notwithstanding anything contained in this Act the Governor may, from time to time, appoint honorary officers and members to the Forces, or any portion thereof, and may from time to time remove the same at pleasure. Such officers or members may wear such uniform as shall be prescribed, but shall not in any respects be subject to any of the provisions of this Act.

PART II.

MILITIA.

Active Militia.

37. The Governor may raise, organise, arm, equip, drill, train, and exercise an Active Militia Force for the defence of the province. Such
Such Militia shall, except as otherwise provided in this Act, consist of not less than eight hundred and fifty men, nor of more than one thousand five hundred men, exclusive of officers, composed of men of under three years' service, or partly of men under three years' service and partly of men over three years' service, and of corps of re-engaged militiamen, which shall consist of not more than one thousand men, exclusive of officers, and shall, except as otherwise prescribed in this Act, be composed entirely of men of over three years service.

In addition to the above numbers, boys may be enrolled in the said Militia as cadets, trumpeters, buglers, drummers, or musicians, as shall be prescribed.

Re-engaged Corps of the same.

38. No person shall be enrolled as a member of the Militia Re-engaged Corps, unless he shall have served for a period of at least three years in the Militia, under this Act, or in the Volunteer Military Force, under the said repealed Acts, or partly in one and partly in the other of such Forces, nor unless the Commandant considers that such militiaman is a fit and proper person to be enrolled in the said Re-engaged Corps of the Militia.

Under special circumstances the Commandant is empowered to transfer individual members of less than three years' service in the Militia to such Re-engaged Corps, at the wish of such individual members, expressed through their commanding officer.

The Governor may also, by Proclamation, transfer any number of individual members of corps of the Militia to the Re-engaged Corps of the Militia, provided the strength of the whole of the Militia, other than the Re-engaged Corps, remains not less than eight hundred and fifty men.

Enrolment and Re-enrolment.

39. The Governor may appoint one or more persons to raise and enrol such militiamen as aforesaid, and may define the districts, or parts of districts, within which such persons shall act.

40. Every person enrolling or re-enrolling himself in the Militia shall take the oath, or if the taking of an oath is, according to the religious belief of such person, unlawful, shall make the declaration in the Third Schedule hereto, to serve in such Force for the period of three years, or such lesser period as may be prescribed, and during such period shall be subject to all such rules and regulations as may be prescribed for the said Militia.

No person who may be commissioned, enrolled, or re-enrolled as a member of the Militia under the authority hereof shall, by reason of such commission, enrolment, or re-enrolment, or of any duty, liability, matter, or thing consequent thereupon, lose, forfeit, or be deprived of any right, claim, benefit, share, or interest to which
PART II.

which he may be, at the time of such commission, enrolment, or re-enrolment, or to which, but for such commission, enrolment, or re-enrolment, he would have been entitled.

Transfer and Resignation.

41. Upon the application of any member of the Militia, through his commanding officer, the Commandant may, if he think fit, transfer such militiaman from any one corps in the said Militia to any other corps in the said Militia.

42. For good and sufficient reason shown, the Commandant may, on behalf of the Governor, accept, if he thinks fit, at any time, the resignation of any non-commissioned officer or man of the Militia.

Privileged Leave of Absence.

43. A militiaman shall have the privilege, subject to regulations, of obtaining six months' leave of absence from the colony under the following provisions:

(a) He shall give notice in writing to his commanding officer of his desire for such leave of absence, and shall deliver up to his commanding officer, or to the person prescribed, his arms, accoutrements, equipment, and clothing, and afterwards obtain permission in writing from his commanding officer for such leave:

(b) Such absence shall not count towards his three years' engagement:

(c) If such militiaman do not return before the expiration of six months he shall be struck off the roll of his corps:

But the Commandant may, for good and sufficient reasons, cause such absentee to be struck off the roll of his corps at any time during the period of such absence, or may, for such good and sufficient reasons, retain him on the strength even though absent for any period exceeding the said six months.

Clothing, Arms, and Accoutrements.

44. The clothing, arms, and accoutrements or equipment of such Militia shall be as prescribed, and shall be furnished to each member by and at the cost of the Government, and such arms, accoutrements, and equipment shall be and remain the property of the Government.

Such arms, accoutrements, and equipment as may be issued to the said Force, shall be produced, exhibited, and given up by the person to whom the same may be issued to any person authorised by the Government to inspect or receive the same.

Any clothing so issued shall be and remain the property of the Government during such period as prescribed, at the expiration of
of which period it shall become the property of the person to whom it shall have been issued.

Horses of Mounted Militiamen.

45. Every member of the Militia who shall belong to any mounted corps shall provide a suitable horse, to the satisfaction of the commanding officer of the corps and of the Commandant.

Drill, Exercise, and Training.

46. The Governor may call out the said Militia, either in whole or in part, for the purpose of drill exercise and training, at such times and places as he may think fit:

But no part of such Force, except as otherwise provided for, shall, for the purposes last aforesaid, be called out for a greater number of days of five hours and upwards, and of half days of from two hours to five hours, than shall in the aggregate amount to thirty-six days in any one year, in addition to those required for recruit drill or drill otherwise than during daylight, except in the case of the artillery in which the aggregate may amount to forty-eight days:

Similarly the Re-engaged Corps of Militia shall not be called out for an aggregate of more than fifteen days in each year:

Nothing in this Act contained shall prevent the Governor from calling out any officers of the said Militia as often as he shall think fit for the purpose of special drill.

Pay, Allowances, and Prizes.

47. The rates of pay and allowances of the several officers, non-commissioned officers, bandsmen and private men, buglers, drummers, and trumpeters of the Militia while employed in drill, exercise, or training, shall be subject to regulations for each day, and half-day, according to the rates in the Second Schedule hereto:

The Governor may however prescribe such reduction of such rates as he may think desirable with respect to members of the said Militia while they are undergoing recruit drill, or drill otherwise than during daylight:

The Governor may also prescribe the times and method of the payment of any rates of pay and allowance to any recruit, and may prescribe what sum may be retained and reserved out of the pay or allowance of any recruit, to be payable to him only in the event of his completing his full service of three years, or at such other time or in such other event as may be prescribed:

Not less than five hours' drill training and exercise shall be considered a day, and not less than two hours half a day, excepting during the annual musketry training, for which the time or otherwise shall be prescribed which shall be considered equivalent to a day or half a day.

48. The
48. The members of the said Militia shall be paid quarterly any sums of money to which they may be entitled under this Act:

Any fines which may have been imposed on any member, and which shall remain unpaid, shall be deducted from such sum.

49. No member of either House of Parliament shall receive any payment or allowance in respect of his personal services as an officer or member of the Militia, unless such member shall have been elected to his seat in Parliament after his enrolment as a member, or appointment as an officer.

50. There shall be set apart every year out of the general revenue of the province the sum of at least Three Hundred Pounds for prizes for the encouragement of efficiency in the rifle or other regulation arm supplied to the members of the Militia, and this sum shall be distributed in prizes as prescribed.

Offences and Punishments.

51. Offences of members of the Militia (except in the case of offences, punishments, and penalties, provided by this Act with respect to members of the Militia when called out by Proclamation for actual service, or provided by Part 1. of this Act as general to all the Forces) shall be defined, and the punishment thereof, by fine or imprisonment, shall be fixed by regulations, but so that no such fine shall exceed Twenty Pounds, and no period of imprisonment shall exceed more than forty-two days.

52. Any commissioned officer for the time being in command of any body of men of the Militia may summarily order any member of such body to be imprisoned in any guardhouse to be appointed for such purpose by the Governor for any period not exceeding one day, or may inflict a fine upon any such member not exceeding two days' pay; and such officer may order any person committing a breach of the general rules and regulations hereinbefore mentioned to be arrested and kept in custody until he shall be brought before a Special Magistrate or two Justices to answer for such breach, which shall be within three days from the day of arrest.

PART III.
RESERVE MILITIA.

53. The Governor may—

(a) In case a sufficient number of persons within the said province do not volunteer to complete the Militia in this said Act authorised to be raised; or

(b) In case of actual invasion or of the imminent prospect thereof, or of imminent danger to the interests of the said province:
From time to time, call together, raise, organise, arm, equip, drill, train, and exercise a Reserve Militia, composed of such persons and in such manner as hereinafter directed.

54. Every male inhabitant of the province, between the ages of eighteen and forty-five, fit and able to bear arms, who shall have resided in the said province for a period of six calendar months, and not exempted by the Fourth Schedule hereto, shall be, and he is hereby declared to be, liable to serve in the Reserve 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: Provided that—

(1) No person shall have the benefit of exemption unless he proves his right thereto as laid down in this Act:

(2) When exemption is claimed, the burden of proof shall be upon the claimant:

(3) Exemption shall not prevent any person from serving, if he desires it, and is not disabled by bodily infirmity.

55. The male population liable to serve in the Reserve Militia shall be divided into three classes, as follows:

The first class shall comprise all men of the age of eighteen years and upwards, but under thirty years of age, who are unmarried or widowers without children:

The second class shall comprise all men of the age of thirty years and upwards, but under forty-five years, who are unmarried or widowers without children:

The third class shall comprise all men of the age of eighteen years and upwards, but under forty-five years, who are married or widowers with children:

And whenever it is necessary to call upon men to serve in the Reserve Militia they shall be called out in the order aforesaid.

Mode of Raising Reserve Militia.

56. The Governor may from time to time, when necessary, appoint persons, to be called "Enrolment Officers," for all or such one or more of the districts or sub-districts as proclaimed and constituted under this Act, as he may think desirable.

(1) The enrolment of men shall be made in each district and sub-district by the Enrolment Officer therefor, at such time or times as may be appointed by the Governor:

(2) Each Enrolment Officer shall, by actual inquiry at each house in his district or sub-district, if necessary, or by any other means in his power, make and complete from time to time, and at all times keep a correct roll, in a form prescribed
prescribed, of the names of all the men resident within his district or sub-district of such one or more of the classes hereinbefore defined liable to serve in the Reserve Militia, as may be directed, specifying their ages and condition, and those who are bonâ fide members of the Permanent Military Force or the Militia, or efficient members of the Volunteer Force:

(3) Such roll shall be made out in duplicate, and one copy shall be forwarded without delay to the Commandant:

(4) The roll shall be primâ facie evidence of the particulars contained in it, and the persons enrolled shall be liable to serve under the provisions of this Act, unless exempted thereby.

57. Each master and mistress of any dwelling-house, whether a licensed public-house, boarding-house, lodging-house, or private house, shall, upon the application of any Enrolment Officer, give all such information as to names, ages, qualifications, and liability to serve in the Reserve Militia of all persons residing or lodging in such house, as such enrolling officer may demand and such master or mistress shall be able to give.

58. When the occasion arises, the Governor may fix the number of men to be raised, and apportion the quotas to be furnished by each district or sub-district.

Balloting.

59. (1) Whenever the Governor shall fix the quotas of men in any district or sub-district, the number to serve shall be determined by ballot amongst those men enrolled in the district or sub-district within which the quotas have been fixed.

(2) When a ballot is taken the men taken or accepted and enrolled for service shall be attached to such corps as the Governor may order.

Ballots shall be taken in the prescribed manner.

60. When a ballot is taken the men enrolled in the first-class and liable to serve shall be first balloted.

If the number of men required to be balloted is greater than the whole number of men in the first-class, then the number required to make up the deficiency shall be balloted for from those in the second-class.

If more men than the whole number in the first and second-class are still required, then the number requisite to make up the deficiency shall be balloted for from the third-class.

At no time shall more than one son belonging to the same family, residing in the same house, if more than one are inscribed in the roll.
roll, be drawn, unless the number of names so inscribed is otherwise insufficient to complete the required proportion of service men.

61. Any man balloted for service may at any time secure exemption until again required to serve by furnishing an acceptable substitute of his own class on or before the day fixed for joining the corps for which he is balloted; but if, during any period of service, any man who is serving in the Reserve Militia as a substitute for another becomes liable to service in his own person, he shall be taken for such service, and his place as substitute shall be supplied by the man in whose stead he was serving.

62. If any Quaker shall be chosen by ballot to serve in the Reserve Militia, and shall refuse or neglect to appear to take the oath or serve in the Reserve Militia, or to provide a substitute to serve in his stead, then the Enrolment Officer for the district or sub-district within which such Quaker shall have been balloted, may, if he think proper hire a substitute.

Such Enrolment Officer may by warrant under his hand levy, by distress and sale of the goods and chattels of such Quaker, the sum of money paid for the providing and hiring of such substitute, rendering to such Quaker the surplus, if any, after deducting the charges of such distress and sale.

If no sufficient goods and chattels shall be found to levy, and it shall nevertheless appear such Quaker is of sufficient ability to pay such sum, he shall, on summary conviction, incur a penalty not exceeding Fifty Pounds with or without imprisonment for any term not exceeding three months, unless he shall have sooner paid the said sum.

Oath or Declaration to be taken.

63. Every officer on his being commissioned and every man on his being drawn by ballot to serve in the Reserve Militia, shall severally take the oath, or if the taking of an oath is, according to the religious belief of such officer or man, unlawful, shall make the declaration in the Fifth Schedule hereto, and shall thereupon become a member of the Reserve Militia.

Clothing, Arms, and Accoutrements.

64. The clothing, arms, and accoutrements of the Reserve Militia shall be as from time to time prescribed, and shall be provided by the Government.

The same shall be issued, distributed, and returned into the Government Store as prescribed.

Pay and Allowances.

65. The rates of pay and allowances of the several officers, non-commissioned officers, bandsmen, and private men, buglers, drummers, and trumpeters of the Reserve Militia, while employed
in drill exercise or training, shall, subject to the regulations, be for each day at the same rate as allowed to the members of the Militia according to the rates set forth in the Second Schedule hereto.

Enrolment of Servants.

66. An enrolment of any servant as a Reserve militiaman, by virtue of this Act, shall not alter, vacate, or rescind any contract or engagement between such servant and his master, unless such servant shall be called out as a Reserve militiaman for actual service under the provisions of this Act.

Offences and Penalties.

67. (1) Any person of whom information is required by any Enrolment Officer, in order to enable him to comply with the provisions of this Act, who refuses to give such information, or gives false information, shall be liable to a penalty not exceeding Five Pounds for each item of information demanded of him and falsely stated, and the like sum for each individual name that is refused, concealed, or falsely stated, and every person who refuses to give his own name or proper information when applied to as aforesaid, or gives a false name or information, shall be liable to a penalty not exceeding Five Pounds.

(2) Any person appointed in that behalf who refuses or neglects to make any enrolment, or ballot, or to make or transmit, in the prescribed manner, any prescribed roll, or return, or copy thereof, shall be liable to a penalty not exceeding Fifty Pounds for each offence.

68. Any man drafted, or liable to be drafted, for service in the Reserve Militia who refuses or neglects to take the oath or declaration when tendered to him by a Justice of the Peace, or by the commanding officer of the corps to which such man is attached, or which he is required to join, shall be guilty of a misdemeanor, and shall be liable to imprisonment, with or without hard labor, for a period not exceeding twelve months, and for every subsequent neglect or refusal to make or take such oath or declaration, shall be guilty of a misdemeanor, and shall be liable to a further imprisonment, with or without hard labor, not exceeding two years.

69. Any officer or man, or any person whomsoever, who falsely personates another at any parade, or on any other occasion, for any of the purposes required by this Act, shall be guilty of a misdemeanor, and to be imprisoned, with or without hard labor, for a period not exceeding six calendar months.

70. (1) Any person who—

(1) Resists any balloting or calling-out of men enrolled under this Act; or

(2) Counsels
(2) Counsels or aids any person to resist any such balloting or calling-out, or the performance of any service in relation thereto; or

(3) Counsels any man balloted or enlisted not to appear at the place of rendezvous; or

(4) Wilfully dissuades any man balloted or enlisted from the performance of any duty required by law of members of the Force; or

(5) Does any act to his detriment in consequence of his having performed any such duty:

shall be liable, on summary conviction, to a penalty not exceeding Twenty Pounds, with or without imprisonment, for any period not exceeding six months.

(2.) Any person who—

(1) Procures or persuades any man who has been enlisted to serve in any corps to desert; or

(2) Attempts to procure or persuade any such man to desert; or,

(3) Knowing that any such man is about to desert, aids or assists him in deserting; or

(4) Knowing any such man to be a deserter, conceals such man, or aids or assists him in concealing himself, or aids or assists in his rescue:

shall be guilty of a misdemeanor, and shall be liable to be imprisoned, with or without hard labor, for any period not exceeding six months.

PART IV.

VOLUNTEER FORCE.

Constitution of the Force.

71. The Volunteer Force shall consist of all officers commissioned to the Force and of all volunteer corps authorised by this Act, and of any Volunteer Reserve Corps that may be formed under regulations to be made in pursuance of this Act.

72. The several corps of the Volunteer Force shall have such precedence, as regards one another, as shall be prescribed.

Organisation.

73. The several corps of the Volunteer Force may be raised, enrolled, organised, trained, and located in such manner as regards drill and discipline, and in such districts and sub-districts, as may be prescribed.

74. The term of service in the Volunteer Force shall be for such period as the volunteer may wish to serve, until
he shall have attained the age of fifty years: Provided that no member of the Volunteer Force shall be entitled to retire therefrom until after the expiration of three calendar months from the date of written notice of the giving by him to the Commandant of his intention so to do.

**Formation of Corps.**

75. Persons between the ages of eighteen and forty-five years inclusive desirous of forming themselves into a volunteer corps, shall severally take and subscribe the oath, or, if the taking of an oath is according to the religious belief of such persons unlawful, shall make the declaration and sign a memorandum in the form in the Sixth Schedule hereto, provided that the number of such persons, exclusive of officers, be not less than thirty for an infantry volunteer corps, or less than eighteen for a mounted volunteer corps:

Special staff corps or other exceptional corps may, however, be of such number as prescribed.

Every such oath, or declaration, and memorandum shall be forwarded to the Commandant, who, if satisfied that the same is regular and satisfactory, shall forward the same to the Minister for approval of the Governor.

If the Governor approves thereof, notice of the formation of the corps shall be published by the Commandant in the *Government Gazette*, and after such publication the corps shall be deemed to have been duly formed and enrolled for the purposes of this Act, and the production of a copy of the *Government Gazette* purporting to contain such notice shall be conclusive evidence thereof.

76. Boys between fifteen and eighteen years of age inclusive may also be enrolled for volunteer corps as trumpeters, buglers, drummers, or musicians, subject to regulations.

**Members Joining Corps after Formation.**

77. Every person desiring to join a volunteer corps after the formation thereof must be between the ages of eighteen and forty-five, and shall take and subscribe an oath, or, if the taking of an oath is according to the religious belief of such person unlawful, shall make the declaration in the form contained in the Sixth Schedule to this Act, and such oath or declaration shall be forwarded by the commanding officer of the corps to the Commandant, who, on being satisfied that the same is regular and satisfactory, and that the subscriber is a fit and proper person to be a member of such volunteer corps, shall enter such person on the list of members of such corps.

**Membership.**

78. (1) The Commandant shall cause a list of members of every corps to be kept in the form and containing the particulars set forth in the Seventh Schedule to this Act.

(2) The
(2) The production of such list, or of a copy of one certified under the hand of the Commandant, shall be conclusive evidence of all matters stated therein, and required to be inserted in the list.

(3) No volunteer corps shall be recognised for any of the purposes of this Act unless formed and enrolled pursuant thereto, nor shall any person be recognised as a member of the Volunteer Force for any of the purposes of this Act unless his name shall appear on the list of members thereof.

(4) The Commandant may cancel or correct any entry in the list of members of any corps which may be made by mistake or improperly, and may, on the application of any volunteer, forwarded through the officer commanding the corps, if he be satisfied with the reasons given, transfer such volunteer from one corps to another, and alter the lists accordingly.

79. The Commandant shall, on demand and on payment of the sum of One Shilling, cause to be issued to any member of a volunteer corps a certificate of membership under his hand in the form contained in the Eighth Schedule hereto, and such certificate shall be prima facie evidence of the membership stated therein.

80. The Commandant may expel any volunteer who shall be guilty of any infraction of the provisions of this Act, or of any regulations, or who, in the opinion of the Commandant, shall have shown himself to be unfit to be a volunteer.

An appeal from the decision of the Commandant expelling such volunteer shall lie to the Governor within twenty-one days after such decision, and the Governor may cancel or confirm such decision.

On the expiration of the time for appealing, or if on appeal the decision be confirmed, notice of such expulsion shall be published by the Commandant in the Government Gazette, and after such publication the volunteer shall be deemed to be duly expelled and to forfeit all benefit of this Act.

81. On the recommendation of the Commandant the Governor may, by Proclamation published in the Government Gazette, disband any volunteer corps—

(1) For any infraction of any provision of this Act, or of any regulation:

(2) If the number of volunteers in the corps be reduced below the number laid down by regulation.

The Governor may, by Proclamation published in the Government Gazette, for any good or sufficient reason, disband the Volunteer Force or any corps thereof:

After the publication of such Proclamation, the Volunteer Force or corps disbanded shall forfeit all the benefits of this Act, and the production
Part IV.

Production of a copy of the Government Gazette purporting to contain a copy of such Proclamation of disbandment shall be conclusive evidence thereof.

82. No person expelled from the Volunteer Force under the provisions contained in this Act and a member of a corps disbanded under the provisions of this Act for any infraction of any provisions of this Act or of any regulation shall be re-enrolled in any volunteer corps, save by special permission of the Governor, obtained through the Commandant.

83. No volunteer having become a member of a corps, shall cease to be a member thereof unless struck off the list of members of the corps by the Commandant.

No volunteer shall be so struck off except in the following cases:

(1) On attaining the age of fifty years:

(2) On the expiration of three calendar months after the volunteer, being of any other age, shall have given written notice to the Commandant of his desire to retire:

(3) If the volunteer shall be transferred to another volunteer corps:

(4) If a volunteer change his domicile so as to be out of his sub-district:

(5) If a volunteer is absent three months from the sub-district of his corps, unless specially allowed to remain in the Force by the Commandant:

(6) If he become physically unfit for service, or reported by his commanding officer to the Commandant as a useless member of his corps, or as wilfully absenting himself from drill, and if on such report the Commandant thinks advisable, to strike him off:

(7) If the corps to which a volunteer belongs is disbanded, or if the whole Volunteer Force is disbanded under the provisions contained in this Act:

(8) If expelled in accordance with the provisions of this Act.

Officers.

84. Commissions may be granted by the Governor, on the recommendation of the Commandant, to such and so many officers to the volunteer corps as may be deemed expedient:

But upon the original formation of any corps the proposed officers therefor may be nominated by the proposed corps through the officer in command of the district or battalion to which the corps is to belong, for the approval of the Commandant, and the proper authority may appoint them or not at pleasure.

Uniform,
The Defence Forces Act.—1886.

Uniform, Rifle, and Ammunition.

85. Every volunteer shall be provided by himself or at the expense of his corps with a distinctive uniform as prescribed, and must wear the same as prescribed.

86. For every volunteer a rifle and such accoutrements and equipment as may be prescribed shall, subject to regulations, be issued to his commanding officer on loan for the use of such volunteer. And there shall be similarly issued for every volunteer annually one hundred rounds of rifle ammunition, and such further supply, if any, and on such terms, including payment, as may be prescribed.

87. Every volunteer ceasing to be a member of the Volunteer Force under the provisions of this Act, or if ordered so to do by his commanding officer, or any officer deputed by the commandant, shall deliver up to his commanding officer, or to such person as shall be appointed by the Commandant, the rifle, arms, accoutrements, equipments, and unexpended ammunition, as well as any other articles in his possession, the property of Her Majesty's Colonial Government of South Australia.

88. (1) Any other property of Her Majesty's Colonial Government of the said province may be lent to any volunteer corps subject to regulations:

(2) If any such property shall be damaged or destroyed, the Minister may call upon the commanding officer for the time being of the corps to whom such property shall have been lent for an explanation, and if the same shall, in the opinion of the Minister, be unsatisfactory, the Minister shall fix the amount of the damage to or value of such property, and may sell at such times and in such manner as he deems advisable the whole or any portion of the private property of such corps, and shall deduct from the proceeds of any such sale the costs and expenses thereof, and the amount of such damage or value, and shall pay the surplus, if any, to the person for the time being entitled to hold the property of the corps in trust for such corps:

(3) The amount of such damage or value shall, from the time the same shall be fixed by the Minister, be a first charge upon the then private property of any corps liable to make good the same, into whossoever hands the same may come or be.

Drill and Prizes.

89. Every volunteer shall attend the number of drills prescribed, which shall not be less than twelve nor more than fifteen, including two battalion drills and one inspection in each year, unless prevented by illness, absence with leave, or some other reason to the satisfaction of the Commandant.

Such
Such drills shall be held at such time and place as may be directed by the commanding officer, subject to regulations; and every volunteer shall, when required, but not oftener than twice in every year, parade for the inspection of the Commandant, or such officer as he may depute, subject to regulations, to carry out such inspection.

90. A standard for efficient volunteers and for extra-efficient volunteers shall be fixed by regulation.

For every volunteer qualifying as efficient the sum of Thirty Shillings if a member of a dismounted corps, and the sum of Forty Shillings if a member of a mounted corps; and for every volunteer qualifying as extra-efficient the sum of Fifty Shillings if a member of a dismounted corps, and the sum of Sixty Shillings if a member of a mounted corps, shall, subject to regulation, be paid annually to the commanding officer for the benefit of the corps to which the volunteer belongs.

91. If there be five hundred efficient volunteers in the Force, a sum of One Hundred and Fifty Pounds shall be annually set apart subject to regulation, to be applied to prizes to volunteers for rifle shooting, and for every hundred efficient volunteers, above five hundred, the sum of Thirty Pounds shall be similarly set apart.

92. Offences of members of the Volunteer Force (other than those provided by this Act with respect to members of the Volunteer Force when called out by proclamation for actual service, or those provided by Part I. of this Act as general to all the Forces), and the punishment thereof by fine or imprisonment, shall be fixed by regulations; but no fine for such offences shall exceed Five Pounds, and no term of imprisonment shall exceed fourteen days.

PART V.

NATIONAL RIFLE ASSOCIATION.

93. A Rifle Association shall be formed under this Act for the purpose of encouraging rifle practice throughout the province, to be termed “The South Australian National Rifle Association,” and it shall not be lawful for any other association to assume such title.

The association shall be governed and regulated by rules adopted on the formation thereof, or subsequently made or altered in manner hereinafter provided for.

94. The association shall be composed of—

(a) Any rifle clubs, the members thereof being members of the Forces
The Defence Forces Act.—1886.

Forces, subject to regulations of the Militia and Volunteer Forces under this Act:

(b) Of individual riflemen of the Forces joining the Association under the rules thereof.

95. The Association shall, subject to such rules and any regulations to be framed under this Act, be managed and governed by a council, to be appointed annually.

The members of the council shall be annually selected as under—

(a) The Commandant and the Deputy Assistant Adjutant-General (or Acting Deputy Assistant Adjutant-General), ex officio members:

(b) One member to be nominated by the commanding officer of each squadron of cavalry or battery of artillery of the Forces of the colony:

(c) Two members to be nominated by the commanding officer of each infantry battalion of Militia or Volunteers, or by the commanding officer of a Volunteer district.

Any casual vacancy occurring in the council at any time during any year shall be supplied until next annual appointment of members of the council as prescribed by the rules thereof.

The council may elect patrons and vice-presidents, and shall appoint a president and an executive committee, as well as a secretary and treasurer out of its own body.

The council shall decide upon all questions in the manner prescribed by the rules.

96. The council may, on its formation, and from time to time thereafter, make, alter, enlarge, or correct rules for the association, which shall be forwarded to the Commandant.

Such rules, or amendments thereof, shall have no force or effect unless and until approved of by the Governor, and published in the Government Gazette.

PART VI.
MISCELLANEOUS.

Legal Proceedings except when Forces called out for Actual Service.

97. Every proceeding under this Act for anything punishable on summary conviction or to which any penalty is attached by this Act, or by any regulation to be made thereunder, may be had and taken before, and be heard and determined in a summary way by, any Special Magistrate or two Justices of the Peace under the provisions of an Ordinance of the Governor and Legislative
The Defence Forces Act.—1886.

The legislative Council, No. 6 of 1850, intituled "To facilitate the performance of the duties of Justices of the Peace out of Sessions with respect to summary convictions and orders," or of any Act now in force or hereafter to be in force relating to the duties of Justices of the Peace with respect to summary convictions and orders.

All convictions and orders made by such Magistrate or Justices may be enforced as in the said Ordinance, or in any other Act as aforesaid, is or shall be provided.

98. There shall be an appeal to the Local Court of Adelaide of Full Jurisdiction only from every conviction by any Special Magistrate or Justices for any offence against this Act, and from every dismissing any information or complaint, or from any other order made by such Magistrate or Justices under this Act.

The proceedings in such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts, or any Act now or to be hereafter in force regulating or affecting such appeals, and the Local Court of Adelaide aforesaid shall also have power to make such order as to the payment of the costs of the appeal as it shall think fit, although such costs may exceed Ten Pounds.

Property of Corps.

99. Where any money or other real or personal property whatsoever of any corps of the Forces, or of the South Australian National Rifle Association, or of any Rifle Club, or Defence Rifle Club formed under this Act, is not vested in trustees, the same or such part as shall not be so vested shall be deemed to be vested in the commanding officer for the time being of such corps, or the council of the Association, or captain of such Rifle Clubs respectively, and his and their successors in office for all purposes of any proceeding, criminal or civil, at law or in equity, and shall for such purposes be deemed to be his or its property, and may be so laid in any such proceedings.

No such proceedings shall be discontinued by the death, resignation, or removal of a commanding officer, council, or captain, but may be proceeded in by the succeeding commanding officer, council, or captain.

100. Any money or other real or personal property whatsoever which at the time of the disbandment of any corps of the Forces to be hereafter disband, or which at the time of the dissolution of the said National Rifle Association, or of any Rifle Club, or Defence Rifle Club, was subject to any trust for the benefit of the corps, Association, or Rifle Club respectively, shall be disposed of by the person or persons, or council, or captain in whom the same is vested, or shall be deemed to be vested, as may be determined in manner hereinafter mentioned:—
(1) A meeting of the persons who were members of the disbanded corps or Rifle Club at the time of the disbandment or dissolution thereof, shall be summoned by the last commanding officer of the corps, or captain of the club, or, in the event of his death or absence from the province, by the officer commanding the district to which such corps belonged, or in which such Rifle Club is principally situated, by advertisement in some paper circulating in such district, such advertisement giving not less than fourteen days' notice of the meeting, and stating the purposes thereof:

(2) At such meeting a majority of such of the persons present who were members of the disbanded corps, or of the dissolved Rifle Club at the time of the disbandment or dissolution thereof, and entitled to vote at its meeting, shall decide in what manner and for what purposes, public or private, the said money or property shall be disposed of:

(3) In the event of the dissolution of the association, the council for the time being at the time of such dissolution, shall decide in what manner and for what purpose, public or private, the said money or property shall be disposed of.

101. Notwithstanding anything contained in the "Military Force Act, 1878," or the Army Act, such of the staff officers of the Forces, and such officers of the Militia not below the rank of captain, as the Governor may from time to time appoint for that purpose, shall be competent and qualified to serve upon any Courts-Martial for the trial of, or in relation to, any "member" of the South Australian Military Force, as defined by the said "Military Force Act, 1878." And the notification in the Government Gazette of the appointment of any officer to serve on Courts-Martial shall be conclusive evidence that he is properly appointed and duly qualified to act as a member of any Court-Martial.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. C. F. ROBINSON, Governor.
## SCHEDULES.

### FIRST SCHEDULE.

"The Defence Forces Act, 1886."

<table>
<thead>
<tr>
<th>Date when Act assented to and Number of Act.</th>
<th>Title of Act.</th>
<th>Extent of Repeal.</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 1st, 1859, No. 16 of 1859.</td>
<td>&quot;An Act to amend an Act No. 9 of 1854, intituled 'An Act to organise and establish a Militia Force in South Australia'.&quot;</td>
<td>The whole.</td>
</tr>
<tr>
<td>March 16th, 1866, No. 18 of 1866-6.</td>
<td>&quot;The Volunteer Act, 1865-6.&quot;</td>
<td>The whole.</td>
</tr>
<tr>
<td>November 30th, 1878, No. 118 of 1878.</td>
<td>&quot;An Act to organise Rifle Companies and encourage their formation, and to establish a National Rifle Association.&quot;</td>
<td>The whole.</td>
</tr>
<tr>
<td>August 11th, 1880, No. 169 of 1880.</td>
<td>&quot;An Act to amend the Volunteer Act, 1865-6, the Rifle Companies Act, 1878, and the Military Force Act, 1878.&quot;</td>
<td>The whole, except as far as the same affects the Military Force Act, 1878.</td>
</tr>
<tr>
<td>November 18th, 1881, No. 219 of 1881.</td>
<td>&quot;Local Forces Act Amendment Act, 1881.&quot;</td>
<td>The whole.</td>
</tr>
</tbody>
</table>

---

SECOND
### SECOND SCHEDULE.

"The Defence Forces Act, 1886."

**Rates of Pay or Forage Allowance for each full Day (five hours and over) for the Several Ranks.**

<table>
<thead>
<tr>
<th>Corps</th>
<th>Troop, Battery, or Company</th>
<th>Lieutenant-colonel</th>
<th>Major</th>
<th>Captain</th>
<th>Lieutenant</th>
<th>Brigade-major</th>
<th>Surgeon</th>
<th>Sergeant-major</th>
<th>Color-sergeant</th>
<th>Sergeant</th>
<th>Corporal</th>
<th>Lieutenant-colonel</th>
<th>Bombardier</th>
<th>Bandmaster</th>
<th>Drum-major</th>
<th>Trooper</th>
<th>Gunner</th>
<th>Private</th>
<th>Trumpeter</th>
<th>Baggage and freighting</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mounted Rifles</td>
<td>Troop</td>
<td>15/- 12/6</td>
<td>10/-</td>
<td>9/-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8/-</td>
<td>7/6</td>
<td>6/6</td>
<td>5/-</td>
<td></td>
<td></td>
<td></td>
<td>5/-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Artillery</td>
<td>Battery</td>
<td>16/- 13/6</td>
<td>11/-</td>
<td>10/-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>9/-</td>
<td>8/6</td>
<td>7/6</td>
<td>7/6</td>
<td></td>
<td></td>
<td></td>
<td>6/-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infantry</td>
<td>Battalion or Company</td>
<td>15/- 12/6</td>
<td>10/-</td>
<td>9/-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8/-</td>
<td>7/6</td>
<td>7/6</td>
<td>6/6</td>
<td>5/-</td>
<td></td>
<td></td>
<td>5/-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical Staff</td>
<td>Ambulance</td>
<td></td>
<td></td>
<td></td>
<td>10/- 10/-</td>
<td>8/-</td>
<td>7/6</td>
<td>7/6</td>
<td>6/6</td>
<td>5/-</td>
<td></td>
<td>5/-</td>
<td>As may be prescribed</td>
<td></td>
<td></td>
<td>6/-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Band</td>
<td>Band</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8/-</td>
<td>7/6</td>
<td>7/6</td>
<td>6/6</td>
<td>5/-</td>
<td>7/-</td>
<td>5/-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Each half day, from two hours to five hours, the rates of pay shall be one-half of the above.
I, to declare, discharged.

I, declared,

So help me God! [omit this if a declaration is taken].

I, the said

Sworn (or declared, as the case may be) at

day of

N.B.—I certify that this man is feet inches in height, and inches chest measurement, and that he is fit for service in the Militia.

[Signature of J.P. or Enrolling Officer.]

[FOURTH SCHEDULE.]

Exemptions.

The following persons only between the ages of eighteen and forty-five years shall be exempt from enrolment, and from actual service at any time in the Reserve Militia:

(a) The Judges of the Supreme Court of South Australia:

(b) The members of the Executive Council:

(c) The members of the Legislative Council:

(d) The members of the House of Assembly:

(e) The officers of the said Council or House:

(f) The Commissioners of Audit, Secretaries and Under Secretaries, and the heads of every Government department:

(g) The Commissioner of Insolvency, and all Local Commissioners of Insolvency:

(h) The Public Trustee:

(i) Special Magistrates:

(j) The clergy and ministers of all religious denominations who shall for the time being be officiating ministers within the meaning of "The Marriage Act, 1867":

(k) The warders, keepers, and guards of every public prison, and the officers, keepers, and guards of any public lunatic asylum, and all officers, attendants, and servants in any public hospital:

(l) The professors in any college or university, teachers of schools actually engaged in teaching:

(m) All
The Defence Forces Act.—1886.

(m) All sheriffs, troopers, constables, and other peace officers:
(n) All legally-qualified medical practitioners actually in practice:
(o) Seafaring men (other than watermen and boatmen) actually engaged in their calling:
(p) Every member of the Permanent Military Force, and of the Militia, and every efficient member of the Volunteer Force:
(q) Every member of the Naval or Naval Reserve Force of the province:
(r) The only son of a widow, being her only support:
(s) Persons disabled by bodily infirmity, such infirmity being duly certified by a legally-qualified medical practitioner approved by the Governor:
(t) All aboriginal inhabitants of the said province.

No officer on half pay who has retired from Her Majesty’s Military or Naval Service, and no person who has served for a period of two years or more as an officer in the Militia of the said province, or as an officer in the Volunteer Force of the said province, shall be required to serve in the Reserve Militia in a rank lower than that he held in such respective Militia or Volunteer Force.

FIFTH SCHEDULE.

Oath or Declaration to be taken by Reserve Militiaman.

I, of

[Signature of man in full.]

Sworn at (or, declared, as the case may be) this day of

18 , before me.

[Signature of J.P. or Enrolment Officer.]

SIXTH SCHEDULE.

(1.)

Oath or Declaration to be taken by Intending Members of Volunteer Force.

SOUTH [Royal Arms.] AUSTRALIA.

I,

of [enter here occupation or calling], do swear (or, if the taking of an oath is, according to the religious belief of the intending member, unlawful, do solemnly, sincerely, and truly declare) that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law, and that I will faithfully serve as a member of the Reserve Militia for such time as the same shall remain embodied, unless I shall be sooner discharged pursuant to the Defence Forces Act, 1886.

So help me God! [omit if declaration is taken].

[Signature of man in full.]

Sworn (or, declared, as the case may be) at this day of

188 , before me.

[Signature of J.P. or Enrolling Officer.]

N.B.—I certify that this man is miles by road or miles by railway from the head-quarters of the Company or...
49° & 50° VICTORIÆ, No. 390.

The Defence Forces Act.—1886.

or proposed Company, or detached portion of the Company or proposed Company, in the Sub-District No. of the District; that his height is feet inches, and his chest measurement inches.

Officer commanding Troop or Company.

(2.)

Memorandum for purpose of forming Volunteer Corps.

We, the undersigned, are desirous of forming a (dismounted or mounted, as the case may be) Volunteer Corps, to be called the Volunteer Corps, pursuant to the Defence Forces Act, 1886.

<table>
<thead>
<tr>
<th>Name of Subscriber</th>
<th>Address</th>
<th>Description</th>
<th>Signature</th>
<th>Witness</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SEVENTH
### SEVENTH SCHEDULE.

**Service List of Company or Troop of the Volunteer Force.**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**49° & 50° VICTORIE, No. 390.**

The Defence Forces Act—1887.
EIGHTH SCHEDULE.

Certificate of Membership.

Pursuant to the Defence Forces Act, 1886: I certify that is a member of the Volunteer Corps.

Dated this day of 18.

, Commandant.