

No. VIII.

VOLUNTEERS.

An Act to authorize the formation of Volunteer Corps in the Colony of New South Wales and for the Regulation thereof. [4th August, 1854.]

Preamble.

WHEREAS it is expedient to enable the Governor of the Colony of New South Wales on behalf of Her Majesty to accept the services of such troops companies or corps of Her Majesty's loyal subjects as may be willing to enrol themselves as Volunteer corps naval as well as military and to make provision for the regulation thereof Be it therefore enacted by His Excellency the Governor of the Colony of New South Wales by and with the advice and consent of the Legislative Council thereof as follows:—

Governor authorized to accept services of Volunteer corps on behalf of Her Majesty.

1. It shall be lawful for the Governor of the Colony on behalf of Her Majesty to accept the offers of service of any corps of Volunteers naval as well as military that may hereafter be formed upon such terms and conditions respectively as to the said Governor may seem fit and proper.

Commissioned officers to be appointed by Governor. Their rank.

2. The commanding and other officers of the rank of commissioned officers in such corps shall be appointed by commissions under the hand and seal of the Governor of the Colony and all such officers shall rank with the officers of the regular troops in Her Majesty's service as the youngest of their rank The non-commissioned officers of every such corps shall be appointed by the commanding officer thereof.

Appointment of non-commissioned officers.

3. Every corps of Volunteers shall be subject to such rules and regulations as shall have been agreed upon at the time of their original enrolment or as shall be thereafter made in pursuance of the articles of association then entered into and if no such rules or regulations shall have been then made or authorized to be made then the same may be made or authorized to be thereafter made according to resolutions to be entered into by the majority of the members of such corps who shall attend a meeting thereof to be convened by the commanding officer for the purpose of regulating or providing for the regulation of such corps and such rules and regulations may provide for the enforcement thereof against the several members of such corps by the imposition of fines which fines may be recovered by distress and sale of the goods of the party charged under the warrant of the commanding officer of the corps in the same manner as under the warrant of a Justice of the Peace.

No rules or regulations to be valid unless approved of by the Governor.

4. Provided that no rules or regulations shall be valid or binding on any corps for any purposes of this Act or for any other purposes unless the commanding officer shall submit the same to the Governor and such rules and regulations so submitted shall if not disallowed by the Governor within twenty-eight days after the receipt thereof by him be considered as approved and confirmed and the Colonial Secretary shall signify such approbation and confirmation to the commanding officer to be communicated by him to his corps and such rules and regulations shall thereupon be binding and valid.

Every member to take oath of allegiance.

5. Every person who shall be accepted as a member of such corps shall upon such his acceptance and before he shall be ranked as an effective member thereof take and subscribe the following oath of allegiance:—

“ I A. B. do sincerely promise and swear that I will be faithful
“ and bear true allegiance to Her Majesty Queen Victoria
“ as

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“ as lawful Sovereign of the United Kingdom of Great Britain and Ireland and of this Colony of New South Wales dependent on and belonging to the said United Kingdom and that I will faithfully serve Her said Majesty in the said Colony for the defence of the same against all Her enemies and opposers whatsoever.

“ So help me God.”

6. Every such Volunteer corps shall be subject to be inspected Inspection of corps. once at least in every six months by some General or Field Officer of Her Majesty's regular forces or by some Captain in Her Majesty's navy as the case may require according to the nature of the services for which such corps or any company thereof shall have been enrolled or which they shall have particularly undertaken.

7. No toll shall be demanded or taken at any turnpike gate or No toll to be demanded from Volunteers going to exercise. ferry for any member of any corps of Volunteers going to or returning from exercise or for any horses ridden by any such member or members or any horses or cattle drawing any gun-carriage or any wagon or other vehicle belonging to any such corps or then being employed for the purposes of the same nor for the persons driving or conducting the same nor for any such gun-carriage wagon or other vehicle. Provided that every such member be dressed in the uniform of his corps and be armed and accoutred according to the regulations provided for such corps at the time of claiming the exemption.

8. In all cases of actual invasion or hostile or predatory attack or of imminent danger thereof all such corps of Volunteers shall whenever they shall be summoned by the Governor or upon the making of any general signals of alarm by order of the Government forthwith assemble and shall be liable to march or embark on board ship or otherwise according to the terms and conditions of their respective services and all such corps of Volunteers and the several members thereof shall upon and from the time of such assembling as aforesaid and until the enemy shall be defeated and expelled (the same to be signified by the Governor's Proclamation) continue and be subject to all the provisions contained in any Act of Parliament then or last officially known to be in force for the punishment of mutiny and desertion and to any Articles of War made in pursuance thereof or in case of engagement to serve in aid of Her Majesty's naval forces to all the laws and customs for the time being in force for the government of Her Majesty's ships vessels and forces by sea and applicable to any person in or belonging to the Royal Navy or to any person being in actual service and full pay and being part of the crew of any of Her Majesty's ships or vessels.

9. When any such corps shall be assembled or marched on any summons or general signal of alarm the Governor may order them to be put under the command of such military officer or such naval officer as he may appoint or as may then be commanding within the Colony but they shall be led by their respective officers under such command as aforesaid.

10. All persons enrolled in any corps of Volunteers when assembled on any of the occasions above stated shall be entitled to pay (if demanded) during the period of their so remaining assembled as aforesaid in such manner and after such rates according to their respective ranks and situations and to be quartered and billeted in like manner in every respect and under and subject to the same regulations as Her Majesty's regular forces within the Colony so far as the same shall by the Governor be deemed applicable to Volunteer corps.

11. In the event of any member of any such Volunteer corps being killed or wounded in actual service the Governor shall within Allowances to persons wounded and to widows or families seven

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of persons killed in actual service.

seven days after the commencement of the then next Session of the Legislative Council cause to be laid on the Table of the said Council a return of the name and rank of every such person so killed or wounded and propose the grant by the said Council of such pension or gratuity to such wounded person or to the widow or family of such person so killed as aforesaid to such amount as the Governor with the advice of the Executive Council shall think fit.

Subscriptions arms &c. vested in the commanding officer.

12. All money subscribed by or for the use of any corps and all arms stores ammunition drums fifes or musical instruments or other articles whatever belonging to or used by any such corps not being the property of any particular individual shall be vested in the commanding officer of such corps for all purposes of indictment or action criminal or civil in Law or in Equity and shall for such purpose be deemed to be his property and may be so laid in any indictment or information and may be sued for and recovered as such in any action relating thereto and no indictment information action or suit shall be discontinued by the death resignation or removal of any commanding officer but the same may be proceeded in by the succeeding commanding officer.

Her Majesty or the Governor may disband corps of Volunteers.

13. If it shall be the pleasure of Her Majesty or the Governor of the Colony to discontinue the services of any corps of Volunteers whose services shall have been accepted under the provisions of this Act the commanding officer of such corps shall on such pleasure of Her said Majesty or of the said Governor being signified to him forthwith communicate the same to the several persons enrolled in the said corps and shall then require the said several persons to deliver up the arms accoutrements and clothing (if any) which shall have been furnished to them at the public expense or at the expense of any such subscription as aforesaid and thereupon the said corps shall be disbanded and the said arms accoutrements and clothing shall be forthwith delivered up by the said persons accordingly.