

*Volunteer Force Regulation.*

## No. V.

VOLUNTEER FORCE  
REGULATION.

## An Act to regulate the Volunteer Force.

[9th October, 1867.]

Preamble.

WHEREAS it is expedient to amend the Law relating to the Volunteer Force in New South Wales Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

Interpretation  
clause.

1. In the construction and for the purposes of this Act if not inconsistent with the context or subject matter the following terms in inverted commas shall as hereinafter used have the respective meanings hereby assigned to them that is to say—

“ Governor ”—The Governor with the advice of the Executive Council

“ Volunteer ”—Any non-commissioned officer or private belonging to a Volunteer Corps exclusive of the permanent staff

“ Mutiny Act ”—The Imperial Mutiny Act for punishing mutiny and desertion and for the better payment of the Army and their quarters for the time being in force including also the Articles of War made under the authority of the said Act for the time being in force

“ Appointments ”—Accoutrements and equipments of every kind other than clothing.

18 Vict. No. 8  
repealed.

2. The Act of Council eighteenth Victoria number eight authorizing the formation of Volunteer Corps is hereby repealed but this repeal shall not affect the past operation of the said Act nor anything already done or any right title obligation or liability already accrued thereunder or any remedy or proceeding respecting the same.

Short title.

3. This Act may be cited as the “ Volunteer Force Regulation Act of 1867.”

## PART I.

## ORGANIZATION OF VOLUNTEER FORCE.

Governor for the  
time being to be  
Commander-in-Chief

4. The Governor as the Queen's Representative shall be the Commander-in-Chief of all the local forces raised in the Colony and all arrangements connected with the organization drill and discipline of such forces shall so far as the same shall come under the scope and operation of this Act be made by his authority by such officers as he may appoint.

Governor may  
accept services of  
Volunteer Corps  
Naval and Military.

5. It shall be lawful for the Governor on behalf of Her Majesty to accept the services of any persons desiring to be formed under this Act into a Volunteer Corps whether Naval or Military and offering their services to the Governor through the Officer commanding the Volunteer Force And on such acceptance the proposed corps shall be deemed to be lawfully formed into a corps under this Act as a corps of that force.

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6. It shall be lawful for the Governor on behalf of Her Majesty to continue all Volunteer Corps whose services have been accepted before the passing of this Act And the provisions of this Act shall apply to every such corps as if its services were accepted under this Act without prejudice to anything already done in relation to or by any such corps.

Continuance of existing Volunteer Corps.

7. The Governor may from time to time appoint such persons as he may think fit by commissions under his hand and seal or by warrant in writing or otherwise as the case may require to be a permanent staff for the command inspection drill exercise training instruction and equipment of the Volunteer Force And all such officers and non-commissioned officers shall be deemed officers and non-commissioned officers of the force in general, or of any corps to which such officers and non-commissioned officers may be attached.

Governor may constitute volunteer permanent staff.

Relative rank and status of permanent staff.

8. Any non-commissioned officer of the volunteer permanent staff who has been furnished at the public expense with any arms accoutrements or clothing and who shall upon the disbanding of such staff or upon his quitting withdrawing or being discharged or dismissed from such staff refuse or neglect on being thereto lawfully required to deliver up such arms accoutrements and clothing in good order and condition, reasonable wear and tear excepted, shall in addition to the value thereof forfeit a sum not exceeding five pounds and in default of payment be liable to imprisonment for a term not exceeding one calendar month.

Penalty for refusing to deliver up arms &c. to Commanding Officer.

9. Every Volunteer Corps shall be officered by persons appointed and commissioned by the Governor but any Volunteer Corps may recommend to the Governor any enrolled members thereof to be officers of such corps of a rank not higher than captain of a troop battery or company Provided that no Volunteer Corps may so recommend to the Governor any persons to be officers of the volunteer permanent staff.

Officers to be appointed and commissioned by Governor. Corps may recommend for commission.

10. No commission issued under this Act by the Governor shall be deemed vacated by the revocation expiration or discontinuance of the commission by which such Governor was appointed or by the death of such Governor.

Commissions not vacated by Governor's recall or decease.

11. Officers of the Volunteer Force shall rank with officers of Her Majesty's Regular and Militia Forces within the Territory and Dependencies of New South Wales as the juniors of their respective ranks.

Relative rank of officers.

12. The acceptance of a commission other than on the permanent staff in the Volunteer Force by a Member of the Legislative Council or Legislative Assembly or by any Alderman or Member of the Council of a Municipality shall not render his seat vacant.

Seat in Parliament or Municipal Council not vacated by commission.

13. There shall be a muster roll for every Corps of Volunteers in which the name of every person who joins or quits or withdraws or is discharged or dismissed therefrom and also the date on which such person so joins quits withdraws or is discharged or dismissed as aforesaid shall be inserted.

Muster roll.

14. Every officer on receiving his commission every volunteer on his enrolment in the muster roll of the corps and every officer and non-commissioned officer of the permanent staff on his engagement or appointment or in either case as soon afterwards as may be shall take and subscribe the oath of allegiance in the form prescribed in Schedule A hereto to be administered by an officer of the permanent staff or officer commanding a corps of the Volunteer Force who has taken such oath or by a Justice of the Peace.

Oath of allegiance to be taken.

15. The Commanding Officer of any Volunteer Corps may subject to regulations made under this Act and to the approval of the Officer

Non-commissioned officers of corps.

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Officer commanding the Volunteer Force appoint volunteers belonging to such corps to be non-commissioned officers thereof.

Retirement from a corps.

16. Any volunteer may except when on actual military service quit his corps on complying with the following conditions namely—

- (1.) Giving to the Commanding Officer of his corps fourteen days notice in writing of his intention to quit the corps
- (2.) Delivering up in good order fair wear and tear only excepted all arms clothing and appointments being public property or the property of his corps issued to him or placed under his charge
- (3.) Paying all money due or becoming due by him under the rules of his corps either before or at the time or by reason of his quitting it—

Appeal to two Justices.

And thereupon his name shall be struck out of the muster roll of the corps by the Commanding Officer And if any volunteer gives such notice and the Commanding Officer refuses to strike his name out of the muster roll and the volunteer considers himself aggrieved thereby he may appeal to two Justices not being members of the corps who shall hear and determine such appeal.

Discharge by enlistment in Army or Navy.

Liabilities of discharged volunteers.

17. If any volunteer enters himself on board of any of Her Majesty's ships of war or enlists in Her Majesty's Army he shall be deemed discharged from the Volunteer Force and the Commanding Officer of his corps shall strike his name out of the muster roll thereof Such volunteer may nevertheless be called upon and required to deliver up in good order fair wear and tear only excepted all arms clothing and appointments being public property or property of his corps issued to him and to pay all money due or becoming due by him under the rules of his corps either before or at the time or by reason of his discharge And if such arms clothing and appointments be not so delivered up by him or such money be not paid by him then without prejudice to any proceeding or remedy against him under this Act he may on the application of the Governor under an order from one of Her Majesty's Principal Secretaries of State or of the Lords Commissioners for executing the office of Lord High Admiral of Great Britain and Ireland be put under stoppages out of any bounty or pay receivable by him or both until the value of such arms clothing or appointments not so delivered up or such money as the case may be shall be fully paid.

Governor may designate general or field officers of the Army to command volunteers.

18. Whenever any volunteers are on actual military service or are undergoing inspection or are voluntarily doing any military duty the Governor may put them under the command of such General or Field Officers of Her Majesty's Army senior in rank to every officer of the Volunteer Force to be so put under their command as he may appoint but so nevertheless that the volunteers put under such command shall be led by their own officers under such command.

Annual inspection by general or field officer of the Army or officer of permanent staff.

19. An annual inspection of every Volunteer Corps shall be held by a General or Field Officer of Her Majesty's Army or by such officer of the volunteer permanent staff as the Governor may appoint for that purpose.

Governor may define "efficient volunteer."

20. The Governor may from time to time by regulations for that purpose declare what is requisite to entitle a volunteer to be deemed an efficient volunteer.

Governor may disband corps.

21. The Governor on behalf of Her Majesty may disband or discontinue the service of any Volunteer Corps or any part thereof whenever it shall seem to Her Majesty or to the Governor expedient to do so and whenever it is the pleasure of Her Majesty or of the Governor to discontinue the services of any Corps of Volunteers whose services have been accepted or continued under the provisions of this Act the Commanding Officer of such corps shall on such pleasure

Notice of disbanding in writing to Commanding Officer.

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pleasure of Her Majesty or of the Governor being signified to him in writing forthwith communicate the same to the several persons enrolled in the said corps and shall also then require the said several persons to deliver up to him the arms accoutrements and clothing if any which have been furnished to them at the public expense and thereupon the said corps shall be deemed to be disbanded and the said arms accoutrements and clothing shall be forthwith delivered up by the said persons accordingly.

Arms &c. to be delivered up to Commanding Officer.

22. If any person who has been furnished at the public expense with any arms accoutrements or clothing upon the disbanding of any Corps of Volunteers in manner aforesaid or upon his quitting or withdrawing from any such corps or being discharged or dismissed therefrom shall refuse or neglect on being thereto lawfully required to deliver up such arms accoutrements or clothing in good order and condition reasonable wear and tear excepted he shall in addition to the value thereof forfeit a sum not exceeding five pounds and in default of payment be liable to imprisonment for a term not exceeding one calendar month.

Penalty for refusing to deliver up arms &c. to Commanding Officer.

23. All arms accoutrements and clothing so to be delivered up as aforesaid to the Commanding Officer of any such Volunteer Corps shall be conveyed to and by him deposited in such place and given up to such person as the Governor may appoint and such reasonable expenses as may be incurred by him in so conveying and depositing the same shall be repaid to such Commanding Officer out of the funds appropriated for the maintenance of the Volunteer Force and if any such Commanding Officer shall refuse or neglect to call in and deliver up such arms accoutrements and clothing or shall fail in using due diligence to obtain and deliver up the same for the space of three months from the day of the date of the writing signifying Her Majesty's or the Governor's pleasure as aforesaid as the case may be such Commanding Officer so refusing failing or neglecting as aforesaid shall be liable to a penalty not exceeding one hundred pounds and not less than five pounds recoverable by action of debt or information in the Supreme Court or any District Court and to be applied as directed by the Act of Council sixteenth Victoria number one section fifteen And any expenses incurred by any person thereto authorized in writing by the Governor or by any officer of the Volunteer Force by direction of the Governor in cleansing or repairing any arms or accoutrements so delivered up or in replacing any articles that may be deficient shall be recoverable from such Commanding Officer in like manner as is hereinafter provided with respect to penalties the mode of recovery of which is not otherwise expressly provided for by this Act.

Commanding Officer to deposit arms &c. as appointed by Governor.

24. The Officer commanding the Volunteer Force may at any time assemble a Court of Inquiry composed either of officers and volunteers belonging to the corps in question or of any officers or volunteers to inquire into any matter relative to any corps or to any volunteer or non-commissioned officer of the permanent staff belonging thereto and if required to report on the same for the information and assistance of the Commanding Officer and to record the facts and circumstances ascertained on such inquiry and for the purposes of such inquiry may summon and examine witnesses and administer oaths (according to the form in Schedule B hereto) but nothing herein contained shall authorize any inquiry with reference to an officer otherwise than by a Court assembled by direction of the Governor as aforesaid and composed exclusively of officers of the Volunteer Force.

The officer commanding Volunteer Force may assemble a Court of Inquiry.

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## PART II.

## ACTUAL MILITARY SERVICE.

Governor may call out Volunteer Corps in case of invasion declaration of war or other emergency.

Volunteers &c. to assemble and march as ordered.

Volunteers &c. not assembling guilty of desertion.

Provisions on actual military service—  
Necessaries.

Pay and quarters.

Bounty on release.

Release by order of Officer commanding Volunteer Force after Governor's proclamation.

25. In case of actual or apprehended invasion of any part of the Territory of New South Wales and its Dependencies or of hostile or predatory attack or of imminent danger thereof or of the notification by one of Her Majesty's Principal Secretaries of State that Her Majesty has declared or is at war with any foreign Prince or Power (the occasion being first communicated to both Houses of Parliament if in Session or notified by Proclamation if Parliament be not in Session) the Governor may direct the Officer commanding Volunteer Force to call out all the Volunteer Corps or any of them for actual military service And every officer and volunteer and every officer and non-commissioned officer of the permanent staff belonging to every corps so called out shall be bound to assemble as the officer commanding the Volunteer Force directs and to march or embark on board ship according to orders within the Territory of New South Wales and its Dependencies and from the time of his corps being so called out shall for the purposes of this Act be deemed on actual military service And if any such officer volunteer or non-commissioned officer not incapacitated by infirmity for military service shall refuse or neglect to so assemble or march or embark he shall be deemed and may be treated as a deserter Provided that volunteers for land service shall not be bound to embark on board ship unless for direct transit from one part of the Colony to another or to leave the Colony under any circumstances.

26. Whenever a Volunteer Corps is called out for actual military service the following provisions shall take effect—

- (1.) There shall be issued in manner provided by regulation the sum of two guineas for the use of every officer and volunteer and non-commissioned officer of the permanent staff belonging to and assembling with the corps (except to such as do not desire to receive the benefit thereof) and each such sum or so much thereof as the Commanding Officer of the Corps thinks fit shall be laid out under the direction of the Commanding Officer in providing necessaries for each such officer volunteer and non-commissioned officer and within one month after receipt thereof an account shall be settled with each such officer volunteer and non-commissioned officer respecting the application thereof and any unapplied residue thereof shall be paid to him.
- (2.) Such officers volunteers and non-commissioned officers shall be entitled to pay according to a scale to be provided by regulation under this Act and to be billeted and quartered as the officers and soldiers of Her Majesty's Army.
- (3.) On the release of the corps from actual military service there shall be paid in manner provided by regulation one guinea to every such officer volunteer and non-commissioned officer present with the corps at the time of such release (except to such as do not desire to receive the same) in addition to his pay.
- (4.) After a Volunteer Corps has been called out for actual military service the corps shall be deemed released from actual military service only on an order signed by the Officer commanding the Volunteer Force and addressed and delivered to the Commanding Officer of the Corps which order the Officer commanding the Volunteer Force shall

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shall issue upon or as soon as may be after the proclamation of the Governor declaring the occasion for such aforesaid service to have passed and not sooner or otherwise And before any Volunteer Corps is released from actual military service such corps shall be returned to the head quarters of the district to which it belongs.

Corps to be returned to head quarters.

27. Any officer of the Volunteer Force and officer of the permanent staff disabled on actual military service or in the ordinary discharge of his duty shall be entitled to half-pay according to his rank as provided by regulation under this Act and the widow and family of such officer killed on actual military service or in the ordinary discharge of his duty shall be entitled to the like pension or pensions for life or otherwise as the widow or family of an officer of Her Majesty's Army And any volunteer or non-commissioned officer of the volunteer permanent staff disabled on actual military service or in the ordinary discharge of his duty shall according to his rank be entitled to the like pension as an ensign in Her Majesty's Army and the widow and family of such a volunteer or non-commissioned officer killed on actual military service or in the ordinary discharge of his duty shall be entitled to the like pension or pensions for life or otherwise as the widow or family of an ensign in Her Majesty's Army And such half-pay and pensions shall be charged on and payable out of the Consolidated Revenue.

Officers half-pay and pensions.

Volunteers and non-commissioned officers of staff pensioned as ensigns in Army.

## PART III.

## DISCIPLINE.

28. With respect to the discipline of officers and volunteers and officers and non-commissioned officers of the permanent staff not on actual military service the following provisions shall take effect and be in force—

When not on actual military service—

- (1.) The Commanding Officer of a Volunteer Corps may discharge from the corps any volunteer not being a commissioned officer of the corps and strike his name out of the muster roll and may disrate subject to the approval of the Officer commanding the Volunteer Force any non-commissioned officer thereof either for disobedience of orders by him while doing any military duty with his corps or for neglect of duty or misconduct by him as a member of the corps or for other sufficient cause the existence and sufficiency of such causes respectively to be determined by the Commanding Officer And any volunteer so discharged may be called upon and required to deliver up in good order fair wear and tear only excepted all arms clothing and appointments being public property or the property of his corps issued to him and to pay all money due or becoming due by him under the rules of his corps either before or after or by reason of his discharge but nothing herein contained shall prevent the Governor from signifying his pleasure in such manner and giving such directions with respect to any such case of discharge as may appear just and proper.

Commanding officers may discharge volunteers.

Governor's pleasure on cases of discharge.

- (2.) If any officer or volunteer or officer or non-commissioned officer of the volunteer permanent staff while under arms or on march or duty with the corps to which he belongs or any portion of the Volunteer Force or while engaged

Commanding Officer may place under arrest while corps is under arms &c.

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in any military exercise or drill or brigade or battalion formed for military purposes or while wearing the clothing or accoutrements of such corps or regiment and going to and returning from any place of exercise or assembly of such corps or regiment disobeys any lawful order of any officer under whose command he then is or is guilty of misconduct the officer then in command of the corps or regiment or any superior officer under whose command the corps or regiment then is may order the offender if an officer into arrest and if not an officer into the custody of any volunteer belonging to the corps or regiment or of any non-commissioned officer of the volunteer permanent staff but so that the offender be not kept in such arrest or custody longer than whilst or so long as the corps or regiment or such portion thereof as aforesaid shall then remain under arms or be on march or duty or be assembled or continue engaged in any such military exercise or drill as aforesaid.

On actual military service officers and volunteers and permanent staff liable to Mutiny Act and Articles of War.

29. With respect to the discipline of officers and volunteers and officers and non-commissioned officers of the volunteer permanent staff the following provisions shall take effect and be in force when and so long as they are on actual military service namely—all the provisions of any Act of the Imperial Parliament then officially known to be in force for the punishment of mutiny and desertion and any Articles of War made in pursuance thereof or in case of engagement to serve in aid of Her Majesty's Naval Forces all the laws and customs 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 shall extend and apply to all officers and volunteers and officers and non-commissioned officers of the volunteer permanent staff and such officers volunteers and non-commissioned officers shall be subject to the Mutiny Act and shall also be entitled to the benefits thereof in all respects as the officers seamen and marines of the Royal Navy or the officers and soldiers of Her Majesty's Army for the time being are and as if the Volunteer Force including the volunteer permanent staff belonged to and formed part of Her Majesty's Regular Forces Provided that a court-martial for the trial of an officer of the Volunteer Force or of a volunteer or of an officer or non-commissioned officer of the volunteer permanent staff shall be composed of officers of the Volunteer Force only Provided also that no volunteer shall be liable to be flogged but in lieu of any sentence of flogging shall be liable to imprisonment with hard labor for any term not exceeding six months.

## PART IV.

## RULES AND PROPERTY OF CORPS.

Corps may make rules subject to Governor's approval.

30. The officers and volunteers of a Volunteer Corps may from time to time make rules for the management of the property finances and civil affairs of the corps and for the summary punishment of minor offences against discipline and may alter and repeal any such rules and such rules may provide for the enforcement thereof against the several members of such corps by the imposition of fines in no case to exceed five pounds And the Commanding Officer of the corps shall transmit such rules to the Officer commanding Volunteer Force

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Force who shall submit the same for the Governor's approval and such approval signified through the Colonial Secretary shall be notified by such Officer commanding Volunteer Force to the Commanding Officer of the corps to be by him forthwith communicated to the corps—whereupon the rules so approved shall be binding on all persons. A copy of the rules in print or writing or partly in print and partly in writing certified under the hand of the officer commanding the corps as a true copy of the rules whereof the Governor's approval has been notified as aforesaid shall be conclusive evidence of the rules of the corps. Provided that nothing contained in this Act shall be construed to extend to repeal or disallow any rules of any Volunteer Corps which have heretofore been approved by the Governor so far as the same are not inconsistent with any of the provisions of this Act and nothing herein contained shall extend to prevent Her Majesty or the Governor in Her Majesty's name from annulling at any time any rules which have been or shall be made for by or respecting any Volunteer Corps.

Approved rules of existing corps not repealed.

Governor may annul rules.

31. All moneys subscribed by or to or for the use of a Volunteer Corps and all effects belonging to any such corps or lawfully used by it not being the property of any individual officer or volunteer belonging to the corps and the exclusive right to sue for and recover current subscriptions arrears of subscriptions and other moneys due to the corps and all lands acquired by the corps shall vest in the Commanding Officer of the corps for the time being and his successors in office for the purposes of all proceedings civil or criminal at law or in equity with power for him and his successors to sue to make contracts and conveyances and to do all other lawful things relating thereto and any civil or criminal proceeding taken by virtue of this Act by the Commanding Officer of any corps shall not be discontinued or abated by his death resignation or removal from office but may be carried out by and in the name of his successor in office.

Property of corps vested in Commanding Officers with exclusive right to sue.

32. If any person belonging or having belonged to a Volunteer Corps shall neglect or refuse to pay on demand any money subscribed or undertaken to be paid by him towards any of the funds or expenses of such corps or due under the rules of such corps and actually payable by him at the time of demand or to pay any fine incurred by him under the rules of such corps such money or fine shall (without prejudice to any other remedy) be recoverable from him with costs at any time within twelve months after the same shall have become due and payable as a penalty under this Act is recoverable and when recovered shall be applied as part of the general fund of the corps.

Subscriptions and fines how recoverable.

33. If any person designedly makes away with sells pawns destroys damages or loses anything issued to him as a volunteer or refuses or neglects to deliver up on demand anything so issued to him the value thereof shall be recoverable from him with costs as a penalty under this Act is recoverable and he shall also for every such offence of designedly making away selling pawning destroying damaging or losing as aforesaid be liable on the prosecution of the Commanding Officer of the Corps issuing the thing made away with sold pawned or destroyed damaged or lost to a penalty not exceeding ten pounds.

Penalty for destroying selling pawning or damaging articles issued to volunteers.

34. If any person knowingly buys or takes in exchange from any volunteer or any person acting on his behalf or solicits or entices any volunteer to sell or knowingly assists or acts for any volunteer in selling or detains as a security for any debt or demand or has in his possession or keeping without satisfactorily accounting for them any arms clothing appointments or effects being public property or property of any Volunteer Corps or any public stores or ammunition issued for the use of any such corps he shall on the first commission by him of any such offence be liable to a penalty not exceeding

Penalty for buying or taking in pledge articles issued to volunteers.



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exceeding twenty pounds and shall on a second and every other subsequent commission by him of any such offence and being convicted thereof in the like course of proceeding as that in which any such penalty is recoverable be liable to a penalty not exceeding twenty pounds nor less than five pounds with or without imprisonment for any term not exceeding six months with or without hard labor.

Penalty for  
damaging or disturb-  
ing butts.

35. If any person wilfully commits any damage to any range butt or target belonging to Her Majesty or to the Government of New South Wales or belonging to or lawfully used by any Volunteer Corps or without the leave of the Governor or of the Commanding Officer of such corps searches for bullets in or otherwise disturbs the soil at under or about such butt or target he shall for every such offence be liable on the prosecution of the Commanding Officer of such corps to a penalty not exceeding five pounds.

Penalty for not  
keeping uniform in  
proper order or  
wearing it contrary  
to orders.

36. Any non-commissioned officer or volunteer who fails to keep in proper order the uniform intrusted to his care or in his possession or who may wear the same or any part thereof on any other occasion than when on duty or specially authorized or permitted to do so by the Commanding Officer of his corps shall incur a penalty of one pound for each offence to be recovered as a penalty under this Act is recoverable and when recovered to be applied as part of the general fund of the corps.

## PART V.

## EXEMPTIONS.

Officers and volun-  
teers and officers of  
permanent staff  
exempt from serving  
as jurors.

37. Every officer non-commissioned officer and volunteer after having served as an efficient volunteer for at least two years and every officer and non-commissioned officer of the permanent staff of the Volunteer Force shall hereafter be exempt from serving as a juror so long as he continues to serve as an efficient volunteer And a certificate under the hand of the Officer commanding the Volunteer Force shall be sufficient evidence of the identity and right of any such officer or non-commissioned officer claiming such exemption.

Penalty for giving  
false certificate.

38. If any Commanding Officer of a Volunteer Corps knowingly gives any false certificate under this Act he shall for every such offence be liable to a penalty not exceeding two hundred pounds to be recovered by action of debt or information in the Supreme Court and paid into the Consolidated Revenue Provided always that any such proceeding shall not protect such Commanding Officer from a criminal proceeding for misdemeanor.

Benefits and interest  
&c. not forfeited by  
services in Volunteer  
Force.

39. No person commissioned as an officer of the Volunteer Force or permanent staff or enrolled as a volunteer or engaged as a non-commissioned officer of the volunteer permanent staff shall by reason of such service or enrolment or engagement or of any duty liability matter or thing consequent thereupon lose forfeit or be deprived of any right claim benefit share or interest to which he is entitled at the time of his entry on such service or of such enrolment or engagement or to which but for such service enrolment or engagement he would have been entitled and notwithstanding anything to the contrary contained in the rules or regulations of any Friendly or Benefit Society no person shall lose any interest in such society by reason of his service or enrolment in a Volunteer Corps or his engagement or service on the volunteer permanent staff and any dispute arising between such society and person by reason of such enrolment engagement or service shall be deemed a dispute directed

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by the rules of the society to be decided by Justices of the Peace according to the Acts for the time being in force relative to Friendly or Benefit Societies.

40. No duty or toll under any Act of Council passed or to be passed demandable at any pier wharf quay landing-place bridge or ferry or at any turnpike gate or bar or at any other gate or bar on a public road shall be demanded or taken from—

- (1.) Any officer of the Volunteer Force or any volunteer or officer or non-commissioned officer of the volunteer permanent staff being on march or duty or going to or returning from the place appointed for and on the day for exercise inspection review or other public duty and being in uniform Exemptions from tolls.  
Officers volunteers &c.
- (2.) Any horse ridden or used by any officer volunteer or non-commissioned officer as aforesaid being on march or duty or going or returning as aforesaid and being in uniform Saddle or pack-horses
- (3.) Any cart waggon or carriage public or private employed only in carrying or conveying or returning empty from carrying or conveying any officer volunteer or non-commissioned officer as aforesaid being on march or duty or going or returning as aforesaid and being in uniform with or without any conductor or driver of such cart waggon or carriage or domestic servant of such officer or volunteer Carriages &c. conveying officers volunteers &c.
- (4.) Any gun-cart waggon or carriage public or private employed only in carrying or conveying or returning empty from carrying or conveying having been employed only in carrying or conveying any arms or baggage of any officer volunteer or non-commissioned officer as aforesaid being on march or duty or going to or returning from the place appointed for exercise inspection or review or other public duty or any military stores belonging to or for the use of any gun belonging to or used by the Volunteer Force Carriages &c. conveying Army baggage ammunition &c.
- (5.) Any horse or other beast drawing any such cart gun-cart waggon or carriage as aforesaid— Draft horses.

And any person demanding or taking any duty or toll in contravention of the present section or making any false representation respecting himself or any other person or any animal or thing with intent to obtain for himself or otherwise or fraudulently obtaining for himself or otherwise any exemption under the present section shall for every such offence be liable to a penalty not exceeding five pounds. Penalty for false representation.

## PART VI.

## FOREIGN ESTABLISHMENTS.

41. It shall not be lawful for any person within the Territory of New South Wales and its Dependencies on behalf of himself or of any other person or of any foreign Prince or State or of the Governor or Government of any of Her Majesty's Colonial Dependencies to appoint enrol enlist attest or engage or accept the service in any military capacity or as a military settler in any such State or Dependency on behalf of such Prince Governor Government or person of any officer or volunteer or officer or non-commissioned officer of the volunteer permanent staff without license previously obtained in writing under the hand and seal of the Governor And the person to whom such license is issued shall be bound to give ten days notice in writing to the Officer commanding the Volunteer Force and to

No agent may recruit volunteers for foreign service without license from Governor.

Notice of names to officers commanding force and corps.

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to the Commanding Officers of Volunteer Corps in such districts of the names of the persons offering themselves and of the hour and place at which such persons are to be so enrolled enlisted attested engaged or accepted And any person contravening the provisions of this section shall be guilty of a misdemeanor.

Volunteers in debt to their corps engaging for foreign service may be arrested and held to bail by two Justices.

42. On the affidavit of any officer or volunteer sworn before a Justice of the Peace that any person by whom any money subscribed or undertaken to be paid by him towards any of the funds or expenses of any Volunteer Corps is then due and unpaid or unprovided for is about to be enrolled enlisted or attested as aforesaid or to embark on board ship or quit the territory of New South Wales under engagement of military service with any such Prince State Governor Government or person as aforesaid such Justice may by warrant under his hand and seal directed to any officer or volunteer or non-commissioned officer of the volunteer permanent staff or to any constable cause such person to be apprehended and brought before any two Justices of the Peace to be by such Justices held to bail in such recognizances as such Justices may order until such money as aforesaid is paid or provided to or to the satisfaction of the Commanding Officer of such corps.

## PART VII.

## MISCELLANEOUS.

Commissioned officers may retire on their respective ranks.

43. All commissioned officers who shall have completed a service of five years as such in any Volunteer Corps or company shall be entitled to retire on their respective ranks but shall nevertheless be liable to be called upon for active service whenever as herein provided their services may be required.

Efficient volunteers entitled to grant of land.

44. Every officer non-commissioned officer and volunteer under this Act not being on the paid staff of or serving for regular pay in any Volunteer Force shall be entitled after having served as an efficient volunteer for a continuous period of five years dating from the first day of January one thousand eight hundred and sixty-eight to receive from the Government in consideration of his efficient service a free grant of fifty acres of such land as may be open to conditional sale under the thirteenth section of the Crown Lands Alienation Act of 1861 subject to such regulations and conditions as may from time to time be approved of by the Governor and laid before both Houses of Parliament And the certificate of the Officer commanding the Volunteer Force shall be sufficient evidence that any officer non-commissioned officer or volunteer has served as an efficient volunteer the prescribed term of five years.

Seven years of past efficient service to count for three years prospectively and five years for two and three for one in entitling volunteer to grant of land.

45. Every officer non-commissioned officer and volunteer as aforesaid serving as an efficient volunteer in any Volunteer Corps that may be in existence on the first day of January one thousand eight hundred and sixty-eight and who shall then have so served as an efficient volunteer for at least seven years whether continuously or not shall be entitled to have such seven years of past efficient service counted for three years of the term of five years of continuous service prescribed as necessary under this Act after the first day of January aforesaid to constitute the claim of every efficient volunteer to a free grant of land in accordance with the provisions of the last preceding section And every such officer non-commissioned officer and volunteer who on the first day of January aforesaid shall then have served as an efficient volunteer whether continuously or not for at least five years

*Volunteer Force Regulation.*

years shall in like manner be entitled to have such five years of past efficient service counted for two years of the prospective term of five years constituting the claim to a free grant of land as prescribed in the preceding section and in like manner three years of past efficient service whether continuous or not shall be counted for one year of the prospective term of five years of continuous service constituting such claim. Provided that the past service of any efficient volunteer to be so counted shall not date further back than the year one thousand eight hundred and sixty. And provided also that the Officer commanding the Volunteer Force shall in every case give his certificate that such service has been actually performed.

46. Any penalty under this Act the mode of recovery of which is not otherwise expressly provided for by this Act and any money or fine by this Act made recoverable as a penalty under this Act is recoverable and all offences against this Act shall where no other mode of proceeding is by this Act expressly provided be respectively recovered heard and determined in a summary way before two or more Justices according to the provisions of the Act of Council fourteenth Victoria number forty-three and the Acts of the Imperial Parliament thereby adopted. And all penalties recovered summarily under this Act on the prosecution of the Commanding Officer of a Volunteer Corps shall notwithstanding any enactment to the contrary in that behalf be paid to such Commanding Officer to be applied as part of the general fund of the corps.

*Pecuniary penalties to be recovered summarily.*

47. Any person who not being enrolled on the muster-roll of any Volunteer Corps or after having quitted withdrawn or been discharged or dismissed from such corps wears the uniform of such corps shall be liable to a penalty not exceeding ten pounds for each offence.

*Penalty for unauthorized use of volunteer uniform.*

48. No summary conviction or adjudication under this Act or adjudication made on appeal therefrom shall be quashed for want of form or be removed by *certiorari*. And no warrant of commitment on any such conviction shall be held void by reason of any defect therein if it is therein alleged that the person therein named has been convicted and there is a good conviction to sustain the same.

*No certiorari.*

*Conviction not to be quashed for want of form.*

49. All the provisions of this Act shall apply to any united body formed of two or more separate Volunteer Corps for military purposes by the authority of the Governor whether the corps so united be formed into a regiment battalion brigade or any other body.

*Corps may be united as a regiment or otherwise.*

50. The Governor may from time to time make any regulations not inconsistent with this Act for the general government discipline and management of the Volunteer Forces in the Colony and the several corps thereof and for all other purposes of this Act and may call for such returns as may from time to time seem requisite. And all such regulations shall upon being published in the *Governments Gazette* be valid in law. Provided that a copy of every such regulation shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament be then sitting and if Parliament be not sitting then within fourteen days after the commencement of the next Session of Parliament.

*Governor may make general regulations.*

51. There shall be laid before Parliament an annual statement of all moneys paid under this Act to officers and non-commissioned officers of the volunteer permanent staff and to Commanding Officers of Volunteer Corps and to any other person or persons whatsoever under and for the purposes of this Act.

*Returns of moneys expended to be laid before Parliament.*

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*Parramatta Factory-street.*

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SCHEDULES.

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SCHEDULE A.

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 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 this Colony for the defence of the same against all Her enemies and opposers whatsoever. So help me God.

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SCHEDULE B.

WITNESS'S OATH.

THE evidence you shall give before this Court touching the matter of this inquiry shall be the truth the whole truth and nothing but the truth. So help you God.

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