



ANNO QUINQUAGESIMO OCTAVO ET QUINQUAGESIMO NONO

VICTORIÆ REGINÆ.

A.D. 1895.

No. 643.

An Act to consolidate and amend the Law relating to Defences.

[Assented to, December 20th, 1895.]

BE it 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 The Acts mentioned in the First Schedule to this Act are hereby repealed: Provided that this repeal shall not affect anything heretofore lawfully done or suffered, under any enactment hereby repealed, or any penalty, forfeiture, or punishment incurred in respect of any offence committed against any such enactment.

Repeal of Acts in Schedule.

2. This Act may be cited as "The Defences Act, 1895."

Short title of Act.

3. In this Act the following terms shall have the several meanings set against them respectively, that is to say—

Definitions in interpretation of this Act.

"Minister"—The Chief Secretary or other Responsible Minister for the time being administering this Act:

Minister.

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

Commandant.

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Commanding Officer.	“Commanding Officer”—The officer commanding a corps raised under this Act:
Officer.	“Officer”—A person holding a commission or warrant in the Forces:
Soldier.	“Soldier”—A non-commissioned officer, private, cadet, trumpeter, bugler, drummer, or musician, raised under this Act:
Member.	“Member”—Any officer, non-commissioned officer, or private serving in any of the Forces under the repealed Acts, or any officer or soldier enrolled under this Act:
The Forces.	“The Forces”—The Forces authorised by this Act:
Active Force.	“Active Force”—The officers and soldiers serving in the Active Military Force authorised by this Act:
Reserve Force.	“Reserve Force”—The officers and soldiers serving in the Reserve Military Force authorised by this Act:
Corps.	“Corps”—Any squadron of mounted troops, battery, or company of artillery, or company of infantry, or other branch of the Forces, but so that where two or more of these are formed into a regiment such regiment may be termed a corps:
Army Act.	“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.	“Regulations”—Any regulations which shall be made by the Governor in pursuance of this Act:
Prescribed.	“Prescribed”—Prescribed by this Act, or by regulations made under this Act:
District.	“District”—The locality prescribed as a district by this Act, or by any regulations made under this Act:
Sub-district.	“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.	“Proclamation”—A proclamation published in the <i>Government Gazette</i> .

Division of Act.

4. This Act shall be divided into parts, as follows:—

PART I.—Military Forces:

PART II.—Defence Rifle Clubs:

PART III.—National Rifle Association.

PART IV.—Miscellaneous.

PART

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PART I.

PART I.

MILITARY FORCES.

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

6. The Commandant shall, subject to regulations, command the Commandant to com-
mand the Forces.
Forces authorised by this Act.

Constitution of the Forces.

7. The Forces authorised by this Act shall consist of— Constitution of the
Forces.

(1) Officers and soldiers permanently employed:

(2) The Active Military Force:

(3) The Reserve Military Force.

8. Every member of "The South Australian Military Force," Members of the Forces
in existence at passing
of this Act to serve
under this Act.
"The Militia Force," "The Reserve Militia Force," and "The
Volunteer Militia Reserve Force" commissioned or enrolled under
the repealed Acts, or any of them, may continue to serve in the
Forces under the provisions of this Act, but must be commissioned
or enrolled 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,
if a non-commissioned officer or private, may 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
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.

9. The Active and the Reserve Forces shall be equal in rank, Precedence of Forces.
but shall rank junior to the permanently employed Force of the
said province.

Raising and Maintenance.

10. The Governor may, from time to time, call together, raise, Military Force may
be raised.
organise, arm, equip, drill, train, and exercise a Military Force com-
prised of such persons and in such manner as hereinafter directed.

11. Every male inhabitant of the province between the ages of Persons liable to serve
in the Forces.
eighteen and forty-five, fit and able to bear arms, being a British
subject by birth or naturalization, who shall have resided in the
said province for a period of six calendar months, and not exempted
by the Second Schedule hereto, shall be, and he is hereby declared
to be, liable to serve in the Forces to be raised under this Act
when

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when called upon by virtue of any of the provisions of this Act: Provided that—

- I. No person shall have the benefit of exemption unless he proves his right thereto as laid down in this Act:
- II. When exemption is claimed, the burden of proof shall be upon the claimant:
- III. Exemption shall not prevent any person from serving if he desires it, and is not disabled by bodily infirmity:

Provided also that no such liability shall be enforced except in case of actual invasion or of the imminent prospect thereof, declared by the Governor by Proclamation.

Classes of persons liable to serve.

12. The male population liable to serve in the Forces 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:

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

Military Districts and Sub-districts.

Governor may proclaim Military Districts and Sub-districts.

13. 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 the Forces to be raised for each or any of such districts, and such number may from time to time alter or vary.

Mode of Raising the Forces.

Enrolment to be made by Enrolment Officer.

14. The Governor may 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. The remuneration for such Enrolment Officers shall be as prescribed by the regulations.

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

(2) Each

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- (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, 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 Forces as may be directed, specifying their ages and condition:
- (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 *prima 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

15. 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 Forces 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.

Householder to give information to Enrolment Officer.

16. 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.

Governor to fix number of men to serve, and apportion quotas for various districts.

Persons Voluntarily Enrolling.

17. Any man who, without being balloted for, or who may not, when balloted for, have been taken for service in the Forces, or who may have completed his full period of service therein, may volunteer to serve, and the Commandant may thereupon accept his services and enrol him in the Forces.

Men who may voluntarily enrol.

Declaration to be taken.

18. Every officer on his being commissioned, and every man on his being drawn by ballot, to serve in the Forces, or voluntarily enrolling, shall severally make the declaration in the Third Schedule hereto, and shall subscribe such attestation paper as may be prescribed, and shall thereupon become a member of the Forces.

Officers and men to make declaration and subscribe attestation.

Territorial Limit for Service.

19. All officers and soldiers shall be liable to serve in any part of Australia or Tasmania; but not elsewhere.

Territorial limits.

20. The Governor may place the Forces, or any portion or portions thereof, for the purposes of drill, exercise, and training, or when

Power to place Forces under command of officers within territorial limit.

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when called out for actual service, or as otherwise prescribed, under the orders of the Commander of Her Majesty's 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 Australian colonies or Tasmania.

Balloting.

Number to serve to be determined by ballot.

21. (1) Whenever the Governor shall fix the quotas of men in any district or sub-district, the number to serve, if not forthcoming by voluntary enrolment as herein directed, 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.

Men shall be balloted for in order of classes.

22. 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.

Proviso as to sons of one family.

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, be drawn, unless the number of names so inscribed is otherwise insufficient to complete the required proportion of service men.

Term of service.

23. Every man voluntarily enrolling shall serve for a period of five years, two years in the Active Force, and three years in the Reserve Force, unless allowed to serve in the Active Force for a further period; and any man balloted to serve shall serve in the Active Force until Proclamation by the Governor that the invasion or prospect thereof has ceased, and such Proclamation shall be issued so soon as such invasion or prospect has ceased.

Enrolment of Servants.

Enrolment of servant not to vacate contract with his master, unless called out for actual service.

24. An enrolment of any servant as a soldier, 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 soldier for actual service under the provisions of this Act.

Drill,

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

Drill, exercise, and training.

The Governor may also call out the Forces required to serve in the case of actual invasion, or of the imminent prospect thereof, in any Military District or any sub-district thereof proclaimed under the provisions of this Act, either in whole or in part, for the purpose of drill, exercise, and training, at such time and places as he may think fit.

26. Every soldier shall attend the number of drills prescribed, which shall not be less annually than twelve full days of five hours and upwards (in the aggregate), including (1) one inspection in each year, unless prevented by illness, absence with leave, or some other reason to the satisfaction of the Commandant; (2) attendance at the annual encampment; and (3) musketry instruction.

Drill and inspection.

Such drills shall be held at such time and place as may be directed by the commanding officer, subject to regulations; and every soldier shall, when required, parade for the inspection of the Commandant, or such officer as he may depute, subject to regulations, to carry out such inspection.

But the Active Force, except when called out for actual service, or as otherwise prescribed by this Act, shall not 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, including inspections, attendance at annual encampment, and musketry instruction, amount to twenty-four full days in any one year, in addition to those required for recruit drill or drill otherwise than during daylight: And the Reserve Force, except when called out for actual service or as otherwise prescribed by this Act, shall not for these purposes be called out for a greater number of full days and half-days as aforesaid than shall in the aggregate, including inspections, attendance at the annual encampment, and musketry instruction, amount to twelve full days in one year, in addition to those required otherwise than during daylight.

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

Privileges of the Forces.

27. All officers and soldiers shall, while in the said Forces, be exempt from other military service, and from service as district constables and as jurymen; and, further, the 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. The Commandant will cause the Sheriff to be supplied with a nominal list of all officers and soldiers in the Forces.

Privileges of the Forces.

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Protection to persons enrolling.

28. No person who may be commissioned or enrolled as a member of the Forces 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 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.

Leave of absence.

29. A soldier 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 period of service.

Soldier desiring in time of peace to leave the said province permanently may obtain leave.

30. If, in the time of peace, any soldier desires to leave the said province to reside permanently away therefrom, he shall give notice thereof in writing to his commanding officer, who shall forward the same to the Commandant.

The Commandant shall, upon such soldier delivering up to his commanding officer, or to the person prescribed, his arms, accoutrements, equipments, and clothing, grant him permission in writing to leave the said province.

If such soldier again returns to the said province, he shall, if required, and under the age of forty-five years, complete his full period of service if the same shall not have previously expired.

Officers and Non-commissioned Officers.

Appointment of officers and non-commissioned officers.

31. The Governor may appoint to the Forces such permanently employed officers as he may deem necessary, and may also appoint to every corps of the Forces such and so many officers, and honorary officers, subject to regulations, as he deems necessary.

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.

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32. 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 permanently employed shall rank as seniors of their respective ranks with officers not so employed.

Rank and precedence of officers and non-commissioned officers.

Transfer and Resignation.

33. Upon the application of any member of the Forces, through his commanding officer, the Commandant may, if he thinks fit, transfer such member from any one corps to any other corps of any one part of the said Forces.

Transfer.

Under special circumstances the Commandant is empowered to transfer individual members of less than two years' service in permanent employment or in the Active Force to the Reserve Force, at the wish of such individual member, expressed through their commanding officer.

The Governor may also, by Proclamation, transfer any number of individual members of the corps of the Active Force to the Reserve Force.

34. No person shall be enrolled as a member of the Forces and attached to the Reserve Force unless he shall have served for a period of at least two years in the Forces under the said repealed Acts, nor unless the Commandant considers that such person is a fit and proper person to be so attached to the Reserve Force.

Soldiers who may serve in the Reserve Force.

35. 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 soldier.

Resignation.

Discipline and Regulations.

36. Every officer and soldier who shall have made and subscribed the declaration as directed under this Act shall be bound thereby, during his term of service, and during such term and until discharged or dismissed shall be subject to the provisions of the Army Act in force for the time being in Her Majesty's Army, as if he had been duly enlisted and attested for Her Majesty's Army for general service, and as if the Force formed part of Her Majesty's Army, and shall in like manner during the same time be subject to the Queen's Rules and Regulations, the Rules and Articles of War, and to such other rules, regulations, and discipline, of whatever nature or kind, to which Her Majesty's Army is for the time being subject, so far as the same are not inconsistent with this Act and any rules and regulations made thereunder; and every officer of the Force shall be subject to the like provisions, rules, regulations, articles, and discipline, so far as the same shall be applicable to his rank.

Forces to be subject to Army Act.

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Summary discharge
for felony, &c.

37. Every member of the Force who may be convicted of felony shall be summarily discharged, and the Commandant may summarily discharge any soldier who from his improper conduct shall, in the opinion of the Commandant, be unfit to continue in the Force; and every member discharged pursuant to this section shall forfeit all arrears of pay and benefits for past services.

Governor may make
regulations.

38. 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, and no regulation shall be gazetted until laid before both Houses of Parliament for at least thirty days.

Such regulations shall be in force at all times, whether the said Forces shall be on parade, under arms, or otherwise.

Enforcement of
regulations.

39. Any such regulations may provide for the enforcement thereof by the Commandant, by forfeiture of pay not exceeding thirty days, or by confinement in barracks not exceeding thirty days in the case of permanently employed soldiers.

Existing regulations to
remain in force until
new regulations made
under this Act.

40. 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 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.

Mounted members
to provide their own
horses.

41. Every member of the Forces 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.

Pay, Allowances, and Prizes.

Pay.

42. The Governor may fix the scale of pay and allowances to be received by all persons serving permanently in the Forces; but such pay and allowances shall not exceed the sums appropriated by Parliament for the service.

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43. The rates of pay and allowances of the several officers and soldiers of the several corps of the Active and Reserve Forces shall, except when called out for actual service, or for other purposes, by Proclamation as herein directed, be subject to regulations, not less than the rates in the Fifth Schedule hereto.

Rates of pay and allowances.

The Governor may, however, prescribe such reduction of such rates as he may think desirable with respect to soldiers who neglect to carry out any portion of the drills or training prescribed for the several corps.

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

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

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

Members of Parliament to receive no pay in Forces unless elected after enrolment.

45. There shall be set apart every year out of the general revenue of the province a sum to be fixed by Parliament for prizes for the encouragement of efficiency in the rifle or other regulation arm supplied to the members of the Forces, and this sum shall be distributed in prizes as prescribed.

Prizes—Musketry.

46. Officers and soldiers when called out by Proclamation for actual service, or as otherwise prescribed in this Act, 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 per day in their several ranks as laid down in the Sixth 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.

Remuneration when called out.

Clothing, Arms, and Accoutrements.

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

Clothing, arms, and accoutrements.

Such arms, accoutrements, and equipment as may be issued to the said Forces 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.

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

Medical and Veterinary Departments.

Medical department.

48. 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.

Veterinary department.

49. 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 officer.

Civil Affairs.

Civil affairs of corps to be subject to regulations.

50. 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.

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

51. 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.

Provision for cesser of licence.

52. 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.

53. The

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53. 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 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.

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Governor may make regulations stopping traffic and for the safety of the public during rifle or artillery practice or drill.

Protection of Mining Claims.

54. The claims, rights, and interests of miners, and of all persons holding miners' rights and mineral licences, shall be protected, and not liable to forfeiture during the absence of such miners or persons on military duty.

Miners' rights protected during absence on duty.

Calling out the Forces by Proclamation for Actual Service.

55. 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.

Forces may be called out for actual service.

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.

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.

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.

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

Transfer of corps, portions of corps, or members of corps, when called out.

He may, subject to regulations, form the members of the Reserve Force so called out into such corps as may be desirable.

The Commandant may, subject to regulations, further transfer any member of the Forces when called out, or any corps or part of a corps of such Forces, from any one corps to any other corps of the same.

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Penalties for refusing or neglecting to obey the call for actual service.

57. 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 be liable to be proceeded against under the Army Act as a deserter, and, if convicted, shall be punished accordingly.

Men Killed or Injured on Actual Service.

Provision for families of men killed on actual service.

58. When any officer or soldier is killed, incapacitated, or seriously injured in the performance of any military duty, or dies from wounds contracted in such duty, provision shall be made for his wife and family out of the public funds or for compensating him for the injury.

Billeting and Conveyance of Forces.

Regulations for billeting and conveyance of forces.

59. 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.

Penalty for refusing conveyance.

60. 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.

Courts Martial.

Procedure of courts-martial.

61. The Governor, either by general or special warrant under his hand, may delegate to the Commandant power to convene courts-martial, and to confirm the sentences thereof; and the composition of courts-martial and the modes of procedure and the powers and privileges thereof shall be, so far as applicable to this Act and any regulations thereunder, those which may at the time being be in force with respect to courts-martial in Her Majesty's Regular Army, and the pay and allowances of officers and others attending such courts may be fixed by regulations to be made by the Governor, and officers of the staff may, if required, serve upon courts-martial.

Proceedings to be filed with Attorney-General.

62. When the proceedings of any court-martial other than a regimental court-martial have been duly confirmed and the sentence promulgated, the proceedings are to be returned to the president, who shall transmit the same to the Attorney-General for record in his office; and any officer or soldier who has been tried by any such court-martial, or any person in his behalf, shall be entitled, on demand, to be made within the space of six months from the date of the final decision on the proceedings, to a copy of such proceedings, whether

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whether such sentence shall be approved or not, so soon after the receipt of the proceedings at the office of the Attorney-General as such copy can be conveniently supplied.

PART I.

Copy, how obtained.

63. All constables and peace officers are hereby directed and required to take cognizance of any written order purporting to be under the hand of a Commanding Officer under this Act, authorising the apprehension of any deserter or absconder from the Forces, and his conveyance to any place named in such order, and to aid and assist in the execution of such order, and to lodge any such deserter or absconder in some place of security until such order can be executed; and every gaoler or keeper of a prison or gaol is hereby directed and required to receive into his custody any offender under sentence of imprisonment by a court-martial or by the Commandant, upon delivery to him of a warrant of commitment in the form set forth in the Army Act under the hand and seal of the president of the court or the Commandant: And such gaoler or keeper shall keep such offender in a proper place of confinement, with or without hard labor, and with or without solitary confinement, according to the sentence of the court and for the time specified in the said order, and shall also in like manner receive into his custody and keep any absconder or deserter upon receipt of an order in writing to that effect under the hand of a Commanding Officer.

Apprehension of deserters.

64. No proceedings of any court constituted or appointed under this Act shall be set aside or deemed void for want of form only, or be removed into the Supreme Court.

No certiorari.

Boards of Inquiry.

65. 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 members of the Forces, 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 soldier, or into any other matter in connection with the Forces which may be laid before them.

Formation of Boards of Inquiry.

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 Defences Act, 1895," to attend at _____, on the _____ day of _____, 18____, at the hour of _____ in the 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.*]**66.** If

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Penalty on member
refusing to attend
Board of Inquiry.

66. If any member 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 summons shall be delivered personally to the member summoned, at least twenty-four hours before the time appointed for the meeting of the Board:
- (c) No member 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.

Powers of Boards of
Inquiry.

67. (a) All Boards 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 make 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, 1886," or any Act or Acts amending or in substitution therefor, and such Board shall have the same power in respect thereto 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.

Charges against com-
missioned officers,
how dealt with.

68. 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

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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 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.

69. All members, other than those specified in sub-section 1, section 7, composing a Board as hereinbefore constituted, shall be entitled to such remuneration as may be prescribed 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 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.

Remunerating
members composing
Boards.

Legal Proceedings, except when Forces called out for Actual Service.

70. Every proceeding under this Act in respect of offences against this Act, except such as are made misdemeanors, or against any regulation to be made thereunder, except offences by soldiers when called out for actual service, 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 Ordinance No. 6 of 1850, "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.

Recovery of penalties.

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.

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

Appeal.

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 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.

72. The

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POLICE.

Police.

72. The Governor may cause to be enrolled for military service all such members of the Police Force as shall be willing to undertake military service in time of need, and who shall take and subscribe the declaration in the form contained in the Fourth Schedule, in like manner as is herein provided concerning the declaration in the Third Schedule.

Terms of service.

73. Every man so enrolled in the Police shall continue a member thereof until he shall attain the age of forty-five years, or be discharged or dismissed; and all men so enrolled shall be subject to the following provisions:—

- I. They shall be drilled, for the purpose of enabling them to take part in military evolutions and movements:
- II. In time of peace, whenever summoned by the Governor by Proclamation in the *Government Gazette*, but not oftener than four times in every year, they shall serve in connection with the Forces, as may be required:
- III. Whenever the Forces shall be called out pursuant to section 55, they, the Police so enrolled, shall assemble for military service, and every member of the Police so enrolled shall be subject to all the liabilities and privileges mentioned in sections 55, 56, 57, and 58, as if he was a member of the Forces.

Drill and officers.

74. The Police so enrolled shall be drilled by or under officers of the Police Force, and, when serving in time of peace in connection with the Forces, shall merely act as a Police Force, assisting in the manœuvres, and shall at all times be commanded by the officers of the Police Force, who shall enrol as aforesaid, and who shall be under the command of the commanding officer of the Force when military police shall be brigaded with the Forces.

Pay.

75. The pay of every member of the Police so enrolled shall, when on actual service, be One Shilling per day, in addition to his pay as a member of the Police Force, and to be paid in like manner as such last-mentioned pay; and no member of the Police Force shall be liable to any stoppage of or deduction from his pay on account of absence caused by his duties as a member of the Police so enrolled.

Extra allowances.

76. Every member of the Police so enrolled shall, in addition, be entitled to such extra pay and allowance as the Governor may think necessary to make, not exceeding the sums appropriated by Parliament for the service.

Offences and Penalties.

Men drafting refusing to be sworn, &c.

77. Any man balloted for service in the Forces who refuses or neglects to make the declaration, when tendered to him by the

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the Enrolment Officer hereby authorised to take the same, 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 such declaration shall be guilty of a misdemeanor, and shall be liable to a further imprisonment, with or without hard labor, not exceeding two years.

78. (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 knowingly 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.

Refusing required information, or giving false information.

(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.

Refusing to make enrolment or ballot.

79. Any officer or soldier, 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.

Personating on parade.

80. (1) Any person who—

Resisting draft, &c.

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

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Offences connected
with desertion.

(2) Any person who—

- (1) Procures or persuades any officer or soldier who has been enrolled to serve in any corps to desert; or
- (2) Attempts to procure or persuade any such officer or soldier to desert; or
- (3) Knowing that any such officer or soldier is about to desert, aids or assists him in deserting; or
- (4) Knowing any such officer or soldier to be a deserter, conceals such officer or soldier, 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.

Offences by persons
not belonging to
Forces.

81. It shall not be lawful for any person not serving in Her Majesty's Naval or Military Forces, or in the Forces authorised by this Act, to wear, without the Governor's permission, the uniform, or any part thereof, of any of those Forces: Provided that this enactment shall not prevent—

- (a) A member of a band from wearing at or for the purpose of a public performance by the band, at any time within six years after the passing of this Act, any dress which at the passing of this Act is the recognised uniform of the band, unless the dress is an exact imitation of the uniform of any of Her Majesty's Military Forces, or Her Majesty's Naval Forces, or the Forces; or
- (b) Any persons from wearing any uniform or dress in the course of a stage play performed in a place duly licensed or authorised for the public performance of stage plays, or in the course of a music-hall or circus performance, or of a ball, or in the course of any *bonâ fide* military representation.

Any person who shall—

- (a) Falsely represent himself to be a member of those Forces; or
- (b) Not being a member shall wear the uniform, or any part of the uniform, of any of those said Forces;

Punishment.

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

Penalty for bringing
contempt on uniform.

82. If any person not serving in Her Majesty's Naval or Military Forces or the Forces authorised by this Act wears without the Governor's permission the uniform of any of those Forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform, in such a manner or under such circumstances as to be likely to bring contempt upon that

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that uniform, or employs any other person so to wear that uniform or dress, he is liable to a fine not exceeding Twenty Pounds, or to imprisonment for a term not exceeding six months, with or without hard labor.

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

Offences by persons belonging to Forces or otherwise.

(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, or of Her Majesty's Imperial Forces, delivered for 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.

84. Offences of members of the Forces (except in the case of offences, punishments, and penalties provided by this Act with respect to members of the Forces when called out by Proclamation for actual service, or otherwise provided by this Act) 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.

Offences and punishment to be fixed by regulations.

85. Any commissioned officer for the time being in command of any body of men of the Forces 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; 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.

Summary imprisonment or fine by officer in command of a body of soldiers.

Protection to Officers.

86. 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.

Protection to officers.

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.

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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.

PART II.**PART II.****DEFENCE RIFLE CLUBS.**

Formation of Defence Rifle Clubs.

87. Defence Rifle Clubs may be formed under this Act.

The members of such Defence Rifle Clubs shall be governed by the rules for Defence Rifle Clubs, to be from time to time made, altered, or revoked by the Governor, and published from time to time in the *Government Gazette*.

Members of club.

Before such a club can be formed the names of not less than thirty men over eighteen years of age, and who are prepared to be active members of the club, including the names of a president of the club, and of a committee of at least two members, must be forwarded to the Governor through the Commandant, in the prescribed form.

Formation to be notified in *Gazette*.

88. If the formation thereof is approved, notice of such formation shall be published in the *Government Gazette*, and after such publication the Defence Rifle Club shall be deemed to have been duly formed, and the members thereof shall be subject to the rules for such clubs.

Members may be enrolled in forces.

89. The Governor may, by Proclamation, cause any members of Defence Rifle Clubs to be enrolled in the Forces if required.

Members provided with rifles and ammunition.

90. Members of Defence Rifle Clubs shall be provided by the Government with rifles and ammunition and uniform, on such terms and conditions as may be prescribed by regulations.

Continuance of existing clubs.

91. Rifle Clubs formed under the said repealed Acts may continue to exist as such until otherwise prescribed by regulations.

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PART III.

PART III.

NATIONAL RIFLE ASSOCIATION.

92. The South Australian National Rifle Association (hereinafter called "The Association"), formed under the "Defence Forces Act, 1886," shall be composed of—

Composition of the South Australian National Rifle Association.

- (a) Individual members of the Naval Forces, the Naval Reserve Forces, and the Forces, and the Defence Rifle Clubs authorised by this Act, joining the Association under the rules thereof:
- (b) Individual riflemen joining the Association under the rules thereof, and being British subjects by birth or naturalization, who shall at the time of their application to become members be residing, and who shall, for the period of six calendar months at least immediately preceding such application, have resided in the said province.

93. The Association shall, subject to the rules and regulations at present existing, or to be hereafter made under this Act, be managed and governed by a Council.

Council and management thereof.

Members of the Council shall consist of the following persons:—

- (a) The Commandant for the time being of the Forces, the Commandant for the time being of the South Australian Naval Forces, the Chief Staff Officer for the time being, and the senior Executive Officer of the Mounted Rifles, Artillery, and Infantry Corps authorised by this Act, who shall be *ex officio* members of the Council:
- (b) Twelve members, to be elected annually (two of whom at least shall be members of the Naval Forces) by the vote of the majority of the members of the Association present in person at the annual general meeting of the Association, held under the rules of the Association.

Any casual vacancy occurring in the Council at any time during any year shall, until the next annual election of the members of the Council, be supplied in the manner prescribed by the rules thereof.

Casual vacancy in Council.

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

How questions to be decided by Council.

The Commandant of the Forces authorised by this Act shall be the President of the Council.

The Council may elect an executive committee, as well as a secretary and treasurer, out of its own body.

PART IV.

PART IV.

MISCELLANEOUS.

Property of Corps.

Vesting property of
corps and association
and clubs.

95. Where any money or other real or personal property whatsoever of any corps of the Forces, or of any Defence Rifle Club, or of the South Australian National Rifle Association 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 president of such Defence Rifle Clubs respectively, or the council of the Association, 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, captain, or council, but may be proceeded in by the succeeding commanding officer, president, or council.

Property of disbanded
corps, association, or
Defence Rifle Club,
how disposed of.

96. 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 disbanded, or which at the time of the dissolution of the said National Rifle Association, or of any Defence Rifle Club, or was subject to any trust for the benefit of the corps, Association, or Defence Rifle Club respectively, shall be disposed of by the person or persons, or council, or president 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 Defence Rifle Club at the time of the disbandment or dissolution thereof shall be summoned by the last commanding officer of the corps, or president 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 Defence 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 Defence 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

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- (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.

Safety of Defences.

97. It shall not be lawful for any person to make any sketch, drawing, photograph, picture, or painting of any fort, battery, fieldwork, fortification, or other military work of defence in South Australia, or of any portion thereof, without having previously obtained the permission, in writing, of the Chief Secretary, on the recommendation of the Commandant of the South Australian Military Forces. Such permission shall clearly and expressly state the nature of the sketches, drawings, photographs, pictures, or paintings which may be made by the person to whom such permission is given, and the place or places of which such sketches, drawings, photographs, pictures, or paintings may be made.

Sketching, &c., of fortifications prohibited, save by permission.

98. Any person offending against the provisions of the above section shall be liable to a penalty not exceeding One Hundred Pounds, or, at the discretion of the Court, to be imprisoned, with or without hard labor, for any period not exceeding two years; and all such sketches, drawings, photographs, pictures, or paintings, and all tools and all materials or apparatus for sketching, drawing, photographing, or painting found in his possession shall be forfeited to the Crown.

Penalty for offending against provisions of section 97.

99. Any person who enters or approaches any fort, battery, fieldwork, fortification, or other military work of defence in the said province, with sketching, drawing, photographing, or painting materials or apparatus in his possession, with the intention of evading the provisions of this Act, shall be liable, upon conviction, to a penalty not exceeding Twenty-five Pounds, and in default to imprisonment, with or without hard labor, for any period not exceeding three calendar months, with or without hard labor; and all materials or apparatus for sketching, drawing, photographing, or painting found in his possession shall be forfeited to the Crown.

Penalty on persons found in or near forts with drawing materials, &c.

Penalty—Fine, or imprisonment.

100. Any person found trespassing on any enclosed fort, battery, fieldwork, fortification, or other work of military defence, may be summarily removed therefrom by any officer or member of the Defence Forces, or any officer of police, and shall be liable to a penalty of not exceeding Twenty Pounds, and in default to imprisonment not exceeding one month, with or without hard labor.

Penalty on persons trespassing.

101. Any officer or member of the Defence Forces or officer of the Civil Service who communicates to any person, otherwise than in the course of his official duty, any plans, documents, or other information relating to any fort, battery, fieldwork, fortification, or other work of military defence, or to any other defences of the province,

Penalty on communicating information respecting defences.

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province, shall be guilty of a misdemeanor, and shall, on conviction, be liable to imprisonment for any term not exceeding three years, with or without hard labor.

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

T. FOWELL BUXTON, Governor.

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SCHEDULES.

FIRST SCHEDULE.

Section 1.

The Defences Act, 1895.

Date when Act assented to and Number of Act.	Title of Act.	Extent of Repeal.
November 30th, 1878— No. 125 of 1878	An Act to provide for the Enlistment, Regulation, and Discipline of a Permanent Military Force	The whole.
August 11th, 1880—No. 169 of 1880	An Act to amend "The Volunteer Act, 1865-6," "The Rifle Companies Act, 1878," and "The Military Force Act, 1878"	The whole.
November 17th, 1882— No. 261 of 1882	An Act to further amend "The Volunteer Act, 1865-6," and "The Rifle Companies Act, 1878"	The whole.
November 17th, 1886— No. 390 of 1886	An Act to consolidate and amend the Law relating to the Volunteer Military Force, the Reserve Force, the Militia, and the Rifle Volunteer Force	The whole.
December 23rd, 1890— No. 483 of 1890.	An Act to prevent the Unauthorised Disclosure of Information relating to the Defences of South Australia	The whole.
December 23rd, 1890— No. 500 of 1890	An Act to amend "The Defence Forces Act, 1886"	The whole.

SECOND SCHEDULE.

Section 11.

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 Forces :—

- (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 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, or shall on application be, entitled to 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

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- (l) The Commissioners of the Railways of Her Majesty's Government of South Australia, and all inspectors, managers, stationmasters, guards, engine-drivers, stokers, porters, and all other the officials and servants of the said railways :
- (m) The professors in any college or university, teachers of schools actually engaged in teaching :
- (n) All sheriffs, troopers, constables, and other peace officers :
- (o) All legally-qualified medical practitioners actually in practice :
- (p) Seafaring men (including watermen and boatmen) :
- (q) Every member of the Naval Forces or the South Australian Naval Brigade 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 Naval or Military Service, and no person who has served for a period of two years or more as an officer in the Forces authorised by this Act, or the said repealed Acts, shall be required to serve in the Forces in a rank lower than that he held in such respective Force.

Section 18.

THIRD SCHEDULE.

Declaration.

SOUTH [Royal Arms] AUSTRALIA.

I, _____ of [*enter here occupation or calling*], do hereby 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 Forces, pursuant to "The Defences Act, 1895."

[*Signature of man in full.*]

Declared at
before me.

, this

day of 18

[*Signature of Enrolment Officer.*]

Section 72.

FOURTH SCHEDULE.

I, _____, do hereby solemnly, sincerely, and truly declare that I will well and truly serve Our Sovereign Lady Queen Victoria, Her heirs and successors, in the police for military purposes if required, pursuant to "The Defences Act, 1895."

[*Signature of man in full.*]

Declared at
before me.

this

day of 18 ,

[*Signature of Enrolment Officer.*]

The Defences Act.—1895.

Section 43.

FIFTH SCHEDULE.

PEACE RATES.—PAY AND ALLOWANCES PER ANNUM.

The Defences Act, 1895,

Nature of Force.	Lieut.-Colonel.	Major.	Captain.	Lieutenant.	Sergeant-Major, Quartermaster- Sergeant, and Color-Sergeant.	Sergeant.	Corporal.	Bombardier or Lance-Corporal.	Trooper, Gunner, or Private.	Trumpeter, Bugler, or Drummer, if under 18 years.	Allowances.
	£ s.	£ s.	£ s.	£ s.	£ s.	£ s.	£ s. d.	£ s.	£ s.	£ s.	As prescribed.
Officers, &c., permanently employed— As prescribed by regulations.											
Active Military Force	15 0	10 0	7 10	6 0	6 0	5 10	5 5 0	5 0	5 0	2 10	As prescribed.
Reserve Military Force	Half the above rates.										As prescribed.

SIXTH SCHEDULE.

Section 46.

WAR RATES.—PAY AND ALLOWANCES PER DIEM.

The Defences Act, 1895.

Nature of Force.	Lieut.-Colonel.	Major.	Captain.	Lieutenant.	Sergeant-Major, Quartermaster- Sergeant, and Color-Sergeant.	Sergeant.	Corporal.	Bombardier or Lance-Corporal.	Trooper, Gunner, or Private.	Trumpeter, Bugler, or Drummer, if under 18 years.	Allowances.
	s.	s.	s.	s.	s.	s.	s.	s.	s.	s.	As prescribed.
Officers, &c., permanently employed	40	35	30	20	15	12	10	9	8	4	As prescribed.
Active Military Force											
Reserve Military Force											