



ANNO QUADRAGESIMO PRIMO ET QUADRAGESIMO
SECUNDO

VICTORIÆ REGINÆ.

A.D. 1878.

No. 118.

*An Act to organise Rifle Companies and to encourage their formation,
and to establish a National Rifle Association.*

[Assented to, 30th November, 1878.]

WHEREAS it is desirable to organise Rifle Companies and to encourage their formation, and to establish a National Rifle Association to aid in the defence of the province in time of need—
Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

PRELIMINARY.

1. This Act may be cited as “The Rifle Companies Act, 1878.”

Short title.

2. In this Act, unless the context shall otherwise indicate, the following terms shall have the following meanings:

Interpretation.

“Rifle Company” shall mean a Rifle Company enrolled pursuant to this Act:

“Association” shall mean South Australian National Rifle Association:

“Council” shall mean the Council of the Association:

“Inspecting Officer” shall mean the person who for the time being shall be Inspector of Rifle Clubs under this Act:

“Rules” shall mean any rules which shall be made by the Council in pursuance of this Act:

“Regulations”

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“Regulations” shall mean any regulations which shall be made by the Governor in pursuance of this Act.

INSPECTING OFFICER AND CONSTITUTION OF RIFLE COMPANIES.

Inspecting Officer.

3. The Governor, by commission under his hand and the seal of the province, may appoint any duly qualified officer to be Inspector of Rifle Companies for the purposes of this Act; and the Governor may cancel any such commission.

Rifle Companies.

4. Any twenty or more persons desirous of taking the benefit of this Act may form themselves into a rifle company by severally taking and subscribing an oath in the form contained in the First Schedule, and by signing a memorandum in the form contained in the Second Schedule; and every such rifle company shall be distinguished by the name of the town or district in which it is formed, and such oath and memorandum shall be forwarded to the inspecting officer, who, on being satisfied that the same are regular, and that the subscribers are fit and proper persons to be members of a rifle company, shall issue to some person, on behalf of the company a certificate of enrolment in the form contained in the Third Schedule, a copy of which certificate shall be published in the *Government Gazette*, and after such publication the rifle company mentioned therein shall be deemed to have been duly formed and enrolled for all the purposes of this Act; and the production of a copy of the *Government Gazette* purporting to contain a copy of any such certificate shall be conclusive evidence thereof

Membership.

5. The inspecting officer shall cause to be kept a list of the members of every rifle company in the form contained in the Fourth Schedule, in which shall be entered the name, address, and description of every member, and the dates when membership shall commence and cease, and the cause of membership ceasing; and the inspecting officer shall, on demand, and on payment of the sum of one shilling, issue to any member of a rifle company, a certificate of membership under his hand, in the form contained in the Fifth Schedule, and such certificate shall be *prima facie* evidence of the membership stated therein; and the production of any document purporting to be a list of members of any rifle company kept pursuant to this Act, or to be a copy certified under the hand of the inspecting officer of any such list, or of any entry therein, shall be conclusive evidence of all matters stated therein and required to be inserted in the list by this Act: Provided that no rifle company shall be recognised for any of the purposes of this Act unless enrolled pursuant hereto, nor shall any person be recognised as a member of a rifle company for any of the purposes of this Act unless his name shall appear on the list of members thereof.

New members.

6. Every person joining a rifle company after the enrolment thereof shall take and subscribe an oath in the form contained in the
First

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First Schedule, and such oath shall be forwarded by some person on behalf of the company to the inspecting officer, who, on being satisfied that the same is regular, and that the subscriber is a fit and proper person to be a member of a rifle company, shall enter the person taking and subscribing the same on the list of members of the company.

7. The inspecting officer may cancel or correct any entry in any list of members which may be made by mistake or improperly, and the Governor may require the inspecting officer to cancel or correct any such entry, or to make any entry omitted by mistake or improperly, and may on the application of any member of a rifle company, showing sufficient reason to the satisfaction of the inspecting officer, transfer such member from one rifle company to another, and alter the lists of members of the company accordingly.

Correction of members' lists.

CONSTITUTION OF ASSOCIATION, COUNCIL AND MANAGEMENT THEREOF.

8. Every rifle company shall be incorporated with and form part of an association to be called "South Australian National Rifle Association," and shall annually subscribe towards the funds thereof such sum as may be prescribed by the rules of the association, which shall be governed by a Council, who shall have the sole management of the business and affairs thereof, subject only to such control as is hereby expressly provided for, and such Council shall consist of the inspecting officer, and of the President, Vice-President, Secretary, and Treasurer of the Association, and five ordinary members, and all the members of the Council, except the inspecting officer, shall be appointed annually at a meeting of delegates from rifle companies, to be convened by the inspecting officer, and at which one delegate from each rifle company shall be entitled to attend and vote.

Association and Council.

9. The inspecting officer shall be a member of the Council, and shall have a vote, and at every meeting of the Council or of delegates from rifle companies, five shall form a quorum, and questions shall be decided by a majority of the votes of persons voting thereon, and the decision shall be deemed the act of the Council or delegates.

Voting.

10. The Governor shall have supreme control over the Association and over the Council business and affairs thereof, and may exercise all powers and discretions exercisable by the Council, and may cancel or alter anything done by the Council, and the Council shall exercise all their powers and discretions subject to such directions, if any, as may be given by the Governor, and the decision of the Governor shall be final in all matters.

Governor to control Association.

DUTIES

*Rifle Companies Act.—1878.*DUTIES AND PRIVILEGES OF RIFLE COMPANIES
AND MEMBERS THEREOF.

Companies may be called out for military service.

11. The Governor, by Proclamation in the *Government Gazette*, may call out all rifle companies for military 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, and on any such proclamation, every member of a rifle company shall assemble in obedience thereto, and shall place himself under the command of the officer commanding the South Australian Military Force, and shall be subject to the Mutiny Act, and all rules, regulations, articles, and discipline to which members of such military force shall be subject, as if he were a member of such military force, and until the Governor, by Proclamation in the *Government Gazette*, shall signify that the services of the rifle companies are no longer required.

Punishment.

12. No punishment to be awarded to any member of any rifle company shall, except in case of misconduct in the presence of the enemy, extend to death or flogging, and no member of any rifle company shall be ordered for service outside the province.

Punishment for non-compliance with call to service.

13. If any member of a rifle company shall refuse or neglect to obey any call made pursuant to section 11, 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 on conviction for any such offence, forfeit and pay a penalty not less than Five nor more than Fifty Pounds, and be liable to be imprisoned for any term not exceeding three months.

Drill and pay.

14. Every member of a rifle company shall attend drill at least ten times in each year unless prevented by illness, absence from the colony, or some reason satisfactory to the inspecting officer and shall, when required, but not oftener than twice in every year, parade for the inspection of the inspecting officer at such convenient place in the district in which the company shall be formed as may be appointed by the inspecting officer, and shall, after assembling pursuant to any call to military service, and until notification that the services of rifle companies are no longer required, be entitled to receive the same amount of remuneration as if employed in the Volunteer Force of the Province, and shall, subject to regulations, be entitled to a rifle on loan at the public cost, and to be furnished with one hundred rounds of ammunition during every year of his membership, and with such further supply, if any, as may be prescribed by the regulations on such terms, including payment, as may be fixed thereby.

Prizes.

15. So long as there shall be rifle companies, numbering five hundred members at the least, there shall be annually set apart out of the General Revenue of the Province a sum of Two Hundred Pounds at the least, which shall be paid to the Council to be applied in

in

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in prizes for rifle shooting amongst the members of rifle companies, subject to such rules as may be prescribed.

16. The members of every rifle company may appoint their own officers subject to the approval of the Governor, and may fix their times and places for drill, and every member of a rifle company, when called out for service, shall wear a distinctive uniform, to be decided upon by the Council, subject to the approval of the Governor. Officers and uniforms

RULES AND REGULATIONS.

17. The Council may make rules not inconsistent with this Act for the management of the business and affairs of the association and of rifle companies, and for the discipline and better government of rifle companies, and for carrying out this Act, which rules shall be submitted to the Governor for confirmation, and, upon confirmation thereof, shall be published in the *Government Gazette*, and afterwards shall be judicially noticed and shall have the force of law; and the production of a copy of the *Government Gazette*, purporting to contain a copy of any such rules, shall be conclusive evidence thereof, and such rules may provide for the enforcement thereof against any member of any rifle company by the imposition of any fine not exceeding Five Pounds. Council may make rules.

18. The Governor may make regulations not inconsistent with this Act, for carrying the same into effect, and for enforcing the provisions thereof, and such regulations shall be published in the *Gazette*, and afterwards shall be judicially noticed, and shall have the force of law; and the production of a copy of the *Government Gazette*, purporting to contain a copy of any such regulations shall be conclusive evidence thereof. Governor may make regulations.

CESSER OF MEMBERSHIP AND EXPULSION OF MEMBERS AND CLUBS, AND DISSOLUTION OF ASSOCIATION AND CLUBS.

19. No person, having become a member of a rifle company, shall cease to be a member thereof until an entry to that effect shall have been made in the list of members, and no such entry shall be made except in the following cases— Cesser.

- i. If the member, having attained the age of fifty years, shall give written notice to the inspecting officer of his desire to retire:
- ii. On the expiration of three calendar months after the member, being of any other age, shall have given written notice to the inspecting officer of his desire to retire:
- iii. If the member shall be transferred to another rifle club:

iv. If

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iv. If the member shall be expelled.

Expulsion.

20. The Council may expel any member of any rifle company who shall be guilty of any infraction of the provisions of this Act, or of any rules or regulations, or who, in the opinion of the Council, may be proved to be unfit to be a member of a rifle company, and may expel from the association any rifle company which shall be guilty of any infraction of the provisions of this Act, or of any rules or regulations, or if the number of the members thereof shall be reduced below twenty; but an appeal from the decision of the Council expelling any member or rifle company shall lie to the Governor, within twenty-one days after such decision, and the Governor may cancel or confirm such decision.

Appeal.

21. The inspecting officer, on the expiration of the time for appealing, if no appeal be pending or on the appeal being disposed of, if the decision shall be confirmed, shall publish in the *Government Gazette* a notice of the decision of the Council expelling any member or rifle company, and after such publication the member or rifle company shall be deemed to have been duly expelled, and to forfeit all the benefits of this Act, and the production of a copy of the *Government Gazette*, purporting to contain a copy of any such notice, shall be conclusive evidence thereof.

Dissolution.

22. The Governor, by proclamation published in the *Government Gazette*, may dissolve the Association, or any rifle companies, and after the publication of such proclamation the Association or companies dissolved shall forfeit all the benefits of this Act, and the production of a copy of the *Government Gazette* purporting to contain a copy of any such proclamation shall be conclusive evidence thereof.

Surrender of rifle and uniform.

23. Every person expelled from a rifle company, or belonging to a rifle company which shall be expelled from the Association, or which shall be dissolved, and in the event of the dissolution of the Association every member of every rifle club shall forthwith deliver up to the inspecting officer, or to such person, and at such place in the district in which the club in question shall have been formed as shall be appointed by the inspecting officer by notice published in the *Government Gazette*, the rifle and all unexpended ammunition with which he shall have been supplied pursuant to this Act.

OFFENCES AND MISCELLANEOUS.

Penalty for offences.

24. Any person who shall—

- i. Knowingly buy, sell, or take in exchange, conceal, or, without satisfactory accounting for the same, receive, or have in his possession any arms or ammunition delivered for the use of any rifle company, or solicit or entice any person to buy, sell, take in exchange, or conceal the same:

ii. Or

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- ii. Or who shall falsely represent himself to be a member of any rifle company :
- iii. Or who, not being a member of a rifle company, shall wear the uniform, or any part of the uniform thereof :
- iv. Or who shall make default in delivering up any rifle or ammunition as required by section 23 :

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

25. Every proceeding under this Act for anything to which any penalty is attached by this Act, or any rule to be made thereunder may be had and taken before, and be heard and determined in a summary way by any special magistrate or two justices of the peace under the provisions of an Ordinance of the Governor and Legislative Council, No. 6, of 1850, intituled "To facilitate the performance of the duties of justices of the peace out of sessions with respect to summary convictions and orders," or of any Act now in force or hereafter to be in force relating to the duties of justices of the peace with respect to summary convictions and orders, and 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. Recovery of penalties.

26. There shall be an appeal to the Local Court of Adelaide of Full Jurisdiction only from every conviction by any special magistrate or justices for any offence against this Act, and from every dismissing any information or complaint, or from any other order made by such magistrate or justices under this Act, and 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 to be hereafter in force regulating such appeals, and the Local Court of Adelaide aforesaid shall also have power to make such order as to the payment of the costs of the appeal as it shall think fit, although such costs may exceed Ten Pounds. Appeal.

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

WM. F. DRUMMOND JERVOIS, Governor.

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SCHEDULES REFERRED TO.

FIRST SCHEDULE.

Oath to be taken by intending members of Rifle Company.

I of do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law, and that I am desirous of being enrolled a member of the Rifle Company, pursuant to the Rifle Companies Act, 1878.
So help me God!

Sworn at this day of 18, before me

SECOND SCHEDULE.

Memorandum for purpose of forming Rifle Company.

We, the undersigned, are desirous of forming a Rifle Company, to be called the Rifle Company, pursuant to the Rifle Companies Act, 1878.

Name of Subscriber.	Address.	Description.	Signature.	Witness.

THIRD SCHEDULE.

Certificate of enrolment of Rifle Company.

I certify that the Rifle Company is duly enrolled, pursuant to the Rifle Companies Act, 1878.

Dated this day of 18 . Inspecting Officer.

FOURTH SCHEDULE.

List of Members of the Rifle Company, kept pursuant to the Rifle Companies Act, 1878.

Name of Member.	Address.	Description.	Date of commencement of Membership.	Date of Membership ceasing.	Cause of Membership ceasing.

FIFTH SCHEDULE.

Certificate of Membership.

Pursuant to the Rifle Companies Act, 1878, I certify that of is a member of the Rifle Company.

Dated this day of 18 . Inspecting Officer.