

VICTORIA.



ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

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No. XCV.

An Act to provide for the better regulation and discipline of Armed Vessels in the service of Her Majesty's Local Government in Victoria. [8th June, 1860.]

**W**HEREAS it is expedient to provide for the better regulation and discipline of armed vessels in the service of Her Majesty's local government in Victoria 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 Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say)—

Preamble.

I. It shall be lawful for the Governor on behalf of Her Majesty her heirs and successors to accept the offers of any persons to serve on board any armed vessel belonging to Her Majesty's local government of Victoria either as commissioned officers engineers warrant officers petty officers seamen or otherwise for a period of not less than three years Provided that all such persons shall before acting in any such capacity take and subscribe the oath set forth in the schedule to this Act annexed marked (A) and the said oath shall be administered by any justice of the peace and shall in all cases be subscribed by the person taking the same and shall be transmitted by the justice before whom the same was taken to the chief secretary.

Governor may accept services of persons for three years.

II. Every person taking and subscribing such oath shall be deemed and taken to have signed a written agreement with and shall be thereby bound to serve Her Majesty her heirs and successors whether employed upon land or at sea at the current rate of pay and allowance of the station in which he shall serve and until legally discharged from the day on which such oath shall have been taken and subscribed and the taking and subscription of such oath shall be considered in any proceedings under this Act as binding upon such persons according to the terms thereof and such agreement shall not be deemed or taken to be invalid for want of reciprocity Provided that such agreement may be cancelled at any time by the lawful discharge dismissal or other removal from office of any such person or by the resignation of any such person being accepted by the Governor in Council.

Oath to be considered as an agreement to serve.

III The

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Commissioned and  
warrant officers  
to be appointed.

III. The offices set forth in the first part of the schedule to this Act annexed marked B shall be filled by commissioned officers and it shall be lawful for the Governor in Council to appoint fit and proper persons to fill such offices and to issue commissions to such persons under the seal of the colony of Victoria and signed by the Governor and the officers set forth in the second part of the said schedule B shall be filled by persons who shall be termed warrant officers and shall be appointed by the Governor in Council in such form as such Governor in Council shall see fit.

Pay and allowances  
to be fixed by  
Governor in  
Council.

IV. It shall be lawful for the Governor in Council to fix the amount of pay and allowances to be respectively received by all persons offering their services under the provisions of this Act provided such pay and allowances shall not exceed in amount the sums respectively voted by Parliament for the services of such persons.

Governor in Council  
to make rules and  
regulations for  
service.

V. It shall be lawful for the Governor in Council from time to time to make rules and regulations for the government management and discipline of such officers and men and to annul alter or amend such rules and regulations as from time to time to such Governor in Council may seem fit and any breach of such rules and regulations shall be punishable by fine not exceeding ten pounds or imprisonment not exceeding six months or in the case of warrant officers by reducing them from that rank to a lower grade. Provided that if upon the consideration of any case by the Governor in Council as hereinafter provided it shall appear desirable so to do the Governor in Council may in addition to or instead of any other punishment dismiss from the service the person offending. Provided also that no commissioned officer shall be liable to imprisonment for any breach of such rules and regulations.

Commander may  
punish minor  
offences.

VI. It shall be lawful for the captain or commander of any armed vessel belonging to Her Majesty's local government of Victoria to take notice of and punish any minor offences of discipline not provided for in the rules and regulations to be made as aforesaid. Provided such punishment shall not amount to more than a fine of one pound ten shillings and a record of all such offences and punishments shall be kept in a book to be provided for that purpose and a copy of such record shall be transmitted each month to the Governor.

Board of three persons  
to try offences.

VII. All offences under this Act excepting such minor offences against discipline the punishment of which is provided for as hereinbefore mentioned shall be heard and determined by a board consisting of not less than three persons to be appointed by the Governor.

Result of trial to  
be reported to  
Governor in  
Council.

VIII. The chairman of every such board shall immediately or so soon as may be after the conclusion of the proceedings transmit to the Governor a copy of the decision arrived at together with a copy of the evidence or notes taken upon the trial and the execution of any sentence or award shall be suspended until the decision of the Governor in Council shall be made known to the commander of the vessel in respect of any officer or seaman of which such proceedings took place.

Governor in Council  
may confirm or  
not the decision  
of the Board.

IX. On the receipt of such documents as aforesaid the Governor in Council shall after having considered them make such order thereon as to such Governor in Council may seem fit either by confirming the decision of the board or by mitigating any award or sentence of such board or by pardoning the offender conditionally or unconditionally or by sending back the matter for rehearing or reconsideration.

Governor may ap-  
point a Special  
Board.

X. It shall be lawful for the Governor in case at any time it shall appear desirable so to do to order and appoint a special board consisting

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consisting of military and naval officers to enquire into the conduct of any officer or any other matter that may have been brought under the notice of the Governor having reference to any armed vessel in the service of Her Majesty's local government or the persons serving therein and the report of such board shall be made in the like manner and the like proceedings had in connection therewith as are herein provided under the eighth clause of this Act.

XI. Any person absconding from his vessel may be apprehended by a written order under the hand of the officer in command of the vessel from which such person absconded and conveyed on board such vessel or to any place named in such order and all constables and other peace officers are hereby directed to take cognizance of such order and to aid and assist in the apprehension and conveyance on board or to such other place named in such order of the person therein referred to and in the mean time to lodge such absconder in some place of security until such order can be obeyed.

XII. It shall be lawful for the Governor in Council from time to time to appoint some fit and proper person to inspect and report upon the state and general efficiency of all or any armed vessels or vessel in the service of Her Majesty's local government and to supersede such person and to appoint some other person if it should be deemed desirable so to do.

XIII. It shall be lawful for the Governor in Council at any time upon the payment in advance of six months pay to disarm and pay off any vessel coming within the operation of this Act notwithstanding any agreement entered into to the contrary.

XIV. In all cases of actual invasion of the colony or hostile or predatory attack thereon or of imminent danger thereof notified in such manner as the Governor shall deem fit all persons serving under the provisions of this Act shall be subject to all the provisions contained in the articles laws and customs for the time being in force for the government of Her Majesty's ships vessels and forces by sea and applicable to any person in or belonging to the Royal Navy or to any person being in actual service and full pay and being part of the crew of any of Her Majesty's ships or vessels except so far as any pay or allowances are concerned.

XV. In the event of any person serving under the provisions of this Act whilst engaged in actual service being killed or wounded hurt or disabled or contracting any permanent disease or debility and who shall be deemed a fit and deserving object it shall be lawful for the Governor within sixty days after the commencement of the then next session of Parliament to propose a grant out of the consolidated revenue of Victoria such pension or gratuity to such wounded person or to the widow or other relative of such person if killed as to the Governor in Council shall seem fit.

XVI. It shall be lawful for the Governor in Council to grant distinctive badges for length of service and good conduct to petty officers seamen and others similar to the rules and regulations of Her Majesty's navy and petty officers and seamen holding such offices shall be allowed in addition to their pay of their ratings an allowance to be called "good conduct pay" the amount of such allowance to be fixed by the Governor in Council provided it does not exceed the sums voted by Parliament for such purposes.

XVII. When any armed vessel or vessels belonging to the local government of Victoria shall be acting in concert with any of Her Majesty's ships of war such vessel or vessels and all persons connected therewith

Absconders may be apprehended on officer's warrant.

Governor in Council to appoint person to inspect vessels.

Governor may pay off vessel.

Articles of war to be in force in case of invasion &c.

Persons wounded or killed in actual service to have pensions &c.

Governor in Council to grant distinctive badges and "good conduct pay."

Men of war acting in concert to take command.

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therewith shall be under the command of the senior officer of Her Majesty's naval service so acting in concert as aforesaid.

No action to be maintained for *bonâ fide* act even if beyond jurisdiction of colony.

XVIII. No action shall be brought or maintained in any court nor any other proceedings whether civil or criminal had in Victoria against any person or persons acting *bonâ fide* under the provisions of this Act for or on account of any act matter or thing having been done out of or beyond the jurisdiction of the colony of Victoria.

Stores &c. of vessels exempt from duty

XIX. All goods wares and merchandise imported into Victoria for the supply of or used on board of any armed vessel belonging to the local government of Victoria shall be exempt from all duties and imposts of every description whatsoever.

Provisions of Act to extend to all officers, &c., who have taken the oath.

XX. The provisions of this Act shall extend to all commissioned and warrant officers engineers seamen and other persons who shall have taken and subscribed the said oath whether employed at sea or on land.

SCHEDULE A.

I (A.B.) do swear that I will well and truly serve Our Sovereign Lady the Queen in the station of (*commander commissioned officer engineer warrant officer or seaman as the case may be*) on board of any armed vessel belonging to Her Majesty's local government of Victoria to which I may be appointed in the same or in any other station for a period of three years or until sooner legally discharged dismissed or removed therefrom and that I will cause Her Majesty's peace to be kept and preserved whether employed upon land or at sea and that I will prevent to the best of my power all offences against the same and that while I continue to act in the same or in any other capacity as aforesaid I will to the best of my skill and knowledge faithfully discharge my duty according to law. So help me God.

SCHEDULE B.

FIRST PART.

Commander

Lieutenants

SECOND PART.

Surgeon

Midshipmen and naval cadets

Engineer

Gunner

Paymaster

Boatswain

Mates

Carpenter

Assistant Engineer

MELBOURNE:

By Authority: JOHN FERRES, Government Printer.