



WESTERN AUSTRALIA.

ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

NO. III.

AN ORDINANCE to organize and establish a Volunteer Military Force in Western Australia.

WHEREAS several of the Inhabitants of the said Colony have expressed a Desire to be formed into a Volunteer Military Force, and it is expedient to authorise the Raising of the same for the Purpose of being organised, equipped, and trained for the internal Defence and Protection of the said Colony: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies by and with the Advice and Consent of the Legislative Council thereof:—

Preamble.

I. THAT it shall be lawful for the Governor to raise, organize, arm, equip, train, and exercise a Volunteer Military Force to serve within the said Colony for the Defence of the same and Protection of the Inhabitants thereof; and to appoint one or more Person or Persons to raise and enrol such Volunteers as aforesaid, being ablebodied men of the Colony aforesaid.

Governor may raise a Volunteer Force.

II. THAT the Governor may appoint to every Regiment, Corps, Company, and Troop of such Volunteers, such and so many Officers and such Staff Officers and non-commissioned Officers as he may deem necessary

Governor to appoint Officers

necessary for the Efficiency of the Service, and from Time to Time to remove such Officers and non-commissioned Officers and to appoint others in the Place thereof: Provided that it shall be lawful for each Troop or Company of the said Volunteers to elect and recommend to the Governor any Persons duly enrolled and engaged as Volunteers to be Officers and non-commissioned Officers for such Troop or Company. That all Officers of Volunteers appointed under the Authority hereof shall take Precedence among themselves according to the Rules which obtain in that Behalf in the regular Troops of Her Majesty, and shall rank as Juniors of their respective Ranks with Officers in the regular Forces of Her Majesty: Provided all Field Officers of Her Majesty's Service shall command all Field and other Officers of Volunteers.

Volunteers to sign an Engagement.

III. THAT every Volunteer upon enrolling himself shall sign an Engagement to serve as such Volunteer when called out for Training and Exercise or for actual Service, and whilst embodied shall be subject to all such Rules and Regulations for the Maintenance of Discipline in the said Force as may be made and published under the Authority hereof: Provided that notwithstanding such Engagement it shall be lawful for such Volunteer, not called out for and being at the Time engaged in actual Service, to retire from the said Force upon giving One Month's Notice in Writing of his Intention so to do, to the Captain of his Troop or Company.

Volunteers may make Rules with Consent of Governor.

IV. THAT such Volunteers shall have Power from Time to Time, with the Consent of the Governor to make such Rules and Regulations for their own guidance when not called out on actual Service as they may deem necessary in the first Instance, and from Time to Time with the like Consent to alter such Rules and Regulations when deemed advisable: Provided that no Persons shall be enrolled as Volunteers as aforesaid until the Rules and Regulations made as aforesaid shall have been approved by the Governor: Provided also that the Governor shall be authorized to appoint any Person to inspect such Volunteers at any Meeting held by them for Drill, Practice, or other Purpose

Governor to make Rules for Discipline when in actual Service.

V. THAT it shall be lawful for the Governor from Time to Time, by Proclamation to be published in the Western Australian Government Gazette, to make and establish Rules and Regulations (not being repugnant to the Mutiny Act and Articles of War hereinafter referred to) which shall have Effect only when the Force shall be called out for actual Service, for the Maintenance of Discipline in any Volunteer Force to be raised under the Authority hereof, and therein to define Offences and to fix the Punishments thereof by Fine or Imprisonment; but so that no Fine shall exceed the Sum of Five Pounds, except for Breach of Engagement by Absence from Duty when

when called out, the Fine for which shall not exceed the Sum of Twenty-five Pounds, and no Period of Imprisonment shall exceed the Term of Twenty Days; and any Breach of such Rules and Regulations may be heard and adjudicated upon by any Two or more Justices of the Peace in a summary Way: Provided that any Punishment not exceeding One Day's Imprisonment in any Guard Room to be appointed for that Purpose by the Governor, or a Fine not exceeding One Pound may be inflicted summarily by the Officer for the Time being in Command: And provided also, that such Officer in Command may order any Person committing a Breach of such Rules and Regulations to be arrested and kept in Custody until he shall be brought before Two or more Justices, which shall be within Twenty-four Hours at the furthest.

VI. THAT the Arms and Accoutrements of such Volunteer Force shall be of a Description and Pattern which shall be approved by the Governor, and shall be furnished to each Volunteer by or at the Cost of the Government, and any such Arms and Accoutrements shall be and remain the Property of the Government, and shall be produced, exhibited, and given up by the Person to whom the same may be issued to any Person authorized by the Governor to inspect or receive the same.

Arms and Accoutrements

VII. THAT it shall be lawful for the Governor in the Event of Invasion or Danger thereof, or of any internal Colonial Emergency threatening the Security of Life or Property, and to quell which the available ordinary civil and military Force shall be deemed inadequate, to call out the whole or any Part of the said Volunteer Force for actual Service, and to direct the same to be marched to any Part of the said Colony under such Officers as he may appoint, and to keep the same embodied for such Period as he may deem requisite, or at his Discretion again to disembody them; and such Volunteers, during the Time they shall be so embodied, shall be rationed, supplied, paid and maintained by Government at a uniform Rate for all Ranks, and shall be subject to the Rules and Regulations aforesaid, to the Mutiny Act, and to the Articles of War made in pursuance thereof: Provided that no Punishment to be awarded against any such Volunteer by any Court Martial under Authority of the said Act or Articles shall extend to the Loss of Life or Limb, or to corporal Punishment by flogging, but in the stead thereof it shall be lawful for such Court Martial to award Punishment with or without Hard Labour for any Period not exceeding Six Calendar Months; and in respect of Offences to which the Punishment of Death is awarded, to award Imprisonment with hard Labour for the Period of Seven Years: Provided also, that it shall be lawful for the Governor to remit any Punishment to be so awarded either in whole or in Part.

In Case of Invasion or
Emergency Governor may
call out Volunteers for ac-
tual Service.

VIII.

No Party to forfeit any Benefit or Interest by Reason of this Enrolment.

VIII. THAT no Person who may be enrolled as a Volunteer under the Authority hereof, shall by Reason of such Enrolment or of any Duty, Liability, Matter, or Thing consequent therefrom, lose, forfeit, or be deprived of any Right, Claim, Benefit, Share, or Interest to which he may be at the Time of such Enrolment or to which but for such Enrolment he would have been entitled.

Oath of Volunteers.

IX. THAT every Volunteer who may be raised or enrolled under the Authority hereof, shall within One Month after being so raised or enrolled, take the following Oath before a Justice of the Peace: "I, A. B., do sincerely promise and swear, that I will be faithful and bear true Allegiance to Her Most Gracious Majesty, Her Heirs, and Successors, and that I will faithfully serve in the Volunteer Force within the Colony of Western Australia, under the Provisions of *The Volunteer Force Ordinance, 1861*, for the Defence and Protection of the same until incapacitated by Age, Infirmary, or otherwise, unless I shall sooner resign, be discharged, or quit the said Colony. So help me God."

Governor may disband Corps.

X. THAT it shall be lawful for the Governor at any Time to disband any Corps raised under Authority of this Ordinance by Proclamation in the Government Gazette, and from the Date of such Proclamation all Engagements to serve as Volunteers shall cease and determine: Provided that all Persons who shall have completed the full Term of Three Years' Service in such Volunteer Force shall be exempt from Service in any other Force until the Expiration of Six Years from the Date of their Discharge or the Disbandment of the Troop or Company to which they may belong.

Short Title.

XI. THAT this Ordinance may be cited as "The Volunteer Force Ordinance, 1861."

A. E. KENNEDY,

GOVERNOR AND COMMANDER IN CHIEF.

*Passed the Legislative Council,
this 18th Day of November, 1861.*

HENRY WAKEFORD,

Clerk of the Council.

