CHAPTER 77.

An Act to provide for the establishment of a Royal Naval Artillery Volunteer Force. [5th August 1873.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

ORGANIZATION OF ROYAL NAVAL ARTILLERY VOLUNTEER FORCE.

Acceptance of Service.

Power to the Crown to accept services through Admiralty.

1. It shall be lawful for Her Majesty, through the Admiralty, to accept the services of any persons desiring to be formed under this Act into a Royal naval artillery volunteer corps, and offering their services to Her Majesty through the Admiralty.

On such acceptance the proposed corps shall be deemed lawfully formed under this Act.

Permanent Staff.

Power to the Admiralty to form a permanent staff.

2. The Admiralty may from time to time constitute for any naval artillery volunteer corps a permanent staff, consisting of a naval officer, and of so many seamen instructors as may seem fit, or of such an officer, or of such seamen instructors, alone.

For the purposes of this Act, but subject to any other provisions made by regulations of the Admiralty under this Act, all such officers shall be deemed officers of the respective corps, and all such seamen instructors shall be deemed to belong to the respective corps, on the permanent staff whereof they serve, and shall be deemed respectively officers and petty officers of the naval artillery volunteer permanent staff; but nothing in this Act shall be taken to exempt any officer or petty officer of the permanent staff of a naval artillery volunteer corps from being subject (if it be so directed by regulations of the Admiralty) to the orders of the officers of the corps, according to such regulations, and subject thereto according to their rank and the laws and usages of Her Majesty's navy.

Quitting of corps by petty officers of permanent staff.

3. Any petty officer of the naval artillery volunteer permanent staff who enters into any engagement which in the opinion of the Admiralty is inconsistent with his duties as such petty officer, shall be deemed to have quitted the corps; and any petty officer of the said permanent staff who quits a corps shall deliver up in good order, fair wear and tear only excepted, all arms, clothing, and appointments issued to him as a petty officer of such permanent staff; and the Admiralty may, if it seem fit, cause him to be put under stoppages of any money payable to him by or through the Admiralty until he has repaid the value of any such arms, clothing, or appointments not so delivered up.

Officers and Volunteers.

Officers commissioned by Admiralty.

4. The officers of a naval artillery volunteer corps shall be commissioned by the Admiralty, and such commission shall not be deemed vacated by the revocation, expiration, or discontinuance of the letters patent by which the Admiralty issuing the same were appointed.

Rank of officers.

5. Officers of the naval artillery volunteer force shall have the same rank with respect to officers of the Royal navy as officers of the Royal naval reserve, and shall rank with officers of the Royal naval reserve as the youngest of their respective ranks.

As to command of volunteer officers over other forces.

Officers of the naval artillery volunteer force, when not on actual service, shall not be entitled to exercise any command over any officers or men of the Royal navy or marines, or Royal naval volunteers, and when on actual service shall not be entitled to exercise any such command otherwise than as may be from time to time provided by regulation.

6. The acceptance of a commission in the naval artillery volunteer force by a member of the Commons House of Parliament shall not render his seat vacant. As to members of House of Commons accepting commissions.

7. Any volunteer may, except when on actual service, quit his corps on complying with the following conditions; namely,— Power for volunteer to quit his corps on conditions herein stated.

(1.) giving to the commanding officer of his corps fourteen days notice in writing of his intention to quit the corps;

(2.) delivering up in good order, fair wear and tear only excepted, all arms, clothing, and appointments, being public property or property of his corps, issued to him; and

(3.) paying all money due or becoming due by him, under the rules of his corps, either before or at the time or by reason of his quitting it:

and thereupon he shall be struck out of the muster roll of the corps by the commanding officer.

If any volunteer gives such notice, and the commanding officer refuses to strike him out of the muster roll, and the volunteer considers himself aggrieved thereby, the volunteer may appeal to some court of summary jurisdiction for the place in which the head quarters of the corps are situate (not constituted of members of the corps), who shall hear and determine the appeal, and may, for the purposes thereof, administer oaths and examine any person as a witness; and if it appears to such court that the arms, clothing, and appointments issued to the volunteer, being public property or property of his corps, have been delivered up in good order (fair wear and tear only excepted), or that he has paid or is ready to pay sufficient compensation for any damage that such articles may have sustained, and that all money due or becoming due by him under the rules of his corps, either before or at the time of or by reason of his quitting it, has been paid, such court may order the commanding officer forthwith to strike such volunteer out of the muster roll of his corps, and their determination shall be binding on all persons.

8. If any volunteer enrols himself in the Royal navy or marines, or in the Royal naval volunteers, or as a volunteer or substitute in the militia, or is attested to serve on the permanent staff thereof, or enlists in Her Majesty's army, he shall be deemed discharged from the naval artillery volunteer force, and the commanding officer of his corps shall strike him out of the muster roll thereof. As to discharge of volunteer taking service in militia or army.

He shall, nevertheless, be liable to deliver up in good order, fair wear and tear only excepted, all arms, clothing, and appointments, being public property or property of his corps, issued to him, and to pay all money due or becoming due by him, under the rules of his corps, either before or at the time of or by reason of his discharge. If such arms, clothing, and appointments are not so delivered up by him, or such money is not paid by him, then, without prejudice to any proceeding or remedy against him under this Act, he may, under an order of the Admiralty, or one of Her Majesty's Principal Secretaries of State, as the case may be, if it seem fit, be put under stoppages out of any bounty or pay receivable by him, or both, until the value of such arms, clothing, or appointments not so delivered up, or such money (as the case may be), is fully paid.

General Command.

9. Whenever any volunteers are on actual service, or are undergoing drill, exercise, training, or inspection, or are voluntarily doing any duty, they and their officers shall, subject to regulations under this Act, be under the command of the officers and petty officers of the Royal navy, so, nevertheless, that the volunteers shall, when the circumstances of the service admit, be led by their own officers and petty officers under such command. Volunteers to be under command of naval officers, &c.

Inspection.

10. An annual inspection of every naval artillery volunteer corps shall be held by some officer appointed by the Admiralty. Annual inspection.

Efficiency.

Requisites of efficiency to be declared by Admiralty.

11. The Admiralty may from time to time, by regulations, declare what is requisite to entitle a volunteer to be deemed an efficient volunteer, by defining for that purpose the extent of attendance at drill to be given by the volunteer, and the course of instruction to be gone through by him, and the degree of proficiency in drill and instruction to be attained by him and his corps, such proficiency to be judged of by the inspecting officer at the annual inspection of the corps, or otherwise, as from time to time provided by regulation.

Disbanding of Corps.

Power to the Admiralty to disband corps.

12. The Admiralty may disband or discontinue the services of any naval artillery volunteer corps, or any part thereof, whenever it seems to them expedient to do so.

Administrative Organization.

Power to Admiralty to appoint a permanent staff on formation of brigade.

13. Where two or more separate naval artillery volunteer corps are formed by the authority of the Admiralty into a united body for naval or administrative purposes, hereinafter called a brigade, the Admiralty may from time to time constitute for such brigade a permanent staff, consisting of an officer, and of so many seamen instructors as may seem fit, or of such an officer, or of such seamen instructors, alone.

For the purposes of this Act, but subject to any other provisions made by regulations of the Admiralty under this Act, all such officers shall be deemed officers of the respective brigades, and all such seamen instructors shall be deemed to belong to the respective brigades, on the permanent staff whereof they serve, but not to be officers of or to belong to any of the separate corps formed into those brigades, and shall be deemed respectively officers and petty officers of the naval artillery volunteer permanent staff; but nothing in this Act shall be taken to exempt any officer or petty officer of the permanent staff of such a brigade from being subject (if it be so directed by regulations of the Admiralty) to the orders of the officers of the brigade and of the separate corps formed into the same, according to such regulations, and subject thereto, according to their rank, and the laws and usages of the Royal navy.

The officers of every such brigade shall be commissioned by the Admiralty, and such commission shall not be deemed vacated by the revocation, expiration, or discontinuance of the letters patent by which the Admiralty issuing the same were appointed.

Notwithstanding the formation of any such brigade, the separate corps formed into the same shall be severally deemed naval artillery volunteer corps for all the purposes of this Act.

Courts of Inquiry.

Court of inquiry to report to the Admiralty or the commanding officer.

14. The Admiralty may at any time assemble a court of inquiry to inquire into any matter relative to any naval artillery volunteer corps or brigade, or to any officer or volunteer or any officer or petty officer of the permanent staff belonging thereto, and to record the facts and circumstances ascertained on such inquiry, and, if required, to report on the same, for the information and assistance of the Admiralty; such court, where the inquiry is with reference to an officer, to be composed of officers either of the Royal navy or of the naval artillery volunteer force, or partly of officers of the Royal navy, and partly of officers of the naval artillery volunteer force, and in other cases to be composed either of such officers as aforesaid, and of volunteers belonging to the corps or brigade, or of such officers, or of such volunteers.

The commanding officer of a naval artillery volunteer corps or brigade may at any time assemble a court of inquiry, composed either of officers and volunteers belonging to the corps or brigade, or of such officers, or of such volunteers, to inquire into any matter relative to the corps or brigade, or to any volunteer or petty officer of the permanent staff belonging thereto, and to record the facts and circumstances ascertained on such inquiry, and, if required, to report on the same, for the information and assistance of the commanding officer; but nothing herein shall authorise any inquiry with reference to an

officer otherwise than by a court assembled by direction of the Admiralty, and composed exclusively of such officers as above provided in this section in the case of courts assembled by the Admiralty.

Regulations.

Power to Admiralty to make regulations for government of naval artillery volunteer force.

15. The Admiralty may from time to time make regulations respecting anything in this Act directed or authorised to be done or provided by regulation, and also such regulations as may seem fit (not being inconsistent with any of the provisions of this Act) respecting—

the appointment, promotion, and rank of officers; and

the assembling and proceedings of courts of inquiry to inquire into and report on any matter connected with the government or discipline of a naval artillery volunteer corps or brigade;

and for the full execution of this Act, and the general government and discipline of the naval artillery volunteer force, and may alter or repeal any such regulations; and may call for such returns as may from time to time seem requisite.

PART II.

Actual Service.

In case of invasion, power to the Crown to call out volunteers for actual service.

16. In case of actual or apprehended invasion of any part of the United Kingdom, (the occasion being first communicated to both Houses of Parliament if Parliament is sitting, or declared in Council and notified by proclamation if Parliament is not sitting,) Her Majesty may direct the Admiralty to call out the naval artillery volunteer corps, or any of them, for actual service.

Every officer and volunteer and every officer and petty officer of the permanent staff belonging to every corps so called out shall be bound to assemble at such place and embark on board such ships, and perform such service on board ship, or partly on board ship and partly on land, as may be directed by the Admiralty, but the Admiralty shall employ such officer (other than an officer of the permanent staff) and a volunteer only (unless he otherwise consent) in ships engaged in the defence of the coasts of the United Kingdom, Channel Islands, and Isle of Man, and on service in the seas adjacent.

Every such officer, volunteer, and petty officer from the time of his corps being so called out shall, for the purposes of this Act, be deemed on actual service. If any such officer, volunteer, or petty officer, not incapacited by infirmity for service, refuses or neglects to so assemble or embark, he shall be deemed a deserter.

Allowances to volunteer corps so called out.

17. Whenever a naval artillery volunteer corps is called out for actual service, the following provisions shall take effect:

(1.) There shall be issued, in manner provided by regulation, the sum of two guineas for the use of every officer and volunteer and officer and petty officer of the permanent staff belonging to and assembling with the corps (except such of them as do not desire to receive the benefit thereof); and each such sum, or so much thereof as the commanding officer of the corps thinks fit, shall be laid out under the direction of the commanding officer, in providing necessaries for each such officer, volunteer, and petty officer; and within one month after receipt thereof, an account shall be settled with each such officer, volunteer, and petty officer, respecting the application thereof, and any unapplied residue thereof shall be paid to him:

(2.) Such officers, volunteers, and petty officers shall be entitled to receive pay and to be victualled, and to allot a share of pay to their wives and families in like manner as the officers, petty officers, and seamen of Her Majesty's navy respectively:

(3.) On the release of the corps from actual service there shall be paid in manner provided by regulation, one guinea to every such officer, volunteer, and petty officer present with the corps at the time of such release (except such of them as do not desire to receive the same) in addition to his pay.

As to release of corps from actual service.

18. After a naval artillery volunteer corps has been called out for actual service, the corps shall be deemed released from actual service only by an order in writing sent from the Admiralty to the senior officer under whose command the corps is serving, to be delivered by such senior officer to the commanding officer of the corps; which order the Admiralty shall issue upon and as soon as may be after a proclamation of Her Majesty declaring the occasion to have passed, and not sooner or otherwise.

Before a naval artillery volunteer corps is released from actual service the corps shall be returned to the place in which its head quarters were situate at the time that it was called out.

Provision for officers and men disabled, and for widows of officers killed.

19. An officer of the naval artillery volunteer force disabled on actual service shall be entitled to half pay, according to his rank; and the widow of such an officer killed on actual service shall be entitled to the like pension for life as the widow of an officer of Her Majesty's navy.

A volunteer or petty officer of the volunteer permanent staff disabled on actual service, shall, according to his rank, be entitled to the like pension and other benefits, if any, as a petty officer or seaman of Her Majesty's navy,

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PART III.

DISCIPLINE.

Officers and Volunteers.

As to discipline of naval artillery volunteer force while not on actual service.

20. With respect to the discipline of officers and volunteers and officers and petty officers of the naval artillery volunteer permanent staff while they are not on actual service, or undergoing drill, exercise, training, or inspection together with or voluntarily doing any duty together with Her Majesty's navy or marines, or Her Majesty's regular forces, or any part thereof the following provisions shall take effect:

(1.) The commanding officer of a naval artillery volunteer corps may, subject to such appeal to the Admiralty as herein-after mentioned, discharge from the corps any volunteer, and strike him out of the muster roll, either for disobedience of orders by him while doing any duty with his corps, or for neglect of duty, or misconduct by him as a member of the corps—or for other sufficient cause—the existence and sufficiency of such causes respectively to be judged of by the commanding officer, or in case of appeal by the Admiralty:

(2.) The volunteer so discharged shall, nevertheless, be liable to deliver up in good order (fair wear and tear only excepted) all arms, clothing, and appointments, being public property or property of his corps, issued to him, and to pay all money due or becoming due by him, under the rules of his corps, either before or at the time or by reason of his discharge. Any volunteer who feels aggrieved by such discharge may appeal to the Admiralty within a reasonable time after such discharge, and the Admiralty may cancel or confirm such discharge, or give such other directions with reference thereto as to them may seem just and proper, and such order of the Admiralty shall be binding on all persons:

(3.) If any such officer, volunteer, or petty officer as aforesaid, while

(*a.*) He is on board any of Her Majesty's ships or on march or duty with the corps or brigade to which he belongs, or any portion thereof, or

(*b.*) He is engaged in any exercise or drill with such corps or brigade, or any portion thereof, or

(*c.*) He is wearing the clothing or accoutrements of such corps or brigade, and is going to or returning from any of Her Majesty's ships or any place of exercise, drill, or assembly of such corps or brigade, or is otherwise on duty,

disobeys any lawful order of any officer under whose command he then is, or is guilty of misconduct, the officer then in command of the corps or brigade, or any superior officer under whose command the corps or brigade then is, may order the offender, if an officer, into arrest, and if not an officer, into the custody of any volunteer belonging to the corps or brigade, or of any petty officer of the naval artillery volunteer permanent staff:

Provided that the offender be not kept in such arrest or custody longer than during the time of the corps or brigade, or such portion thereof as aforesaid, then remaining on board any of Her Majesty's ships, or on march, or duty, or continuing engaged in any such exercise or drill as aforesaid, or otherwise on duty, and for the purposes of this provision any such officer or volunteer or petty officer while going to or returning from any of Her Majesty's ships or any place of exercise, drill, or assembly of his corps shall be deemed to be on duty so long as he continues to wear the clothing or accoutrements of such corps or brigade:

(4.) Every such arrest shall be forthwith reported to the commanding officer of the corps, or such other officer as may be provided by regulation:

(5.) The Admiralty may, subject to regulations under this Act, remove from the naval artillery volunteer permanent staff any officer or petty officer of such staff for such reasons, and in such manner, and after such inquiry or trial as may be provided by the said regulations.

Actual Service.

As to discipline of naval artillery volunteer force when on actual service.

21. With respect to the discipline of officers and volunteers of the naval artillery volunteer force and officers and petty officers of the permanent staff thereof when they are on actual service, or are undergoing drill, exercise, training, or inspection together with or voluntarily doing any duty together with Her Majesty's navy or marines, or Her Majesty's regular forces, or any part thereof, the following provisions shall take effect; namely,—

The Naval Discipline Act, 1866, and all the laws and customs for the time being in force for the government of Her Majesty's ships and the crews thereof when on actual service, shall extend to and apply to and in the case of all officers and volunteers of the naval artillery volunteer force and officers and petty officers of the naval artillery volunteer permanent staff, and those officers, volunteers, and petty officers shall be subject to the said Act, laws, and customs, and shall also be entitled to the benefits thereof, in all respects as the officers and seamen of Her Majesty's navy for the time being are, and as if the naval artillery volunteer force, including the permanent staff, belonged to and formed part of Her Majesty's navy, subject only to this variation, that a court-martial for the trial of an officer of the naval artillery volunteer force or volunteer or officer or petty officer of the permanent staff thereof shall be composed, partly at least, of officers of the naval artillery volunteer force.

PART IV.

RULES AND PROPERTY OF CORPS.

Power for corps to make rules, subject to the approval of the Admiralty.

22. The officers and volunteers belonging to a naval artillery volunteer corps may from time to time make rules for the management of the property, finances, and civil affairs of the corps, and may alter or repeal any such rules; but any such rules shall not have effect unless and until the commanding officer of the corps thinks fit to transmit the same to the Admiralty for their approval, and such approval is notified by the Admiralty to the commanding officer of the corps, to be by him forthwith communicated to the corps; whereupon the rules so approved shall be binding on all persons.

A copy of the rules in print or writing, or partly in print and partly in writing, certified under the hand of the commanding officer as a true copy of the rules whereof

such approval has been notified as aforesaid, shall be conclusive evidence of the rules of the corps.

Vesting of property of corps in commanding officer ex officio.

23. All moneys subscribed by or to or for the use of a naval artillery volunteer corps or brigade, and all effects belonging to any such corps or brigade, or lawfully used by it, not being the property of any individual officer or volunteer or officer or petty officer of the permanent staff belonging to the corps or brigade, and the exclusive right to sue for and recover current subscriptions, arrears of subscriptions, and other money due to the corps or brigade, and all lands acquired by the corps or brigade, shall vest in the commanding officer of the corps or brigade for the time being, and his successors in office, with power for him and his successors to sue, to make contracts and conveyances, and to do all other lawful things relating thereto; and any civil or criminal proceeding taken by virtue of the present section by the commanding officer of a corps or brigade shall not be discontinued or abated by his death, resignation, or removal from office, but may be carried on by and in the name of his successor in office.

Appointment of storehouses for arms.

24. The commanding officer of a naval artillery volunteer corps or brigade, receiving any arms, ammunition, or other stores supplied at the public expense or by subscription, shall, subject to the approval of the Admiralty, appoint a proper storehouse for the depositing and safe keeping of such arms, ammunition, or stores.

Recovery of subscriptions or fines.

25. If any person belonging or having belonged to a naval artillery volunteer corps or brigade neglects or refuses to pay any money subscribed or undertaken to be paid by him towards any of the funds or expenses of such corps or brigade, or due under the rules of such corps, and actually payable by him, or to pay any fine incurred by him under the rules of such corps, such money or fine shall (without prejudice to any other remedy) be recoverable from him, with costs, at any time within twelve months after the same becomes due and payable, as a penalty under this Act is recoverable, and when recovered shall be applied as part of the general fund of the corps or brigade.

Provided that the person ordered by the court of summary jurisdiction before whom such money or fine is recoverable to pay such money or fine shall not be imprisoned for default in payment thereof, or of any costs incurred in respect thereof, unless the court on making the order for imprisonment is satisfied that such person has or has had since the date of the order for payment the means to pay such money or fine and refuses or neglects or has refused or neglected to pay the same.

Wrongful sale, non-delivery, &c. of public or corps property.

26. If any person designedly makes away with, sells, pawns, wrongfully destroys, wrongfully damages, or negligently loses any thing issued to him as a volunteer or petty officer of the naval artillery volunteer permanent staff, or wrongfully refuses or wrongfully neglects to deliver up, on demand, any thing issued to him as a volunteer or such petty officer, the value thereof shall be recoverable from him, with costs, as a penalty under this Act is recoverable; and he shall also, for every such offence of designedly making away with, selling, pawning, or wrongfully destroying as aforesaid, be liable, on the prosecution of the commanding officer of the corps or brigade issuing the thing made away with, sold, pawned, or destroyed, to a penalty not exceeding five pounds.

Wrongful buying of arms, &c. from volunteers.

27. If any person knowingly buys or takes in exchange or pawn from any volunteer or petty officer of the naval artillery volunteer permanent staff, or any person acting on his behalf, or solicits or entices any such volunteer or petty officer to sell or pawn, or knowingly assists or acts for any such volunteer or petty officer in selling or pawning, or has in his possession or keeping, without satisfactorily accounting for, any arms, clothing, or appointments, being public property or property of any naval artillery volunteer corps or brigade, or any public stores or ammunition issued for the use of any such corps or brigade, he shall be liable for the first offence to a penalty not exceeding twenty pounds, and for a second and every subsequent offence to a penalty not exceeding twenty pounds or less than five pounds, with or without imprisonment for any term not exceeding six months, with or without hard labour.

On the prosecution of any person for any subsequent offence under this section, a copy of the conviction, certified by the proper officer of the court among the records of which

the conviction is filed, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and such conviction shall be presumed not to have been quashed on appeal until the contrary is shown.

Remedy for non-delivery of arms, &c. on demand.

28. Where any person neglects or refuses, on demand made as herein-after mentioned, to deliver up any property (whether arms, clothing, appointments, ammunition, or public stores,) which is public property, or the property of a naval artillery volunteer corps or brigade, and has been issued to such person or is in his possession or keeping as an officer or volunteer, or an officer or petty officer of the naval artillery volunteer permanent staff, any court of summary jurisdiction may, upon reasonable ground being shown for a suspicion that the property is to be found on any premises, issue a warrant empowering the person therein named to enter upon such premises and search for the property, and the person so empowered may enter and search accordingly, and shall seize such property, if found, and remove the same with all convenient speed to such place as may be directed by the Admiralty, person, or officer who made the demand.

Notwithstanding any such seizure and removal, the same penalty may be enforced against any person, and the value of any such property may be recovered from the person neglecting or refusing as aforesaid, in the same manner as if such seizure and removal had not been made.

A demand may be made for the purposes of this section by the following persons; namely,

(1.) In any case by the Admiralty or any person authorised in writing by them:

(2.) In the case of a volunteer and petty officer of the permanent staff and an officer of inferior rank to the person making the demand, by the commanding officer or officer of the permanent staff of the naval artillery volunteer corps or brigade to which such property belongs, or to which such volunteer or officer belongs.

The demand may be made by the delivery of a written notice to the person upon whom the demand is made, or by leaving the same at his usual or last known place of abode, or if no such abode is known, by affixing the same at the orderly room or other room where the business is carried on of the corps or brigade to which he belongs or belonged, or at the place where notices relating to such corps or brigade are usually affixed.

As to wilful injury to butts or targets.

29. If any person wilfully commits any damage to any butt or target belonging to or lawfully used by any naval artillery volunteer corps or brigade, or, without the leave of the commanding officer of the corps or brigade, searches for bullets in or otherwise disturbs the soil forming such butt or target, he shall for every such offence be liable, on the prosecution of the commanding officer, to a penalty not exceeding five pounds.

PART V.

ACQUISITION OF LAND FOR RANGES.

Power of naval artillery volunteer corps to acquire land for necessary purposes.

30. The provisions of part five of The Volunteer Act, 1863, intituled "Acquisition of Land for Ranges," as extended by section seventeen of The Regulation of the Forces Act, 1871, shall apply in like manner as if the said part and section were herein enacted, with the substitution of the Admiralty for one of Her Majesty's principal Secretaries of State, and of naval artillery volunteer corps for volunteer corps.

PART VI.

EXEMPTIONS.

Service in militia.

31. Every officer of the naval artillery volunteer force, and every efficient volunteer, and every officer and petty officer of the naval artillery volunteer permanent staff, shall be exempt from liability to serve personally or to provide a substitute in the militia of England or of Scotland.

In the case of a volunteer, such exemption shall cease on his ceasing to be enrolled in the corps in connexion with which he becomes entitled to be deemed efficient, unless he quits such corps on account of his changing his place of residence, in which case the exemption shall revive if within ten days after quitting such corps he is enrolled in another naval artillery volunteer corps.

The certificate of the commanding officer of a naval artillery volunteer corps (in the form set forth in the Schedule to this Act, with such variations as circumstances may require) certifying that the person named therein is a volunteer enrolled in that corps, and is exempt as aforesaid, shall be conclusive evidence thereof.

Penalty for giving false certificate.

32. If any commanding officer of a naval artillery volunteer corps or brigade knowingly gives any false certificate under this Act, he shall for every such offence be liable to a penalty not exceeding two hundred pounds, to be recovered in England by action in a superior court of law at Westminster, in Scotland by proceedings in the Court of Session, and in the Isle of Man by proceedings in any court of competent jurisdiction, and to be applied to the use of Her Majesty.

Volunteers not to lose interest in friendly or benefit societies.

33. Notwithstanding anything in the rules of any friendly or benefit society, a person shall not lose any interest in the society by reason of his enrolment or service in a naval artillery volunteer corps, or his engagement or service on the naval artillery volunteer permanent staff; and any dispute arising between such society and person by reason of such enrolment, engagement, or service shall be deemed a dispute directed by the rules of the society to be decided by justices of the peace, according to the Acts for the time being in force relative to friendly or benefit societies.

Dues and tolls.

34. Officers and volunteers of the naval artillery volunteer force, and officers and petty officers of the permanent staff belonging thereto, being on march or duty, or going to or returning from the ship or place appointed for, and on the day for drill, exercise, inspection, review, or other public duty, and being in uniform, and any horses, carts, waggons, carriages, vessels, barges, or boats conveying or returning from having conveyed only such officers, volunteers, or petty officers, so being on march or duty, or going, or returning as aforesaid, or conveying, or returning from conveying only baggage or military stores of any naval artillery volunteer force, shall be entitled to the same exemption from dues, duties, or tolls leviable at any pier, wharf, quay, landing-place, or bridge to which any officer or seaman of Her Majesty's navy, or any horse, cart, waggon, or carriage conveying such officer or seaman, or conveying Her Majesty's naval stores, may respectively by law be entitled.

If any person demands or takes any duty or toll in contravention of the present section, or if any person makes any false representation respecting himself or any other person, or any animal, vessel, or thing, with intent to obtain for himself or otherwise, or fraudulently obtains for himself or otherwise, any exemption under the present section, he shall for every such offence be liable to a penalty not exceeding five pounds.

PART VII.

MISCELLANEOUS.

Summary recovery of pecuniary penalties.

35. Any pecuniary penalty under this Act the mode of recovery of which is not otherwise expressly provided for by this Act, and any money or fine by this Act made recoverable as a penalty under this Act is recoverable may be recovered as follows; namely,—

In England may be recovered in manner directed by The Summary Jurisdiction Acts; and

In Scotland may be recovered before the sheriff, and may be recovered under the provisions of The Summary Procedure Act, 1864, and all jurisdictions, powers, and authorities necessary for that purpose are hereby conferred on sheriffs; and

In the Isle of Man may be recovered in such courts, and in such manner as any Act having the force of law therein may from time to time provide, or if there is no such Act which applies, then in and before a court of summary jurisdiction, and in the manner in which the like offences, penalties, and payments may be prosecuted and recovered by the laws of the Isle of Man, or as near thereto as circumstances admit.

Provided that the court of summary jurisdiction in England, when hearing and determining an information or complaint, shall be constituted either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

All proceedings and matters under this Act which are to be taken or done before or in respect of which jurisdiction is given to a court of summary jurisdiction, shall be deemed to be matters on which that court has authority by law to make an order, in pursuance of the Summary Jurisdiction Acts.

General provisions as to summary proceedings.

36. In any summary proceeding for the purposes of this Act,—

(1.) The description of any offence under this Act in the words of such Act, or as near thereto as may be, shall be sufficient in law:

(2.) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or complainant:

(3.) A previous conviction need not be set out or specified in any information or complaint.

Appeal against conviction.

37. Where the sum adjudged to be paid on a summary conviction or adjudication, inclusive of any costs, exceeds five pounds, or the imprisonment awarded exceeds one month, and the person who is convicted, or against whom the adjudication is made, feel aggrieved by such conviction or adjudication, he may appeal therefrom.

Regulations as to appeal in England.

38. In England the conditions and regulations following shall apply to an appeal under this Act:

(1.) The appeal shall be made to the next court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than twenty-one days after the decision of the court from which the appeal is made:

(2.) The appellant shall, within ten days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof:

(3.) The appellant shall, within three days after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or (if such appeal is against a decision whereby only a sum of money is adjudged to be paid) give such other security, by deposit of money with the clerk of the court of summary jurisdiction or otherwise, as the justice may allow:

(4.) The appellant, after entering into such recognizance or giving such other security as aforesaid, shall forthwith give notice in writing thereof to the other party:

(5.) The clerk of the court of summary jurisdiction shall, seven days at least before the sessions, transmit to the clerk of the peace the recognizance duly signed by the justice, or, if such other security as aforesaid is taken, a certificate thereof signed by such justice or clerk:

(6.) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody:

(7.) The court of appeal may adjourn the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just:

(8.) The court of appeal may also make such order as to costs to be paid by either party as the court thinks just:

(9.) Whenever a decision is reversed by the court of appeal the clerk of the peace shall indorse on the conviction, order, or other adjudication a memorandum that the same has been so reversed, and whenever any copy or certificate of such conviction, order, or other adjudication is made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction, order, or other adjudication has been reversed in every case where such copy or certificate would be sufficient evidence of such conviction, order, or other adjudication:

(10.) Every notice in writing required by this section to be given by an appellant may be signed by him or by his attorney on his behalf; and every such notice and every recognizance and certificate mentioned in this section may be transmitted by the post in the ordinary way.

Regulations as to appeal in Scotland.

39. In Scotland, a person authorised to appeal under this Act from a court of summary jurisdiction may appeal therefrom to the next circuit court of justiciary, or, where there are no circuit courts, to the High Court of Justiciary at Edinburgh, in the manner prescribed by such of the provisions of the Act of the twentieth year of the reign of King George the Second, chapter forty-three, and any Act amending the same, as relate to appeals in matters criminal, and by and under the rules, limitations, conditions, and restrictions contained in the said provisions.

Exclusion of certiorari.

40. No order or conviction made in any matter arising under this Act, either originally or on appeal, shall be quashed for want of form, and no order or conviction made by a court of summary jurisdiction against which a person is authorised by this Act to appeal shall be removed by certiorari or otherwise, either at the instance of the Crown or of any private party into any superior court. Moreover, no warrant of commitment shall be held void by reason of any defect therein, provided that there is a valid conviction to maintain such warrant, and it is alleged in the warrant that the person named therein has been convicted.

Application of certain penalties.

41. Any pecuniary penalty recovered summarily under this Act on the prosecution of the commanding officer of a naval artillery volunteer corps or brigade shall (notwithstanding anything in any Act relating to municipal corporations or to the metropolitan police district or in any other Act) be paid to the commanding officer, and be applied as part of the general fund of the corps or brigade.

Appearance of commanding officer by officer of permanent staff, &c.

42. The commanding officer of any naval artillery volunteer corps or brigade may appear in any county court or before any court of summary jurisdiction by any officer or petty officer of the permanent staff of such corps or brigade, or by any officer or member of the corps or brigade authorised in writing under the hand of such commanding officer.

Definitions.

43. In this Act—

The term "Admiralty" means the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral for the time being, or any two of them:

The term "commanding officer of a corps" means the officer, petty officer, or other member of the corps (exclusive of the permanent staff thereof) who holds the highest rank in such corps:

The term "volunteer" means a petty officer or gunner belonging to a naval artillery volunteer corps, exclusive of the permanent staff thereof:

The term "person" includes (where the case requires) a body of persons, corporate or unincorporate:

"Summary Jurisdiction Acts."

The term "Summary Jurisdiction Acts" means, as to England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-

three, intituled "An Act to facilitate the performance of the duties of justices of the "peace out of sessions within England and Wales with respect to summary con- "victions and orders," and any Acts amending the same, and as to Scotland the Summary Procedure Act, 1864:

The term "sheriff" includes in Scotland sheriff substitute:

The term "court of summary jurisdiction" means,— "Court of summary jurisdiction."

In England, any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to;

In Scotland, any sheriff;

In the Isle of Man, the court, justices, or magistrates who exercise jurisdiction in the like cases to those in which the Summary Jurisdiction Acts are applicable:

The term "appointments" includes accoutrements and equipments of every kind other than clothing.

44. All the provisions of this Act relating to a brigade shall apply to any united body formed of two or more separate naval artillery volunteer corps for naval or administrative purposes by the authority of the Admiralty, whether the corps so united are formed into a brigade or any other body. Application of Act to united corps.

45. This Act shall not extend to Ireland. Extent of Act.

46. This Act may be cited as the Naval Artillery Volunteer Act, 1873. Short title.

SCHEDULE.

Certificate for Exemption from Militia.

I, *A.B.*, commanding officer of the naval artillery volunteer corps, hereby certify that *C.D.* is a volunteer enrolled in that corps, and is by virtue of The Naval Artillery Volunteer Act, 1873, exempt from liability to serve personally or to provide a substitute in the militia of [*England, or as the case may be*].

Given under my hand at this day of one thousand eight hundred and [*sixty-four*].

A.B.,
[*Lieutenant-Commanding.*]

CHAPTER 78.

An Act to amend the Sanitary Act, 1866, so far as the same relates to the Nuisance Authorities of Ports in Ireland. [5th August 1873.]

WHEREAS by section thirty of the Sanitary Act, 1866, it was amongst other things enacted, that for the purposes of the said Act any ship, vessel, or boat that is in a place not within the district of a nuisance authority shall be deemed to be within the district of such nuisance authority as may be prescribed by the Privy Council, but no sufficient provision was made for the payment in certain cases of the expenses to be thereby incurred by the nuisance authority so prescribed:

And whereas by the Local Government Board (Ireland) Act, 1872, the powers conferred by said section thirty of the Sanitary Act, 1866, upon the Privy Council were transferred to the Local Government Board for Ireland:

And whereas it is expedient to amend the said section so far as it relates to Ireland, and to provide for the payment of such expenses in manner by this Act prescribed: