After Sept. 1, 1856, Pages of Deeds and Writings need not be marked by Numbers.

I. That from and after the First Day of *September* in the Year One thousand eight hundred and fifty-six it shall not be competent to institute or to insist in or maintain any Challenge of or Exception to any Deed or Writing aforesaid, or any Deed or Writing of any Description whatever, on the Ground that the Pages thereof are not marked by Numbers; and it shall no longer be necessary to mark the Pages of any Deed or Writing by Numbers, any Law or Practice to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to affect any Question which may have been in dependence in any Court prior to the passing of this Act, or any Judgment already pronounced, or any Decreet which has already gone out, or the Provision of the said recited Act, or of any other Act or Acts of Parliament, as to mentioning in the Testing Clause the Number of the Pages of which the Deed consists, or the Provision as to signing each Page of the Deed, or any other Provision of the said recited Act.

## CAP. XC.

**An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers.**

[29th *July* 1856.]

'WHEREAS it is necessary that Provision should be made for defraying the Charge of the Pay, Clothing, and contingent and other Expenses of the Regular Militia, and of the Miners of *Cornwall* and *Devon*, when disembodied in *Great Britain* and *Ireland*, and for making in certain Cases Allowances of Retired Pay to Subaltern Officers and Surgeons Mates and Assistant Surgeons of the Regular Militia, and of the Miners of *Devon* and *Cornwall*, also to Adjutants, Paymasters, Surgeons, and Quartermasters of the Regular Militia who have been allowed to retire, and to Adjutants disabled after long Service:' Be it therefore 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:

Secretary of State for War to issue the Money required for Pay of Regular Militia.

Rates of Pay.

I. The Secretary of State for War for the Time being shall cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the daily Rates following; (that is to say,)

For each Adjutant of Infantry, Eight Shillings, and of Artillery, Nine Shillings:

For each Quartermaster, where One is appointed in Corps consisting of not less than Three hundred and sixty Private Men, Five Shillings *per Diem*; and of less than Three hundred and sixty Private Men, Three Shillings and Sixpence *per Diem*:

For each Serjeant Major of Infantry, where One is appointed in Corps consisting of Two or more Companies, One Shilling and Tenpence, and of Artillery, Three Shillings:

For each Quartermaster Serjeant and Paymaster Serjeant (in Corps whose Establishment exceeds Four Companies) of Infantry, One Shilling and Eightpence, and of Artillery, Two Shillings and Sixpence; and to the Serjeant performing the Duty of both Quartermaster Serjeant and Paymaster Serjeant (in Corps consisting of Four Companies or less) of Infantry, One Shilling and Eightpence, and of Artillery, Two Shillings and Sixpence:

For each Serjeant of Infantry, One Shilling and Sixpence, and of Artillery, Two Shillings and Twopence:

For each Drummer, Trumpeter, or Bugler, above Sixteen Years of Age, One Shilling, and under Sixteen Years of Age, Tenpence:

Provided

Provided always, that when any Serjeant Major or Serjeant shall be absent on Furlough or Licence he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively: Rates of Pay when absent on Furlough.

And also at Rates varying from Two Shillings to Sixpence *per Annum* for each Private Man for defraying the contingent Expenses of each Regiment, Battalion, or Corps, when enrolled: Contingent Fund.

And the Secretary of State for War for the Time being shall give the necessary Instructions for the Provision of Clothing for each Serjeant Major, Serjeant, and Drummer on the Disembodied Staff of the Militia of *Great Britain* and *Ireland* who shall be resident at Head Quarters, and the said Disembodied Staff shall be entitled to be clothed once in Two Years. Clothing.

II. Except when employed as herein-after provided, every Adjutant and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall reside in such Places as shall be sanctioned by the Secretary of State for War, and every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent except when employed as herein-after provided, or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time. Adjutant, &c. to reside where the Secretary of State for War shall appoint.

III. Every Adjutant, Quartermaster, and Non-commissioned Officer of the Regular Militia, when disembodied, and not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of *Chelsea Hospital*, in such Manner as One of Her Majesty's Principal Secretaries of State may determine: Provided always, that the Senior Officer shall have the Command of the Force so employed. Adjutants, Quartermasters, and Non-commissioned Officers of Militia may be employed in their Counties.

IV. The Quartermaster of each Regiment of Militia in which a Quartermaster is appointed and receives daily Pay under the Provisions of the First Section of this Act, and when no Quartermaster is appointed, then the Adjutant of each Regiment of Militia, shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant, and the Adjutant shall, out of the Allowance directed by this Act to be issued and paid for defraying the contingent Expenses of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expenses, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money: Provided always, that it shall and may be lawful for the Secretary of State for War to order and direct that the Arms, Accoutrements, and other Stores, or any Part thereof, belonging to any Regiment, Battalion, or Corps of Militia of the United Kingdom shall at any Time, while such Regiment, Battalion, or Corps shall not be embodied or in actual Service, be conveyed to and deposited and kept in any of Her Majesty's War Department Stores. Quartermaster, &c. to have Charge of the Arms and Clothing. Adjutant to issue the Money for contingent Expenses on an Order signed by the Colonel. Balance to form a Stock Purse. Arms may be deposited in War Department Stores, by Order of Secretary of State for War.

V. In the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Serjeants and Drummers shall be under the Command of the Quartermaster in Cases in which One is appointed, and when no Quartermaster is appointed or is present, then under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant and Quartermaster; and the said Quartermaster and Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant. In Absence of the Adjutant, the Serjeants to be under the Command of the Quartermaster, and, in his Absence, of the Serjeant Major.

VI. The

Militia when called out for Training or Exercise entitled to Pay.

VI. The Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the following daily Rates of Pay and Allowances:

| | Infantry. | | | Artillery. | | |
|---|---|---|---|---|---|---|
| | £ | s. | d. | £ | s. | d. |
| Colonel | 1 | 2 | 6 | 1 | 2 | 6 |
| Lieutenant-Colonel | 0 | 15 | 11 | 0 | 15 | 11 |
| Major | 0 | 14 | 1 | 0 | 14 | 1 |
| Captain (including non-effective Allowance) | 0 | 10 | 6 | 0 | 10 | 6 |
| Lieutenant | 0 | 6 | 6 | 0 | 6 | 6 |
| Ensign | 0 | 5 | 3 | 0 | 5 | 3 |
| Adjutant, if acting also as Paymaster in Corps consisting of Four Companies and upwards* | 0 | 3 | 9 | 0 | 3 | 9 |
| „ if acting also as Paymaster in Corps consisting of less than Four Companies* | 0 | 2 | 6 | 0 | 2 | 6 |
| „ if acting also as Paymaster and Quartermaster in Corps consisting of Four Companies and upwards* | 0 | 7 | 0 | 0 | 7 | 0 |
| „ if acting also as Paymaster and Quartermaster in Corps consisting of less than Four Companies* | 0 | 4 | 6 | 0 | 4 | 6 |
| Quartermaster (if not holding a Subaltern's Commission, nor on the Permanent Staff) | 0 | 6 | 6 | 0 | 6 | 6 |
| „ (if holding a Subaltern's Commission, and if not on the Permanent Staff) | 0 | 3 | 6 | 0 | 3 | 6 |
| „ (if on the Permanent Staff in Corps of not less than 360 Private Men) | 0 | 1 | 6 | 0 | 1 | 6 |
| „ (if on the Permanent Staff in Corps of less than 360 Private Men) | 0 | 3 | 0 | 0 | 3 | 0 |
| Surgeon | 0 | 11 | 4 | 0 | 11 | 4 |
| Assistant Surgeon | 0 | 7 | 6 | 0 | 7 | 6 |
| Serjeant Major* | 0 | 0 | $2\frac{3}{4}$ | 0 | 0 | 6 |
| Quartermaster Serjeant* | 0 | 0 | $4\frac{3}{4}$ | 0 | 0 | 4 |
| Paymaster Serjeant* | 0 | 0 | $4\frac{3}{4}$ | 0 | 0 | 4 |
| Serjeant (if on the Permanent Staff) | 0 | 0 | $0\frac{3}{4}$ | 0 | 0 | 4 |
| „ (if not on the Permanent Staff) | 0 | 1 | $6\frac{3}{4}$ | 0 | 2 | 6 |
| Corporal | 0 | 1 | $2\frac{1}{4}$ | 0 | 1 | $4\frac{1}{4}$ |
| Drummer, Bugler, or Trumpeter | 0 | 0 | 1 | 0 | 0 | 3 |
| Private | 0 | 1 | 0 | 0 | 1 | 2 |
| Command Allowance to the Officer actually in Command during Training and Exercise, if the Pay of Colonel is not drawn | 0 | 3 | 0 | 0 | 3 | 0 |
| Beer Money to each Non-commissioned Officer, Drummer, and Private present at Training and Exercise | 0 | 0 | 1 | 0 | 0 | 1 |

* These Rates of Pay, during Training and Exercise only, are in addition to the Daily Rates of Disembodied Pay granted by Section I.

Volunteers attached to Regiments of the Line to be subject to the Mutiny Act.

VII. Volunteers shall, with the Sanction of the Secretary of State for War, when attached to Regiments of the Line to qualify themselves for the Permanent Staff, either as Serjeant or Drummers, be allowed Pay whilst so under Instruction, but while they remain so attached they will be under the Command of the Officer commanding the Regiment of the Line equally with the Soldiers of that Regiment, and will be subject to the Provisions of the Mutiny Act.

Certain Officers unfit for Duty entitled to a retired Allowance, upon making the following Declaration.

VIII. 'And whereas certain Lieutenants, Ensigns, and Surgeons Mates of the Militia 'of *Great Britain*, or Subaltern Officers and Assistant Surgeons of the Militia of *Ireland*, 'when unfit for further Duty, have been placed upon a retired Allowance equal to and 'instead of the Allowance granted to them on the disembodying of the Militia at the 'Termination of the War in the Year One thousand eight hundred and fifteen:' And 'whereas certain Paymasters, Surgeons, and Quartermasters, when unfit for Duty, have 'also been placed on a retired Allowance equal to and instead of their reduced Allowances 'granted to them in pursuance of an Act passed in the Tenth Year of the Reign of His 'Majesty King *George* the Fourth, all such Paymasters, Surgeons, Quartermasters, 'Subalterns,

'Subalterns, Surgeons Mates, and Assistant Surgeons, to entitle them to the Receipt of 'such retired Allowances, shall make and subscribe the following Declaration; (*videlicet,*)

'I do solemnly and sincerely declare, That I formerly served as a in the Militia; that I am not in Holy Orders; and that from the Day of to the Day of I did not hold or enjoy any Place or Employment of Profit, Civil or Military, under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, besides my Allowance of per Diem as a of the said Militia, except my Half Pay or Civil Pension as a .' Form of Declaration.

IX. 'And whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of *Great Britain* and *Ireland* have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-Pension, although not unfit for further Service:' No Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia. Out-Pension to reduced Non-commissioned Officers and Drummers not to be received while serving.

X. Provided always, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon, shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided also, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same. Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

XI. Provided always, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied. Adjutants, &c., Non-commissioned Officers, or Privates, not to lose their Right to Chelsea or Kilmainham Pensions, &c.

XII. There shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expense of necessary Medicines for the Sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training, and also an Allowance of Twopence *per* Week for each of the Non-commissioned Officers and their Families of each Regiment on the Disembodied Staff at Head Quarters, for the Expenses of necessary Medicines and Attendance given to the said Non-commissioned Officers and their Families while such Regiment is not called out for Training and Exercise. Allowance to be made for Medicines.

XIII. In case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirty-first Day of *July* One thousand eight hundred and fifty-six, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,) to the Thirty-first Day of *July* One thousand eight hundred and fifty-seven, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that Reduced Adjutants to receive 4*s.* per Day till 31st July 1857.

Right to Half Pay reserved.

no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Adjutants entitled to Allowance under 39 & 40 G. 3. c. 44.

XIV. 'And whereas certain Adjutants are entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, which Allowances have been continued, and as to such Adjutants augmented to Four Shillings *per Diem*:' All such Adjutants shall be entitled to receive and shall receive such Allowance from the Thirty-first Day of *July* One thousand eight hundred and fifty-six to the Thirty-first Day of *July* One thousand eight hundred and fifty-seven.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

XV. Every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, and continued by any subsequent Act or by this Act, may receive such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable together with such reduced Allowance under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of* Great Britain *called* England, or under the Provisions of the aforesaid Act of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third: Provided always, that no such reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office or Profit under Her Majesty, other than such as aforesaid, or under any other Government, or any Civil Office or Employment under Her Majesty, or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmity.

Proviso.

Allowances to Adjutants, Surgeons, and Quartermasters.

XVI. 'And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmity been rendered unfit for further Service:' Such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Allowances granted to Adjutants on Completion of certain Periods of Service.

XVII. The following Allowances shall be granted and paid, under the Restrictions and Limitations herein-after expressed, to Adjutants of the Militia of *Great Britain* and *Ireland*, on the Completion of the following Periods of Service in Her Majesty's Regular Forces and in the Militia, if unfit, either by Age or Infirmity, for the Performance of the Duties of their Commissions; (that is to say,)

To every Adjutant who shall have completed in the Service a Period of, (*videlicet*,)

Fifteen Years, of which Five Years as an Adjutant of Militia, an Allowance of Three Shillings *per Diem*:

Twenty Years, of which Seven Years as an Adjutant of Militia, an Allowance of Four Shillings *per Diem*:

Twenty-five Years, of which Ten Years as an Adjutant of Militia, an Allowance of Five Shillings *per Diem*:

Thirty Years, of which Fifteen Years as an Adjutant of Militia, an Allowance of Six Shillings *per Diem*:

Provided, that such Adjutants shall retain any Right they may have to Half Pay or to Out-Pension, notwithstanding the Grant of such retired Allowance as aforesaid; and all such Allowances shall be granted upon the Production to the Secretary of State for War of a Certificate of such Service and Disability; and upon the Order of the Secretary of State for War, founded upon such Certificate, the Paymaster-General shall pay to such Adjutant the above Allowance: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas,

or

or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary of State for War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment.

Restrictions as to Allowances to reduced Adjutants of the Local Militia.

XVIII. 'And whereas certain Allowances have been granted to reduced Adjutants of the 'Local Militia:' The said Allowances shall be issued and paid during the Continuance of this Act, under the Restrictions and in the Manner herein-after expressed: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

A Declaration to be taken by Adjutants of Local Militia claiming the said Allowance.

XIX. Every Adjutant of Local Militia who shall claim under the Authority of this Act to receive any Part of the said Allowance shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some One of Her Majesty's Justices of the Peace in the United Kingdom, or Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some One of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say,)

'I *A.B.* do solemnly and sincerely declare, that I was serving as Adjutant in the 'of Local Militia at the Reduction of the Staff of the said Militia in One thousand 'eight hundred and twenty-nine; and that I was not in Holy Orders during any Part of 'the Period for which I now claim to receive an Allowance, that is to say, from the 'Day of One thousand eight hundred and to the 'Day of One thousand eight hundred and ; and that I did 'not hold or enjoy, nor did any Person for me hold or enjoy, during any Part of the said 'Period, any Place, Office, or Employment of Profit, Civil or Military, under the Crown 'or any other Government, besides the Allowance of a Day now claimed, 'except my Half Pay as a [of the Army *or* Navy *or* Marines *or* 'of a Provisional Battalion formed from the Militia, *as the Case may be*].'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Adjutant claiming the Allowance: Provided always, that any Adjutant receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy, or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Allowance to Clerks of General Meetings, &c.

XX. Where the Militia is raised by Ballot in *Great Britain*, Allowances shall be made and issued to the Clerks of General and Subdivision Meetings of Lieutenancy and others mentioned in Schedule A. to this Act for their Trouble and Expenses in the Execution of the Laws relating to the Militia at the Rates mentioned in the same Schedule; and where the Militia is raised in the United Kingdom otherwise than by Ballot, Allowances shall be made and issued to the Clerks of General Meetings for their Trouble and Expenses in the Execution of such Laws at the Rates mentioned in the Schedule B. to this Act.

Manner of granting Allowances.

XXI. The said Allowances shall be granted as follows; (*videlicet,*) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of

Clerks, &c. to make Declaration of the Justness of their Accounts.

the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; (*videlicet*,)

Declaration of a Clerk of General or Subdivision Meetings.

'I do solemnly declare, that the preceding Account, so far as regards my 'Interest therein, is a just and true Account of Business performed by me for and in 'behalf of the Public Service, according to the Manner therein set forth; and the Sums 'claimed as disbursed were actually paid by me.'

Declaration of a Schoolmaster, Constable, or other Officer in *Scotland*.

'I do solemnly declare, That I am the Parochial Schoolmaster [*or* 'Constable *or other Officer*] of the District of in the 'Subdivision of the County of ; and that the preceding Account is a just 'and true Account of Business actually performed by myself for and in behalf of the Public 'Service according to the Manner therein set forth; and that I was employed on such 'Business the full Time therein stated; and that the Sums claimed as disbursed were actually 'paid by me.'

And the said Accounts shall be transmitted to the Secretary of State for War, who is hereby empowered to issue the Allowances according to the Rates specified in the respective Tables to this Act annexed, or such Sums as he shall think reasonable and proper.

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

XXII. 'And whereas it is expedient that the Deputy Lieutenants acting in any Subdivi-'sion of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy 'Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, 'should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons 'claiming to be exempt from compulsory Service in the Militia by reason of bodily Infirmity, 'and upon the fitness for Service of the Persons presenting themselves for Enrolment:' It shall be lawful for any Two Deputy Lieutenants and they are hereby empowered and required to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet*,)

Declaration to be made by Surgeon.

'I do solemnly declare, That I will, to the best of my Ability, faithfully 'and truly report as to the Fitness for Service of the Man or Men about to be submitted 'to my Examination, and that I will not receive from any of them any Fee or Reward 'whatever for any such Examination.'

Allowance to Surgeon.

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea, nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary of State for War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Pay, &c. to be issued under Directions of the Secretary of State for War.

XXIII. All Sums of Money granted for the Pay, contingent and other Expenses, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary of State for War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Bills drawn for Pay, &c. may be on unstamped Paper.

XXIV. All Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

No Fee to be taken.

XXV. No Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

XXVI. All

XXVI. All Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*. All Things relating to Counties shall extend to Ridings, shires, &c.

XXVII. This Act shall take effect and continue in force from the Thirty-first Day of *July* One thousand eight hundred and fifty-six until the First Day of *September* One thousand eight hundred and fifty-seven. Continuance of Act.

## SCHEDULES to which this Act refers.

### SCHEDULE A.

SCALE of RATES of REMUNERATION to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution the Acts relating to the Militia when the Militia are raised by Ballot.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

| | £ | s. | d. |
|---|---|---|---|
| 1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) - - - - - - - - | 0 | 7 | 6 |
| 2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each - - - - - - | 5 | 5 | 0 |
| For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - - - - - - - - - - | 1 | 11 | 6 |
| Which Allowances are to be in full for engrossing Minutes, &c. | | | |
| 3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets, and the Stannaries of Cornwall and Devon, to return Lists, each - - - - - - | 0 | 0 | 6 |
| For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each - - - - - | 0 | 0 | 6 |
| 4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - - | 0 | 7 | 6 |
| 5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary-at-War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet, | | | |
| In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - - - - - - | 2 | 2 | 0 |
| In Counties furnishing from 201 to 400 Men - - - | 3 | 3 | 0 |
| Ditto - - from 401 to 600 Men - - - - | 4 | 4 | 0 |
| Ditto - - from 601 to 800 Men - - - - | 5 | 5 | 0 |
| Ditto - - from 801 Men and upwards - - - | 6 | 6 | 0 |
| 6 For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done: | | | |
| In Counties furnishing a Quota of 200 Men or under - - | 1 | 1 | 0 |
| Ditto - - - from 201 to 400 Men - - - | 2 | 2 | 0 |
| Ditto - - - from 401 to 600 Men - - - | 3 | 3 | 0 |
| Ditto - - from 601 to 800 Men - - - | 4 | 4 | 0 |
| Ditto - - from 801 Men and upwards - - | 5 | 5 | 0 |

7. For

| | £ | s. | d. |
|---|---|---|---|
| 7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.): | | | |
| For engrossing 50 Names and under | 0 | 5 | 0 |
| Ditto - 51 to 150 Names | 0 | 10 | 0 |
| Ditto - 151 to 250 Names | 1 | 0 | 0 |
| Ditto - 251 Names and upwards | 1 | 10 | 0 |
| 8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men: | | | |
| In Counties furnishing One Regiment, Battalion, or Corps | 0 | 15 | 0 |
| Ditto - Two - Ditto | 1 | 10 | 0 |
| Ditto - Three - Ditto | 2 | 0 | 0 |
| No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto. | | | |
| Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps. | | | |
| 9. For Stationery: | | | |
| To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men | 2 | 0 | 0 |
| Ditto - from 301 to 600 Men | 3 | 0 | 0 |
| Ditto - from 601 to 900 Men | 4 | 0 | 0 |
| Ditto - from 901 Men and upwards | 5 | 0 | 0 |
| 10. For Copyings, Correspondence, &c. &c.: | | | |
| To the Clerk of the General Meetings in a County where the Number of the original Quota of the Militia is 200 Men or under | 2 | 0 | 0 |
| In a County furnishing from 201 to 400 Men | 3 | 0 | 0 |
| Ditto - from 401 to 600 Men | 4 | 0 | 0 |
| Ditto - from 601 to 800 Men | 5 | 0 | 0 |
| Ditto - from 801 Men and upwards | 6 | 0 | 0 |
| 11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, &c., certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed. | | | |
| The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid. | | | |
| TRAINING AND EXERCISE. | | | |
| 12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice | 0 | 0 | 6 |
| 13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and Scotland furnishing a Quota towards the formation of an entire Regiment or Battalion | 1 | 0 | 0 |
| In Counties in England, Wales, and Scotland furnishing One Regiment Battalion, or Corps | 2 | 0 | 0 |
| Ditto - Two - Ditto | 3 | 0 | 0 |
| Ditto - Three - Ditto | 4 | 0 | 0 |

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

| | £ | s. | d. |
|---|---|---|---|
| 14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement | 0 | 5 | 0 |
| Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter | 0 | 1 | 0 |
| 15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; videlicet, For receiving Lists and hearing Appeals, For balloting, For enrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists | 2 | 2 | 0 |
| And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists | 1 | 5 | 0 |
| And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy-Lieutenant | 0 | 15 | 0 |
| 16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon balloted Men, each Precept | 0 | 0 | 6 |
| And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept | 0 | 0 | 6 |
| 17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men | £2 per 1,000 | | |
| 18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is | | | |
| 50 Men and under | 2 | 2 | 0 |
| Ditto from 51 to 150 Men | 3 | 3 | 0 |
| Ditto from 151 to 250 Men | 4 | 4 | 0 |
| Ditto from 251 Men and upwards | 5 | 5 | 0 |
| 19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk | | | |

of

| | £ | s. | d. |
|---|---|---|---|
| of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; (videlicet,) | | | |
| For a Roll containing 50 Names and under | 0 | 5 | 0 |
| Ditto from 51 to 150 Names | 0 | 10 | 0 |
| Ditto from 151 to 250 Names | 0 | 15 | 0 |
| Ditto from 251 Names and upwards | 1 | 0 | 0 |
| 20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,) | | | |
| For a Subdivision furnishing 50 Men and under | 1 | 10 | 0 |
| Ditto from 51 to 150 Men | 2 | 0 | 0 |
| Ditto from 151 to 250 Men | 2 | 10 | 0 |
| Ditto from 251 Men and upwards | 3 | 0 | 0 |
| 21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,) | | | |
| For a Subdivision furnishing 50 Men and under | 2 | 0 | 0 |
| Ditto from 51 to 150 Men | 3 | 0 | 0 |
| Ditto from 151 to 250 Men | 4 | 0 | 0 |
| Ditto from 251 Men and upwards | 5 | 0 | 0 |
| 22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed. | | | |
| The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid. | | | |
| 23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera: | | | |
| For a Subdivision furnishing 50 Men and under | 0 | 5 | 0 |
| Ditto from 51 to 150 Men | 0 | 10 | 0 |
| Ditto from 151 to 250 Men | 0 | 15 | 0 |
| Ditto from 251 Men and upwards | 1 | 0 | 0 |
| TRAINING AND EXERCISE. | | | |
| 24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia: | | | |
| For each Precept containing 50 Names and under | 0 | 5 | 0 |
| Ditto from 51 to 150 Names | 0 | 10 | 0 |
| Ditto from 151 to 250 Names | 0 | 15 | 0 |
| Ditto from 251 Names and upwards | 1 | 0 | 0 |
| And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivision of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia: | | | |
| For each Precept containing 10 Names and under | 0 | 0 | 6 |
| Ditto from 11 to 30 Names | 0 | 1 | 0 |
| Ditto from 31 to 50 Names | 0 | 2 | 6 |
| Ditto from 51 to 70 Names | 0 | 4 | 0 |
| Ditto from 71 to 100 Names | 0 | 7 | 0 |
| Ditto from 100 upwards | 0 | 10 | 0 |

| | £ | s. | d. |
|---|---|---|---|
| 25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise: | | | |
| For a Roll containing 20 Names and under | 0 | 2 | 0 |
| Ditto from 21 to 50 Names | 0 | 5 | 0 |
| Ditto from 51 to 150 Names | 0 | 10 | 0 |
| Ditto from 151 to 250 Names | 0 | 15 | 0 |
| Ditto from 251 and upwards | 1 | 0 | 0 |
| 26 For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain: | | | |
| For a Subdivision furnishing 50 Men and under | 0 | 5 | 0 |
| Ditto from 51 to 150 Men | 0 | 10 | 0 |
| Ditto from 151 to 250 Men | 0 | 15 | 0 |
| Ditto from 251 and upwards | 1 | 0 | 0 |

ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

| | | | |
|---|---|---|---|
| 27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours | 0 | 5 | 0 |
| 28. For making out Lists, for each Folio consisting of Sixty Lines | 0 | 1 | 0 |
| 29. For attending Meetings of Lieutenancy, each Meeting | 0 | 10 | 0 |
| 30. For filling up and delivering Notices to balloted Men, per Day | 0 | 5 | 0 |
| 31. For Stationery, per Annum | 0 | 5 | 0 |

ALLOWANCES TO CONSTABLES IN SCOTLAND.

| | | | |
|---|---|---|---|
| 32. For filling up and delivering Notices to Housholders, for each Day consisting of Eight Hours | 0 | 4 | 0 |
| 33. For making out Lists, for each Folio consisting of Sixty Lines | 0 | 1 | 0 |
| 34. For attending each Meeting of Lieutenancy, per Day | 0 | 4 | 0 |
| 35. For filling up and delivering Notices to balloted and enrolled Men, per Day | 0 | 4 | 0 |
| 36. For Stationery, where the Lists are made out by the Constables, per Annum | 0 | 5 | 0 |

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General Subdivision Meetings of Lieutenants respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk, such Person shall have an Allowance for his travelling Expenses not exceeding Ninepence per Mile, and the Expenses of Tolls and Ferry Money; but the Particulars of such Expenses shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.

38. The Expense necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

SCHEDULE B.

SCALE of RATES of REMUNERATION to the Clerks of General Meetings for any Duty they may be required to perform under the Acts relating to the Militia, or by Her Majesty's Secretary of State, or (in Ireland) by the Lord Lieutenant, in execution of the Provisions of such Acts when the Militia is raised otherwise than by Ballot.

| CLERKS OF GENERAL MEETINGS. | Per Annum. £ | s. | d. |
|---|---|---|---|
| For Trouble in executing the Duty required of them, including Copyings, Correspondence, and Stationery: | | | |
| In Counties where the Quota does not exceed 200 - - - | 15 | 0 | 0 |
| Where the Quota is | | | |
| Above 200, and not exceeding 400 - - - - | 20 | 0 | 0 |
| Above 400, and not exceeding 500 - - - - - | 25 | 0 | 0 |
| And where the Quota exceeds 500, the following Additions for every 100, or fractional Part of 100: | | | |
| Above 500, and not exceeding 1,000 - - - - | 4 | 0 | 0 |
| Above 1,000, and not exceeding 2,000 - - - - | 3 | 0 | 0 |
| Above 2,000, and not exceeding 3,000 - - - - | 2 | 0 | 0 |
| Above 3,000, and not exceeding 4,000 - - - - | 1 | 10 | 0 |
| Above 4,000 - - - - - - | 1 | 0 | 0 |
| For convening and attending any General Meeting summoned by the distinct Order of the Secretary of State, or (in Ireland) of the Lord Lieutenant - - - - - - - - | 2 | 2 | 0 |
| The actual Expense incurred in printing or advertising, and for Postage, may be charged. | | | |

## CAP. XCI.

An Act to amend and re-enact certain Provisions of an Act of the Fifty-fourth Year of King *George* the Third, relating to Judicial Procedure and Securities for Debts in *Scotland*. [29th *July* 1856.]

'WHEREAS a Bill has been brought into Parliament, intituled *A Bill to consolidate and amend the Laws of* Scotland *regarding Insolvency and Bankruptcy*, by which it is proposed to repeal the Act passed in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, Chapter One hundred and thirty-seven, and it is expedient that certain Provisions therein contained relating to Judicial Procedure and Securities for Debts in *Scotland* should be amended and re-enacted:' 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:

Effect of Arrestments executed as in the Hands of Persons out of Scotland.

I. An Arrestment executed to attach the Effects of a Debtor, as in the Hands of a Person out of *Scotland*, shall not be held to have interpelled such Person from paying to the original Creditor, unless Proof be made that he, or those having Authority to act for him, were previously in the Knowledge of such Arrestment having been so used.

Court of Session may regulate Judicial Sales of Estates.

II. The Court of Session shall have full Power to make Acts of Sederunt for abridging the Forms of Publication and Citation, and regulating the Proceedings in Processes of Sale, Ranking, and Division, whether at the Instance of Creditors or of apparent Heirs; and in every Case of a Sale under the Authority of the Court of Session it shall be lawful for the Purchaser, at any Term of *Whitsunday* or *Martinmas* subsequent to the Term of Payment of the Price, to lodge the Price, with the Interest due upon it, in any Joint Stock Bank of Issue in *Scotland*, at such Interest as can be procured for it, by doing which, and by giving Notice thereof to the Agent who carried on the Sale, he shall be discharged of the said Price; and further,