ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 8.

An Act for altering and enlarging the Provisions of an Act of His present Majesty, for improving the Town of *Kilmarnock*, in the County of *Ayr*.

[23d *March* 1813.]

WHEREAS an Act was passed in the Forty-second Year of the Reign of His present Majesty, intituled *An Act for opening several new Streets in the Town of* Kilmarnock *and County of* Ayr, *for altering and widening some of the Streets, Lanes, and Passages within the said Town; for building Two new Bridges over the Water of* Kilmarnock; *for removing the present Slaughter Houses in the said Town, and building new ones, and a Town Hall and Guard House; for enlarging and repairing the Gaol or Toll Booth; for enlarging the Burial Ground of the said Town; for paving the said Town and Places adjoining thereto, and removing Nuisances and Annoyances therein; and for extending the Jurisdiction of the Magistrates of the said Town over certain adjacent Lands:* And whereas the Trustees acting under the Authority of the said Act have made great Progress in carrying the same into Execution, for which Purpose several considerable Sums of Money, borrowed upon the Credit thereof, (amounting to the Sum of Twenty thousand four hundred and seventy-four Pounds,) together with the Tolls or Pontage Duties thereby authorized to be collected, have been duly applied; but the Money so borrowed cannot be repaid, nor the several beneficial Purposes of the said Act be effected, and carried into complete Execution, unless the Provisions thereof are altered and enlarged, and the present Tolls or Pontage Duties increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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, That, from and after the Twenty-sixth of *May* One thousand eight hundred and thirteen, the

42 G. 3. c 48

For discontinuing the present Tolls

or Pontage Duties, and granting new ones.

the Tolls or Pontage Duties now taken under the Authority of the ſaid Act ſhall ceaſe and be diſcontinued, and be no longer paid or payable; and that inſtead thereof the following Tolls or Pontage Duties ſhall from thenceforth be demanded and taken; (that is to ſay,)

Rates.

For every Coach, Berlin, Landau, Chariot, Chaiſe, Curricle, Hearſe, Chair, or other ſuch Carriage, drawn by Two Horſes or Beaſts of Burden, the Sum of One Shilling:

For every Waggon, Wain, Cart, or other ſuch Carriage, drawn by One Horſe or Beaſt of Draught, the Sum of Four-pence; and drawn by Two Horſes, the Sum of Eight-pence; and drawn by Three Horſes, the Sum of One Shilling and Four-pence; and drawn by Four Houſes, the Sum of Two Shillings and Eight-pence; and drawn by Five Horſes, the Sum of Three Shillings and Four-pence; and drawn by Six Horſes, the Sum of Four Shillings:

For every Horſe or Beaſt of Draught above Two, drawing any Coach, Berlin, Landau, Chariot, Chaiſe, Curricle, Hearſe, Chair, or other ſuch Carriage, the Sum of Sixpence additional for each Horſe or Beaſt:

For every Coachee or Gig, or other ſuch Carriage, drawn by One Horſe, the Sum of Sixpence; and for every additional Horſe, Sixpence more:

For every Horſe, Mare, Gelding, Mule or Aſs, laden or unladen, and not drawing, the Sum of Two-pence:

For every Drove of Oxen or Neat Cattle, and Horſes or Fillies unſhod, the Sum of Ten-pence *per* Score; and ſo in Proportion for any leſs Number:

For every Drove of Calves, Swine, Sheep or Lambs, the Sum of Six-pence *per* Score; and ſo in Proportion for any leſs Number.

Exemptions from Tolls.

II. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken for or in reſpect of Carriages, Horſes, or Cattle employed in carrying Materials for making or repairing any of the Roads or Bridges in the ſaid County of *Ayr*, or any Implement of Huſbandry; or for any Hay or Corn in the Straw, to be laid up in the Houſes or Yards of the Growers of the ſame, if within the ſaid Pariſh of *Kilmarnock*; or in carrying any Perſon to or from Church, or any Place of Religious Worſhip belonging to or ſituated within the ſaid Pariſh, on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or in carrying any Miniſter when in the Exerciſe of his Duty within the ſaid Pariſh; or carrying any Perſon attending the Funeral of any Perſon who ſhall die, and be buried within the ſaid Pariſh; or in conveying Expreſſes under the Authority of His Majeſty's Poſtmaſter General, or in returning back from conveying the ſame; or for the Horſes belonging to Officers or Soldiers on their March or on Duty, or for Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in conveying any diſabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes, or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack or Commiſſariat, or other Public Stores belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for Carts, Horſes, or Carriages travelling with Vagrants ſent with legal Paſſes; or Horſes or Cattle going to or returning from their uſual Places of Paſture or Watering, or going to Smiths Shops for the Purpoſe of being ſhoed or farried or returning therefrom, within the ſaid Pariſh; nor ſhall any Toll be taken for any

Horſe or other Beaſt, Cart or Carriage, laden with or carrying any Materials for paving the Streets of the Town of *Kilmarnock*; or any Kind of Corn or Victual going to any Mill, or returning therefrom to the Granary of the Grower, if within the ſaid Pariſh, or any Victual paid as Stipend, in its paſſage to the Granary of any Miniſter, if within the ſaid Pariſh; nor ſhall any Toll be taken for any Horſe or other Beaſt, or any Carriage going unladen for any of the Particulars hereby exempted, or returning unladen after the Delivery thereof; and in order to obviate fraudulent Pretences that ſuch unladen Horſes, Beaſts, or Carriages are going for any particular Lading hereby exempted, the Driver of ſuch Horſes, Beaſts or Carriages, before being allowed to paſs the Toll Bar erected upon the preſent Bridge, ſhall depoſit the Toll payable for ſuch Horſes, Beaſts, or Carriages reſpectively, which ſhall be paid to the Driver or Drivers thereof at his or their Return with any Lading hereby exempted from the Payment of Toll; and in order that all Horſes, Beaſts, or Carriages paſſing through the ſaid Toll Bar, laden with any Goods or Materials hereby exempted from the Payment of the ſaid Toll, may not be obliged to pay the ſaid Toll when they return unladen, the Drivers of ſuch Horſes, Beaſts, or Carriages paſſing ſo laden, ſhall receive a Note or Ticket from the Collector of the ſaid Toll, ſignifying that ſuch Horſes; Beaſts or Carriages, hath or have paſſed the ſaid Toll Bar, laden as aforeſaid, in order that ſuch Horſes, Beaſts or Carriages, when returning unladen, may be exempted from paying any Toll for the ſame; and that no Toll ſhall be demanded or taken for any Horſe, Mare or Gelding, furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſons ſhall be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively, at the Time of claiming ſuch Exemptions as aforeſaid; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions before mentioned, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds.

Owners or Drivers of Waggons employed in the Service of His Majeſty's Forces, not to be ſubject to Penalties for Overweight, &c.

III. And be it further enacted, That no Perſon owning or driving, or cauſing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack or Commiſſariat, or other Public Stores belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight; nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen, but it ſhall be lawful for any Driver of any ſuch Waggon, Wain, Cart, or other Carriage, to put any Number of Horſes to any ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithſtanding.

Tolls to be paid but once a Day.

IV. And be it further enacted, That no Perſon who ſhall have paid the Duty by this Act impoſed, for paſſing through the preſent Toll Gate, or being exempt from paying ſuch Toll, and having received a Note or Ticket ſignifying ſuch Exemption, ſhall be ſubject to the Payment of any Toll for returning through the ſaid Toll Gate the ſame Day, before Twelve of the

the Clock at Night, with the ſame Horſe or Horſes, Cattle, Coach, Waggon, or other Carriage, but ſhall be allowed to repaſs Toll-free, upon producing to the Collector of the Toll at the ſaid Gate a Note or Ticket, which the Collector to whom the ſaid Toll ſhall have been paid is hereby required to give *gratis* upon Receipt of the Toll; but in caſe any Perſon with the ſame Horſe or Horſes, Cattle, Coach, Waggon, or other Carriage, after having repaſſed free as aforeſaid, ſhall again repaſs the ſaid Toll Gate a Second or more Times in One Day, they ſhall in that Caſe be ſubject to pay the ſaid Toll for each Time they ſhall paſs or repaſs, in the ſame Manner as they did the Firſt Time.

To prevent evading Tolls.

V. And be it further enacted, That if any Collector of the ſaid Tolls, or any other Perſon or Perſons, ſhall knowingly and willingly permit any Perſon or Perſons to paſs through any Gate, Paſſage, or otherwiſe, with any Horſe, Beaſt, or Carriage, whereby the Payment of the ſaid Tolls may be evaded, ſuch Perſon or Perſons ſo offending, and the Perſon or Perſons ſo availing themſelves of ſuch Paſſage, in order to avoid Payment of the ſaid Tolls, ſhall for every ſuch Offence forfeit and pay to the ſaid Truſtees, or to their Caſhier for the Time being, a Sum not exceeding Twenty Shillings for each Offence; all which Penalties ſhall be recovered in the Manner directed by the ſaid recited Act.

When Debt diminiſhed, Tolls to be lowered, and ceaſe at a certain Period.

VI. Provided always, and be it further enacted, That as ſoon as the preſent Debt of Twenty thouſand four hundred and ſeventy-four Pounds, and Intereſt thereupon, has been reduced to the Principal Sum of Three thouſand Pounds, by the Application of the Funds ariſing from the Properties acquired and poſſeſſed by the ſaid Truſtees under the ſaid recited Act, (excepting as after mentioned,) and ſuch Properties as they may ſtill acquire, and of the ſaid Tolls or Pontage Duties, which Properties the ſaid Truſtees ſhall be obliged to ſell and apply with all convenient Diſpatch, the ſaid Tolls and Pontage Duties to be levied by virtue of this Act ſhall be lowered and reſtricted to the One-half of the Rates granted by this Act; and that the ſaid reſtricted Duties hereby granted ſhall entirely ceaſe and determine as ſoon as the ſaid Balance of Three thouſand Pounds and Intereſt has been liquidated and diſcharged, together with the Sum of Four hundred and fifty Pounds which will ſtill be wanted for completing the Line of the great Street through the Town, and alſo the Expences of obtaining and paſſing this preſent Act, and the reaſonable annual Expences of managing the Truſt whilſt the Pontage ſhall ſubſiſt.

Application of Pontage Duties.

VII. And be it further enacted, That it ſhall not be in the Power of the ſaid Truſtees, or their Succeſſors, to divert or apply the Tolls or Pontage Duties granted by this Act, or the Funds ariſing from the Sale of the Property acquired by the ſaid Truſtees under the ſaid recited Act, and ſuch Property as they may hereafter acquire, to any other Purpoſe whatever than thoſe which are ſpecifically above mentioned; *videlicet*, the Liquidation and Diſcharge of the Debt already contracted by the ſaid Truſtees, and the ſaid Sum of Four hundred and fifty Pounds wanted for completing the ſaid great Line of Street, together with the Expences of obtaining and paſſing this Act, and the reaſonable annual Expence of managing the Truſt as aforeſaid.

In caſe the Truſtees ſhall build a Second

VIII. And be it further enacted, That in caſe the ſaid Truſtees ſhall find it neceſſary, in purſuance of the Powers granted to them by the ſaid recited

recited Act, at any Time during the Continuance of the Tolls or Pontage Duties hereby granted, to build another Bridge at or near to the old Houſes which formerly belonged to the deceaſed *Charles Hamilton*, from Funds which muſt be provided from other Sources than thoſe granted by the ſaid recited Act or by this Act, then, during the Continuance of the ſaid Tolls or Pontage Duties, it ſhall be lawful for the ſaid Truſtees to erect a Bar on ſuch Second Bridge, and to levy thereat the ſame Tolls or Pontage Duties, which are hereby authorized to be levied at the Bar on the preſent Bridge: Provided always, that the whole Tolls or Pontage Duties to be levied at the Bar on the ſaid Second Bridge ſhall be applied to the ſole Purpoſe of paying off the Debt already contracted by the ſaid Truſtees, and to no other Uſe or Purpoſe whatever; and that ſo ſoon as the ſaid Debt is extinguiſhed the ſaid Tolls or Pontage Duties ſhall ceaſe and determine, and be no longer payable.

Bridge, the ſame Tolls to be taken.

IX. And whereas the ſaid Truſtees are Proprietors of and ſeiſed in Three Shops on the Ground Floor of the Town Houſe built by the ſaid Truſtees, and as it will require a certain Sum of Money annually to uphold and keep in Repair the preſent Bridge, and to manage the Affairs of the Truſt created by the ſaid Act, after the aforeſaid Pontage Duties ſhall ceaſe and determine; be it further enacted, That the ſaid Truſtees and their Succeſſors ſhall be entitled to hold the Southmoſt of the ſaid Three Shops in Perpetuity, and to apply the Rents and Profits ariſing therefrom, during the Continuance of the Pontage Duties, towards the Extinction of the ſaid Debt, and thereafter in maintaining and upholding the ſaid Bridge and the ſaid Shop itſelf in ſufficient and complete Repair, and in Diſcharge of the annual Expences incident to the Execution of the Truſt.

Proviſion for upholding the Bridge in Repair, &c.

X. And be it further enacted, That it ſhall be lawful for the Truſtees for the ſeveral Turnpike Roads leading through the Town of *Kilmarnock*, or any Committee to be appointed by them, at all ſeaſonable Times to inſpect the Books and Accounts of the Truſtees acting under the Authority of this Act, for the Purpoſe of ſeeing that the Pontage Duties hereby granted, and the Funds ariſing from the Sale of the Property already acquired or to be hereafter acquired by the ſaid Truſtees under the ſaid recited Act, are ſtrictly applied for the Purpoſes intended; which Books and Accounts the ſaid Truſtees acting under the Authority of this Act are hereby required to produce.

Truſtees for Turnpike Roads may inſpect the Books and Accounts of Truſtees acting under this Act.

XI. And be it further enacted, That if any Money ſhall be agreed to be paid for any Lands, Tenements, Buildings, or other Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Act or this Act for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any other Diſability or Incapacity as aforeſaid, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Commiſſioners for executing the ſaid recited Act or this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to

Application of Compenſation Money if amounting to 200l.

the Rents and Profits of the ſaid Lands, Tenements, Buildings, or other Hereditaments, in the Purchaſe or Redemption of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, Buildings, or Hereditaments, or affecting other Lands, Tenements, Buildings, or other Hereditaments, ſtanding ſettled therewith to the ſame or like Uſes, Intents, and Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, Buildings, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, Buildings, or other Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, Buildings, or other Hereditaments, ſo hereby authorized to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the ſame ſhall be leſs than 200*l.* and not leſs than 20*l.*

XII. Provided always, and be it further enacted, That if any Money ſo agreed to be paid for any Lands, Tenements, Buildings, or other Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall not amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, Buildings, or other Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiotcy, or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Seven or more of the ſaid Commiſſioners, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties,) in order that ſuch Principal Money, and the Dividends ariſing therefrom, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XIII. Provided

Application if the ſame be under 20l.

XIII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed to be paid as laſt before mentioned ſhall be leſs than the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, Buildings, or other Hereditaments, ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid recited Act and this Act, in ſuch Manner as the ſaid Commiſſioners ſhall think fit; or in caſe of Infancy, Idiotcy, or Lunacy, then ſuch Money ſhall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles, &c.

XIV. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Commiſſioners, or any Seven or more of them, or ſhall refuſe to execute ſuch Conveyance or Conveyances; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, or any Seven or more of them, to order the ſaid Sum or Sums of Money ſo awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the ſaid Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, and Hereditaments, [deſcribing them,] ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, or to order Diſtribution thereof, or Payment of the Intereſt thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. ſhall be entitled thereto.

XV. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, Buildings, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, Buildings, or Hereditaments, to be purchaſed in purſuance of the ſaid recited Act or this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, Buildings, or Hereditaments, at the Time of ſuch Purchaſe, and all

all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, Buildings, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends and Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſame Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, Buildings, or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court of Chancery may order reaſonable Expences of Purchaſes to be paid by the Commiſſioners.

XVI. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements, Buildings, or Hereditaments, to be purchaſed under the Authority of the ſaid recited Act or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, Buildings, or Hereditaments, to be ſettled to the like Uſes in purſuance of the ſaid recited Act or this Act, it ſhall and may be lawful to and for the ſaid Court of Chancery to order the Expence of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, to be paid by the ſaid Commiſſioners out of the Monies to be received by virtue of the ſaid recited Act or this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Extending the Powers of the former Act to this Act.

XVII. And be it further enacted, That all and every the Powers, Authorities, Proviſions, Penalties, Forfeitures, Matters, and Things whatſoever, contained in the ſaid recited Act, (except ſuch as are hereby varied, altered, or repealed,) ſhall be extended to this Act, as fully and effectually, to all Intents and Purpoſes, as if the ſame were expreſsly repeated and re-enacted in the Body of this preſent Act.

For paying the Expences of this Act.

XVIII. And be it further enacted, That the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, ſhall be paid out of the Money already collected or received, or to be collected or received, by virtue of the ſaid recited Act and this Act, or either of them, in preference to all other Payments whatſoever.

Public Act.

XIX. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and others, without being ſpecially pleaded.

Commencement of the Act.

XX. And be it further enacted, That this Act ſhall commence and take place upon the Twenty-ſixth Day of *May* One thouſand eight hundred and thirteen.

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