

have received from the Justices of the Peace, acting as Commissioners of Highways, relative to the performance of their duty on such Highways, are hereby discharged from any action of trespass now pending; or hereafter to be brought in any of His Majesty's Courts within this Province, for any act or acts that the said Overseers, or any person or persons acting under their direction as aforesaid, may, in the execution of such orders and directions, have committed or done.

Actions founded on things done in pursuance of this Act to be commenced within three months.

XXXIV. *Provided always, and be it further enacted by the authority aforesaid,* That if any action or suit shall be commenced against any person or persons for any thing done or acted in pursuance of this Act, then and in every such case, such action or suit shall be commenced or prosecuted within three Calendar months after the fact committed, and not afterwards, and the defendant or defendants in any such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence, at the trial to be had thereupon, and that the same was done in pursuance and by the authority of the present Act; and if the same shall appear to have been so done, or if any such action or suit shall be brought after the time limited for bringing the same, then the Jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuit or discontinue his, her, or their action, after the defendant or defendants have appeared, the defendant or defendants shall and may recover treble costs, and have the like remedy for the recovery thereof, as in any other cases by Law.

Plaintiff to pay treble costs on non-suit or discontinuance.

Soil and Freehold of Roads under the provisions of this Act vested in His Majesty, his heirs and successors.

(See 41st Geo. III. c. 10. §. 43th. c. 12.)

XXXV. *And be it further enacted by the authority aforesaid,* That when any Highway or Road shall be altered, amended, or laid out, under the provisions of this Act, that the soil and freehold of such Highway or Road, shall be thereby vested in His Majesty, His Heirs and Successors.

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## C H A P. II.

An Act for granting to His Majesty, a certain sum of MONEY out of the FUNDS applicable to the uses of this Province, to defray the expences of amending and repairing the PUBLIC HIGHWAYS and ROADS, laying out and opening NEW ROADS, and building BRIDGES in the several Districts thereof.

£2000 granted to be appropriated, &c. &c.

[Temporary.]