

Plaintiffs being
non-suited, &c.
defendant or
defendants to
have treble
costs.

general issue, and give this act and the special matter in evidence, at any trial to be had thereupon, and if the jury shall find for the defendant or defendants in any such action or suit, or if the plainiff or plaintiffs shall be nonsuited or discontinued his, her or their action or suit after the defendant or defendants shall have appeared, or if upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same as any defendant hath in other cases to recover costs by law.

Former mili-
tia acts repeal-
ed.— No militia
appointment
shall be void
under any former
acts until
new commissi-
ons are issued
under this act.

XLIII. *And be it further enacted by the authority aforesaid,* That all former acts relating to the raising of the militia within this Province, shall from and after the passing of this act be, and are hereby repealed; Provided nevertheless, that nothing in this act contained shall in any wise extend or be construed to extend to annul or make void any militia appointment which may have taken place in pursuance of the former acts relating to the militia forces, or to prevent the completing any proceedings commenced in pursuance thereof, until new commissions are issued under and by virtue of this act.

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.

[Passed 16th March, 1808.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it would very much advance the general prosperity of this Province if the public highways and roads already laid out in the several districts thereof, were amended and repaired, and new additional roads were laid out and opened in certain parts of this Province, to which at present there is very difficult access, and certain bridges are also become indispensibly necessary, the want of which at present much endangers the lives of the King's subjects; and whereas the rates heretofore imposed, and the duty by law required to be performed on the said public highways and roads, are altogether inadequate to the several purposes aforesaid, and the imposing additional burthens by levying district rates sufficient for the purposes aforesaid, would in the present circumstances of this Province, be inconvenient, and the necessary provision can only be made out of the surplus of certain duties as yet unappropriated; in order therefore to defray the expences of repairing, amending, laying out and opening such highways and roads, and making such bridges as aforesaid, May it please your Majesty that it may be enacted, and be it therefore enacted by the King's Most Excellent Majesty, by & with the advice & consent of the legislative council & assembly of the Province of Upper Canada, constituted & assembled by virtue of & under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, & to make further provision for the government of the said Province," & by the authority of the same, That
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