

VIII. And whereas the said Trustees, in order to give to the roads under their management and control, the width required by law, may have passed through lands, kitchen-gardens and orchards without first obtaining the consent of the proprietors thereof, be it enacted, that should it be satisfactorily proved by the said Trustees that the portion of land so taken possession of contained neither cultivated vegetables nor fruit trees, and that the said parties suffered no other damage than that of being deprived of the quantity of land allowed by law for the said roads; any Court of law before whom any such action or legal proceedings may be brought, or before whom such action or legal proceeding may now be pending, shall upon proof to their satisfaction that the said parties shall have suffered no other damage than as aforesaid, dismiss the said action or other legal proceeding, with costs against the Plaintiff or Complainant.

Recital.  
 Damage not to be paid for when none has been really sustained.