

should die, refuse, or be incapable to act, the governor, with the advice of the council, may nominate and appoint some person or persons in his or their place, so as to make up the number of three commissioners, and a majority of such three shall fill up the remaining vacancies in manner aforesaid.

*And be it enacted.* That if any suit or action shall be brought or prosecuted against any person or persons for any thing done or to be done in pursuance of this act, that in every such case the action or suit shall be commenced within six months after the fact committed, and not afterwards, and the defendant or defendants, in any such action or suit, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act; and if it shall appear so to be 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 suffer a discontinuance of his, her, or their action or actions, or if a verdict shall pass against the plaintiff or plaintiffs, or upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have such remedy for the same as any defendant or defendants hath or have for costs of suit in other cases at law.

*And be it enacted,* That Mr. Frederick Green, printer, according to his agreement with the house of delegates, shall print and stitch in blue paper covers, seven hundred and fifty copies of this act, and make up into eighteen parcels of thirty-six copies each, directed to the commissioners named in this act for the several counties, and each commissioner shall keep