

Days before the Sitting of the said Court; or at any Time previous to the Trial before the Justice of the Peace, and the said Court and Justice respectively, are hereby empowered and directed on issue, joined to enquire into the Merits of both Demands on Trial, and to give Judgment accordingly.

II. *Provided always nevertheless*, That if the Defendant or Defendants for want of Evidence or any other unavoidable Accident shall be unable to prove and authenticate his, her or their Accounts, Receipt or Demand, as an Offset, against the Plaintiff or Plaintiffs, that then and in such Case, the Defendant and Defendants may at a future Period commence and prosecute his, her, or their Action or Actions against the Plaintiff or Plaintiffs in the original Cause within the respective Time, as limited by the Act of Assembly of this Province, for the Limitation of Actions, and for avoiding Suits of Law. *Provided* he, she, or they (the Original Defendant or Defendants) shall at the Time of the Trial of the first Cause notify the Court, and make Affidavit of the same, that he, she, or they, have a just and equitable Demand against the Plaintiff or Plaintiffs, which for Want of Evidence then without the Jurisdiction of the Court, he, she, or they, are unable to prove and authenticate.

Provided that if for want of Evidence the Defendant cannot prove his Demand he may afterwards bring his Action.

III. *And be it further Enacted*, That in all Actions, which shall hereafter be commenced and prosecuted, and wherein it may appear to the Court, that the Plaintiff or Plaintiffs in such Action have had an Opportunity of pleading his, her, or their Demand, by way of Offset, by Virtue of, and agreeable to this Act, that then and in such Case the Plaintiff or Plaintiffs, altho' a Verdict is found for him, her, or them, shall pay the Costs of Suit, any Law to the contrary notwithstanding.

Where Plaintiffs have had Opportunity of pleading their Demand as an Offset in a Suit, they shall pay Costs although a Verdict is found for them.

C A P. VI.

An ACT in Addition to, and Amendment of an Act made in the fifth Year of His present Majesty's Reign, intituled, *An Act for regulating Servants*.

***** HEREAS great Inconveniences have arisen, and do
 * W * arise from the Misbehaviour of bound and hired Servants,
 * * * for remedy whereof;

Preamble.

I. *Be it Enacted, by the Lieutenant Governor, Council and Assembly*, That from and after the Publication hereof, no Person whatsoever within this Province, shall hire a Man or Maid Servant for any longer Term than One Month, unless a Memorandum of such hiring shall be made in Writing and signed by both Parties in Presence of one Witness at least, who shall read and explain the same to both

Memorandum to be made in writing in all Cases where a Servant is hired for longer Time than a Month.

Y y

Parties,