

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

II. *Provided always nevertbelefs*, That if the Defendant or Defendants for want of Evidence or any other unavoidable Accident fhall be unable to prove and authenticate his, her or their Accounts, Receipt or Demand, as an Offfet, againft the Plaintiff or Plaintiffs, that then and in fuch Cafe, the Defendant and Defendants may at a future Period commence and profecute his, her, or their Action or Actions againft the Plaintiff or Plaintiffs in the original Cafe within the refpective Time, as limited by the Act of *Assembly* of this Province, for the Limitation of Actions, and for avoiding Suits of Law. *Provided* he, fhe, or they (the Original Defendant or Defendants) fhall at the Time of the Trial of the firft Cafe notify the Court, and make Affidavit of the fame, that he, fhe, or they, have a juft and equitable Demand againft the Plaintiff or Plaintiffs, which for Want of Evidence then without the Jurisdiction of the Court, he, fhe, 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 fhall hereafter be commenced and profecuted, and wherein it may appear to the Court, that the Plaintiff or Plaintiffs in fuch Action have had an Opportunity of pleading his, her, or their Demand, by way of Offfet, by Virtue of, and agreeable to this Act, that then and in fuch Cafe the Plaintiff or Plaintiffs, altho' a Verdict is found for him, her, or them, fhall pay the Cofts of Suit, any Law to the contrary notwithstanding.

Where Plaintiffs have had Opportunity of pleading their Demand as an Offfet in a Suit, they fhall pay Cofts 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 prefent Majesty's Reign, intituled, *An Act for regulating Servants.*

***** HER E A S great Inconveniences have arifen, and do
 * W * arife 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 Perfon whatfoever within this Province, fhall hire a Man or Maid Servant for any longer Term than One Month, unlefs a Memorandum of fuch hiring fhall be made in Writing and figned by both Parties in Prefence of one Witnefs at leaft, who fhall read and explain the fame to both

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