

compensate the Defendant or Defendants for loss of time in attending the said Court as the said Commissioners, unless they shall find such failure to have occurred with the assent of or upon a previous understanding with the Defendant, may deem just and equitable.

21. *And be it &c.*, That in all actions which may hereafter be brought before the Commissioners of the Court of Requests, if it shall be proved to the satisfaction of the Court, that the claim of the Defendant exceeds that of the Plaintiff, it shall be the duty of the said Commissioners and they are hereby required to enter judgment in favour of the Defendant for such balance as may appear to be due to the said Defendant together with costs. *Provided always*, that no sett off shall be allowed to be given in evidence before such Commissioners which shall exceed the amount of ten pounds, and *provided always* that if the Plaintiff shall contest such sett off, it shall be incumbent on the Commissioners to suspend judgement and to admit both parties on the next or other subsequent Court day to produce evidence respecting the same, unless the Defendant shall satisfy the Commissioners by evidence on Oath, that he did four days before the return of the summons issued against him, serve the Plaintiff with a statement of the particulars of his sett off, signed by the Defendant, in which case the Commissioners may on the first day appointed for the trial hear and determine the same, confining the sett off to the items specified in such bill of particulars.

22. *And be it &c.*, That if any witness or witnesses in any trial live out of the division where any cause may be tried, but within the District