

XIII. Defendants may in all such cases give ten days' notice to the Plaintiff of any set-off he may claim against the Plaintiff, and judgment may be rendered for the balance, either in favour of Plaintiff or Defendant, as the case may be.

Notice of set-off, and judgment for balance due to either party.

XIV. No person suing for any such debt or demand, by action, without first having endeavoured to get judgment upon such notice, shall be entitled to any costs.

No costs in suit brought without trying to get judgment on notice.

XV. Should the Debtor not appear upon such notice, judgment may be given by default upon proof of the due service of notice and of the actual sum due, so as to satisfy the Judge of its being an honest and *bona fide* claim; but the Defendant may come before the Judge at any time before execution executed and move the Judge to hear the case or modify the judgment, if to the Judge it shall appear that he had any reasonable cause for not appearing in the first instance, or that any mistake or error has occurred in ascertaining the amount.

Judgment by default on reasonable proof.

But defendant may appear and pray hearing before execution done.

XVI. All petit torts and injuries affecting the person or personal property, whether in the nature of trover, case for a consequential damage or neglect of duty or other wrong, or for a direct trespass, not involving the title to land, and where damages cannot reasonably be expected to exceed ten pounds, or the party shall elect to proceed for that amount only, shall be heard and determined before any tribunal established for the summary trial of small causes having jurisdiction within the locality where such cause of action arose, but not before mere Justices of the Peace.

Cases of petit torts, &c., where the damages are not above £10, may be determined before tribunals for the trial of small causes.

XVII. In actions of ejectment where the Deeds and other documentary evidence shall have been admitted to be genuine, either upon the oath of the parties or other proof, the Court shall, upon inspection thereof, decide the question of title, as well legal as equitable; ordering any disputed fact or facts to be either previously or subsequently decided by a Jury for the better information of the Court.

Court may decide without a Jury in cases of ejectment, when titles are admitted to be genuine. Disputed facts to go to a Jury.

XVIII. In any action or suit either party may be examined as a witness; and may by summons or such other process as the Court or a Judge thereof may direct, cause his adversary to come before any Judge or Court having authority to hear any matter in such suit, and to be interrogated upon oath upon any point or matter relevant to the cause of complaint or defence; and such examinations which shall be signed by the party in presence of the Judge, shall be received in evidence in all subsequent stages of the cause, subject however to be rebutted or supported by other evidence or testimony.

Either party may be examined as a witness in any suit.

Effect of such examination.