

occurred with the assent of, or upon a previous understanding with the Defendant) may deem just and equitable.

XX. *And be it further enacted by the authority aforesaid, 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 favor 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 Judgment, 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.*

Court may give Judgment in favor of Defendant for so much of his set off as shall exceed Plaintiff's demand.

No set off beyond £10 to be received.

Plaintiff entitled to four days notice of set off, or Court shall adjourn to consider same.

XXI. *And be it further enacted by the authority aforesaid, That if any Witness or Witnesses necessary in any trial live out of the Division where any case may be tried, but within the District in which such Division is situated, then, and in such case, he, she or they may be Subpœnaed in like manner as if he, she or they lived within such Division, but no costs shall be allowed for such Witness against the opposite party, unless the Commissioners shall find that his evidence was necessary to make out the case of the party calling him.*

Witnesses may be summoned out of Division, if within the District. Costs of such Witness in the discretion of the Court.

XXII. *And whereas it is customary among the people of this Province to contract for the payment of a certain specified amount, or of certain sums, in produce or labour, or in some manner otherwise than in money, and doubts may arise with the Commissioners acting under this Act whether they can adjudge such amount or sums to be paid in money: Be it therefore further enacted by the authority aforesaid, That in any such case, after the day is passed in which the produce or goods should have been delivered, or other thing should have been done, it shall be in the power of the Court, if they find it just in other respects, to give Judgment for the amount in money, as if the debt or agreement had been for money.*

Judgment may be given for Stock Notes.