

jury of Individuals, and Inconvenience of the Public in general, for Remedy whereof;

Surveyor of Highways for the several Townships and Districts in this Province to order the Inhabitants as often as they shall deem necessary during the Winter to work on the public Highways.

Provided no Inhabitant shall be compelled to work more than one Days Labour for any one Fall of Snow, &c.

Inhabitants refusing to obey or neglecting such Orders of the Surveyors of Highways shall forfeit Ten Shillings for each Offence to the Use of the Road where the Offence may be committed.

I. *Be it Enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the First Day of January, which will be in the Year of our Lord One Thousand Seven Hundred and Eighty Eight it shall and may be lawful for the Surveyors of the Highways in the respective Townships and Districts within this Province, to order and direct the Inhabitants as often as they shall deem necessary during the Winter to work on the public Highways with their Horses, Oxen and Sleds, in order that the Roads may be rendered passable. *Provided always nevertheless,* that no Inhabitant shall be compelled to furnish more than one Day's Labour of himself or Cattle for any one Fall of Snow, or where the Fall or Drift of Snow shall not exceed the depth of Twelve Inches.

II. *And be it further Enacted,* That every Inhabitant refusing or neglecting to obey such Order of the Overseers of Highways, shall forfeit for each Refusal or Neglect the Sum of Ten Shillings, to be recovered before any one of His Majesty's Justices of the Peace, and the Money so recovered to be paid into the Hands of the Surveyors of the Roads in the Town where such Offence was committed, for the Use of the Road within such Township.

C A P. V.

An A C T for the more effectually carrying into Execution the Provisions of an Act made in the Sixth Year of His Majesty's Reign, intituled, *An Act to prevent the Multiplicity of Law Suits.*

Preamble.

WHEREAS the Act, intituled, An Act to prevent the Multiplicity of Law Suits, has been found insufficient to prevent litigious and vexatious cross Actions, for remedy whereof;

In all Actions the Defendant to file his Demand as an Offset four Days before the Sitting of the Court, or any Time previous to the Trial by Justice.

I. *Be it Enacted, by the Lieutenant Governor, Council and Assembly, and by the Authority of the same it is hereby Enacted,* That in all Actions commenced in any Court of Record, or brought before any Justice of the Peace on Bond, Bill, Note, Book Account, Agreement in Writing, or any other Assumption or Promise whatsoever, the Defendant or Defendants in such Actions shall file his, her, or their Account, Receipt or Demand as an Offset against the Plaintiff or Plaintiffs with the Clerk of the Court, where such Cause shall have been commenced, or Justice of Peace from whom the Summons or Compulsory Process issued, which Account, Receipt or Demand shall be filed at least four Days

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,