

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,

Parties, which Memorandum shall specify the Period for which such Servant shall have agreed to serve, and the Wages or other Considerations which he or she is to receive for his or her Service, and all verbal Agreements between Master and Servant for a longer Period than One Month are hereby declared to be null and void.

Justice of Peace on the Complaint of the Master to order a reasonable Part of the Servants Wages to be stopped for Misbehavior.

II. *And be it further Enacted*, That it shall and may be lawful for any one of His Majesty's Justices of the Peace on Complaint made by the Master or Mistress of any Servant hired by him or her, either verbally or by Writing, that such Servant has wilfully misbehaved to enquire into the Merits of such Complaint, and if such Justice shall find the same to be well founded, it shall and may be lawful for such Justice to order a reasonable Part or Portion of such Servant's Wages or other Emoluments to be stopped in the Hands of the Master or Mistress, Provided such Stoppage for any one Offence shall not exceed the Sum of Five Shillings.

Such Stoppage for one Offence not to exceed 5s.

And whereas Drunkenness is a Vice become very prevalent among the lower Order of People, and especially among Servants to the great Danger of the Families in which they live, as well as to the great Loss and Injury of their Masters, for Remedy whereof;

Masters not to sell Rum to their Servants on Forfeiture of double the Value of such Rum, nor to stop any Part of their Wages on such Accounts.

III. *Be it Enacted*, That if any Master or Mistress shall sell Rum or other spirituous Liquors to any Servant hired by him or her, such Master or Mistress, shall forfeit and pay for each and every such Offence on Conviction before any Justice of the Peace, double the Value of such Rum, or other spirituous Liquors, and it shall not be lawful for any Master or Mistress; to stop the Wages, or any Part thereof of any Servant or Labourer in his or her Service or Employment, for, or on Account of any Rum or other spirituous Liquors sold to such Servant or Labourer, while in his, or her Service or Employment.

All Notes or other Securities given by Servants in which any Part of the Sum shall have been given for Rum to be void, and all Accounts and Contracts in which such Charge shall be made shall be void, and if sued the Plaintiff shall become nonsuit.

IV. *And be it further Enacted*, That all Notes, Bills, Specialties, or Agreements whatever; which shall hereafter be given to any Person or Persons whatsoever, by any Servant or common Labourer, if it shall appear, that any Part of the Sum due or secured by such Bond, Note, Bill, Specialty, or Agreement, was given for or on Account of any Rum or other spirituous Liquors, the same and every Part thereof shall be void and of none Effect, and all Accounts or Contracts on which Suits shall or may be brought against any Servant or common Labourer, in which shall appear any Charge made, directly or indirectly, for Rum or other spirituous Liquors, the whole of such Account or Contract shall be null and void, and the Party suing the same shall become nonsuit.

V. *And be it further Enacted*, That if any Tavernkeeper, or Retailer, shall by himself, or any other Person, buy, purchase, or receive in Pawn; any wearing Apparel, Tools or Implements of Trade or Husbandry, or any Household Goods or Furniture made up from any Servant or common Labourer, such Tavernkeeper or Retailer shall

shall forfeit and pay for every ſuch Offence a Sum not exceeding Forty Shillings, and the Bargain, Sale, or Pawning ſhall be *ipſo facto* void, and the Articles ſo purchaſed or received, be immediately reſtored, or double the Value thereof, on Pain of Imprisonment, not exceeding one Month, at the Diſcretion of the Juſtice or Juſtices before whom Complaint ſhall be made, and all Perſons keeping a Tavern or retailing ſpirituſous Liquors within this Province, after the Publication hereof, are always to keep a fair legible Copy of this Act paſted or hung up in ſome public and conſpicious Part of their Houſe under the Penalty of Ten Shillings, for each and every Days neglect thereof, to be recovered before any Juſtice or Juſtices of the Peace on the Complaint of any Perſon or Perſons whatſoever.

No Tavernkeeper or Retailer to buy or receive in Pawn any Apparel, Tools or Furniture on Pain of paying 40s. and the Bargain to be void and the Articles to be reſtored.

Tavernkeepers and Retailers to keep a Copy of this Act paſted up in their Houſes, on Penalty of 10s.

And whereas it is become requiſite, as well to provide a more ſuitable Punishment for Perſons convicted of clergyable Felony, Grand Larceny and other Offences, as to bind out to Service all Vagabonds, diſorderly and beggarly Perſons.

VI. *Be it therefore Enacted by the Authority aforeſaid, That from and after the Publication hereof, all diſorderly and beggarly Perſons, who ſhall be found ſtrolling in any Part of this Province, and who on Examination before three of His Maſteſty's Juſtices of the Peace, ſhall not be able to ſhow any viſible Means, whereby he or they obtain a ſober and honeſt Livelihood, it ſhall and may be lawful for ſuch Juſtices to commit ſuch Perſon or Perſons to the next Jail, or Bridwell, and to provide a Maſter or Miſtreſs for ſuch Perſon or Perſons, and to execute an Indenture or Indentures in the uſual Form to bind ſuch Perſon or Perſons to any Maſter or Miſtreſs, who ſhall appear to hire him or them, for ſuch Term of Time, and on ſuch Conditions as ſuch Juſtices in their Diſcretion ſhall think fit, not exceeding Seven Years, and all Perſons convicted of any clergyable Felony, Grand Larceny, or other Offences in any of His Maſteſty's Courts of Judicature within this Province, beſides the Penalty inflicted by Law on ſuch Offenders may be bound out to Service as aforeſaid, by Order of the Judges or Juſtices of ſuch Court or Courts, and all Perſons receiving Indentures from the ſeveral Authorities aforeſaid, ſhall be entitled to the entire Service and Labour of the Perſon or Perſons ſo indented or bound, and all Perſons having Servants bound to them by the Authority aforeſaid, or by the voluntary Act of any Servant, may ſell or aſſign the unexpired Term of ſuch Servant or Servants, and the Aſſignee or Purchaſer ſhall be as fully entitled to the entire Service and Labour of ſuch Servant as the Perſon who aſſigned the ſame. Provided ſuch Aſſignment ſhall be made in the Preſence of, and with the Approbation of three Juſtices of the Peace, and Security given, if required, not to carry ſuch Servant out of the Province.*

All diſorderly Perſons to be apprehended and bound to Service.

Perſons convicted of clergyable Felonies to be alſo bound.

And Maſters holding Indentures of ſuch Servants may aſſign the ſame, provided ſuch Aſſignment is made with the approbation of three Juſtices preſent, and Security given not to carry Servant out of the Province.

VII. *And be it further Enacted, by the Authority aforeſaid, That it ſhall and may be lawful for the Juſtices in Sessions for each and every County*

Justices in Sessions
to make further Re-
gulations respecting
Servants.

County or District within this Province, and they are hereby directed from Time to Time, to make further Orders and Regulations for the better Government and more effectual Correction of disobedient or refractory Servants within their respective Jurisdictions, and also for the apprehending all runaway Servants, and conveying them to their proper Masters and Mistresses.

Former Laws not
hereby expressly
altered to be con-
tinued.

VIII. *And be it further Enacted*, That all and every the former Laws of this Province, respecting Masters and Servants or either of them, so far as the same or any Part thereof are not expressly abrogated or altered by this present Act, shall be construed to be in full Force.

C A P. VII.

An A C T for regulating the Manner of issuing Proceſs and Execution from the *Inferior Courts of Common Pleas* for the several Counties in this Province, and also for altering the Form of the Summons heretofore used.

Preamble.

***** *HERE AS* the Manner of issuing Proceſs from the In-
* *W* * ferior Courts of Common Pleas has been found inconve-
* nient and troublesome, and the Form of the Summons hereto-
***** fore used, has been found expensive and vexatious, for reme-
dy whereof;

No Writ of Execu-
tion from Interior
Court to be directed
to any Sheriff out
of the County, and
no one to be sued
there unless actual-
ly resident within
the County.

I. *Be it Enacted*, by the Lieutenant Governor, Council and Assembly, That from and after the Publication hereof no Writ or Execution issuing from the *Inferior Court of Common Pleas* shall be directed to any Sheriff within the Province, except to the Sheriff of the County or District in which such *Inferior Court of Common Pleas* shall sit or belong to, and no Person or Persons whatsoever shall hereafter be sued in or before any *Inferior Court of Common Pleas*, within this Province, unless such Person or Persons shall be actually resident within the County or District, wherein such *Inferior Court of Common Pleas* shall sit or belong to.

II. *And be it further Enacted*, by the Authority aforesaid, That from and after the Publication hereof all Summons's issuing from any Court of Record within this Province, shall instead of being directed to the Sheriff or Constable, be directed to the Party or Parties, and the Form of the Summons hereafter to be issued from, or by any Court of Record in this Province, shall be as follows :

GEORGE