

with draw himself or herself before Sworn, or shall refuse to give his or her Evidence, in every such Case the Party so offending shall forfeit and pay, if before the Court the Sum of *One Hundred Pounds*, if before *One* or *two* Justices *Five Pounds*; to be levied by Warrant of Distress and Sale from the Court, or Justice or Justices, on the Offenders Goods and Chattels. *Provided nevertheless*, That no Person shall be obliged to give Evidence in any Cause before he or she be paid or secured his or her reasonable Charges for Attendance, to be allowed of and ordered by the Court, Justice or Justices.

*And be it further enacted*, That in all Actions of Account brought against any Bailiff or Factor, or other Person to whom Money or Goods have been delivered, with an Intent that the same shall be accounted for, before the *Inferior Court of Common Pleas*, or the *Supream Court* on an Appeal, when the Defendant shall plead in his Defence any Plea that he ought not to account, it shall be tried by a Jury; and in Case the Verdict be found against him, the Court shall enter Judgment against him, *that he shall account*: And the Court are hereby impowered and directed to appoint *three* able, judicious and indifferent Men, who shall be sworn faithfully to hear, examine, and adjust the Account or Accounts, and examine any Witnesses necessary to explain the same, and also to examine the Parties on Oath, to be sworn before any Justice of the Peace in Manner aforesaid, and under the like Penalty on their Refusal: And when the Auditors shall have adjusted and settled the Accounts, on the Return thereof under their Hands or the Major Part of them, with the Balance thereof stated, the said Court is hereby impowered to enter Judgment agreeable thereto, and award Execution accordingly. *Provided always*, that the *Referees*, *Arbitrators*, or *Auditors*, before they proceed to examine into the Merits of any Cause submitted to them, by the Court on Agreement of the Parties, or by Bonds of Submission, or Auditing of Accounts, shall give Notice under their Hands to all Parties concerned, of the Time and Place of their Meeting, at least *Three Days* before their Sitting; and if any Parties shall refuse or neglect to attend them, they shall, nevertheless, proceed to make up their Award and Determination, and Settlement of such Accounts. *Provided*; That if the Plaintiff or Defendant in such Action, his, or their Attorney, Agent or Factor, shall take Exceptions to such Report, or any Part thereof, and desire the same to be tried by a Jury, which they are hereby impowered to do, the said Court is hereby required to order a Jury to be sworn to try the same; and if upon Trial of the Issue and Judgment, either of the said Parties or their Attornies or Agent, shall not rest satisfied therewith, the said Court is hereby required to allow of an Appeal, upon being moved for.

*And be it further enacted*, That in all Actions sued on Book Accounts, the Defendant in such Cause may file his Account against the Plaintiff, with the Clerk of the Court, *Provided*, the same be done at least *Seven Days* before the Sitting of the Court; and the said Court is hereby impowered to proceed, on Issue joined, to enquire into the Merits of both Accounts before *One* and the same Jury, and on the Verdict of the Jury, to award Costs as they shall find, whether for the Plaintiff or Defendant; and where the Action shall be commenced on any Bond, Bill, Note, or Agreement