

*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 Ballance 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*, 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 of the Parties shall refuse or neglect to attend them, they shall, nevertheless, proceed to make up their Award and Determination. *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 Attorneys 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 the Time the Defendant files his Plea with the Clerk of the said Court; and the said Court is hereby impowered, to proceed, on Issue joined, to inquire 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 in Writing*, the Defendant may, in like manner, file his Receipts or Discharge for Part or the Whole, according as he hath made Payment; *Provided* such Receipt or Discharge be in Writing, signed by the Plaintiff or his Attorney lawfully impowered to receive the same; and the Court is hereby impowered to proceed to examine into the Merits of the same, in the same manner as in *Book Accounts*, between the Plaintiffs and Defendants, and equitably to reduce all such *Bonds, Notes, Bills, and Writings Obligatory*, to the just Debt, *with Interest, Damages and Cost*, according to the Nature of such *Writing, Deed, or Instrument*, and the Jury are hereby impowered to give their Verdict accordingly.