

Waging of Law against an account Book may be admitted or refused according to the sound discretion of the Judge

Where any Executor or Administrator is sued by in the Action the Judge may admit such Proof as he shall think necessary and sufficient according to the case this act to endure for three years from this present day

### 9 An Act touching Verdicts & Judgments

In Actions of debt it shall be a good plea for the Defendant to say the Plaintiff (or other Party whose Assignee the Plaintiff is) is indebted to him upon account in which case the account shall be balanced and Judgment given only upon the clear Account

If the Judge think any Verdict grievous to either Party or exceeding the issue committed to their enquiry he may return them to Consider better of it or charge another Jury with it at the Instance of either party deaving it and undertaking the Charge to which end the Point in issue shall be delivered to the Jury in Writing and the Verdicts returned likewise in writing underneath it which shall be kept upon a file by the Clerk of the Court for the justification of his entry

And if the Judge find the Jury evidently partial or wilful he may charge another Jury to enquire & try by the same evidence and if they find contrary