

hear and determine the same without the intervention of a Jury.

Same provision with regard to Q. B.—and C. P. (except as to certain kinds of action) as by Sect. 2. with regard to a County Court.

IV. And be it enacted, That in any suit depending in the Court of Queen's Bench or Common Pleas (ejectment, dower and libel excepted) in which issue shall have been joined, it shall be incumbent on the plaintiff, if he desire the same to be tried by a Jury, to give notice to that effect in his notice of trial, and he shall attach a copy of such notice to his record when it is examined and passed; and if any defendant shall require a Jury to try the matter, he shall give to the plaintiff, his attorney or agent, as the case may be, a written notice of such intention, three days at least before the day of trial, and shall attach a copy of such notice to the record entered with the proper officer for trial, and, if at the trial, though notice of a jury has been given, both parties agree not to try by Jury and before a Jury is empaneled, they may fyle a written consent to that effect and proceed to try without a Jury; and if at the trial, and no notice of a Jury has been given as aforesaid by either party, they may nevertheless try by a Jury, provided the parties fyle a like consent in writing.

Fees of Clerk of assize when there is no Jury.

V. Provided nevertheless, and be it enacted, That in all cases disposed of without the intervention of a Jury, the Clerk of Assize shall only be entitled to receive *one shilling and three pence* for receiving and fyling the record, and *two shillings and six pence* for recording the verdict.