

No trial by jury in cases under £50.

LXXX. The thirty-fifth and eighty-eighth sections of the said Act of 1849, chapter 38, are hereby repealed, and no trial by jury shall be allowed in any civil suit or action wherein the sum of money or value of the thing demanded or in dispute shall not exceed fifty pounds currency, unless the same shall have been instituted before the time when this section shall come into effect, and one of the parties thereto shall, before the said time, have declared his choice or option to have a trial by jury therein, in which case the said eighty-eighth section shall apply. 5

Exception as to trials already demanded.

How witnesses shall be examined in contested cases in Superior Court, and in contested appealable cases in Circuit Court.

LXXXI. Every witness in any contested case in the Superior Court, and in every contested appealable case in the Circuit Court, shall be examined in the presence of a Judge of such Court, who may put any question to the witness which he shall deem pertinent to the issue, and who shall take down in writing, or cause to be so taken down by the Prothonotary or Clerk of the Court or a writer employed by him, but under the immediate direction of the Judge, notes of the material parts of the evidence given by such witness, and of any objections insisted upon on either side and the adjudication thereon; and such notes shall be read over, and if necessary explained to the witness, who may have such additions or corrections made thereto or therein, as shall be necessary to make them truly state the material parts of his evidence, and shall then sign them if he can write, they shall then be signed by the Judge, and shall stand as the evidence given by such witness. 10 15 20 25

Next preceding section not to apply to jury trials.

LXXXII. The next preceding section shall not apply to the taking of evidence at trials by Jury in civil cases, to which the provisions of the fourth section of the Jury Act of 1851, chapter 89, in that behalf, shall continue to apply.

Notes to be taken of oral admissions: their effect.

LXXXIII. The Judge presiding at the *Enquête* in any such case as last mentioned, or at a Trial by Jury in any civil case, shall take, or cause to be taken, by the Prothonotary or Clerk of the Court, or a writer employed by him, notes of any oral admissions made by any party, and such notes being signed by the Judge shall make part of the evidence in the case, and shall avail as if made in writing in due form by such party. 30 35

In *ex parte* cases evidence may be taken by the Prothonotary or Clerk.

LXXXIV. In any case in the Superior Court, or appealable case in the Circuit Court, where the Defendant shall make default or the Plaintiff shall become entitled to proceed *ex parte*, the evidence may be received by the Prothonotary or Clerk of the Court at the place where the action is brought, and notes thereof made and signed by him, at any time in term or out of term, and he may swear the witnesses and do all other things with regard to the *enquête* in such case which a Judge of the Court might do. 45

Parties summoned to answer

LXXXV. Any party summoned to answer interrogatories on *faits et articles* in any case in the Superior or Circuit Court, may