

necessary by Affidavit) why such relief as is claimed by the Plaintiff, should not be had against him ; and each party may, on giving five clear days' notice in writing prior to any hearing, of his intention so to do, examine the other party upon the matters relating to such claim ; and the Judge, on hearing the claim, and what the Plaintiff alleges in support thereof, and such other evidence, whether oral or written, or by Affidavit, as he may produce in that behalf, and what may be alleged on the part of the Defendant, and such evidence whether oral or written or by affidavit as he may produce in that behalf, or on production of an affidavit, that the Writ of Summons and copy of claim aforesaid have been duly and personally served on such Defendant, may, if he shall think fit, make an Order granting or refusing the relief claimed, or directing any accounts or enquiries to be taken or made, (such accounts or enquiries to be taken or made before the Judge if he shall deem such course proper or expedient, or before the Clerk of such Court, at days or times to be appointed by the Judge for that purpose,) or may direct such other proceedings to be had for the purpose of ascertaining the plaintiff's title to the relief claimed, or make such other Order as according to the nature and circumstances of the case shall seem to be just and proper ; and further, the Judge may direct such persons, or classes of persons, as he may think necessary or fit, to be summoned or ordered to appear as parties to such claim, or on any proceedings with reference to any account or enquiries directed to be taken or made, or otherwise ; and all oral evidence given by any person before such Judge relating to such claim, shall be upon the oath of the person giving the same, to be administered by or before said Judge ; and further, in default of the appearance of either of the parties, the said Judge may make such Order, as to the payment of costs by the party in default, as to him may seem meet.

VIII. And be it enacted, That the said Judge of the County Court shall be the sole Judge in all actions brought in the said County Courts respectively under the jurisdiction given by this Act, and shall determine in a summary manner all questions of law or equity as well as of fact arising therein, unless the said Judge shall think it proper to have any fact or facts controverted in the action tried by a jury, or either party shall apply to have such facts tried by a Jury ; and upon order made allowing a trial by Jury, such trial shall take place at the then next sitting of such County Court, and be conducted in the same manner as other trials by Jury in the said Court are conducted, and the Judge may, unless a new trial be moved for within ten days after verdict rendered, proceed to make such Order and Decree on the verdict of such Jury as according to the nature and circumstances of the case shall seem just and proper.