

being, or by the person in charge for the time being of any other Public Office, in which any such documents may be deposited, shall be admissible in evidence before such Commissioners, or upon any other Judicial proceedings under this Act, in the same manner, and no other, as if the same were proved by evidence 5 given *vivâ voce*; Provided always, that it shall be the duty of any person employed in any Public Office in this Province to answer upon oath, to be administered before any Commissioner for taking affidavits in the Court of Queen's Bench or Common Pleas, any questions which the Commissioners to be appointed 10 under this Act shall in writing require to be answered; and that the evidence obtained in such manner shall be received as if given *vivâ voce* before the Commissioners; Provided it be made appear to their satisfaction, that the parties interested have had a reasonable opportunity afforded to them of proposing 15 questions by way of cross-examination.

Public Officers may be examined, and how.

Proviso.

False swearing to be perjury.

XII. If any person shall wilfully and corruptly swear falsely in any case under this Act, either *vivâ voce* or by way of answer in any written deposition, such false swearing shall be deemed to be wilful and corrupt perjury.

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Provision if a case which ought to have come before the Commissioners shall be brought in a Superior Court.

XIII. In case any action or suit shall hereafter be brought in any of the Superior Courts, touching any question which might have been tried and decided before the said Commissioners, it shall and may be lawful for the defendant in such action to apply to the said Court, or to a Judge thereof in vacation, who 25 shall upon proof of the facts, upon affidavit to be duly sworn and laid before the said Court, or before such Judge as aforesaid, grant a rule of the said Court for the stay of all proceedings in such action, and for payment of the costs of and attending such rule by the plaintiff in such action or suit, unless it 30 shall appear to the Court or Judge, upon hearing the parties, their Counsel or Attorney in reply, that from the nature and circumstances of the question in dispute, it was a proper case to have been instituted in the first instance in such Superior Court.

Provision if the party obtaining the precept shall make default.

XIV. If the party at whose instance a precept shall have 35 been issued by Commissioners under this Act, shall neglect or fail to appear either in person or by his Counsel at the sitting thereby appointed to be held as aforesaid, or at any other sitting to be holden under the provisions of this Act, at which his presence shall be required, or shall otherwise make default 40 therein, then the said Commissioners are authorized and empowered, to ascertain the costs incurred therein, as well by such party as by the respondent; and such costs shall be recoverable from the party making such default, in the manner hereinbefore directed with respect to costs on judgment or 45 decree.

Provision if the party res-

XV. If the party respondent shall, in like manner, make default in appearing, either in person or by Counsel, after