

positions of the Witnesses to be taken by and before any such examiner shall contain all the requisites and be subject to the same rules, formalities and restrictions as by law are now required and provided for depositions taken in open Court, and before any such deposition shall be received or taken, the examiner shall and he is hereby empowered to administer the oath prescribed by law to each Witness. And whenever any objection shall be made or exception offered by either of the parties in any cause to the competency or credit of any Witness, before such examiner, or to any question proposed to any such Witness, it shall be the duty of such examiner to take down and insert such objection or exception at full length in the deposition of the said Witness, so as that the party making the same may have the full benefit thereof in the further progress of the cause. Provided always, that notwithstanding any such objection or exception, the said examiner shall be bound to proceed to the taking and completing the deposition of the Witness as fully as if no objection or exception had been made, to the end that if such objection or exception be overruled by the Court the adverse party may avail himself of such deposition, or if sustained, the Court may proceed to reject the deposition of any such Witness or such part or parts thereof as may be adjudged inadmissible.

IV. And be it further enacted, that in every cause which shall be regularly inscribed upon the roll of *enquêtes* before such examiner as aforesaid, by the plaintiff or plaintiffs in such cause, such cause being called on before such examiner on the day and hour, and at the place fixed for the adduction of evidence, such plaintiff or plaintiffs shall not appear, or appearing shall not be ready to proceed, and the defendant or defendants in such cause shall then and there appear and be ready to proceed, the said examiner shall record and certify and return the same into the Court in which such cause may be pending, and thereon if such plaintiff or plaintiffs shall not then shew good cause for not having so proceeded, the action of the said plaintiff or plaintiffs shall by the said Court be dismissed *sauf à se pouvoir* with costs to such defendant or defendants.

V. And be it further enacted, that in every cause so inscribed as aforesaid upon the roll of *enquêtes* before any such examiner in which the plaintiff or plaintiffs shall appear on the day and hour and at the place fixed for the adduction of evidence in such cause and shall be ready to proceed, and shall make due proof by affidavit or certificate of due service of the