

expired, it being hereby provided and declared, that if such defendant or defendants do not use due and proper diligence to obtain the execution of such rule or order and a return thereof within the period limited for that purpose, the *enquête* in such cause shall be deemed and considered as closed, unless good and sufficient cause can be shewn to contrary by such defendant or defendants:

VIII. And be it further enacted, that in all cases prosecuted in the said Courts of King's Bench respectively, wherein the defendant or defendants shall not have appeared, or having appeared, shall have neglected to file a plea within the time prescribed by the rules and orders of the Court, and thereon the plaintiff or plaintiffs in any such case may have obtained leave to proceed *ex parte*, and in all cases wherein by law the plaintiff or plaintiffs may be entitled so to proceed *ex parte*, it shall and may be lawful for the said plaintiff or plaintiffs in any such case, if he or they see fit, to inscribe the cause upon the roll of *enquêtes* before any examiner, to be named and appointed as aforesaid, and thereon proceed to the adduction of proof and the depositions of the Witnesses produced and examined before such examiner in such *ex parte* cause shall be valid and effectual to all intents and purposes as if such depositions had been taken in open Court.

IX. And be it further enacted, that it shall and may be lawful for the said Justices of the said Courts of King's Bench respectively, in the superior terms thereof, from time to time to make such rules and orders as may appear to them expedient and necessary to promote the beneficial purposes of this Act, and for the due examination of Witnesses in vacation before any examiner, to be named and appointed as aforesaid, and the said Justices shall have power and authority to make a table of fees to be allowed to and taken by such examiner and by the Attorneys and Advocates employed before him, and also of the sums to be allowed and taxed by such examiner in favour of each Witness, as well for his attendance as for his travelling expences, as to such Justices in their respective Courts may be found just and adequate, and from time to time to alter and correct the same, to which said rules and orders and table of fees the said examiner, the parties, their Attorneys and Advocates, the officers of the said Courts and the said Witnesses respectively shall be bound to conform.

X. And be it further enacted, that in all causes and suits which now are or hereafter may be depending in the Court of King's Bench for the several Districts of this Pro-