

and the cause shall, as far as relates to any motion to dismiss the Bill for want of prosecution, stand in the same situation as if such order had not been made.

Amendment after Replication.

XI. That after a Replication has been filed, the Plaintiff shall not be permitted to withdraw it and to amend the Bill without a special order of the Court for that purpose, made upon a motion of which notice has been given; the Court being satisfied by affidavit that the matter of the proposed amendment is material, and could not, with reasonable diligence, have been sooner introduced into the Bill.

Dismissal for want of prosecution.

XII. That where the Answer of a Defendant is to be deemed sufficient, if the Plaintiff or Plaintiffs shall not proceed in the cause, the Defendant shall be at liberty, after the expiration of Twenty-one days, to move, upon notice, that the Bill be dismissed with costs for want of prosecution; and the Bill shall accordingly be dismissed with costs, unless the Plaintiff or Plaintiffs shall appear, upon such motion, and give an undertaking to file a Replication, and serve a Subpoena to rejoin; and in case a Commission to examine Witnesses shall be requisite, he or they shall obtain and serve an order for such Commission, within one week from the date of such undertaking; or unless the Plaintiff or Plaintiffs, without filing such Replication, shall appear upon such motion, and give an undertaking that the cause shall be heard, as against the Defendant making the motion, upon Bill