

be obtained from the court or a Judge thereof. He shall issue subpoenas for witnesses for either party, except where he is required to proceed *ex parte*; and he shall cause to come before him all witnesses subpoenaed, at the time appointed, to be examined; and their attendance and duty to testify may be enforced by attachment, to be issued and returned as provided in section 299.¹

An. Code, 1924, sec. 271. 1912, sec. 254. 1904, sec. 236. 1888, sec. 218. Rule 36.

283.¹ All examinations of witnesses before the examiners shall be conducted in the presence of the parties, or their solicitors, if they think proper to be present; and the mode of examination shall be either by written interrogatories filed with the examiner, to be by him propounded to the witnesses, and the answers thereto written down by him, as has heretofore been the practice of commissioners in taking testimony; or the witnesses may be examined by the parties, or their solicitors, *viva voce*, and in such case, the answers of the witnesses shall be reduced to writing by the examiner, and the questions also, if necessary to the understanding of the answers of the witness, or if it be required by either party. By agreement of the parties or by order of Court, in its discretion, the testimony may be taken in short-hand and afterward typewritten under the direction of the examiner. The testimony produced by both parties shall be taken before the same examiner, unless, for special reasons, it be otherwise directed by the court or judge thereof, and all *viva voce* examinations shall, as near as may be, be conducted in the manner and order of the examination of witnesses in the trials of fact in the courts of common law. The defendant shall not be compelled to proceed with the taking of his testimony until the plaintiff has finished or declared he has none to take; nor shall the plaintiff be compelled to proceed with the rebutting testimony, until the defendant has completed the testimony on his part.

An. Code, 1924, sec. 272. 1912, sec. 255. 1904, sec. 237. 1888, sec. 219. Rule 37.

284. In all examinations, whether conducted by written interrogatories or *viva voce*, at the conclusion of the examination by the parties, the examiner shall put to the witness an interrogatory in the following form: "Do you know, or can you state, any other matter or thing which may be of benefit or advantage to the parties to this cause, or either of them, or that may be material to the subject of this your examination, or the matters in question between the parties? If yea, state the same fully and at large in your answer." And the examiner shall write down the answer to said interrogatory, as part of the deposition of the witness.

An. Code, 1924, sec. 273. 1912, sec. 256. 1904, sec. 238. 1888, sec. 220. Rule 38.

285. In all cases the testimony shall be written down in the language of, and as delivered by, the witness, and be signed by him in the presence of the parties or their solicitors, or such of them as may attend, unless such signing be waived; but if the witness, for any cause, may not be able to sign the same, or shall for any reason refuse so to do, and the signature is not waived, the examiner shall sign the deposition, stating the reason why the witness has not signed the same; and the examiner may, upon all examinations, state any special matters to the Court that he may deem proper, to enable the Court the better to understand the evidence. Any question or

¹ Thus amended by equity rules 35 and 36, November 21, 1919, adopted by the court of appeals in accordance with sec. 18 of art. 4 of the Constitution.