

1888, art. 16, sec. 22. Rule 55.

22. The auditor shall regulate all the proceedings in every hearing or examination before him ; and in addition to his right and power to examine the parties to the cause, and all witnesses produced by them, or which they may cause to be summoned, on oath or affirmation touching the matters of the reference, he shall also have power and authority to require the production of all books, papers, writings, vouchers and other documents applicable thereto, where, by the principles and practice of courts of equity, the production of such writings may be compelled ; and if any party so liable to produce such books, papers, writings, vouchers or other documents, shall fail or refuse so to do, when required by the auditor, such party shall, without delay, be reported to the court by the auditor, with the facts of the case, that the proper proceeding may be taken thereon, by way of attachment or otherwise, as justice and the settled practice may require.

Ibid sec. 23. Rule 56

23. All parties accounting before the auditor shall produce their respective accounts in the form of debtor and creditor ; and any of the other parties interested, who shall not be satisfied with the account so produced, shall be at liberty to examine the accounting party, *viva voce*, or, upon written interrogatories, before the auditor, who shall write down and report the testimony, if required. And in all cases where the auditor may be required to take testimony to be reported to the court, he shall observe and pursue the same mode and form of examination, and writing down the testimony as that prescribed to be observed by examiners.

Books and Papers, Production of.

Ibid. sec. 24. 1860, art. 16, sec. 20. 1798, ch. 84.

24. The courts of equity shall have power and authority, on the application of either party on the trial of any actions at law or suits in chancery, either for discovery or relief, to require and decree that the parties shall produce either the original books, writings or papers, or copies certified by a justice of the peace, of all such parts of such books, writings or papers in their possession or power as contain evidence pertinent to the issue, or relative to the matters in dispute between the parties, to be used as evidence at the trial of such cause ; but