

1888, art. 16, sec. 220. Rule 40.

238. In all cases the testimony shall be written down in the language of, and as delivered by, the witness, and when completed shall be read over to the witness, and be signed by him in the presence of the parties or their solicitors, or such of them as may attend ; but if the witness, for any cause, may not be able to sign the same, or shall for any reason refuse so to do, 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 questions that may be objected to by either of the parties shall be noted by the examiner upon the deposition ; but he shall not have power to decide on the competency, materiality or relevancy of any question proposed or evidence elicited, nor as to the competency or privilege of any witness offered. All questions of privilege raised, or demurrer interposed, by any witness, to questions propounded shall be at once reported by the examiner to the court or judge thereof for decision, and the court or judge shall hear and determine the same without delay ; and in such cases the court may award costs as justice may appear to require ; and in all cases the court shall have full power to deal with and to direct the payment of the cost of incompetent, immaterial or irrelevant evidence, or any part thereof, as justice may require, apart from the general costs of the case.

Ibid sec. 221 Rule 41.

239. So soon as the examination of witnesses before the examiner shall be concluded, the original depositions, with all vouchers, documents or other papers filed with the examiner as evidence, shall be put together in proper order and form, so as to be convenient for reference and use, and be authenticated by certificate and signature of the examiner, and by him enclosed, with the titling of the cause endorsed thereon, and filed with the clerk of the court, without delay.

Ibid. sec. 222. Rule 42.

240. Testimony shall be taken without any unnecessary delay, and it shall be the duty of the examiner to avoid such delay as far as possible. After the lapse of a reasonable time for the taking of testimony, either party may obtain a rule on the adverse party to close the taking of his testimony within