An. Code, sec. 257. 1904, sec. 239. 1888, sec. 221. Rule 39.

274. 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; he shall also return properly authenticated all other exhibits filed with him as evidence.[1]

An. Code, sec. 258. 1904, sec. 240. 1888, sec. 222. Rule 40.

275. 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 such reasonable time after notice of such rule as may be deemed proper; and any testimony taken after the lapse of that time shall not be read in evidence at the hearing of the cause. But it shall be in the discretion of the court to enlarge the time, on application of the party against whom such rule may have been obtained, upon sufficient cause shown.

See notes to sec. 276.

An. Code, sec. 259. 1904, sec. 241. 1888, sec. 223. Rule 41.

276. Evidence taken and returned shall be opened by the clerk, and shall remain in court ten days, subject to exception, before the cause shall be taken up for hearing unless by agreement of the parties, such time be waived; but after the expiration of that time the cause shall stand for hearing, unless some sufficient cause be shown to the contrary. This section not to apply to interlocutory applications.

Where exceptions are filed five days after a decree was passed but were not acted upon by the lower court, neither this section nor the decisions of the court of appeals are complied with. Nalle *v.* Safe Deposit & Tr. Co., 120 Md. 196.

An exception should be noted at the time testimony is taken to the evidence deemed inadmissible; no reason need be stated unless the objection is to the question as leading. While the testimony is lying in court under this section, written exceptions to such inadmissible evidence should be filed, clearly indicating the testimony excepted to, and the ground on which the exception is based. Gerting *v.* Wells, 103 Md. 638; Freeny *v.* Freeny, 80 Md. 409.

The fact that testimony has not lain in court for ten days, is waived by consenting to a hearing; such objection should be made when the case is taken up. Clark *v.* Callahan, 105 Md. 610.

This section does not apply to interlocutory applications, where no evidence has been taken, and a party is in default. Moody *v.* Moorman, 107 Md. 243.

This section has no application where after a regular hearing, the case is remanded to an examiner solely for the purpose of enabling the plaintiffs to offer additional proof of their claims. Chatterton *v.* Mason, 86 Md. 244.

An. Code, sec. 260. 1904, sec. 242. 1888, sec. 224. Rule 44.

277. The examination of witnesses *de bene esse* or for the perpetuation of their testimony, when by law allowed, may be had before an examiner, in the mode and form as prescribed in sections 271, 272, 273 and 274; and if no good objection be made to such testimony in twelve months