

revision or determination by any court of equity having jurisdiction in the premises. In the absence of special circumstances such allowance shall be equal to one-half of one per cent upon the value of the corpus so distributed.

In determining what is a single trust for the application of the rates aforesaid all property held undivided under the terms of the Will or other instrument creating such trust, shall be considered as a single trust; but after any shares have been set apart or divided, to be held in separate trust, under the terms of any such will or other instrument, each separate trust so set apart shall be considered as a single trust.

Witnesses and Testimony.

An. Code, 1924, sec. 269. 1912, sec. 252. 1904, sec. 234. 1888, sec. 216. Rule 34. 1929, ch. 489.

281. Except where testimony is to be taken beyond the limits of the State, or beyond the limits of the county or city for which the Court exercises jurisdiction, no commissions to take testimony shall issue. The Circuit Court for each of the counties, and the Supreme Bench of Baltimore City shall each appoint two or three experienced and competent examiners, who shall, upon qualification, be officers of the Court; and for any special reason, a special examiner may be appointed; provided that the Circuit Court for Prince George's County may appoint four such examiners. These examiners shall have authority to issue subpoenas for witnesses, administer oaths, notify parties of the time of their sittings, and to preserve order and decorum during their sessions. Any person refusing to obey subpoenas issued by such examiners, or who shall be guilty of violating the order and proper decorum of the sessions of said examiners while in the discharge of their duties shall be reported by the examiners, together with the facts of the case, to the Court; and upon hearing, the Court, if satisfied of the facts as reported, and that the party was guilty of the matter charged, shall punish the party so offending. Such examiners shall be entitled to receive four dollars per day, for each and every day actually employed; to be paid by the party at whose instance the service may have been rendered. And it shall be the duty of such examiners, in making their returns to the Court, in each case, to certify the time that they have been actually employed, and at whose instance, and the amount taxable to each party for services rendered.

As to testimony in injunction cases, see sec. 91.

As to commissions to take testimony outside of Maryland, see art. 35, secs. 21, 22 and 23, and notes.

As to commissions at law to take testimony in this state, see art. 35, sec. 24, *et seq.*

An. Code, 1924, sec. 270. 1912, sec. 253. 1904, sec. 235. 1888, sec. 217. Rule 35.

282. Whenever any cause is at issue involving matter of fact, or whenever any evidence is required to be taken, to be used in any proceeding in equity, it shall be competent to the party desiring to take evidence to notify one of the regular examiners, or any special examiner that may be appointed, of such desire, and to furnish him with the titling of the cause and the names of witnesses to be summoned to testify; and the examiners so applied to shall fix some reasonable day or days for the examination of witnesses, and the taking of evidence, of which he shall give due notice to the parties concerned, or those entitled to receive such notice, as if he were proceeding under a commission to take testimony, under former practice, provided that for the taking of testimony in divorce cases leave shall first