

of the court to enlarge the time, on application of the party against whom such rule may have been obtained, upon sufficient cause shown.

Rule 43.

**223.** 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.

Rule 44.

**224.** 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 218, 219, 220 and 221; and if no good objection be made to such testimony in twelve months from the time of the return to court thereof, the court shall order the same to be recorded in perpetual memory.

Rule 45.

**225.** In the circuit court of the city of Baltimore, it shall be competent, by the agreement of the parties, with the concurrence of the court, instead of the mode of taking testimony as provided in the preceding sections, to examine the witnesses, or any of them, orally in court, in the presence of the judge thereof, as to all or any of the facts desired to be proved; and the evidence so taken shall be written down, as delivered by the witnesses, by such person and in such manner as the judge may direct, and shall be filed in the cause as part of the proceedings thereof, to be used as if taken before an examiner.

Rule 46.

**226.** Upon any petition, motion, or other interlocutory application, for the hearing and determination of which evidence may be required, the court or judge thereof may order testimony to be taken before an examiner, or before a justice of the peace, upon such notice, and in such manner as the court or judge may think proper to direct, to be used at the hearing of such matter.