



RULES

OF THE

CIRCUIT COURT

FOR

PRINCE GEORGE'S COUNTY

MARYLAND



AT LAW

RULES
Of The Circuit Court For
Prince George's County, Maryland

RULE ONE

Dockets

The Clerk of the Circuit Court shall prepare and keep the following Dockets:

Section 1. A civil Appearance Docket which shall contain the originals and renewals to each term.

Section 2. A Criminal Trial Docket which shall contain all criminal continuances, presentments and indictments.

Section 3. A Criminal Appeal Docket which shall contain all cases and proceedings arising under statutes conferring criminal jurisdiction upon Justices of the Peace, and brought into this Court for trial, and all criminal cases brought into this Court for appeal from judgments of Justices of the Peace.

Section 4. A Civil Trial Docket which shall contain all cases standing ready for judgment or trial, except those mentioned in Section 10 of this rule, all cases in which the defendants were summoned to appear at a previous term which have not been disposed of; all issues sent for trial from the Orphans' Court or Equity Court; all cases of removal to this Court from other counties for trial, and all cases transferred from the Speedy Judgment or Confessed Judgment Dockets.

Section 5. A Recognizance Docket which shall contain all recognizances entered into before Justices of the Peace and returned to the Court, as well as all entered into in this Court.

Section 6. A Civil Appeal Docket which shall contain all civil cases appealed from judgments of Justices of the Peace, from orders of the County Commissioners, and all appeals in other civil cases.

Section 7. A Judicial Docket which shall contain all executions issued and returnable to the Court.

Section 8. A Stet Docket which shall contain all cases which shall be steted in accordance with the provisions of Rule 8 of these Rules.

Section 9. There shall also be a Petitions Docket which shall contain all petitions for Habeas Corpus, for Writs of Certiorari, Appeals from Officers of Registration, Petitions for Writs of Mandamus, Condemnation proceedings, and all other types of cases or proceedings not specifically provided for in these Rules, or by law.

Section 10. There shall be dockets maintained wherein shall be entered all confessed judgments and those cases filed in accordance with Article 17, Section 197 of the Public Local Laws of Maryland, generally known as the Speedy Judgment Act, provided, however, that when a contest arises affecting any case placed on these dockets, the same shall be immediately transferred to the Civil Trial Docket provided for in Section 4 of this rule.

RULE TWO

Terms

There shall be two terms of this Court as at present to which Jurors shall be summoned, to be held on the first Monday in April and the first Monday in October in each year, and there shall be as required by the Constitution, two intermediate terms to which jurors shall not be summoned, to be held on the third Monday in June and the third Monday in January in each year. Suits may be

brought and process issued to the said non-jury terms as fully in every respect as to the regular jury terms. Suits brought to one term, either jury or non-jury term, shall stand for trial at the succeeding jury or non-jury term respectively, except as provided by Article 17, Section 197, and Amendments thereto, of the Public Local Laws of Maryland, generally known as Speedy Judgment Act or Forty-Day Act.

RULE THREE

Rule Days

Section 1. For the purpose of facilitating the trial of causes and to compel parties to file their pleadings in time to have their causes ready for hearing at the trial term, there shall be the following Rule Days, to wit: The first Monday in March, the third Monday in May, the first Monday in September, the third Monday in December, and the Tuesday next preceding the first day of each term.

Section 2. When the defendant to any cause shall appear the plaintiff shall be ruled to declare by the next Rule Day. In all cases where the declaration or other pleading shall be filed by the Rule Day, the adverse party shall be ruled to plead, reply, rejoin, etc. as the case may be, by the next Rule Day. A party who has once been in default and who has thereby delayed bringing the suit to issue, shall not afterwards upon filing his pleadings and the adverse party replying thereto, be entitled to have until the next Rule Day to file his subsequent pleading, but may be compelled by the Court to file the same within such time as the Court may prescribe with a view to trial of the cause, at the proper trial term. No cause shall be continued at the instance of a party, who has been in default unless the Court upon special cause shown shall deem a continuance necessary to further the ends of Justice.

Section 3. After service of process the entry on the docket of the filing of a declaration or other pleading shall be sufficient notice to the adverse party and shall require him to plead, reply, rejoin, etc., although the rule be not actually laid by the Clerk. The plaintiff, however, shall file an extra copy of the original pleading or titling to be served with the summons, but the failure to do so shall not affect the requirement to plead in the preceding sentence. Copies of all subsequent pleadings shall be left with the Clerk of the Court by the party filing the same, to be delivered by the Clerk to the adverse party or his attorney, unless such pleadings shall clearly show in writing that a copy has been so delivered or mailed by the party filing the plea to the opposite party.

Section 4. In every case upon the Appearance Docket filed by titling, when the defendant has been returned "Summoned" the plaintiff shall be considered as lying under a rule to declare by the Rule Day next succeeding the return day in the summons, and in every such case the Clerk shall enter as of course a rule to declare by the next Rule Day.

RULE FOUR

Call of the Docket

Section 1. There shall be a preliminary call of the Civil Trial and Civil Appeal Dockets on the second Tuesday of March and the second Tuesday of September of each year for the purpose of marking cases for trial or continuance, as the case may be, and selecting cases for trial by jury or before the Court, and for the further purpose of setting cases on the Civil Trial and Civil Appeal Dockets for trial. At the calling of these dockets all cases to be tried, and ready for trial, shall be set for trial either specially or generally, and the Court will entertain motions to set an individual case for trial on a special day upon cause being shown, unless the busi-

ness of the Court otherwise requires. Cases that are removed from other jurisdictions to this Court for trial or cases wherein there are witnesses to testify who reside beyond the jurisdiction of this Court, and therefore may not be compelled to attend Court, may constitute sufficient cause to set a case for trial on a special day. Other cases not falling in these categories will be set for trial on a special day for such reasons as to the Court seem just and proper. Appeals from Justices of the Peace, however, will not be specially set for trial. Cases that are specially set for trial shall be tried first on the day so designated, subject, however, to the completion of any case not completed on the previous day. The Court may set for trial on any one day such number of cases as the business of the Court may require.

Section 2. The Civil Appearance Docket shall be considered on the first Monday of each term for the purpose of entering appearances, motions, rules, and orders. Judgments proper to be entered in such cases shall then be made and entered.

Section 3. The Civil Trial and Civil Appeal Dockets shall next be considered for the purpose of entering judgments in plain and uncontested cases, enforcing rules laid on plaintiffs or defendants, laying rules and receiving motions, and making such changes in the schedule of cases set for trial as the Court may order.

Section 4. There will be no general calling of the Recognizance Docket, but the State's Attorney at any time agreeable to the Court may call an individual recognizance, at which time if the defendant does not answer the bond will be forfeited nisi. After the expiration of forty-eight hours, if the defendant does not appear, upon motion made by the State's Attorney and in the discretion of the Court, the bond may be forfeited absolute. All cases wherein bonds are given to keep the peace, however,

will be called on the first Monday of each jury term at 2:00 o'clock P. M. immediately prior to the calling of the Criminal Appeal Docket.

Section 5. The Criminal Appeal Docket will be called after 2:00 o'clock P. M. on the first Monday of each jury term and trials on said docket proceeded with at the conclusion of the Civil Trials, unless otherwise ordered by the Court.

RULE FIVE

Law Days

Section 1. For the purpose of hearing motions, demurrers, motions for Bill of Particulars, exceptions to demands for Bill of Particulars, and other preliminary or special motions, there shall be the following Law Days, to wit: The day on which the non-jury term begins in January, the first Friday after the first Monday in March, the day on which the non-jury term begins in June, and the first Friday after the first Monday in September. The Court may, however, set further special law days, at such time as the business of the Court may require.

Section 2. All demurrers, motions or other preliminary matters to be heard by the Court shall be set for hearing without formal notice or order, on the "Law Day" next succeeding the Rule Day to which they have been filed, unless otherwise ordered by the Court.

RULE SIX

Trial of Criminal Cases

Section 1. After disposition of the Civil Trials those cases marked for trial on the Criminal Appeals Docket will be next proceeded with until they are disposed of and then those cases marked for trial on the Criminal Trial Docket will be proceeded with until all cases mark-

ed for trial have been tried or disposed of, unless otherwise ordered by the Court.

Section 2. Unless otherwise directed by the Court, the order in which Criminal cases shall be called will be left to the discretion of the State's Attorney, or his assistants. The State's Attorney shall, however, prepare, deliver to the Clerk of the Court, and post on a bulletin board in the corridor adjoining the Court Room a list of Criminal Cases at least thirty-nine hours prior to the convening of Court on the day they are set for trial. With respect to cases to be assigned for trial on any Monday or on any day succeeding any Court holiday such list shall be delivered and posted at least sixty-three hours prior to the hour for convening Court on the day of trial. Insofar as practical, and subject to change by the Court, the cases on the list above referred to shall be called for trial in the order in which they appear on the list above referred to prepared by the State's Attorney. No case not assigned for trial as above provided may be called without the consent of the defendant or his attorney.

RULE SEVEN

Appeals from Justices of the Peace

Section 1. In Civil Appeals from Justices of the Peace, the Clerk shall docket such appeals on the day the papers are received by him, and when so filed he shall at once issue a summons for the appellee or appellees, directed to the Sheriff, returnable on the first day of the succeeding term of the Court, and where appeal papers have been filed ten days or more previous to the commencement of the term—exclusive of the day of filing—and the summons so issued shall have been returned "Summoned" as to all or any of the appellees, such cases shall stand for trial at that term, and the Court will proceed to hear and determine the same when reached on the call of the Civil Ap-

peal Docket in the same manner as if the appellee or appellees had regularly appeared, and when the papers have been filed within ten days before a term as aforesaid, or if such summons shall be returned "Non Est" or "Non Sunt" as to all the appellees, and no appearance entered for them, such cases shall stand for trial at the term next following the term to which the appeal was docketed and it shall be the duty of the Clerk to renew such summons returnable on the first day of such term, and when such second summons shall be returned "Summoned" or "Non Est" in whole or in part, such cases shall stand for trial at such term in the same manner as if the appellee or appellees had regularly appeared.

Section 2. In all appeals when the Sheriff shall have made return that the appellee has been "Summoned" and no appearance has been entered, the Court will proceed to hear and determine the case ex parte, and the same proceedings may be had upon two returns of "Not summoned" as upon a return of "Summoned".

RULE EIGHT

Stet Docket—Cases placed there and how brought forward

Section 1. A Stet Docket shall be kept by the Clerk of the Court on which will be entered all Civil Cases not otherwise disposed of at the fourth Jury Term of Court after they are placed on their respective dockets, including Civil Trial, Civil Appeal, Appearance and Petition Dockets, excepting cases under reference or in which warrants of re-survey are outstanding or which the Court shall direct to be retained on the Trials, Appeals, Petitions or Appearance Dockets, and all Criminal cases which the Court shall order to be put on the Stet Docket.

Section 2. The Clerk shall prepare a Stet Docket in a separate book from the other dockets and shall place thereon, without special order of Court, all civil cases

which have been stated within four jury terms preceding the adoption of these rules and from said last mentioned date, place thereon all cases required to be placed on the Stet Docket by the provisions of Section 1 of this rule. No criminal cases, however, shall be placed on the Stet Docket without an order of the Court.

Section 3. After a case has been placed on the Stet Docket, either party by giving notice in writing to the other party or his attorney, thirty days previous to the term of Court commencing next after said notice, may have a case on the Stet Docket set for trial by the Court at said term next ensuing, and it shall then be tried (unless continued for cause shown) at such time as the Court shall fix. If no such notice is given before the second Jury term after entering the Stet, said cause shall be considered as **non prossed**, provided that this section shall not apply to criminal cases, but these may be placed on the criminal trial docket at any time by order of the Court.

RULE NINE

Trial of Civil Cases

Section 1. The Civil Appeals from Justices of the Peace will be taken up and disposed of on the second and following days of the first week of each jury term until concluded, unless otherwise ordered by the Court. Immediately after disposing of such cases on the Civil Appeal Docket which are ready for immediate trial the Civil Trial Cases and Civil Appeal Cases not appealed from Justices of the Peace will be tried.

Section 2. All cases where there has been a judgment by default entered for lack of a plea having been filed by the defendant, or a jury is necessary only for the purpose of assessing damages, shall be set for trial on the first Friday of each jury term, unless otherwise ordered by the Court.

RULE TEN**Witnesses**

Section 1. All summons for witnesses shall be returned not later than ten o'clock A. M. on the day to which they were summoned and an attachment may issue against a non-attending witness who has been returned "Summoned" on application to the Court by any party in interest or the attorney for any party for whom such witness may have been summoned.

Section 2. Every witness residing out of the County and in the State shall be allowed five cents a mile in coming to and returning from the Court and a per diem of one dollar for every day in coming and returning for itinerant charges.

Section 3. Any witness who shall fail to prove his attendance in any case in which judgment has been rendered, within twenty days after the rendition of such judgment shall not be entitled to receive a certificate for the same, and the Clerk may proceed to tax the costs in said case, provided, however, that a witness may prove his attendance at any time before the costs are actually taxed.

Section 4. Every witness residing in the County and witnesses not residing in the State of Maryland shall receive a per diem of \$1.00 for each day's attendance on the Court. Expert witnesses shall be allowed such amount as the Court may fix.

RULE ELEVEN**Sheriff**

Section 1. The Sheriff, or one of his deputies, shall attend in person the sittings of the Court at each term thereof, unless excused by the Court.

Section 2. The Sheriff shall make return of all original

process in his hands on the Saturday preceding each term of the Court.

Section 3. All summons and other process directed to the Sheriff, during the term must be served without delay and it will be no excuse that he has no deputies attending, it being his duty to provide a sufficient number of deputies to execute the orders of the Court. The Sheriff shall, if practicable, return all executions to him directed and returnable on the first day of the term by the second day of the term, at or before ten o'clock A. M. on that day, by which time the Clerk shall have entered the return on his judicial docket. Subpoenas and other process to compel the attendance of witnesses in all civil and criminal cases shall be served by the Sheriff without delay. The Sheriff shall state on all summons or other process returned by him the date on which said summons or other process was served.

RULE TWELVE

Court Officers

The crier, messenger and bailiffs of this Court, except the bailiff to the grand jury, who is only required to attend during the sitting of the grand jury, shall each attend in person the sittings of the Court at each term, unless specially excused by the Court, and any failure to attend, will be regarded as sufficient cause for the summary removal of such persons, provided, however, that the bailiffs to the petit jury will not be required to attend at the non-jury terms of Court.

RULE THIRTEEN

Money paid into Court

Section 1. All money paid into Court shall be receipted for by the Clerk to the party paying the same and shall

be deposited in some bank in Prince George's County, Maryland, upon the order of the Court and such money shall be deposited in such bank by the Clerk, who shall open an account with the case in which the said money shall be paid or deposited, and the Clerk shall open a like account in a book to be kept by himself in which he shall procure the entries to be made by the Bank. No money deposited or paid into the Court as aforesaid shall be paid out except upon the order of the Court, which shall authorize the Clerk to draw a check to the order of the party entitled and so named, and the receipt of the party receiving said check shall be taken in the book to be kept by the Clerk as aforesaid, in which book he shall copy all of the orders of the Court for payments. A copy of the order directing the money to be paid shall accompany the check and be delivered to the bank to authorize the payment to be made.

Section 2. The Clerk shall deliver a copy of this Rule to the bank in which the deposit shall be made.

RULE FOURTEEN

Original papers to be kept in Clerk's Office

The Clerk of this Court shall not deliver to any person any original paper filed in a cause to be taken out of the Court House without an Order of the Court or the Judge thereof, and then only upon a petition addressed to the Court specifying the purpose for which said papers are needed; said Order of Court shall state the time at which the papers may be delivered and are to be returned. The party receiving such papers, upon the Order of the Court, shall receipt for the same upon a card containing the petition and Order of Court to be prepared by the Clerk, and when so signed and receipted shall be deposited in the files of the Court where the papers belong.

RULE FIFTEEN**Pleadings**

Section 1. All pleadings shall be in writing and the Clerk shall endorse thereon the day of filing the same, and each pleading shall bear the name and address of all counsel for the pleader, but the general issue and general replication may be entered short on the docket in open Court.

Section 2. If the plaintiff or defendant neglects to declare or plead within the time limited by the rules of Court, judgment of non pros or by default as the case may be, shall be given, but the Court for special cause shown may allow further time to declare or plead, on such terms as it may think reasonable.

Section 3. Pleas to the jurisdiction, in abatement, and of limitation must be pleaded by the Rule Day, unless further time to plead such plea shall be given by the Court.

Section 4. Special pleas may be withdrawn with the consent of the plaintiff, or by leave of the Court, to plead the general issue.

Section 5. An issue of the fact may be stricken out before the Jury is sworn for the purpose of putting in a demurrer upon such terms as the Court may think right and proper.

Section 6. Bills of Particulars. All motions for Bills of Particulars shall be by petition or demand in writing. When such motions are made before the Rule Day to plead, such rule shall be extended fifteen days after the Bill of Particulars shall have been properly filed. A copy of such Bill of Particulars shall be filed with the Clerk and served on the opposite party, or his attorney of record, within five days after it is filed, together with notice of the Rule Day to plead thereto.

RULE SIXTEEN**Practice at Trials**

Section 1. Non-attendance of counsel will not be considered ground for continuance unless occasioned by sickness or unavoidable accident, nor shall this be the ground for a continuance for more than one term. If sickness or accident continue for more than one term, the party shall be liable to the rule for the employment of new counsel (unless more than one counsel of record) in which case said cause shall proceed regularly to trial unless for good cause shown to the contrary.

In cases where more than one counsel are engaged on a side, and a continuance is prayed for, it shall be in the discretion of the Court whether the same shall be granted under the first clause of this section; and attorneys absenting themselves from the Court House during the actual session of the Court, unless excused by the Court, will not be sent for, but in all instances when cases are called in regular order and the attorney of either party is absent (unless for sufficient cause) the adverse party shall have the option to proceed in the premises as if the absent attorney had not entered his appearance of record and if such adverse party shall decline, the Court may continue the case under this rule.

In the event of the attorneys on both sides being absent when a case is called in regular order, the Court will continue the same generally, unless the parties are in Court and demand to try their case in proper person.

Section 2. When a new party is made plaintiff in a cause that is pending, this shall not entitle the defendant to a continuance unless he shall satisfy the Court that he had good grounds for defense of which he can not avail himself by reason of the change. The same rule to apply vice versa when a new defendant is made a party.

Section 3. Unless the parties agree to a continuance, it shall rest in the discretion of the Court whether or not a given case shall be continued to the succeeding term.

Section 4. In no trial shall more than one counsel on a side examine or cross-examine the same witness, unless the Court thinks proper to suspend the rule.

Section 5. The Clerk of the Court shall enter up judgment on all verdicts after the expiration of three days from the date of such verdicts, excluding the day of the verdict, unless a motion in arrest of judgment, motion for judgment N.O.V., or for new trial shall have been interposed, or unless sooner ordered by the Court. And in the event that any motion in arrest of judgment, motion for judgments N.O.V., or for a new trial, shall be made and be refused or overruled by the Court, the Clerk shall enter up judgment at once after the decision of the Court refusing or overruling such motion shall be filed in Court, or entered on the docket.

Section 6. All motions in arrest of judgment, for judgments N.O.V., and for new trials shall be made within three days after the verdict, excluding the day upon which the verdict shall be formed. The party making such motion shall file reasons in writing at the time of filing the motion, and every such motion shall be heard and determined at the earliest day convenient to the Court, and unless sooner disposed of, shall be heard on the first Law Day after same is filed unless the Court otherwise orders; and the party making such motion if he desires to file affidavits, shall give notice thereof at the time of making such motion and shall file his affidavits within ten days after any such motion shall be made.

RULE SEVENTEEN

Jurors—How Challenged

Section 1. When a juror is called the State shall first

exercise the right to challenge or notify his acceptance of the juror after which the accused must exercise its right to challenge according to the Act of Assembly in such cases provided.

Section 2. The talismen who may be summoned at their home or places more than five miles from the place of holding Court shall be allowed the regular per diem of jurors for the time such talismen shall attend.

Section 3. If jurors are in attendance all night or after twelve o'clock midnight, they shall be allowed a whole day's extra pay; and if they are kept later than ten o'clock P. M. they shall be allowed for half a day's pay, and if they are not kept later than eight o'clock P. M. they shall be allowed nothing extra. In capital cases and in other cases where the board of jurors is paid by the County, jurors are to be allowed only one-half pay extra for nights. This rule applies also to bailiffs.

RULE EIGHTEEN

Bills of Exceptions

Section 1. Except in case where special exceptions in writing are required, parties shall have an exception to all adverse rulings of the Court without the necessity of asking for same, and the Court Stenographer is directed to note an exception after each ruling of the Court on behalf of the party against whom the ruling is made.

Section 2. Unless otherwise expressly allowed by the Court, Bills of Exceptions shall be prepared and submitted to the Court within sixty days from the noting of an appeal. Provided, however, a copy of said Bill of Exceptions shall be submitted to the adverse party, or his attorney of record, at least five days before same is submitted to the Court.

RULE NINETEEN**Removed Cases**

Cases removed from other Courts shall be placed on the trial docket and shall be tried at such times as may be fixed by the Court.

RULE TWENTY**Agreement of Counsel**

The Court will not notice any agreement of Counsel unless the same be reduced to writing and signed by them and filed in the cause, or is made in open Court.

RULE TWENTY-ONE**Notice of Rules and Orders**

Section 1. Each party and his attorney shall be bound to take notice of any ruling or order, made and docketed either in term or during vacation, relative to any suit, and such ruling or order shall have full effect without imposing upon any party the duty of having a copy served, unless the Court shall, upon sufficient cause shown, otherwise specially direct.

Section 2. In all cases where a rule is laid to employ new counsel, the party laying the same may serve a copy of such rule through the Sheriff or by registered mail, and upon proof of such service by the Sheriff or registered mail, the Court will take up the cause and order it for trial or make such order therein as in its judgment may be necessary for the trial of the same.

Unless otherwise ordered by the Court, no attorney's appearance will be stricken from the records until such time as the rule to employ new counsel has been served, as above provided. Any expense occasioned by the post-

ponement or continuance of a case in which said rule is laid, shall be borne by the party on whom it is laid.

RULE TWENTY-TWO

Attorney not to act as surety on bond

No attorney or other officer of the Court or deputy of such officer, shall be taken as bail in any case before the Court, nor shall any attorney, officer or his deputy be received as security on any appeal bond to prosecute a writ of error, replevin bond, or on any kind of bond required by law.

RULE TWENTY THREE

Library

No book, pamphlet or other paper belonging to and forming a part of the library of the Court shall be moved from the library rooms without special license in writing by the Court, except for uses in the Court House before the Circuit Court, the Orphans' Court, Trial Magistrate's Court, or any official board, and in such cases they shall be returned by the party removing them as soon as possible.

ORDER OF COURT

ORDERED by the Circuit Court for Prince George's County, Maryland this 25th day of January, 1944, that the foregoing RULES AT LAW be, and the same are hereby, adopted to take effect from and after the first day of March, 1944, and that from and after said date all existing Rules at Law of said Court be, and they are hereby, declared repealed.

OGLE MARBURY
WM. MEVERELL LOKER
CHARLES C. MARBURY
JOHN B. GRAY, JR.