

Handwritten text at the top of the page, possibly a title or author's name, is mostly illegible due to fading and bleed-through.

RULES OF COURT

LAW AND EQUITY RULES

— FOR THE —

TRANSACTION OF BUSINESS

— IN THE —

CIRCUIT COURT

— FOR —

FREDERICK COUNTY, MD.

Not including the Equity Rules recently adopted by the Court of Appeals and effective March 1, 1920, for which see Vol. 134, Maryland Reports.

OFFICERS OF THE COURT

Hon. HAMMOND URNER, Chief Judge.
 Hon. GLENN H. WORTHINGTON, Associate Judge.
 Hon. EDWARD C. PETER, Associate Judge.
 ELI G. HAUGH, Clerk.
 JOHN H. MARTZ, Deputy Clerk.
 ISAIAH N. LOY, " "
 MILLARD N. NUSZ, " "
 MELVIN F. SHEPLEY, " "
 HORACE E. STALEY, " "
 WILLIAM O. WERTENBAKER, Sheriff.
 AARON R. ANDERS, State's Attorney.
 H. KIEFFER DELAUTER, Auditor.
 CLAYTON O. KEEDY, Examiner in Equity.
 ALBERT S. BROWN, " "
 D. PRINCETON BUCKEY, " "
 GUY K. MOTTER, " "
 HARRY C. HULL, " "
 MARION S. MOBERLY, Court Crier and Librarian.
 CLAUDE S. HAHN, Court Stenographer.
 MISS MARY J. MUNN, Probation Officer.

TERMS OF COURT

First Monday of February—Grand and Petit Jury.
 Second Monday of May—Non-Jury.
 First Monday of September—Grand and Petit Jury.
 Second Monday of December—Petit Jury.

INTERMEDIATE RETURN DAYS

First Monday in January.
 First Monday in March.
 First Monday in April.
 First Monday in July.
 Third Monday in October.

RESIDENT MEMBERS OF THE BAR

NAME.	DATE OF ADMISSION.
MILTON G. URNER,	October 19, 1863.
CHARLES M. GILPIN,	December 18, 1877.
P. FRANK PAMPEL,	January 31, 1878.
CLAYTON O. KEEDY,	September 18, 1878.
FRANK C. NORWOOD,	September 15, 1879.
BENJAMIN F. REICH,	June 20, 1882.
RAKER JOHNSON,	January 20, 1883.
VINCENT SEBOLD,	January 2, 1884.
F. MARION FAUBEL,	March 14, 1885.
FRANK L. STONER,	July 7, 1885.
JACOB ROHRBACK,	July 15, 1885.
ABRAHAM L. WOLFE,	December 19, 1885.
H. DORSEY ETCHISON,	November 2, 1889.
JOHN S. NEWMAN,	August 16, 1892.
THOMAS J. WALSH,	June 15, 1894.
RENO S. HARP,	August 31, 1894.
CHARLES B. HENDRY,	February 10, 1896.
RICHARD P. ROSS,	September 5, 1896.
GEORGE R. DENNIS, JR.,	September 5, 1896.
SAMUEL A. LEWIS,	November 27, 1896.
ARTHUR D. WILLARD,	January 6, 1898.
JESSE F. R. HEAGEY,	January 6, 1898.
ALBERT S. BROWN,	January 6, 1898.
EMORY L. COBLENTZ,	January 6, 1898.
CHARLES C. WATERS,	May 31, 1898.
GEORGE A. PEARRE, JR.,	July 5, 1899.
D. PRINCETON BUCKEY,	September 4, 1899.
MILTON G. URNER, JR.,	September 13, 1899.
AARON R. ANDERS,	February 5, 1903.
EDWARD J. SMITH,	January 13, 1904.
JOHN L. ROUTZAHN,	August 18, 1904.
GUY K. MOTTER,	August 15, 1905.
LEO WEINBERG,	January 17, 1907.
H. KLIFFER DeLAUTER,	April 13, 1907.
OSCAR B. COBLENTZ,	August 8, 1908.
W. CLINTON McSHERRY,	August 12, 1910.
ALBAN M. WOOD,	January 30, 1911.
EDGAR H. McBRIDE,	September 6, 1911.
CHARLES McC. MATHIAS,	September 6, 1911.
WILLIAM M. STORM,	February 3, 1913.
H. HANSON MAULSBY,	February 4, 1913.
HARRY C. HULL,	August 5, 1913.
HOLDEN S. FELTON,	February 3, 1914.
EDWARD S. DELAPLAINE,	August 17, 1915.
SHERMAN P. BOWERS,	August 18, 1915.

RULES

OF THE

Circuit Court for Frederick County

AT LAW

Subpœnas for Witnesses.

RULE 1. All Subpœnas for witnesses, in all trial cases of issues of fact, shall be returnable in accordance with the assignment of cases for trial at the preliminary call of the docket or as subsequently assigned.

Witnesses in Appeal Cases.

RULE 2. The Subpœnas for witnesses in cases on the Appeal Docket shall be returnable to the second and third days of each term, as per assignments.

Witnesses in Criminal Cases.

RULE 3. Subpœnas for witnesses in cases on the Criminal Docket, shall be returnable to the third Thursday of the February and September Terms, the first Thursday of December Term, and first Thursday of May Term, at which times this docket shall be taken up for trial.

Witnesses in Road Cases, &c.

RULE 4. Subpœnas in cases of allegations against Insolvent Debtors, and in Road Cases, shall be returnable as specially designated by the Court.

Attachments for Witnesses.

RULE 5. The names of witnesses shall be called on the day to which the Subpœnas are returnable, and in case of the failure of witnesses who have been summoned to attend, attachments may be issued on application to the Court.

Subpœnas Duces Tecum For Public Records.

RULE 6. No Subpœna *duces tecum* shall be, at any time, issued to the Clerks or Registers of any of the Courts of this State, or to any public officer of this State, having custody of Records, for the production of such records, or of any original papers, unless upon application to the Court, and upon order of the Court.

Return of Process.

RULE 7. The Sheriff shall make return of all original process in his hands at or before the commencement of each term, and also on or before each intermediate return day.

Witnesses—Allowance of Mileage, &c.

RULE 8. Every witness residing out of the County, and in the State, shall be allowed five cents a mile in coming to and returning from Court, and one dollar for every day spent in so coming and going, as itinerant charges. Witnesses residing more than ten miles from Frederick to be allowed mileage as provided by Local Code, Secs. 834-5.

A Juror shall not be allowed pay or compensation as a witness; and no witness shall prove his attendance in more than one case for the same day. The Clerk shall allow each Juror that may be summoned from the country, and who shall not be able to return home on the non-jury days that shall intervene during his service in the Court, to which he may be summoned, his per diem for such days. No witness in any case, civil or criminal, shall be allowed any per diem for his attendance unless he is present when the case is called for trial, unless such per diem shall be allowed by special order of the Court, upon good cause of absence shown.

Attendance To Be Proven Within Thirty Days.

RULE 9. Any witness who shall fail to prove his attendance in any case within thirty days after such attendance shall not be entitled to receive a certificate for the same.

Preliminary Call of the Appeal and Trial Dockets.

RULE 10. There shall be a preliminary call of the Appeal and Trial Dockets at 2:00 o'clock P. M. on Thursday of the week next preceding the beginning of each jury term, unless some other day and hour be designated by the Court, at which preliminary call one of the Judges, or in his absence the Clerk of the Court, shall preside, and in the presence of the attorneys mark for trial such cases on the Appeal and Trial Dockets as may be ready to be tried, and assign the date for the trial of each case so marked, so far as practicable, but such assignments shall be subject to change, for good cause shown, at the call of the Dockets on the first day of the term.

At such preliminary call the attorneys for the respective parties shall make known their election as to whether or not they desire a jury trial, and such election shall be noted on the Docket.

Call of the Dockets.

RULE 11. On the first day of the term, after the Grand and Petit Juries shall have been called, and the Grand Jury sworn, the Original Docket shall be called and settled, and after the Original Docket shall have been called, the Court shall call over the Appeal Docket for the purpose of finally marking and assigning cases for trial; after which the Trial Docket shall be gone over for the same purpose; and also for the purpose of entering judgments in plain and uncontested cases; enforcing all Rules laid on plaintiff or defendant; laying any Rules when right and proper; and noting such cases as may be continued or passed. On the second day of each term, the Appeal Docket shall be taken up for trial; and after the Appeal Docket shall have been disposed of, the Court shall take up the Trial Docket, and will call peremptorily all cases that have been marked for trial, and shall proceed to try, or continue for cause shown, the cases according to the assignments made.

Continuance.

RULE 12. When a case has been set for trial and is called at the appointed time, it shall not be continued or postponed except for good cause shown, and then only on payment of the costs of the term already incurred by the party asking the postponement or continuance, if required by the opposite party.

New Parties.

RULE 13. When a new party is made plaintiff or defendant in a cause then pending, the opposite party shall not, for this cause, be entitled to continuance, unless he shall satisfy the Court that he would be prejudiced by an immediate trial.

Adjournment of Term.

RULE 14. When the business of any term is disposed of, the jury, witnesses and officers shall be released from further attendance at that term, and the Court shall remain open until the first day on which the next term commences, on which day the business of the term will be completed, the term adjourned *sine die*, and the succeeding term called.

Appeals From Justices of the Peace.

RULE 15. On Appeals from Justices of the Peace, either party may so amend his pleadings, including the original writ, as to bring the merits of the case fairly to trial, but the Plea

of *Infancy, Set-Off, Limitations, Discharge under the Bankrupt or Insolvent Laws, or pending application for such discharge* shall not, unless pleaded before the Justice, be received on Appeal, without *special leave* of this Court.

Time For Filing Declarations and Pleas.

RULE 16. Except in suits brought under Sections 40F and 40G of the Acts of 1888, Chapter 185, the rule day for filing declarations shall be the tenth day after the return day to which the defendant may have been returned summoned. The rule day for filing pleas to the declaration shall be the twentieth day after the declaration shall have been filed, except where the declaration is filed on or before the return day to which the defendant is returned summoned, in which event the rule day for filing pleas shall be the twentieth day after the return day. For each successive pleading after the plea, the rule day shall be the fifth day after the filing of the last preceding pleading, unless a shorter time shall be fixed by the Court, or unless the party be required by the Court to plead forthwith.

Clerk to Deliver Copy.

RULE 16A. It shall be the duty of the Clerk, after the filing of the declaration, or of any pleading, to make a copy of such declaration, or other pleading, and deliver the copy, within three days after the filing of such pleading, to the attorney of record of the opposite party, and if there is no such attorney of record, the copy shall be sent by the Clerk to the party himself by registered mail.

Failure to Declare or Plead.

RULE 16B. Where no declaration has been filed at the time of the institution of the suit, or before the entry of the defendant's appearance upon return of process, the Clerk shall, upon entering the defendant's appearance (whether such appearance be entered by the direction of the defendant himself, or his attorney, or under Section 40C of the Acts of 1888, Chapter 185), enter on the docket a rule upon the plaintiff to declare; but if a declaration has been filed, he shall then in like manner enter a rule upon the defendant to plead. And if the declaration be filed after the entry of the appearance of the defendant, the Clerk shall thereupon, at once, enter a rule upon the defendant to plead, and so after each pleading filed there shall be entered a rule to reply.

RULE 17. If the plaintiff or defendant neglect to file the declaration or any subsequent pleading within the time limited

Similitur not meant.

by the Rules of the Court, judgment of *non pros* or by default, as the case may be, shall be given upon motion of the party not in default, unless the pleading shall have been filed before the judgment of *non pros* or by default shall have been entered, or unless further time to plead shall be allowed by the Court for special cause shown. Such motion may be made during the recess of the Court or at the first call of the Trial Docket at the beginning of the term. If made at the call of the Trial Docket, the question as to the entry of the judgment or the allowance of further time to declare or plead shall be determined forthwith; but if the motion is made during the recess of the Court, it shall be set for hearing and disposed of at an early day, after notice to the opposite party or his attorney of record. In the event that the declaration, plea, or subsequent pleading is not filed within the time prescribed by the Rules of Court, the party not in default shall have the option of demanding trial at the term at which the case would have been for trial, if the declaration or other pleading had been so filed, or of continuing the case until the next term.

Actions on Bonds.

RULE 18. In all actions on testamentary and administration bonds, the plaintiff shall, in his declaration, state the conditions and allege the breaches on which he relies, except on bonds for the use of the State, according to the provisions of the Maryland Code of Public General Laws, Article 93, Section 105.

Ejectment.

RULE 19. All declarations in ejectment shall be served on the tenants in possession, or set up on the premises at least five days before the sitting of the Court, exclusive of the day of service or setting up, and the day of return, and, when so served and set up, the plaintiff may take judgment by default, if there be no appearance for the tenant in possession, or his landlord during the term, which default may be entered *nisi* at the commencement of the term, to be made absolute at the end of the term. Upon the appearance of the defendant, in ejectment, if defence be not taken, general defence may be entered on the docket by the plaintiff, and the issue may be joined, and the cause shall stand for trial at the next term. (See Code, Article 75, Sections 71 to 81. Title "Ejectment.")

Plats, &c.

RULE 20. In all cases in which surveys are made under warrants of resurvey, issued from this Court, or in which leave shall be given to the parties to add to and amend plats already returned and lodged with the Clerk of this Court, the said plats shall be returned at least ten days before the meeting of this Court, to which such plats shall be returnable, exclusive of the day of the return and the day of the meeting of the Court; otherwise either party (whose neglect or improper conduct shall not have caused such delay in the return of plats in such cases) shall be entitled to a continuance of such cause without costs. (See Code, Art. 75, Sec. 82 to 84.)

Cost of Plats, &c.

RULE 21. The Sheriff and Surveyor in all cases of plats returned to this Court, shall endorse on each the amount of their fees and other costs and charges of the survey and if amended, the fees, costs and charges on such amendment; and on their non-compliance with this rule, no such costs shall be allowed or taxed, unless by special order of the Court.

Motions in Arrest and for New Trial.

RULE 22. All motions in arrest of judgment and for new trials shall be made at the term and within three days after verdict, including the day on which the verdict is rendered, and the party making the motion shall file his reasons in writing at the time of making such motion, and if, at the hearing, he shall suggest additional reasons, he shall file in writing such additional reasons, and all such motions shall be heard and determined at and during the term at which such motion is made, unless continued by order of the Court; and the party making such motion shall file his affidavits within ten days after any such motion shall be made.

Plea of Limitations.

RULE 23. The plea of limitations shall be in writing, and shall not be pleaded after the rule day, unless the declaration or the original writ or summons is amended, or unless the time for pleading shall have previously been extended by the Court.

Bill of Particulars.

RULE 24. Motions for Bills of Particulars, if made during the sessions of the Court, shall be submitted in open Court and disposed of as other motions; and if made during recess

of the Court, shall be by petition in writing, which shall be heard at an early day, after such notice to the opposite party, or his attorney, as the Court shall direct, and shall be disposed of by the Court without delay. When such motions are made before the rule day to plead, and are granted, such rule day may be extended for such time after the Bill of Particulars shall have been filed as the Court may deem proper. Within three days after the filing of the Bill of Particulars a copy thereof shall be made by the Clerk and delivered to the attorney of record of the opposite party. Where the pleadings, under which Bills of Particulars are demanded, consist of a declaration or plea of set off containing the common counts only, the order therefor shall be passed as a matter of course upon the making of such motion, either in open Court, or in writing as aforesaid, without notice to the opposite party. Where an order for a Bill of Particulars is granted by the Court, the Bill of Particulars shall be filed within such time as may be prescribed in the order. In case of failure to file such Bill of Particulars (unless further time shall be allowed by the Court for special cause shown), the party in default, on motion of the opposite party, shall, if plaintiff, suffer a *non pros* or, if defendant, his plea of set-off shall be stricken out and shall not be refiled in the case.

Judgment of Fiat.

RULE 25. Whenever a *scire facias* is returned *scire feci*, or there are two returns of *nihil*, judgment shall be entered, unless Defendant appears in person, or by Attorney, during the term.

Demurrer.

RULE 26. In all cases in which there is a demurrer and issue of fact, the demurrer shall be argued and determined before the trial of the issue of fact; and any issue of fact may be struck out before the Jury is sworn for the purpose of putting in a demurrer upon such terms as to costs as the Court may think right and proper.

No Motion For New Trial After Motion in Arrest, &c.

RULE 27. No motion for a new trial shall be received after a motion in arrest of judgment, but a motion in arrest of judgment may be received within one day after the decision of a motion for a new trial.

**Appeals From Orphans' Court and County Commissioners,
Judgments by Confession, &c.**

RULE 29. All suits docketed by consent for confession of judgment in Court, or in vacation, and all judgments entered by the Clerk at any regular or adjourned term of the Court, in the absence of the Judges, by consent of the parties, appeals from the Orphans' Court and appeals from the orders of the County Commissioners shall be placed on the Trial Docket of that term; and when judgments by confession are entered in vacation, by order of the judge, the Clerk shall add "By order of the Judge out of Court."

Confessed Judgments. Clerk's Costs to be Paid.

RULE 29A. In all cases of Judgment by Confession the Clerk's costs of such judgment by confession shall invariably be paid at the time, and before such judgment is entered.

Warrants of Resurvey.

RULE 30. In all cases of ejectment or trespass, "*quare clausum fregit*," in which a warrant of resurvey may be issued by this Court, the Sheriff shall give the Plaintiff and Defendant, or their attorneys, notice in writing of the time and place of acting under such warrant of resurvey, at least five days before the commencement of the execution of such warrant of resurvey, and all executions of such warrants of resurvey, except amendments at bar, shall be made at least thirty days before the next ensuing term, and it shall be the duty of such Surveyor to return to the Clerk's Office, at least ten days before the meeting of the Court, four fair and correct plats, with certificates and explanations accurately distinguishing the respective claims and pretensions of both of the parties, from each other and from other lands laid down for illustration; and it shall be the duty of the Clerk, after having endorsed thereon the time of filing the same, to deliver one plat with its accompanying certificates to each of the parties, Plaintiff and Defendant, or their respective Attorneys, retaining the other two for the Court and Jury.

The Clerk shall enter on the Docket at whose instance a warrant of resurvey was issued, and if it shall appear to the Court at the trial of the cause that a survey was not necessary, then the party requiring the same shall pay all the costs of the survey or surveys.

Persons Admitted Within the Bar.

RULE 31. The Bailiffs shall permit no person to come within the bar, except the Attorneys, their students, the par-

ties to the cause then on trial, or their agents, persons having business with the Clerk and such persons as may be invited by a member of the Bar.

When Clerk to Enter Judgment on Verdict.

RULE 32. The Clerk shall enter up judgment on all verdicts after the expiration of three days from date of such verdicts, including the day of verdict, unless a motion in arrest of judgment or for new trial shall have been interposed, or unless sooner ordered by the Court.

Papers Not to Be Taken Out of the Clerk's Office.

RULE 33. The Clerk shall suffer no paper belonging to his office, or filed in any cause pending in or decided by the Court, to be taken out of his office, unless by order of the Court, or one of the Judges thereof.

No Attorney as Surety.

RULE 34. No Attorney, or officer of this Court, or any deputy, shall be received as security in any bond given to prosecute a writ of error, or an appeal of any kind, or any replevin, *retorno habendo*, or on any other bond to prosecute an action in this Court, or become security for costs in case of "*rule security for costs*" or become security in any bail bond or recognizance in this Court in criminal cases, unless by leave of the Court.

Agreement of Counsel.

RULE 35. The Court will not notice any agreement of counsel, unless the same shall be reduced to writing, signed by them and filed in the cause, or unless made in the presence of the Court or of one of the Judges thereof.

Argument.

RULE 36. In the trial of causes but one counsel shall be heard in conclusion on the part of the Plaintiff, and there shall be no alternation of counsel; the Plaintiff's counsel (except in pleas of avowry or cognizance), shall open and conclude the cause.

Taking Testimony.

RULE 37. In all cases of objection to the admissibility of testimony, the counsel making the objection shall state the grounds of objection and produce his authorities. The opposite counsel shall reply, and the counsel making the objection shall conclude. In the examination of witnesses in the trial of any case in this Court, not more than one counsel on either side shall propound questions to the same witness.

Testimony in Rebuttal.

RULE 38. After the Plaintiff's or Defendant's counsel shall announce to the Court that he has closed the testimony on behalf of his client, he shall not be permitted to introduce any other testimony, except to rebut the testimony introduced by the opposite counsel, unless by leave of the Court.

New Counsel.

RULE 39. In all cases in which a rule to employ new counsel has been laid, the party laying the same shall be at liberty to serve a copy of the same, and upon proof of service thereof the Court will take up the cause and order it for trial, or make such order therein as the Court may think necessary for the trial of the merits of the same, and in all cases when such rule shall be laid and no proof of service thereof, the Court will continue the same to the succeeding term, when the Court will take up the said cause and act upon it in the same manner as if there had been a regular service of the rule; and any expense occasioned by the postponement or continuance of a cause in which said rule shall be laid, shall be paid by the party upon whom such rule shall be laid.

Dismissal of Suit.

RULE 40. During the recess of the Court the Plaintiff or Plaintiffs, or his or their Attorney, may dismiss any suit instituted by such Plaintiff or Plaintiffs, by an order in writing addressed to the Clerk, and shall be liable for the payment of all costs which have accrued to the time of such dismissal; and in all cases when suits are dismissed on terms agreed between the parties, such terms shall be reduced to writing, signed by the parties, or their respective Attorneys, and filed in the cause; and the Clerk is hereby authorized and directed to enter such cases dismissed accordingly.

Payment of Money Into Court.

RULE 41. In all actions for money, and in all actions for damages, except actions for assault and battery, false imprisonment, libel, slander, malicious arrest or prosecution, criminal conversation or debauching of the Plaintiff's daughter or servant, the Defendant or Defendants may, with leave of the Court, bring into Court such sum of money as he or they may admit to be due to the Plaintiff, together with the costs to the time of bringing the money into Court, of which he or they shall forthwith give notice to the Plaintiff or his Attor-

ney, and if the Plaintiff shall accept the same, all further proceedings in the action shall be stayed. If the Plaintiff will not accept the same, the money shall remain subject to the order of the Court, and the Defendant shall be allowed to plead the general issue to the whole demand, or any other pleas that he might have pleaded, without bringing the money into Court, and shall thereby put the Plaintiff to proof of his case. If upon the trial of the issue the Plaintiff shall become *non suit*, or the Jury shall not assess damages to the Plaintiff exceeding the sum brought into Court, then the Plaintiff shall have no costs, but the Defendant, or his Attorney shall receive all costs which have accrued to him subsequent to the time of bringing the money into Court, to be deducted from the money so brought into Court, and the Plaintiff, in the event of a recovery of a sum not exceeding the amount so brought in shall receive the residue. If the money so paid into Court be not sufficient to pay said costs, the deficiency shall be made good by the Plaintiff, but if, on the trial of the issue, the Jury shall assess damages to the Plaintiff exceeding the sum brought into Court, then judgment shall be entered on the verdict, with costs, and the Plaintiff shall have the money brought into Court towards satisfaction of his judgment, and may take out execution for the residue. In all cases in which money is brought into Court under this rule, the same shall be paid to the Clerk, who shall, as Clerk, immediately deposit the same in some incorporated bank of this county, with a memorandum of the suit in which the same is paid, and the Plaintiff or Plaintiffs, or other party or parties, entitled as the case may be, shall receive an order under the seal of the Court directing the cashier of the bank to pay over the money thus deposited in such manner as the Court shall adjudge; and a copy of this Rule shall be delivered to the bank selected as a depository.

Clerk to Docket a Suit Against Each Garnishee.

RULE 42. In all cases of attachments upon the return by the Sheriff of service on the garnishees, it shall be the duty of the Clerk to docket separate cases against each garnishee, unless the garnishees are partners.

Trial at Non-Jury Term.

RULE 43. When, at any February Term of the Court, any case on the Appeal, Criminal or Trial Dockets is continued, the parties shall then make their election to try the same by Jury, or by submission to the Court. If the parties shall

elect to try the same by the Jury, no witnesses shall be summoned to the non-Jury term. If the parties shall elect to try the case by submission to the Court, the case shall stand for trial at the next non-Jury term, and the parties shall summon their witnesses accordingly.

Trial of Causes at Non-Jury Term.

RULE 44. At every non-Jury Term, the Dockets shall be called as prescribed by the Rules of the Court, and when each case is called for a first time, and where the parties have not before elected their mode of trial, they shall then make their election. If they elect to try the same by Jury, the case shall be continued to the next term. If they elect to try the case by submission to the Court, the case shall stand for trial according to the Rules and practice of the Court.

Commissioners to Take Testimony.

RULE 45. Either party in any action, desiring to take testimony under a commission under Secs. 19 to 31 of Art. 35 of the Maryland Code, shall cause the Commissioner or Commissioners to give the opposite party such notice as the Commissioners shall deem reasonable, of the time and place of taking the same.

Court in Banc.

RULE 46. On appeals to the *Court in Banc*, the party taking such appeal shall present a bill of exceptions, wherein shall appear the points or questions raised, the decision of the Court thereon and the evidence given or offered to be given, bearing thereon, and which bill of exceptions shall be in writing, signed by the Court or one of the Judges, and filed in the case; and such points or questions so reserved shall be heard and decided by said *Court in Banc*, at the term of the Court next thereafter, unless then continued to a future day, or unless a different day for the hearing be fixed by special order of the Court. But when the point or question arises on the record, or pleadings, alone, no bill of exceptions will be required.

No Assignment of Attorney's Appearance Fees.

RULE 47. The Clerk of this Court shall not file or enter on the Record any assignment of Attorney's appearance fees.

Interrogatories in Attachment.

RULE 48. Whenever a plaintiff, in any attachment suit, shall exhibit interrogatories to any garnishee, he shall serve a copy thereof, by the next rule day, on the garnishee, who

shall answer the same on or before the first day of the term next after such service, unless further time be given by the Court.

In Report of Commissioner Interrogatories to Precede Answers,

RULE 49. The Commissioners, Examiners and Auditor of this Court in taking testimony in all cases, in their report of the testimony to the Court, shall insert the interrogatories in the body of the same, so that the interrogatories shall immediately precede the answers of the witnesses thereto; that the Court will not consider any testimony that is not taken as above directed, and no fees or compensation shall be allowed to the Examiners in cases where this Rule is not observed.

Stet Docket.

RULE 50. The Clerk shall enter on the Stet Docket, which shall be regularly kept by him, all cases on the Trial and Appeal Dockets which shall have been continued or passed for two Trial (Jury) Terms, unless marked "Not for Stet" by the Court. Any case on the Stet Docket may be reinstated on the next Trial Docket and placed at the foot thereof only when special leave in writing shall be obtained from the Court; and no case shall be restored to the Trial Docket from the Stet Docket without such leave; and such leave will only be granted when the Court is satisfied that the case will in fact be tried during the ensuing term or the term immediately next succeeding that term. When any case has been carried under existing rules to the Stet Docket, more than once, it shall not be brought therefrom or reinstated on the Trial Docket until all costs accrued in such case shall have been first paid in full by the party making application for such reinstatement. After a case has remained on the Stet Docket four consecutive terms it shall be considered as non-prossed unless the Court for cause shall otherwise order. All cases left open or marked for trial or passed and not actually tried during the term shall be deemed continued for the purposes of this rule, unless otherwise ordered by the Court.

Miscellaneous Docket.

RULE 51. The Clerk shall keep a well-bound book, to be termed "Miscellaneous Docket," in which the Clerk shall enter all Petitions for Habeas Corpus, Petitions of Appeals from Officers of Registration, condemnation of land (unless said condemnations are specially provided for otherwise in the Act of Assembly authorizing them), all Inquisitions for Lunatic

Paupers, all Sales by Collectors of Taxes and all other matters of a miscellaneous character, which shall be kept and indexed as the other Law Dockets of this Court.

Alienation Book.

RULE 52. The Clerk shall keep a book or books to be labelled "Instruments Received for Record," in which, at the time he receives for record, Deeds, Mortgages or other instruments of writing, he shall enter a brief description of said instruments; that is, noting therein the names of grantors and grantees, the day, hour and minute when such instrument is received, the consideration and the quantity of land, and for said entries said Clerk may charge in his County Account the same fees as now received for similar services.

Bond Record.

RULE 53. The Clerk shall keep a suitable book, or number of books, of the size and style of the Land Records, in which book or books the said Clerk shall record the Bonds of Trustees, Mortgages, &c, required by law to be recorded, the said books to be labelled "Bond Records," and to be kept and preserved and properly indexed.

Commissions to be Recorded in Bond Records.

RULE 54. All Commissions received by the Clerk of this Court from the Governor of this State, shall be recorded by said Clerk before he delivers the original to the parties entitled thereto, in the Record or Records labelled "Bond Records," now kept by said Clerk in accordance with the order of this Court, and said Commissions shall be indexed therein.

Index to Land Records, &c.

RULE 55. The Clerk shall keep two separate and distinct general Indexes to the Land Records of his office, one to contain and Index the Mortgages and Bills of Sale only, required by law to be recorded, and the other for Deeds and other instruments of writing which may be recorded in said Land Records, and also an Index to the Judgment Transcript Docket.

The said Indexes shall contain and Index all the Mortgages, Bills of Sales, Deeds, Judgments and other instruments of writing recorded in said office and they shall be kept in the same manner and system as the other general Indexes to said Land Records are now kept in said office.

Motions in Arrest and for a New Trial.

RULE 56. All motions in arrest of judgment and for new trial, under Rule 22, if not argued during the term, shall be delivered by the Clerk to the Judges, or one of them, on the last Saturday of said term, to be then disposed of without argument.

RULES OF PLEADING AND PRACTICE.

Under Sections F and G of the Acts of 1888, Chapter 185

1. In suits brought under the provisions of Sections 40F and 40G, the rule day for filing the plea and affidavit therein mentioned shall be the twentieth day after the return day to which the defendant shall have been summoned. No judgment by default shall be entered under the provisions of Sections 40F and 40G of the Acts of 1888, unless the plaintiff shall have filed the declaration and affidavit therein required at the time of bringing the action.

2. Where there has been no plea, or no sufficient plea filed, as required by Section 40F of said Act, the judgment thereby authorized shall be entered on the next return day or first day of term as therein provided; and where the defendant pleads, as required by said section, and any part of the debt or damages claimed be admitted to be due, so that the plaintiff be entitled to judgment therefor, under said section, the plaintiff shall file his election in writing to take such judgment in full discharge of the action, before judgment entered, and the judgment shall be entered upon such election filed, and not otherwise; provided that any question as to the sufficiency of any plea filed under said section shall be determined upon notice and hearing before the entry of a judgment by default. (For Rules in Insolvency see former Book of Rules of Court.) (For General Equity Rules of the Court of Appeals see Volume 134 Maryland Reports.)



EQUITY RULES
OF THE
CIRCUIT COURT
FOR
FREDERICK COUNTY.

TO TAKE EFFECT FROM AND AFTER SEPTEMBER 6, 1920.

RULE 1.

Papers Filed in Proper Persons

Any Bill, ~~or~~ ^{answer} Petition, ~~or~~ writing filed and addressed to the Court, certified by a Judge, Justice of the Peace or Notary Public to have been acknowledged before him by the person whose name is subscribed thereto, the Judge, Justice, or Notary stating in the certificate that such person is known to him, shall have the same effect as if signed and filed by an Attorney of the Court, or as if delivered by the person to be filed.

RULE 2.

Withdrawal of Exhibits.

A complainant or defendant, on giving his receipt to the Clerk for the same, may obtain any exhibits filed and referred to in the bill, petition or answer, if he shall require the same for the purpose of proving them under a commission issued to take testimony in the cause or in any other mode prescribed in the case, upon an order from the Court or from a Judge.

RULE 3.

Commission to Take Testimony.

Commissions issued for taking testimony within the United States, shall be returned within four months from the day of

their date, and if not so returned, a rule or order may be obtained for the return thereof by such day as shall be limited; or on application, such commissions shall be declared void and a new commission issued, or other order, as may appear proper; provided, that when such commission shall not be so returned, it shall, *prima facie*, be considered the fault of the party who had the carriage of the said commission. Where a commission shall not be issued within twenty days from the date of the order or agreement of the same, the party applying for it shall be subject to the rule for further proceedings hereinafter mentioned. Other commissions for taking testimony shall be subject to the special order of the Court in particular cases.

RULE 4.

Decree of Partition and Dower.

No final decree of partition or of dower shall be made on the report of commissioners, unless such report shall have been filed and shall have lain in the office for the period of thirty days, unless otherwise provided for by statute, or unless the parties shall have certified in writing their approbation of the report.

RULE 5.

Decree on Award.

On motion or application, a decree will be passed upon any final award rendered by the referees appointed by the rule of Court, and with the consent of the parties, provided, such award shall have been filed and docketed and shall have lain in Court for thirty days, and that no exception shall have been made thereto.

RULE 6.

Hearing of Causes &c.

Whenever a cause is ready for hearing or there be any question which under the practice of Courts of Equity in this State either party is entitled to have heard, the Court will, on written application, fix a time for such hearing without regard to numerical order on the docket. In all cases, unless otherwise ordered by the Court, briefs must be filed at the time of the hearing or within five days thereafter.

RULE 7.**Absence of Solicitor.**

The absence of the solicitor, except in cases of sickness or upon professional business, or of a party appearing without counsel, shall not be considered as a ground of continuance or postponement; and when two or more solicitors appear for any party, the attendance of one solicitor or his ability to attend shall be sufficient to prevent a continuance of postponement on account of the absence for any cause whatsoever of the other solicitor.

RULE 8.**Services of Rules and Orders.**

No party nor his solicitor shall be bound to take notice of any rule or order made and docketed either in term or during vacation, relative to any suit, unless a copy of such rule or order be served on said party or his solicitor, as shall be by the Court especially directed, or unless service of the original be admitted.

RULE 9.**Ratification of Sales.**

SECTION 1. No sale of real property under a decree or order of this Court shall be finally ratified and confirmed, until public notice of the report of such sale shall have been inserted in some newspaper published in Frederick County, or as shall be directed by the Court, unless the parties shall consent in writing to a final ratification without notice, but sales of personal property by trustees may be ratified without publication.

SECTION 2. No final ratification of any sale made by a trustee under a decree in equity, of any property in which an infant or infants are in anywise interested, shall be made by consent of parties. The ratification shall take place only upon the usual notice published in one or more newspapers, as the Court may by its orders direct.

RULE 10.

Trustees' Commissions

SECTION 1. On sales under decrees or orders of this Court, the following allowances shall be made to Trustee:

On the first 300 dollars, 8 per centum \$24.00

" second	300	"	7	"	"	21.00	45.00
" third	300	"	6	"	"	18.00	63.00
" fourth	300	"	5	"	"	15.00	78.00
" fifth	300	"	4	"	"	12.00	90.00
" sixth	300	"	4	"	"	12.00	102.00
" seventh	300	"	4	"	"	12.00	114.00
" eighth	300	"	4	"	"	12.00	126.00
" ninth	300	"	4	"	"	12.00	138.00
" tenth	300	"	4	"	"	12.00	150.00

and three per cent. on all sums above three thousand dollars, besides an allowance for all expenses except personal.

SECTION 2. The above may be lessened in case of negligence at the discretion of the Court.

SECTION 3. Whenever a Trustee or a party authorized under a power in a mortgage shall advertise mortgaged premises under an order or decree of this Court or in accordance with said power, and the amount due is paid before sale, the Trustee or such other person shall be allowed half commission on the amount due and the said allowance shall accordingly be paid. Provided that in case of advertisement under a power of sale in a mortgage reasonable notice is given of the intention to sell and no undue advantage has been taken of the owner of the property, and there be no provision in the mortgage to the contrary of such allowance of half commission.

RULE 11.

Allowance in Lieu of Dower.

The allowance to a widow or surviving husband in lieu of her or his right of dower in land and sold under decrees shall be as follows, having due regard to her or his health condition:

If he or she be under 40 years, not more than	1-7
If above 40 and under 45	" " " 2-15
If above 45 and under 51	" " " 1-8
If above 51 and under 56	" " " 1-9
If above 56 not less than	1-10

RULE 12.**Answer to Cross Bill.**

When a cross bill shall be filed, the defendant or defendants to the first bill shall answer thereto, before the defendant or defendants to the cross bill shall be compelled to answer such cross bill.

RULE 13.**Papers Sworn to Out of State.**

All bills, answers and other papers required to be sworn to out of the State, will be received if sworn to before a Justice, certified to be so by a Prothonotary or Clerk of a Court under his official seal, or before a Judge of any Court whose official capacity shall be certified by the Clerk of his Court under seal of office, or before a Mayor or Notary Public, or Commissioner of Deeds for the State of Maryland.

RULE 14.**Auditor's Proceedings.**

When a matter shall be referred to the Auditor of the Court to examine and report thereon, he shall assign a day and place therefor, and give reasonable notice to the parties or their salicitors, and if either shall fail to attend at the time and place, the Auditor may adjourn the examination of the matter to some further day, and must give notice thereof to the parties or their respective solicitors, expressing therein, that in default of appearance of them, or any of them, at the time and place, the Auditor will proceed *ex parte*, and accordingly upon such default he shall proceed to examine the matter and report to the Court in order to have such proceedings as the Court shall deem right.

RULE 15.**Deposits of Money Paid Into Court.**

All deposits of money and payments into Court shall be made upon the order of the Court, or Judge thereof, in one of the banks in Frederick County, and the money shall be deposited in one of the said banks by the Clerk, who shall give his receipt therefor to the party, and the said Clerk shall require an account to be immediately opened at the bank on receiving the deposit with the case in which said money shall be paid or deposited, and the clerk shall open a like account in a book to be kept by him, in which he shall procure the entries to be made by the bank of the money deposited to the

credit of the cause and of said account. No money deposited or paid into Court as aforesaid, shall be paid out except under the order of said Court or of a Judge thereof, which shall authorize the Clerk to draw a check upon the bank, payable to the order of the applicant, and the receipt of the applicant for the said check shall be taken by the Clerk on the account in his book aforesaid, in which account the Clerk shall copy all the orders of the Court or of any Judge as aforesaid, for payment, and the orders and checks aforesaid shall be delivered to the bank as the only vouchers to authorize the bank to make the payment aforesaid. The Clerk shall keep an alphabetical index to said book. The Clerk shall deliver a copy of this rule to the bank in which the deposits shall be made.

RULE 16.

Annual Reports of Fiduciaries.

SECTION 1. All guardians, receivers, committees of lunatics or idiots, trustees and other fiduciaries appointed by this Court, or under its control and jurisdiction, shall file with the Clerk at least once in every year a report or statement under oath of their guardianship or other trust specifying fully and clearly the kind, character, and nature of each investment held and the amount of cash on hand remaining uninvested.

SECTION 2. The Clerk shall keep a record of all continuing trusts in this Court in which shall be kept entries of the dates of filing reports required by the preceding Section, as well as such other matters as shall be necessary to keep the Court informed about such trusts. He shall furnish each person to whom this rule is applicable a copy of it, and shall report to the Court all refusals or failures of fiduciaries to comply with the rule.

RULE 17.

Trustees' Receipts.

Original receipts and acquaitances given to trustees and lodged for record in the Clerk's office, shall be returned to the said trustees after they shall have been recorded.

RULE 18.

Ratification of Auditor's Report.

SECTION 1. When any report of the Auditor of this Court shall have been filed, and lain in Court fourteen days, the Court will, on application, act on the same, if the other provisions of this rule have been complied with.

SECTION 2 And it shall be the duty of the Clerk as soon as any report of the Auditor shall have been filed, to fix up at some conspicuous place in his office, the titling of the case as it stands upon the Docket of this Court, and number of the case, and the time when such audit will be ready for ratification under this rule.

SECTION 3. Unless otherwise ordered by the Court for special cause, the Clerk shall also have published in some newspaper published in Frederick County, at least seven days before the time when such audit will be ready for ratification, a notice containing the titling and number of the case and the time when it will be ready for ratification, unless all the parties interested or their Attorneys of record, file in the case an agreement waiving said publication. The Auditor shall allow in the audit a sum not exceeding three dollars for such publication unless otherwise ordered by the Court or waived as herein provided.

RULE 19.

No Officer of Court to Become Security.

No officer of this Court, whether Clerk, Solicitor, Auditor or Sheriff, shall become security upon any trustee's bond, injunction bond, or any other bond, to be filed in this Court.

RULE 20.

Change of Name.

SECTION 1. Upon petition filed in this Court for the change of name of any person under the provisions of the Code of Public General Laws, the Court will pass an order nisi upon said petition which said order will declare that the Court will on a certain day to be named in said order nisi, proceed to pass a final order and decree that the name of the petitioner or of the person on whose behalf said petition is filed, as the case may be, shall be changed as prayed in said petition unless cause to the contrary shall be shown on or before said day named in said order nisi, provided, however, that before it shall proceed to pass such final order and decree on such petition, the Court shall be satisfied that notice of the substance and object of such petition, warning all persons to show cause to the contrary, if any they have, why the prayer of said petition should not be granted, has been published in some newspaper printed in Frederick County once a week for three consecutive weeks before the day mentioned in said order nisi.

SECTION 2. In cases in which objection shall be made or cause shown by any person or persons against granting the prayer of such petition on or before the day named in said order nisi, the said objections shall be set down for hearing at the earliest practical day and if upon such hearing the objections be sustained the petition shall be dismissed but if not, the decree shall be passed as prayed; provided the Court shall be satisfied that the rule of Court has been complied with and that the prayer of the petition should be granted

SECTION 3. The Court may make such provisions with reference to costs as it shall deem equitable.

RULE 21.

Chancery Papers—How Obtained.

The Clerk of this Court shall collect from the solicitors of this Court, or from the person who may have the same in possession, all chancery papers whatever, belonging to the Court; and shall hereafter permit no chancery papers whatever to be taken out of his office without an order of Court or a Judge thereof; but shall permit all solicitors of the Court to examine the same in his office, and shall furnish a copy of any paper or papers that may be required; but the Clerk may deliver chancery papers to the Auditor when he desires to make an audit thereon; or to the standing Examiners, or the Examiner agreed upon to take testimony in the cause; and it shall be the duty of the Auditor and Examiner to return the same to the Clerk as soon as he is done with them.

RULE 22.

Rule Further Proceedings

At any stage of a cause where further proceedings are proper to be had on the part of either of the complainant or of the defendant the opposite party may obtain a rule for such further proceedings, to be complied with within ten days after notice of such rule, and if the complainant shall not comply with such rule, his bill may, on application, be dismissed, but if it be the defendant who shall be in default, the case shall be proceeded with as the Court shall direct.

RULE 23.**Ne Exeat**

A *ne exeat* in alimony cases shall be, by special order dissolved upon the defendant filing a bond executed by himself and a surety or sureties approved by the Court, in such penalty as the Court shall direct conditioned that defendant shall comply with and perform the decree or any subsequent decree that may be passed in the premises.

RULE 24.**Testimony Before Answer, When.**

Upon any bill being filed and before the defendant has answered, upon oath made that any of the plaintiff's or defendant's witnesses are aged and infirm, or going out of the State, or that any one of them is a single witness to a material fact, the Clerk may issue a commission to one of the standing Examiners of the Court to take testimony of such witness or witnesses, the party praying such commission giving such notice as the Examiners shall deem reasonable, to the adverse party, of the time and place of such deposition.

RULE 25.**Pedente Lite.**

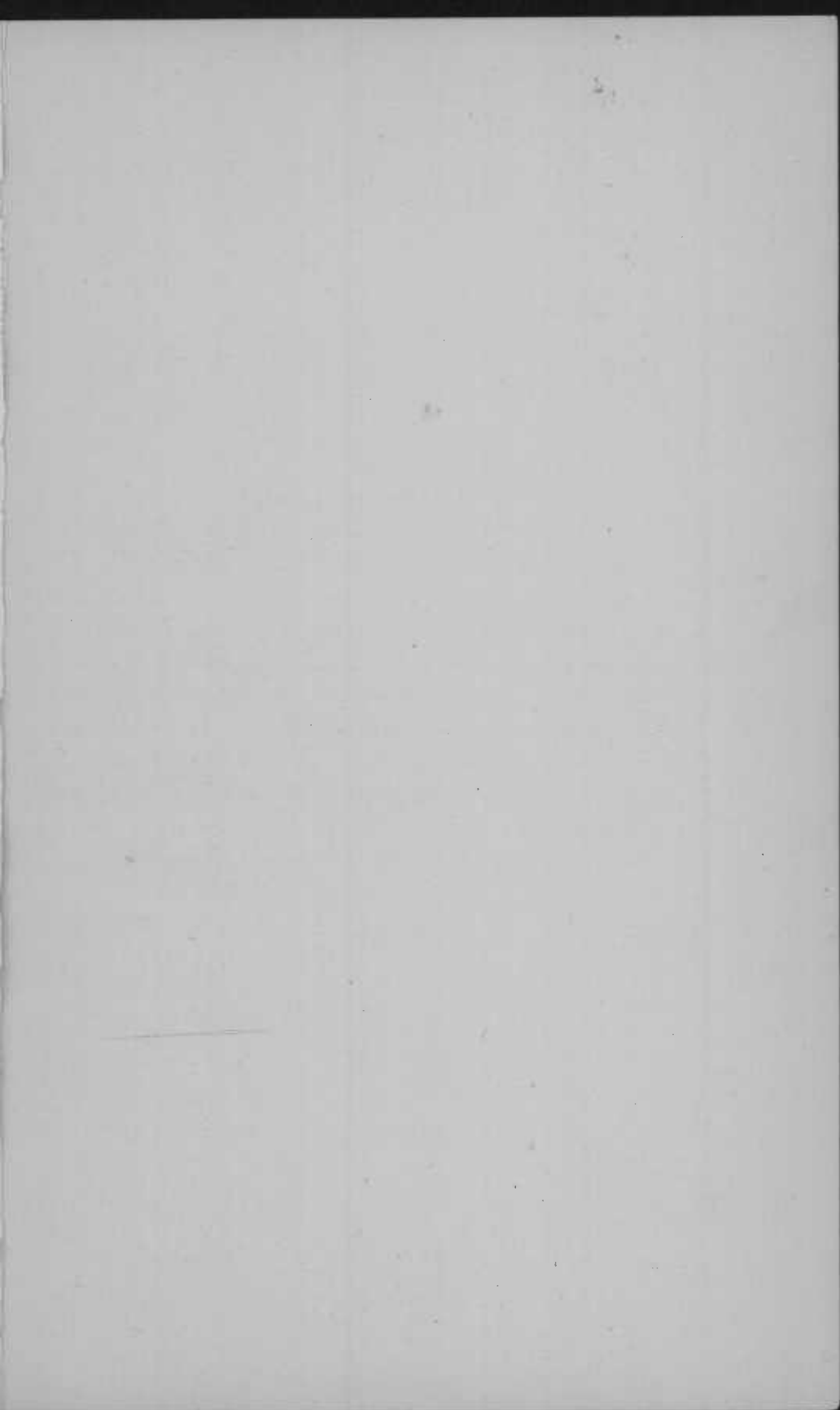
If defendant, or tenant coming in *pedente lite*, shall refuse to deliver possession of property sold under decree or order of Court, upon affidavit made of the fact, the court will issue an order directing possession to be given to the purchaser forthwith, unless cause be shown by a certain day to be limited in said order, and on refusal or neglect to comply with said order, a writ of *habere facias possessionem* shall forthwith be issued by the Clerk.



Order of Court.

ORDERED, That the foregoing Rules be, and they are hereby adopted for the government of the proceedings in the Circuit Court for Frederick County, in addition to the general equity rules adopted by the Court of Appeals of Maryland and statutes regulating the practice and proceedings in Courts of Equity in this State and that they shall be of force and effect in said Court, from and after the first Monday of September A. D. 1920, and that all existing rules of said Court, or parts of rules, in anywise inconsistent with the rules hereby adopted, be, and the same are hereby rescinded.

HAMMOND URNER,
GLENN H. WORTINGTON,
EDWARD C. PETER.



Index to Law Rules.

	RULE	PAGE
Agreement of Counsel	35	12
Alienation Book	52	17
Appearance fees, not to be assigned	47	15
Adjournment, <i>sine die</i>	14	6
Affadavits, when filed in new trials, &c	22	9
Amendment of Surveys	30	11
" in Appeals	15	6
Appeals, Subpoena in when returnable	2	4
" Amendments	15	6
" From Justices of the Peace	15	6
Appearance Docket, when called	10-11	5-6
Arrest of Judgment, motion in	22-27	9-10
" " " , Argument in	56	18
Attachment Suits	42	15
" for Witnesses for failing to attend	5	4
Argument of Counsel	36-37	12
Attorney, Surety on Bonds, &c	34	13
Bar, who admitted within	31	11
Baliffs, their duties	31	11
Banc, Court in, points how reserved	46	15
Bill of Particulars, how obtained, &c	24	9
Bonds with conditions	18	8
" Testamentary	18	8
Bond, Record	53	17

LAW RULES

	RULE	PAGE
Call of Dockets, Preliminary	10	5
" " " Generally	11	6
" " Appeal Docket	11	6
" " Dockets at non-Jury Terms	44	15
Clerk, to Tax cases within 30 days	9	5
" to dispose of money brought into Court	41	13
" to enter judgments or verdicts	32	12
" as to permitting papers to be taken out of office	33	12
" how to allow their per diem	8	5
" Warrants, Resurveys, &c	20-21-31	9-11
" Confessed Judgments	29-29A	11
" to deliver motions for new trial, &c to Judges	56	18
" to keep index to records	55	17
Clerk's costs to be paid	29A	11
Commission, to take testimony, notice &c	45	15
Confession of Judgments, when to be docketed	29	11
" " Clerk's costs to be paid	29A	11
Continuance	12-13-17	6-7
Costs, payment of on continuance	12-39	8-13
" of Surveys	21-30	9-11
" on suits dismissed	40	13
" of Judgment by confession	29A	11
Counsel, rule for new	39	13
Court in Banc, points how reserve	46	15
Criminal Subpoenas, when returnable	3	4
" Docket, when taken up for trial	3	4
Commissions, to be recorded	54	17
Declarations, when to be filed	16-17	7
Demurrers, when may be filed	26	10
" when to be argued and determined	26	10
Dismissal of Suits, how and on what terms	40	13
Docket, Subpoena, when called	5	4
" Criminal, when called	3	4
" Appeal, when called for trial	11	6

LAW RULES

	RULE	PAGE
Docket, Trial, when called 1st and 2nd time	11	6
" Original, when called	11	6
" how called at non-Jury Terms	44	15
Deuces Teucum, Subpoenas for public records	6	4
Ejection, declarations, &c., in	19	8
Election, to try by Jury and Court when made,	10	5
Examination of Witnesses	57-38	12-13
Examiner, as to interrogatories	49	16
Garnishes, suits against, how Docketed	42	14
Index to Records	55	17
Interrogatories, in attachments	48	13
Interrogatories, to precede answers	49	16
Indexes to Land Records	55	17
Judgment by confession in recess, where and how entered	29	11
" by default	17	7
" of fiat	25	10
" " <i>non. pros</i>	17	7
Jurors, per diem of	8	5
Limitations, when and how pleaded	23	9
Mode of trial, when elected	10	5
Money, brought into Court	41	13
Miscellaneous Docket	51	16
Motions, in arrest, new trial, when made	22-27	9-10
" " " " " to be argued	56	18
New Counsel	39	13
" Trials	22-56	9-18
" Party	13	6
Non Pros	17	7
Objections to Testimony, how raised & argued	37	12
Officers of Court, as sureties on bonds, &c	34	12
Original Docket, when called	11	6
Payments of money into Court	41	13
Papers, how to be taken out of the office	33	12
Plats	20-21	9
Pleadings, regulation of	16-17	7

LAW RULES

	RULE	PAGE
Pleas, when filed	16-17	7
Process, original, when returnable	7	5
Public Records, Subpoenas for	6	4
Reasons, for new trials, motion in arrest, &c	22	9
Rebuttal Testimony	38	13
Road Cases	4	4
Resurvey, warrants of	30	11
Sci. Fa	25	10
Security for Costs and on bonds	34	12
Sheriff, to make return	7	5
" as to plats and surveys	21	9
" Costs and charges in surveys	21	9
Suits, to be docketed against garnishees	42	14
Subpoenas, for witnesses, when returnable	1	4
" <i>Duces Tecum</i> for public records	6	4
" Criminal, when returnable	3	4
" Road Cases, " "	4	4
" in Appeals " "	2	4
Summons for Witnesses	1	4
Sundays, Jurors' pay	8	5
Surveys	21	9
Stet Docket	50	16
Speedy Judgment Act		18
Testimony, production of, objection to, new testimony	37-38	12-13
Trial, mode of, when to elect	10	5
Warrants of Resurvey, &c	20-21-30	9-11
Witnesses, not attending may be attached	5	4
" how paid	8	5
" no per diem allowed to Jurors, as	8	5
" no per diem allowed if absent when called	8	5
" not allowed in more than one case for the same day	8	5
" shall prove attendance, when	9	5
" Examining in Court	37	12

LAW RULES

	RULE	PAGE
" allowance of mileage	8	5
" Subpoenas for	1	4
" to prove attendance within 30 days	9	5

For Rules under Act of 1888, known as the "Speedy Judgment Act," see page 18.

For Rules in Insolvency see Former Book of Rules of this Court, page 22.



INDEX TO EQUITY RULES.

	PAGE
Answer to Cross Bills	23
Affadavits—Made out of State	23
Auditor's Proceedings	23
Auditor's Report—Ratification of	24
Allowance in Lieu of Dower	22
Annual Reports of Fiduciaries	24
Absence of Solicitor	21
Commission to take Testimony	19
Commissions of Trustees	22
Change of Name—Proceedings for	25
Cross Bill—Answer to	23
Chancery Papers—How obtained	26
Causes—Hearing of, &c.	20
Clerk—Duties of, when Money paid into Court	23
Deeree of Partitions and Dower	20
Decree on Award	20
Dower—Allowance in Lieu of	22
Deposits of Money paid into Court	23
Exhibits—Withdrawal of	19
Fiduciaries—Annual Report of	24
Half Commissions	22
Hearing of Causes, &c.	20
Infants—Ratification of Sale of Property &c	21
Name—Proceedings upon Petition to change the same	25
Ne Exeat	27
Papers filed in Proper Person	19
Papers sworn to out of State	19
Pendente Lite	27
Ratification of Sales	21
Ratification of Auditor's Reports	24-25
Receipts of Trustees	24
Reports—Annual of Fiduciaries	24
Rule, Further Proceedings	26
Solicitor, Absence of	21
Service of Rules and Order	21
Sales—Ratification of	9
Security—No Officer of Court to become	25
Testimony Before Answer	27
" Commission to take	19
Trustees' Commissions	22
" Receipts	24
Withdrawal of Exhibits	19

