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To The Members of the Bar of Baltimore:

The proposed revision of rules of the Supreme Bench and our courts is submitted to the members of the Bar for suggestions and criticism.

A special committee of the Bar Association of Baltimore City, consisting of R. Dorsey Watkins, Chairman, Jesse Slingluff, Jr., and Maxwell Suls, acting jointly with a committee of the Supreme Bench, Judges John T. Tucker, Chairman, E. Paul Mason, and Joseph Sherbow, have prepared this proposed revision.

Every rule and resolution has been considered. Some rules were eliminated, others combined, new ones drawn, and in general many have been completely re-written. The origin of the rules is indicated in italics at the end of the rule.

This proposed draft is submitted by the Bar Association of Baltimore City to all the members of the bar as a service, with the hope that suggestions and criticisms will be promptly made. They will then be considered by the Rules Committees, and the final draft submitted to the Supreme Bench for final action.

For convenience the rules have been numbered as follows:

Supreme Bench and Courts Generally,	Rules 1 to 100,
Superior Court, Court of Common Pleas,	
Baltimore City Court,	Rules 101 to 200,
Criminal Courts of Baltimore City,	Rules 201 to 300,
Equity Courts of Baltimore City,	Rules 301 to 400,
Division of Juvenile Causes,	Rules 401 to 500,
Resolutions of the Supreme Bench,	501 and upwards.

The purpose of this numbering system is to indicate clearly the natural category into which the rule fits, so that when it is cited by number its classification will be known.

We hope to have a complete index prepared and ready when the rules are finally adopted. This work will be undertaken by a committee of the Bar Association, and we will appreciate suggestions regarding numbering, indexing, styling, etc.

In some instances the committees felt that the rules should be much broader, but restrictive statutes prevented

such action, as in the case of the rule relating to third party suits.

All suggestions and criticisms should be addressed promptly to—

R. DORSEY WATKINS, Chairman,
Rules Committee of the Bar Association,
1637 O'Sullivan Building,
Baltimore — 2, Maryland.

Respectfully,

THE BAR ASSOCIATION OF BALTIMORE CITY,

Paul M. Higinbothom,
President.

RULES RELATING TO SUPREME BENCH AND COURTS GENERALLY.

RULE 1.

HEARINGS—MOTIONS FROM CRIMINAL COURTS.

A. The Supreme Bench shall hear and determine all motions for new trials from the Criminal Court, when such motions arise either on questions of fact or for misdirection upon any matters of law, and all motions in arrest of judgment or upon any matters of law determined by any judge of said court; and such motions shall be tried upon such evidence or means of proof as the Supreme Bench may determine.

B. Cases in which the questions above enumerated shall arise shall be brought before the Supreme Bench by the transmission by the Clerk of the Criminal Court of the original papers in the cause, together with a copy of the docket entries, to the Clerk of the Supreme Bench, who shall receipt for said papers and transcribe said docket entries into the docket of the Supreme Bench in the order in which the same shall have been received by him, and cases shall be tried in the same order. Upon the disposition of a case by the Supreme Bench, the papers shall be returned to the Clerk of the Criminal Court, together with a copy of the judgment or order.

C. Except as hereinafter stated, an agreed statement of the evidence relevant to the grounds of any such motion, or a statement of the same certified by the judge before whom the case was tried, must be filed in the Criminal Court within five days after the filing of the motion unless further time shall be given by the court and in default thereof the judge of the Criminal Court shall dismiss the motion and proceed with the case, as if the motion had not been made.

D. In preparing the record of the case all of the testimony shall be presented, except where otherwise stipulated by counsel, with the approval of the court.

*A—Old General 1; B—Old General 2; C—Old General 3;
D—New.*

RULE 2.

RULES FOR THE DRAWING, ORGANIZATION AND
DISTRIBUTION OF JURORS.

A. Besides the four hundred names to be drawn and recorded, as provided by the Public Local Laws relating to jurors in Baltimore City, one hundred additional names shall be drawn and recorded in the mode provided in said laws, and said five hundred names shall also be entered in the two additional books provided for by said laws. Provided, however, that in accordance with the provisions of said laws, and to meet the exigencies of any exceptional situation which may arise, the Supreme Bench may at any time by special order increase the number of such additional names to be drawn and recorded at the time named in such order, and in its discretion the Bench may by such order prescribe the mode of drawing and recording such names.

B. After delivery to the sheriff of one of the jury books, as provided for by said laws, he shall, as nearly as may be in the order in which their names are therein set down, summon such number of said five hundred persons, as the said judges, or a majority of them, may have directed, to appear before the jury judge in the Criminal Court, at 10 o'clock A. M. on the next Saturday but one, immediately preceeding the commencement of each regular term of the common law courts.

C. The jury judge shall at the time last mentioned following the order in which their names are set down in the jury books, proceed to select from those present, who may be qualified and not excused, the jurors required for the courts for the first three weeks of the ensuing term, and such jurors shall be selected and shall serve as jurors in the following order, viz: The twenty-five persons first selected shall constitute the jury for the Superior Court; the second twenty-five persons the jury for the Criminal Court; the third twenty-five the jury for the Baltimore City Court; the fourth twenty-five the jury for the Court of Common Pleas; and each succeeding twenty-five thereafter shall constitute an additional jury for the trial of cases before such of the judges-at-large as such panel of twenty-five shall be assigned to by the said jury judge, and as of the court in which said judge-at-large may have been assigned to assist.

D. The jurors empaneled for service before any of the judges-at-large shall be subject to service in any of the common law courts, and the regular jurors of the common law courts shall be subject to service before any of the said judges-at-large, in like maner as is now provided by said laws in respect to the jurors of the several common law courts.

E. The jury judge shall determine upon the qualifications of persons summoned for jury duty, and upon any right or claim to be excused or exempted from service.

F. If for any reasons full panels as aforesaid may not be obtained from the number first summoned, the sheriff upon the order of the jury judge shall summon as many more of said five hundred persons as said judge may think necessary, to appear before him at such time as he may direct, and out of such additional number, their names being called in the order in which they appear on the jury books, any incomplete panel or panels shall be filled.

G. For the purposes provided for by said laws, the judges, or a majority of them, shall assemble on the first Thursday of each term, instead of on the Thursday preceding the fourth Monday, and thereafter, as provided for in said section, from three weeks to three weeks as the attendance of any jury may be required.

After each of said meetings there shall be drawn and recorded in the manner provided for, such number of names as the judges or a majority of them may have directed; and after the delivery to him of one of the jury books, the sheriff shall, as hereinbefore provided, summon as many of the persons whose names have been so drawn, as the said judges, or a majority of them, may have ordered, to appear before the jury judge at ten o'clock A. M. on the succeeding Saturday, and the said judge shall then in the manner hereinbefore provided, empanel such juries as may be required to serve for the three weeks beginning one week from the ensuing Monday, and order them to report accordingly; and the said clerk of the Supreme Bench shall, in like manner, report the names, residences and occupations of the jurors so selected.

H. As the said juries may be organized, the jury judge shall order them to report for the services for which they may have been selected, and the clerk of the Supreme Bench shall thereupon report to each court the names, and, so far as may be known, the residence and occupation of the jurors

selected for such court, making a separate list of the jurors empaneled to service before any of the judges-at-large.

I. The term of service for petit jurors shall be three weeks, unless sooner discharged by the court, but jurors sworn upon any special panel shall continue to serve thereon until discharged by the court, as provided by said laws, notwithstanding the expiration of said three weeks. By special order of the Supreme Bench, the time of service of any jury may be enlarged.

J. Whenever, from time to time, the judges of the Supreme Bench shall decide that to secure the number of talesmen which may be needed in any of the courts of Baltimore City in the manner prescribed by said laws, it is necessary to cause additional names to be added to the list of qualified jurors which shall have been selected, the judges of the Supreme Bench shall meet and select in the manner provided by said laws, the names of seven hundred and fifty, or such other number as may be decided upon, additional persons qualified under the laws of the State to be grand and petit jurors in the City of Baltimore, and they shall cause the names of the persons so selected to be entered in a proper book and shall verify the list so made up by their certificate and signatures, and the names so selected shall thereby be added to said original list of qualified jurors, and said books containing said additional list shall be placed in the custody of the Clerk of the Superior Court of Baltimore City with said original list; and if it shall happen in summoning talesmen for any of said courts, the sheriff shall exhaust the whole list of names drawn from the wheel as provided by said laws, it shall be his duty immediately to make report thereof to the Supreme Bench and thereupon the said judges, or one of them, shall immediately cause the sheriff, or his deputy, to appear before such judge and cause such additional number of names as shall be designated by the judges of the court for which such talesmen are needed to be drawn from the names then remaining upon said original list of qualified jurors and from such further names as shall have been selected and added to said list in the manner herein provided; and said drawings shall be made, the names drawn shall be reported, and the talesmen shall be summoned from such additional number of persons so drawn, in the manner provided by said laws.

K. While not in actual service in any of the common law courts or before any of the judges-at-large, except in the case of jurors drawn for service in the Criminal Courts, the jurors shall assemble in a central place in the Court House provided for that purpose, there to remain subject to their existing assignments and to call for duty in any of the courts or before any of the judges-at-large. A bailiff thereto assigned by the Supreme Bench shall be in attendance in such central place.

L. The foregoing rules shall not be taken to alter, in any manner, any of the provisions of the local laws relating to jurors in Baltimore City, except in so far as the same may by said rules be changed, and the said rules, like the provisions of the local laws, shall be construed as directory and not mandatory.

Old General Rule 6.

RULE 3. 31

SECRECY OF GRAND JURY INVESTIGATIONS.

Information regarding investigations of the Grand Jury, whether in progress or in contemplation, shall not be disclosed or published except to members of the Supreme Bench, members of the Grand Jury, persons connected with the office of the State's Attorney, the Clerk of the Criminal Court, the Sheriff of Baltimore City, or the Commissioner of Police, and then only for their official purposes. After a presentment or indictment has been returned and the accused has been apprehended or bailed, the name or names of those presented, or presented and indicted, together with the matters and facts set out in the presentment and indictment may be the subject of publication. The State's Attorney, in filing with the Clerk of the Criminal Court lists of witnesses to be summoned before the Grand Jury shall omit from such lists the names of persons whom he seeks to have presented or indicted, unless and until a presentment or indictment be returned by the Grand Jury and the accused be apprehended or bailed, when he shall furnish the clerk with the names and addresses of defendants for the taxation of costs.

Old General 9.

32
RULE 4.

PHOTOGRAPHING PROHIBITED.

No photographs shall be taken in any court room over which The Supreme Bench of Baltimore City has jurisdiction, or in any court room to which the Chief Judge or any Associate Judge of the Supreme Bench of Baltimore City is assigned and over which he presides and has jurisdiction or control, nor so close thereto as to interfere with the proceedings or decorum thereof, while the court is in session, or at any other time when court officials, parties litigant, counsel, jurymen, witnesses or others connected with proceedings pending therein are present. Nor shall any photographic views taken or purporting to have been taken under such circumstances be published. Any violation or seeming violation of this rule shall be promptly brought to the attention of the court by any court official or attorney cognizant of the same, and may be heard upon suggestion or charge of contempt.

Old Law 48.

630
RULE 5.

HABEAS CORPUS.

A. In filing a petition for a writ of habeas corpus, the petition should, and if petitioner is represented by counsel shall, contain the following:

- (1) The grounds upon which the petition is based.
- (2) The reason for the petitioner's confinement and commitment.
- (3) The basis or bases of any other petition or petitions for writs of habeas corpus filed by or on behalf of the petitioner because of the same confinement or commitment; before what judicial tribunal every such petition was filed, and the action taken by each such tribunal on each such petition.

B. There should, and if petitioner is represented by counsel there shall, be submitted simultaneously with any petition for a writ of habeas corpus a written reference to the statute or law which is applicable in support of the petition and to such authorities in support of the petition as are known to

petitioner or counsel. A copy shall be furnished the State's Attorney of Baltimore City.

C. To facilitate inquiry at one central place as to what, if any, previous applications have been filed, all writs and applications for writs of habeas corpus shall be filed with the Clerk of the Baltimore City Court, who shall maintain a separate index of all such applications and cases.

Old General 8; Old Resolution 21.

RULE 6. 631

TRIAL OF APPEALS FROM ADMINISTRATIVE BOARDS.

A. All appeals from administrative boards or officials shall be heard within ten days from the time of the receipt of the record by the clerk, unless otherwise provided by law. This rule shall not apply to appeals from the State Industrial Accident Commission.

B. Appeals from the Board of Liquor License Commissioners of Baltimore City to the Baltimore City Court shall be heard by the judge assigned to Part III of that court (with any of the other judges to assist) and shall be set for hearing within ten days from the time of the receipt of the record by the clerk, unless otherwise ordered by the presiding judge.

Old Resolution 25.

RULE 7. 33

ATTORNEYS OR OFFICERS OF COURT NOT TO BECOME SURETIES, ETC.

No attorney or other officer, or deputy of any officer of any of the courts of Baltimore City shall be accepted as security for costs or as surety on any bond or be received as bail in any case.

Old Law 35; Criminal 3; Equity 18.

RULE 8. 601

BONDS—LAW AND EQUITY.

When bonds are offered for approval in the various law and equity courts of Baltimore City, the presiding judge in said court, in order to assist him in determining the sufficiency of such bond, may require a detailed statement, sworn

to by one having knowledge thereof, showing the assets and liabilities of each surety on said bond.

The statement of the assets and liabilities shall show the financial condition of the sureties as of a date not more than sixty days next preceding the application for approval of the bond. The said judge may further require a like statement under oath, within yearly intervals, or such other terms as he may designate, showing the assets and liabilities of each surety as of the date that such request is made, or as of such other date as the said judge may designate.

When the bond is that of an individual surety, said surety shall not be the spouse of, nor a person related to, said principal within the third degree.

Where the principal on the bond is a trustee, no beneficiary under said trust shall be accepted as surety on the bond of said trustee.

Where the bond offered for approval is a corporate bond, it shall be signed by an executive officer of the corporation issuing the bond; or it shall be signed by a person acting under a power of attorney and a copy of such power of attorney duly executed by an executive officer of the corporation shall be attached to the bond.

No corporate bond shall be accepted unless the corporation issuing same shall be authorized to carry on the surety business in Baltimore City, and shall have a resident agent upon whom service of process may be had, and give such assurance as the court may require that it will carry on the surety business in Baltimore City during the life of the bond.

The surety or sureties in all bonds may be approved by the clerk of the court in which the bonds are to be filed, unless otherwise provided by law or rule of court.

Old Law 51; Equity 35; Old Law 36.

RULE 9.

COPIES OF DECLARATION, BILL OF COMPLAINT, ETC., TO BE FURNISHED AND SERVED.

When an action at law or in equity is begun by the filing of a declaration, bill of complaint, or petition, as the case may be, the person instituting such action shall thereupon furnish the clerk of the court with one copy of such declaration, bill of complaint, or petition, for each defendant or respondent

in the matter. The clerk shall deliver said copy or copies to the sheriff, who shall serve one of such copies upon each defendant or respondent at the time he is served with process.

Where there are five or more defendants the court may }
make other orders with respect to furnishing copies.

Old Law 9.

RULE 10. 301

NAMES AND ADDRESSES OF ALL PARTIES TO
BE STATED IN PLEADINGS.

Every declaration, titling, petition, order for attachment, garnishment or execution, whereby proceedings are instituted at law for judgment against any defendant, respondent, garnishee or claimant, and every bill of complaint or petition upon which a writ of subpoena shall issue in equity, shall contain either in the title or introductory part thereof, or endorsed thereon or otherwise appended thereto, the names and addresses of all parties to the case or proceeding as far as known to any person filing such paper, or his attorney. }

The first pleading filed by or on behalf of any defendant or other party against whom relief is sought shall contain the name and address of any party which were omitted from or incorrectly stated in, the papers previously filed in said case.

Should the address of any person required to be supplied by this rule be unknown, it shall be so stated. The clerks of the respective courts are directed not to accept for filing any paper which does not comply with this rule.

Old Law 9A

RULE 11. 102

SERVICE OF PAPERS—HEARINGS.

No demurrer, motion for new trial, for judgment n. o. v., in arrest of judgment, and no other motion or other paper which may require a hearing by the court shall be filed until after a copy thereof shall have been served upon the opposite party or his counsel of record. The matter of such demurrer, motion or other paper shall stand for hearing, without further notice at the first convenient opportunity on a day set apart for such hearings, after five days from the service of copy of the paper aforesaid.

Every notice shall be in writing, and, together with a copy of the pleading or other paper to which it refers shall be served upon the party to be affected by it, or his counsel of record.

Service of any paper herein provided for may be effected by leaving the same at the office of the counsel to be served or mailing the same to such office. If there is no appearance of counsel for the party to be served on the record, said service may be made by the delivery or mailing of such paper or copy to such party, or in any other manner that the court may direct.

In the absence of an admission of service of such paper or copy by the counsel or party to be served, the certificate of the person who shall have made such service, showing the date thereof and the manner of making the same in accordance herewith, shall be prima facie proof of such service.

Old Law Rules 7, 11, and 13.

RULE 12.

CUSTODY OF PAPERS.

The clerk of each court shall be answerable for all records and papers filed in court, or in his office, and no record of the court, or any paper connected with the business of the office of the clerk, shall be taken out of his custody, nor shall the same be delivered to any person for any purpose whatsoever (unless for inspection in the clerk's office, or use before the courts or the judges) except to the several auditors, examiners, and auditors and masters of the equity courts, and to special auditors upon receipt to be signed when the papers are taken out and also when returned. Provided, however, that upon special cause shown by petition in writing, the court may authorize the withdrawal of papers upon such terms as may be prescribed in its order.

Old Law 41: Old Equity 25.

RULE 13.

ARGUMENTS AND TIME LIMITS.

Arguments of counsel upon any matter arising during the course of a trial, and arguments before the jury, or before the judge without a jury, on the facts, may be limited by the court in its discretion.

Counsel will not argue questions of evidence unless requested by the court.

Old Law 29.

RULE 14.

**MOTIONS FOR NEW TRIAL, IN ARREST OF
JUDGMENT OR FOR JUDGMENT N. O. V.**

Every motion for new trial or in arrest of judgment in law cases and criminal cases, or for judgment n. o. v. in law cases shall be filed before the official closing hour of the clerk's office on the third day succeeding that upon which the verdict shall have been rendered, and, in law cases, shall stand for hearing, without notice, on the next succeeding law day. All reasons for the said motion shall be filed in writing within the time limited for filing of said motion, and no other reason shall thereafter be assigned without leave of the court. If the third day, as aforesaid, shall be a Saturday, Sunday, or legal holiday, such motion shall be filed in accordance with Rule 15 hereof.

If either or both of the parties desire to have the testimony of witnesses or charge of the court, or both, transcribed for use at the hearing of a motion mentioned herein, the court, upon request in writing, may postpone such hearing for the purpose of allowing a reasonable time between the filing of such motion and the date of such hearing to permit the said testimony or charge, or both, to be transcribed.

Old Law 32; Old Criminal 2.

RULE 15.

COMPUTATION OF TIME.

In computing the time allowed for filing a motion for a new trial or in arrest of judgment or for judgment n. o. v., or for complying with any rule, order, notice, motion, or paper, the day on which the verdict or rule shall have been entered, or such order, notice, motion or paper shall have been served, is not to be included. The last day of the period so computed is to be included unless: (1) it is a Saturday, Sunday, or a legal holiday, in which event the period will run until the official closing hour of the clerk's office the next day which is neither a Saturday, Sunday, nor holiday; or

(2) the act to be done is the filing of some paper in court, and the office of the clerk of such court on said last day of the period is not open, or is closed for a part of its ordinary business day, in which event, the period will run until the official closing hour of the clerk's office on the next day which is neither Saturday, Sunday, a legal holiday, nor a day on which the said office is not open the entire day during its ordinary business hours. When the period of time allowed is more than seven days, intermediate Sundays and holidays shall be considered as other days; but if the period of time allowed is seven days or less, intermediate Sundays and holidays shall not be counted in computing the period of time.

Old Law Rule 12.

RULE 16.

ABSENCE OR DEATH OF COUNSEL.

A. The absence of counsel shall not be considered as a ground for postponement of a trial or hearing, unless caused by sickness, or unless counsel are engaged in the trial of a case in any court of general jurisdiction or any appellate court; and when two or more counsel appear for a party, the sickness or engagement of one shall not be a ground of postponement.

B. When in the opinion of the judge presiding in the Criminal Court it is desirable that counsel shall take up a trial in that court irrespective of engagements of the same counsel in a civil cause, said counsel shall as a general rule be excused from the civil court in order that he may attend the criminal trial.

C. In cases in which sole counsel for any party shall have died or been called to military service and no appearance of new counsel for such party shall have been entered prior to the preliminary call of cases or the peremptory call, as the case may be, the following provisions shall apply:

(1) If such death or call to military service shall have occurred before such case shall be in the preliminary call of cases, upon request to the court by any of the parties, the case shall be set for trial on a day thereafter not more than thirty days and not less than fifteen days from the day of the date of such preliminary call of cases in order to afford such party an opportunity to employ new counsel.

(2) If such death or call to military service shall occur between the date of such preliminary call of cases and the date of the peremptory call, the party affected shall, upon request to the court, be entitled to a postponement of the trial day not exceeding thirty days in the discretion of the court in order to employ new counsel. Upon such request to the court for postponement, the court shall make such provision for notice to the parties affected as shall be deemed appropriate.

(3) A rule to employ new counsel shall be laid upon the party whose counsel shall have died or been called to military service as aforesaid.

Old General 4; Old Law 4 A and Old Law 6, paragraphs 1 and 2; Old Equity 11 and Resolution 2.

RULE 17. 103

DEATH OF PARTY.

The representative of a deceased party shall have fifteen days after his appearance within which to comply with any rule on his predecessor or to move to cure any default existing at the time of his predecessor's death, and to give notice to the adverse party of the fact of his appearance; and his failure to comply with such rule within said time shall constitute a default.

If the adverse party shall be under any rule, or in default, at the time of the death of the original party, he shall have fifteen days after service of notice of appearance of the representative of the deceased party for complying with such rule or moving to purge such default; and his failure to comply with such rule within said time shall constitute a default.

Old Law 33.

RULE 18. 302 as amended

FILING.

see amendment
Attorneys filing a paper in any of the courts of Baltimore City shall type or print on the back of such paper, or its cover, if any, the title of the case and a description of the paper filed.

Old General 7.

New Rule Of Supreme Bench Of Baltimore

RULE 18

FILING OF PAPERS

Adopted by the Supreme Bench June 1, 1946, to supersede present Supreme Bench Rule 7 (proposed Rule 18).

(a) In cases instituted on or after September 1, 1946, in the Superior Court of Baltimore City, Court of Common Pleas, Baltimore City Court, Circuit Court (except the Division for Juvenile Causes), and Circuit Court No. 2 of Baltimore City, it shall not be necessary for counsel to attach backs to any papers or to endorse said papers for filing.

(b) The signature of counsel in the body of any paper, and the delivery of the paper to the Clerk shall constitute the Clerk's authority for filing such paper.

(c) All papers to be filed in any of said courts shall be not more than 8½ inches wide, shall be fastened only on the left side, and shall be so arranged as to leave a margin not less than 1½ inches wide on the left side thereof; said papers may be of any length desired by counsel, not exceeding 13 inches.

(d) Admission or certification of service of a copy of any paper shall be endorsed upon any part of the face of said paper.

(e) All papers shall bear a descriptive notation immediately after the title of the case indicating their nature, e.g., "Declaration," "Demurrer," "Demand for Particulars," "Exceptions to Auditor's Report."

(f) All papers received by the Clerk shall be filed flat, and shall be fastened at the left side thereof to an appropriate folder which shall contain on its cover an index to the papers filed therein.

(g) Should a paper be delivered to the Clerk enclosed in a back or cover, the Clerk shall remove such back or cover from such paper and destroy it before filing, provided such removal can be effected without damage to such paper.

(h) The respective Clerks of Court are directed to procure appropriate folders and other devices for the institution of "flat filing" and for the appropriate indexing of papers filed upon the folders containing them, subject in each case to the authority of the Supreme Bench.

(i) The respective Clerks of Court shall, where practicable, file Exhibits with the papers which they accompany; in other cases the Clerks shall file Exhibits by such method as may be most convenient and practicable.

(j) In cases pending on August 31, 1946, papers may be backed and filed by the Clerk as heretofore.

DAILY RECORD, BALTIMORE, SATURDAY, JULY 20,

Anne R Welsh to Edwin A Bren- gle &c, 2917 Glendale ave, g r \$90	5	Same to Morgan Gozdziwski &c Theresa Cesarini &c to Ellwood P B A Inc	1425 4290
Lucile C Strayer, trus, to Margaret L Crogan, several lots	—	Edw B Robinson & wf to Hamilton Fed S & L A	10,000
Same to Same, several lots	—	Chas W Holloway Jr to Hamilton Fed S & L A	8050
H Maynadier St Clair to John H Dorsey Jr &c, 910 S Stricker st, g r \$99	5	Julius H Snyderman & wf to Cal- vert Bk	13,000
Sebastian F Ferrante &c to Harry A Gunther &c, 1102 E Preston st, g r \$30	5	Maurice Spiegel &c to Calvert Bk Frank J Heiner Jr &c to Aurora Fed S & L A	7250 4600
Henry J Weber to Joseph R Smoot, 1931 E Lafayette ave, g r \$54..	5	Gurney E Zepp to Amer Natl B & L A	5500
Clement A Kaiser, admr, to Wilbur G Sprecher &c, 150 S Collins ave, g r \$60	5	Geo P Garratt & wf to Union Tr Co of Md	5000
Carlos E Twichell &c to Stanley M Hollins &c, 1 lot	2680 69	Leonard Steinberg &c to Sharon B & L A	2600 5250
Francesco Dantoni &c to Beverly D McCormick &c, 1121 N Gay st, g r \$45	5	Adkins Hesler to Md Casualty Co Henry C Webster Jr to Young Men's S & L A	2340
Cent Svgs Bk to Alvin Geller &c, 2465 Cold Spring la	5	Wm E Underwood &c to Harrison P B A	2100
Harry Goodman to Leonard J Mus- kin, 1008 Argyle ave, g r \$56	5	Theo S Swift & wf to Balto Fed S & L A	3500
Geo L Schnader &c to Edw L Corbi &c, s cor Norman & Lake aves Rhoda C Roach to Hester A Dewlin, 614 E 41st st, g r \$65	5	Leroy J Brown &c to Philip V Hendelberg	2000
Harold D Fox to Kenwick Co, e s St Paul nr 29th st, g r \$192	5	Wm J Germac &c to Frederick Ave B & L A	1900
Kenwick Co to W Carlos O Fox, same property, g r \$192	5	Arthur L Myers Jr &c to Ameri- can Natl B & L A	8500
Warren P Culbertson & wf to Jno E Bezold Jr & wf, 3338 Moon st	5	Wm M Harp &c to Frederick Ave B A	2250
Isadore I Levy &c to Isaac Abel &c, 3519 Reisterstown rd	5	Nowell O Johnson &c to Balto Fed S & L A	5200
Wanda R Schermerhorn et al to Sefon J Roman, 2616 E Balto st	5	Arthur High &c to Madison Square P B A	450
Sun Life Ins Co to Adolph L H Freese &c, 927 North Hill rd	5	Lewis W Glodek &c to Same.....	2200
Agnes T Ratas to Robt T Ratas, 3600 Greenmount ave	5	Benj T J Slowik &c to Same	4000
Agnes T Ratas to Robt L Allbaugh et al, same property	5	Thos J Clarke &c to American Natl B & L A	4800
Wm Fletcher & wf to Edw F May &c, 1516 Popland st, g r \$42..	5	James Paul &c to Same.....	2950
Solomon Weis &c to Israel Solomon &c, 1901 Linden ave, g r \$150	5	John P Walls Jr &c to Madison Square P B A	3200
Albert Kratzmeier & wf to Louis B Clemens &c, 702 E 36th st	5	Henry Harrison &c to Same....	2100
Eli Shuman &c to Jeanette R Heg- hinian, M D, 2041 Harlem ave...	5	Hugh J Flynn & wf to Liberty Fed S & L A	1400
Ruth W Lucy et al to Rubin Bern- stein & wf	5	Jos R Blackert & wf to Frater- nity Fed S & L A	1500
	5	Milton H Burkindine & wf to Bradford Fed S & L A	4098
	5	Saml A Ford &c to Stanley B & L A	1100
	5	Henry J Thamert Jr &c to Canton Natl Bk	4300
	5	Wm H Burch & wf to Loyola Fed S & L A	5000
		Walter C Carbaugh &c to Carroll	

6/5/46

1946

3

New Rule Of Supreme Bench Of Baltimore

RULE 18

FILING OF PAPERS

Adopted by the Supreme Bench June 1, 1946, to supersede present Supreme Bench Rule 7 (proposed Rule B).

(a) In cases instituted on or after September 1, 1946, in the Superior Court of Baltimore City, Court of Common Pleas, Baltimore City Court, Circuit Court (except the Division for Juvenile Causes), and Circuit Court No. 2 of Baltimore City, it shall not be necessary for counsel to attach backs to any papers or to endorse said papers for filing.

(b) The signature of counsel in the body of any paper, and the delivery of the paper to the Clerk shall constitute the Clerk's authority for filing such paper.

(c) All papers to be filed in any of said courts shall be not more than 8½ inches wide, shall be fastened only on the left side, and shall be so arranged as to leave a margin not less than 1½ inches wide on the left side thereof; said papers may be of any length desired by counsel, not exceeding 13 inches.

(d) Admission or certification of service of a copy of any paper shall be endorsed upon any part of the face of said paper.

(e) All papers shall bear a descriptive notation immediately after the title of the case indicating their nature, e.g., "Declaration," "Demurrer," "Demand for Particulars," "Exceptions to Auditor's Report."

(f) All papers received by the Clerk shall be filed flat, and shall be fastened at the left side thereof to an appropriate folder which shall contain on its cover an index to the papers filed therein.

(g) Should a paper be delivered to the Clerk enclosed in a back or cover, the Clerk shall remove such back or cover from such paper and destroy it before filing, provided such removal can be effected without damage to such paper.

(h) The respective Clerks of Court are directed to procure appropriate folders and other devices for the institution of "flat filing" and for the appropriate indexing of papers filed upon the folders containing them, subject in each case to the authority of the Supreme Bench.

(i) The respective Clerks of Court shall, where practicable, file Exhibits with the papers which they accompany; in other cases the Clerks shall file Exhibits by such method as may be most convenient and practicable.

(j) In cases pending on August 31, 1946, papers may be backed and filed by the Clerk as heretofore.

THE DAILY RECORD

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Negligence In Riding With Autoist Known To Be Drunk

Denver, Col., June 4 (CCNS)—Colorado's Supreme Court has ruled in effect that a passenger who enters an automobile when he knows the driver is under the influence of liquor is barred from recovering damages should an accident result.

A passenger in such a case was responsible for his own safety and assumed the risk involved, the court held.

Written by Justice Mortimer Stone, the high court's opinion said: "A guest riding in an automobile while not himself chargeable with the driver's negligence, is not absolved from personal care for his own safety. When a guest imprudently enters a car with the knowledge that the driver is so under the influence of intoxicants as to prevent him from exercising care and caution, this guest is barred from recovery by reason of contributory negligence and by reason of having assumed the risk involved." (Salter vs. Brotherhood.)

Little Change In Business Failures

New York, June 4—In the holiday-shortened week ending May 30, commercial and industrial failures were slightly lower than in the previous week but continued above the 1945

RULE 19.

AGREEMENTS TO BE IN WRITING.

No agreement between parties or their counsel in relation to proceedings in any cause shall be binding, unless reduced to writing and signed by the party to be charged therewith or his counsel or unless the same be made in open court.

Old Law 28 and Equity 31.

RULE 20.

STRIKING OUT APPEARANCE OF COUNSEL.

The appearance of counsel in a case may be stricken out upon his written order filed with the clerk of the court in which such case is pending, provided such order is filed and a copy thereof served on the opposing party, or his counsel of record, prior to the preliminary call of the case. If such order is not filed and a copy thereof is not served as afore-said, counsel shall not strike out his appearance without leave of court. If the court grant such leave, it shall do so upon such conditions as the justice of the matter may require.

New.

RULE 21.

ORDERS AND DECREES AFFECTING PROBATION DEPARTMENT.

A. All orders or decrees, or any subsequent modification thereof, passed by any court, wherein the Probation Department of the Supreme Bench is charged with the supervision of, or the collection of moneys from, the person named therein, or both, shall be in writing.

B. The clerk of the court indicated in such order, decree, or modification thereof, before docketing and filing the same among the papers in the case, shall deliver a copy thereof to the Chief Probation Officer who shall acknowledge the same, and such acknowledgment shall be filed in the case.

C. The expense of filing such orders, decrees, or modifications thereof, delivering such copies, and filing such acknowledgments thereof shall be taxed by the clerk as part of the costs of the case; except that in cases pending in the equity courts, where the party applying for and obtaining modification of such original order is represented on such application by counsel, the duty shall devolve on counsel for such successful applicant to make the said copy of such modi-

fied order and serve the same on the Chief Probation Officer or his deputy, assistant or clerk authorized to accept service of such copy, and he shall also file evidence of such service with the clerk, in which case no additional costs shall be taxed in the case by the clerk, and the provisions of paragraph B hereof shall not apply.

D. All payments of alimony pendente lite, permanent alimony and for support and maintenance of children shall be made through the Probation Department, unless otherwise directed by the court.

Old Criminal Rule 5A; Old Equity Rule 34; "D" is new.

RULE 22.

FORM OF SHOW CAUSE ORDER.

All show cause orders shall be in substantially the following form, unless otherwise provided by the court:

"Ordered this..... day of....., 19....., by the..... Court..... of Baltimore City, that the..... show cause within..... days from this date why the relief prayed should not be granted, PROVIDED a copy of..... and of this order be served on the..... or his counsel of record, on or before....., 19....."

Old Resolution 22.

RULE 23.

COSTS OF DEPOSITIONS.

The cost of depositions admitted in evidence shall be taxed as part of the costs of the case, unless the court on motion shall disallow the same or otherwise apportion the costs between the parties.

It shall be discretionary with the court to tax as part of the costs of the case all or any part of any other depositions taken by any party to the cause.

New.

RULE 24.

NATURALIZATION.

A. Proceedings for the naturalization of aliens shall be filed in the office of the clerk of the Court of Common Pleas,

and shall be conducted according to the laws and regulations of the Government of the United States upon that subject.

B. Applications for naturalization shall be heard during the regular terms of the courts, upon the second Saturday in each month, by one or both of the judges who shall from time to time have been designated to sit in naturalization cases, except that no session for such purpose shall be held within thirty days next preceding any general congressional or municipal election, and provided that the designation of a regular day for hearing naturalization cases herein shall not prevent the judge or judges from postponing such cases from day to day, or designating from time to time a special day for hearing any such case or cases; and provided further, that in the absence of a judge specially designated, any other judge of the Supreme Bench may sit in his place.

C. In every petition for naturalization in which no final order has been made within one year after the date of the filing thereof, the clerk of the court shall cause a notice to be mailed to the last known address of the petitioner to the effect that unless such petitioner shall appear in court with his witnesses for the final hearing of his petition on one of the regular days set for hearing naturalization matters within thirty days after the date of said notice, or shall within such time show to the court good reason for his failure to so appear, the said petition shall be dismissed; and in all cases in which such notices are so sent to petitioners for naturalization in which the petitioners neglect or fail to appear or to show the court good reason for such neglect or failure to appear the petition shall thereupon be dismissed; provided, that the thirty days preceding any general election shall not be included in computing the time within which a petitioner shall appear for final hearing.

Par. A is Old General 5; Pars. B and C are new.

RULE 25.

INTERPRETERS.

Counsel who propose to use non-English speaking witnesses shall notify the court clerk in advance that the services of an interpreter will be required, so that the court clerk will be afforded a fair opportunity to secure one of the interpreters approved by the Supreme Bench.

Old Resolution 20.

701 ?

RULE 26.

ARBITRATION AND AWARD—JUDGMENT OR DECREE.

On motion, a judgment or decree may be entered on a final award, provided said award shall have remained in court during four days of its sitting and a copy of said award shall have been served on the adverse party, or his attorney, at least four days before such motion shall be made.

Old Law 34 and Old Equity 17.

RULE 27. 36

MONEYS AND SECURITIES BROUGHT OR PAID INTO COURT.

All moneys (except deposits for security for costs) or securities brought into court under any order thereof or deposited with the clerk, shall be by him deposited in a bank or trust company of the City of Baltimore to the credit of the cause, wherein such order is passed, or in which said money or securities are deposited, subject to the further order of the court in which said cause is pending.

A certified copy of an order of court together with the check of the clerk, in the usual form, shall be the authority of the depositary for the payment of the money or delivery of securities so deposited.

The clerk shall keep a record book in which shall be entered under the appropriate title all moneys or securities received and distributed. All checks shall be drawn payable to the order of the party entitled or to the order of his, her or its counsel of record. Securities shall likewise be delivered personally to the party entitled or to his, her or its counsel of record.

Whenever the court by order shall direct payment of the money or delivery of the securities deposited as aforesaid or any part thereof, neither the clerk of the court nor the depositary shall be required to pay the same until the time for appeal from such order, or judgment upon which it was passed, shall have expired, or a waiver of appeal be filed, unless a proper bond approved by the court shall be filed in the proceedings. Where such an appeal is filed, the money shall not be disbursed until final disposition of the appeal.

Old Law 43; Old Equity 22 and Resolution 4.

RULES RELATING TO THE SUPERIOR COURT OF
BALTIMORE CITY,
BALTIMORE CITY COURT,
AND
THE COURT OF COMMON PLEAS.
(See also General Rules.)

530
RULE 101.

TRIAL DOCKET.

At each term of court all open cases not twice continued, including those brought to the next preceding return day,—whether the same be at issue or not—shall stand for trial. Cases shall be numbered on the trial docket in the order of their institution; provided, however, that the clerk shall, except as to cases specially assigned, give priority in numerical order to the cases of the preceding term which were not reached for trial; and shall put at the end of the docket the cases of the preceding term which were continued.

Old Law 1.

531
RULE 102.

PRELIMINARY CALLS.

Unless otherwise directed by the presiding judge, the trial of cases will begin on the first day of each term, and during the week preceding the opening of the term and from time to time during the term there will be a preliminary call of such number of cases as the court shall determine from each trial docket. Preliminary calls will be so made as to prevent conflict where such calls are made for more than one court on the same day. Attorneys of record will be notified of such calls by written notices served on them or mailed to their offices on or before the day preceding such call. At such preliminary calls the judge shall in the absence of agreement of counsel continue the case or set it for trial generally, or for trial on a special day, or postpone or otherwise dispose of the same. Cases may be marked for trial generally or specially or for postponement or continuance by

consent of counsel, provided, however, that the disposition of cases at such calls by consent may be changed by the judge after notice to counsel and opportunity to be heard, if necessary in his judgment to facilitate the trial business of the court. Preliminary calls may be made by a clerk if the judge shall so direct, but in such event objections to the disposition of any case by any counsel of record shall be heard and decided by the judge.

Old Law 2.

RULE 103.

PEREMPTORY CALLS.

All cases marked for trial at the preliminary call shall stand for peremptory trial or other final disposition and shall be assigned in numerical order (unless marked for special days) in the manner following: On each trial day and not later than the hour of 1 P. M., the clerk shall post on the bulletin boards and in his office a list of cases to be included in his peremptory call which will take place before the presiding judge or clerk at 3 P. M., or as near thereto as conveniently may be on the same day.

The cases provided by such peremptory call will be added to the existing assignment, which shall stand for trial without further notice; provided, however, that cases specially set for a day shall have precedence over all others, except those coming over from a preceding day's assignment, and provided further that unless specially ordered by the court, not more than fifteen cases of originals, or fifteen cases of appeals shall be assigned for trial on any one day, but for the purpose of this proviso a short note case and the garnishment or claim cases connected therewith, or a sequence of cases involving the same questions may be counted as one case.

Old Law 3.

RULE 104.

CONTINUANCES AND POSTPONEMENTS.

At any time after the preliminary call and before the posting of the peremptory lists, cases may be continued or specially set for trial on any day by agreement of counsel,

provided that the presiding judge, after notice to counsel and opportunity to be heard, may change the disposition of such cases, if in his opinion it is necessary in order to facilitate the trial business of the court; and if there be no agreement the court may continue or postpone any case or set the same for trial on a certain day after notice to counsel.

Old Law Rule 4.

RULE 105.

TWICE CONTINUED CASES.

After a case has been continued two or more times, it shall not thereafter be listed or treated as ready for trial, but shall remain without further call, subject to the right of either party to call it up for trial on thirty days' written notice to the other, a copy of which notice shall be filed with the clerk; and in such event the case shall be posted by the clerk in the preliminary list for the trial day next after the expiration of such thirty-day period. Any case which has not been called up for trial within a period of one year after a second or subsequent continuance, and any case which has been called up within such period but has not been finally disposed of by trial, settlement, or otherwise, within a period of six months after the copy of notice by which it was called up for trial was filed with the clerk, shall be considered dismissed for want of prosecution, and judgment of *non pros* shall be entered by the clerk unless such period of one year or six months, as the case may be, shall have been extended by prior order of court for good cause shown.

No case twice continued shall be again continued except by order of court and for good cause shown.

A case set for trial but not reached during the term shall not be considered as continued within the meaning of this rule.

Old Law Rule 5.

RULE 106.

CASES PASSED FOR SETTLEMENT.

No cases shall be passed for settlement generally or indefinitely. Cases shall be so passed only for such definite period of time as shall be fixed by the court. Upon the expiration

of such period all cases so passed that have not been actually entered "agreed and settled" or otherwise terminated on the record, and as to which all the court costs have not been paid, shall forthwith be placed in the trial assignment of the court for peremptory trial.

Old Law 52.

RULE 107. 633

APPEALS FROM THE PEOPLE'S COURT.

In the trial of appeals from the People's Court of Baltimore City, either party may have a jury trial upon application in writing at least five (5) days before the first day of the first trial term at which the case is triable; otherwise the court shall proceed to try such cases without the intervention of a jury.

Old Law 46.

RULE 108. 634

WORKMEN'S COMPENSATION APPEALS.

At any time after an appeal is taken from the State Industrial Accident Commission, and not later than thirty days after the record of the proceedings of the State Industrial Accident Commission has been filed with the clerk of the court to which the appeal has been taken, each party to the case shall file with said clerk any proposed issues of fact which such party may wish to have submitted to a jury, having first served a copy of such proposed issues on the other party or parties.

Any and all exceptions to such proposed issues must be in writing, served on the party or parties proposing the issues, and filed with the clerk within ten days after the service of a copy of the issues excepted to.

Such exceptions shall stand for hearing on the next law day.

At such hearing the judge may permit any of the parties to amend the proposed issues, or may himself frame proper issues of fact. Any party may within five days except to issues framed by the court.

After the issues have been framed and settled by the court, the trial judge shall upon application of either party,

Proposed
Rules 7 Sup Bench

Rule 9 (a)

Copies of Bill of Complaint,
to be furnished + served

Rule 10(9A) Names +

Addresses of all parties
to be ~~stated~~ in pleadings

Rules 301-d seq



and after notice thereof to the other party or parties, set the appeal for a hearing on a particular day not earlier than five days after said application, except as agreed by the parties; otherwise the case shall be tried in the usual order.

If none of the parties to the appeal files any proposed issues within thirty days after the filing of the record with the clerk, the case shall be treated as a non-jury case, and shall be set for hearing before the court without a jury. At such hearing the court shall hear the case on the record, unless either party shall elect to produce other or additional evidence, or the judge himself shall ask for other or additional evidence. Reasonable notice of all hearings shall be given.

The time for filing issues or exceptions thereto may be extended by the court in its sound discretion for good cause shown.

Old Law Rule 50.

RULE 109.

PROCEDURE IN THIRD PARTY ACTIONS.

A. Pleadings

1. (a) All motions for leave to file a third party complaint shall be filed within thirty days after the time for filing an answer to the declaration. If filed thereafter, the court will not grant said motion unless, in addition to the good cause shown for granting the motion, there shall also be good cause shown for delay in filing the third party complaint.

(b) The third party complaint shall be filed not later than five days after the granting of such motion, unless the court shall extend the time for filing such complaint.

(c) A copy of the original declaration shall be served upon the third party defendant with the copy of the third party complaint.

2. The plaintiff in the case, if he elects to amend his declaration, shall file his amended declaration within fifteen days after the third party complaint is filed and if he fails to file his amended declaration within such time, he may not thereafter so amend, except by leave of court, and the case shall proceed as if the plaintiff had elected not to amend the declaration.

3. The third party defendant shall make his defense to the third party complaint and to an amended declaration, if one is filed, in the same manner and within the time required for a defendant to make his defense to an original suit, and all subsequent pleadings by the parties to the case shall be filed within the times required for filing such subsequent pleadings by parties in accordance with these rules.

4. The above rule shall also apply to cases in which additional parties are joined by any third party defendant.

B. Default

Upon default by third party defendant appropriate judgment or judgments shall be entered upon motion.

RULE 110.

COMMON AND SPECIAL RULES.

Every rule to which a party would, according to the practice of the court, be entitled as of course, without showing cause, shall be denominated a common rule, and every other rule shall be denominated a special rule. All common rules and all rules by consent of parties shall be entered as of course by the clerk, and shall be entered on the docket when filed.

Old Law Rule 17.

RULE 111.

ELECTION OF JURY TRIAL.

All civil causes standing for trial in the several common-law courts of Baltimore City shall be tried before the court without a jury, unless an election in writing separate and distinct from the pleadings be filed, in person or by attorney, for a trial by jury as hereinafter provided.

As to the plaintiffs, such election shall be made by the plaintiffs, or any of them, not later than fifteen days after the filing of the declaration. In all cases where a plaintiff or plaintiffs shall be brought in by amendment, any such new plaintiff shall so elect within five days after being made a party.

As to the defendants, including third party defendants, such election shall be made by the defendants or any of them, at or before the time of first filing a plea.

In mandamus cases, such election shall be made by the petitioner upon filing the petition, or within five days thereafter, and by the defendant upon filing the answer.

Such election shall not be withdrawn, except by written consent of all the parties, filed in the case, except where judgment by default has been entered.

This rule shall not apply to issues from the Orphans' Court or courts of equity, or to issues in cases of insolvency or to causes removed from any of the circuit courts for the several counties, or to appeals from the Commissioners for Opening Streets, or to any proceedings under writs of attachment, or execution, or scire facias, or appeals from the State Industrial Accident Commission.

So soon as it is ascertained that a cause will not be tried before a jury, the clerk of each of the courts having common-law jurisdiction shall transfer the same to a separate trial docket or blotter, entitled "Non-Jury Cases," and the trial of such cases in each of said courts shall take place before the judge assigned to such court or before the judge-at-large assigned to sit as an additional part of such court.

Old Law 45.

RULE 112.

PLEADING BY DEFENDANT IN SUITS INSTITUTED BY TITLING.

If the plaintiff in any action brought by titling, in which the defendant shall have been summoned, shall file his declaration before judgment of non-pros as provided by law, the defendant shall plead thereto within thirty days after the service of a copy thereof upon the defendant or his attorney of record. If service cannot be effected after reasonably diligent effort by the plaintiff, the court, upon satisfactory proof by affidavit or otherwise of the plaintiff's inability to effect service as aforesaid, shall pass an order notifying the defendant to plead within thirty days thereafter and directing that a copy of said order and notice to plead together with a copy of the declaration shall be promptly posted by the sheriff at the Court House door (of which posting the sheriff's return endorsed upon the original order shall be due proof). Upon failure of the defendant to plead within thirty days

after the date of such posting, the plaintiff may proceed as in other cases of default.

Old Law Rule 8.

RULE 113.

PLEADINGS AFTER DECLARATION.

General issue pleas may be entered short on the docket, unless required by law to be written or under oath; and the usual joinder of issue shall be entered by the clerk, as of course, subject to the right of the party for whom it has been entered to strike out—but this right shall be exercised under the discretion of the court, and without causing needless delay in joining issue.

All other pleadings must be written, and notice of their filing must be given. Pleas to the jurisdiction, in abatement, or of limitations must be pleaded strictly within the time limited by law or rule to plead, unless the time therefor be previously extended by the court or by consent of counsel.

The defendant having pleaded, the clerk shall enter a rule on the plaintiff to reply in fifteen days, and upon the filing of a replication, rejoinder, surrejoinder, etc., a similar rule on the defendant or plaintiff to answer in fifteen days shall be entered by the clerk until the cause shall be at issue.

Old Law Rule 10.

RULE 114.

JUDGMENTS BY DEFAULT.

Except in cases under the Speedy Judgment Act, if a party is in default, judgment may be entered against him on motion of the adverse party. The judgment against a plaintiff upon a default shall be a judgment of non pros and for the defendant for costs.

If judgment by default be entered against a defendant, and the action be brought on a promissory note, bill of exchange, bond, record, writing obligatory, open account, or other cause of action ex contractu for the payment of a certain sum, and in which the measure of damages be certain and fixed, the said judgment shall be extended by the court at any time on motion of the plaintiff and on satisfactory proof of the amount of damage due. In all other actions ex

contractu, and in actions ex delicto, where a jury trial shall have been prayed by either party, the plaintiff may have his writ of inquiry to assess the damages at any time subsequent to the judgment by default.

If either party shall have prayed a jury trial, and damages shall not be assessed on the day on which a judgment by default shall be entered, notice of intention to assess such damage shall be given by listing such case by number and title in the assignment and on the bulletin for the day on which such damages are to be assessed. By the joint written consent of the parties or their attorneys of record, filed in the case, a jury trial may be waived and the damages assessed by the court. Also, if the plaintiff shall have prayed a jury trial, and the defendant shall not have entered an appearance by attorney, or in proper person, the plaintiff may waive such jury trial and damages may be assessed by the court.

When a demurrer is overruled, a judgment by default shall be entered against the party demurring, unless he shall plead over, within a time to be fixed by the court; and upon judgment by default, proceedings as above may be had for assessing damages and extending the final judgment.

At any time before a judgment by default shall have been entered, the court may grant additional time for pleading, and a judgment by default may be stricken out at any time within thirty days after its entry, unless otherwise provided by statute.

Old Law Rule 14 & 20.

RULE 115.

JUDGMENT FOR FAILURE TO PROSECUTE OR DEFEND.

In the event of the unexcused absence, when the case is called for trial, of:

A. The plaintiff and his counsel, a judgment of non pros may be entered by the court without impanelling a jury;

B. The defendant and his counsel, the plaintiff may proceed with the case ex parte;

C. The parties and their counsel, judgment of non pros may be entered or the case otherwise disposed of in the discretion of the court.

Old Law Rule 6 (last Par.).

732

RULE 116.

JUDGMENT BY CONFESSION.

The summons for the defendant following the entry of a judgment by confession shall be sent to the sheriff with direction to make return thereof within thirty days from the date of issuance. Upon a return of "non est" by the sheriff the judgment creditor shall be entitled to a renewal of summons, to be returned within a like time; and upon two returns of "non est" shall be entitled to an order by the court directing notice to the defendant by publication, by posting a copy of the summons at the Court House door, or otherwise, as the court may direct.

Old Law 47 as superseded by Rule 53 of Supreme Bench dated 12/18/44.

RULE 117.

BILL OF PARTICULARS.

In every case where a demand for particulars is filed the particulars shall be furnished within fifteen days thereafter, unless exceptions are filed to the demand.

If exceptions are filed they shall stand for hearing at the next law day, and the court shall direct in the order disposing of such exceptions the time for filing further pleadings.

In all cases where demands for particulars are filed or exceptions are filed, the time for pleading shall be enlarged to fifteen days after compliance with the demand or disposition by the court of the exceptions without special order in writing; but no such extension of time for pleading shall be made in cases under the Speedy Judgment Act, except for good cause shown, as provided by law, and then only by special order in writing.

Old Law Rule 15 & 2nd par. of Old Law Rule 15A.

RULE 118.

DEMURRERS, MOTIONS, ETC., FORM AND SERVICE.

Demurrers to declarations, not under the Speedy Judgment Act, and demurrers to all other pleadings, and also all motions and exceptions, and demands for particulars shall set out in full detail each reason therefor upon which counsel rely.

Motions grounded on facts not apparent from the record or from papers on file in the case, shall be supported by affidavit; shall be filed in court together with the affidavit and papers on which such motion is founded; and may be heard on oral testimony, or otherwise as the case may require. Copies of said motion, affidavit, and supporting papers shall be served on the opposite party at least five days before the date set for a hearing thereon.

The above requirements do not apply to any demurrers, motions or exceptions filed during trial.

Old Law Rules 15 A (1st & 3rd Pars.), 18 and 19.

RULE 119.

REMOVED CASES.

In order that delay by removal of a case shall be prevented as far as possible, a case standing in the day's assignment of cases for trial in any one of the common law courts of Baltimore City and removed to another shall be assigned as part of the assignment of cases for trial on that day in such other court and shall be tried immediately, or as soon as, in the opinion of the presiding judge, fairness to other cases awaiting trial in that court will permit.

Old Law 27.

RULE 120.

EXAMINATION OF WITNESSES—ADMISSIBILITY OF EVIDENCE—OBJECTIONS.

Every objection to the admissibility of evidence shall be made at the time when such evidence is offered, or as soon thereafter as the objection to its admissibility shall have become apparent, otherwise the objection shall be treated as waived; and every objection thus made shall be disposed of forthwith, unless the court shall permit the evidence to be offered subject to objection; provided, however, that after the close of the evidence for the plaintiff the court will, at the request of the counsel making the objection, determine the same before the defendant proceeds with his evidence; and the same rule will be applicable to objections by the plaintiff to the defendant's evidence before plaintiff's evidence in rebuttal is given or prayers are offered on either side.

Old Law 30.

430 ?
RULE 121.ANSWER TO INTERROGATORIES IN
ATTACHMENTS—EXCEPTIONS.

After the garnishee in attachment has filed his answers to interrogatories, he shall serve a copy thereof on the plaintiff, and all exceptions, intended to be taken to said answers, shall be filed in fifteen days from the time of the service of the copy thereof on the plaintiff and not afterwards, unless by special leave of the court.

Old Law Rule 16.

635
RULE 122.

WARRANTS OF RE-SURVEY.

A. A warrant of re-survey shall be taken out within fifteen days after it shall have been ordered. It shall be the duty of the plaintiff in ejectment to take out the warrant and deliver it to the sheriff to be executed. In all other cases this duty shall be cast on the party at whose instance the warrant shall have been ordered.

B. Ten days' notice of the time of executing any warrant of re-survey shall be given by the sheriff to the parties, or their respective agents or attorneys; and after closing the survey, it shall be the duty of the surveyor to prepare and return to the clerk's office, at least fifteen days before the commencement of the ensuing term, three fair and correct plats with certificates and explanations and the warrant of re-survey and depositions and other evidence taken by them. One of said plats, with its certificates and explanations, shall be for the use of the plaintiff, another for the use of the defendant, and the third shall be retained for the use of the court and jury.

C. The foregoing rules shall be observed in the execution of a warrant of re-survey renewed and re-issued under leave to add and amend, the party asking for said warrant being responsible for the issuing of said warrant and the delivery thereof, with the plats, certificates and explanations remaining in the clerk's office, to the sheriff; and every application for leave to add to or amend must be sustained by reasonable cause shown to the court.

D. The sheriff and surveyor shall endorse on every plat the particulars and amount of their fees against the respective parties.

A—Old Law 21; B—Old Law 22; C—Old Law 23; D—Old Law 24.

RULE 123.

COMMISSIONS FOR MARKING AND BOUNDING LANDS— CAVEATS—TRIALS.

A. All commissions issued for marking and bounding lands according to Article 15, Code of Public General Laws, which may be returned to court on or before the third day of any term shall be recorded among the records of land commissions for this city immediately after the last day of the term, provided, there be no caveat against recording the same within such term. All such commissions which shall be returned after the third day of the term shall remain on the clerk's files until the last day of the succeeding term, and shall immediately thereafter be recorded, if no caveat be entered against the same.

B. No caveat shall be received unless the objections to recording the commission be stated and filed with the same. When a caveat with objections shall be filed, notice thereof, with a copy of the objections, shall be served, as soon as may be, by the sheriff on the party or parties in whose name or names the commission was granted, and a determination shall be had at the term next immediately succeeding the service of such notice, or sooner if the parties shall agree. The clerk is directed to issue summons on the application of the parties to obtain the attendance of witnesses.

C. No trial on a caveat to a commission shall be delayed longer than the term next immediately succeeding the service of notice, except for causes which would be a sufficient ground for continuing suits longer than the time limited by the Code. The clerk is directed to form a docket for the entry of caveats to commissions and the proceedings thereon.

A—Old Law 37; B—Old Law 38; C—Old Law 39.

603
RULE 124.

ALLOWANCE IN LIEU OF DOWER OR FOR LIFE.

In proceedings where an allowance is claimed by a tenant in dower or for life in lieu of her or his legal estate, the court will be governed by the rules which prevail in making like allowances in proceedings in the equity courts of Baltimore City.

Old Law 40.

637 7
RULE 125.

AUDITORS' REPORTS.

Upon any matter of account referred to an auditor, his report shall, unless ratified by consent, remain on file, subject to exceptions, for ten days. If exceptions are filed and either party demands a jury trial, the issue or issues to be tried shall be propounded by the party demanding the same, and after ten days' notice to the opposite party, shall be framed by the court, and the cause shall thereupon stand for trial.

Old Law 44.

RULES FOR THE COURT OF COMMON PLEAS RELATING TO INSOLVENCY.

(NOTE: These rules have been eliminated.)

RULES RELATING TO CRIMINAL COURT OF BALTIMORE.

(For Other Rules Relating To Criminal Court
See Rules Relating To Supreme Bench
And Courts Generally.)

RULE 201.

NOLLE PROSEQUI.

Whenever the State's Attorney shall enter a nolle prosequi in any case, he shall file a formal nolle prosequi, giving therewith a brief statement of his reasons therefor.

Old Criminal Rule 1.

RULE 202.

STENOGRAPHIC RECORD.

In every case in which sentence of death or life imprisonment has been imposed and the time allowed for perfecting appeal shall have expired without appeal taken, the stenographers in the criminal courts shall (if it has not already been done), transcribe the notes of the testimony without special direction of the presiding judge, at the usual rate for such work.

Old Criminal 4.

RULE 203.

BAIL BONDS.

A. Property shall not be accepted as bail in one case while pledged in another. It may be pledged in a sequence of cases, for offenses charged against the same traverser.

B. Property, offered as bail, must be situate in Baltimore City and be valued, at the fee-simple value, last assessed by the tax assessors of the City of Baltimore or by the State

Tax Commission for taxation purposes; the ground-rent, on leasehold property offered as bail, shall be capitalized at six per cent, and deducted from such tax assessed fee simple value.

C. Property shall not be accepted as bail if all liens and encumbrances thereon, exceed fifty per cent. of the said tax assessed fee-simple value, fixed under section B. If leasehold, the ground rent thereon, capitalized at six per cent. shall be deducted from such fee-simple value.

D. The total value of unencumbered property offered as bail shall be at least twice the amount of bail required; and if such property is encumbered, the total value of the equity therein should be at least three times the amount of bail required. Such total value shall be fixed under Sections B and C.

E. Forfeiture of bail may be stricken out, if the traverser be produced in court within thirty days from date of forfeiture.

F. If traverser is not produced in court within said thirty days, and the amount of the bail as forfeited is not paid within sixty days from the date of forfeiture, the State's Attorney shall proceed at once to enforce payment of the amount due under the bail bond.

G. Each person offering property as bail shall appear under oath and subscribe to all questions lawfully asked by the court or clerk; which questions shall include the amount of the charge to be paid for furnishing bail.

H. The clerk may refuse to accept bail for any reason based upon the value of the property offered or character and conduct of the person offering the bail; subject to review by a judge of the Criminal Court of Baltimore.

I. Bail shall not be taken from a person acting under a power of attorney, or other written instrument, save in case of corporate surety, where the power of attorney, or written instrument, shall be filed and remain with the clerk.

J. No corporate bond shall be accepted unless the corporation issuing same shall be authorized to carry on the surety business in Baltimore City, and shall have a resident agent upon whom service of process may be had, and give such assurance as the court may require that it will carry on the surety business in Baltimore City during the life of the bond.

6/5/46

New Rule Of Supreme Bench Of Baltimore

BAIL BOND RULES

Adopted by the Supreme Bench June 1, 1946, to supersede present Criminal Court Rules 3 and 5.

RULE 203

ATTORNEYS OR OFFICERS AND THEIR SPOUSES NOT TO BECOME BAIL

No attorney, or other officer, of any court in the City of Baltimore, nor any deputy of any such officer, nor the spouse of any such officer, shall be received as bail in any case.

RULE 203A

BAIL BONDS

Unless otherwise ordered by the court, the following rules shall govern the Clerk of the Criminal Court in taking bail, namely:

A. Property shall not be accepted as bail in one case while pledged in another. It may be pledged in a sequence of cases, for offenses charged against the same traverser.

B. Property, offered as bail, must be situate in Baltimore City and be valued, at the fee-simple value, last assessed by the tax assessors of the City of Baltimore or by the State Tax Commission for taxation purposes; the ground rent, on leasehold property offered as bail, shall be capitalized at six per cent. and deducted from such tax assessed fee-simple value.

C. Property shall not be accepted as bail if all liens and encumbrances thereon exceed fifty per cent. of the said tax assessed fee-simple value, fixed under section B. If leasehold, the ground rent thereon, capitalized at six per cent. shall be deducted from such fee-simple value.

D. The total value of unencumbered property offered as bail shall be at least twice the amount of bail required; and if such property is encumbered, the total value of the equity therein should be at least three times the amount of bail required. Such total value shall be fixed under Sections B and C.

E. Any traverser or a representative on his behalf may in lieu of a property bond, deposit with the Clerk of the Criminal Court of Baltimore City a deposit of cash, certified check, or a properly assigned bank book in the amount of the specified bail bond. The Clerk of the Criminal Court shall deposit the cash so accepted and shall give his receipt therefor to the person making the deposit. Upon final disposition in such cases an order of the court shall be issued directing the release of the deposit upon the surrender of the receipt. A charge of one per cent. shall be paid to the Clerk for such services for the use of the State.

F. Forfeiture of bail may be stricken out, if the traverser be produced in court within thirty days from date of forfeiture.

G. If traverser is not produced in court within said thirty days, and the amount of the bail as forfeited is not paid within sixty days from the date of forfeiture, the State's Attorney shall proceed at once to enforce payment of the amount due under bail bond.

H. Bail shall not be taken from a person who has been disqualified from giving bail in this or in any other jurisdiction.

I. Bail shall not be taken from a person who has been convicted of a criminal offense.

J. Before accepting property as bail, there shall be exhibited to the clerk the current tax bill for said property, which must be in the name of the person offering it, unless said person presents in lieu thereof a current certificate of title showing said property is in the name of said person.

K. Each person offering property as bail shall appear under oath and subscribe to all questions lawfully asked by the court or clerk; which questions shall include the amount of the charge to be paid for furnishing bail.

L. The clerk may refuse to accept bail for any reason based upon the value of the property offered or character and conduct of the person offering the bail; subject to review by a judge of the Criminal Court of Baltimore.

M. Bail shall not be taken from a person acting under a power of attorney or other written instrument; save in case of corporate surety, where the power of attorney, or written instrument, shall be filed and remain with the clerk.

N. No corporate bond shall be accepted unless the corporation issuing same shall be authorized to carry on the surety business in Baltimore City, and shall have a resident agent upon whom service of process may be had, and give such assurance as the court may require that it will carry on the surety business in Baltimore City during the life of the bond.

O. The surety or sureties in all bonds may be approved by the clerk of the court in which the bonds are to be filed, unless otherwise provided by law or rule of court.

P. Bail shall not be taken from one violating any of these rules or who is in default under a bail bond; nor shall bail be taken from one whose brother, spouse or child is counsel or of counsel for a person to be released on bail.

Q. Nothing herein contained shall be construed to affect the civil liability of any principal or surety on any bond.

Reduction Of Tax On Beer And Autos Urged In Florida

Orlando, Fla., June 4 (CCNS)—Reduction of Florida automotive and beer taxes was urged at a hearing conducted here by a committee named by Governor Caldwell to study the state's tax structure and recommend changes to the 1947 Legislature.

A 1-cent state gasoline tax reduction, through elimination of the present seventh-cent "emergency" gasoline tax, was asked by Chester B. Treadway, chairman of the Florida Highway Users' Conference.

Treadway also recommended that the state's present mileage tax on common and contract carriers be repealed, and called for a state constitutional amendment to prohibit the use of automotive tax receipts for purposes unrelated to highway construction and maintenance. Part of the state's automotive tax funds now are used for school purposes.

Henry M. Sinclair of Miami urged that the state's excise tax on beer, which was sharply increased by the 1945 Legislature, be returned to its prewar level. He said the tax should be reduced from its present 72 cents per case to the prewar level of 21 cents.

Auction Sales Today

A. J. Billig & Co.:

Nos. 212-18 Emory street on the premises at 2 P. M. (Adv. Page 6, Col. 5).

No. 1711 North Fulton avenue on the premises at 4 P. M. (Adv. Page 6, Col. 5).

E. T. Newell & Co., Inc.:

Nos. 2277-79 Reisterstown road on the premises at 2 P. M. (Adv. Page 6, Cols. 5-6).

No. 1746 East Lafayette avenue on the premises at 3 P. M. (Adv. Page 6, Col. 6).

LEGAL NOTICES.

First Insertion.

Louis Samuels, Solicitor,
Munsey Building.

IN THE CIRCUIT COURT NO. 2 OF BALTIMORE CITY—(55B-1034-1946)—Barbara A. Clodfelter vs. Walter S. Clodfelter.

ORDER OF PUBLICATION.

The object of this suit is to procure a divorce a vinculo matrimonii by the complainant, Barbara A. Clodfelter, from the defendant, Walter S. Clodfelter.

The bill recites that the parties were married on June 30, 1941, in the City of Baltimore, State of Maryland, by a religious ceremony; that the complainant has been a resident of the City of Baltimore, State of Maryland, more than two years prior hereto; that the defendant is a non-resident of the State of Maryland, his last known address being Route No. 4, Box 161, High Point, N. C.; that there are no living children as a result of said marriage; that the defendant abandoned and deserted the complainant in the month of January, 1943, without just cause or excuse thereof; that the said abandonment and desertion has been continuous and uninterrupted for more than eighteen months, was the final and deliberate act of the defendant, and there is no hope of reconciliation between the

LEGAL NOTICES.

First Insertion.

Joseph Wase, Solicitor,
Tower Building.

IN THE CIRCUIT COURT OF BALTIMORE CITY—(A-272-1946)—Kathryn Brown, widow, 1713 Homestead Street, Baltimore, Maryland; Anna Haase and Ferdinand Haase, her husband, 18 Liberty Parkway, Dundalk, Maryland, vs. Allen Ahrenberg, and Selma Ahrenberg, his wife, 745 East 36th Street, Baltimore, Maryland; Mary Ahrenberg, unmarried, 1038 Lerew Way, Baltimore, Maryland; Ida Brown and Jacob Brown, her husband, 2313 Whittier Avenue, Baltimore, Maryland; Benjamin Ahrenberg and Rose Ahrenberg, his wife, San Francisco, California; Esther Ahrenberg, unmarried, Washington, D. C.; Bertha Wasser and Harry Wasser, her husband, 1726 Varnum Street N. W., Washington, D. C.; Fanny Danov and Dave Danov, her husband, 641 Pennsylvania Avenue S. E., Washington, D. C.; Lillian Hershfield, unmarried, 622 Eastgate Avenue, St. Louis, Missouri.

ORDER OF PUBLICATION.

The object of this suit is to procure the sale and partition of certain fee simple properties and the improvements thereon, in Baltimore City known as:

- (a) One unimproved lot of ground on the east side of Woodyear Alley and Edmondson Avenue.
- (b) 3000 W. Lanvale Street
- (c) 1214-1216 W. Pratt Street.
- (d) 2350 Eutaw Place.
- (e) 4 S. Exeter Street.
- (f) 2121-2123-2127-2139 N. Forest Park Avenue.

(g) 929-931 E. Baltimore Street.

The bill of complaint as amended, recited:

(1) That Kathryn Brown, widow, Anna Haase and Ferdinand Haase, her husband, the above named complainants, Allen Ahrenberg and Selma Ahrenberg, his wife, Mary Ahrenberg, unmarried, Ida Brown and Jacob Brown, her husband, Benjamin Ahrenberg and Rose Ahrenberg, his wife, Esther Ahrenberg, unmarried, Bertha Wasser and Harry Wasser, her husband, Fanny Danov and Dave Danov, her husband, and Lillian Hershfield, unmarried, are seized in fee simple as tenants in common of the above mentioned properties in Baltimore City.

(2) That the above named persons acquired their interest in the aforesaid fee simple property by virtue of their relationship to and as heirs of the late Harry Ahrenberg, who died intestate in Baltimore City on October 9, 1945.

(3) The bill of complaint as amended further recites that the fee simple properties, aforesaid as such is not susceptible of partition without material loss and injury to the aforesaid parties, and that in order to make division of said interests it will be necessary that the said real estate be sold and the proceeds thereof be divided among the aforesaid parties according to their several interests.

(4) That Allen Ahrenberg and Jacob Brown, defendants, have been collecting the rents from the heretofore described property and to date have not given an accounting.

The bill as amended prays the court to assume jurisdiction; that the aforementioned properties be sold; that a trustee or trustees be appointed to distribute the proceeds among the aforesaid parties according to their respective rights and interests; that the defendants Allen Ahrenberg and Jacob Brown be required to give an accounting of the rents and other income collected from said properties and to grant such other relief as the case may require.

It is thereupon ordered by the Circuit Court of Baltimore City this 4th day of June, 1946, that the plaintiffs Kathryn Brown, widow, Anna Haase and Ferdinand Haase, her husband, by causing a copy of this order to be inserted in some daily newspaper published in Baltimore City once a week for 4 successive weeks, before the 6th day of July, 1946, giving notice to the above named non-resident defendants: Benjamin Ahrenberg and Rose Ahrenberg, his wife, Esther Ahrenberg, unmarried, Bertha Wasser and Harry Wasser, her husband, Fanny Danov and Dave Danov, her husband, Lillian Hershfield, unmarried, warning them and each of them to be and appear in this Honorable Court in person or by their solicitors on or before the 22nd day of July, 1946, and answer the premises and show cause, if any there be, why the relief

New Rule Of The Supreme Bench Of Baltimore City

Section D, Rule 203 A, Bail Bonds, printed in The Daily Record June 5, 1946, and thereafter, has been amended by the Supreme Bench to read as follows:

"The total value of unencumbered property offered as bail shall be 50% more than the amount of bail required; if such property is encumbered, its value shall be 75% over and above such encumbrances. Such total value shall be fixed under Sections B and C."

For the convenience of the Bar, Rule 203 A, as now approved, is as follows:

RULE 203A BAIL BONDS

Unless otherwise ordered by the court, the following rules shall govern the Clerk of the Criminal Court in taking bail, namely:

A. Property shall not be accepted as bail in one case while pledged in another. It may be pledged in a sequence of cases, for offenses charged against the same traverser.

B. Property, offered as bail, must be situate in Baltimore City and be valued, at the fee-simple value, last assessed by the tax assessors of the City of Baltimore or by the State Tax Commission for taxation purposes; the ground rent, on leasehold property offered as bail, shall be capitalized at six per cent. and deducted from such tax assessed fee-simple value.

C. Property shall not be accepted as bail if all liens and encumbrances thereon exceed fifty per cent. of the said tax assessed fee-simple value, fixed under section B. If leasehold, the ground rent thereon, capitalized at six per cent. shall be deducted from such fee-simple value.

D. The total value of unencumbered property offered as bail shall be 50% more than the amount of bail required; if such property is encumbered, its value shall be 75% over and above such encumbrances. Such total value shall be fixed under Sections B and C.

E. Any traverser or a representative on his behalf may in lieu of a property bond, deposit with the Clerk of the Criminal Court of Baltimore City a deposit of cash, certified check, or a properly assigned bank book in the amount of the specified bail bond. The Clerk of the Criminal Court shall deposit the cash so accepted and shall give his receipt therefor to the person making the deposit. Upon final disposition in such cases an order of the court shall be issued directing the release of the deposit upon the surrender of the receipt. A charge of one per cent. shall be paid to the Clerk for such services for the use of the State.

F. Forfeiture of bail may be stricken out, if the traverser be produced in court within thirty days from date of forfeiture.

G. If traverser is not produced in court within said thirty days, and the amount of the bail as forfeited is not paid within sixty days from the date of forfeiture, the State's Attorney shall proceed at once to enforce payment of the amount due under bail bond.

H. Bail shall not be taken from a person who has been disqualified from giving bail in this or in any other jurisdiction.

I. Bail shall not be taken from a person who has been convicted of a criminal offense.

J. Before accepting property as bail, there shall be exhibited to the clerk the current tax bill for said property, which must be in the name of the person offering it, unless said person presents in lieu thereof a current certificate of title showing said property is in the name of said person.

K. Each person offering property as bail shall appear under oath and subscribe to all questions lawfully asked by the court or clerk; which questions shall include the amount of the charge to be paid for furnishing bail.

L. The clerk may refuse to accept bail for any reason based upon the value of the property offered or character and conduct of the person offering the bail; subject to review by a judge of the Criminal Court of Baltimore.

M. Bail shall not be taken from a person acting under a power of attorney or other written instrument; save in case of corporate surety, where the power of attorney, or written instrument, shall be filed and remain with the clerk.

N. No corporate bond shall be accepted unless the corporation issuing same shall be authorized to carry on the surety business in Baltimore City, and shall have a resident agent upon whom service of process may be had, and give such assurance as the court may require that it will carry on the surety business in Baltimore City during the life of the bond.

O. The surety or sureties in all bonds may be approved by the clerk of the court in which the bonds are to be filed, unless otherwise provided by law or rule of court.

P. Bail shall not be taken from one violating any of these rules or who is in default under a bail bond; nor shall bail be taken from one whose brother, spouse or child is counsel or of counsel for a person to be released on bail.

Q. Nothing herein contained shall be construed to affect the civil liability of any principal or surety on any bond.

Same to Theresa Fisher
Same to Edgar H Alban &c
American Natl B & L A to Emanuel
A Baker

Government Employees B & L A to Michael
Jacobson &c

Same to Jas E Seaton Jr &c
Clinton P B & L A to Theresa Cesarini
Jackson Sq L & S A to Harry E Crom-
well &c

Dorothy M Bradford to Henry J Weber
Fairview Fed S & L A to Jos A Diens-
bach &c

Capital B & L A to Mae Murphy

Premier B A to Jos Scandaliato et al

Same to Katie Rubino &c

Balto Transit B A Inc to Jos M Kendig &c

Essential B & L A to Thos Knox

Balto Transit B A Inc to Meredith C

Jefferson & wf

Balto Fed S & L A to Oscar Ballasohn &c

Same to Race Manor Inc

Northwestern P L & S A to Philip Needie

Balto Fed S & L A to Race Manor Inc

North Eastern L & S A to Moses L Staf-
ford & wf

Warwin B A to Dora Montgomery &c

Balto Fed S & L A to Dupont Manor Inc

Baltimore Transit B A to Edward J Dunn
&c

Baltimore Fed S & L A to Nathan Bryan
&c

Canton Natl Bank to Thos J Reilly Jr &c

Balto Fed S & L A to Dupont Manor Inc

Bradford Fed S & L A to Jno H Brunner

Golden Prague B L & S A to Bessie Turkoff

Safety P B & L A to Furman H Sergeant
&c

Liberty Fed S & L A to Jos F Bisson & wf

Blvd B & L A to Howard L Muhl & wf

Aurora Fed S & L A to Frank J Heiner Jr
&c

South Balto P P B & L A to Robt Lewitt

Balto Fed S & L A to Wm H Boblitz &c

Midstate P A Inc to Robt P Graef &c

Short Release of Mortgages.

Equitable Tr Co to Henry Wetzberger

Chas E Bicky to Elsie C Johnson

Provident Savgs Bk to Arthur Hopkins
& wf

Fraternity Fed S & L A to Russell E Repp
& wf

Carrollton Bk of Balto to Jos F Collins &c

Arthur C Monninger &c to Ground Rents
Inc

H O L C to Laura M Wampler

Assquith B & L A to Gladys M Potocki

Charles A Albrecht to Henry J Weber

Hamilton P B A to Mrs Elizabeth J
Amscheidt

Mercantile Collection Corp to May C Barow
&c

Associated Mtge Co Inc to Mary E Landis

Sun Life Ins Co of America to William
W Wright &c

Equitable Trust Co to Lee Realty Inc

Provident Savgs Bank to Quail St Corp

Balto Fed S & L A to Dupont Manor Inc

Lithuanian Fed S & L A to Elmer F May
&c

Union Fed S & L A to Edgar White

H O L C to James Johnson &c

Connecticut Gen Life Ins Co to Brooklyn
Hills Inc

Cornerstone B & L A to Clarence S Bowen
&c

Columbia Trust Co to Harold E Hottle &c

York Trust Co York Pa to Howard S
Klepper &c

St James Savgs Bank to Samuel J Bar-
ranco &c

Augusta B & L A to Paul J Thompson

State Invest Corp to Wm B Mason

Miriam Hurwich to Bernard Phillips &c

Calvert Bk to Ruth N Wilbur &c

Partial Release of Mortgages.

American Natl B & L A to A J Watkins
& Sons Inc

Augusta B & L A Inc to Clarence E
Brickley &c

Same to Paul J Thompson

Short Assignment of Mortgages.

Matilda Eccleston to Preston E Poole &c

Power of Attorney.

Jos E Mitzel to Lillie M French

Deed of Trust.

Wm H Emory IV to Horatio Hall Whit-
ridge &c trs

Garden Homes Co to Jos C Murphy et al,
trs

Conditional Contracts of Sale.

Henry J Petticot &c with Gassinger Bros
Inc

Same to Lewis with Same

Jack Barton with Same
Geo P Greeson &c with Same

Bill of Sale, Etc.

Wm G Heiner et al, trus, to Natl Radiator
Corp, real, personal and mixed

Chattel Mortgages.

David N Jacobson &c to Wm H
Chapin &c (fixts &c) 3500 00

Chas L Runkles to Provident Svgs
Bk (auto &c) 324 00

Alexander Stark &c to Same (auto) 660 00

Wm L Threath &c to Henry Gold-
smith (fixts &c) 2500 00

Roy F Matthews to Union Tr Co
Of Md (auto) 832 08

Carroll W Roth to Same (auto) 1050 00

Alex Budkoff &c to Same (auto) 630 00

Henry J Scherr to Same (auto) 600 72

Herbert Kuff to Same (auto) 1248 00

Daniel Douglas to Same (auto) 1180 98

Nathan Burman to Same (auto) 927 00

Charles Lahn to Same (auto) 1040 00

John G Ogatis to Same (auto) 832 08

Edward F Gaskin &c to Harry
Burtneck (equipt) 800 00

David M Kaufman to Union Tr Co
of Md (auto) 577 50

James C Strickland to Same (auto) 1140 37

Duplicator Sales Inc &c to Same
(auto) 528 00

A & E Fresh & Frozen Foods &c to
Same (food case) 918 00

Jerome H Weisbrod to Same (press-
ing mach) 324 00

Black Top Roads Co to Same
(trucks &c) 3188 52

Max Passenker to Household Fin
Corp (furn) 540 00

Wm Betz &c to Same (furn) 1080 00

Associated Transport Inc to Mgrs
Tr Co of N Y (fleets) 42,194 56

Margaret White to Household Fin
Corp (auto) 411 84

James H Dalziel &c to Same (furn) 468 00

Fletcher R Anderson Jr &c to Same
(furn) 576 00

Harry Morris &c to Same (furn &c) 1200 00

Hank McCaine to Metro Fin Co
(auto) 300 00

Samuel H Hines to Same (auto) 300 00

Frederick S Pearson &c to Same
(auto) 150 00

David Muchnick to Century Credit
Co (auto) 150 00

Harry B Kidd to Universal Fin Co
Inc (truck) 790 00

Lloyd Ragland to Century Fin Co
(auto) 375 00

Saml Ferguson to Same (auto) 510 00

Chas Krieg to Same (auto) 1090 00

Frank J Villa &c to Same (truck
tr) 555 00

Adam Trzeciak to Same (auto) 900 00

Edw T Wehnert &c to Family Fin
Corp (furn) 400 00

Owen L Hamilton to Ayares Small
Loan Co Inc (auto) 500 00

Robt D Tutman to Commercial
Cdt Plan Inc (auto) 300 00

D L Winston &c to Same (auto) 647 00

C Berkeley Cooke Jr to Same
(auto) 1042 18

Release of Chattel Mortgages.

W B Cloe, trus &c to Tru-Kraft Mfg Co
&c

F O Drummond, trustee &c to Same

Short Release of Chattel Mortgages.

Household Fin Corp to Ralph V Millemann
&c

Md Tr Co to Wm J Banks &c

Household Fin Corp to Herbert Hudson
&c

Same to Rick Cunningham &c

Same to Harry R Morris &c

Same to James Scott &c

Universal Finance Co Inc to Samuel Gale-
wood

Supplemental Deed of Trust.

True-Kraft Mfg Co &c to W B Cloe &c
trus

PROPERTY SALES.

AUCTION SALE

TWO VALUABLE LOTS

RIVIERA BEACH

Anne Arundel County, Md.

On The Premises

K. The surety or sureties in all bonds may be approved by the clerk of the court in which the bonds are to be filed, unless otherwise provided by law or rule of court.

L. Bail shall not be taken from any party who is in default under a bail bond.

M. Nothing herein contained shall be construed to affect the civil liability of any principal or surety on any bond.

Old Criminal 5.

RULE 204.

CRIMINAL TRIALS—RESTRICTING PHOTOGRAPHS, STATEMENTS FOR PUBLICATIONS, ETC.

In connection with any case which may be pending in the Criminal Court of Baltimore, or in connection with any person charged with crime and in the custody of the Police Department of Baltimore City, or other constituted authorities, upon a charge of crime over which the Criminal Court of Baltimore has jurisdiction, whether before or after indictment, any of the following acts shall be subject to punishment as contempt:

A. The making of photographs of the accused without his consent.

B. The making of any photograph in violation of General Rule 4 of the Supreme Bench of Baltimore City.

C. The issuance by the police authorities, the State's Attorney, counsel for the defense, or any other person having official connection with the case, of any statement relative to the conduct of the accused, statements or admissions made by the accused, or other matter bearing upon the issues to be tried.

D. The issuance of any statement or forecast as to the future course of action of either the prosecuting authorities or the defense relative to the conduct of the trial.

E. The publication of any matter which may prevent a fair trial, improperly influence the court or the jury, or tend in any manner to interfere with the administration of justice.

F. The publication of any matter obtained as a result of a violation of this rule.

Old Order (no number) Relating to Criminal Court.

RULES FOR THE EQUITY COURTS OF BALTIMORE CITY.

(For Other Rules Relating To The Equity Courts See Rules
Relating To Supreme Bench And Courts Generally.)

RULE 301.

HEARINGS.

All causes of actions, motions, exceptions, or other matters ready for hearing, shall upon the application of either party and five days' notice to the opposite party be placed upon a trial calendar by the clerk in the order of application. Such causes shall be heard by the court in the order in which they stand upon the calendar, except that the court may, in its discretion, or upon the agreement of counsel, advance any cause on the trial calendar.

All testimony shall be taken in open court unless:

A. the parties agree to have the cause heard upon pleadings only,

B. the parties agree to have testimony taken before one of the standing examiners, or

C. either party gives the opposite party five days' notice in writing to have testimony taken before an examiner. The opposite party may, within said five days, apply to have the testimony taken in open court; otherwise it shall be taken before the examiner, unless the court for good cause shown directs otherwise.

In all uncontested cases and in all cases where a decree pro confesso is taken, testimony shall be taken before an examiner, unless the court shall direct otherwise.

Cases may be heard on bill and answer and petition and answer upon motion of the plaintiff after the case is at issue.

The court may, on its own motion, direct that testimony be taken in open court.

NOTE: This rule takes the place of Equity Rules numbers 1, 3, and 30.

RULE 302.

FILING IN PROPER PERSON.

Any petition or other writing addressed to the court, certified by a justice of the peace or a notary public to have been signed or acknowledged before him by the person whose name is thereto subscribed, and who the justice or notary, shall state in the certificate is known to him, shall be filed, and shall have the same effect as if signed and filed by a solicitor.

Old Equity 2.

RULE 303.

SUBMISSION WITHOUT CONTEST.

In all cases submitted without contest, except in ex parte mortgage suits, the papers may be referred to an auditor and master, who shall report thereon to the court.

Old Equity 12.

RULE 304.

REFERENCE TO AUDITORS, MASTERS, EXAMINERS.

Cases shall be equitably divided among the several auditors, examiners, and masters.

Old Equity 14.

RULE 305.

AUDITORS' REPORTS AND ACCOUNTS—NOTICE, RATIFICATION.

A. Upon the same day on which any of the auditors shall file with the clerk any report and account (including any expense account) in any cause referred to him, he shall give notice, by means of a postal card, of the fact, that the same has been filed, of the time of filing and of the day when the same, in the absence of objection, may be ratified, to every party to the cause, or his solicitor, and also to the mortgagor, or his solicitor, in cases in which sales of mort-

gaged property may have been made. The notice shall be addressed to the solicitor or party at his place of business or abode, if known to the auditor; otherwise, it shall be addressed to him at the City of Baltimore. If the solicitor of any claimant is trustee, receiver or committee, or other fiduciary in the cause, the notice shall be sent to the party himself. No proof of the sending of such notices shall be necessary to the ratification of the account, and failure to send them shall not be ground for re-opening it. Forty such notices shall be considered as equivalent to one day's service of the auditor, and for a greater or less number he shall be compensated in the same proportion, and he shall receive allowance for the cost of the postal cards.

The auditor's report shall stand regularly for confirmation after the tenth day, reckoning from the day of filing, unless exceptions be filed thereto within that time, or some questions be suggested in the report by the auditor for determination by the court.

B. At the end of thirty days after the final ratification of a report of sale, the clerk shall send the papers in the case to a Standing Auditor for the purpose of stating an account.

C. In all auditors' accounts, the auditor shall annex thereto a certificate of the number of days actually occupied by him in making out the account; and for his services he shall be allowed the per diem now fixed by law and also an allowance for notices to persons interested in the distribution, as provided by rules of court; and in no case shall he be allowed additional fees, except by special order of court, for cause shown upon petition.

D. No auditor of the Circuit Courts shall return his accounts to the court of reference until his fees and costs and all court costs in the proceeding shall have been paid. On the first days of January, April, July and October, each auditor shall return to the court of reference the papers in each case referred to him, in which the account has not been stated, or if stated, has not been returned to the court solely because, for more than three months either data necessary for the accounting has not been furnished the auditor, or his fees and costs or the court costs have not been

paid; and the clerk of each circuit court shall furnish the judge thereof with a list of all such costs.

Old Equity 15 and 28, A, B, C.

RULE 306.

PARTITION.

In any case for partition, wherein other provisions may not be made by article 46, Code of Public General Laws (title, "Inheritance"), the report of the commissioners appointed to make partition shall not be submitted for final decree, except by consent of parties, until it shall have remained in the office of the clerk for thirty days. This time may be extended by special order.

Old Equity 16.

RULE 307.

RATIFICATION OF SALES OF REAL
OR LEASEHOLD ESTATE.

On the report of any sale of real or leasehold estate made under the authority of the court, an order will be passed for ratifying the said sale, on some certain day named in the order, and not less than one month after the date thereof, and directing a copy of said order to be inserted in some daily newspaper printed in the City of Baltimore, at least once in each of three successive weeks before the expiration of one month from date of said order. If no exceptions be filed or cause exist for setting aside the sale, the same will, at any time after the day so named, be absolutely ratified and confirmed. With the consent of all the parties interested therein, a special order may be obtained for ratifying a particular sale.

This rule applies to reports of sale made in trust estates being administered under the jurisdiction of the court, notwithstanding such sale may be authorized by a power contained in a will or other instrument.

Old Equity 19.

RULE 308.

COMMISSIONS ON SALES.

On sales under decrees or orders of the court, the following allowances will be made to trustees and receivers:

On first \$300, 9 per centum.....	\$27.00
On the second \$300, 8 per centum.....	24.00
In the whole, \$51.00.	
On the third \$300, 7 per centum.....	21.00
In the whole, \$72.00.	
On the fourth \$300, 6 per centum.....	18.00
In the whole, \$90.00.	
On the fifth \$300, 5 per centum.....	15.00
In the whole, \$105.00.	
On the sixth \$300, 5 per centum.....	15.00
In the whole, \$120.00.	
On seventh \$300, 4 per centum.....	12.00
In the whole, \$132.00.	
On eighth \$300, 4 per centum.....	12.00
In the whole, \$144.00.	
On ninth \$300, 3½ per centum.....	10.50
In the whole, \$154.50.	
On tenth \$300, 3½ per centum.....	10.50
In the whole, \$165.00	

three per cent. on the proceeds of sale above \$3,000, and up to \$25,000; two per cent. on proceeds of sale above \$25,000 and up to \$50,000 and on all proceeds of sale in excess of the sum of \$50,000, the commission shall be in the discretion of the court. In addition to the foregoing allowances of commissions there shall be an allowance for expenses not personal.

The above allowances are subject to be increased in cases of postponement at the request of the defendant, or of extraordinary difficulty or trouble from other circumstances, and to be lessened in case of negligence or other default of the trustee or receiver, at the discretion of the court.

Whenever the trustee shall advertise mortgaged premises for sale, after having given not less than fifteen days' written notice to the mortgagor and to the owner of the equity of redemption as shown by the land records of this city of his

intention so to advertise, and anyone shall pay the amount due before sale, the trustee shall be allowed one-half commissions in accordance with the foregoing rates on the amount due, which said allowance shall be paid by whomever shall pay the amount; provided that half commissions before sale shall be paid only once; the other half shall become due only after sale.

The amount of commissions allowed shall not exceed the sum agreed upon by the fiduciary as the amount of or in lieu of commissions; when so agreed upon, such sum if not in excess of commissions at the above rates shall be allowed in lieu of the commission at the above rates.

If an instrument contains a provision for the allowance of a counsel fee, the amount of which the court shall find to be greater than the fair value of the legal services for which such fee is provided, the excess shall be deducted from the commissions allowed under the above rule.

The foregoing allowances shall apply only to sales of real, leasehold and tangible chattel property. On sales of stocks, bonds, debentures, certificates of indebtedness, promissory notes, and other choses in action, the amount of commissions allowed shall in each case be fixed by the court in its discretion.

Old Equity 20.

RULE 309.

BONDS OF FIDUCIARIES.

Unless provided otherwise by law, the penalty of the bond of every fiduciary hereafter appointed by a Circuit Court of this City, shall not be less than the fair value of the corpus of the estate to be administered by such fiduciary; and whenever and as often as the penalty of such bond is less than such fair value, a new approved bond shall be filed, the penalty of which shall not be less than such fair value; and whenever and as often as the penalty of the approved bond of any fiduciary heretofore appointed is less than the value of the cash and liquid assets in the hands of such fiduciary, then a new approved bond shall be given, the penalty of which shall not be less than the value of such cash and liquid assets.

The approval of a new bond filed under the provisions of this rule shall not discharge the bond or bonds theretofore filed from any past liability.

The court, for good cause shown, may waive the provisions of this rule.

Old Equity 33.

RULE 310.

COMPENSATION—FIDUCIARIES AND COUNSEL.

A. No trustee, receiver or attorney of this court authorized to make sale of property under any order or decree thereof, nor any one making sale under a power in a mortgage, shall accept or receive any part or portion of the auctioneer's fees or advertisement fees, or other costs in the case, nor receive personally any rebate therefrom; and any violation of this rule shall be deemed a contempt of court and the offender punished accordingly.

B. Every fiduciary administering (1) a continuing trust; (2) the estate of an incompetent; (3) or the estate of a person non compos mentis; in which the gross yearly income is not over ten thousand dollars, may retain five per cent. of such gross income collected on account of commissions to be allowed for yearly services; credit for such sum shall be given in a subsequent audit, and in the annual report; the court retaining the right, after a hearing, and for cause shown to require the refund of such part or parts of any sum so retained as may be proper; and also retaining the right to allow commissions, not to exceed ten per cent., under the provisions of Section 131 of Article 16, Code of 1939.

In all cases to which Article 16, Section 280, Code of 1939, shall be applicable, commissions shall be allowed as provided by said statute; and the fiduciary may retain the commissions allowable for services for each year at the rates provided by said statute, credit for the same to be given in the next succeeding audit; the court retaining the right after a hearing and for cause shown, to require the refund of such part of any sum so retained as may be proper.

In no case to which the provisions of Article 16, Section 280 apply shall any additional commission be allowed for investment or reinvestment of trust funds.

C. All petitions for allowances of commissions to fiduciaries, and of fees to them or to their counsel for legal services, shall be filed at the same time, unless the court for good cause shown shall otherwise order; they shall show: (1) the gross amount of the estate; (2) the total of the sums to be paid for liens, preferences, costs of administration; (3) the amount and kind of services rendered; (4) the approximate sum for distribution among the creditors secured and unsecured; and (5) the amount of commissions and counsel fees, if any, previously allowed. Unless desired by the court a petition for the allowance of a counsel fee shall not be required to contain a certificate of counsel as to the value of services for which the fee is asked.

Old Equity 20-A, 20-B, 20-C and covering Resolution 16.

RULE 311.

ALLOWANCE IN LIEU OF DOWER AND LIFE INTEREST.

The allowance to a healthy widow in lieu of her right of dower elected in lands sold under a decree of the court shall be as follows:

If she be under forty years of age, not more than one-seventh. If above 40 and under 45, not more than two-fifteenths. If above 45 and under 51, not more than one-eighth. If above 51 and under 56, not more than one-ninth. If above 56, not less than one-tenth, of the net proceeds of the sale out of which she may be dowable.

The allowance to a healthy tenant for life shall be three times as much as would be allowed to a widow of the same age.

The allowance to a healthy wife in lieu of her potential right of dower, in the estate of a healthy husband, may be calculated according to the following table:

WIFE'S AGE	HUSBAND'S AGE				
	40	40-45	45-51	51-56	56
40	.08163	.08572	.08929	.09524	.10000
40-45	.07619	.08000	.08333	.08889	.09333
45-51	.07143	.07500	.07812	.08333	.08750
51-56	.06349	.06667	.06944	.07407	.07778
56	.05714	.06000	.06250	.06667	.07000

The foregoing provisions and table shall be applicable, *mutatis mutandis* to the case of a surviving husband in lieu of his statutory right of dower.

METHOD OF USING TABLE.

Take wife's age, as indicated in vertical column, and following line out to right, take husband's age, as indicated at top, and follow column down; at point of intersection in table will be found the per cent. of the net proceeds of the sale at which the cash value of the wife's potential right of dower may be calculated.

Example: Age of wife 41; age of husband 47; net amount of sales \$100.00; percent., .08333—\$8.33.

Old Equity 21.

RULE 312.

INVESTMENTS OF FUNDS OF FIDUCIARY ESTATES.

A. *Responsibility of Fiduciaries for Investments.* Judges shall not pass judgment upon securities for investment of trust funds being administered under the jurisdiction of the equity courts, or maintain a list of securities acceptable for such investment; and to be relieved of responsibility for the choice of investments to be made of funds under the jurisdiction of the equity courts, a trustee must invest in any of the following:

- (1) Bonds issued or guaranteed by the United States.
- (2) Bonds issued by the State of Maryland.
- (3) Bonds or stock issued by the City of Baltimore.
- (4) First mortgages, made or assigned directly to the investing trustee, on fee simple real estate in Maryland to the extent of sixty per cent. of the value thereof if store or office property and productive, or dwelling house; fifty per cent. of its actual value if farm property and improved, or thirty per cent. of its actual value if unproductive or manufacturing property.
- (5) First mortgages made or assigned directly to the investing trustee on leasehold property in Maryland if store or office property and productive, or dwelling house; provided the ground rent capitalized at six per cent. and

the mortgage to be created do not together exceed sixty per cent. of the fee simple value of the property.

(6) Original ground rents on improved real estate situate in Maryland where the amount of the rent capitalized at six per cent. is not over thirty-three and one-third per cent. of the value of the property from which they issue.

Investments may be made by trustees in other securities; but only under full personal responsibility of the investing trustees in each instance, in all respects the same as if the trust were being administered independently of the jurisdiction of the court, for care and diligence in the choice and retention of the investments.

There shall be no general rule governing the retention or disposition of securities held by trustees from investments made prior to this date; but in each trust the trustee shall retain or dispose of such securities hereafter as due care of the interests of the trusts shall require.

B. *Orders In Respect to Investments, Etc.* The court will pass orders specifically authorizing or directing investments, sales, exchanges or other dispositions of trust assets only upon a showing by the trustee upon petition that such order is necessary; but every investment, sale or other disposition of trust assets, whether in pursuance of a specific order or not, shall be reported as herein below directed.

C. *Extent That Registration of Securities Is Required.* Whenever investments are made in any stocks, bonds, certificates of indebtedness or other securities or assets represented by certificates or other evidences of indebtedness which are or may be issued in registered form, such certificates or bonds shall be made out or registered, so far at least as the principal is concerned, in the name of the trustee or trustees as such, subject to the order of the court; provided, however, that securities of, or unconditionally guaranteed as to principal and interest by, the United States of America, which are not so registerable, shall be registered to the full extent permissible by the laws, rules, and regulations of the United States or of any department, bureau or agency thereof; provided further, the court will entertain an application by a corporate trustee or by co-trustee, one of which is a corporate trustee

(in the absence of a contrary provision in the trust instrument) for permission to hold in bearer form, or to transfer to bearer form or to the name of a nominee, any investment in the above described securities then held or that may be subsequently acquired by such trustee or co-trustees; such authority to cease upon the retirement of the corporate trustee; and upon such retirement from the trust leaving an individual as the remaining trustee, or upon the appointment of an individual to succeed a corporate trustee, the retiring corporate trustee shall report to the court the status of the registration of all securities belonging to the trust, whereupon the court will pass such orders as it may deem necessary to cause all securities of the trust then held or thereafter to be acquired to conform to the style of registration required by this rule had such authority to otherwise register the same not been given.

D. *Reports of Investments, Sales, Etc.* All investments or other purchases, and all sales, exchanges or other disposition of assets shall be reported to the court by the trustee upon the form provided for the purpose within thirty days of the completion of such transactions.

Such reports will not be required as to sales, exchanges, or other disposition of assets until the proceeds thereof aggregate \$500 or more; or, if in the meanwhile, the trustee files a report under Rule 313, showing such sales, etc.

If such investments be in stocks, the report shall be accompanied by a certificate of two qualified brokers or brokerage firms who have been engaged in the investment banking and brokerage business in the City of Baltimore for more than ten years past and are members of a securities exchange registered with the Securities Exchange Commission, to the effect that in their judgment said stocks are suitable investment for the funds of the estate, and that the cost of said investments is the fair market price thereof.

If such investments be in bonds or other securities except stocks, the trustee shall file like certificates or, alternatively, may file such data as it shall deem relevant or as the court may require; but no such certificates or data shall be necessary if the investment be in the securities enumerated in subsections 1, 2, or 3 of section A hereof.

In the case of investments permitted under sub-sections 4, 5, and 6 of section A hereof, such reports shall be accompanied by the following:

(1) A certificate of valuation certified under oath by at least two persons familiar with the value of property.

(2) A certificate of the merchantability of the title by a member of the Bar of at least five years' practice in Maryland, or by a title insurance company authorized to do business in Maryland.

The report of the trustee shall show in each instance the date of the transaction and the cost or proceeds, as the case may be. As to investments, it shall specifically set forth the serial numbers of any stock certificates and the serial numbers or other marks of identification of any bonds or other evidence of indebtedness acquired; or if the investment be in real estate or upon mortgage, it shall set forth the date of the conveyance and the place and either the liber and folio or the date of record thereof.

The trustee shall file a true copy of each report, with a conformed copy of each exhibit, with the trust clerk, who shall examine same and report to the court any matters therein contained which, in his judgment, should receive the consideration of the court.

Every investment, sale or other disposition and all other collections of principal, without regard to the amount thereof, shall be shown in the trustee's next succeeding report required to be filed in accordance with 313.

E. The term "trustee" as used in this Rule shall include all fiduciaries other than receivers.

(Form of Report to Be Filed)

.....	}	In the
.....		CIRCUIT COURT.....
vs.		of
.....		BALTIMORE CITY
.....		Docket
.....	

Report Under Equity Rule

To the Honorable, the Judge of said Court:

The Report of.....

....., *Trustee..*
Committee,
Guardian,

Respectfully shows:

That ha made sales, exchanges, other dispositions or investments as follows:

(Here describe transaction, including par value of bonds, number of shares, or property involved, as the case may be.)	Date of purchase, sale or disposition	Numbers or record reference	Cost or proceeds
.....

See exhibits attached, as follows—

Respectfully submitted,

.....

Trustee..,
Committee,
Guardian.

State of Maryland, City of Baltimore, to wit:

I hereby certify that on this.....day of....., 19....
personally appeared before me.....

.....
and made oath in due form of law that the matters and facts stated in the foregoing report are true as therein set forth.

Old Equity Rule 23.

RULE 313.

ACCOUNTING OF TRUSTEES, RECEIVERS AND
OTHER FIDUCIARIES.*A. Report Within Thirty Days of Appointment or Assumption of Supervision By Court:*

(1) All fiduciaries other than receivers, administering estates under the supervision of an equity court shall, within thirty (30) days after appointment or assumption by the court of supervision over the estates they are administering, file with the clerk of the said court a report verified under oath showing the assets of the estate. In connection with this report it shall not be necessary, unless otherwise ordered by the court having supervision of the estate and the fiduciaries administering it, that the assets be exhibited, or examined by the judge, clerk of court, trust clerk, auditor or master; but the report shall be filed for reference in connection with the first annual report to be filed thereafter.

(2) All receivers shall within sixty (60) days after appointment, file with the clerk of the court by which they have been appointed a report showing, so far as the same may be ascertained, all of the assets and liabilities of the estate, and they shall also file an account of all their receipts and disbursements. They shall thereafter file additional accounts every six (6) months unless the time shall be changed by special order of court, until the estate in their hands shall be fully administered.

B. Prosecution and Defense of Suits: No receiver or other fiduciary administering an estate under court supervision shall prosecute or defend any suit, or incur any financial obligation in respect to such suit, without the previous order of the court. No such order will be passed except on probable cause shown for the institution or defense of such suit.

C. Annual Reports and Accounts of Fiduciaries Other Than Receivers:

(1) *Duty to File.* It shall be the duty of every fiduciary, other than receivers, administering an estate under supervision of court, annually, at such times as are here-

inafter set forth, to file with the clerk of the court by which he may have been appointed, or under the orders of which he is acting, a report or an account, verified under oath, in which he shall fully and clearly set forth the nature of all the assets and property held by him in such fiduciary capacity on the date as of which the report or account is prepared; and showing where any moneys may be deposited; and under what name deposits are made; and the nature and particulars of all securities and other assets real or personal, whether the same were received by him in the same form as parts of the trust estate, or are investments made by him; also the changes of investments which have taken place since his last report and account, and his receipts and disbursements of cash corpus; also a summary of income, showing balance of income on hand as per the last report, the total gross income since received, total of operating expenses, the total of distributions to income beneficiaries of the trust and the net cash balance of income on hand.

(2) *Date as of Which Report is Prepared: Period Covered.* Such report or account shall bear the heading, "ANNUAL FIDUCIARY REPORT AS OF (insert date)." The account shall show an accounting for an annual period on the basis of a fiscal year ending December 31st, provided, however, that any fiduciary, by arrangement with the trust clerk, may state his report or account as of the date constituting the anniversary of the assumption by the court of supervision over the estate, or as of any other date upon which the fiduciary and the trust clerk may agree; such date to be entered on the dockets of the equity court and of the trust clerk. Such reports shall be filed regularly annually and each report shall cover a period of one fiscal year except in those exceptional instances where by reason of the original determination or subsequent change of the annual fiscal period or filing date the next following report may cover an interval somewhat greater or less than one year from the time of the filing of the preceding report.

(3) *Date of Filing:* Such annual reports shall be filed not later than sixty days after the date as of which the report is made.

(4) *Failure to File: Notice of Removal:* In every case where a fiduciary has failed to file his report within such sixty-day period, without having procured an extension of time by written order of court, the trust clerk shall forthwith report said delinquency to the court having jurisdiction over the estate. Thereupon the court shall issue an order to the said fiduciary to show cause within twenty days thereafter why he should not be removed, and a copy of said order shall be sent to the surety on the bond of the fiduciary. Unless a satisfactory answer shall have been filed, together with all overdue reports, the court shall remove the fiduciary and appoint a successor, and all appropriate papers, records and assets shall be forthwith turned over to the successor by the removed fiduciary. The successor shall file a report within fifteen days after his appointment, unless the court shall extend the time by written order.

No commissions for the year in question shall be allowed or paid to any fiduciary who has been in default in filing his report within such sixty-day period.

(5) Whenever a fiduciary has invested in a common trust fund, with each report under this Rule, there shall be filed, as evidence of such investment and its extent and cost, a statement of participation from the trust company operating the common trust fund, under oath of one of its officers, and said statement shall be accepted as such evidence by the trust clerk. An investment in a common trust fund by a trustee acting under jurisdiction of the court shall not be interpreted as placing the administration of the common trust fund under its jurisdiction. The statement shall read substantially as follows:

**STATEMENT OF PARTICIPATION IN COMMON TRUST FUND OF
THE BLANK TRUST COMPANY**

To the Trust Clerk:

This is to certify that as of the date hereof

.....
Trustee under
is the owner of the following units
 of participation in the above designated common trust fund, viz:

Total Units in Fund.	Number of Units Held By This Estate.	Cost of Units.	Market Value as of Last Valuation Date.
.....

Date.....

THE BLANK TRUST COMPANY,
 Trustee of Common Trust Fund.
 By:

Sworn to before me by.....
 of The Blank Trust Company, Trustee of Common Trust Fund. this
day of.....19.....

.....
Notary Public.

D. Trust Clerk to Receive Copies of Orders of Assumption of Supervision, or Appointment of Fiduciaries Other Than Receivers. Wherever the court shall assume continuing supervision over the administration of a fiduciary estate, or appoint a fiduciary of an estate over which it has assumed such supervision, the fiduciary so appointed or administering such an estate shall file with the clerk of the said court a copy of the court's decree or order which shall be transmitted immediately to the trust clerk with a notation thereon showing the date it was filed with the clerk of the court; and the trust clerk shall note it upon his records and keep it among his files. The trust clerk shall forthwith notify such fiduciary to file the report required by Section A of this rule to be filed within that period, and to comply thereafter with all provisions of the rules of court, or court orders, applicable to the fiduciary and the estate he is administering.

E. *Examination of Report and Trust Assets:*

(1) *Notification to Trust Clerk by Clerks of Court.* As soon as a report or account shall be filed it shall be the duty of the clerk of the court to notify the trust clerk.

(2) *Examination of Fiduciaries' Reports.* The trust clerk shall thereupon promptly examine the report or account and verify all corpus transactions. He shall particularly note what changes of investments have been made and whether such changes have been effected in accordance with all applicable rules and orders of court. He shall also consider whether or not the summary of income receipts and disbursements given in the report indicates a situation that should be called to the attention of the court for the purpose of requiring an audit or other action, taking into consideration the relation of the income and disbursements reported to the amount and character of the trust corpus. He shall also particularly note the designation of the surety or sureties and the amount of the penalty of the bond as theretofore fixed by the court, and shall determine whether, in his opinion, the estate is thereby adequately protected or whether the amount of the bond is excessive.

(3) *Examination of Assets:* The trust clerk shall, in connection with his examination and verification of the report, within sixty (60) days after the filing of the report by the fiduciary, examine and verify the securities, cash and other assets reflected therein and comprising the estate, at such time as may be mutually convenient to him and the fiduciary, and at such place as may be fixed by him or by the court, as may be convenient to him and to the fiduciary and as may entail a minimum of risk in the handling of the assets. In this connection the fiduciary shall exhibit to him all the securities reflected in the said report. The trust clerk shall also examine and ascertain the correctness of the statements of the report or account with respect to all deposits of money shown therein as existing on the date of which the report or account is stated. In addition to the costs and charges prescribed by Section G of this Rule, the trust clerk shall collect from fiduciaries and account therefor as part of the receipts of his office, the following costs

and charges where he is required to leave the Court House in order to examine the assets of trust estates:

Where the Income is from the Estate of a War Veteran	No Fee
Where the Annual Income does not exceed \$199.00.....	No Fee
Where the Annual Income exceeds \$199.00 but is less than \$400	\$1.00
Exceeds \$399.00 and is less than \$1,000.....	\$3.00
Exceeds \$999.00 and is less than \$2,500.....	\$5.00
Exceeds \$2,499 and is less than \$5,000.....	\$8.00
Exceeds \$4,999 and is less than \$10,000.....	\$10.00
Where the Annual Income Exceeds \$9,999.....	\$15.00

(4) The trust clerk shall append to each report the result of his examination and verification, with such comments as he may deem appropriate. If the findings and comments of the trust clerk with respect to any report are such as to require the attention or action of the court, he shall as promptly as possible submit the same to the court with his recommendations.

F. Trust Clerk Not to Prepare Reports or Accounts for Fiduciaries: The trust clerk shall not prepare any report or account for any fiduciary, but may give such advice, information and suggestions as may be sought by the fiduciary.

G. Fees, Costs and Charges:

(1) To pay the costs and expenses (in whole or in part) of his office the trust clerk shall collect the following costs and charges for each report filed under this rule, to be paid out of the income of each estate in which the report is filed, viz: five dollars for the first report; one dollar for each such subsequent report in each estate where the yearly net income thereof does not exceed \$200; two dollars for each subsequent report in which the yearly net income is more than \$200 and less than \$500, and \$5 in each subsequent report in which the yearly net income is \$500 or more. Under exceptional circumstances the court may in its discretion provide for the payment of additional costs.

(2) When collected, the trust clerk shall deposit the monies representing costs and charges as aforesaid, in a depositary designated by the Supreme Bench in an account under his official title, namely: "Trust Clerk of the Supreme Bench."

H. *Disbursements of Funds by the Trust Clerk*: All sums received by the trust clerk under the provisions of this rule or in connection with the administration of his office not otherwise expended for expenses of operation of his office under authority of an applicable order or rule of court or provision of law shall be disbursed upon the first secular day of each calendar year as follows: namely; First, by application to the payment of the premium on each bond given by the trust clerk and each of his assistants; second, to the Mayor and City Council of Baltimore, such sums as they shall have paid during the preceding year as salary for the trust clerk and any of his assistants; and, third, to the Treasurer of the State of Maryland, such sums as it shall have paid during the preceding year as salary for the trust clerk and any of his assistants; and the balance to the Mayor and City Council of Baltimore.

I. *Reports by Trust Clerk to Supreme Bench*: In addition to the reports to the judges of the equity courts required by other sections of this rule, the trust clerk shall submit to the Supreme Bench on or before the 30th day of January in each year a written statement of the condition of his office as of December 31st next preceding, showing, among other things, in what estates fiduciaries are in default in failing to comply with the applicable rules or orders of court; and showing the monies the trust clerk has received and the disbursements he has made during the calendar year ending on that December 31st; and also showing any other information which he believes to be pertinent and which would have a bearing upon the improvement of the administration of his office and the safeguarding of estates under court supervision. In addition thereto he shall report quarterly in writing to the Chief Judge of the Supreme Bench each fiduciary who under the applicable rules or orders of court is in default, with the particulars of said default.

J. *Form of Reports by Fiduciaries Other Than Receivers*: Reports of trustees and fiduciaries other than receivers shall

be substantially in the form now in use, copies of which are available in the office of the trust clerk.

Old Equity Rule 26.

RULE 314.

TRUST CLERK, DESIGNATION AND DUTIES OF.

A. The Supreme Bench shall appoint or designate a trust clerk and such assistant or assistants to the trust clerk as may be necessary or desirable, to aid the judges of the Circuit Courts of Baltimore City in the supervision of fiduciary estates. Subject to their supervision he shall have full charge of, and responsibility for the administration of the office of trust clerk and shall perform such duties and render such services as the judges of the said courts may designate or as may be required or provided by the rules of court.

B. He shall, subject to the supervision of the Supreme Bench and particularly the judges of the Circuit Courts, maintain such records of the administration of his office and of the administration and supervision of the trust and other fiduciary estates for which he is responsible, as will enable him effectually to discharge his duties and intelligently render assistance to, and give information to the judges of the Circuit Courts and to persons having an interest in such fiduciary estates with respect thereto. He shall be responsible for the form of records to be maintained by his office and for any necessary revision or improvement thereof from time to time.

C. The trust clerk and each of his assistants shall give a separate bond to the State of Maryland in a penalty to be fixed by the Supreme Bench of Baltimore, conditioned upon faithful performance of duty.

D. Whenever a fiduciary is in default for failure to file a report under Rule 313, the notice to the fiduciary to show cause as set out in Paragraph C, Section 4 of Rule 313 shall be prepared by the trust clerk and submitted to the court for signature, and it shall be the duty of the trust clerk to advise the court when the answer is filed, and if no answer is filed the court shall be advised of such failure by the trust clerk.

Old Equity 27, (Par. D. is new).

RULE 315.

DIVORCE.

No decree in a suit for divorce shall be passed in less than thirty days from the filing of the bill, or on the cross-bill within thirty days from the filing of a cross-bill, or before the time limited by law from the date a decree pro confesso is taken.

In all divorce suits referred to an examiner to take testimony it shall be the duty of the examiner to examine or cross-examine any and all witnesses, notwithstanding they may have been examined by counsel, whenever in his judgment such examination is proper or necessary for a true or full presentation of the facts in the case.

Old Equity 10.

 RULE 316.*

 DIVORCE AND ANNULMENT—
 NOTIFICATION TO ABSENT DEFENDANT.

In all divorce and annulment of marriage proceedings where the defendant has not been served with subpoena, and has not appeared voluntarily, the complainant shall be required to make reasonable efforts to ascertain the actual whereabouts of the defendant, and, by whatever means that may be available—that is to say, by registered mail, by wire, by telephone, or by personal interview—to bring to the knowledge of the defendant the fact that a suit is pending against him or her, the object and purpose of which is to obtain a divorce, or to have the marriage annulled, as the case may be. In such cases, therefore, where only notice by publication has been given to the defendant, a final decree for the complainant shall not pass until a sworn statement by the complainant or his or her solicitor shall be filed which shall give a circumstantial account of the efforts of the complainant to locate the absent defendant and to warn him or her of the pendency of the suit, or until sworn evidence before the examiner shall disclose a bona fide effort by the complainant to discharge his or her obligation to notify the defendant. And the failure of the complainant to make such reasonable effort in good faith, and to offer proof thereof, shall be ground for the postponement or denial of relief.

New—Adopted by the Supreme Bench November 15, 1945.

* The Court of Appeals has adopted this rule as new Equity Rule No. 10-A, applicable throughout the State, and effective April 1, 1946. Therefore, this Supreme Bench Rule will be eliminated when these rules are finally adopted.

RULE 317.

ADOPTIONS.

Upon all petitions for the adoption of infants, the court, in every case except those in which the judge shall have such intimate and personal knowledge of the facts and circumstances as to enable him to determine the question without the aid of an investigation, shall cause an investigation to be made by a probation officer or other officer or appointee of the court, to determine whether the best interests and welfare of the said infant will in fact be promoted by the proposed adoption, and shall cause a written report of such investigation, to be submitted to the judge within thirty days thereafter, or within such further time as the court shall allow, and shall consider such written report, together with such other evidence and exhibits as may be offered, before the passage of any final decree of adoption. When such investigations are caused to be made by a probation officer an allowance of costs in the sum of \$10.00 payable to the Probation Department of the Supreme Bench shall be taxed as part of the costs of the proceedings and shall be payable by the petitioner.

Old Equity Rule 36.

RULE 318.

PROCEEDINGS FOR CHANGE OF NAME.

Every person applying for change of name shall file in the court a petition, in which shall be stated the residence of such person, the change which said person desires to be made in his or her name, and the reason therefor, which petition shall be sustained by the affidavit of such person, or in case such petition is filed on behalf of an infant, it shall be made by the father, mother or guardian of such infant, whereupon thirty days' notice of such application shall be given by publication once a week for three successive weeks, in some daily newspaper printed in the City of Baltimore. At the expiration of said thirty days the said petition may be submitted to the court, and the court will thereupon proceed to consider the said petition, and pass an order or decree, as may appear to be proper in the case. Affidavits, either in opposi-

tion to, or in support of, such petition may be filed before the expiration of said thirty days.

Old Equity 24.

RULE 319.

PROCEEDINGS RELATING TO HABITUAL DRUNKARDS AND
ADDICTS OF COCAINE OR OTHER NARCOTICS.

Whenever a petition is filed in either of the Circuit Courts of Baltimore City for the institutional treatment of habitual drunkards or addicts of cocaine or other narcotics at the expense of Baltimore City, as provided by law, a copy of the petition and of the names of the witnesses shall be served upon the Mayor and City Council of Baltimore, and notice shall also be given the said corporation of the day fixed for hearing.

Old Equity 29.

**RULES OF THE CIRCUIT COURT OF
BALTIMORE CITY,
DIVISION FOR JUVENILE CAUSES.**

RULE 401

TO

RULE 419.

(NOTE: These 19 rules have not been changed and are to be reprinted bearing numbers 401 to 419, inclusive).

RESOLUTIONS OF SUPREME BENCH.

RESOLUTION 501.

ROTATION OF JUDGES.

The normal order of rotation of judges (subject always to change by the Supreme Bench) is as follows:

Starting at Court of Common Pleas (jury cases)
 Then to Circuit Court of Baltimore City
 Superior Court of Baltimore City (jury cases)
 Criminal Court of Baltimore, Part II
 Superior Court Part III, Baltimore City Court
 Part II (Magistrates' Appeals), non-jury
 judge for all common law courts
 Circuit Court No. 2 of Baltimore City
 Baltimore City Court Part III (jury cases)
 Baltimore City Court (jury cases)
 Criminal Court of Baltimore
 Superior Court of Baltimore City Part II
 (jury cases)

Back to Court of Common Pleas (jury cases).

The juvenile division shall not be subject to the usual rotation, but shall be presided over by such of the judges as may from time to time be assigned to that duty.

Judges assigned for the time being to the Superior Court, Part II, and the Court of Common Pleas shall hear registration and election cases.

At all times all judges are additionally assigned to assist each and every judge in his special assignment.

Old Resolution 26.

RESOLUTION 502.

PRAYERS AND INSTRUCTIONS IN LAW CASES.

In jury trials of civil cases counsel ought to be encouraged to make thorough preparation of the law, and submit written prayers as permitted by trial rule No. 6 of the General Rules of Practice and Procedure adopted by the Court of Appeals.

The Court in all cases in which written instructions are to be given should make formal rulings on the prayers; and in cases in which the jury is to be instructed orally, should inform counsel in advance of the oral charge, of its proposed action on the prayers, whether to grant or reject them, or to substitute an oral charge in place of them.

No change in the rule itself should be permitted to narrow or restrict the breadth of discretion committed to the trial judge in the selection of a method of instructing the jury appropriate to the needs of the particular case.

Old Resolution II.

