

**RULES**  
**OF**  
**Peoples Court of Baltimore City**



**JUNE 1, 1959**

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# People's Court Of Baltimore City

Rules In Effect June 1, 1959

## PROCEDURE

### A. Filing Cases.

The date and time a case is assigned for trial shall be fixed simultaneously with the filing thereof, which shall give the plaintiff at least three weeks' advance notice. If a defendant is returned non est, the plaintiff shall be so advised at least one week before the trial date.

1. As far as practicable, all actions shall be prepared on People's Court forms.

2. (a) On addition to the original writ of summons and statement of claim, a copy thereof shall be filed for each defendant.

(b) All supporting documents, such as vouchers, should be condensed as far as practical.

(c) Suits filed by mail shall not be entered unless accompanied by a self-addressed, stamped envelope, so that notice of trial assignment may be forwarded to the plaintiff.

### B. Appearance of Attorneys.

Attorneys are requested to enter their appearance in writing, at the same time forwarding a copy to the other party or his attorney. This should facilitate the handling of cases, the giving of notices, etc., and will afford a means for attorneys to communicate directly with each other over matters preliminary to the trial.

In all suits involving sums in excess of \$100, except summary ejectment cases arising under Sections 455-463 inclusive of the Public Local Laws of Baltimore City, 1949 edition, appearance of a party may be only by an attorney at law or in proper person.

### C. Summary Evictions.

All summary eviction cases shall be filed by the plaintiff or his agent in person on the forms provided by the Court for that purpose.

### D. Notice of Defense.

Every defendant in any contract or tort action shall be required to file a written intention to defend or demand for proof within the time limited in Parts III, XVII and XVIII hereof. His failure to do so shall entitle the plaintiff to judgment subject to the provisions of Parts III, V, XVII and XVIII hereof.

## PART I

### Wage And Salary Cases

1. All wage and salary cases irrespective of amount shall have priority over all other cases and shall be heard promptly after service is had on the defendant.

## PART II

### Costs

1. On and after June 1, 1959, the costs in this Court shall be as follows:

For filing, trial costs and memorandum in actions ex-contractu and ex-delicto—one defendant . . . .	\$ 3.00
For amended statement of claim—one defendant . . . .	2.00
For each additional defendant in original suit . . . .	1.50
For each additional party to be served with amended statement of claim . . . .	1.50
For additional summons against defendant under another name . . . . .	1.50
For additional summons against defendant at another address . . . . .	1.50
For re-issue—For each defendant . . . . .	2.00
For re-issue of summons by special delivery with special delivery instructions—For each defendant or address . . . . .	3.00
For cross-suit—one defendant . . . . .	2.00
For cross-suit—each additional defendant . . . . .	1.50
For replevin or other bond . . . . .	1.00
For replevin—other costs . . . . .	3.00
For writ of retorno habendo . . . . .	3.00
For writ of capias in withernam, initial costs . . . . .	3.00
For confessed judgment—one defendant . . . . .	3.00
For each additional defendant in confessed judgment . . . . .	2.00

For summoning each witness .....	1.00
For suit by grantee under Chapter 415, Acts of 1949 .....	3.00
For warrant of restitution to Sheriff of Baltimore City .....	1.00
For issuing notice to quit .....	2.00
For certified copy of notice to quit .....	.50
For writ against tenant holding over, trial and copy of judgment .....	4.00
For writ of forcible entry and detainer, trial and copy of judgment .....	4.00
For execution of judgment of restitution against tenant holding over, or in forcible entry and detainer .....	5.00
For institution and trial of summary ejectment proceedings and copy of judgment .....	2.00
For put-out .....	2.00
For distraints .....	2.20
For issuing writ of super-sedeas .....	1.00
For issuing of sci fa, trial and judgment .....	3.00
For writ of attachment on original process, trial and judgment .....	5.00
For writ of attachment—each additional garnishee .....	2.00
For attachment on judgment .....	3.00
For each additional garnishee in attachment on judgment .....	2.00
For issuing writ of fi fa .....	2.00
For issuing writ of fi fa on condemnation, initial costs .....	3.00
For issuing writ of venditioni exponas .....	2.00
For supplementary proceedings including commissioners' fee—Judgment \$200 or less .....	10.00
For supplementary proceedings including commissioners' fee—Judgment over \$200 .....	15.00
For certified copy of docket entries .....	2.00
For certification of judgment for recording in Maryland .....	1.00
For extra copy of judgment .....	.50
For certification of judgment under Act of Congress .....	3.00
For certification of judgment and exemplification of proceedings under Act of Congress .....	8.00
For certification of judgment in tort under Article 66½, Section 117 .....	1.00
For approving partial payments under Article 66½, Section 117 .....	1.00
For indexing a judgment in the index of recorded judgments—one name .....	.50
For indexing a judgment in the index of recorded judgments—husband and wife .....	.50
For indexing a judgment in the index of recorded judgments—for each additional name .....	.50
For attachment for contempt .....	2.00
For taking appeal .....	2.00

The costs paid by a plaintiff for recording his judgment shall be added to the costs taxed in his favor.

Poundage in the Court shall be taxed at the rates and in accordance with the provisions of Article 36, Section 25 of the Code.

\* \* \* \*

By virtue of Chapter 13 of the Acts of 1955, the following costs shall be effective in this Court:

Assignment of judgment ..\$	.50
Credit on judgment .....	.50
Waiver of lien of judgment .....	.50
Show cause, or nisi, orders including service by constable .....	2.00
Habeas corpus ad testificandum .....	1.00
Petition .....	3.50
Writ .....	2.50
Petition for writ of habere facias possessionem .....	2.50
Writ of habere facias possessionem .....	2.50

\* \* \* \*

When the amount in controversy exceeds \$100 there shall be paid, in addition to the foregoing, the sum of fifty cents for each additional \$100 or fraction thereof in controversy.

2. If it appears that the ends of justice be best served by waiver of prepayment, any judge shall have power to waive the prepayment of costs. Where a plaintiff desires a waiver of the prepayment of costs, he shall, under oath, answer such inquiries as may be made to him respecting his financial status and ability to pay costs.

### PART III

#### PRACTICE IN THE SUITS BROUGHT AGAINST NON-RESIDENT DEFENDANTS BY SERVICE ON THE SECRETARY OF STATE UNDER THE PROVISIONS OF SECTION 115 OF ARTICLE 66½ AND ARTICLE 75, SECTION 78 OF THE CODE.

1. A trial shall be set for not less than one hundred days after the date the suit is filed.

2. A copy of summons shall be served on the Secretary of State of Maryland. Plaintiff shall file with the suit a check or money order for \$2.00 payable to the order of the Secretary of State.

3. The notice of suit to be mailed by registered or certified mail to the defendant by plaintiff shall be

substantially in the following form:

Notice to the Defendant  
Non-resident Tort Action

To.....defendant  
Name

.....  
Address

You are hereby notified that suit has been filed against you by ....., plaintiff, in the People's Court of Baltimore City, State of Maryland, to recover damages for the wrongs set forth in the copy of the Statement of Claim attached hereto; and that service of process against you has been made by leaving a copy of such process in the hands of the Secretary of State of Maryland, or in his office.

That you must plead to said Statement of Claim within sixty days from that date of delivery noted upon your return receipt to this letter, or else judgment by default may be entered against you.

This case has been assigned for trial on ..... 19... at ...M in in the People's Court of Baltimore City, Fayette and Gay Streets, Baltimore, Maryland.

.....  
Plaintiff or Attorney.

4. Plaintiff shall file in the Court return receipt and affidavit of compliance as required by law (providing for the sending by registered or certified mail to the defendant of notice of suit and a copy of the statement of claim), within thirty days from date of filing suit.

5. If affidavit of compliance and defendant's return receipt are not filed in Court sixty days or more prior to trial date, the suit will be dismissed at that time, unless the defendant appears or the case is continued.

6. In cases brought under Article 66½, Section 115 or Article 75, Section 78 of the Code, any defendant shall have the right to cause the case to be transferred for jury trial, in accordance with the provisions of Part IX of these Rules, provided that the request for jury trial be filed by such defendant within sixty days after

date of delivery to him of notice of suit (as provided for in Part III of these Rules).

#### PART IV

##### Registered Mail Service

1. The correct full name and address of each plaintiff, individual or corporate defendant will be required. Where service of process is requested on a defendant at more than one address, such process shall be charged separately.

2. A return day which shall not be less than twelve days after date of registry and a trial day which shall be not less than seven days after the return day shall, whenever practical, be fixed in each summons.

3. If registered mail receipt is not returned to the Court seven days from date of mailing, personal service upon the defendant shall be made by constable.

4. Such service shall be deemed valid if it is delivered by the postman to the addressee or any other responsible person qualified to receive the addressee's registered mail in accordance with the Postal Law and Regulations of the United States.

5. Service shall be deemed to have been made as of the day when the notice is delivered and the return receipt signed; or if such notice is refused and the notice is sent by ordinary mail, then service shall be deemed to have been as of mailing such notice by ordinary mail.

6. When suit is brought against an individual defendant who is known by more than one name, writs of summons may be sent by registered mail addressed to the defendant by each name as set forth in the statement of claim.

7. By virtue of Chapter 612, of the Acts of 1955, the use of either certified mail or registered mail to serve summons upon defendants in suits for money judgments is hereby authorized. The Rules of this Court dealing with registered mail service shall apply to certified mail service.

## **PART V**

### **Writs And Process**

1. The Chief Constable of the Court is hereby authorized and empowered, in person or by deputy approved by any judge of the Court, to issue writs of summons commanding defendants to appear in the Court for the trial of cases to which they may be parties. Writs of replevin, attachment, forcible entry and detainer, grantees suits under Acts of 1949, Chapter 415, and warrants of distraint shall issue only over the signature of a judge.

2. In all cases sounding in contract or tort the summons shall notify the defendant that he must file in the proceedings his written notice of his intention to defend or demand proof within fourteen days after service of process upon him; excepting in cases against non-resident defendants under Section 106 of Article 66½ of the Code, in which cases the time for filing such notice by the defendant shall be within sixty days after receipt by the defendant of the registered mail notice of suit as set out in paragraph 3 of Part III hereof.

3. As to any case filed in this Court after the effective date of these Rules, which does not contain a notice to the defendant as set out in Part V, paragraph 2 hereof, the procedure shall be the same as that in effect on May 31, 1951.

4. Any judge shall have the power, in his discretion, to extend the return day of any writ or other process of this Court.

5. In all cases of execution, *fi fa* or other writ requiring a levy on goods and chattels, other than replevin, the return day of the writ shall be sixty days; or shall be thirty days following actual levy by the constable, whichever shall be later in time.

## **PART VI**

### **Attachments**

1. There shall be issued with every attachment on original process a writ of summons against the defendant. At the time of issuing the attachment, a copy of the

papers shall be set up at the door to the People's Court Building.

2. By virtue of Chapter 409 of the Acts of 1953, this Court adopts Sections 13, 14, 15, 16, 27 and Section 30 of Article 9 of the Maryland Code, to the extent that the same may be practicable under the informal pleading in this Court.

## **PART VII**

### **Replevin Under Soldiers' And Sailors' Civil Relief Act**

When it appears that a proposed defendant in a suit in replevin may be entitled to the application of the Soldiers' and Sailors' Relief Act:

1. In the discretion of a judge, the writ may issue without previous notice to the defendant; or

2. The judge may require the plaintiff to file a petition setting out the facts upon which the plaintiff's claim of right to possession is based and shall issue thereon an order by which the proposed defendant may show cause why a writ of replevin should not issue.

(a) A copy of such petition and order shall be served on the proposed defendant in the same manner as other process issuing out of this Court.

(b) A copy of each such petition and order shall be sent to the Legal Aid Bureau.

## **PART VIII**

### **Appraisal**

#### **A. Execution.**

1. If the debtor claims exemption, the constable shall direct him to select the chattels or assets to be exempted and shall list the same on the back of the writ or on the back of defendant's written claim for exemption.

2. The constable shall value and appraise each article so listed according to his opinion of its fair value as determined by a willing seller and a willing buyer.

3. If the total value of all articles claimed as exempt shall exceed \$100, then the constable shall exclude from exemption such articles as the defendant may select whose value amounts to more than \$100.

4. A copy of the list of articles so excluded from execution as exempt shall be supplied to the defendant and to the plaintiff.

5. Either plaintiff or defendant shall have the right, within five days of the levy, to informally petition the Court in writing to review the action and the appraisal of the constable.

6. If the defendant claims as exempt a single article or chattel whose value is in excess of \$100, then the constable shall not list said article as exempt, but shall proceed with the levy and eventually to sale. If sale takes place under such circumstances, there shall be paid to the defendant out of the proceeds of sale the sum of \$100 before any payment is made to the plaintiff.

#### B. Replevin.

1. The constable shall appraise the value of all goods named in the writ which have not actually been eligned and which are in the possession of the defendant. Such value shall be his opinion of the fair value thereof as determined by a willing seller and a willing buyer.

2. The constable shall not return as eligned goods in the possession of a defendant in the writ.

3. If the value of the goods named in the writ shall exceed \$1,000, then the constable shall not execute the writ and shall make the following return thereon: "The value of the goods named in this writ being in excess of \$1,000 the same is returned unexecuted and the plaintiff notified."

4. Either plaintiff or defendant shall have the right by informal written petition to have the action of the constable reviewed.

5. If at the time of hearing it shall appear to the Court that the value of the goods exceeds \$1,000, then the judgment shall be in favor of the defendant because of lack of jurisdiction in the Court.

### PART IX

#### Transfer Of Cases To Supreme Bench Courts

1. In any suit (exclusive of suits against tenants holding over, forcible entry and detainer and sum-

mary ejectment) involving an amount of money in excess of \$100, if any defendant (including cross-defendants or counter-defendants and third party defendants) there-to desires a trial by jury, he may, by notice to the Clerk of this Court, have such case removed to the Superior Court of Baltimore City, the Baltimore City Court, or the Court of Common Pleas for Baltimore City, but if such defendant fails to designate one of the Courts aforesaid, such removal shall be to the Baltimore City Court, provided such notice be not later than fourteen days after service of summons. However, by agreement of the parties, in writing, any case may be so transferred at any time. And provided further that the defendant desiring removal shall with such notice or agreement deliver to the Clerk of this Court a check or money order payable to the Clerk of the Court specified (or if none specified, to the Clerk of the Baltimore City Court), in such amount as may be fixed by rule of the Supreme Bench of Baltimore City to cover advance costs in such law Court. The Clerk of this Court shall forward the papers in the case and shall notify all parties in interest.

In cases brought under Article 66½, Section 115 of the Code, any defendant shall have the right to cause the case to be transferred for jury trial in accordance with the provisions of Part IX of these Rules, provided that the request for jury trial be filed by such defendant within sixty days after date of delivery to him of notice of suit (as provided for in Part III of these Rules).

### PART X

#### Joint Tortfeasors

Sec. 1. Whenever a defendant in any pending tort action seeks to assert his right in contribution against an alleged joint tortfeasor he shall, at least ten days before the trial date of the pending action, file a suit in the form of a third party statement of claim, in which the parties shall be designated as third party plaintiff or defendant respectively and in which a clear reference is made



both by case number and caption to the pending action.

Such third party statement of claim shall conform to the requirements of original actions and shall contain in addition to a resume of the claim in the pending suit, a statement of the claim of the third party plaintiff against the third party defendant.

A sufficient number of copies of the third party statement of claim shall be furnished the Clerk to be forthwith forwarded by him by ordinary mail to all parties or the attorneys in the pending action, at the addresses noted in the pending suit, and a summons shall be issued in the regular manner against the third party defendant assigning a trial date to which the pending action shall be correspondingly postponed. The pending suit and the third party suit will then be marked "consolidated" by the Clerk and a joint trial provided.

Sec. 2. At the trial of such consolidated cases the original plaintiff may amend by adding the third party defendant as a defendant in his original suit, whereupon an order of dismissal shall be entered by the Court in the third party suit and its costs assessed as part of the costs in the original suit.

Sec. 3. The Court may at any time in its discretion, when the ends of justice demand, order the trial of the pending or original action separately — particularly when service has not been upon a third party defendant with reasonable dispatch.

Sec. 4. Costs in third party actions shall be the same as in an original action in tort.

## **PART XI**

### **Counterclaims, Cross-Claims And Consolidations**

1. Counterclaims. Any one or more of the defendants in any pending action asserting a counterclaim against any one or more of the plaintiffs in the action arising out of the same transaction or occurrence may assert such counterclaim by way of a separate suit, or by counterclaim in the pending action as hereinafter provided. Such counterclaim in a pending

action must be filed within fourteen days after service of summons upon the defendant. Unless the date of such filing is at least fourteen days prior to the trial date, then the trial date shall be postponed to a day not less than fourteen days after the filing of said counterclaim.

Such counterclaim shall bear the caption and case number of the original action; it shall also designate the counterclaimant and defendant and shall in other respects conform to the requirements of an original action.

A sufficient number of copies thereof shall be furnished the Clerk to be forwarded forthwith by him by ordinary mail to all parties or attorneys in the pending action at the addresses noted in the pending suit, and no other summons shall be required.

Unless otherwise ordered for good cause, such original action and the counterclaim shall be heard at the time assigned for the trial of the original action.

Costs for filing any such counterclaim shall be the same as for an original action.

2. Cross-claims. A cross-claim that any party in a pending action may have against any co-party shall not be filed as a cross-claim in such pending action but may be filed as a separate suit subject to consolidation or joint trial with such original pending action when appropriate in accordance with the rule pertaining to consolidation of cases and subject to the existing statutes relating to venue and jurisdiction.

3. Consolidation of cases. Consolidation or joint trials shall be freely allowed with respect to all claims, whether original claims or in the nature of counterclaims or cross-claims, arising out of the same transaction or occurrence and in all cases involving common questions of law and fact or a common subject matter, provided that the Court may at any time in its discretion order separate trials of any such claims, counterclaims, cross-claims and other cases when appropriate in furtherance of convenience, or to prevent any party from being embarrassed, delayed,

prejudiced or put to unnecessary expense, or for other good cause. Necessary postponements will be granted, in the discretion of the Court, in order to effectuate consolidations or joint trials.

## PART XII

### Special Continuances

1. Every case filed will be disposed of within twelve months from the first trial date to which all defendants are summoned, unless within this period of time the case is generally continued.

2. Within the period of twelve months specified in paragraph 1 of this Part XII, special continuances may be ordered by a judge at any time in his discretion.

3. Requests for special continuances shall be made at least four days prior to trial day.

4. No special continuances will be granted for a period greater than ninety days.

5. A judge shall have power to waive any of the foregoing rules contained in this Part XII.

## PART XIII

### General Continuances

1. At any time prior to or at the time of trial a general continuance may be had upon the request of the parties, or upon the request of the plaintiff at the time of trial if the defendant fails to make appearance. Such a continuance shall have the effect of holding the case in abeyance for a period of twelve months from the date of such general continuance.

2. Every case which has been generally continued on and after December 1, 1950, shall remain so generally continued for a period of twelve months from the date of such continuance notwithstanding any rule in effect at the time it was generally continued limiting the period to six months.

3. Any judge may, on his own motion, generally continue a case because of the military service of a party.

4. Any judge may, in his discretion, generally continue a case because of the military service of an essential witness, whose deposition is unprocureable.

5. Any case which has been generally continued because of the military service of a party or witness shall remain so continued and shall not be automatically dismissed (notwithstanding the provisions of paragraph 8 of this Part XIII) until twelve months after the present war is terminated by a Treaty of Peace proclaimed by the President of the United States. Any case generally continued because of the military service of a party or witness may be restored to trial assignment on the written request of any party to the case, made at any time prior to twelve months after the present war is terminated by a Treaty of Peace proclaimed by the President of the United States.

No judgment shall be entered by default or on an ex parte hearing in any such case unless the judge has reasonable cause to believe that the absent party is living and has received due notice of the hearing and is not precluded from appearance because of his military service. The requirements of the previous sentence will be regarded as having been substantially complied with if the plaintiff produces a return receipt of the Post Office Department of a registered letter, giving notice of the hearing, addressed to the defendant at the address contemplated by Part III of these Rules, or any subsequent address, or an envelope containing such notice marked by the Post Office Department as "refused" by the addressee or his agent.

6. Any party to a case which has been generally continued shall have the right to have the case reassigned for trial, on written request made within the period of twelve months from the date on which the case was so generally continued. A copy of such request shall be served by the moving party on the opposite party or parties or their attorney of record.

7. When a generally continued case is reassigned for trial assignment, at least one week's notice shall be given by the Clerk to all parties or their attorneys by post card mailed to the addresses noted on the Court papers.

8. Any case generally continued and not reassigned for trial in accordance with paragraphs 5 or 6 of this Part XIII shall be automatically dismissed and may not be reinstated.

9. After a generally continued case has been reassigned to the trial docket, it may not again be generally continued except by reason of military service of a party or essential witness.

10. Any case reassigned for trial subsequent to a general continuance shall not thereafter be specially continued except by order of Court for good cause shown.

#### PART XIV

##### Depositions

1. Except by agreement of the parties a request for postponement of a case for the purpose of taking depositions will not be granted unless made at least one week before trial day.

2. When in the form of interrogatories and cross-interrogatories answered in writing under oath before a notary public, or other qualified officer, depositions will be admitted in evidence. The interrogatories by the party desiring deposition shall be submitted to the other side at least two weeks before the day and time set for the answering thereof; cross-interrogatories shall be submitted to the other side at least one week before the date set for the answering thereof. The party initiating the taking of depositions shall have the selection or choice of the time and place of taking depositions, and the person before whom the same shall be taken. At least 5 days notice shall be given to the other side of the time, place and before whom depositions are to be taken, or interrogatories answered.

3. The trial judge, in his discretion, may award as a part of the costs of the case the costs of any depositions. Such award, however, shall not be made as a matter of right. The trial judge shall have the power to apportion the costs of depositions between the parties, without regard to which shall prevail.

#### PART XV

##### Dismissals

1. In all cases filed on and after December 1, 1950, if a defendant is not summoned and the plaintiff fails (within twelve months after the date set for trial in the summons addressed to the defendant) to order a reissue of summons, the case shall be automatically dismissed. A plaintiff's order to reissue may be made from year to year, but shall not extend beyond five years after the date set for trial in the original summons addressed to the defendant.

Provided, however, in any suit for damages where the plaintiff files a statement under oath setting forth the fact that the defendant cannot be summoned within the jurisdiction of the Court, giving the details of the inability of the plaintiff to have the defendant so summoned, any judge of this Court may sign an appropriate order preventing the dismissal of such case by reason of the failure of the plaintiff to order reissue or because of the lapse of the five year period as otherwise herein provided. Such statement must be filed while the case is still pending and any order so passed shall set out the details with respect to both the nature and extent of the waiver or extension of this rule.

2. As to all cases pending in this Court in which a defendant was returned non est and no reissue of summons was outstanding on June 1, 1949, the same were automatically dismissed on January 1, 1950, unless reissue of summons was ordered by the plaintiff on or before December 31, 1949.

3. As to all cases pending in this Court in which a defendant was returned non est on or before November 30, 1950, and no reissue of summons was outstanding on December 1, 1950, the same were automatically dismissed by virtue of the Rules of this Court which were effective from June 1, 1949, to May 31, 1951.

4. Any case not prosecuted to judgment twelve months from the original trial day to which all defendants have been summoned, which has not been generally continued, shall be automatically dis-

missed. Any judge shall have power to extend the time upon informal written petition signed by all parties or their attorneys.

5. In all cases in contract or in tort that are dismissed the dismissal shall be without prejudice, except that a dismissal shall operate, in the discretion of the trial judge, as an adjudication on the merits in favor of the defendant when the plaintiff has previously filed a case based on or including the same claim and the previous case has been dismissed after service of summons on the defendant.

#### **PART XVI**

##### **Conciliation**

1. In all cases other than city tax cases and suits by landlords against tenants there shall be appended to the statement of claim served on the defendant a notice that the parties may appear for conciliation of the case on any day at such time as may be designated.

2. No conciliation hearing shall be had except with the consent of all parties to the cause. At such a hearing all parties to the cause shall be present in person or by proxy.

3. The judge holding conciliation court shall confer privately with the parties. Either party may be represented by counsel. In the discretion of the conciliation judge either party may be present by proxy, which proxy may be either attorney, agent or co-party empowered to conciliate and reach an agreement.

4. No statement or admission made by any party during a conciliation conference shall be admissible in evidence if conciliation fails, nor shall the case be heard on trial by the conciliation judge.

5. If conciliation is effected and calls for deferred or installment payments then a memorandum of the agreement thus reached shall be filed in the case on a form provided by the Court. On application of the plaintiff, and upon due proof of the failure of the defendant to perform the agreement, judgment may be entered against the defendant for the amount specified in the conciliation agree-

ment, less any payments made thereon, upon at least three days' notice to defendant by regular mail, addressed to the address contained in the conciliation agreement.

#### **PART XVII**

##### **Summary Judgments**

1. A plaintiff who desires a summary judgment in an action for money damages must file his statement of claim and supporting documents or statements containing sufficient detail as to liability and damage as to apprise the defendant clearly of the cause of action against him (including the precise amount claimed as damages, reimbursement or indemnity), verified by affidavit. Such affidavit shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence and shall show affirmatively that the affiant is competent to testify to the matters stated therein. On the statement of claim shall appear a notice to each defendant that an intention to defend, or to demand proof, must be filed by such defendant or judgment may be rendered against him.

2. The amount formally sued for, or ad damnum, must be for the precise amount claimed by the plaintiff, and may claim interest either by amount or by date of computation.

3. When in such case a defendant has had served upon him a copy of such verified statement of claim and notice, he must file his notice of intention to defend or to demand proof within fourteen (14) days from the service of summons; except that in cases brought against non-residents under the provisions of Section 115 of Article 66½ or under the provisions of Article 75, Section 78 of the Code, such notice of intention to defend or demand proof must be filed within sixty (60) days from the notice to defendant required under Part III, paragraph 3 of these Rules.

4. If a defendant files his notice as set out in paragraph 3 of this Part XVII, the plaintiff shall be so notified by the Clerk of this Court by ordinary mail or post card;

whereupon the plaintiff shall appear in Court on trial day prepared for a trial on the merits.

5. If a defendant files his notice as set out in paragraph 3 of this Part XVII but does not appear in Court for the trial of the case, then the plaintiff shall be entitled to judgment.

6. If a defendant fails to file an intention to defend or demand proof as set out in paragraph 3 of this Part XVII, but such defendant does appear in this Court on the trial date, then if the Court believes that the defendant has a meritorious defense and there is reasonable excuse for his failure to file the notice of defense, the Court in its discretion may permit the defendant then to file his notice to defend or demand proof. In such instance, in the discretion of the Court, a new trial date will be set and the parties notified by the Clerk.

7. If a defendant properly served with verified statement of claim and notice does not file a notice of intention to defend or demand proof (or having so filed fails to appear at time of trial), then a judgment will be rendered against him, provided that the plaintiff files a motion for summary judgment and an affidavit of non-military service of the defendant at any time within ten days after the trial date or proper continuance thereof. If plaintiff fails to file such motion within said ten days, the case shall be automatically dismissed. Any judge, for good cause shown, may extend the time for filing such motion and affidavit.

8. If the plaintiff has not complied with the requirements of paragraphs 1 and 2 of Part XVII, then his motion for summary judgment will be denied and the case continued for not more than fourteen days so he may have opportunity to take judgment by default.

9. In all such cases an exact copy of the statement of claim and supporting affidavits and statements or vouchers shall be served upon the defendant along with the summons.

## PART XVIII

### Judgments

1. In all cases conforming to Part V, paragraph 2, hereof, where the defendant files no notice of intention to defend or to demand proof, the plaintiff shall not be required to prove the liability of the defendant and shall be required only to prove his damages.

2. A defendant's notice of intention to defend or demand for proof shall be filed within fourteen days (14) from service of summons upon him, except in cases against non-resident defendants under the provisions of Section 115 of Article 66½ of the Code, in which cases the time for filing such notice by the defendant shall be within sixty (60) days after receipt by registered mail of the notice of suit as set out in paragraph 3 of Part III hereof. When such notice has been filed by the defendant the Clerk shall so notify the plaintiff, or his attorney, by ordinary mail or by post card.

3. The Court may, in its discretion, refuse to enter a default judgment hereunder and provide for a full trial of any case on its merits whenever it appears that a defendant has a good and meritorious defense.

4. Any affirmative defense or any defense based upon jurisdiction, limitations, payment, denial of partnership or agency, identity, or non-compliance with the Statute of Frauds, should be specially stated along with a defendant's notice of contest or demand for proof and a copy thereof mailed to the plaintiff within the time limited for the filing of such notice of contest or demand for proof. In the absence thereof the plaintiff shall be entitled to a continuance in the discretion of the Court if taken by surprise at the time of trial. In like manner a plaintiff should set out in his statement of claim the capacity in which he brings suit, such as assignee or bailee. The failure so to do will entitle the defendant to a continuance in the discretion of the Court, if taken by surprise at the time of trial.

5. In all tort cases involving property damage, in which the defendant has failed to file his notice of defense and is otherwise in default by failure to appear on the trial date, prima facie proof of such property damage may be had by the presentment and filing of an itemized estimate or repair bill, supported by an affidavit containing the name and address of the affiant and subscribed by him, made on personal knowledge of the person making such estimate or repairs, or under whose supervision such estimate or repairs were made, showing the affiant's qualification and containing the statement that the cost of such repairs is fair and reasonable. An affidavit in substantially the following form will be sufficient:

I hereby certify that on .....

.....

Name and Address

personally appeared before me and made oath as follows:

That he is a mechanic having had sufficient experience to testify as an expert. That his relationship to the business concern which made the estimate or repair is that of ..... That he inspected—repaired the plaintiff's automobile on ..... That attached hereto is copy of the itemized estimate or bill. That all of the repairs mentioned thereon were made necessary by a single accident. That the prices charged are fair and reasonable, and include all discounts or allowances granted, the net bill or estimate being \$.....

.....Signature of Affiant.  
Subscribed and sworn to before me the day and year first above written.

.....

Notary Public

## PART XIX

### Judgments By Confession

1. Entry. Judgment by confession may be entered upon the filing by the plaintiff of a declaration in the usual form accompanied by one or more written instruments authorizing the confession of judgment and entitling the plaintiff to a claim for liquidated damages and supported by an affidavit made by the plaintiff, or

some one on his behalf, stating the amount due thereunder and indicating the post office address (including street address, if needed to effect mail delivery) of the defendant.

2. Immediately upon the entry of any such judgment there shall issue a summons for the defendant notifying him of the entry of the judgment and requiring him to appear in the cause wherein it is entered within thirty days after the service upon him by the summons and show cause, if any he has, why the judgment should be vacated, opened, or modified. When returned non est, the summons may be reissued at the request of the plaintiff. Any application made by the defendant with respect to the judgment within thirty days from the service of the summons shall be promptly heard by the Court and such action taken as the Court may deem just. If the judgment is opened or set aside, the case shall stand for trial in accordance with the Rules of the Court. If no cause is shown in pursuance of the summons the judgment shall be deemed to be final to the same extent as a judgment entered after trial, but may be set aside or modified on the ground of fraud or mistake.

3. Non-resident defendants. If the affidavit filed in the proceedings shows that the defendant is not a resident of Maryland, the Clerk shall send by registered mail to such defendant, at his address indicated in the affidavit, a summons similar to that prescribed in paragraph 2 and it shall be the duty of such defendant to respond to such summons within thirty days after the receipt thereof; or the plaintiff may, if he so elects, provide for the personal service of the summons upon the defendant wherever he may be found and file in the proceedings an affidavit showing the time and place of such service. Such personal service shall have the same effect as if the defendant had been summoned in the manner prescribed in paragraph 2.

4. Address unknown. Where the affidavit filed in the proceedings

indicates that the address of the defendant is unknown, no judgment shall be entered except upon order of Court.

5. Extension of time. The Court may, for good cause shown, extend the time for responding to any summons or notice issued in pursuance of this Rule.

6. Other cases. Except as authorized by this Rule, judgments by confession shall be entered only upon order of Court, after such notice and upon such terms as the Court may direct.

7. The judgment note, the basis for the confessed judgment, shall be attached to the declaration in such fashion that it can be read without tearing the papers apart.

8. With each judgment by confession filed in this Court there shall be filed the following certificate:

I hereby certify that to the best of my knowledge, information and belief, the note sued on was not executed in connection with a retail sales installment agreement wherein there has been a reservation of title.

Such certificate shall be executed by the plaintiff or by attorney for the plaintiff.

#### PART XX

##### Supplementary Proceedings

1. No supplementary proceedings shall be filed except on a judgment in the Index of Recorded Judgments.

2. The costs for supplementary proceedings shall be \$10 if the judgment is \$200 or less, and shall be \$15 if the judgment is in excess of \$200. These costs shall be paid by the plaintiff at the time of filing. The costs so paid by the plaintiff shall be taxable as a part of the costs of the case.

The Law Commissioner shall, as a part of his findings, make recommendations as to whom the costs of supplementary proceedings shall be assessed. Any judge of this Court shall have power to assess the costs of supplementary proceedings against the plaintiff.

3. No citation for contempt for failure of a defendant to appear in

supplementary proceedings shall issue unless there is filed a certificate of the Law Commissioner in substantially the following form:

I hereby certify that the defendant... after having been duly summoned, according to law, to appear before me in accordance with said summons, failed or refused to so appear.

No such citation shall issue after the lapse of sixty days following the failure of the defendant to appear at a stated date and time.

4. The costs for reissue in supplementary proceedings shall be the same as those for any other process of the Court. There is no restriction upon the number of reissues that may be ordered by the plaintiff in supplementary proceedings, subject that the allowance of costs in supplementary proceedings, shall be at the discretion of a judge.

5. When a defendant has been summoned for supplementary proceedings and appears in conformity with his summons, if plaintiff or his counsel fails to appear then the proceedings shall be dismissed with costs against the plaintiff unless such failure to appear results from good cause shown. Any judge of the Court shall have the right to reinstate, postpone or continue the hearing for good cause shown.

6. When no citation for contempt has issued there shall be a free right in the parties, by agreement, to postpone provided only that interrogation has not yet begun. Once interrogation has begun there shall be no postponement except under such circumstances as securing additional information or evidence, or production of books and records. In order to complete the inquiry the Law Commissioner shall have complete discretion for postponement in order to secure additional evidence.

7. If the plaintiff does not pursue his right of interrogation when the defendant appears, then in the absence of agreement or continuance by agreement, the proceedings shall be marked "dis-

missed, with costs against the plaintiff."

8. There shall be no postponement of supplementary procedure proceedings after arrest or attachment, except only in instances where the inquiry or proceedings are adjourned in order to permit the production of additional evidence before the Law Commissioner. If a defendant appears before the Law Commissioner resulting from a citation for contempt and the plaintiff or his counsel does not appear, then in the absence of a continuance granted by a judge of the Court, the supplementary proceedings shall be dismissed. Without limiting the powers of a judge, no such continuance will be granted except prior to hearing and for good cause.

#### PART XXI

##### Chief Constable

1. The Chief Constable shall be answerable for all records and papers filed in this Court and no record of the Court or any paper connected with the business of the Clerks' Office of the Court 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 Clerks' Office, or use before the Court or a judge thereof) except to the Clerk of a Supreme Bench Court in connection with an appeal or removal of a case from this Court. Provided, however, that any judge of this Court may authorize the withdrawal of papers upon such terms as may be prescribed in his order.

2. By virtue of the provisions of Article 4, Part V-A, Section 41-A, of the Constitution of Maryland, the Deputy Chief Constable of this Court, or any other member of the staff of this Court as may be designated by Rule thereof, shall, in the absence of the Chief Constable of this Court, have and exercise all of the powers, duties and authorities imposed by law upon said Chief Constable; subject to such limitations as may be set out in the Rules of this Court.

#### PART XXII

##### Maryland Code Sections Applicable To People's Court

By virtue of Article 52, Section 53 (F) (Acts of 1951, Chapter 693), the following sections of the Maryland Code of Public General Laws (1951 Edition) have been adopted as applicable to the Peoples' Court:

Article 9 — Sections 13, 14, 15, 16, 27 and 30.

Article 75 — Sections 41, 99, 100, 101, 103, 126, 128 and 129.

#### PART XXIII

##### General Rules Of Practice And Procedure Of The Court Of Appeals Applicable To People's Court

By virtue of Article 52, Section 53 K (Acts of 1951, Chapter 693) the following Rules of General Practice and Procedure of the Court of Appeals of Maryland, are hereby adopted as applicable to this Court:

Rule	
8	Computation of time (Article 94, Section 2).
106	Service on corporation (Article 23, Sections 83, 90).
243	Subrogee suit (Article 75, Section 3).
403(b)	Deposition in another state.
(c)	Deposition in a foreign country.
404	Deposition by agreement.
405	Notice for deposition.
(a)	Upon oral examination.
(b)	Upon written question.
(c)	Regulation by court.
(d)	When defendant's residence unknown.
406(a)(b)(c)	Scope of deposition.
408(b)	Place of deposition—out of state.
411	Correction and certification of deposition.
412	Irregularity in deposition.
413	Use of deposition.
414(b)	Penalties.
415	Cost of deposition.
622	Execution.
(e)	More than one attachment (Article 26, Sec. 21).
(g)	Against joint debtors (Article 50, Sec. 9).
623	Attachment.
(a)	Requirements (Article 9, Sec. 29).
624	Renewal of judgment (Article 26, Sec. 21).
628	Supplementary proceedings (Article 75, Sec. 148-153).
655(a)(b)(d)	Writ of possession (Article 75, Sec. 99).



**SUPREME BENCH OF  
BALTIMORE CITY**

Rule 638. Cases transferred from People's Court of Baltimore City.

(a) In order to obtain a transfer of a case from the People's Court of Baltimore City to one of the law Courts of Baltimore City for trial before a jury, it shall be necessary for the defendant or defendants requesting such transfer to deposit, or cause to be deposited, with the Clerk of the Court to which the case is to be transferred, \$15 as security for costs in that Court at the time that the papers in the case are received by the Clerk, or within five days thereafter. If and when such deposit is made the Clerk of the Court shall docket the case as if it were an original action. If such deposit is not made, the case shall not be transferred and the papers in the case shall be returned to the People's Court of Baltimore City.

(b) In any such case, practice and procedure under Rules of the Court of Appeals of Maryland and the Supreme Bench of Baltimore City shall be the same as if the case had been originally instituted in the Court to which it is transferred, except where those Rules cannot be consistently applied.

(c) The defendant or defendants who shall have caused the transfer of the case and any other defendant who shall have been

served with process issuing from the People's Court of Baltimore City in pursuance of Rules of that Court, shall file pleas or other form of pleading within ten days after the case is docketed as aforesaid, and if any such defendant shall fail to do so the Clerk of the Court shall enter in his behalf the general issue plea short on the docket.

(d) The trial of all cases transferred from the People's Court shall be expedited and prompt disposition thereof made in such manner as the Court to which such cases have been removed or the judge thereof may from time to time provide.

(e) If a defendant in any case has not been summoned by process in the People's Court before the papers in the case have been transferred to one of the law Courts of Baltimore City, the Clerk of the receiving Court shall issue summons against such defendant upon request of the plaintiff and a deposit by him of the Clerk's and Sheriff's costs in connection with such summons within fifteen days after the case has been docketed in the receiving Court. The summons shall be issued in the same form and returnable in the same manner as if the suit had been filed originally in such Court. Any defendant who shall be served with process from the receiving Court, as aforesaid, shall file pleas or other form of pleading within ten days after the return day to which he has been summoned.

# People's Court Of Baltimore City

The following rules have been adopted and are now in effect—

When a plaintiff is represented by an attorney of record, no order of satisfaction or agreed and settled shall be accepted for record unless the same has been signed by plaintiff's attorney of record.

## Supplementary Proceedings

1. Paul J. Reed, Esq., was appointed as Commissioner of this Court for supplementary proceedings on judgments held by the Mayor and City Council of Baltimore. Daniel Joseph, Esq., the present Commissioner shall retain exclusive jurisdiction in supplementary proceedings on judgments in all other cases.

2. Under existing rules of this court, the costs for supplementary proceedings are:

When the judgment is for \$200 or less—costs are \$10

When the judgment is for \$1,000 or less—costs are \$15

When the judgment is for more than \$1,000—costs are \$20.

In each instance the costs include \$5.00 to be retained by the Chief Constable as a part of the court income toward the cost of processing supplementary proceedings.

3. At time of filing supplementary proceedings the City of Baltimore shall pay to the Chief Constable fees as follows:

When the judgment is for \$200 or less—costs are \$5.00

When the judgment is for \$1,000 or less—costs are \$10.00

When the judgment is for more than \$1,000—costs are \$15.00.

The costs set out in this paragraph 3 are those stipulated by Chapter 416 of the Acts of 1953, as the fees to be paid to the Commissioner in supplementary proceedings.

4. The fees fixed in paragraph 3 shall be paid to the Chief Constable by check or credit memorandum to be applied to the income of this court. Periodically, the Chief Constable shall issue his voucher on the City Treasurer for the amount of fees due to Commissioner Paul J. Reed.

5. The costs charged on the records of this court for supplementary proceedings in cases in which the City of Baltimore is judgment creditor, and due by the judgment debtor, shall be as set forth in paragraph 2 of this rule.

6. The Law Commissioner shall, as a part of his findings, make recommendations as to whom the costs of supplementary proceedings shall be assessed. Any judge of this court shall have power to assess the costs of supplementary proceedings against the plaintiff.

## Notices Between Attorneys

When an attorney enters his appearance for a plaintiff or defendant in this court he shall so notify the attorney on the other side of the case. Attorneys for parties are required to send to opposing attorneys copies of any papers filed by them in the proceedings.

## Attachment On Original Process

By virtue of Article 52, Section 53 K (Acts of 1951, Chapter 693), the following Maryland Rules of Procedure of the Court of Appeals of Maryland are hereby adopted as applicable to this court.

### Subtitle G—Attachment on Original Process

Rules G 40; G 41; G 42; G 43; G 44; G 45; G 46; G 47; G 48; G 49; G 50; G 51, (b) (c) (d); G 52 (a) and (b); G 53; G 54 (c); G 55; G 57; G 58; G 59; and G 60.

By virtue of the Maryland Constitution, Article IV, Section 41 A, the following rules are adopted:

Each of the following rules is preceded by reference in parenthesis of the Court of Appeals rule bearing on the same.

### (G 51 (a) and 307)

A defendant or garnishee may file a motion within fifteen days after summons praying that the writ be quashed and set aside and thereupon the court may order the Chief Constable to produce the writ and the proceedings thereunder in court.

### (G 54 (a)) Judgment of Condemnation Nisi

#### (a) By Default—Judgment nisi against attached property

If neither the defendant, garnishee, nor any claimant of the property attached shall file his initial pleading within fifteen days after the service of the writ, the court may enter a judgment of condemnation nisi against the property.

#### (b) By Default—Judgment nisi against garnishee

If neither the defendant, garnishee, nor any claimant of property attached by garnishment shall file his initial pleading within fifteen days after the service of the writ, the court may enter a judgment of condemnation nisi against the garnishee.

### (G 55 and 648) Judgment of Condemnation Absolute

#### (a) Against attached property

After the expiration of fifteen days from the entry of a judgment of condemnation nisi against the property attached, the plaintiff may move that the court inquire of the damages and costs sustained by the plaintiff and the court may assess the damages and costs and order the judgment to be extended for the amount so found to be due and interest and costs.

#### (b) Against garnishee

At any time after the entry of a condemnation nisi against a garnishee, the plaintiff may move that the court set the matter for hearing, whereat the plaintiff may prove his claim against the defendant and also the amount of assets of the defendant in the hands of the garnishee subject to attachment; thereupon judgment of condemnation absolute may be entered against the garnishee.

### (G 56) Interrogatories to Garnishee—Failure to answer

Interrogatories may be served by the plaintiff, or by the Chief Constable upon the garnishee at any time within fifteen days after the garnishee has been summoned; and if the garnishee shall fail to answer said interrogatories under oath within twenty days after the service of the interrogatories upon him, then, upon proof of such service the plaintiff shall be entitled to judgment against the garnishee for the amount of the claim of the plaintiff for which the attachment was issued, plus interest and costs.

Printed forms for use in attachments, which comply with the newly adopted rules, are available at the Clerks Office. Attorneys are requested to destroy the old forms they may have and to secure the new forms for present and future use.

ALLEN W. RHYNHART,  
Chief Judge.  
WILLIAM T. TIPPETT, JR.,  
HENRY L. ROGERS,  
CARL W. BACHARACH,  
Judges.

# People's Court of Baltimore City

## NOTICE TO THE BAR

After consultation with various attorneys, with the manager of the Unsatisfied Claim and Judgment Fund, and with Charles O. Mount, Esq., Chairman of the Baltimore Bar Association's Committee on the Unsatisfied Claim and Judgment Law, tentative forms have been agreed upon by the judges of this Court as meeting the requirements of the law.

There are two explanatory matters:

1. In conformity with the opinion of the Attorney General, dated August 17, 1959, (THE DAILY RECORD of September 17, 1959), claims against the Fund may be made for the benefit of an insurance collision carrier.

2. Orders of this Court for payment by the Fund will not include court costs.

3. The costs payable in this Court are:

For petition and order \$1.00  
For assignment of judgment (one defendant) .50

It is requested that all members of the Bar who have suggestions or criticisms make the same in writing, addressed to the Chief Judge of this Court.

After the lapse of four weeks from this date it is anticipated that the forms will be printed and will later be available to attorneys at the Clerk's Office, upon request.

E. EVERETT LANE,  
HENRY L. ROGERS,  
WILLIAM T. TIPPETT, JR.,  
ALLAN W. RHYNHART,

## PETITION FOR PAYMENT OF JUDGMENT

..... :  
..... : IN THE  
Plaintiff : PEOPLE'S COURT OF  
vs. : BALTIMORE CITY  
..... :  
Defendant :  
..... : Case No.....

The plaintiff (s) respectfully represent (s) unto this Honorable Court:

1. On the ..... day of ..... 19.... Judgment was entered in his favor against..... for \$..... and is now final. That said Judgment has been recorded in this Court in Liber..... No..... Folio.....

2. Your petitioner is not the spouse or personal representative to the spouse of the Judgment Debtor; nor was your petitioner operating an uninsured motor vehicle owned by him at the time of the accident complained of in this case.

3. Your petitioner is not making application for payment of the Judgment herein on behalf of any Insurer who has in existence a policy of insurance liable for payment of any part of the Judgment, nor is claim made for any portion of the Judgment for which an Insurance Carrier is liable.

4. Your petitioner is not entitled to collect any part of the Judgment from anyone other than the defendant.

5. The Unsatisfied Claim and Judgment Fund Board was notified of your petitioner's intention to make claim within ninety days of the occurrence of the accident complained of in this case and of the institution of this suit within fifteen days after the institution thereof, to wit, on the ..... day of ..... 19....

6. The Judgment Debtor did not at the time of the accident carry any automobile liability insurance which would be liable for payment of the Judgment herein.

\*7. Since obtaining Judgment your petitioner has:

- (A) Caused Writ of Execution to be issued, which has been returned Nulla Bona.  
(B) Subjected the defendant to discovery proceedings and has been unable to discover any assets, or insurance policy from which the Judgment herein can be collected.

\*8. Although diligent search has been made by your petitioner, he has ascertained the defendant has no property or other assets from which the Judgment herein can be collected, and therefore issuance of Writ of Execution or Discovery Proceedings would be of no avail.

\*(Strike out paragraph 7 or 8, whichever is inapplicable).

9. Copy of this Petition, Affidavit and Order will be served upon the Unsatisfied Claim and Judgment Fund Board as required by law.

Wherefore your petitioner requests the passage of an Order on the Treasurer of the State of Maryland directing him to pay to the plaintiff herein the sum of \$..... upon receipt of assignment of this Judgment to the Commissioner of Motor Vehicles, provided the Unsatisfied Claim and Judgment Fund Board makes no objection by the ..... day of ..... 19...., and provided further copy of this Petition, Affidavit and Order are served upon said Board by the ..... day of ..... 19....

..... Plaintiff Attorney for Plaintiff-Petitioner  
STATE OF MARYLAND )  
CITY OF BALTIMORE ) to wit:

On this ..... day of ..... 19.... before the undersigned, a Notary Public, in and for the City and State aforesaid, personally appeared..... the above Petitioner and Plaintiff in this cause, who made oath in due form of law that the matters and facts set forth in the foregoing Petition are true and correct to the best of his knowledge and belief.

Witness my hand and Notarial Seal.

..... Notary Public

I hereby certify that I have this ..... day of ..... 19.... mailed copy of the within Petition, Affidavit and Order to the Unsatisfied Claim and Judgment Fund Board, 33 Hopkins Place, Baltimore 2, Maryland, and to..... at ..... Baltimore, Maryland, attorney for the defendant.

..... Attorney for Plaintiff

## ORDER

There having been ~~no~~ objection filed by the Unsatisfied Claim and Judgment Fund Board, it is this ..... day of ..... 19...., by the People's Court of Baltimore City, in accordance with the foregoing Petition and Affidavit, Ordered that the Treasurer of the State of Maryland pay unto..... the plaintiff herein, the sum of \$..... upon receipt of assignment of Judgment against the defendant.....

..... Judge