

Acknowledge

Rules of Practice

in the

Circuit Court for
Harford County

on the

Law and Chancery
Sides Thereof

RULES OF PRACTICE
in the
Circuit Court for Harford County
on the
Chancery Side Thereof

Rule 1.

Any Bill, Petition, Answer or Writing duly filed and addressed to the Court, certified by a Judge, Justice of the Peace, or a Notary Public that it was acknowledged before him by the person whose name is subscribed thereto and that such person is known to him, shall have the same effect as if signed and filed by a solicitor of the Court.

Rule 2.

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

Rule 3.

An answer sworn to out of the State will be received if sworn to before a Notary Public, or before a Judge of any Court, whose official capacity shall be certified by the Clerk of the Court under his seal of office.

Rule 4.

If a person petitions the Court to be made a defendant at any time after the cause is at issue, and before final decree, he shall answer, or demur, upon the day of the passage of the order of Court admitting him as a party defendant, unless further time be granted for cause then shown to the Court, and any party to said cause may set down for hearing said demurrer on five days notice to

the opposite party or his solicitor, in the discretion of the Court.

Rule 5.

Arguments of Solicitors: Arguments of solicitors shall be limited to three-quarters of an hour each, but the time may be enlarged or shortened in the discretion of the Court upon application made before the beginning of the argument, and not more than two solicitors shall be heard on each side unless by special order of the Court.

Rule 6.

Auditor: No report of any auditor distributing money or securities shall be finally ratified until after the expiration of at least ten (10) days from the date of filing thereof in Court and exceptions to any part thereof may be filed at any time before final ratification thereof. Notice shall be given by the auditor in person or by postal cards to all parties interested in said report (including all trustees and receivers), or to their solicitors of record, of the filing of such report and account; and, if notice be given as aforesaid by postals, they shall be mailed by the auditor on the day the said report or account is filed in Court. Nor shall any report or account of the auditor be finally confirmed without notice to the solicitor of record of parties interested or of said trustees or receivers, but in cases where parties in interest have no solicitor residing in the County said report or account may be finally confirmed by the Court after said ten days, in his discretion.

Rule 7.

On sales under decrees or orders of this Court, the following allowances shall be made to Trustees:

On the first	\$500.00	7%		\$35.00
On the second	\$500.00	6½%	32.50	67.50
On the third	\$500.00	6%	30.00	97.50
On the fourth	\$500.00	5%	25.00	122.50
On the fifth	\$500.00	4½%	22.50	145.00
On the sixth	\$500.00	4%	20.00	165.00

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

The above allowances may be increased in case of postponement of sales at the request of the defendants or mortgagors or of extraordinary difficulty or trouble from other circumstances, and may be lessened in case of negligence, at the discretion of the Court.

Rule 8.

When a decree has been passed for the sale of mortgaged lands or to enforce a vendor's lien, or when a mortgagee, assignee or attorney has instituted proceedings in Court to exercise a power of sale, if the defendant or mortgagor shall pay the amount due before sale, said trustee, mortgagee, assignee or attorney shall be allowed half commissions on the amount reported due, and said allowance shall accordingly be ordered to be paid by the defendant or mortgagor.

Rule 9.

The allowance to a widow or widower in lieu of her or his right of dower in land sold under decree shall be as follows, having due reference to her or his health or condition:

If he or she be under forty years, not more than one-seventh.

If above forty and under forty-five, not more than two-fifteenths.

If above forty-five and under fifty-one, not more than one-eighth.

If above fifty-one and under fifty-six, not more than one-ninth.

If above fifty-six, not less than one-tenth.

Rule 10.

The allowance to any tenant for life in land sold under decrees shall be as follows:

If under thirty years of age, not more than three-eighths.

If above thirty and under forty years, not more than five-sixteenths.

If above forty and under fifty years, not more than three-sixteenths.

If above fifty and under sixty years, not more than two-sixteenths.

If above sixty years of age, not more than one-ninth.

Rule 11.

Whenever a reference of any matter is made to the auditor for examination and report thereof, or for the statement of an account, the party at whose instance the reference is made shall, within a reasonable time and without unnecessary delay, cause the matter of reference to be laid before the auditor for his action; and, if such party shall omit to do so, any other party interested in the subject matter of the reference shall be at liberty to cause the matter to be laid before the auditor, who shall proceed therein without delay.

Rule 12.

Upon every such reference, it shall be the duty of the auditor, as soon as he reasonably can, after the matter of the reference is brought before him, if evidence is to be produced or vouchers filed, to assign a time and place for proceeding in the matter, and to give notice thereof to the parties or their solicitors; and, if either party shall fail to attend at the time and place appointed, the auditor shall be at liberty to proceed in the absence of such party, or, in his discretion, to adjourn the examination and proceeding to a future date, giving notice thereof to the parties or their solicitors; but noting all the cost that may attend such adjournment, which shall be subject to the order and discretion of the Court. It shall be the duty of the auditor to proceed with all reasonable diligence in every such reference, and with the least practicable delay; and either party shall be at lib-

erty to apply to the Court, or a Judge thereof, for an order to the auditor to speed the proceedings before him, and to make his report, and to certify to the Court the reasons for any delay that may have occurred.

Rule 13.

The auditor shall regulate all the proceedings in every hearing or examination before him; and, in addition to his right and power to examine the parties to the cause and all witnesses produced by them or which they may cause to be summoned, on oath or affirmation touching the matters of the reference, he shall also have power and authority to require the production of all books, papers, writings, vouchers and other documents applicable thereof where, by the principles and practices of Courts of Equity, the production of such writings may be compelled; and, if any party so liable to produce such books, papers, writings, vouchers or other documents, shall fail or refuse so to do, when required by the auditor, such parties shall without delay be reported to the Court by the auditor, with the facts of the case, that the proper proceeding may be taken thereon, by way of attachment or otherwise, as justice and the settled practice may require.

Rule 14.

All parties accounting before the auditor shall produce their respective accounts in the form of debtor and creditor, and any of the other parties interested, who shall not be satisfied with the accounts so produced, shall be at liberty to examine the accounting party, viva voce, or upon written interrogatories, before the auditor, who shall write down and report the testimony if required. And in all cases where the auditor may be required to take testimony to be reported to the Court, he shall observe and pursue the same modes and forms of examination, and writing down the testimony, as that prescribed to be observed by examiners.

Rule 15.

Counsel Fees: No application to the Court for the

allowance of solicitor's or counsel fees will be entertained except the application of solicitors or attorneys for trustees, mortgagees, assignees, receivers, executors, guardians and administrators, in cases where estates are being administered under the orders of this Court, where the nature of the trust and the circumstances of the case require the employment of a solicitor or attorney, or in suits for divorce or in cases where parties to suits are infants or lunatics, or from some other cause are incompetent to contract, or in creditors' suits, where the cause is conducted to a conclusion for the benefit of the general creditors.

Rule 16.

No final decree of partition or of dower shall be made on the report of commissioners, unless such report shall have been filed, and shall have lain in the office of the Clerk of this Court thirty days, unless the parties shall have certified in writing their approbation of the report; provided, however, that at any time after filing such report, any party may obtain an order ratifying it, unless cause be shown at such time and on such notice as may be directed.

Rule 17.

Testimony taken by examiners, as required by the general Equity rules in contested causes, shall be typewritten and the pages correctly numbered, the expense thereof to be paid by the party at whose instance the testimony is taken, costs to be returned by the examiner upon his return of the testimony, and to be then taxed by the Clerk along with the other costs in the cause.

Rule 18.

Three hours shall be considered a day's work for examiners, but they may charge for a full day's work whenever less than three hours may be requisite to complete the taking of testimony in any one cause.

Rule 19.

Evidence and Exhibits: A complaint, on giving his receipt to the Clerk for the same, may obtain any exhibits filed and referred to in the Bill of Petition, if the Complainant shall require the same for the purpose of proving them before the Examiner, or in any other mode prescribed in the case. The defendant, in like manner, may obtain, for proof as aforesaid, any exhibits referred to in his answer and connected with the matter alleged in avoidance.

Rule 20.

The proof of the right of a representative to appear under Article 16, Section 4, Flack's Code of 1939, shall be an exemplification of the letters testamentary or of administration, or an affidavit of the death of the party and the heirship (where heirs are the applicants), and in addition to the affidavit of the death of the party, devisees applying shall exhibit a duly certified copy of the will under which they claim. The Court will order notice to be served on the opposite party of the admission of the personal representative, heir or devisee as a party, but such notice shall consist only in the service of a copy of the order nisi admitting such parties on said opposite party or his solicitor. In such order the opposite party shall be allowed five days after service to show cause against such admission.

Rule 21.

Hearings: Every petition for a re-hearing shall contain the special matter or cause on which such a re-hearing is applied for; shall be signed by the counsel and the facts therein stated, if not apparent on the record, shall be verified by oath of the party or some other person.

Rule 22.

At the hearing or re-hearing of causes, only such papers shall be used as may be necessary to put the Court in possession of the nature of the cause, the state

of the pleadings and the issues, and no evidence shall be read except in argument, and only such portion of the evidence as the Court may deem necessary and pertinent to the issues and to the elucidation of the argument.

Rule 23.

Injunctions: Causes set down for hearing and motions for dissolving injunctions will be taken up promptly on application of either party, and without regard to their numerical order on the docket.

Rule 24.

Investments: Judges should not undertake to 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 other than of bonds issued, or guaranteed as to principal and interest, by the United States, the State of Maryland, Harford County or any political subdivision of Harford County, which requires only a negligible amount of investigation and judgment; 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 such bonds issued or guaranteed by the United States, the State of Maryland, Harford County, or any of its political subdivisions, Baltimore City, stock or bonds or Federal Land Bank bonds, or in mortgages on real estate made or assigned directly to the investing trustee as such and ground rents within the following limits that is to say:

First mortgages on improved real estate in Maryland not exceeding sixty-five per cent of the value thereof, or thirty-three per cent of the value of unimproved real estate.

The valuation must be certified (under oath) by at least two persons familiar with the value of said property and the title must either be certified by a member of the Bar of the County where such property is located or at

least five years' practice, or must be guaranteed by a reputable title insurance company.

That investments may be made by trustees under orders of Court in other securities, but only under full personal responsibility of the investing trustees in each instance, in all respects just as if the trust were being administered independently of the jurisdiction of a court, for care and diligence in the choice and retention of the investments, notwithstanding any order that may be passed by the Court in a case under its jurisdiction for such investments.

And it is further ordered that there shall be no general rule governing the retention or disposition of securities held by trustees from investments made prior to this date but that in each trust the trustee shall retain or dispose of such securities hereafter as due care of the interests of the trust shall require.

Rule 25.

NE Exeat: A Ne-exeat shall be, by special order, dissolved upon the defendant's filing of a bond, executed by himself and a surety or sureties approved by the Court, in such penalty as the Court shall direct, conditioned that "in case the complainant shall obtain a decree in his favor, the defendant shall obey, fulfill and perform the said decree, or remove his body to the custody of the Sheriff", to whom any writ of attachment, or *capias ad satisfaciendum* shall be directed for compelling the defendant's performance of said decree.

Rule 26.

No party or his solicitor shall be bound to take notice of any rule or order made and docketed, relative to any cause, unless a copy of such rule or order be served on said party or his solicitor within five days after the passing or entering of such rule or order, or as shall be by the Court specially directed in said order.

Rule 27.

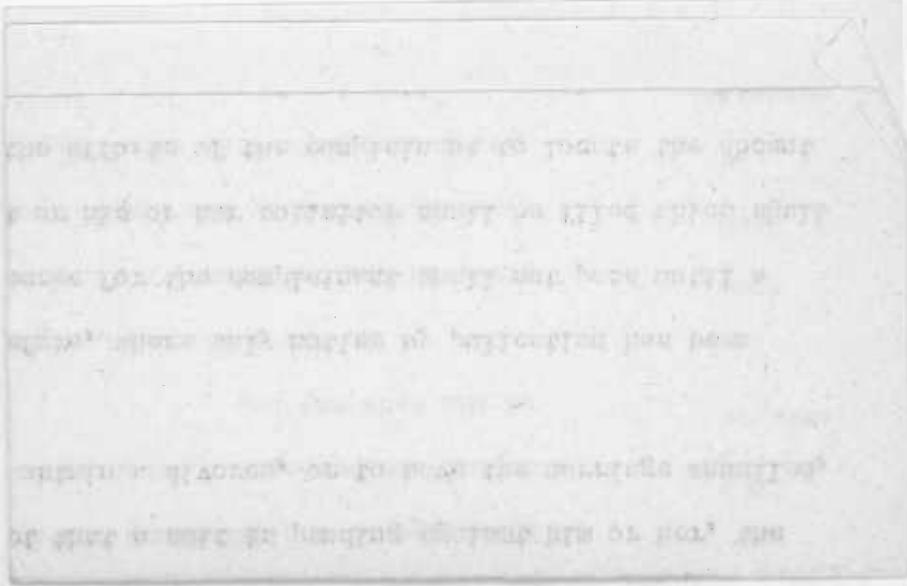
Ratification: No sale of real estate, under a decree or order of this Court, or by a mortgagee, assignee or attorney exercising a power of sale, shall be finally ratified and confirmed until thirty days have elapsed from the date of the Order Nisi, and a certification filed by the publisher of a newspaper published in Harford County that the amount of such sale has been published in such paper for at least three successive weeks prior to the expiration of said thirty days.

Rule 28.

Reports: Within thirty days of appointment and thereafter on or before the first day of April, in every year, it shall be the duty, unless otherwise ordered by the Court, of every trustee or receiver of a continuing trust appointed by a decree or order of the Court, and of every trustee executing or administering any trust, howsoever created, under the order and supervision of the Court, and all fiduciaries administering any estate in the Court to file with the Clerk of the Court a report or account.

Rule 29.

Solicitors: No solicitor or other officer of this Court, or his deputy, shall be admitted as security for costs or as surety in an appeal or injunction bond.



IN THE CIRCUIT COURT FOR HARFORD COUNTY

COURT RULE 30.

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 all 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.

The foregoing rule shall not apply to cases in which a decree pro confesso has been passed on or before the first day of January, nineteen hundred and forty-six.

ORDERED by THE CIRCUIT COURT FOR HARFORD COUNTY, this twenty-sixth day of December, in the year nineteen hundred and forty-five, that the foregoing shall be Rule Thirty, on the Equity Side of said Court, from and after this date.

True copy, Test:

Granville C. Boyle, Clerk

Frederick Lee Cobourn
Judge

RULES OF PRACTICE
in the
Circuit Court for Harford County
on the
Law Side Thereof

Rule 1.

General Dockets: The Clerk shall keep a General Trial Docket (which shall not be transcribed annually as has been the custom), upon which shall be entered each case when filed, and all entries and proceedings in regard to each such case shall be entered on said General Docket. He shall also keep an Appeal Docket. These dockets shall be indexed in both plaintiff's and defendant's names as the Land Records of this Court are now indexed.

Rule 2.

Appeal Docket: The Appeal Docket shall contain all causes appealed from Justices of the Peace or removed by Writ of Certiorari or otherwise to this Court, but no case shall stand for trial unless the papers therein have been filed with the Clerk ten days before the first day of the term. The trial of cases on the Appeal Docket will commence on the second Monday of the term, and will continue until completed. In appeals from judgments of Justices of the Peace, if any party desires a trial by Jury, he must have a prayer to that effect entered on the docket on or before the first day of the term in which said appeals are to be heard, or the said right to such jury trial shall be considered as waived. All appeals from Justices of the Peace will, when the same are regularly reached for trial, be dismissed, unless the appellant appear in person or by attorney; and in case the appellee shall have been plaintiff below and shall

have been duly summoned at least five days before the day of trial and shall fail to appear in person or by attorney, and the appellant shall appear, the judgment below will be reversed, without prejudice.

Rule 3.

Criminal Docket: The Criminal Docket shall contain all criminal cases for judgment or trial on indictments found against parties for criminal offenses. The trial of cases on the Criminal Docket shall commence on the third Monday of the term, unless otherwise ordered by the Court.

Rule 4.

Term Calendars: The Clerk shall prepare for each term of Court an Appearance Calendar, a Trial Calendar and an Appeal Calendar.

Rule 5.

Appearance Calendar: The Appearance Calendar shall contain the originals and renewals to the Term.

Rule 6.

Trial Calendar: The Trial Calendar shall be made up ten days before the beginning of the Term and shall contain all cases standing for trial or judgment.

Rule 7.

Stet Docket: All cases which have been on the General Trial or Civil Appeals Dockets for four terms shall be marked by the Clerk "Stet," and thereafter no further action of any sort shall be taken therein unless and until the same be revived as hereinafter set forth. All cases marked "Stet" and not revived within one year thereafter shall be marked by the Clerk "Dismissed for want of prosecution."

Any case marked "Stet," as herein provided, may be revived by the written consent of all parties thereto filed in said case, or at the instance of either party by a motion in writing served on the other party or parties or their counsel of record and filed prior to the time for dismissal of such case.

Upon the date of the revival of such case it shall be and stand in all respects in the exact condition it was as of the date such case was marked "Stet," and the time elapsed while such case was so marked "Stet" shall be excluded from the computation of time under any rule to plead, order nisi or the like.

Except by consent of all parties no case revived as aforesaid shall be tried on the merits prior to thirty days after such revival.

Rule 8.

Removed Cases: All cases removed to this Court shall stand for trial after the expiration of ten days from the date the record is received by the Clerk.

Rule 9.

Order of Trial: Cases on the Trial Docket, not in default in pleading, shall stand for trial in the order of their numbers on the Docket, but the Court will in its discretion specially assign removed or other cases for days certain, if sufficient cause be shown; and, when so assigned, such cases shall have precedence over all other cases excepting a trial then in progress.

Rule 10.

Extending Time to Plead: No order to extend the time for filing Pleas and Affidavits in action under the Speedy Judgment Act shall be passed pursuant to the authority conferred by the Acts of 1922, Chapters 140 and 223, except after notice to the Plaintiff or his Attorney of Record personally, by leaving copy of motion at said Attorney's office or, if unavailable, sending it by registered mail.

Rule 11.

Judgment Nisi Causa: Upon the entry of any verdict, the Clerk shall at once enter judgment nisi causa; and, if neither motion for a new trial nor in arrest of judgment nor non obstante veredicto shall be filed within the time allowed, the judgment shall become final, and the Clerk shall forthwith enter the same.

Rule 12.**Motions in Arrest of Judgment, New Trial or
Non Obstante Veredicto:**

Every motion in Arrest of Judgment or for a new trial or non obstante veredicto shall be made within three days after the reception of the verdict, and at the time of making such motion the party shall file said motion and the reasons therefor; and, if in arguing the motion, he shall suggest additional reasons, they shall be reduced to writing and filed, and further time shall be allowed the opposite party, if desired, in the discretion of this Court.

Rule 13.

Disposing of Motions for New Trial and in Arrest of Judgment: The Court will summarily dispose of any motion for a new trial or in arrest of judgment or non obstante veredicto on motion of the plaintiff upon the expiration of three days after the filing thereof unless the defendant shall have made application to the Court to have the same set down for hearing.

Rule 14.

Rule Days: The second Monday in every month shall hereafter be a rule day, unless it be a legal holiday, in which case the day next succeeding shall be the rule day.

After the defendant shall have pleaded in accordance with the time limited by law either party in all further pleadings shall plead within fifteen days after service of the last preceding pleading, and the clerk shall enter a rule to that effect.

If the plaintiff brings suit upon titling, he shall file his declaration within fifteen days after the rule day to which the defendant has been summoned and the defendant shall plead thereto within fifteen days after the next rule day.

Rule 15.

Special Rule: For cause shown the Court may extend the time to declare, plead, reply, rejoin, etc. to suit the exigencies of the particular case; and, the Court, in its discretion, may direct notice in writing to be served on the party upon whom such special rule is laid or his attorney.

Rule 16.

Pleadings to be in Writing: All pleadings shall be in writing, and the Clerk shall endorse thereon the day of filing the same; but in Court the general issue pleas and general replication may be entered short on the docket.

Rule 17.

Demurrers and Other Matters Requiring Hearing Before Trial: No demurrer, motion or other paper which may require a hearing by the Court in advance of trial of the case on its merits or which may require a responsive pleading from the opposing party or parties shall be considered as filed unless it shall have endorsed thereon an admission by the opposing party or parties, or Counsel of Record of service of a copy or unless the party filing the same shall certify thereon either (a) that the opposing party or counsel not admitting service refused to do so or (b) that a copy of such demurrer, motion, etc. was mailed to opposing counsel of record, if any, otherwise to the opposing party or parties. All questions raised by such demurrer, motion or other paper shall stand for hearing at the first convenient opportunity after seven days from the service or mailing of such copy; and, if a hearing shall not have been had on the questions thereby raised within four calendar months from the time of its filing in Court, then the Court may, in its discretion, dispose of such matters ex parte or by such an Order treat them as having been abandoned.

Rule 18.

The filing of a demurrer shall automatically extend the time for pleading until ten days after the disposition

thereof, provided that in cases within the Speedy Judgment Act, no demurrer shall have such effect unless it complies with the statutory requirements; and, provided further, that in all cases in which a demurrer is filed the Court may, on seasonable application shorten or enlarge the time for pleading as justice may require, having regard to the difficulties of the parties and the bona fides of the demurrer.

Rule 19.

Scire Facias: Whenever a scire facias is returned scire feci, or a second scire facias is returned nihil, there shall be a judgment, unless the defendant shall appear in person or by counsel during the term.

Rule 20.

Judgment of Non Pros or by Default: If either party fails to file his initial pleading within the time prescribed by statute, or in case of suits by titling as prescribed by Rule 14, or fails to file any other pleading within the times prescribed by statute or by rule of Court, whichever is applicable, then, unless such time shall have been extended by the Court pursuant to seasonable application, judgment non pros or by default may be entered against such party in default upon motion in writing filed any time after default has occurred. If such judgment be in favor of one claiming damages, he may forthwith sue for his writ of inquiry and ask for an inquisition.

Rule 21.

Opening and Concluding: The party affirming the issue shall open and conclude the case.

Rule 22.

Motions Grounded on Facts: The Court will not hear any motions grounded on facts unless the facts are verified by affidavit, or are apparent from the record, or from the papers on file in the case, or agreed to and stated in

writing, signed by the parties or their attorneys, and the same rule will be applied as to all facts relied on in opposing any motion. All affidavits to be used at the hearing of any motion shall be filed at least two days before the hearing and notice thereof given to the opposite party.

Rule 23.

Time for Argument in Appeal Cases: Arguments before the Court or Jury in the trial of Magistrates' appeal cases shall be limited to a half an hour for each side unless the Court, in its discretion, shall extend the time.

Rule 24.

Demand for Bill of Particulars: If the declaration shall not disclose the particulars of the plaintiff's demand, the defendant, at any time before pleading, may file a demand for the particulars of the plaintiff's claim and such demands for particulars shall set out in full detail the reasons therefor. If the demand be made, the rule to plead shall automatically enlarged to fifteen days after the filing of the bill of particulars. In a case of exceptions to the bill of particulars, the rule to plead shall be further enlarged for such time as the Court may direct in the order disposing of such exceptions, which shall not be less than seven days.

If the Plaintiff shall omit to file a bill of particulars, or to file exceptions to the demand therefor within fifteen days after the filing of demand, the defendant on motion in writing shall be entitled to a judgment of non pros.

A copy of exceptions must be served upon the defendant or his counsel before the exceptions are filed with the Clerk of Court, and such exceptions shall stand for hearing in the same manner as is provided by these rules for demurrers and motions.

This rule shall be applicable, with the necessary changes, to the case of a defendant pleading or giving notice of a claim for setoff or counter claim, to the particulars whereof the plaintiff may be entitled.

This rule shall be applicable also, in every case where any pleading, whether of plaintiff or defendant, is so general as not to give sufficient notice to the opposite party of the evidence to be offered in support of it, and where in such case, demand for a bill of particulars has been made, and has not been complied with, the Court may adjudge the pleading named in the demand, to be legally insufficient because too general to give sufficient notice to the opposite party of the evidence to be offered in support of it, and may pass such other order or orders as may be proper.

The Court may, upon application, before the expiration of the fifteen days, extend the time for filing a bill of particulars.

Rule 25.

Time for Arguments: No more than two counsel on each side shall address the jury upon the facts, and in no case shall any counsel occupy more than three-quarters of an hour in such arguments unless by special leave of the Court.

Rule 26.

Warrant of Resurvey: If a warrant of resurvey in any case shall have been ordered by the Court, the warrant shall be taken out within fifteen days after the order so allowing it and shall be executed before the first day of the succeeding term unless the time be extended by order of the Court.

Rule 27.

Warrants of Resurvey—Additions and Amendments: In executing warrants of resurvey, and in making addi-

tions and amendments to the plats, the Sheriff shall give at least ten days' previous notice to the parties, if living in the county, or otherwise to their respective agents or attorneys; and all warrants of resurvey and additions to the plats shall be made at least thirty days before the next succeeding term, unless the time be extended by the Court.

Rule 28.

Fees Endorsed on Plats: The Sheriff and Surveyor shall endorse on every plat returned by them the amount of fees against the plaintiff and defendant respectively, specifying the particular charges, to be signed by them, and also the number of days that each of the witnesses for plaintiff or defendant attended on the survey.

Rule 29.

Recording Commissions to Mark and Bound Land: All commissions issued for marking and bounding land, which may be returned to this Court on or before the third day of any term, shall remain on the Clerk's file until the last day of the succeeding term and shall immediately thereafter be recorded among the Land Records, if no caveat be entered against the same.

Rule 30.

Caveats to Commissions to Mark and Bound Land: No caveat shall be received unless the objection to recording the commissions be stated in writing 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 commissions is granted, and a determination shall be had at the next term immediately succeeding the service of such notice, or sooner if the parties shall agree. The Clerk is directed to issue summons on all application of the parties to obtain the attendance of witnesses.

Rule 31.

No trial on caveat to a commission shall be delayed longer than the term next immediately succeeding the service of notice, except for causes which would be sufficient ground for continuing an action longer than the time allowed by law.

Rule 32.

Special Counsel in Criminal Cases: No counsel other than the State's Attorney shall appear in support of criminal prosecutions unless the State's Attorney shall state that the public interest will be promoted by the aid of additional counsel, and the Court assents thereto.

Rule 33.

Upon the return of any process "non est," "not found" or "tardy" for any of the parties or persons sought to be made parties to an action, it shall be the duty of the Clerk to reissue such process to the next ensuing return day, unless otherwise directed by the party issuing such process, or his, her or their attorney.

RULES OF PRACTICE
in the
Circuit Court for Harford County
Applicable to
Both Law and Equity

Rule 1.

Service of Writs: All subpoenas and other process directed to the Sheriff must be served promptly, and it will be no excuse that he has no deputies attending. It is the Sheriff's duty to provide a sufficient number of deputies to execute the orders of the Court.

Rule 2.

Postponement: The Court will not postpone the hearing or trial of any case without the consent of counsel for both parties unless there is some legal ground shown, or unless the Court is satisfied that justice requires a postponement.

Rule 3.

Absence of Counsel: Except as provided by Statute, the postponement of any case because of the absence of counsel shall not be a matter of right unless such counsel is the sole attorney of record and his absence arises:

- (a) from illness
- (b) because such counsel is a member of the legislature and the legislature is then in session
- (c) from an engagement in a case in the assignment of the Court of Appeals, or on trial in some other Court of Record.

When absence of counsel is a ground for postponement under this rule. The Court may (and in similar situa-

tions not directly covered by this rule) make such disposition of the case consistent with the orderly and prompt dispatch of other cases as counsel may agree upon; and, in the absence of agreement, such disposition as justice shall reasonably require. In the event that neither plaintiff nor his counsel is present when the case is called for trial and such absence is unexcused, a judgment of non pros may be entered at law by the Court without impanelling a jury, or the Bill dismissed in Equity; and, likewise, if neither defendant nor his counsel be present, plaintiff may proceed with the case ex-parte; and, if counsel and litigants on both sides be absent, the case may be called at the door and dismissed, or disposed of, in the discretion of the Court, in some other manner.

Rule 4.

Computation of Time: The day, on which any rule shall be entered, or order, notice or paper, shall be excluded from the computation of time for complying with such rule, order, notice, or paper; and the day on which a compliance therewith is required shall be included, except it fall on a Sunday or legal holiday, in which case the party shall comply therewith on the next succeeding business day.

Rule 5.

Money paid into Court: In all cases where money may be brought into Court, the same shall be paid to the Clerk in the first instance, who shall, as Clerk, immediately deposit it in some bank or trust company, to be designated by the Court; and keep a memorandum of the title, docket number and page of the suit in which the same is paid; and thereafter said sum or sums shall not be disbursed except on an order of the Court.

Rule 6.

Clerk not to deliver papers: The Clerk shall not deliver any papers out of his office that may have been filed in any action or suit in this Court to any person or for any purpose (except to the Court Auditor desiring such papers

for the purpose of making a Court audit) without a written order of Court in each instance and a receipt from the person to whom the papers are delivered.

Rule 7.

Verbal Agreements Between Counsel: No agreement of any kind whatever between counsel shall be used in the trial of any action unless the same shall have been reduced to writing and signed by counsel, or dictated into the record in open Court.

Rule 8.

Persons allowed within the Bar: No person shall come within the bar or the enclosure of the Clerk's desk unless as attorney of the Court or his client, the Jury, the Auditor, Sheriff, Deputy Sheriffs and such witnesses as are called to the stand to be sworn; and it shall be the duty of the Bailiffs to see that this rule is enforced.

Rule 9.

Service of Notice: Whenever service of, or notice of, any pleading, motion or other paper is required under any of the Rules of this Court but not required by Statute and the method thereof is not otherwise defined in such Rule, then such service, or notice, shall be made or given as follows:

- (a) by an admission of service by the party to be served or his counsel of record endorsed on such paper.
- (b) a certificate endorsed thereon by the party filing such paper stating:
 - (1) That the party to be served or his counsel of record refused to admit service in writing, or
 - (2) Facts showing the unavailability of the counsel of record and efforts, reasonable in the circumstances, made to effect such service or notice, and that a copy of the paper to be served, or notice to be given, has been mailed to such counsel, or left at his office.

Rule 10.

Judgment on Award: On motion, a judgment will be entered upon any final award rendered by the arbitrators appointed by this Court, pursuant to assent of parties; provided, such award shall have lain in Court five days, and no objection shall have been made thereto, and provided copy of the award shall have been served on the opposite party or his attorney at least five days before such motion, and provided no exceptions shall have been filed to the award.

Rule 11.

Filing of Papers: The Clerk of this Court shall not receive for filing, in any cause on the dockets in his office, any paper not identified on the outside cover or back thereof by title and case number, and a notation stating the contents thereof.

Rule 12.

No execution or attachment on judgments or decrees of record shall be issued by the Clerk of the Court unless the order therefor shall be signed by the plaintiff in proper person, or by an attorney of record in the case.

Order of Court

Ordered this 1st day of September, 1944, by the CIRCUIT COURT FOR HARFORD COUNTY that the aforesaid rules be, and the same are hereby, adopted as the Law, Chancery and General Rules of the Circuit Court for Harford County, to take effect on and after the 11th day of September, 1944; and it is further ORDERED that all former rules are rescinded and annulled as of the 11th day of September, 1944; and that no party litigant shall be prejudiced by the change in the rules, who may have complied with them as they existed prior hereto.

FREDERICK LEE COBOURN

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