

Rules and Orders
of the
Court of Appeals for the Western Shore.

June Term 1806.

Ordered by the Court, That the following Rules be observed in the prosecution of Appeals and writs of error.

1. That the plaintiff in error or appellant shall assign ^{errors} during the term to which the record is returned. - At the second term there shall be a joinder in error, and the cases shall stand for argument at the third term.

2. That in all those cases which are intended for argument the counsel shall, at the second term, furnish the court with a brief of the facts upon which the questions of law are to arise, and a statement of those questions.

3. That no suit shall be continued beyond the time limited by law, although the counsel for the parties should consent to continue the same, unless the court are satisfied justice requires such continuance.

4. That no suit standing under rule argument, shall be continued beyond the term assigned for argument, unless at the discretion of the court for cause shown.

5. That no writ of Diminution shall be granted after the suit is under rule argument, unless on the terms that the party applying for such writ, shall be burdened with all the costs which have antecedently accrued in this court.

6. That no writ of Diminution shall issue unless the party applying for the same, shall specify in writing in what the record brought up is defective.

7. That the clerk of this court do not deliver out of his office

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any original papers without leave of the Court.

8. That the several Sheriffs of the Counties, on the Western Shore, who have process in their hands, shall attend the Court on the first day of every term and return all the process at nine o'clock on the first day of the term.

9. That the Court will first go over the Judicial Docket. Next over the Docket generally for the purposes of entering judgments, and laying rules.

10. That the Court will then go over the Docket for the purpose of hearing arguments in the order in which the cases stand on the Docket.

11. That the absence of counsel, will not be considered as a reason for postponing an argument, unless such absence is occasioned by sickness, or other good cause.

December Term 1812

12. Ordered, That ⁱⁿ all cases hereafter where judgments are affirmed nisi, the judgments so affirmed will not be stricken out, but the Court will during the term receive the notes of counsel and decide on the cases.

December Term 1813

13. Ordered, That all appeals and writs of error standing under rule argument in this Court, excepting those from Baltimore and Harford Counties and appeals

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from Chancery), be heard the first week of each term; and that after the first week of the term, appeals and writs of error from Baltimore and Harford Counties and appeals from the Court of Chancery be heard the remainder of the term.

December Term 1815

14. Ordered, That if the appeals and writs of error standing for argument during the first week of the term shall not occupy the whole of the first week, the Court will proceed to the business appointed for the second week.

June Term 1817.

15. Ordered, That the orders made at December Terms 1813 and 1815 be rescinded.

June Term 1825.

16. Ordered, That in all cases hereafter when judgments are affirmed nisi, the judgments so affirmed will not be struck out, but the Court will within six days thereafter receive ^{the} notes of counsel and decide on the cases, provided that ~~to six days~~ no notes will be received in any case if there shall not be remaining of the term more than six days.

June Term 1826.

17. Ordered, That hereafter not more than two counsel for either party shall argue any cause in this Court;

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and that in no case shall a speech of more than six hours duration be permitted. Provided always, that this order, so far as it respects the number of counsel, shall have no operation, if the counsel concerned shall divide among themselves the points for discussion, and before the argument commences, submit to the Court a statement of the points assigned to each.

18. Ordered, That in all cross appeals or writs of error by both parties, both cases shall be argued at the same time.

June Term 1827

19. Ordered, That the court will at its meeting, at each term, commence with hearing arguments in all cases standing on the Docket under rule argument from the Counties of Saint Marys, Charles, Prince Georges, Calvert and Montgomery. After which the cases from other counties will be taken up in the order in which they stand on the Docket

June Term 1830

20. Ordered That in future the Court will hear arguments in the cases from Washington County immediately after the argument of the cases from Montgomery County.

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June Term 1832.

21
Ordered by the Court that no writ of Habeas facias possessionem will be issued by this Court under the act of 1825 ch 103, unless an affidavit be filed, stating that the debtor or some person holding under such debtor by title subsequent to the judgment or Decree hath on demand failed or refused to deliver possession of the lands sold, upon the filing of which affidavit with this Clerk, he shall lay a rule on the person in possession to show cause within the four first days of the term succeeding the term to which the process of execution was returnable why the writ of Habeas facias possessionem should not issue, and should the said rule be served upon the party in possession twenty days before the first day of the term next succeeding the term to which the process of execution was returnable, and should no cause be shown within the said first four days of said succeeding term the purchaser may take his writ as a matter of course & no cause will be permitted to be shown after the lapse of the said four days.

December Term 1832.

22
Great inconvenience having arisen from the practice of using loose papers in the argument of causes before this Court, which papers in many instances belong to the files of other Courts, and are consequently not always accessible to the members of this Court after such causes are argued for the purpose of obviating the same in future, it is ordered, that hereafter no paper shall be read, or referred to, in the argument of any cause hereafter to be brought before this Court unless such paper be copied into and form a part of the transcript, filed in the office of the Clerk of this Court, or is of Records in this Court, or unless the permission of this Court, is previously obtained upon a written application to it, for that purpose.

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June Term 1833

Ordered by the Court, that in future, the Court will not send for Counsel, but will act in all cases, as if the Counsel were present in Court, unless their absence is satisfactorily accounted for.

24

December Term 1833.

Ordered, That no postponements or continuances will be allowed of any case now pending, or which may hereafter be pending in this Court, on account of any diminution alleged to exist in the transcript of the Record in this Court, unless suggestion thereon writing be made by one of the parties or his attorney, under the affidavit of such party or of his attorney, setting forth the particulars in which such diminution exists. That its correction is necessary to the trial of the merits of the case, that such correction cannot be had except by remanding the Record to the Inferior Court, and that the suggestion is not made for the purpose of delaying the argument of the case.

25

June Term 1834

Ruled by the Court, that in all cases hereafter where notes are filed on the part of Appellant or Appellee, they shall be accompanied by the party's copy of the record to which such notes relate: as written at the Court are unable to do them.

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December Term 1833

Ordered, that hereafter the Court will hear arguments
✓ in the cases from Frederick County immediately after
the argument of cases from Washington; and that the Clerk
relaying the cases accordingly -

27

December Term 1836

Ordered, that the time considered in the opening of any
cause, by the reading of the record, is a part of the six hours
allowed to counsel by the 17th Rule of this Court; and that
no motion for the relaxation of or departure from, the said
rule will, in any cause, be received or considered by the
Court.

28

December Term 1838

Ordered by the Court, that it shall be the Duty of the Clerk
of this Court to prepare in all Equity Appeals when the
Record shall exceed one hundred law sides, an index of the Record
of each cause & to furnish each Judge and the Counsel on each
side collectively with a copy thereof to be taxed as costs (at the
rate of copies, one half to each party.

29

June Term 1841

Ordered, that in future the Rules of this Court for the
Classification of Cases, shall not be considered as
applicable to the June Term.

June Term 1842

30. ordered that the causes from Allegany and Washington
Counties be classified together at the December Term or as
to come on after Christmas

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Rules of the Court continued-

24th January 1845-

31- Ordered, by the Court that the Clerk of this Court at every December Term, so classify and arrange the cases from the fifth Judicial District that they shall be taken up for argument in this Court immediately after the Christmas recess, and so that the cases from Frederick County shall be first argued, those from Washington County next in succession and then the cases from Allegany County -

32. Ordered, ^{30th March 1848.} Hereafter the Counsel for each side shall enter before the second term prepared & file with the Clerk a full statement or abstract of the case and the points and the Clerk shall not place any case on the Term docket of the Court until the statements and points be filed.

If one party shall comply with these rules and the other shall fail to do so, the party complying shall have a judgment or a continuance at his election. Cases on the Special Docket rule of course be excluded from the operations of the above rules - But the Court will require statements & points to be filed in all such special cases in time to be copied for Court before the cases are called.

December Term 1850.

10 Dec 1850

33 In consequence of the act of 1849 ch. which requires appeals taken after June Term 1850 to be tried at the second term & not at the third term as heretofore, It is ordered by the Court, that the Clerk shall enter the appearance of the appellee as usual, give a judgment & points of Errors and lay the rule argument at the first term & before judgment & continued