

RULES OF COURT

FOR

THE FOURTH CIRCUIT

OF

MARYLAND

EFFECTIVE

January 1, 1954

RULES

REGULATING THE PRACTICE

IN THE

CIRCUIT COURTS

OF THE

FOURTH JUDICIAL CIRCUIT

OF MARYLAND

**TERMS OF COURTS
OF THE
FOURTH JUDICIAL CIRCUIT**

ALLEGANY COUNTY

Jury—First Monday in January, April and October.

Non-Jury—First Monday in July.

GARRETT COUNTY

Jury—Second Monday in March and September.

Non-Jury—First Monday in June and December.

WASHINGTON COUNTY

Jury—Second Monday in February, May and November.

Non-Jury—First Monday in August.

**RULES
OF THE
FOURTH JUDICIAL CIRCUIT
OF MARYLAND
TABLE OF CONTENTS**

A. COURT AND OFFICERS

Rule No.	Scope	Page
1	Gen'l'y. Grand Jury Investigating—Secrecy	1
2	" Photographing Prohibited	1
3	" Attorneys or Officers of Court Not to become Sureties, etc.	1
4	" Custody of Papers—Court Library	2
5	" Time—Computation	2
6	" Counsel—Absence or Death	3
7	" Counsel—Appearance, Entry of, Striking, Re-appearance	3
8	" Money and Securities Brought or Paid into Court	4
20	" Rule Relating to Dockets and Civil and Criminal Procedure Thereunder	4
20A	Law The Law Docket—Original or Appearance	5
20B	" Dormant Writ Cases	5
20C	" The Trial Docket	5
20D	" Rule Governing Civil Cases to be Settled	6
20E	" Final Determination of Case	6
20F	" Calling Dockets	7
20G	" Judicial Docket	7
20H	" Criminal Docket	7
20I	" Judgment Index	8
20J	" Miscellaneous	8
20K	" Jury Trials, Court Trials	8
20L	" Order of Jury Trials	8

Rule No.	Scope	Page
20M	Law Court Cases	9
20N	" Criminal Trials, Docket Called	9
20O	" Miscellaneous Docket	9
20P	" Sales by Collector of Taxes	9
20Q	" Recognizance Docket	9
30	" Court in Banc.	9

B. PROCESS AND SERVICE

101	Gen'ly.	Death of Party	12
102	"	Personal Service of Rule—Contempt	12
103	"	Order of Publication	12

C. PLEADINGS—GENERALLY

301	Gen'ly.	Names and Address To Be Stated	15
303	"	Agreements To Be In Writing	15
333	"	Demurrers, Motions, Etc.	15

D. PLEADINGS—EQUITY

360A	Equity	Papers Filed in Proper Person	17
360B	"	Divorce—Time to Elapse Before Granting Decree of Divorce	17
360C	"	Collusion or Connivance—Effect of	17
361	"	Rule Further Proceedings on Complaint	17

E. DEPOSITIONS AND DISCOVERY

401	Gen'ly.	Cost of Depositions	19
-----	---------	---------------------	----

Rule No.	Scope	Page
430	Law Answer to Interrogatories in Attachments—Exceptions	19

F. TRIAL

501	Gen'ly.	Arguments and Time Limits	21
502	"	Motions for New Trial, in Arrest of Judgment or for Judgment N.O.V.	21
503	"	Interpreters	21
537	"	Removed Cases	21
538	"	Evidence—Objections to Admissibility	22
539	Law	Prayers and Instructions In Law Cases	22
540	"	One Counsel on Each Side to Examine Witnesses	22
541	"	Opening Statements by Counsel Motion to Exclude Witnesses	22
560	Equity	Hearings	23

G. PRACTICE, INCLUDING SPECIAL PROCEEDINGS

601	Gen'ly.	Bonds—Law and Equity	25
603	"	Dower and Life Interest— Allowance In Lieu of	25
633	Law	Workmen's Compensation—Appeals	26
635	"	Re-Survey—Warrants of	27
636	"	Commissions for Making and Bonding Lands—Caveats—Trials	29
637	"	Auditors Reports—Ratification— Exceptions	29
660	Equity	Partition	30
662	"	Sales and Real Estate, Leasehold Estate or Personal Property— Ratification	30

Rule No.	Scope	Page
663	Equity Commission on Sales	31
664	" Bonds of Fiduciaries	32
665	" Compensation—Fiduciaries and Counsel	32
666	" Investment of Funds of Fiduciary Estates	32
667	" Accounting of Trustees, Receivers and other Fiduciaries	33
669	" Fiduciary—Suits—Order of Court	35
672	" Name—Change of	35

H. JUDGMENT AND DECREE

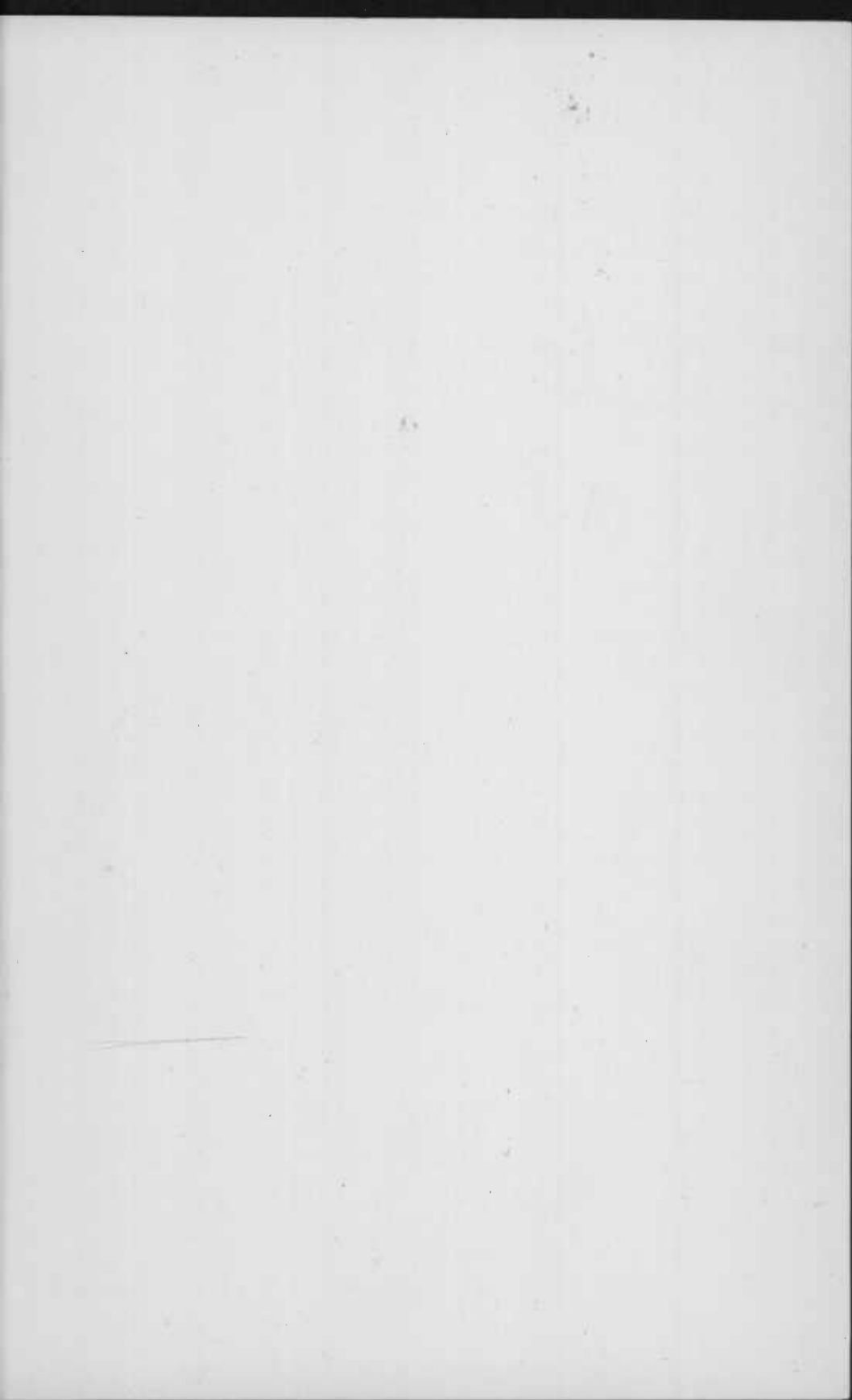
701	Gen'ly.	Arbitration and Award Judgment or Decree	37
730	Law	Judgments by Default	37
731	"	Judgment for Failure to Prosecute or Defend	38
732	"	When Clerk Shall Enter Judgment on Verdict	38

I. GENERAL AND MISCELLANEOUS MATTERS

801	"	Time to comply with Rule Security For Costs	39
-----	---	---	----

J. CRIMINAL PROCEEDINGS

902	"	Stenographic Record	39
903	"	Bail Bonds Counsel Fees in Criminal Case	39
905	"	Assignments Order of Court	41 42-43



A. COURTS AND OFFICERS

Rules beginning at 1 apply to all Courts, their Clerks and other Officers.

Rule 1. Grand Jury Investigations—Secrecy.

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

Rule 2. Photographing Prohibited.

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

Rule 3. Attorneys or Officers of Court. not to become Sureties, Etc.

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

Rule 4. Custody of Papers.

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

Court Library

B. No book, pamphlet or other property belonging to and forming part of the library of the Court, shall be removed from the library room, without special permission in writing by the Court, or the Court's authorized agent, except for use before the Circuit Court or the Orphan's Court, and in such case they shall be returned by the party using them as soon as the Court is through with them.

In the event permission is sought to remove a book or other property from the library, to a place other than the Circuit Court or the Orphan's Court, a printed form may be supplied by the Court, leaving spaces to write the names of the borrower, the book and the date taken from the library. Such form shall be filed with the Court or the Court's agent before the removal of the book or other property from the library. Such book or other property shall be returned to the library expeditiously.

Rule 5. Time—Computation.

In computing the time allowed for filing a motion for a new trial or in arrest of judgment or for judgment n.o.v., or for complying with any rule, order, notice, motion, or paper, the day on which the verdict or rule shall have been entered, or such order, notice, motion or paper shall have been served, it is not to be included. The last day of the period so computed is to be included unless (1) it is a Saturday, Sunday, or a legal holiday, in which event the period will run until the official closing hour of the clerk's office the next day which is neither a Saturday, Sunday, nor holiday; or (2) the act to be done is the filing of some paper in court, and the office of the clerk of such court on said last day of the period is not open, or is closed for a part of its

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

Rule 6. Counsel—Absence or Death.

A. Unless otherwise determined by the court upon good cause shown, (1) the absence of counsel shall not be considered as a ground for postponement of a trial or hearing, unless caused by sickness, or unless counsel are engaged in the trial of a case in any court of general jurisdiction or any appellate court; (2) and when two or more counsel appear for a party, the sickness or engagement of one shall not be a ground of postponement.

B. In cases in which sole counsel for any party shall have died or been called to military service and no appearance of new counsel for such party shall have been entered prior to the call of the docket the following provisions shall apply:

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

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

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

Rule 7. Counsel—Appearance.

A. Entry of Appearance.

Counsel enrolled to practice before this Circuit Court may enter his appearance on his own order.

B. Withdrawal of Counsel—Striking out Appearance.

Counsel of record in any proceeding desiring to withdraw or any party desiring to withdraw counsel of record, must request leave of court therefor, reciting that notice thereof has been given to the client or to the counsel being withdrawn, as the case may be. The appearance of counsel may be stricken out only with leave of court and upon such conditions as the justice of the case may require.

C. When any counsel of record strikes out his appearance by leave of court, he shall not thereafter appear as counsel in that case except by special order of court for good cause shown.

Rule 8. Moneys and Securities Brought or Paid into Court.

All moneys (except deposits for security for costs) or securities brought into court under any order thereof or deposited with the clerk, shall be by him deposited in a bank of the County to the credit of the Clerk of the Court as trustee, subject to the further order of the court.

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

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

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

Rule 20 Rule Relating To Dockets and Civil And Criminal Procedure Thereunder

The clerk shall keep (1) a Law Docket, (2) a Trial Docket, (3) a Judicial Docket and (4) a Criminal Docket.

All of said Dockets, except the Judicial Docket, shall be loose leaf books of convenient size, of such type that pages can only be inserted or removed by unlocking the book with a key. Each docket shall have an alphabetical index in the front thereof, wherein cases shall be indexed against plaintiffs as well as defendants. Cases entered on the law Docket shall be consecutively numbered, beginning with the number one, and these numbers shall be permanent and follow cases through to their conclusion and said cases shall always be referred to by such numbers.

A—THE LAW DOCKET

All civil cases instituted, including all cases heretofore placed on the Original or Appearance Docket, all civil removals and all confessed judgments and all other cases of a civil nature transmitted to this Court for trial, on appeal or otherwise, as well as certified copies of judgments from other Courts, shall be placed on the Law Docket, except that certified copies of judgments rendered in another Court on suits instituted in this Court and removed therefrom for trial shall be entered and transcribed on the Law Docket at the foot of the original entries in said Docket to the end that the Law Docket shall contain each and every docket entry from the inception of the case to the final determination thereof.. Civil appeals shall be entered in the name of the original plaintiff, as plaintiff, against the original defendant, as defendant, regardless of what judgment was entered below or who appealed.

B—DORMANT WRIT CASES

Upon the institution of any proceeding at law, the clerk shall issue the appropriate process therefor and, upon the return of the writ not executed, the clerk, as a matter of course, shall re-issue the said process. If the second writ be returned not executed, the clerk shall write or stamp at the end of the docket entries on the Law Docket, the words "dormant" and the writ shall not again be renewed except on the written order of the plaintiff or his attorney of record. Upon a further return of not executed, said writ shall again be permitted to lie dormant as aforesaid, and, thereafter, shall only be renewed upon the written order of the plaintiff or his attorney of record; provided, however, that each time said writ is permitted to lie dormant, the clerk shall write or stamp on said docket, the words, "dormant."

C—THE TRIAL DOCKET

The clerk shall prepare at each term the Trial Docket which shall contain all cases standing for judgment or trial

and all cases in which the defendant has appeared or has been returned summoned at or before the next preceeding term, or which cases under the rules of this Court or the law of this state in such cases made and provided, or otherwise, stand ready for trial. On the Trial Docket shall also be placed all cases involving eminent domain and condemnation proceedings, claims of property, compensation cases, issues from the Orphans' Court, issues from the Court of Equity and all other cases of a civil nature transmitted to this Court for trial, on appeal or otherwise; provided, however, that all appeals from trial magistrates or justices of the peace shall be segregated in said Docket and listed under one heading to be known as Civil Appeals and all other cases appearing thereon shall be listed under the heading of Civil Trials. When a case is ready for trial, the clerk shall transfer the same from the Law Docket to the Trial Docket, using the same number as he used in the former, and using one sheet (both sides) for each case.

D—RULE GOVERNING CIVIL CASES TO BE STETTED

In all cases which have stood on the Trial Docket for four successive terms, the clerk shall, without the order of the Court, make an entry on the Trial Docket showing that the case has been stetted under this rule and, thereupon, he shall take from said Trial Docket the appropriate sheet on which the record of said case has been kept and shall copy on said Law Docket so much of the docket entries from the said Trial Docket as have accumulated during the time that said case appeared on the Trial Docket and he shall place said sheet on file in the original papers of said case. This procedure shall be followed instead of transferring the case to the Stet Docket as heretofore provided by the Rules of this Court. Either party by giving notice in writing to the adverse party, or his attorney, fifteen days previous to the term of Court commencing next after said notice, may have a case on the Stet Docket set for trial at said term next ensuing, and it shall then be tried (unless continued for cause shown) at such time as the Court shall fix, without prejudice to other cases. If no such notice is given before the fourth term after entering the stet, said cause shall be considered as non prossed, unless enjoined or under rule reference, or awaiting the decision of other cases involving similar questions, provided that this section shall not apply to criminal cases, which may be placed on the Criminal Trial Docket at any time by order of the Court.

E—FINAL DETERMINATION OF CASE

After a case which has been placed on the Trial Docket

has been finally disposed of by the entry of a judgment or in any other manner, the clerk shall thereupon transcribe and copy on said Law Docket so much of the docket entries from the said Trial Docket as have accumulated during the time that said case appeared on the Trial Docket, to the end that the Law Docket shall contain each and every docket entry from the inception of the case to the final determination thereof, and he shall thereupon take from said Trial Docket the appropriate sheet on which the record of said case has been kept and place it on file in the original papers of said case.

F—CALLING DOCKETS

It shall not be necessary to call the cases which heretofore were placed on the Original or Appearance Docket on the first day of each term as heretofore practiced. Counsel who desire to enter their appearance for any defendant on the first day of any term, may do so by filing a written order with the clerk; and any plaintiff who is entitled to have a nisi judgment entered may do so by filing an appropriate written motion.

The clerk shall, on the second day of each term, and on the day following each return day, check over the Law Docket and in every case where the defendant is returned summoned, enter the appearance of such defendant and lay him under a rule to plead, except that the clerk shall not enter the involuntary appearance of any defendant to any action of ejectment, replevin or scire facias, or that of any garnishee returned to any writ of attachment.

G—THE JUDICIAL DOCKET

On this docket shall be entered all executions (including those from other Courts) made returnable to this Court. The numbers used on this docket shall be the same as those used on the Law Docket and all executions and papers filed in connection therewith shall be filed with the original judgment papers and notations of the issuance of all executions shall be entered on the Law Docket.

H—THE CRIMINAL DOCKET

On the Criminal Docket shall be placed all matured criminal cases, criminal removed cases and criminal appeals; provided, however, that all criminal appeals shall first be listed upon said Docket under one heading to be known as Criminal Appeals and all other cases appearing thereon shall be subsequently listed under the heading of Criminal Trials.

I—JUDGMENT INDEX

As soon as a case is concluded, the clerk shall index the same in the Index to Judgments. Whenever, in a criminal case, a defendant is ordered to pay a fine and costs, or costs without a fine, and such fine and/or costs is not paid forthwith, the clerk shall index such judgment against said defendant in said Index to Judgments. Whenever a recognizance is forfeited and the same is not paid forthwith, the clerk shall index the judgment against each and every of the recognizers.

J—MISCELLANEOUS

Nothing in this rule contained shall be construed so as to relieve counsel of the responsibility of watching their cases and seeing that they are placed on the proper dockets, that proper judgments nisi are entered in attachments and scire facias cases, that proper rules are laid, that proper interlocutory judgments are entered, that proper docket entries are made and that applications are duly filed for hearings to be had on preliminary matters raising questions of law.

K—DEMAND FOR JURY TRIAL

In order that the Court may be informed as to what cases juries will be required in and that expense to the County be saved as far as possible, upon the call of the Trial Docket the attorneys of parties desiring jury trials at that term shall so state. Cases in which neither party has then so notified the Court of such desire, as evidenced by entry on the docket, but in which a jury trial is subsequently demanded, may, in the discretion of the Court, be continued until the next term.

If at the call of the docket the parties to the cause elect to try the case before the Court, the case cannot thereafter be marked for jury trial without agreement of counsel on both sides.

L—ORDER OF JURY TRIALS

The cases marked for jury trial, upon such call of the docket shall have precedence over those to be tried before the Court, and shall unless a different order of assignment is posted by the Court, be tried in the order in which they appear on the docket (unless for sufficient cause some special day be fixed), provided, however, that if at any time there is not sufficient number of jurors in Court from which a jury list can be furnished, a case for trial before the Court, may, with consent of the parties, be taken up.

M—COURT CASES

After the jury is discharged for the term, the cases open for trial before the Court will be taken up in the order they appear on the docket, unless for sufficient cause special days be fixed for one or more of them.

N—CRIMINAL TRIAL DOCKET CALLED

The Criminal Trial Docket shall be called at such time as the Court may set (after the grand jury has reported) at which time prisoners may be arraigned, counsel may be assigned in cases where that is proper, and such other action taken as the Court may deem necessary or desirable to facilitate the trial of the Criminal Cases when reached, as hereinbefore provided for.

O—MISCELLANEOUS DOCKET

The Clerk of the Court shall procure a well-bound book, to be termed "Miscellaneous Docket," in which the Clerk shall enter all cases of Petitions for Habeas Corpus, Petitions of Appeal from Officers of Registration, Condemnation of Land (unless said condemnations are specially provided for otherwise in the Act of Assembly authorizing them), all Inquisitions for Lunatic Paupers, and all other matters of a like miscellaneous character, which shall be kept and indexed as the other Law Dockets of this Court.

All cases on the miscellaneous docket involving the title to real estate shall be recorded in the judgment records in substantially the same manner as is done among the Chancery Records in Equity cases.

P—SALE BY COLLECTOR OF TAXES

All sales by Collectors of Taxes shall be placed in a book marked "Tax Sales."

Q—RECOGNIZANCE DOCKET

The Recognizance Docket shall contain all recognizances entered into before Justices of the Peace and returned to this Court as well as all entered into in this Court.

Rule 30. COURT IN BANC.

How Questions Reserved.

Section A. In reserving points or questions to be considered by the Court in Banc, under the 22nd Section of the 4th Article of the Constitution, the following shall be the mode of proceeding:

If the question arises on demurrer, motion in arrest of

judgment or other motion, which brings under consideration the state of the pleadings, or the condition of the record, without reference to extrinsic matter, the entry of the motion to reserve, with the date thereof, and the party making the same, shall be made on the docket, immediately after the entry of the judgment, demurrer, or motion; and in contemplation of this rule all affidavits and other papers properly filed in the cause shall be considered as part of the record.

If the point or question, intended to be reserved, arise upon, or with reference to matter extrinsic, and not upon the face of the record, then such point or question shall be presented to the Court in banc. by a certificate in the nature of a bill of Exceptions wherein shall be stated the facts and the ruling or decision of the Court intended to be reviewed; and such certificate shall be signed by the Judge or Judges making the decision or ruling in question, and filed in the cause; whereupon the entry shall be made on the docket of the motion to reserve such point in question, with the date of such motion, and at whose instance made.

What Matters Court in Banc Will Consider

Section B. The points or questions reserved, under said 22nd Section of the 4th Article of the Constitution, shall, in all cases, be plainly and distinctly presented, and the Judges sitting as a Court in banc. will in no case consider or decide any point or question that does not plainly appear to have been tried and decided by the Circuit Court in the first instance; nor will said Court entertain any proposition or question that appears to be of a mere abstract nature, or which has become so by the further progress of the cause, nor any question made simply for delay, and whereby the rights of parties are not affected; and no question shall be reserved upon the exercise of mere judicial discretion, nor affecting the merits of the controversy, and from which an appeal will not lie to the Court of Appeals, nor shall the reservation of any point or question delay the progress of the trial, or other proceedings.

Briefs to be Filed

Section C. Preparatory to the argument of questions reserved, there shall be made and filed in the cause, on the part of the respective parties, at least three days before the time for argument, a brief statement of the legal questions or propositions relied on, with the authorities sustaining them accurately cited, and distributed under their proper heads; and if either party shall fail to comply with this rule, the party not in default may either proceed to argue the question or questions *ex parte*, or have the

same dismissed, at his election.

B. PROCESS AND SERVICE GENERALLY

Rules beginning at 101 apply to Courts generally.

Rule 101. Death of Party.

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

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

Rule 102. Contempt of Court—Personal Service of Rule.

In any case in which the object is to bring the party into contempt for disobeying any rule or order of Court, the service must be personally made on the party to be charged, unless otherwise ordered by the Court.

Rule 103. Orders of Publication—Addresses of Parties Required

In all orders of publication, the order shall contain the names and addresses, if known, of each complainant and each defendant, and if the address of any party is unknown, it shall be so stated in the title of the order of publication.

C. PLEADINGS

Generally

Rules beginning at 301 apply to Courts generally.

Rule 301. Names and addresses to be Stated

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

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

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

Rule 303. Agreements to be in Writing.

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

Rule 333. Demurrers, Motions, Etc.

Form and Service

Demurrers to declarations, not under the Summary Judgment Rule, and demurrers to all other pleadings, and also all motions and exceptions, and demands for particulars shall set out in full detail each reason therefor upon which counsel rely, and there shall be a certificate of counsel that it is not intended for delay.

Motions grounded on facts not apparent from the record or from papers on file in the case, shall be supported by affidavit; shall be filed in court together with the affidavit and papers on which such motion is founded; and may be heard on oral testimony, or otherwise as the case

may require. Copies of said motion, affidavit, and supporting papers shall be served on the opposite party at least five days before the date set for a hearing thereon.

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

D—PLEADINGS

EQUITY

Rules beginning at 360 apply to Equity Courts

Rule 360. A. Papers Filed in Proper Person.

Any bill, or petition, or writing filed and addressed to the Court, certified by a judge, notary public or justice to have been acknowledged before him by the person whose name is subscribed thereto, the judge, notary or justice stating in the certificate that such person is known to him, shall have the same effect as if signed and filed by an attorney of the Court, or as if delivered by the person to be filed; provided, however, that this privilege shall not extend to any person who is defendant in a divorce proceeding, in which cases the answers of such defendant shall be filed, if at all, by counsel of their own selection before any final decree of divorce is passed.

However, the Court may waive this requirement, and direct the filing of an unsworn or unacknowledged paper if the special circumstances justify this.

B. Time to Elapse Before Granting

Decree of Divorce

No decree of divorce, whether a mensa or a vinculo, will be granted by the Court, until 30 days have elapsed from the time of filing bill of complaint, unless otherwise decreed by the court.

C. Effects of Collusion or Connivance

The Court will refuse to entertain or treat as being properly before it, any divorce case wherein the plaintiff, in person or through attorney, asks that process for defendant be issued to lie in office, or that the issuance of process for defendant be withheld, or there appears among the papers any arrangement whereby the proceedings indicated on their face collusion or connivance between the plaintiff and the defendant.

Rule 361. Rule Further Proceedings on Complaint.

In all cases not provided for by the General Equity Rules, at any state of a cause, when further proceedings are proper to be had on the part of any party, any other party may obtain a rule for such further proceedings to be had within 15 days after such rule has been entered, and if the party against whom the rule is laid shall fail to com-

ply, he shall be considered in default and a decree or order may be rendered against him in the matter.

E. DEPOSITIONS AND DISCOVERY.

GENERALLY.

Rules beginning at 401 apply to Courts generally.

Rule 401. Costs of Depositions.

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

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

E. DEPOSITIONS AND DISCOVERY.

LAW

Rules beginning at 430 apply to Law Courts.

Rule 430. Answer to Interrogatories in Attachments—Exceptions.

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

F. TRIAL. GENERALLY.

Rules beginning at 501 apply to Courts generally.

Rule 501. Arguments, Time Limits and Briefs.

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

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

The court at its discretion may require briefs or memoranda of authorities as may be deemed to be relevant.

Rule 502. Motions for New Trial, in Arrest of Judgment or for Judgment N.O.V.

Every motion for new trial or in arrest of judgment in law cases and criminal cases, or for judgment n. o. v. in law cases shall be filed before the official closing hour of the clerk's office on the third day succeeding that upon which the verdict shall have been rendered, and, in civil law cases, shall stand for hearing during the term at which such motion is made unless continued by written order of court, and in criminal law cases in accordance with section 711 of Article 27 of Flack's Annotated Code (1951 Edition). All reasons for the said motion shall be filed in writing within the time limited for filing of said motion, and no other reason shall thereafter be assigned without leave of the court. The computation of time for filing such motions shall be in accordance with Rule 5 hereof.

Rule 503. Interpreters.

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

Rule 537. Removed Cases.

Cases removed from other Courts to this court shall be placed at the end of the Trial Docket, unless otherwise directed by the court and shall be tried at such times as may be fixed by the Court unless sufficient cause be shown for continuance and postponement.

Rule 538. Evidence—Objections to Admissibility.

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

Rule 539. Prayers and Instructions in Law Cases.

In jury trials of civil cases counsel ought to be encouraged to make thorough preparation of the law, and submit written prayers as permitted by trial rule No. 6 of the General Rules of Practice and Procedure adopted by the Court of Appeals. The Court in all cases in which written instructions are to be given should make formal rulings on the prayers; and in cases in which the jury is to be instructed orally, should inform counsel in advance of the oral charge, of its proposed action on the prayers, whether to grant or reject them, or to substitute an oral charge in place of them.

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

Rule 540. One Counsel on Each Side to Examine Witnesses.

In no trials shall more than one counsel on a side examine or cross-examine a witness except in the discretion of the court.

Rule 541. Opening Statements By Counsel.

In the trials of all civil cases, counsel for defendant shall make an opening statement to the Court or jury before plaintiff begins to offer evidence, otherwise such opening statement is waived.

In the discretion of the court, a motion to exclude witnesses must be made before the opening statements.

F. TRIAL EQUITY

Rules beginning at 560 apply to Equity Courts.

Rule 560. Hearings.

All causes of actions, motions, exceptions, or other matters ready for hearing, shall upon the application of either party and five days' notice to the opposite party be set for trial.

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

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

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

G. PRACTICE, INCLUDING SPECIAL PROCEEDINGS. GENERALLY.

Rules beginning at 601 apply to Courts generally.

Rule 601. Bonds—Law and Equity.

When bonds are offered for approval in the various law and equity of the Circuit Court, the Clerk may, at his discretion, require a detailed statement, sworn to by one having knowledge thereof, showing the assets and liabilities of each surety on said bond.

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

When the bond is that of an individual surety, said surety shall not be the spouse of said principal.

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

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

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

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

Rule 603. Dower and Life Interest— Allowance in Lieu of.

The allowance to a widow in lieu of her right of dower

elected in lands sold under a decree of the court shall be as follows:

If she be under forty-one years of age, not more than one-seventh. If 41 and under 45, not more than two-fifteenths. If 45 and under 51, not more than one-eighth. If 51 and under 56, not more than one-ninth. If 56 or above, not less than one-tenth of the net proceeds of the sale of which she may be dowable.

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

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

Wife's Age	Husband's Age				
	40	41-44	45-50	51-55	56
40	.08163	.08572	.08929	.09524	.10000
41-44	.07619	.08000	.08333	.08889	.09333
45-50	.07143	.07500	.07812	.08333	.08750
51-55	.06349	.06667	.06944	.07407	.07778
56	.05714	.06000	.06250	.06667	.07000

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

METHOD OF USING TABLE

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

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

Rule 633. Workmen's Compensation Appeals, subject to the provisions of Sec. 57 of Art. 101, of the 1951 Code.

At any time after an appeal is taken from the State Industrial Accident Commission, and not later than fifteen days after the record of the proceedings of the Commission has been filed, the appellant shall file any proposed issues of fact he may wish to have submitted to a jury. The Clerk of the Court shall notify by mail the parties of record of the

receipt of appeal record. Within thirty days after the record is filed, the appellee shall file his proposed issues, and any exceptions to issues proposed by the appellant; and the appellant shall have fifteen days after the filing of the appellee's proposed issues within which to file exceptions thereto. The time for filing issues by the appellant may be extended for good cause shown, and the appellee shall have fifteen days after said extension expires to except thereto and to file his issues.

When any such exceptions are filed, they shall stand for hearing on the next return day or may be heard sooner by order of court or agreement of the parties with the approval of the court.

At such hearing, the court may permit any of the parties to amend his proposed issues within the time provided by the court, or the court may frame proper issues. Any party may within fifteen days after such hearing except to issues framed by the court, and may except to any amended issue within fifteen days after they are filed.

The case shall be set for trial promptly after disposition of all exceptions.

If no issues are filed by any of the parties within the time allowed, the court may

- (a) frame issues,
- (b) dismiss the appeal,
- (c) extend the time for filing issues,
- (d) set the case for trial as a non-jury case, or
- (e) pass any other order which the court in its discretion may deem proper under the circumstances of the case.

After the expiration of the time allowed for the filing of issues, as aforesaid, no issue shall be filed except by leave of court.

Before any proposed issue or other paper is filed in court, a copy thereof shall be served on the adverse party in accordance with the rules of court.

Rule 635. Warrants of Re-Survey—How Obtained.

(a) The Court will not order a warrant of resurvey to issue either in ejectment or other actions, unless the party applying for such warrant, or his attorney of record, shall, by affidavit filed in the cause, satisfy the Court that there is a dispute about the location of the land in respect to

which the action is brought, or that plats are necessary for illustration. Such affidavit shall show the nature and character of the dispute about the location, and how it arises, or the reasons why plats are necessary for illustration.

Prior to ordering a warrant of resurvey, the Court may require any party requesting such warrant to deposit with the Clerk an amount sufficient to cover the cost thereof.

When To Be Returned

(b) In all cases in which surveys are made under warrants of re-survey issued from this Court, or in which leave shall be given to the parties to add and amend plats already returned and lodged with the Clerk, the said plats shall be returned at least ten days before the commencement of the term to which such plats are returnable, exclusive of the day of return and the first day of the term; otherwise either party (whose neglect or improper conduct shall not have caused such delay in the return of plats in such cases) shall be entitled to a continuance of the case, without costs.

Notice To Be Given

(c) Fifteen days notice of the time of executing any warrant or re-survey shall be given by the sheriff to the parties, or their attorneys.

Plats Returned

(d) After closing the survey, the surveyor shall prepare and return three plats with certificates and explanations showing the respective claims and pretensions of the parties, and the lands and objects laid down by them for illustration, and the warrant of re-survey and depositions and other evidence taken by them.

Costs to be Endorsed on Plats

(e) The sheriff and surveyor shall endorse on every plat the particulars and amount of their fees against the respective parties. If it shall appear in the trial that the locations or any part thereof, were made without just or reasonable cause, the costs of such unnecessary locations may, in the discretion of the Court and without regard to the result of the suit, be taxed against the party for whom they were made or by whose misconduct they were necessary.

Rule 636. Commissions for Making and Bounding Lands—Caveats—Trials

A. All commissions issues for marking and bounding lands according to Article 15, Code of Public General Laws, (1951 Edition) which may be returned to court on or before the third day of any term shall be recorded among the records of land commissions for this County immediately after the last day of the term, provided, there be no caveat against recording the same within such term. All such commissions which shall be returned after the third day of the term shall remain on the clerk's files until the last day of the succeeding term, and shall immediately thereafter be recorded, if no caveat be entered against the same.

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

C. No trial on a caveat to a commission shall be delayed longer than the term next immediately succeeding the service of notice, except for causes which would be a sufficient ground for continuing suits longer than the time limited for the Code.

Rule 637. Auditors' Reports.

RATIFICATION—EXCEPTIONS.

Upon any matter of accounting referred to an auditor, his report shall, unless ratified by consent, remain on file, subject to exceptions, for fourteen days. No advertisement of such report is necessary but the clerk shall post on a bulletin board in his office a notice that the report has been filed. If exceptions are filed and either party demands a jury trial, the issue or issues to be tried shall be propounded by the party demanding the same, and after fourteen days' notice to the opposite party, shall be framed by the court, and the cause shall thereupon stand for trial.

G. Practice, Including Special Proceedings (Continued)

EQUITY

Rules beginning at 660 apply to Equity Courts.

Rule 660. Partition.

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

Rule 662. Sales of Real or Leasehold Estate or Personal Property—Ratification.

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

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

C. Sales of Personal Property may be ratified without published notice, or after such notice, not exceeding ten days, as the Court may direct.

Rule 663. COMMISSION ON SALES.

(a) On sales under Decrees or Orders of this Court, the following allowances shall be made to Trustees:

First	\$300	8%	\$24.	\$24.
Second	"	7%	21.	45.
Third	"	6%	18.	63.
Fourth	"	6%	18.	81.
Fifth	"	5%	15.	96.
Sixth	"	5%	15.	111.
Seventh	"	4½%	13.50	124.50
Eighth	"	4½%	13.50	138.00
Ninth	"	4½%	13.50	151.50
Tenth	"	4½%	13.50	165.00

and 3½ per cent. on all sums above three thousand dollars, besides an allowance for all expenses except personal.

(b) The above may be lessened in case of negligence at the discretion of the Court.

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

(d) Except where otherwise required by agreement, and except under circumstances which, in the discretion of the court, would render use of the following schedule inequitable, the Court will allow solicitors' fees in equity cases involving sales of real estate as follows:

Preparation of original Bill \$50.00 and 3% on first \$2,000. of proceeds of sale, and 2% on next \$3,000. of proceeds of sale, and 1½% on next \$5,000. of proceeds of sale, and 1% on next \$10,000. of proceeds of sale, and ½% on balance.

This schedule will not obtain where otherwise required by agreement, or under circumstance, which in the discretion of the Court, would render use of the schedule inequitable.

Rule 664. Bonds of Fiduciaries.

Unless provided otherwise by law, the penalty of the bond of every fiduciary heretofore or hereafter appointed by a Circuit Court, shall not be less than the fair value of the corpus of the estate to be administered by such fiduciary, if a corporate surety, and twice such fair value if Individual sureties; and whenever and as often as the penalty of such bond is less than such fair value, an additional bond shall be filed, the penalty of which together with the penalty or penalties of the existing bond or bonds shall not be less in the aggregate than such fair value; and whenever and as often as the fair value of the corpus of the estate being administered by any such fiduciary becomes substantially less than the penalty of the approved bond, the court may order the penalty of such bond to be reduced accordingly.

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

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

Rule 665. Compensation—Fiduciaries and Counsel.

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

In no case to which the provisions of Chapter 36 of the Acts of 1951 (or amendments or re-enactments thereof) apply shall any additional commission be allowed for investment or reinvestment of trust funds.

Rule 666. Investments of Funds of Fiduciary Estates and Responsibility Therefor.

(a) Fiduciaries under the jurisdiction of the equity court may invest funds in the following, without order of Court and without responsibility for the selection of the investment:

- (1) Bonds issues or guaranteed by the United States.
- (2) Bonds issued by the State of Maryland.
- (3) Bonds or stock of the City of Baltimore.
- (4) Bonds issued by the Counties of Allegany, Gar-

rett or Washington or incorporated municipalities within the counties.

(5) First mortgages, made or assigned directly to the investigating trustee, on fee simple real estate in Maryland to the extent of sixty per cent of the value thereof if store or office property and productive, or fifty per cent. of its actual value if dwelling house or farm property and improved, or thirty per cent. of its actual value if unproductive or manufacturing property.

(b) Where investments have been made or disposed of without previous court order, approval may be requested in the next succeeding annual report.

(c) Due regard shall be given to the desirability of the diversification of investments.

(d) Court orders approving investments in, retention of, or sales of securities in fiduciary estates will not be passed unless the advisability thereof is apparent.

Rule 667. Accounting of Trustees, Receivers and Other Fiduciaries.

A. Report Within Thirty Days of Appointment or Assumption of Supervision By Court:

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

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

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

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

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

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

(4) Failure to File: Notice of Removal: In every case where a fiduciary has failed to file his report within such sixty-day period, without having procured an extension of time by written order of court, the clerk shall forth-

with report said delinquency to the court having jurisdiction over the estate. Thereupon the court shall issue an order to the said fiduciary to show cause within twenty days thereafter why he should not be removed, and a copy of said order shall be sent to the surety on the bond of the fiduciary. Unless a satisfactory answer shall have been filed, together with all overdue reports, the court shall remove the fiduciary and appoint a successor, and all appropriate papers, records and assets shall be forthwith turned over to the successor by the removed fiduciary. The successor shall file a report within fifteen days after his appointment, unless the court shall extend the time by written order.

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

C. Estates not exceeding One thousand dollars.

When the estate being administered by a fiduciary (other than a receiver) does not exceed one thousand dollars, the Court may pass an order relieving the fiduciary from filing a fidelity bond and from annual reports..

D. When Auditors accounts are not necessary.

If all beneficiaries are sui juris, and have filed in the cause written statements acknowledging the receipt of copies of the report, that it is apparently correct and that no account need be stated, the Court may approve the report without requiring an account to be stated.

And in any case in which a report has been filed, and the cost of an account will not be justified, the Court may ratify same without requiring an account

Rule 669. Fiduciary—Suits—Order of Court.

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

Rule 672. Name—Change of.

Every person applying for change of name shall file in the court a petition, in which shall be stated the residence of such person, the change which said person desires to be made in his or her name, and the reason therefor, which petition shall be supported by the affidavit of such

person, or in case such petition is filed on behalf on an infant, it shall be made by the father, mother or guardian or next friend of such infant, whereupon thirty days' notice of such application shall be given by publication once a week for three successive weeks, in some newspaper printed in the County. At the expiration of said thirty days the said petition may be submitted to the court, and the court will thereupon proceed to consider the said petition, and pass an order or decree, as may appear to be proper in the case. Affidavits, either in opposition to, or in support of, such petition may be filed before the expiration of said thirty days. For good cause shown, the Court may waive the publication of the application for change of name and, in such case, may forthwith render a decree.

H. JUDGMENT AND DECREE GENERALLY.

Rules beginning at 701 apply to Courts generally.

Rule 701. Arbitration and Award— Judgment or Decree.

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

H. JUDGMENT AND DECREE (Continued)

LAW.

Rules beginning at 730 apply to Law Courts.

Rule 730. Judgments by Default.

If a party is in default, judgment may be entered against him on motion of the adverse party. The judgment against a plaintiff upon a default shall be a judgment of non pros and for the defendant for costs.

If judgment by default be entered against a defendant, and the action be brought on a promissory note, bill of exchange, bond, record, writing obligatory, open account, or other cause of action ex contractu for the payment of a certain sum, and in which the measure of damages be certain and fixed, the said judgment shall be extended by the court at any time on motion of the plaintiff and on satisfactory proof of the amount due. In all other actions ex contractu, and in actions ex delicto, where a jury trial shall have been prayed by either party, the plaintiff may have his writ of inquiry to assess the damages at any time subsequent to the judgment by default.

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

plaintiff may waive such jury trial and damages may be assessed by the court, if the plaintiff requests the same in writing.

When a demurrer is overruled, a judgment by default shall be entered against the party demurring, if he does not plead over, within fifteen days unless some other time is fixed by the court; and upon judgment by default, proceedings as above may be had for assessing damages and extending the final judgment.

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

Rule 731. Judgment for Failure to Prosecute or Defend.

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

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

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

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

Rule 732. When Clerk Shall Enter Judgment on Verdict.

Subject to the provisions of Rule 2 of the Court of Appeals respecting Appeals, the Clerk of Court shall enter up judgments on all verdicts after the expiration of three days from date of such verdicts, excluding the day of verdict, unless a motion in arrest of judgment, or for new trial, or judgment n.o.v. shall have been interposed. Such motion shall stay the running of the time allowed for taking of appeals until ruled upon. In the event that any motion for new trial, or arrest of judgment, or for judgment n.o.v. shall be made and be refused or overruled by the Court, the Clerk shall enter up judgment at once after the decision of the Court refusing or overruling such motion has been filed in Court, or entered on the Docket.

Rule 801. TIME TO COMPLY WITH RULE SECURITY FOR COSTS.

When the plaintiff is laid under a rule to give security for costs in a suit, he shall have 15 days to comply unless he claims a continuance of the case to enable him to comply with the rule, and such is so continued, then the plaintiff shall have until the second day inclusive, of the succeeding term to comply with said rule, and no longer.

Rule 902. Stenographic Record.

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

Rule 903. Bail Bonds.

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

A. Property, offered as bail, must be situate in the County and be valued, at the fee-simple value, last assessed by the tax assessors of the County or by the State Tax Commission for taxation purposes; unless otherwise ordered by the Court.

B. Property shall not be accepted as bail if all liens and encumbrances thereon exceed fifty per cent. of the said value, fixed under Section A.

C. The total value of unencumbered property, or the excess of value over encumbrances, offered as bail shall be equal to the amount of bail required. Such total value shall be fixed under Sections A and B.

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

State. Any traverser may be accepted as his own recognizer upon property owned by him.

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

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

G. No attorney, or other officer of any court or any deputy of any such officer, or the spouse of any such person shall offer to be, or be received as bail in any case.

H. Before accepting property as bail, the clerk may require that the current tax bill be presented for said property, which must be in the name of the person offering it, unless said persons presents in lieu thereof a current certificate of title showing said property is in the name of said person.

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

J. The clerk may refuse to accept bail for any reason based upon the value of the property offered, subject to review by a judge of the Circuit Court.

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

L. The surety or sureties in all bonds may be approved by the clerk of the court in which the bonds are to be filed.

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

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

Rule 905. Counsel Fees In Criminal Case Assignments.

Pursuant to the authority vested in the court by Section 8 of Article 26 of the Annotated Code of Maryland (1951 Edition), subject to amendment or re-enactment, the Circuit Court hereby determines and orders that, in addition to fees provided in Section 10 of Article 36 of the Annotated Code of Maryland (1951 Edition), it does hereby allow and the County Commissioners shall levy and pay for the services rendered by any counsel appointed by the court to assist in the preparation or defense of criminal cases, the sum of \$15.00 in felony cases and the sum of \$5.00 in misdemeanor cases, except where otherwise specially ordered.

ORDER OF COURT

ORDERED, That the foregoing Rules be, and they are hereby adopted for the government of the proceedings in the Fourth Judicial Circuit for Maryland in addition to the General Equity Rules and General Rules of Practice and Procedure of the Court of Appeals of Maryland, and that they shall be of force and effect in said Circuit from and after the first day of January, 1954.

A. All existing Rules of said Circuit, or parts of Rules, in any wise inconsistent with the Rules hereby adopted, be, and the same are hereby rescinded.

B. Saving Clause.

Nothing, however, in this Order shall be taken or construed to impair the obligations of existing action taken under the former local Rules of the courts of this circuit or to any of the rules of the court of appeals or statutes of the State of Maryland.

C. Severability Clause.

All powers and authorities conferred by this Order are not in derogation of any powers and authorities otherwise existing. Whenever the Clerk is authorized or directed to perform any act by these rules of Court, like authority is retained by the judges.

In the event that any provisions of this Order, or the application thereof to any person or circumstances, shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Order, or its application to other persons and circumstances; but shall be confined in its operation to the provisions of this Order, or the application thereof to the persons circumstances directly involved in the controversy in which such judgment shall have been rendered.

In adopting these rules, the Court wishes to express its appreciation to

HON. D. LINDLEY SLOAN

HON. WALTER C. CAPPER

WILLIAM L. WILSON, Jr., Esq.

DAVID KAUFFMAN, Esq. of Allegany County,

ELLSWORTH R. ROULETTE, Esq.

OMAR T. KAYLOR, Sr., Esq.

E. STUART BUSHONG, Esq.

JOHN WAGAMAN, Esq. of Washington County,

WALTER W. DAWSON, Esq.

LEWIS R. JONES, Esq. of Garrett County,

the committee which formulated them, for their services and for the great amount of time and consideration which they devoted to their task.

JOSEPH D. MISH, Chief Judge

GEORGE HENDERSON, Associate Judge

MORGAN C. HARRIS, Associate Judge

Dated: January 1st, 1954.

INDEX TO RULES OF THE CIRCUIT COURTS OF THE FOURTH JUDICIAL CIRCUIT

	Rule	Page
Accounting		
of Trustees, Receivers and other Fiduciaries	667	33
Admissibility of Evidence		
Objections to	538	22
Agreements		
To be in Writing	303	15
Allowance		
In Lieu of Dower and Life Interest.....	603	25
Appeals		
Workmen's Compensation	633	26
Appearance	8	4
Arbitration and Award	701	37
Arguments and Time Limits	501	21
Arrest of Judgment	502	21
Attorneys (See Counsel))		
Attachments		
Answer to Interrogatories in— Exceptions	430	19
Auditors Reports		
Ratification of	637	29
Award		
Decree of	701	37
Bail Bonds	903	39
Bonds		
Bail	903	39
Law and Equity	601	25
Of Fiduciaries	664	32
Books, Papers, Etc.		
Removal of	4	2

	Rule	Page
Calling Dockets	20F	7
Change of Name	672	35
Collector of Taxes—Sales By	20P	9
Commissions		
Making and Bounding Lands—Caveats— Trials	636	29
On Sales	663	31
Computation of Time	5	2
Contempt—Personal Service of Rule.....	102	13
Costs—Rule Security for	801	39
Counsel		
Absence of	6	3
Appearance	7	3
Entry of	7	3
Re-Appearance	7	3
Striking	7	3
Compensation of	665	32
Death of	6	3
Fees in Criminal Case Assignments....	905	41
Securities—Not to Become.....	3	1
Court Cases	20M	9
Court in Banc	30	9
Court Library	4	2
Criminal Proceedings		
Bail Bonds	903	39
Counsel Fees in Criminal Case Assignments	905	41
Criminal Docket	20H	7
Criminal Trials	20N	9
Stenographic Record	902	39
Criminal Trial Docket Called	20N	9
Custody of Papers	4	2

	Rule	Page
Death—Of Party	101	13
Of Counsel	6	3
Decrees (See Judgments) (See Divorce)		
Demurrers	333	15
Depositions—Cost Of	401	19
Discoveries—Answer To Interrogatories In Attachments—Exceptions	430	19
Divorce		
Collusion or Connivance—Effect Of....	360C	17
Time to Elapse Before Granting Divorce Decree	360B	17
Dockets		
Calling Dockets	20F	7
Criminal Docket	20H	7
Criminal Trial Docket Called	20N	9
Dormant Writ Cases	20B	5
Final Determination of Case.....	20E	6
Judgment Index	20I	8
Judicial Docket	20G	7
Law Docket—Original or Appearance....	20A	5
Miscellaneous Docket	20J	8
Recognizance Docket	20Q	9
Stetted Cases	20D	6
Trial Docket	20C	5
Dormant Writ Cases.....	20B	5
Dower and Life Interest		
Allowance in Lieu of	603	25
Decree		
Of Partition or Dower	660	30
Equity		
Bonds	601	25
Hearings	560	23
Partition	660	30

Equity (Continued)	Rule	Page
Pleadings		
Divorce—Collusion or Connivance....	360C	17
Time to Elapse Before Granting		
Divorce	360B	17
Papers Filed in Proper Person....	360A	17
Evidence—Objections To Admissibility....	538	22
Exclusion Of Witnesses—Motion For.....	541	22
Fees—In Criminal Case Assignments.....	905	41
Final Determination Of Case		
Docket Entry	20E	6
Fiduciaries		
Accounting	667	33
Bonds	664	32
Compensation	665	32
Investment of Funds By.....	666	32
Suits—Order of Court	669	35
Grand Jury Investigations—Secrecy.....	1	1
Hearings		
Equity	560	23
Instructions and Prayers	539	22
Interpreters	503	21
Interrogatories—Answer To In Attachments	430	19
Investment of Funds of Fiduciary Estates	666	32
Judgment And Decree		
Arbitration and Award	701	37
Default, By	730	37
Failure to Prosecute or Defend	731	38
When Clerk Shall Enter Judgment on		
Verdict	732	38
Judgment Index	20I	8
Judicial Docket	20G	7
Jury Trials—Order Of	20L	8

	Rule	Page
Law Docket		
Original or Appearance	20A	5
Library, Court	4	2
Miscellaneous Docket	20J	8
Money and Securities—Brought Or Paid In- to Court	8	4
Motions		
For New Trial	502	21
In Arrest of Judgment	502	21
For Judgment N.O.V.	502	21
Name—Change Of	672	35
Names and Addresses To Be Stated.....	301	15
Officers Of Court—Not To Become Sureties	3	1
Opening Statements By Counsel.....	541	22
Order Of Publication	103	13
Order Of Trials—Jury	20L	8
Papers—Custody Of	4	2
Filed in Proper Person	360A	17
Names and Addresses to be Stated.....	301	15
Partition	660	30
Photography—Prohibited	2	1
Pleadings		
Agreements to be in Writing.....	303	15
Demurrers	333	15
Form	333	15
Motions	333	15
Names and Addresses to be Stated.....	301	15
Service	333	15
Prayers and Instruction in Law Cases....	539	22
Process And Service		
Death of Party	101	13
Personal Service of Rule—Contempt....	102	13

	Rule	Page
Proper Person—Papers Filed In	360A	17
Publication—Order Of	103	13
Ratification—Of Auditors Reports—		
Exceptions	637	29
Of Sales of Real Estate, Leasehold Estate or Personal Property	662	30
Receivers		
Accounting of	667	33
Recognizance Docket	20Q	9
Removed Cases	537	21
Resurvey—Warrants Of	635	27
Rule—Further Proceedings On Complaint..	361	17
Rule Security For Costs	801	39
Rules Of Court		
Order On		42
Sales		
Of Real Estate, Leasehold Estate, or....	662	30
Personal Property—Ratification		
By Collector of Taxes.....	20P	9
Commission On	663	31
Security For Costs	801	39
Stetted Cases	20B	5
Rules Governing	20D	6
Stenographic Record	902	39
Testimony	538	22
Time		
Computation of	5	2
To Comply With Rule Security for Costs	801	39
Trial		
Arguments and Time Limits	501	21
Criminal Trials	20N	9
Court Trials	20K	8
Docket of	20C	5

Trial (Continued)	Rule	Page
Evidence—Objections to Admissibility..	538	22
Interpreters	503	21
Jury Trials	20K	8
Motion for Trial, In Arrest of Judgment, or for Judgment N.O.V....	502	21
Prayers and Instructions in Law Cases..	539	22
Removed Cases	537	21
Trustees (See Fiduciaries)		
Warrant of Re-Survey	635	27
Witnesses		
Examination of	540	22
Motion to Exclude	541	22
Workmen's Compensation		
Appeals	633	26