

**Pleading, Practice and Process.**

An. Code, 1924, sec. 154. 1912, sec. 139. 1904, sec. 130. 1890, ch. 424. 1888, sec. 117. Rule 1.

**161.** The circuit courts for the several counties of this State, and the circuit court of the city of Baltimore, and the circuit court number two of the city of Baltimore, as courts of equity, shall be deemed and taken to be always open for the transaction of business therein, and the several regular terms of said courts for the return of process and other practical purposes shall be of two months' duration, and shall commence in the counties on the first Monday of January, of March, of May, of July, of September, and of November of each year; and in Baltimore City shall commence on the second Monday of January, of March, of May, of July, of September, and of November of each year.

As to pleadings, practice and process at law, see art. 75.

As to equitable defenses at law, see art. 75, sec. 91, *et seq.* As to the removal of cases from law courts to courts of equity and *vice versa*, see art. 75, sec. 124.

An. Code, 1924, sec. 155. 1912, sec. 140. 1904, sec. 131. 1888, sec. 118. Rule 2.

**162.** The several clerks of said courts shall receive and file all papers pertaining to said courts, respectively, and shall keep substantial dockets, and make all proper entries therein, of papers filed, and of the proceedings of the said courts, as they occur; so that the docket entries shall always show, as near as possible, the real condition and progress of the proceedings.

This section referred to in deciding that where the same land is sold under a mortgage and under a deed of trust by two different proceedings, and exceptions to the sale under the deed of trust are filed with the prayer that they be taken as filed in the mortgage case also, the sale under the mortgage should be ratified, there being no exceptions filed thereto. Object of this section. *Forest Lake Cemetery v. Baker*, 113 Md. 535.

An. Code, 1924, sec. 156. 1912, sec. 141. 1904, sec. 132. 1888, sec. 119. Rule 3.

**163.** All original proceedings in said courts shall be commenced by bill, or by special case stated, as hereinafter provided for; and the term "bill" shall embrace petition or information, where, by statute, or the established practice, petition or information be proper.

An. Code, 1924, sec. 157. 1912, sec. 142. 1904, sec. 133. 1888, sec. 120. Rule 4.

**164.** No order or process shall be made or issued upon any bill, petition, or other paper, until such bill, petition, or other paper, together with all the exhibits referred to as parts thereof, be actually filed with the Clerk of the Court. Nor shall any injunction or restraining order, or order appointing a receiver issue until the originals or duly certified copies of all deeds, or other instruments of record, and verified copies of all documents, papers or writings not of record, necessary to show the character and extent of the complainant's interest in the suit shall have been filed, if said instruments of writing be in possession of the plaintiff or accessible to him; if not, that fact shall be stated in the bill or petition.<sup>1</sup>

An order reversed for a failure to comply with this section. *Chappell v. Clark*, 92 Md. 99; *Chappell v. Clarke*, 94 Md. 179; *Beachy v. Heiple*, 130 Md. 694. And see *Wetherall v. Hoffman*, 142 Md. 687.

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Granting an injunction and appointing a receiver prior to the filing of a bill of complaint, condemned. *Dixon v. Dixon*, 119 Md. 415.

<sup>1</sup> Thus amended by equity rule 4, Nov. 21, 1919, adopted by the court of appeals in accordance with sec. 18 of art. 4, of the Constitution.