

"other courts" to make rules not inconsistent with Court of Appeals rules is not necessarily the same as the power of a chief judge to make rules. The District Court is excluded from the general operation of this subsection because rule-making power there is vested in the chief judge, not in the court.

Because of the definition of "court" in §1-101(c), this subsection does not apply to orphans' courts, although Art. 26, §27 does so apply. The statutory rule-making power of the Orphans' Court is transferred to Art. 93, §2-102. The Court of Appeals also has a constitutional rule-making power with respect to Orphans' Court; Constitution, Art. IV, Sec. 18A.

As noted, Art. 26, §§1 and 27 are both proposed for repeal. It may well be that both have already been substantially superseded by Md. Rule 1.f. & g.; see Bastian v. Watkins, 230 Md. 325, 187 A.2d 304 (1963); except for the orphans' courts provisions of §27.

Art. 26, §2 is unnecessary, in view of the statutory grant of rule-making power of §1-201(b). The problem of "recess" is no longer important; see Md. Rules 19 and 1205. In addition to provisions of local rules, dismissal (other than during trial) is covered by Md. Rules 530 and 541.

## SEC. 1-202. CONTEMPT OF COURT.

### (A) EXERCISE OF CONTEMPT POWER.

A COURT MAY EXERCISE THE POWER TO PUNISH FOR CONTEMPT OF COURT OR TO COMPEL COMPLIANCE WITH ITS COMMANDS IN THE MANNER PRESCRIBED BY THE MARYLAND RULES OR MARYLAND DISTRICT RULES.

REVISOR'S NOTE: Art. 26, §4 purports to limit the power of a court to inflict summary punishment for contempt. One of its earliest versions seems to have been Ch. 450, Laws of 1853. In Ex parte Maulsby, 13 Md. 625 (1859) the Court of Appeals held that courts had inherent power to punish