COMMERCIAL.

SACRAMENTO MARKET.

SACRAMENTO, April 29th.

FRUIT—Lemons—Sicily, $6@6 50 ₱ box; California, $3@4 50; Limes, $4@4 50 ₱ case, 75c@$1 ₱ 100; Bananas, $2 50@3 ₱ bunch for Island; Cocoanuts, $7@8; Oranges—Navels, $3 50@4 ₱ box; Riverside, $1 75@2 ₱ box; Los Angeles, $1 50@2 50 ₱ box; Pineapples, 60@75c each, $7 ₱ doz; Apples, $2@2 50 ₱ box; Cape Cod Cranberries, $12@13 ₱ bbl; Strawberries, 12½@15c, $1 50 ₱ case.

CANNED GOODS—Assorted table, $1 65@1 75; Apples, $1 60; Apricots, $1 60; Blackberries, $1 75@1 85. Cherries, $1 95@2 35; Currants, $2 25; Gooseberries, $1 80@1 90; Muscat Grapes, $1 40@1 50; Plums, $1 40; Quinces, $1 75; Strawberries, $2 50.

BREADSTUFFS—Flour, $5 ₱ bbl; Oatmeal, 10-lb sacks, 3¼c ₱ lb, $3 50 ₱ 100-lb sacks; Cornmeal, White, $2 60 ₱ 10-lb sacks; Yellow, $2 60 ₱ 25-lb sacks; Cracked Wheat, $3 10 ₱ 10 lb sacks, $2 85 ₱ 100-lb sacks; Hominy, $3 75 ₱ 10-lb sacks, $3 50 ₱ 100-lb sacks; Graham, $2 70 ₱ 10-lb sacks, $2 50 ₱ 100-lb sacks.

VEGETABLES—Onions, Silverskins, $3@3 50 ₱ cwt.; Cabbage, 75c@$1 ₱ lb; new Cabbage, 70@80c; Carrots, 70c@$1 ₱ 100 lbs; Turnips, 75c@$1 ₱ sack; bunch vegetables, 12½c ₱ dozen; Parsnips, 75c@$1; Beets, 75c@$1; Horse Radish, 10@12c; Garlic, 10c ₱ lb; Artichokes 50c ₱ dozen; Dried Peppers, 15c; Potatoes, Early Rose, 50@60c ₱ sack; Peerless, 50@60c ₱ cwt; Oregon Burbanks, $1@1 25; River Burbanks, 50@60c; River Reds, 50c ₱ ctl; New Potatoes, $1@1 25; Celery, 60@70c ₱ dozen; Cauliflower, 85c@$1 ₱ dozen; Red Cabbage, 3c ₱ lb; Spinach, 3c; Asparagus, 4@5c; Peas, 4@6c; Mushrooms, 16@20c; Rhubarb, 5c; Tomato Plants, 15c ₱ dozen; Shives, 15c ₱ bunch.

DAIRY PRODUCTS—Butter, Valley, 16@17c ₱ lb; Fancy Petaluma, 18@20c ₱ lb; Eastern Creamery, fancy, 16@18c; packed in firkins, choice, 16@18c; pickled roll, 20@22c; common, 12½@13c ₱ lb; Cheese, California, 10@11c; Young America, 11@12c; Eastern Cream, 15c; Limburger, 18@20c; genuine Swiss, 29@31c; American Swiss, 18@21c; Martin's Cream, 17@18c; Eggs, 19@21c.

POULTRY—Dealers' prices: Live Turkeys, 12½c; dressed, 16@17c; full-grown Chickens, $5@5 50 ₱ dozen; young roosters, $5@6 ₱ dozen; broilers, $3@4; tame Ducks, $6; Pekin, $7; Geese, $1 50@2 ₱ pair.

HAY, GRAIN AND FEED—Oat Hay, $12@14 ₱ ton; Alfalfa do, $10@12 ₱ ton; Bran, $20 ₱ ton; Middlings, $20 ₱ ton; Barley, whole, paying $1 05@1 15; rolled, $1 25; Wheat, choice milling, paying $1 50@1 55 ₱ cwt; Rye, $1 75; Tame Oats, $1 75@1 90; Corn, paying, $1 20@1 25 ₱ cwt.

MEATS—Beef, 7c; Mutton, 10c; Lamb, 12½; Veal, large, 5@6c; small, 7@8c; Hogs, 5@5½c; dressed Pork, 7@8c; Hams—Eastern, 13@14c; California, 11@13½c; Eureka Hams, 12@13½c; Bacon—Light medium, 10@11c; selected do, 12c; extra light, 12½@13c; extra light boneless, 13½@14c.

MISCELLANEOUS—Seeds—Alfalfa, new crop, 7@8c; Timothy, Eastern, 5@6c; Popcorn, ear, 2@3c; shelled, 4@5c; Red Clover, 10@11c; Red Top, 6@7c ₱ lb; Nuts—Chile Walnuts, new, 11@12c; California Walnuts, 9@10c; Almonds, new, 11@13c; Peanuts, California, 5@6c; Eastern, 6@7c; Lard—California, cans, 10@11c; Eastern, 8¾@10c; Hides—Salt, light, 4c; medium steers, 6c; heavy steers, 7½c; heavy cows, 5c; dry, 9½c; Tallow, 3½c.

SAN FRANCISCO MARKET.

SAN FRANCISCO, April 29th.

FLOUR—We quote: Net cash prices for Family Extras, $4 90@5 ₱ bbl; Bakers' Extras, $4 75@5; Superfine, $2 75@3 10.

WHEAT—The market was dull and quiet this morning, and those who expected a change for the better were disappointed. The shipping demand is nominal, while the inquiry for milling purposes is light. Quotable at $1 50 ₱ ctl for No. 1 shipping, and $1 55@1 57½ ₱ ctl for milling quality.

CRACKED CORN—Quotable at $29 50@30 ₱ ton.

CHOPPED FEED—Quotable at $21 50@22 50 ₱ ton.

CORNMEAL—Millers quote Feed at $28 50@29 ₱ ton; fine kinds for the table, in large and small packages, 3¼@3½c ₱ lb.

OILCAKE MEAL—Quotable at $25 ₱ ton from the mills.

SEEDS—We quote: Mustard, Brown, $3 to $3 25; Yellow, $3 25@3 75; Canary, imported, $2 75@3 12; Hemp, 3½@4c ₱ lb; Rape, $2 to $2 50; Timothy, 5½@5½c; Alfalfa, 12½c ₱ lb; Flax, $1 75@2 10 ₱ ctl.

MIDDLINGS—Quotable at $20 50@21 ₱ ton.

HAY—We quote as follows: Alfalfa, $8@10; Wheat, $11@15; Wheat and Oat, $10@13 50; Barley, $10@12; Wild Oat, $10@12 50; Stock, $8@10 ₱ ton; compressed, $10@12 ₱ ton.

STRAW—Quotable at 40@50c ₱ bale.

HOPS—For new crop delivery 17½c ₱ lb is offered.

MILLSTUFFS—We quote: Rye Flour, 4c; Rye Meal, 3½c; Graham Flour, 3½c; Oatmeal, 4½c; Oat Groats, 5c; Cracked Wheat, 4c; Buckwheat Flour, 5c; Pearl Barley, 4@4½c ₱ lb.

BRAN—Firm market. We quote as follows: No. 1, $18@18 50 ₱ ton.

RYE—Has further declined. Quotable at $1 40@1 45 ₱ ctl.

BUCKWHEAT—Nominal at $1 75@2 ₱ ctl.

GROUND BARLEY—is higher. Quotable at $23 to $24 ₱ ton.

POTATOES—Arrivals of new footed up 1,355 sacks, quotable at 50@75c ₱ ctl. Oregon Burbanks, 80c@$1 ₱ ctl.

ONIONS—Prices range from $1 to $2 ₱ ctl, as to quality, the latter being an extreme figure for choice old.

DRIED PEAS—We quote: Green, $1 50@2; Blackeye, $1 40@1 50; Niles, $1 30@1 40 ₱ ctl.

FRESH FRUIT—No Raspberries to-day. Arrivals include 260 chests Strawberries and 24 boxes Cherries. Apples hold up well in price. We quote: Strawberries, $6@9 for Sharpless and $8@13 for Longworth; Apples, $1 75@3 ₱ box; Cherries, $1@1 25 for White and $1 65@2 ₱ box for Black; Gooseberries, 12½c ₱ lb.

CITRUS FRUIT—We quote: Mexican Limes, $3@4 ₱ box; California Limes, 60c to 75c ₱ box; Lemons, Sicily, $5@5 50 ₱ box; California Lemons, $1@1 50 for common and $2 50@3 for good to choice; Los Angeles Seedlings, 75c@$1; Los Angeles Navels, $1 to $2 for common to choice; Riverside Seedlings, 75c@$1 25; Riverside Navels, $1 50@2 50; San Bernardino Seedlings, $1 50@2; San Bernardino and Duarte Navels, $3@4; Bananas, $1 50@2 50 ₱ bunch; Pineapples, $6@8 ₱ dozen.

BUTTER—Trade is of steady character. Quotable at 17½@18c ₱ lb for fancy, 16½@17c for good to choice, and 15@16c for common grades.

CHEESE—We quote as follows: Choice to fancy new, 10½@11c; fair to good, 9@10c; Skimmed, 6@8c; Eastern, ordinary to fine, 11@13c; do, fancy creamery, 13@14c ₱ lb.

EGGS—Weak at current rates. We quote: California ranch, 19@20c; store lots, 17@18c; Eastern, 16@17c ₱ dozen.

POULTRY—Good stock is in demand at full figures. We quote: Live Turkeys—Gobblers, 20c; Hens, 20@21c; do, dressed, 20@22c ₱ lb; Roosters, $7@7 50 for old, and $9@12 for young; Fryers, $7@8 50; Broilers, $4@7; Hens, $6@7; Ducks, $6@7; Geese, $1 50@2 for old and $2 50@3 ₱ pair for Goslings.

GAME—Hare, $1 25@1 50 ₱ dozen; Rabbits, $1@1 25 ₱ dozen.

PROVISIONS—We quoteas follows: Eastern Hams, 13@13½c; California refrigerator-cured Hams, 10½@11c; Eastern Breakfast Bacon, 13@13½c; California Bacon, heavy and medium, 9½@10c; do, light, 11½@12c; do, extra light, 13@13½c; do, clear sides, 10@10½c ₱ lb; Pickled Pork, extra prime, $14@14 50; do, prime mess, $15@15 50; do, mess, $17 50@17 75; do, clear, $18 50@19; do, extra clear, $19@19 50 ₱ bbl; Pigs' Feet, $12 50 ₱ bbl; Beef, mess, bbls, $7 50@8; do, extra mess, bbls, $8 50@9; do, family, 11@11 50 ₱ bbl; do, smoked, 11½@12c ₱ lb; Eastern Lard, tierces, 8@8½c; do, 10-lb tins, 8¾c; do, 5-lb tins, 8½c; do, 3-lb tins, 9c; California Lard, tierces, 8½@8¾c; do, kegs, 9@9¼c; do, 10-lb tins, 10¼@10½c; do, 5-lb tins, 10¾@10¾c; do, 20-lb buckets, 9½c; do, 10-lb buckets, 9¾c ₱ lb.

SUPERIOR COURT.

Department One—Catlin, Judge.

FRIDAY, April 29, 1892.

In re Barrett & Berkey vs. Their Creditors—Petition for discharge continued one week.

People ex rel. T. C. Churchman vs. C. H. Todd—Petition to set aside submission of cause and file supplemental answer granted, and hearing set for May 14th.

Helena Wagner vs. John Wagner—Set for to-morrow.

In re Tillie M. Hoover vs. Her Creditors—Set for to-morrow.

In re F. L. George, an incompetent person—Continued one week.

William Connsman vs. Nina May Geiske et al.—Motion for stay of proceedings withdrawn.

Laura E. Perry vs. George H. Perry—Motion for change of venue granted.

In re John A. Alston, an insolvent debtor—Petition for final discharge continued one week.

In re Dissolution of Sacramento Street Improvement Company—Continued one week.

R. M. P. Kelley vs. Lee Stanley—Continued one week.

Mechanics' Building and Loan Association vs. Josephine M. King—Continued one week.

Sarah Ann Hays, administratrix, vs. Frank T. Johnson—Writ of mandate issued directing defendant to draw his warrant.

In re Columbus Brewing Company, an insolvent debtor—Ordered that receiver be allowed compensation and attorney's fees.

Department Two—Van Fleet, Judge.

FRIDAY, April 29, 1892.

Estate of B. M. Blakely, deceased—Will admitted to probate. Letters testamentary to G. G. Davis; bond, $3,000. Appraisers—P. H. Dodge, R. A. Robinson and S. B. Smith.

Estate of Gertrude Bergman, deceased—Second account heard and settled.

Estate of Athanas Meyer, deceased—Will admitted to probate; letters to petitioner. Appraisers—Benj. Leonard, John Meister and Jacob Olsen.

Estate of Chris. Westerfield, deceased; estate of J. D. Bigelow, deceased; estate of Barnett Baker, deceased; estate of Arbilla Currier, deceased—Petitions for sale of personal property granted.

Estate of John Eitel, deceased—Sale of real estate confirmed.

Estate of Emma Sarchett, deceased—Order setting apart furniture to family.

Estate of Alonza Tilton, deceased—Will admitted to probate.

Estate of Catherine L. Ray; estate of H. M. Hodge—Continued one week.

Estate of L. C. Todhunter—Petition to set apart personal property for family allowance and for leave to sell personal property, all granted.

Estate of Catherine Stephens—Final account settled and distribution ordered.

Estate of Etta Florence Jones—Final account settled.

Estate of William Scott—Decree of due notice to creditors.

Charles Dodge vs. Charles Heisen; People vs. James McNasser; Horst Bros. vs. R. J. Merkley—All continued one week.

Jones vs. Ward and Ward—Submitted on briefs.

B. Labs vs. John F. Cooper—Submitted on briefs.

M. M. Drew vs. John E. Rodgers—Motion to dismiss proceeding continued to May 4th.

Estate of John K. McComber—Set for June 1st.

Trial Calendar.

Judge Van Fleet yesterday morning set his trial calendar as follows:

Reclamation District No. 307 vs. Franklin Brown et al.—Court; June 7th.

Margaret Byrne vs. Catherine Quale—Court; June 15th.

Ed. J. Dwyer vs. Charles Heisen—Court; June 8th.

John Carlaw vs. W. F. Ashby—Court; June 9th.

John Carlaw vs. H. M. Pierson—Court; June 9th.

Neil Grant vs. J. Carmody—Jury; May 31st.

Clara Fenton vs. E. S. Fenton—Court; May 9th.

Stillwell vs. Bruner—Jury; June 2d.

Oliver Sanders vs. Ella S. Russell—Court; June 13th.

M. L. Hammer vs. L. C. Chandler—Court; June 14th.

S. F. Wylee vs. J. J. Wingard—Court; June 6th.

RAW AS BEEFSTEAK.

Baby's Fearful Suffering from Skin Disease Covering Entire Body Cured by Cuticura.

My baby was taken very sick when he was three months old, and in a few days began breaking out. We employed both of the home doctors, and they could do nothing for him. Then we sent for the best doctor in Eaton Rapids, Mich., and he doctored him for two weeks, and he got worse all the time; and then I took him to Jackson, to a doctor who attends especially to skin diseases, and then he got worse than ever. Then I told my husband we had better try the CUTICURA REMEDIES as any way did not have any idea they would do any good, but in less than two months from the time we began giving them to him he was entirely well, and not a spot on him. His hair began growing right off, and we thought he would always be bald-headed. There was not a spot on his whole body, face and head, only his nose and eyes, but what was as raw as beefsteak. So poor there was not anything but bones, and so weak he could raise neither hand nor head.

MRS. FRANK BARRETT, Winfield, Mich.

Cuticura Resolvent

The new Blood and Skin Purifier and greatest of Humor Remedies, cleanses the blood of all impurities and poisonous elements, and thus removes the cause, while CUTICURA, the great skin cure, and CUTICURA SOAP, an exquisite skin beautifier, clear the skin and scalp and restore the hair. Thus the CUTICURA REMEDIES cure every species of itching, burning, scaly, pimply and blotchy skin, scalp and blood diseases, from pimples to scrofula, from infancy to age, when the best physicians fail.

Sold everywhere. Price, CUTICURA, 50c.; SOAP, 25c.; RESOLVENT, $1. Prepared by the POTTER DRUG AND CHEMICAL CORPORATION, Boston.

☞ Send for "How to Cure Blood Diseases."

BABY'S Skin and Scalp purified and beautified by CUTICURA SOAP. Absolutely pure.

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In one minute the Cuticura Anti-Pain Plaster relieves rheumatic, sciatic, hip, kidney, chest, and muscular pains and weaknesses. Price, 25c.

Real Estate, Etc.

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1013 Fourth Street.

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One of the choicest CORNER LOTS in the city.

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EXECUTOR'S SALE OF REAL ESTATE

THE UNDERSIGNED, EXECUTOR OF the will of MARY H. FOSTER, deceased, hereby offers for sale at private sale the real estate belonging to the estate of said deceased, and consisting of the west half of lot five (5) in the block between M and N, Fifteenth (15th) and Sixteenth (16th) streets of the City of Sacramento, in the County of Sacramento, State of California, with the improvements. Bids in writing for said property will be received at the office of the undersigned, at northeast corner of Second and J streets, of Sacramento City, or may be delivered to me personally, or filed with the Clerk of the Superior Court of Sacramento County, at any time prior to APRIL 30, 1892, on or after which time the property will be sold. Terms, cash; 10 per cent. on acceptance of bid, balance on confirmation by the court. The above property has a two-story house, nearly new, in excellent repair, and consisting of two flats of six rooms each. Rental, $42 50 per month.

CLINTON L. WHITE,
Executor of the will of Mary H. Foster, deceased.

April 13, 1892. ap13-td

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The Original and Genuine (WORCESTERSHIRE) LEA & PERRINS SAUCE

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EXTRACT of a LETTER from a MEDICAL GENTLEMAN at Madras, to his brother at WORCESTER, May, 1851.

"Tell LEA & PERRINS' that their sauce is highly esteemed in India, and is in my opinion, the most palatable, as well as the most wholesome sauce that is made."

Beware of Imitations; see that you get Lea & Perrins'

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New Advertisements.

RULES

—OF THE—

SUPREME COURT

—OF THE—

STATE OF CALIFORNIA.

N. B.—Changes and New Rules in Brackets.

RULE I.

ADMISSION OF ATTORNEYS.

1. Applicants for license to practice as attorneys and counselors will be examined in open court on the first day of each regular term, and on that day only. Until further order, the examination will be based upon the following books: Blackstone's Commentaries, Kent's Commentaries, Greenleaf's Evidence (first volume), Story's Equity Jurisprudence, Gould's Pleading, Lube's Equity Pleading, Parsons on Contracts, Pomeroy's Introduction to Municipal Law, Code of Civil Procedure, (Civil Code, Constitutions of the United States and of the State of California). Persons applying for admission, whether upon examination or motion, must personally appear in court at the time the application for admission is made. No applicant will be examined unless there shall have been filed with the clerk of the court, before the first day of the term at which the application is made, a certificate signed by at least two attorneys of the court, each of whom shall have been regularly engaged in practice as such attorney for at least four years next theretofore, stating, in substance, that they have, and that each of them has, carefully and diligently examined the applicant touching the qualifications of such applicant in point of learning in the law; that it satisfactorily appeared to them, and to each of them, upon such examination, that the applicant had been engaged in the study of the law for a period of time to be named in the certificate, naming the place at which, and the person under whom, if any, such study had been prosecuted; that the applicant had, during that time, read certain books of law, which such books shall be enumerated in the certificate; and stating any other fact tending to show the character of the attainments of the applicant, and also stating that, in their opinion, the applicant possesses the requisite qualifications, in point of learning in the law, to be entitled to be admitted to practice.

FEE.

2. The fee for license must, in all cases, be deposited with the clerk of the court before the application is made, to be returned to the applicant in case of rejection.

REJECTION.

3. No person rejected shall be at liberty to renew the application earlier than the third regular term next after such rejection.

RULE II.

TRANSCRIPT.

1. The appellant in a civil action shall, within forty days after the appeal is perfected, and the bill of exceptions and the statement (if there be any) are settled, serve and file the printed transcript of the record, duly certified to be correct by the attorneys of the respective parties, or by the clerk of the court from which the appeal is taken.

EVIDENCE OF SERVICE.

2. Written evidence of the service upon the adverse party of the transcript shall be filed therewith.

EXTENSION OF TIME.

3. The time above limited may be extended by stipulation, but shall not be extended by the court more than twenty days, and such extension of time shall be granted only upon good cause shown by affidavit.

BRIEFS.

[4. Thirty days after the filing of the transcript, and in cases where the transcript shall be on file at the date when this rule takes effect, then within thirty days after such date, the appellant shall file with the clerk his printed points and authorities, and with it proof of the service of one copy thereof upon the attorney or attorneys of each respondent who shall have appeared separately in the Superior Court. Within thirty days after the service of the appellant's points and authorities the respondent shall file and serve his printed points and authorities, and within ten days after service of the respondent's points the appellant may file a reply. In criminal cases the appellant shall file his points and authorities (with proof of service of a copy thereof on the Attorney-General) within ten days after the filing of the transcript. The Attorney-General shall file and serve his points and authorities within ten days after service upon him of the appellant's points, and within five days thereafter the appellant may file and serve a reply. Such points and authorities may be either printed or written.]

EXTENSION OF TIME ON BRIEFS.

[5. The time above limited for filing points and authorities shall not be extended except by order of the court upon stipulation of the parties, or an affidavit showing good cause therefor, and in no case for more than twenty days. No brief shall be filed after oral argument.]

EIGHTEEN COPIES OF TRANSCRIPT AND POINTS TO BE FILED.

[6. Besides the original there shall be filed seventeen copies of the transcript, and points and authorities, which copies shall be distributed by the clerk in the manner prescribed by law, and one copy to the law library at Los Angeles.]

TRANSCRIPT IN CRIMINAL CASES.

7. In criminal causes, the printed transcript of the record shall be prepared and filed within thirty days after the appeal is taken. (See Rule VII, part 2.)

DISPOSITION OF PAPERS.

8. Copies of all printed papers, points and briefs filed in the Supreme Court in any matter appealed thereto must be deposited with the clerks of the court from which the appeal is taken; and the copies so deposited shall, by said clerk, be delivered to the Judge who presided at the trial of the cause in the lower court.

RULE III.

SUBMISSION OF CAUSES.

[The parties may at any time stipulate that a cause be submitted upon printed points and authorities on file, and the clerk shall immediately place such cause upon a list of cases to be so submitted, and the court may at any time thereafter order the submission of the same.]

RULE IV.

CALENDAR FOR ORAL ARGUMENT.

[Thirty days before the commencement of a term the clerk shall, unless otherwise ordered by the court, place on the calendar for oral argument all cases which have been continued from the previous term for such argument, and, also, in the order in which the transcripts were filed, all cases in which points and authorities are on file, and in which there is no stipulation to submit on briefs.]

RULE V.

DISMISSAL OF APPEAL.

[If the transcript of the record or appellant's points and authorities be not filed within the time prescribed, the appeal may be dismissed, on motion, upon notice given. If the transcript or the points and authorities, though not filed within the time prescribed, be on file at the time such notice is given, that fact shall be sufficient answer to the motion. If the respondent shall not file his points and authorities within the time allowed therefor, the cause may be submitted for decision upon the motion of the appellant on notice thereof to the respondent.]

RULE VI.

CERTIFICATE OF CLERK ON MOTION TO DISMISS.

1. On a motion to dismiss an appeal for a failure to file the transcript within the prescribed time, there shall be presented the certificate of the clerk below, under the seal of the court, certifying the amount or character of the judgment or order appealed from, the date of its rendition, the fact and date of the filing of the notice of appeal, together with the fact and date of service thereof on the adverse party and the character of the evidence by which said service appears; the fact and date of filing an undertaking on appeal, and that the same is in due form; the fact and the time of the settlement of the bill of exceptions and the statement on appeal, if there be any; and also that the appellant has received a duly certified transcript or that he has not requested the clerk to certify to a correct transcript of the record, or if he has made such a request, that he has not paid the fees therefor, if the same have been demanded.

AFFIDAVITS.

2. On motion to dismiss the appeal on any other ground than the failure to file the transcript within the prescribed time, the moving papers shall consist of the certificate of the clerk of the court below, as to any of the matters above mentioned, or of affidavits, or both such certificate and affidavits.

SERVICE OF MOVING PAPERS.

3. Copies of the moving papers, except the transcript, shall be served with notice of the motion.

DISMISSAL OF APPEAL.

4. If an appeal be taken and perfected in the form required by statute, after the expiration of the time limited by law for the taking of such appeal, the respondent may, under the provisions of this rule, move to dismiss such appeal on that ground, whether the time for filing the transcript has expired or not.

RULE VII.

PRINTING OF TRANSCRIPT.

1. All transcripts of records in civil cases shall be printed on unruled white writing paper, ten inches long by seven inches wide, with a margin on the outer edge of not less than two inches wide. The printed pages, exclusive of any marginal note or reference, shall be seven inches long and three and one-half inches wide. The folios, embracing ten lines each, shall be numbered from the commencement to the end, and the numbering of the folio shall be printed on the left margin of the page. Small pica, solid, is the smallest letter and most compact mode of composition allowed.

TRANSCRIPTS IN CRIMINAL CASES, PRINTED.

[2. Transcripts in criminal cases are to be printed in accordance with the provisions of Section 1246 of the Penal Code, as amended March 19, 1889.]

RULE VIII.

INDEX AND ARRANGEMENT OF TRANSCRIPT.

The pleadings, proceedings and statement shall be chronologically arranged in the transcript, and each transcript shall be prefaced with an alphabetical index, specifying the folio of each separate paper, order or proceeding, and of the testimony of each witness; and the transcript shall have at least one blank fly-sheet cover. The *chronological arrangement* of the several parts of the transcript, and a strict compliance with *the other requirements* of this rule, will be exacted of the appellant or party filing the record here in all cases, *by the court*, whether objection by the opposite party be made or not; and for any failure or neglect in these respects, which is found to obstruct the examination of the record, the appeal may be dismissed.

RULE IX.

MAPS.

Whenever a map or survey forms part of the transcript it shall not be necessary to furnish more than one copy thereof, which shall be annexed to the transcript filed with and certified by the clerk, and reference thereto shall be made in the other copies.

RULE X.

PENALTY.

No transcript, or other paper or document, which fails to conform to the requirements of these rules, shall be filed by the clerk.

RULE XI.

TRANSCRIPT, SERVICE AND CERTIFICATE.

Before the printed transcript (in cases in which a printed transcript is required) is filed, a copy thereof shall be served upon the adverse party, and if there be more than one adverse party, appearing by different attorneys, on the attorney of each party so appearing. If a party shall present to the attorney of the adverse party a transcript on appeal, in a civil cause, and request his certificate that the same is correct, and said attorney, upon such request, shall, for a period of five days, neglect or refuse to join in such certificate, or, if deemed incorrect, shall neglect or refuse, for the same time, to serve upon the party making the requests a written statement of the particulars in which the transcript is incorrect, or, upon the presentation of the transcript corrected in the particulars thus specified, shall still neglect or refuse, for a period of two days, to join in such certificate, the cost of procuring the certificate to such transcript from the clerk of the proper court, shall be taxed against the party whose attorney so neglects or refuses.

RULE XII.

CLERK MAY PRINT TRANSCRIPTS AND CERTIFY TO SAME.

1. The written transcript in civil causes, authenticated in the mode prescribed by Rule XI., together with sufficient funds to pay the expenses of printing the same, may be transmitted to the clerk of this court. The clerk, upon the receipt thereof, shall file the same and cause the transcript to be printed, and to a printed copy shall annex his certificate that the said printed transcript is a full and correct copy of the transcript furnished to him by the party; and said certificate shall be *prima facie* evidence that the same is correct. The said printed copy so certified shall also be filed and constitute the record of the cause in this court, subject to be corrected by reference to the written transcript on file. Printed copies thereof shall be furnished as provided in Rule II.; and the clerk shall also immediately transmit, by mail or express, copies to the attorneys of the adverse parties, and note such service on the original.

POINTS WHERE CLERK PRINTS RECORD.

[2. The time for filing points and authorities in cases where the record is printed by the clerk shall commence to run from the filing of the printed copy of the transcript.]

RULE XIII.

COSTS OF PRINTING.

The expense of printing transcripts on appeal in civil causes and pleadings, affidavits or other papers constituting the record in original proceedings upon which the case is heard in this court, required by these rules to be printed, shall be allowed as costs, and taxed in bills of cost in the usual mode.

RULE XIV.

SUGGESTION OF DIMINUTION OF RECORD.

For the purpose of correcting any error or defect in the transcript, either party may suggest the same in writing, and upon good cause shown obtain an order that the proper clerk certify to this court the whole or part of the record, as may be required, or may produce the same duly certified without such order. If the attorney or counsel of the adverse party be absent, or the fact or the alleged error or defect be disputed, the suggestion, except when a certified copy of the omitted record is produced at the time, must be accompanied by an affidavit showing the existence of the error or defect alleged.

RULE XV.

EXCEPTIONS TO TRANSCRIPT.

Exceptions or objections to the transcript, statement, the bond, or undertaking on appeal, the notice of appeal or to its service, or any technical exception or objection to the record in civil cases, affecting the right of the appellant to be heard on the points of error assigned, which might be cured on suggestion of diminution of the record, must be taken and notified to the appellant in writing, at least five days before the hearing, or they will not be regarded; and when so noted, it shall be the duty of the appellant to present and file at the hearing of the cause such additional record, certificate or other matter, if such there be, to remove or answer the objection or exception so taken; otherwise such objection or exception, if well taken, shall prevail.

RULE XVI.

SUGGESTION OF DEATH OF PARTY.

Upon the death or other disability of a party, pending an appeal, his representative shall be substituted in the suit by suggestion, in writing, on the part of such representative, or of any party on the record. Upon the entry of such suggestion an order of substitution shall be made, and the cause shall proceed as in other cases.

RULE XVII.

CALENDAR.

Criminal causes shall be placed at the head of the calendar. Other causes shall be arranged on the calendar as the Chief Justice of the court may direct.

RULE XVIII.

PRINTING OF POINTS, ETC.

In all cases where a paper or document is required by these rules to be printed, it shall be printed upon similar paper and in the same style and form (except the numbering of the folios in the margin) as is prescribed for the printing of transcripts.

RULE XIX.

ORAL ARGUMENT.

[No more than one counsel on a side will be heard upon the argument, except in peculiar and important cases; but each defendant who has appeared separately in the court below may be heard through his own counsel. The counsel of each party to a case appealed shall be allowed only one hour, unless an extension of time be obtained from the court before the argument is commenced, and in an original proceeding such time as shall be fixed by the court before the commencement of the argument.]

RULE XX.

MOTIONS AND APPLICATIONS—TIME FOR SERVICE OF NOTICES.

[1. In all cases where notice of a motion is necessary, unless for good cause shown the time is shortened by the court, the notice shall be ten days.]

HEARING OF MOTIONS AND OTHER APPLICATIONS.

[2. For the purpose of hearing motions and other applications of which notice is required to be given, each department will be in session on the first Monday of each month at 10 o'clock A. M.]

RULE XXI.

OPINION TRANSMITTED WITH REMITTITUR.

When a judgment is reversed or modified, a certified copy of the opinion in the case shall be transmitted, with the remittitur, to the court below.

RULE XXII.

WITHDRAWAL OF TRANSCRIPTS, ETC.

No paper shall be taken from the courtroom or clerk's office, except by order of the court. No order will be made for leave to withdraw a transcript for examination, except upon leaving with the clerk a written receipt therefor.

RULE XXIII.

COSTS.

When causes are placed upon the calendar, parties shall be primarily liable for costs, as follows:

First—If by the appellant, he shall first be liable.

Second—If by the respondent, or by consent, then both parties.

In civil cases the clerk shall not be required to remit the final papers until the costs are paid. In all cases in which the judgment or order appealed from is reversed or modified, and the order of reversal and modification contains no directions as to costs of appeal, the clerk will enter upon the record and insert in the remittitur a judgment that the appellants recover the costs of the appeal.

RULE XXIV.

DISMISSAL OF APPEAL ON STIPULATION.

An appeal or writ of error may be dismissed at any time, upon and in accordance with the written stipulation of the attorneys of record of the respective parties; and upon and in accordance with such stipulation, the clerk shall enter such dismissal, and the remittitur shall issue thereon in accordance with the terms of said stipulation.

RULE XXV.

INSPECTION OF ORIGINAL PAPERS.

When the inspection of an original paper, which was offered in evidence in the court below, is shown to be necessary to a correct decision of the appeal, the court may order the clerk of the court below to transmit such original paper, if in his possession, to the clerk of this court; and if such paper be in the possession of a party to the action, he may produce the same on the hearing of the cause, or he may, upon motion and notice of the adverse party, be required to produce such paper on the hearing of the cause; and in default thereof the court will intend the paper to be, in all respects, as alleged by the opposite party.

RULE XXVI.

REASONS FOR ORIGINAL APPLICATION TO THIS COURT TO BE STATED.

1. If any application made to the court for a writ of *mandamus, certiorari*, prohibition, *procedendo*, or for any prerogative writ to be issued in the exercise of its original jurisdiction, and for which an application might have been lawfully made to some other court in the first instance, the affidavit or petition, shall, in addition to the necessary matter requisite by the rules of law to support the application, also set forth the circumstances which, in the opinion of the applicant, render it proper that the writ should issue originally from this court and not from such other court—the sufficiency or insufficiency of such circumstances so set forth in that behalf will be determined by the court in awarding or refusing the application. In case any court, judge or other officer, or any board or other tribunal, in the discharge of duties of a public character, be named in the application as respondent, the affidavit or petition shall also disclose the name or names of the real party or parties, if any, in interest or whose interest would be directly affected by the proceedings, and in such case it shall be the duty of the applicant obtaining an order for any such writ to serve or cause to be served upon such party or parties in interest a true copy of the affidavit or petition and of the writ issued thereon, in like manner as the same is required to be served upon the respondent named in the application and proceedings, and to produce and file in the office of the clerk of this court the like evidence of such service.

MEMORANDUM OF AUTHORITIES.

[2. All ex parte applications to the court for the issuance of writs in the exercise of its original jurisdiction shall be in writing and filed with the clerk, and the same shall be accompanied by a memorandum of points and authorities upon which the application is made.]

RETURN AND ISSUANCE OF WRIT.

[3. Upon the return day of the alternative writ the respondent may make return, either by demurrer or by answer, or by both. If the return be by demurrer alone and the demurrer is not sustained, the writ will be ordered to issue without further leave to answer.]

STAY OF PROCEEDINGS.

4. When an application is made to this court for an alternative writ an order staying the proceedings of any court or officer until the return of the writ will not be made unless due notice of the application for the writ shall have been given to all the parties interested in the proceedings.

RULE XXVII.

SETTLEMENT OF BILLS OF EXCEPTION ON DEATH OF JUDGE.

When the judge before whom an action was tried is dead, or is removed from office, any unsettled bill of exceptions, or statement on motion for new trial therein, may be settled and certified by his successor in office; or, if he be disqualified, by the judge of the same or an adjoining county. And when the judge before whom an action was tried becomes disqualified, is absent from the State, or refuses to settle the bill of exceptions or statement on motion for new trial, such bill of exceptions or statement may be settled and certified before a judge of the same or an adjoining county.

RULE XXVIII.

APPLICATION TO HEAR CAUSE IN BANK.

1. Applications, made before or after judgment pronounced by a department, that a cause shall be heard and decided by the court in bank, must be made upon printed petition, addressed to the Chief Justice or the court, setting forth the question involved in the cause and the reasons why it should be heard by the court in bank. If made before judgment the petition must be filed with the clerk of the court at least ten days before the clerk makes up the calendar. And, if made after judgment is pronounced by either of the departments, within twenty days after such judgment. The times herein prescribed shall not be extended by the Chief Justice or any of the Associate Justices or the court; and the clerk shall not file a petition after such times have expired. In case of judgments, the petition shall operate as a stay of proceedings until it shall be determined.

WAIVER OF ARGUMENT.

[2. The submission of a cause to a department without oral argument shall be deemed to be a waiver of an oral argument of the same in bank; if for any reason the same is thereafter ordered to be heard in bank, and when the order that the cause be heard in bank is made, the same shall be at once submitted for decision, unless otherwise ordered by the court.]

RULE XXIX.

AUTHENTICATION OF PAPERS.

[In all cases of appeal to this court from the orders of the Superior Courts, the papers and evidence used or taken on the hearing of the motion must be authenticated by incorporating the same in a bill of exceptions, except where another mode of authentication is provided by law.]

RULE XXX.

REHEARINGS AND OPINIONS.

[1. All orders granting rehearings, or for hearing in bank causes decided in departments, shall be signed by the members of the court assenting thereto, and filed with the clerk.]

APPROVA