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ORDER OF PUBLICATION

BERTHA M. PATE, Plaintiff
vs.

GUYWN A. PATE, Defendant.

In the Circuit Court for Queen Anne's County, in Equity.
Chancery No. 3277

The object of this suit is to procure a Decree of Divorce A Vinculo Matrimonii by the Plaintiff, Bertha M. Pate, from the Defendant, Guywn A. Pate.

The Bill of Complaint recites that the parties were married on December 23rd, 1931, in Texarkana, Arkansas; that they lived together at Mt. Pleasant, Titus County, Texas, until the first part of April, 1933; that though the conduct of the Plaintiff towards her husband, Guywn A. Pate, has always been kind, affectionate and above reproach, Guywn A. Pate, on or about the first day of April, 1933, without just cause or reason, abandoned and deserted the Plaintiff in Mt. Pleasant, Texas, and that such abandonment has continued uninterruptedly for at least three years, to wit, from about the first day of April, 1933, to the present time, and is deliberate and final and the separation beyond any reasonable expectation of reconciliation; that a daughter was born of this marriage, name Hazel Evelyn Pate, age 9 years; that the daughter now resides with the Plaintiff and has ever since said abandonment; that Plaintiff desires control and custody of her daughter; that the Plaintiff is a resident of Queen Anne's County, Maryland, where she has resided ever since January, 1934; that the Defendant is a non-resident of the State of Maryland, and when last heard of was living in the State of California; and the Plaintiff prays the Court that she be divorced A Vinculo Matrimonii from the Defendant and that she have such other and further relief as her case may require and that she have the control and custody of her daughter awarded to her.

It is thereupon Ordered by the Circuit Court for Queen Anne's County, in Equity, on this 9th day of June, 1941, that the Plaintiff, Bertha M. Pate, by causing a copy of this Order to be inserted in some newspaper printed and published in said Queen Anne's County, Maryland, once in each of four successive weeks before the 14th day of July, 1941, next, give notice to the said absent Defendant, Guywn A. Pate, of the object and substance of this Bill of Complaint, warning him to be and appear in this Court, in person or by Solicitor, on or before the 31st day of July, 1941, next, to show cause, if any he has, why a Decree should not be passed as prayed.

A. SYDNEY GADD, JR., Clerk
True Copy—

Test:

A. SYDNEY GADD, JR., Clerk.
Filed June 9th, 1941.

4t-13-4

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**New Rules for Court
Trials now in Effect**

The rules under which Maryland court trials take place will soon be different in many important ways. And any Marylander who may be involved in a civil suit—which means everybody in the State—will feel the effects of these changes.

The general idea of the new rules which were drawn by a State-wide committee of lawyers and approved by the Court of Appeals, is to simplify trials and eliminate unessential re-trials.

One of the simplest of the rules, for instance, permits a jury to reach a verdict by majority vote instead of unanimous vote, if both litigants are willing.

Much more important is the rather technical set of new rules about "depositions."

Consider, for example, a typical auto accident case. Someone files suit for damages.

At present, the plaintiff doesn't know what the defense may be. The defendant may plead that the accident was due to the other man's carelessness. Or he may plead that he wasn't driving the car at the time, or (if an employer is being sued) that the driver wasn't his employee, or that the driver wasn't on company business. There may be any defense—and the plaintiff wouldn't know about it, and would not be prepared to meet it, until the witnesses are on the stand.

Similar situations occur, of course in which the defendant is handicapped by present rules.

Under the new rules, as soon as a case is filed, either side will be able easily to arrange for questioning, before trial, of the other side's witnesses.

In that way, each side can be better prepared to meet the real issues in the case. Much of the element of surprise will be eliminated from trials. Issues will be more clearly drawn.

One effect of the new rules will be to give the judges more power than they now have, when civil cases are tried before juries.

At present, for instance, the judge has the right to instruct the jury as to the law applicable to the case before him. But he may not comment on the evidence. And his legal instructions are given in brief written memoranda which the jurors take with them into the jury room—and which they often don't understand.

Under the new rules the judges will not only be able to explain the law orally (which will permit more elaborate, less technical explanation) but they will also have the right to comment on the evidence and to sum it up for the jury's benefit.

In practical effect, this will give judge's an opportunity to influence the juror's minds.

There are other provisions intended to eliminate unnecessary trial work.

At present, for instance, after a case is decided the Court of Appeals may reverse it on one legal, technical point. Nevertheless, the whole case must often be tried over. Another jury must pass on all the facts.

Under the new rules, a jury may be asked to decide the facts of a case and then the judge will pass on the legal issues involved. If later, the Court of Appeals reverses the legal rulings, that won't affect the jury's finding on the facts. The court will simply apply these findings in the light of the legal rulings in the light of the legal rulings ordered by the appellate court.

Another effort to avoid re-trials is made, under the new rules, by giving judges the right to set aside verdicts if they believe, after the jury has brought in its findings, that there was legal ground for taking the case from the jury.

Nisi Ratification of Audit

H. B. W. MITCHELL, Assignee,
VS
MAX HECKER, Senior, Mortgagee.
In the Circuit Court for Queen Anne's County in Equity
Case No. 3266 Chy.

ORDERED, This 23rd., day of June in the year nineteen hundred and forty-one that the Report and Account filed in the proceedings by Madison Brown, Auditor, be ratified and confirmed, unless cause to the contrary thereof be shown on or before the 19th., day of July, 1941; provided a copy of this order be published once a week in each of two successive weeks before the 12th., day of July, 1941, in some newspaper printed and published in Queen Anne's County.

A. SYDNEY GADD, JR., Clerk.
True Copy:

Test:
A. SYDNEY GADD, JR., Clerk.
Filed June 23rd, 1941.

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