

- Rule 30. Every estate shall be closed within one (1) year of the date of the order of court is given to take inventory thereof. But estates in which foreign claims are largely involved may, in the discretion of the court remain open for eighteen (18) months and not longer, when they shall be closed in the manner herein prescribed.
- Rule 31. If it should appear to the court at any time that a Curator is acting negligently or dishonestly, or that the heirs or creditors concerned in the estate are likely to be damaged if the Curator should be continued in office, said court shall cause a record of all fact in relation to such situation to be made, which record shall comprise the charges, the evidence and the answer of the Curator made in a formal investigation held by the court. This record shall be forwarded to the President for his action. Should the President remove the Curator from office, the official shall upon the termination of his appointment immediately deliver to his successor all books, papers and property of every nature and kind whatsoever in his possession in connection with the estates under his administration, and in very such case the bond and lien of such Curator shall not be canceled until he shall have complied, to the satisfaction of the court, with all of its requirements. Upon the discharge of the Curator, after full satisfaction of the court, the court shall issue a certificate certifying such officer has legally complied with all of the requirements of law pertaining to the duties of his office to the full satisfaction of the court, and thereby order the release and cancellation of the bond and lien.
- Rule 32. Executors or executrixes named in a Will, or Administrators, Administratrixes, Guardians or Trustees appointed by court, or any person in interest, shall whenever necessary and immediately after qualification, make application by petition for the appointment of appraisers who shall be nominated by the heirs or persons in interest, or the executors or administrators of the estate, and one by the court who shall have experience in these matters and serve as Chairman. Upon appointment said appraisers shall be qualified by the clerk of court, who shall direct that the said appraisers submit their report showing the appraised value of the estate or property within **three days** of their appointment. Compensation for services shall not exceed \$100.00 per diem for each appraiser.

CIRCUIT COURT RULES AS REVISED

- Rule 1. The Circuit Courts shall meet regularly according to law, and the judges assigned shall be in prompt attendance, unless prevented by sickness or such other inability, over which they have no control. In such cases they shall give timely notice to the

Chief Justice, who shall assign another judge to preside over and hold the sessions of court for the term. In cases where the work in a particular circuit is not sufficient to keep the judge assigned thereto occupied for the required statutory time, notice thereof having been given to the Chief Justice, the said judge shall by special assignment be reassigned to another circuit where work on the docket might warrant additional assignment. These reassignments shall continue, and the judges affected thereby shall remain in jurisdiction, until relieved by orders from the Chief Justice.

- Rule 2. Within the ten (10) days immediately preceding the opening day of the regular term of court, and the ten (10) days following the adjournment of the jury sessions of the said term, the judge assigned shall dispose of questions of law raised in the written pleadings of the cases appearing on the docket, shall hear and determine all appeal cases from the Magistrate, Justice of the Peace and Traffic Courts, and shall use due diligence to expedite the business of the court. In cases of special assignments, the judge shall remain in the discharge of these duties till relieved by orders of the Chief Justice. Law issues shall be disposed of before, during and after the jury sessions.
- Rule 3. On the first day of the opening of the court in regular session and on Saturdays, the court shall meet at 10 o'clock a.m., and on all other days at 8 o'clock a.m. The recess and day to day adjournment of the court shall always be in the discretion of presiding judge, he having due regard for expediting as much work as possible within a working day. It shall be compulsory for all lawyers practicing within a circuit, to attend the opening ceremony on the opening day of each and every term of court, and answer their name at roll call. Failure to attend without excuses, will subject defaulters to reprimand or fine in the sum of not less than \$25.00 and not more than \$100.00
- Rule 4. Upon sitting the sheriff shall give the usual notification at the door of the court room, and call the venire of Grand and Petit jurors and in case a full panel is not returned, the clerk upon order of the Judge shall forthwith issue a supplementary writ to supply the deficiency. After the opening of the court, the Judge may in his discretion select some Minister of the Gospel to conduct prayers; this must be done on the first day's session and may be done on other days if the presiding Judge so desires.
- Rule 5. There shall be a sufficient number of bailiffs appointed by the judge not exceeding the number of bailiffs allocated to the court to serve during the term of court. They shall be qualified immediately after the call of the venire. The court shall name a member of the Grand Jury to serve as foreman, who shall be sworn as such and the

others in regular order. After qualification of the Grand Jurors, the court shall deliver its charge to them, and they shall immediately thereafter retire to their room for deliberation.

- Rule 6. After retirement of the Grand Jury, the court shall order the clerk to call the trial docket, criminal cases taking precedence. Each case shall be taken up and disposed of as called. Upon the call of any criminal case, should there be no motion for continuance filed, or should the County Attorney, or defendant's counsel not be ready because of the absence of witnesses, and in every such case it having been shown that every legal step had been taken to compel attendance of the witnesses the court may in its discretion order the case placed at the foot of the criminal docket, to be taken up and disposed of after the hearing of cases already assigned and ready for trial. A witness in a criminal case shall be required to file a bond to secure attendance upon the trial of the case; these bonds shall be foreclosed in case of violation of the terms thereof.
- Rule 7. The issues of law having been disposed of in civil cases, the clerk of court shall call the trial docket of these cases in order. Either of the parties not being ready for trial, shall file a motion for continuance, setting forth therein the legal reasons why the case might not be heard at the particular term of court; the granting or denying of which shall be done by the court in keeping with law, and its discretion. A failure to file a motion for continuance or to appear for trial after return by the Sheriff of a written assignment, shall be sufficient indication of the party's abandonment of a defense in the said case, in which instance the court may proceed to hear the Plaintiff's side of the case and decide thereon or, dismiss the case against the defendant, and rule the Plaintiff to cost, according to the party failing to appear. In no instance might a case be continued beyond the term for which it is filed and set down for trial, except upon a proper motion for continuance; provided, however, that should the business of the court be such that a particular case is not reached during the session, such case or cases shall be continued as a matter of course. Clearing the trial docket by the disposition of cases, shall be the foremost concern of the judge assigned to preside over the term.
- Rule 8. Copies of all motions shall be given to the other party at least twenty-four (24) hours before such motions are called for hearing or the motion shall not be entertained by the court upon objections property taken by opposing party.

- Rule 9. Each party to a suit shall be entitled upon the introduction of his witnesses, to make an opening statement to the party, which statement shall be limited to outlining the theory upon which the case is brought, and the character of the evidence to be adduced in support of said theory. After the evidence of Plaintiff is submitted, the defendant shall proceed to introduce his or their witnesses in accordance with this rule, after which the defendant shall proceed to lay his cause before the jury and the Plaintiff shall close the argument.
- Rule 10. The Plaintiff in his opening argument shall go into the whole cause and shall not reserve nor waive opening. The defendant may then reply to the argument or plaintiff, and submit his argument upon the merits of the case.
- Rule 11. No more than two counsellors or attorneys on either side shall address the jury, and the time allowed for argument shall not exceed two (2) hours on either side, except where the court in its discretion might grant more time. This discretion shall always be exercised with due care for the rights of the parties on both sides, and shall not be exercised in a matter which might hamper either party in making a full and sufficient statement of his or their defense.
- Rule 12. Upon conclusion of the arguments, either party may request the court to charge the jury upon any specific proposition of facts or principle of law, and to reduce its charge to writing in accordance with Section 22.9 of the Civil Procedure Law ILCLR.
- Rule 13. Immediately upon the empaneling of the petit jury the court shall appoint foreman, under whom the jury shall deliberate. After a conclusion has been reached and the jury having agreed to return a verdict their foreman shall deliver their written or oral verdict in open court. The following procedure shall always be followed: upon the return of the jury the clerk shall inquire, "Ladies and Gentlemen of the jury, have you arrived at a verdict?" If they have agreed the jury will answer "We have" the clerk will then ask "who shall speak for you?" Whereupon the jury will answer "Our foreman." The foreman will then deliver the sealed verdict to the clerk of court, who shall upon order of the court read the same; or, if the verdict be given orally, the foreman shall indicate the jury's finding. The clerk will then inquire "So say you all?" Where there is full agreement the jury shall answer "So say we all." Whereupon the court shall order the clerk to record the verdict and discharge the jury. All exceptions

to the verdict of the jury shall be taken before the panel is discharged, and a failure to do so shall in every case be regarded as a waiver. In case the jury shall not be agreed they shall lay the difficulty before the court, and the judge shall give them instructions of the point in open court and before the parties; should they thereafter disagree, the court may discharge them and award a new trial.

- Rule 14. During the process of any civil suit, should one of the parties die before termination thereof, or the person due to benefit most as a result of the death, shall be substituted, and trial of the cause proceeded with. If the said interest of kin, or person due to benefit be a minor, then his or her guardian shall be substituted for and instead of such minor. Substitution shall always be granted on a motion written and addressed to the opposite party.
- Rule 15. All copies of pleadings, motions, and notices from a counsellor or attorney on one side in a case shall be served on the lawyer on the other side with or without the intervention of the sheriff's office, except for initial pleading such as complaint which shall be done in accordance with the relevant provisions of the Civil Procedure Law. The law is clear on Section 8.3 1 LCL Revised.
- Rule 16. Whenever the plaintiff in a suit shall be deemed an irresponsible person, or is an alien who might leave the Republic at any time, such irresponsibility or fact of the plaintiff not being citizen being outlined in the written pleadings of the defendant, said plaintiff may be required by court to give an indemnity bond to secure the defendant against loss and to cover costs. And this bond may be acquired at any time before termination of the cause and without being averred in the written pleadings.
- Rule 17. Witnesses for either side must be duly summoned, and evidence thereof must in every case be shown by the Sheriff's Return, before the case is ready for hearing (except in criminal cases when and where a bystander might have knowledge of the matter at issue and be required to testify); and no postponement of the hearing will be allowed, unless it can be shown to the satisfaction of the court that due diligence had been employed to secure attendance of the witness or witnesses.
- Rule 18. No witness will be allowed to demand fees after coming to the witness stand; witness fees should be settled before or after a witness takes the stand to depose.

- Rule 19. No lawyer announced of counsel in a case, shall during the hearing, demand as a matter of right to be heard in argument upon objection to improper questions; such objection shall be referred to the court, and ruling thereon might be entered with or without argument, in the court's discretion.
- Rule 20. All evidence must be elicited by questions intelligently stated, and answers concisely and clearly given. The court shall have the right to prohibit irrelevant and improper questions, even if no objections be made thereto by the opposite party. Only one lawyer on each side shall be allowed to question or examine a witness.
- Rule 21. All witnesses summoned to depose before the Grand Jury shall be sworn in open court before attending upon the Grand Jury.
- Rule 22. In cases where the party presented or indicted has not been arrested, process shall immediately be ordered, issued and placed in the hands of the Sheriff for execution. The Grand Jury after inquiring for the county, and concluding inquiring for the county, and concluding investigations upon the several matters that may be submitted to it, shall make same known to the court and shall be discharged.
- Rule 23. All bills ignored by the Grand Jury shall be announced at the door by the Sheriff, and the party discharged if in the custody of the Sheriff, if under bond the said bond shall be ordered returned. On the last day of the trial term and after discharge of the Grand Jury, should there be persons in prison charge with the commission of crimes other than capital offenses against whom no indictment has been brought, the court may upon application, and in its discretion, grant a general goal delivery for such persons.
- Rule 24. On the last day of the trial term and after discharge of the Grand Jury, should there be persons in prison charged with the commission of crimes other than capital offense against whom no indictment has been brought, the court may upon application, and in it discretion, grant a general goal delivery for such persons.
- Rule 25. No officer of court shall take the bail of any party, or be surety in any matters pending before court; nor shall any counsellor or attorney give recognizance in any matter, criminal or civil, in which he is of counsel.

- Rule 26. Counsellor and attorneys may give evidence in all cases except those in which they are forbidden under the ethics of the profession.
- Rule 27. All fees payable to the Clerk of Court, or the Ministerial Officer, shall be paid before rendition of service.
- Rule 28(a). The clerk shall enter upon the ordinary docket of the court all matters filed in his office, and whenever the pleadings are concluded, and issue joined in any suit, the clerk shall notify the judge thereof, who shall assign a day for passing upon all issues of law raised in the pleading. On such assigned day, the judge shall proceed to pass upon the issues of law or hear the case, whether or not the counsels previously notified are present. All cases which are proper to be tried by jury shall be transferred to the trial docket. The clerk of court shall within five (5) days before the meeting of the trial session, make out the trial calendar and furnish the judge a copy thereof, who shall accordingly make assignment for the cases.
- Rule 28(b). In order to enhance the speedy and more intelligent disposition of law issues, not later than 10 days after pleading rest, each party shall submit to court and serve on opposing party a brief memorandum on the law issues raised in the pleadings.
- Rule 29. The chambers session in each circuit shall be held on any day between Mondays and Fridays of each week (except during the trial session when the court will also meet on Saturdays). All chambers sessions to be held in the court room provided for the regular trial of cases.
- Rule 30. The clerk shall in a clear and legible manner enter the records of the court in the record book; the same shall be read daily for correction and approval as also the records of chambers session, which latter the judge shall correct and approve.
- Rule 31. Before the clerk sends up the records in any case on appeal to the Supreme Court, he shall serve a written notice on the counsels on both sides, for them to call at the clerk's office and tax the records before they are sent up. This written notice shall be signed for by the lawyer, or his clerk, or some representative of the law office in which he works. Failure to call at the clerk's office three (3) days after

receiving the notice shall be an indication that the counsel failing to call does not intend to tax the records; in that case the clerk shall proceed to forward them to the Supreme Court in keeping with law. All disputes shall be settled by the presiding judge. Proof of counsel's failure to tax the records will serve as a bar to any applications for diminution of records in the Supreme Court.

- Rule 32. It shall be the duty of the Sheriff to serve and return all processes on the day therein specified, with statement endorsed thereon as to the service. The clerk shall be governed by the written direction of the Plaintiff in specifying the return days.
- Rule 33. Upon the application of a party by petition for Summary Proceedings against a Magistrate or Justice of the Peace, the Judge shall cite the parties to a conference prior to issuing the writ which contains a Stay Order.
- Rule 34. All Writs for Summary Proceedings issued must be heard and determined during the term of court in which it is issued.
- Rule 35. When presentments are made and/or indictments brought, the Grand Jury shall present them in open court in a body and not otherwise. On their arrival in court the sheriff shall make announcement thereof, and the clerk shall inquire as to whether they have presentments or indictment to offer.
- Rule 36. If after the commencement of an action, either of the parties desires to change counsel, he shall file in the clerk's office a Notice of Change of Counsel, naming the new counsel therein, and shall serve a copy thereof on the opposite party.
- Rule 37. When a writ or notice is claimed to be lost, and the production thereof is necessary, the court on being satisfied of such loss and of the correctness of a copy thereof, may order that such copy be sealed and served in lieu of the original.
- Rule 38. A case in which a jury has been empaneled and which is in process of being heard, shall be completed by return of the jury's verdict before the empaneling of another jury in the same court; that is to say, in either the criminal or civil division, except in circumstances over which there is no control, the trial of more than one case by jury at the same time by the same judge is forbidden.

Rule 39. Upon the close of business at the end of each and every week during a regular term of court, the clerk shall prepare a statistical report of the work done for the week, and shall forward the original of the same by the first available opportunity to the office of the Chief Justice through the Administrator of the Supreme Court. The report shall be signed by the clerk and approved by the presiding judge, and shall contain the following information:

- (a) The number of criminal cases on the docket.
- (b) The number of civil cases on the docket.
- (c) The number of cases heard and determined.
- (d) The number of cases remaining on the docket.
- (e) The number of new cases filed – criminal and civil.
- (f) The number of cases appealed – criminal and civil.
- (g) The number of judgments rendered.

Under criminal headings the cases should be broken down into the respective crime categories, and in the civil cases, each should be listed under the proper action heading. This report should be forwarded as soon as is practically possible, so as to ensure its reception in the Chief Justice's office early in the succeeding week.

Rule 40. On the opening day of each term of court, and prior to the calling of the docket, the clerk of court shall call roll already prepared of all lawyers licensed to practice in keeping with law. Any lawyer whose name does not appear on this roll, shall not be allowed to practice until a license covering the particular term of court, or the year, has been produced with copy of a receipt evidencing that his annual bar dues have been paid. A copy of this roll shall be furnished to the assigned judge together with the trial docket and the Bar due payment receipt before the beginning of the trial term. Proof of a lawyer being licensed shall only be evidenced by a show of the Revenue Receipt, and the clerk shall in every instance list the license receipt number and state the period covered thereby opposite each individual counsel's name. Every judge assigned to preside over a circuit, shall be expected to enforce the provisions of this Rule, and a clerk failing to prepare and furnish a copy of the roll therein referred to shall be liable to punishment in the discretion of the assigned judge.