

No. 49,504-51  
Oct. 7, 1928

Northwest Real Estate Company  
Attorneys and Solicitors for

Carl W. Eimbrod and Julia E. Eimbrod  
Attorneys and Solicitors for

Service of copy admitted this

day of October, 1928

Charles Serio and Irene Serio,  
Attorneys and Solicitors for

in said cause.

Respectfully submitted,

and should therefore be dismissed and stricken out as an appellee. Estate Company is not, and cannot be an appellee in said case, appealed (Case No. 50), and that therefore the said Northwest Real decree on June 26, 1928, from which decree, these Complainants said cause came on for hearing and was heard, the Court entering a use by the said Eimbrods, on June 18, 1928, set for hearing; that Complainants below, and the Eimbrods, two of the Defendants below, filed a bond; that said cause being at issue between them,--the from an order passed in said case on June 18, 1928, and had not Northwest Real Estate Company had entered an appeal on June 16, 1928, from a decree passed by the Court on June 26, 1928, whereas the The appeal taken by them in the case (No. 50) is as an appellee in said appeal, for that: Court to dismiss and strike out the Northwest Real Estate Company, below, and the appellants in Case No. 50, respectfully move the Charles Serio and Irene Serio, his wife, Complainants

*Motion to strike out*

*Filed Oct. 2nd, 1928*

OR MAYLAND:  
ASSOCIATE JUDGES OF THE COURT OF APPEALS  
TO THE HONORABLE, THE CHIEF JUDGE AND THE

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et al.,  
NORTHWEST REAL ESTATE COMPANY,

General Docket #50  
October Term 1928  
OR MAYLAND

vs.

COURT OF APPEALS

CHARLES SERIO, et al.  
Appellants

IN THE

CHARLES SERIO, et al,  
Appellants

IN THE

VS.

COURT OF APPEALS

NORTHWEST REAL ESTATE COMPANY,  
et al., Appellees

OF MARYLAND  
October Term 1928  
General Docket #50

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TO THE HONORABLE, THE CHIEF JUDGE AND THE  
ASSOCIATE JUDGES OF THE COURT OF APPEALS  
OF MARYLAND:

Charles Serio and Irene Serio, his wife, Complainants  
below, and the appellants in Case No. 50, respectfully move the  
Court to dismiss and strike out the Northwest Real Estate Company,  
as an appellee in said appeal, for that:

The appeal taken by them in this case (No. 50) is  
from a decree passed by the Court on June 26, 1928, whereas the  
Northwest Real Estate Company had entered an appeal on June 16, 1928,  
from an order passed in said case on June 12, 1928, and had not  
filed a bond; that said cause being at issue between them,--the  
Complainants below, and the Einbrods, two of the Defendants below,--  
was by the said Einbrods, on June 18, 1928, set for hearing; that  
said cause came on for hearing and was heard, the Court entering a  
decree on June 26, 1928, from which decree, these Complainants  
appealed (Case No. 50), and that therefore the said Northwest Real  
Estate Company is not, and cannot be an appellee in said case,  
and should therefore be dismissed and stricken out as an appellee  
in said cause.

Respectfully submitted,

Attorneys and Solicitors for  
Charles Serio and Irene Serio.

Service of copy admitted this

day of October, 1928

Attorneys and Solicitors for  
Northwest Real Estate Company

Attorneys and Solicitors for  
Carl W. Einbrod and Julia E. Einbrod

Handwritten notes on the left margin: 2/16, 7/16, 10/16, 12/16, 1/16, 2/16, 3/16, 4/16, 5/16, 6/16, 7/16, 8/16, 9/16, 10/16, 11/16, 12/16, 1/17, 2/17, 3/17, 4/17, 5/17, 6/17, 7/17, 8/17, 9/17, 10/17, 11/17, 12/17, 1/18, 2/18, 3/18, 4/18, 5/18, 6/18, 7/18, 8/18, 9/18, 10/18, 11/18, 12/18, 1/19, 2/19, 3/19, 4/19, 5/19, 6/19, 7/19, 8/19, 9/19, 10/19, 11/19, 12/19, 1/20, 2/20, 3/20, 4/20, 5/20, 6/20, 7/20, 8/20, 9/20, 10/20, 11/20, 12/20, 1/21, 2/21, 3/21, 4/21, 5/21, 6/21, 7/21, 8/21, 9/21, 10/21, 11/21, 12/21, 1/22, 2/22, 3/22, 4/22, 5/22, 6/22, 7/22, 8/22, 9/22, 10/22, 11/22, 12/22, 1/23, 2/23, 3/23, 4/23, 5/23, 6/23, 7/23, 8/23, 9/23, 10/23, 11/23, 12/23, 1/24, 2/24, 3/24, 4/24, 5/24, 6/24, 7/24, 8/24, 9/24, 10/24, 11/24, 12/24, 1/25, 2/25, 3/25, 4/25, 5/25, 6/25, 7/25, 8/25, 9/25, 10/25, 11/25, 12/25, 1/26, 2/26, 3/26, 4/26, 5/26, 6/26, 7/26, 8/26, 9/26, 10/26, 11/26, 12/26, 1/27, 2/27, 3/27, 4/27, 5/27, 6/27, 7/27, 8/27, 9/27, 10/27, 11/27, 12/27, 1/28, 2/28, 3/28, 4/28, 5/28, 6/28, 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CHARLES SERIO, et al., Appellants	:	IN THE
	:	COURT OF APPEALS
VS.	:	
	:	OF MARYLAND
NORTHWEST REAL ESTATE COMPANY, et al., Appellees	:	October Term 1928 General Docket #50
	:	

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TO THE HONORABLE, THE CHIEF JUDGE AND THE  
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OF MARYLAND:

Charles Serio and Irene Serio, his wife, Complainants below, and the appellants in Case No. 50, respectfully move the Court to dismiss and strike out the Northwest Real Estate Company, as an appellee in said appeal, for that:

The appeal taken by them in this case (No. 50) is from a decree passed by the Court on June 26, 1928, whereas the Northwest Real Estate Company had entered an appeal on June 16, 1928, from an order passed in said case on June 12, 1928, and had not filed a bond; that said cause being at issue between them,--the Complainants below, and the Einbrods, two of the Defendants below,-- was by the said Einbrods, on June 16, 1928, set for hearing; that said cause came on for hearing and was heard, the Court entering a decree on June 26, 1928, from which decree, these Complainants appealed (Case No. 50), and that therefore the said Northwest Real Estate Company is not, and cannot be an appellee in said case, and should therefore be dismissed and stricken out as an appellee in said cause.

Respectfully submitted,

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Attorneys and Solicitors for  
Charles Serio and Irene Serio.

Service of copy admitted this

day of October, 1928

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Attorneys and Solicitors for  
Northwest Real Estate Company

\_\_\_\_\_  
Attorneys and Solicitors for  
Carl W. Einbrod and Julia E. Kinbrod

NORTHWEST REAL ESTATE COMPANY,  
Appellant

VS.

CHARLES SERIO, et al.,  
Appellees

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IN THE

COURT OF APPEALS

OF MARYLAND  
October Term 1928  
General Docket #49

-o-:-o-

TO THE HONORABLE, THE CHIEF JUDGE and THE  
ASSOCIATE JUDGES OF THE COURT OF APPEALS  
OF MARYLAND:

Charles Serio and Irene Serio, his wife, Complainants below and two of the appellees in Case No. 49, respectfully move the Court to dismiss the appeal of the Northwest Real Estate Company from an order of said Court passed in said case, on the 12th day of June, 1928, which order overruled a demurrer embodied in the answer of the Northwest Company to the Bill of Complaint of the said Serios and which order sustained the demurrer of the Serios, Complainants, to the answer of the Northwest Real Estate Company; and they state as the ground thereof:

(1) That the order in so far as it overruled the demurrer of the Northwest Real Estate Company was not a final order and in so far as it sustained the demurrer of the Serios to the answer of the Northwest Company, was not a final order, in that said order gave the Northwest Real Estate Company leave to amend.

(2) That the order of June 12, 1928 was not passed in pursuance of and under the provisions of Section 220 of Article 16, prescribing the manner in which may be raised, a question of law, for the opinion of the Court, and said question, he decided by the Court in advance of the hearing on the merits.

(3) That the Northwest Real Estate Company has abandoned its appeal of June 16, 1928, by entering an appeal R.P.36

from the decree of the Court passed on June 26, 1928.

Respectfully submitted,

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Attorneys and Solicitors for  
Charles and Irene Serio.

Service of copy admitted this            day of October, 1928

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Attorneys and Solicitors for  
Northwest Real Estate Company

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Attorneys and Solicitors for  
Carl W. Einbrod and Julia E. Einbrod

NORTHWEST REAL ESTATE COMPANY,  
Appellant

VS.

CHARLES SERIO, et al.,  
Appellees

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IN THE

COURT OF APPEALS

OF MARYLAND  
October Term 1928  
General Docket #49

-c--c-

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Charles Serio and Irene Serio, his wife, Complainants below and two of the appellees in Case No. 49, respectfully move the Court to dismiss the appeal of the Northwest Real Estate Company from an order of said Court passed in said case, on the 12th day of June, 1928, which order overruled a demurrer embodied in the answer of the Northwest Company to the Bill of Complaint of the said Serios and which order sustained the demurrer of the Serios, Complainants, to the answer of the Northwest Real Estate Company; and they state as the ground thereof:

(1) That the order in so far as it overruled the demurrer of the Northwest Real Estate Company was not a final order and in so far as it sustained the demurrer of the Serios to the answer of the Northwest Company, was not a final order, in that said order gave the Northwest Real Estate Company leave to amend.

(2) That the order of June 12, 1928 was not passed in pursuance of and under the provisions of Section 220 of Article 16, prescribing the manner in which may be raised, a question of law, for the opinion of the Court, and said question, be decided by the Court in advance of the hearing on the merits.

(3) That the Northwest Real Estate Company has abandoned its appeal of June 16, 1928, by entering an appeal R.P.36

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Respectfully submitted,

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Attorneys and Solicitors for  
Charles and Irene Serio.

Service of copy admitted this            day of October, 1928

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Attorneys and Solicitors for  
Northwest Real Estate Company

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Attorneys and Solicitors for  
Carl W. Einbrod and Julia E. Einbrod

NORTHWEST REAL ESTATE COMPANY,  
Appellant

:

IN THE

VS.

:

COURT OF APPEALS

CHARLES SERIO, et al.,  
Appellees

:

OF MARYLAND  
October Term 1928  
General Docket #49

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TO THE HONORABLE, THE CHIEF JUDGE and THE  
ASSOCIATE JUDGES OF THE COURT OF APPEALS  
OF MARYLAND:

Charles Serio and Irene Serio, his wife, Complainants below and two of the appellees in Case No. 49, respectfully move the Court to dismiss the appeal of the Northwest Real Estate Company from an order of said Court passed in said case, on the 12th day of June, 1928, which order overruled a demurrer embodied in the answer of the Northwest Company to the Bill of Complaint of the said Serios and which order sustained the demurrer of the Serios, Complainants, to the answer of the Northwest Real Estate Company; and they state as the ground thereof:

(1) That the order in so far as it overruled the demurrer of the Northwest Real Estate Company was not a final order and in so far as it sustained the demurrer of the Serios to the answer of the Northwest Company, was not a final order, in that said order gave the Northwest Real Estate Company leave to amend.

(2) That the order of June 12, 1928 was not passed in pursuance of and under the provisions of Section 220 of Article 16, prescribing the manner in which may be raised, a question of law, for the opinion of the Court, and said question, be decided by the Court in advance of the hearing on the merits.

(3) That the Northwest Real Estate Company has abandoned its appeal of June 16, 1928, by entering an appeal R.P.36

from the decree of the Court passed on June 26, 1928.

Respectfully submitted,

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Attorneys and Solicitors for  
Charles and Irene Serio.

Service of copy admitted this                      day of October, 1928

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Attorneys and Solicitors for  
Northwest Real Estate Company

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Attorneys and Solicitors for  
Carl W. Einbrod and Julia E. Einbrod

NORTHWEST REAL ESTATE COMPANY,  
Appellant

vs.

CHARLES SERIO, et al.  
Appellees

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IN THE

COURT OF APPEALS

OF MARYLAND  
October Term 1928  
General Docket No. 51

-0-:-0-

TO THE HONORABLE, THE CHIEF JUDGE AND THE  
ASSOCIATE JUDGES OF THE COURT OF APPEALS  
OF MARYLAND:

Charles Serio and Irene Serio, his wife, Complainants below and two of the appellees in case No. 51, respectfully move the Court to dismiss the appeal in Case No. 51 and for grounds therefor state:

(1) That the appeal was taken from a decree of the Circuit Court of Baltimore City, passed on June 26, 1928, said appeal being taken by the Northwest Real Estate Company on July 7, 1928; that the Northwest Real Estate Company, one of the defendants to the bill below, had taken on June 18, 1928, an appeal to this Court, from an order passed in said case on June 12, 1928; that the Northwest Company failed to file a bond, whereupon the case being at issue between the Complainants and other defendants, the other defendants set said case for hearing, said case was heard, a decree entered and on June 28, 1928 an appeal was taken by the said Serios; that the appeal entered by the said Northwest Real Estate Company (Case No. 51) should be therefore dismissed; that the said Serios therefore respectfully petition and move this Honorable Court to dismiss the said appeal in Case No. 51.

Respectfully submitted,

Attorneys and Solicitors for  
Charles Serio and Irene Serio

Service of copy admitted this

day of October, 1928

Attorneys and Solicitors for  
Northwest Real Estate Company

Attorneys and Solicitors for  
Carl W. Einbrod and Julia E. Einbrod

NORTHWEST REAL ESTATE COMPANY,  
Appellant

VS.

CHARLES SERIO, et al.  
Appellees

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IN THE

COURT OF APPEALS

OF MARYLAND  
October Term 1928  
General Docket No. 51

-0--0-

TO THE HONORABLE, THE CHIEF JUDGE AND THE  
ASSOCIATE JUDGES OF THE COURT OF APPEALS  
OF MARYLAND:

Charles Serio and Irene Serio, his wife, Complainants below and two of the appellees in case No. 51, respectfully move the Court to dismiss the appeal in Case No. 51 and for grounds therefor state:

(1) That the appeal was taken from a decree of the Circuit Court of Baltimore City, passed on June 26, 1928, said appeal being taken by the Northwest Real Estate Company on July 7, 1928; that the Northwest Real Estate Company, one of the defendants to the bill below, had taken on June 18, 1928, an appeal to this Court, from an order passed in said case on June 12, 1928; that the Northwest Company failed to file a bond, whereupon the case being at issue between the Complainants and other defendants, the other defendants set said case for hearing, said case was heard, a decree entered and on June 28, 1928 an appeal was taken by the said Serios; that the appeal entered by the said Northwest Real Estate Company (Case No. 51) should be therefore dismissed; that the said Serios therefore respectfully petition and move this Honorable Court to dismiss the said appeal in Case No. 51.

Respectfully submitted,

Attorneys and Solicitors for  
Charles Serio and Irene Serio

Service of copy admitted this

day of October, 1928

Attorneys and Solicitors for  
Northwest Real Estate Company

Attorneys and Solicitors for  
Carl W. Kinbrod and Julia E. Kinbrod

NORTHWEST REAL ESTATE COMPANY,  
Appellant

VS.

CHARLES SERIO, et al.  
Appellees

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IN THE

COURT OF APPEALS

OF MARYLAND  
October Term 1928  
General Docket No. 51

-0-:-0-

TO THE HONORABLE, THE CHIEF JUDGE AND THE  
ASSOCIATE JUDGES OF THE COURT OF APPEALS  
OF MARYLAND:

Charles Serio and Irene Serio, his wife, Complainants below and two of the appellees in case No. 51, respectfully move the Court to dismiss the appeal in Case No. 51 and for grounds therefor state:

(1) That the appeal was taken from a decree of the Circuit Court of Baltimore City, passed on June 26, 1928, said appeal being taken by the Northwest Real Estate Company on July 7, 1928; that the Northwest Real Estate Company, one of the defendants to the bill below, had taken on June 16, 1928, an appeal to this Court, from an order passed in said case on June 12, 1928; that the Northwest Company failed to file a bond, whereupon the case being at issue between the Complainants and other defendants, the other defendants set said case for hearing, said case was heard, a decree entered and on June 28, 1928 an appeal was taken by the said Serios; that the appeal entered by the said Northwest Real Estate Company (Case No. 51) should be therefore dismissed; that the said Serios therefore respectfully petition and move this Honorable Court to dismiss the said appeal in Case No. 51.

Respectfully submitted,

Attorneys and Solicitors for  
Charles Serio and Irene Serio

Service of copy admitted this

day of October, 1928

Attorneys and Solicitors for  
Northwest Real Estate Company

Attorneys and Solicitors for  
Carl W. Kinbrod and Julia E. Kinbrod

CHARLES SERIO, et al.  
Appellants

:

IN THE

VS.

:

COURT OF APPEALS

NORTHWEST REAL ESTATE COMPANY,  
et al., Appellees

:

OF MARYLAND  
October Term 1928  
General Docket #50

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-c:-o-

TO THE HONORABLE, THE CHIEF JUDGE AND THE  
ASSOCIATE JUDGES OF THE COURT OF APPEALS  
OF MARYLAND:

Charles Serio and Irene Serio, his wife, Complainants below, and the appellants in Case No. 50, respectfully move the Court to dismiss and strike out the Northwest Real Estate Company, as an appellee in said appeal, for that:

The appeal taken by them in this case (No. 50) is from a decree passed by the Court on June 26, 1928, whereas the Northwest Real Estate Company had entered an appeal on June 16, 1928, from an order passed in said case on June 12, 1928, and had not filed a bond; that said cause being at issue between them,--the Complainants below, and the Einbrods, two of the Defendants below,-- was by the said Einbrods, on June 18, 1928, set for hearing; that said cause came on for hearing and was heard, the Court entering a decree on June 26, 1928, from which decree, these Complainants appealed (Case No. 50), and that therefore the said Northwest Real Estate Company is not, and cannot be an appellee in said case, and should therefore be dismissed and stricken out as an appellee in said cause.

Respectfully submitted,

Attorneys and Solicitors for  
Charles Serio and Irene Serio.

Service of copy admitted this

day of October, 1928

Attorneys and Solicitors for  
Northwest Real Estate Company

Attorneys and Solicitors for  
Carl W. Einbrod and Julia E. Einbrod

Nos. 49-51

Jan. 7. 1929

Motion for judgment

Oversuled this 27<sup>th</sup> day of  
February, 1929  
for the County of Bond  
Carroll J. Bond  
Chief Judge

Filed Feb. 12. 1929

THE NORTHWEST REAL ES-  
TATE COMPANY, a Body  
Corporate,

Appellant,

vs.

CHARLES SERIO et al.,  
Appellees.

THE NORTHWEST REAL ES-  
TATE COMPANY, a Body  
Corporate,

Appellant,

vs.

CHARLES SERIO et al.,  
Appellees.

IN THE  
*Court of Appeals*  
OF MARYLAND.

OCTOBER TERM, 1928.

GENERAL DOCKET  
Nos. 49-51.

**MOTION FOR RE-ARGUMENT.**

The Appellant, The Northwest Real Estate Company, respectfully prays and moves this Court, for Re-argument, in the above entitled appeals, and for reasons therefor, assigns:

That the historical perspective of "Chancery" as responsive to changing times, is not sufficiently reflected in the majority opinion of the Court. Thus, Phelps, on Juridicial Equity, defines Equity as

"Natural Justice—the disposition to give everyone his due. It is distinguished from Law, which is described, as a 'Rule Prescribed.'"

See pp. 192, 218, 219, 220, 221, 222, 245, 246.

In the case of *Pierce vs. Proprietors*, 10 R. I. 227, the Court says:

“The very origin of Equity in Rome and England, was that there was a wrong, for which there was no remedy, or no adequate remedy, at Law. I Story’s Eq. Jur., Secs. 49, 50. And we cannot but approve the language of Lord Coltenham, in *Walworth vs. Holt*, 4 Myl. & C. 619: ‘I think it the duty of this Court to adapt its practice and course of proceeding to the EXISTING STATE OF SOCIETY; and not by too rigid an adherence to forms and rules established under different circumstances, to decline to administer Justice and enforce rights for which there is no other remedy \* \* \* if it were necessary to go much further, than it is, in OPPOSITION TO SOME HIGHLY SANCTIONED OPINIONS; in order to open the door of justice in this Court to those who cannot obtain it elsewhere, I SHOULD NOT SHRINK FROM THE RESPONSIBILITY OF DOING SO.’ ”

See also:

Story’s Eq. Jur., Vol. 1, Sec. 671.

We might better illustrate the thought in our minds, by reference to the happenings of a particular case. We will use the case of *Roberson vs. Rochester Box Co. et al.*, 171 N. Y. 538, to illustrate. In this case a beautiful girl had her photograph taken by a reputable photographer. That photographer displayed her photograph in his show window. An advertising specialist happens along—calls on the photographer—and buys the negative. WITHOUT THE KNOWLEDGE OR CONSENT of the girl, he uses it to advertise a certain brand of flour much used in the country district in which that girl resided, marking the flour, under her photo, the “The Flower of the Family.” The girl sued out an in-

junction, restraining such user. This was granted by the Appellate Division of the Supreme Court of New York, but was reversed by the highest Court in New York. C. J. Parker delivered the majority opinion of the Court, which agreed with the lower Court, in thinking that Courts of Equity must not become crystallized, yet, nevertheless, found against the complainant, primarily, because said Court could find no precedent for protecting a Right of Privacy, for, in its opinion, the whole theory of the law centered around protection of Life, Liberty and Property—but NOT PRIVACY. That decision was later corrected by Statute in New York, so that today the Right of Privacy is recognized in New York. The strong dissenting opinion of Judge Gray in that case held:

“The right of Privacy, or the right of the Individual to be left alone, is a personal right, which is not without judicial recognition. It is the complement of the right to the immunity of one’s person. The principle is fundamental and essential in organized society; that everyone, in exercising a personal right and in the use of his property, shall respect the rights and properties of others.”

\* \* \* \* \*

“In the social evolution, with the march of the Arts and Sciences, it is quite intelligible, that new conditions must arise in personal relations, which the rules of Common Law, cast in the rigid mold of an earlier social status, were not designed to meet. It would be a reproach to Equitable Jurisprudence, if Equity were powerless to extend the application of the principles of Common Law or of Natural Justice, in remedying a wrong, which, in the progress of Civilization, has been made possible, as the result of new social or commercial conditions.”

\* \* \* \* \*

“Equity has neither fixed boundaries nor logical subdivisions, and its origin, both in Rome and in England, was that there was a wrong, for which there was no remedy at law. It supplements the deficiencies of the Common law, by applying, where otherwise there would result a wrong, those principles of NATURAL JUSTICE, which are analogous to settled principles of the Common Law.”

It seems queer that shortly after that decision a very similar case, in its facts, arose in Georgia. That Court (Georgia) held, in the case of Pavesich vs. New England Life Insur. Co., 122 Ga. 190, as follows:

“The novelty of the complaint is no objection when an injury cognizable by law, is shown to have been inflicted on the plaintiff. In such a case, although there be no precedent, the Common Law will judge according to the law of Nature and the Public Good. Liberty of Speech and Writing is secured by the Constitution, and incidental thereto, is the correlative liberty of Silence. Not less important nor less sacred.”

\* \* \* \* \*

“So thoroughly satisfied are we that the Law recognizes within proper limits, as a legal right, the right of Privacy, and that the Publication of one’s picture without his consent by another, as an advertisement, for the mere purpose of increasing the profits and gains of the advertiser, is an invasion of the RIGHT, THAT WE VENTURE TO PREDICT, THAT THE DAY WILL COME WHEN THE AMERICAN BAR WILL MARVEL THAT A CONTRARY VIEW WAS EVER ENTERTAINED BY JUDGES OF EMINENCE AND ABILITY, JUST AS IN THE PRESENT DAY, WE STAND AMAZED THAT LORD HALL, WITH PERFECT COMPOSURE OF MANNER AND SATISFACTION OF SOUL, IMPOSED THE DEATH PENALTY FOR WITCHCRAFT UPON IGNORANT AND HARMLESS WOMEN.”

We do not approve or wish to sanction the strong language used by the Georgia Court. But we do agree with the view so often expressed by that great Master of Equity Jurisprudence, James Barr Ames, when Dean of Harvard Law School, that when Equity once became crystallized, and lost its ability to meet changing conditions of Society, then, the very reason for its existence would have passed—and Equity Jurisprudence, as a separate branch of the Law would become amalgamated into Law as distinguished from Equity. This view was not merely once, but often expressed by that Master of the subject matter, during the 3 years spent at that school, by one of the undersigned counsel, from September, 1900, to June, 1903. And that is the view so wonderfully and concisely and ably put forward, though in different phraseology in the minority opinion of this Court.

For the purpose of developing these thoughts, showing, by apt illustrations, the functions of Equity Jurisprudence, as distinguished from Law—or the Rule Prescribed and fixed,—beyond the possibilities of this brief memo.—a Re-argument is asked in the foregoing cases—it, being the thought of counsel, that the ELASTICITY OF EQUITY, so that EQUITY ALWAYS HARMONIZES WITH THE PUBLIC POLICY OF THE PRESENT, in contradistinction to the inelasticity of the Law, is not sufficiently recognized in the majority opinion of this Court. For purpose of limited illustration herein, an extreme case was taken, involving the necessity of the Georgia Court to found and establish an entirely new right, viz., the Right of Privacy. In the instant case, no such extremes are necessary—NO NEW RIGHTS are necessary to be established—the changing Equity, as revolving around admittedly existing rights, is all that is necessary to be recognized.

Wherefore, said named Appellant prays that this Motion for Re-argument may be granted by this Court.

All of which is now respectfully submitted,

WALTER C. MYLANDER,

NATHAN PATZ,

Solicitors for Appellant.

No. 52, Oct  
June, 1928

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W. L. MITCHELL  
H. H. BROWN

ALIA PATA 2012

Order to  
dismiss  
appeal

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Filed Sept 27,  
1928.

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STATES ATTORNEY  
FOR TALBOT COUNTY

HENRY HERBERT BALCH  
ATTORNEY AT LAW  
EASTON, MARYLAND  
Sept. 26, 1928

Re: H. H. Balch, Trustee v.  
Harriet E. Mills Johns, et al.  
Appeal from the Orphan's  
Court for Talbot County.

James A. Young, Esq.  
Clerk of the Court of Appeals  
Annapolis, Md.

Dear Sir:

Please enter the appeal in the above entitled case dismissed.

Very truly yours,

H. H. Balch  
E. T. Miller

*H. H. Balch*  
Attys. for Appellants

HHB:MW