

nothing herein contained shall be taken to prevent the appellee from having the appeal dismissed, or the judgment, order or decree affirmed, under rule of court, for failure on the part of the appellant to have the appeal ready for argument

Rule 25.

48. All briefs in civil causes preparatory to the argument of such causes, as required by the rule of court, shall be filed with the clerk in manuscript; and the clerk shall furnish the requisite number of printed copies thereof, at the rate of cost provided in the preceding section; and the amount of such cost shall be paid, or secured to be paid, by the party required to furnish such briefs, at the time of delivery thereof, to the clerk, and before argument; and any party failing to comply with this section shall be considered in default under the rules of court, for not furnishing briefs as thereby required.

Rule 26.

49. Either party may file written or printed arguments in any cause pending in the court of appeals, but the cost of such arguments shall not be taxed as part of the cost of the cause. A sufficient number of printed copies of the argument shall be furnished for the court, the counsel concerned, the reporter and the clerk. If the party filing the argument think proper, he may have the printing done on the best terms he can make; provided it be in good, clear, readable type; but if the clerk of the court of appeals be required to have the argument printed, he shall be entitled to charge therefor at the rate prescribed in section 47, and be entitled to receive the amount of the cost upon his being ready to deliver the printed copies of the argument to the court. But in no case shall a brief or argument be received, either through the clerk or otherwise, after the cause has been argued or submitted, unless it be upon special leave granted in open court, after notice to opposing counsel.

1862, ch. 122.

50. The court of appeals shall, upon the application of any appellant or appellee in any case there depending, and on proper cause shown to said court, for that purpose, have power to order