

made before the day so fixed (if any other than the first day of term) upon some sufficient ground to be authenticated by affidavit after one day's notice to the adverse party and due proof of the service of such last mentioned notice.

Appeals,  
when to be set  
down for hear-  
ing ex parte  
by the Ap-  
pellant.

XXIII.—That when and so soon as the respondent or respondents in any suit, as the case may be, shall be precluded from appearing or having appeared shall be precluded from filing answers in such suit, it shall be competent to the Appellant or Appellants in such suit having filed his or their reasons of Appeal and cases to set down such suit for hearing upon such day in term as he or they shall see fit, by inscribing such suit on the roll for hearing, without notice thereof to the respondent or respondents so precluded, or to any or either of them, and no suit so fixed for hearing shall be put off without a special application to the Court to be made before the day so fixed (if any other than the first day of term,) upon some sufficient ground authenticated by affidavit.

Appeals,  
when to be set  
down for hear-  
ing by the  
Court.

XXIV.—That all suits and Appeals which shall not be set down for hearing upon the motion of the Appellant or of the respondent in each suit and Appeal respectively, on or before the last day of the term next after the day upon which the reasons of Appeal in such suit and Appeal shall be filed shall forthwith by the Clerk of this Court be inscribed upon the roll for hearing in succession, according to the days upon which the reasons of Appeal in each such suit and Appeal respectively shall be filed, and such suits and Appeals so inscribed and each of them shall thenceforth be and remain, set down for hearing until heard or otherwise disposed of, and if not otherwise disposed of shall be called on and come on to be heard upon the first and subsequent days of the then next ensuing term and terms in the order in which they shall be so inscribed, and no suit or Appeal so inscribed upon the roll for hearing shall be taken