

1824

MADILL *against* SMITH, *one &c.*

November 18. *Macaulay* had obtained a rule to show cause why the assessment of damages and interlocutory Judgment in this cause should not be set aside for irregularity with costs.

*Proceedings against an Attorney set aside the rule to plead having been given on before the Bill served.*

The defendant had been proceeded against as a privileged person. The Bill had been filed on the 10th of the Copy had been served on the 13th, but the rule to plead had been entered on the 10th before the service of the Bill. The interlocutory Judgment was signed upon these proceedings for want of a plea. No appearance had been entered according to the statute.

The court considering these proceedings as irregular, set the interlocutory Judgment aside.

CROSS & FISHER *against* CRONTHOR.

*Costs allowed by this court for not proceeding to assessment of damages pursuant to notice.*

*Smith* obtained a rule to show cause why the plaintiff should not pay costs for not proceeding to assessment of damages pursuant to notice.

The rule was afterwards made absolute without argument.