

the office of the clerk of this court within ten days after the filing of the reasons of Appeal and be by him distributed to the members of this Court who shall sit for hearing of such suit and Appeal, and each suit and Appeal in which the Attorney for the Appellant shall not so file his cases shall be deemed and taken to be deserted by such Appellant, and thereupon dismissed accordingly upon the first or any subsequent day in term thereafter, upon motion for that purpose on the part of the respondent or respondents, in such suit and Appeal, or either of them or by the court *Ex Officio* without such motion, as may happen, with costs when the respondent shall have filed his cases, and without costs to either party when the respondent shall not have filed his cases; and each suit and Appeal in which the Appellant shall have so filed his cases, and in which the respondent shall not have so filed his cases, shall be deemed and taken to be deserted by such respondent and the Appellant heard therein *Ex parte*, without the intervention of the respondent, his Counsel or Attorney, and such order and decree thereupon made, as to law and justice shall appertain, without costs in any such case to such respondent.

XXII.—That when and so soon as the answers to the reasons of Appeal in any suit and Appeal shall be filed, it shall be competent to either party in such suit having filed their cases to set down such suit for hearing upon such day in term as such party shall see fit; by inscribing such suit on a roll for hearing to be kept by the Clerk of this Court for that purpose, in vacation or in term, and two days notice thereof being served upon the adverse party, such suit and Appeal, upon proof of the service of such notice, shall come on to be heard upon the day so fixed or as soon thereafter as Counsel can be heard. And no suit and Appeal so fixed for hearing shall be put off without a special application to the Court to be

Appeals,
when to be set
down for hear-
ing upon is-
sue joined by
the parties.