

pondent shall not have fyled his cases; and each suit and appeal in which the Appellant shall have so fyled his cases and in which the respondent shall not have so fyled 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 fyled, it shall be competent to either party in such suit having fyled 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 there after 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 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 hearing upon issue joined by the parties.

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 fyling answers in such suit, it shall be competent to the appellant or appellants in such suit having fyled 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 hearing ex parte by the Appellant.

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 fyled 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 fyled, and such suits and appeals so inscribed and each of them shall thence forth 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 therefrom, nor shall the hearing thereof be put off without a special application to the court upon some extraordinary and sufficient ground to be authenticated by affidavit after two days notice to the adverse party, and due proof of the service of such notice.

Appeals, when to be set down for hearing by the Court.