

1789.

SMITH *versus* DAVIDS.

A RULE for trial, or *Non pros*, was taken in *September Term*, 1787, and notice at bar was entered on the docket. The cause was afterwards continued, generally, till *January Term*, 1789, and no notice given.

The cause being now marked for trial, the Plaintiff moved to put it off.

But THE COURT held, that the rule for trial or *Non pros* was continued; and that no new notice was necessary. If, therefore, the Plaintiff does not go on to trial, the Defendant is entitled to a *Non pros*.

ROBBINS *versus* WHITMAN.

THIS cause was removed by *Certiorari* from one of the Justices of the Peace for *Northumberland* county; and, after argument, the judgment of the Justice was affirmed.

It then became a question, whether execution could issue out of this Court upon the judgment so affirmed?

And, it was ruled by THE COURT, that execution might issue at once, without referring the cause again to the Justice; as that would be a circuitous, inconvenient, and unreasonable mode of proceeding.