

Case No. 4,732.

FENWICK V. BRENT ET AL.

[1 Cranch, C. C. 280.]¹

Circuit Court, District of Columbia.

Dec Term, 1805.

PRACTICE—RULE TO EMPLOY NEW COUNSEL—FAILURE TO SERVE AS
REQUIRED BY ORDER OF COURT—CONTINUANCE.

When there is a rule to employ new counsel, the cause may be continued after the fifth term, notwithstanding the acts of Maryland of November, 1787 (chapter 9), and 1721 (chapter 14).

Assumpsit [against Robert Brent and others]. A rule had been laid, at the term before the last, on the plaintiff, to employ new counsel. At the last term the court made a general order, that in all cases where such rules had been laid, they must be served upon the party, if in the District of Columbia, but if not in the District, the rules must be published in a certain mode prescribed by this order. Neither of these modes of service had been pursued; but this suit was brought to July term, 1801, and having been more than five terms continued, Mr. Mason urged the acts of assembly of November, 1787 (chapter 9), and 1721 (chapter 14).

But THE COURT continued the cause.

¹ [Reported by Hon. William Cranch, Chief Judge.]