

DAVID ATTIA, Appellant, vs. **ARTHUR RIGBY**, Agent for William R. Drury,
Appellee.

Petition for Writ of Possession.

[January Term, A. D. 1907.]

COURT'S RULING ON MOTION FOR CONTINUANCE.

This case was brought up before this tribunal upon a writ of certiorari. Before the case was called up for hearing the counsel for appellee moved the court to continue the trial until its next session, on the ground of diminution of records.

Diminution of records being a lawful ground for postponing the hearing of a cause before an appellate court, and a reason which this court has uniformly held for continuing suits brought before it, this court entertains the motion and rules that the hearing of said case is postponed until its next regular session, 1908. And that there may be no further delay caused by a diminution of records, we hereby order the clerk of this court to issue a peremptory mandamus to the judge of the lower court, commanding him to transmit to the office of the clerk of the Supreme Court, forthwith, all records not already transmitted, naming specifically the documents named in said motion.