

Case No. 1,317.

BENNETT v. BENNETT.

{3 Cranch, C. C. 647.}¹

Circuit Court, District of Columbia.

Nov. Term, 1829.

TRIAL—CONTINUANCE—DEMAND OF SECURITY FOR COSTS.

A notice given at the trial term in Alexandria, that security for costs will be required, is no ground for postponing the trial.

[See *Hawkins v. Willbank*, Case No. 6,247.]

Mr. Neale, for the defendant, [James H. Bennett,] now, at the trial term, gave notice to the plaintiff [Bennett's Executor] that he should require security for costs.

Mr. Taylor objected that this notice ought not to delay the trial; the defendant having obtained continuances of the cause, and not having given a previous notice, according to the act of Virginia, p. 111, § 23.

Mr. Lee, the clerk, stated that the practice of the court was not to delay trial when the notice was not given before the trial term.

THE COURT (nem. con.) refused to delay the trial. Verdict for the defendant.

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