

Case No. 3,838.

DEVIGNY v. MOORE.

{1 Cranch, C. C. 174.}¹

Circuit Court, District of Columbia.

July, 1804.

FEES—RULE FOR SECURITY.

After the term at which a rule was laid upon the plaintiff to give security for fees, the clerk, upon a motion for judgment on the rule, need not prove the plaintiff to be a non-resident

The rule on the plaintiff to give security for fees, was laid at the last term. The clerk, at this term, moved for non pros, on the rule.

Mr. Peacock, for plaintiff, contended that the clerk must show that the plaintiff lives out of the county.

But THE COURT (nem. con.) ordered the non pros, to be entered, unless the plaintiff should prove his residence within the county.

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