

Case No. 4,106.

DUANE v. RIND.

{1 Cranch, C. C. 281.}<sup>1</sup>

Circuit Court, District of Columbia.

Dec. Term, 1805.

SECURITY FOR COSTS.

If the plaintiff has not a domicile in this district, he may be ruled to give security for costs.

[Cited in *Miller's Adm'r v. Norfolk & W. R. Co.*, 47 Fed. 265.]

Motion, by the defendant, for a rule on the plaintiff, to give security for costs, on the ground that the plaintiff is a non-resident. The facts admitted were that the plaintiff has a large bookstore in this city, and occasionally resides here during the winter, has a family, and now resides at Philadelphia. His family never has resided here. He has a storekeeper here. The marshal has applied at the store and received pay for fees regularly. See Act Md. 1796, c. 43, § 12.

THE COURT (KILTY, Chief Judge, absent) was of opinion that the rule ought to be laid. The act of assembly, 1796 (chapter, 43, § 12), must be understood to refer to the domicile, the place where the party resides, with his wife and children, if he has any.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]