

Case No. 6,247.

HAWKINS v. WILLBANK.

[4 Wash. C. C. 285.]¹

Circuit Court, E. D. Pennsylvania.

Oct. Term, 1822.

PRACTICE—CONTINUANCE—SECURITY FOR COSTS.

If the defendant do not demand security for costs within a reasonable time, it shall not be a

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ground for a continuance, that such security has not been given when the cause is called for trial.
{See Bennett v. Bennett, Case No. 1,317.}

When this cause was brought up for trial, the plaintiff's counsel informed the court, that he had but this day received from the defendant notice that security for the costs was demanded, which he could not give, as his client lived remote from Philadelphia.

BY THE COURT. A demand of security for costs, at so late a moment, ought not to delay the trial of the cause. Reasonable notice ought, in all cases, to be given. The cause ordered for trial.

¹ {Originally published from the MSS. of Hon. Bushrod Washington, Associate Justice of the Supreme Court of the United States, under the supervision of Richard Peters, Jr., Esq.}