

HOLT *v.* WINTERS.

*Circuit Court, S. D. New York.*

February 22, 1887.

COSTS—SECURITY FOR—NON-RESIDENCE.

Where defendant moved for an order on the plaintiff to furnish security for costs, because plaintiff was not a resident of the state of New York, and it appeared that plaintiff was set up in the proceedings as such resident, and on all the papers nothing appeared but that he was so set up properly and correctly, the motion was denied.

In Equity.

HOLT v. WINTERS.

*Ellison & Gill*, for plaintiff.

*Foster & Wilson*, for defendant.

WHEELER, J. The defendant moves for an order on the plaintiff to furnish security for costs, because he is not a resident of the state of New York. He is set up in the proceedings as such resident. On all the papers it does not appear but that he is so set up properly and correctly. The motion is therefore denied. This is not intended to imply that the motion would be granted if he was shown to be a non-resident.