

NATIONAL TUBE-WORKS CO. v. BALLOU.

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

October 20, 1889.

On Demurrer.

WALLACE, J. The demurrer to the bill must be sustained, upon the authority of the previous decisions of this court in *Clafin v. McDermott*, 12 Fed. Rep. 375, and *Walser v. Seligman*, 13 Fed. Rep. 415. As those cases were decided by me, I feel free to say that I doubt whether they do not adopt a too technical view of the right of a creditor whose judgment has been obtained against his debtor at the place of his domicile, and whose execution has been issued there, and returned unsatisfied, to maintain a creditors' bill in a court of another state; and I may be permitted to express the hope that the present case may be taken to the supreme court for review.