

Under what circumstances, and at what stage of the case the plaintiff may be required to give security for costs. (a)

This bill was filed on the 10th of December, 1827, by Lewis Mayer and Isaac Lohman, of the City of Philadelphia, partners trading under the firm of Mayer & Lohman, against Thomas Tyson, Richard H. Douglas, Christian Keller, Isaac Tyson, Jun'r, Nathan Tyson, Benjamin P. Moore, John Glenn, and Joaquim de Mier.

The bill states, that the defendant Thomas Tyson had purchased of the plaintiffs a large quantity of rum and brandy, for which there was then due a balance of \$1,425.54; that the defendant Thomas, being in an insolvent condition, had by a deed assigned all his property to the defendants, Richard, Christian, Isaac, Nathan, and Benjamin, in trust for the benefit of such of his creditors as should release their respective claims within a certain time; that these plaintiffs had not so released their claim; that the defendant Thomas had applied for and obtained the benefit of the insolvent law, under which the defendant John had been appointed his trustee; that the rum and brandy purchased by the defendant Thomas of these plaintiffs was in fact bought by him merely as the agent of the defendant Joaquim, who was in truth the real debtor to the plaintiffs; that the defendants who were the trustees of the defendant Thomas had brought suit against the defendant Joaquim to recover the amount due from him for the rum and brandy so purchased, with a view to have it applied, according to their trusts, in satisfaction of the creditors of the defendant Thomas. Whereupon the plaintiffs prayed, that, as the debt due from the defendant Joaquim, to the amount due to them, was properly owing to them, they might be first satisfied, &c.

All the defendants answered jointly or separately, except Joaquim, who being a non-resident, publication was made, warning him to appear, &c. To the answer of the defendant Thomas the plaintiffs filed exceptions; because of its being, as they alleged, insufficient in several specified particulars. Upon which it was ordered, that those exceptions stand for hearing on the 15th of *April, 1828; provided a copy be served, &c. Which hav-
560

BLAND, C., 21st April, 1828.—Ordered, that the exceptions of the plaintiffs to the answer of the defendant Thomas Tyson be and they are hereby ruled good; and that he make a sufficient answer to all the several matters and allegations of the bill on or before the second day of June next, or the same may, after that day, be taken *pro confesso*.

(a) Approved in *Hatton v. Weems*, 12 G. & J. 105.