

In re

Pl'ff,

vs.

Def't.

BLACKBURN & TWYMAN,

Attorneys-at-Law,

J. C. S. BLACKBURN,
REDD TWYMAN,

Versailles, Ky.,

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A person may be a citizen of a state and yet a non-resident.

Harris v. John C. f. p. Marshall 257.

The failure of the plaintiff to give the bond required by sect 440 civil code before taking judgment against a non-resident is fatal to the judgment on appeal & the error will not be cured by an order that the plaintiff should not receive the money unless he should execute bond in the clerk's office as required by law.

1. Mil 652. 4. Mil 343. 14. B. M. 272

No personal judgment can be rendered against a non-resident on service of a copy of the petition at summons on him out of the state.

It is not incumbent on the plaintiff in an action against a non-resident to prove the execution of a note due on. The note is *prima facie* evidence of indebtedness. 1. Mil 657. 3. Mil 576. 1. Dur 3957