satisfy the onus upon him of proving want of reasonable and probable cause and malice, a verdict entered for him at the trial should be set aside, notwithstanding the findings of the jury, unsupported by the evidence, that the defendants had not taken reasonable care to inform themselves of the true facts of the case and had been actuated by some improper motive, and a nonsuit should be entered, pursuant to rule 651 of the K.B. Act as re-enacted by 10 Edw. VII. c. 17, s .7, in the absence of any mention of fresh evidence to warrant the ordering of a new trial.

Trueman, for plaintiff. *Phillips* and *Chandler*, for defendant.

Full Court.]   [April 14.

BANK OF NOVA SCOTIA *v*. BOOTH.

Private International law—County—Assets of foreign insolvent —Receiver by foreign court—Service of statement of claim outside jurisdiction.

Appeal from judgment of MACDONALD, J., noted vol. 45, p. 251, dismissed with costs.

Full Court.]   KERFOOT *v*. YEO.   [April 25.

Security for costs—Jurisdiction of judge of the King's Bench to order security for costs of appeal to Court of Appeal—Order for security for costs already taxed and for which judgment entered.

Held, 1. Neither a judge of the King's Bench nor a judge of a County Court has jurisdiction to order a non-resident plaintiff to give security to the defendant for the costs of an appeal to the Court of Appeal, or to stay proceedings in the Court of Appeal after the action has got into that court, but the Court of Appeal will itself in a proper case order security for the costs of the appeal on the application of the defendant. *Bentsen* v. *Taylor* (1892), 2 Q.B. 193, not followed.

2. When the plaintiff's action has been dismissed and the defendant has entered judgment for his taxed costs, no order will be made requiring the plaintiff prosecuting an appeal to give security for them, although he is a non-resident and the security he has already given under an order made by the court of first instance is insufficient to cover the taxed costs.

Fullerton, for plaintiff. *Bergman*, for defendants.