taken as to what the rule of practice is. But, as I believe one member of the court has a strong feeling that the present rule is unreasonable, I shall say a few words as to my own view of the matter. From one point of view, if it is clear that a man will leave the country before any execution against him can be satisfied, it would appear unreasonable to hold, from the mere fact that he is temporarily resident within the jurisdiction, that he ought not to be called upon to give security for costs. It is clear that in the converse case no such hard and fast rule exists, for, although generally a plaintiff resident out of the jurisdiction can be called upon to give security for costs, yet it has been held that when he is only temporarily out of the jurisdiction, and his permanent residence is within the jurisdiction, and there is every probability of his returning, the court will not compel him to give security. Again, if a plaintiff, who is permanently resident out of the jurisdiction, but has property within the jurisdiction which can be made subject to the process of the court, in such a case, the reason of the rule being withdrawn, the rule gives way, and the court will not order security to be given. It might fairly be said that the converse ought to hold good, and that where the court sees every probability of the plaintiff going out of the jurisdiction, if he should fail in his action, before the process of the court could be executed against him, this should be considered good ground for ordering security for costs; on the other hand, however, it is neither convenient nor proper to extend the cases in which plaintiffs are compelled to give security for costs. Although I can see some strong reasons why a change in the rule might be beneficial, I do not wish to be understood as giving an opinion in favor of a change.

Baggallay, L. J. The authorities both at common law and in Chancery courts have been so fully explained by Thesiger, L. J., that I only wish to make a few observations with reference to the case of *Swanzy* v. *Swanzy*. In all proceedings in chancery it was always necessary for the plaintiff or petitioner to state his residence accurately and fully, and as a general principle, independently of whether the plaintiff was a foreigner or not, or was temporarily or permanently resident within the jurisdiction of the court, it was sufficient ground for ordering him to give security for costs if his residence was not truly and accurately stated on the bill when it was filed. In *Swanzy* v. *Swanzy* the plaintiff had taken lodgings in one place and had then gone to live in another place, in both cases under a name which was not really her true name. That clearly amounted to a failure to give the description required, and that alone was sufficient to cause the court to order security for costs to be given, quite irrespective of the question of the plaintiff being a foreigner. I may add, that I think the principle always acted on, except in one or two cases, is that laid down by Wood, V. C., in *Cambottie* v. *Inngate.*

Bramwell, L. J. The question is as to what the practice of the court is, and I cannot disagree with the judgment of the court, for I think that it is as Thesiger, L. J., has laid it down. I must admit that I formerly thought it was otherwise, and I wish we could alter it. If one looks at what is to be guarded against, it is the possibility of the defendant, if he should hereafter be successful, losing the fruits of his judgment; but, as the practice stands, we do not inquire whether in all probability the plaintiff or his goods will be here after judgment, but whether they are here now. I cannot but think that the practice is unreasonable, and I regret that it is as it has been shown to be.

Judgment affirmed.

CURRENT EVENTS.

ENGLAND.

Despatch of Business in England.—The Lord Chief Justice recently remarked: "The fact is, that the judicial strength of the country is not sufficient to enable the judges to be in town and country at the same time. They cannot be absent on the winter assizes and also sitting here at Westminster. I find that the arrears in the courts are such as to require the constant sitting of the court in *banc;* but there are only two judges available, and the *nisi prius* must be suspended for six weeks, though there are 850 causes entered for trial." The *Law Journal* says: "We are well aware that, both in the House of Lords and in the House of