

are in fact the same, and if they are in any way different, but arise from the same transaction, security will not be ordered.

Where the party is in default in payment of costs in another action for the same cause, security will be ordered. It was the former practice that all proceedings would be stayed in the second action until the costs of the first action were paid.

It may be noticed that it is not necessary that the action be between the identical parties to the original suit; it is sufficient if the plaintiff sues and claims the same relief, although other parties are added.

In addition to the cases enumerated in the rule, there are several others where it is now well settled by practice that security will be ordered: The case where the plaintiff is suing, and it can be shewn that he has no interest in the subject-matter of the litigation, but the action has been brought in the interest and for the benefit of some other party, is one directly in point; the poverty of the plaintiff, or the fact that he is insolvent, is no ground for asking for security; even though the plaintiff is an insolvent corporation, and a receiver has been appointed of its assets, that will make no difference.

Persons suing for penalties under any statute or law, either for his own benefit solely or for the benefit of the Crown, or partly for his own benefit and partly for the Crown, may be ordered to give security for costs where it can be shewn that the informer has not sufficient property to answer the costs in the action in the event of judgment being given for the defendant, and the defendant must also swear that he has a good defence to the action upon the merits. Where the defendant is a corporation aggregate, however, it has been held that they are not entitled to obtain security.

By statute, in actions of libel, the defendant may, after the statement of claim is filed, obtain an order for security upon notice and upon an affidavit stating that the defendant is not possessed of property sufficient to answer the costs of the action in case a verdict is given in favour of the plaintiff. He must also swear that he has a good defence on the merits, and that the statements complained of were published in good faith, and that the grounds of the action are trivial.

If, however, the alleged libel involves a criminal charge, the defendant is not entitled to security for costs, unless he can satisfy the court that the action is trivial or frivolous, or that the article