

members of the profession. In this article, which must necessarily be brief, we do not deal with the security ordered on appeals from judgments, reports, orders, etc., but confine ourselves to initiatory proceedings.

The rule governing this subject, in Ontario in the Rules of Practice, does not change the law, but simply affirms what the law was at the time the rule was promulgated, or extends the application of the principles of giving security for costs in some cases, and does not in any way limit the right to security for costs to the cases mentioned in the rule, but gives the right to security in the cases enumerated, in addition to any others a party has been formerly entitled to claim.

Residence out of the jurisdiction is one of the most familiar grounds for ordering security to be given, but a plaintiff is not *prima facie* liable to furnish security because he resides out of the jurisdiction of the court. Where it is made apparent to the court that the defendant has no defence to the action, security will not be ordered; and if a *proceipe* order has been taken out, it can be set aside on proper evidence. Where one of several plaintiffs, suing on a joint claim, resides out of the jurisdiction, security would not formerly have been ordered, but since the change in the rules, whereby all the plaintiffs are not now liable for the whole cost incurred, security will be ordered by a plaintiff residing out of the jurisdiction. A plaintiff who at the commencement of an action resides within the jurisdiction, but afterwards permanently removes, may now be ordered to give security not only for the costs incurred after removal, but also from the commencement of the action.

It was the former law that a plaintiff who was in fact within the jurisdiction, but whose actual domicile was without the jurisdiction, could not be ordered to give security, but since the rules now governing the subject, temporary residence within the jurisdiction is not sufficient ground of defence to an application by the defendant for the plaintiff to furnish security.

Another ground under the rule where the plaintiff may be ordered to furnish security is where the plaintiff has brought another action or proceeding for the same cause in Ontario or elsewhere and the action has not been finally adjudicated upon. It must be shewn on the application for security that the actions