

At common law a plaintiff was required in all cases to give pledges to prosecute his suit with effect, or to abide the consequences. This however was not, strictly speaking, giving security for costs; because although a plaintiff might be fined for making a false claim, yet costs, by the common law, were not recoverable in any case. 2 *Inst.* 288. The pledges to prosecute have, however, long since become obsolete. 3 *Blac. Com.* 274. The rule security for costs is applied only against non-residents; and is of recent origin in the Courts of common law of England: so late as the year 1750, in a case in which it was moved, that the plaintiff, who was a merchant residing in France, might be required to give security for costs, it was refused; because, as was said, it would affect trade and be excluding foreigners from obtaining justice. *Lamii v. Sewell*, 1 *Wils.* 266; *Maxwell v. Mayer*, 2 *Burr.* 1026. Some years afterwards it became a settled general rule to allow the defendant, even after issue joined, to demand security for costs in all cases where the plaintiff resided beyond the jurisdiction of the Court; and on the security not being given to have the suit dismissed. *Denn, ex dim. Lucas v. Fulford*, 2 *Burr.* 1177; *Parquat v. Eling*, 1 *H. Blac.* 106; *Fitzgerald v. Whitmore*, 1 *T. R.* 362; *Carr v. Shaw*, 6 *T. R.* 496. But a resident plaintiff, as it would seem, cannot be required to give security for costs merely on account of his poverty. *Golding v. Barlow*, *Cowp.* 24; *Tidd Prac.* 478.

In Maryland a plaintiff was at no time required to give pledges to prosecute; but it appears, that if a non-resident himself applied to sue out original process for the commencement of an action he might be called on to give security for costs, 1715, ch. 29, and if he did not himself so institute his suit, the attorney employed by him was * required to put in security for costs. 1715, ch. 29; 1729, ch. 20, s. 2. By laws, passed since the Revolution, it is declared, that in all suits brought by persons not resident of the State, or who may remove out of it, after the commencement of the action, the defendant may lay a rule, at or before the trial Court, on the plaintiff to give security for costs; upon the failure to comply with which he may be nonsuited. 1796, ch. 43, s. 12; 1801, ch. 74, s. 9. It is evident from these and other legislative enactments, that the rule security for costs as against non-resident, and in some instances against resident plaintiffs, was frequently resorted to in our Courts of common law from a very early period. 1768, ch. 29, s. 24; 1794, ch. 54, s. 10; 2 *Harr. Ent.* 51, 118, 617. **562**

Soon after the Chancellorship had become active and important as a judicial office in England, it was declared by a statute passed in the year 1393, that the Chancellor, upon any suggestion being found untrue, should have the power to award damages according to his discretion to him who had been so unduly troubled. This statute is said to be the foundation of the authority by which costs