

from the plaintiff resident abroad, the defendant having security from the resident plaintiffs. *Winthrop v. Royal Exch. Ass. Com.*, *Dick.* 282; *Walker v. Easterby*, 6 *Ves.* 612. And although any monarch of a foreign nation with whom the United States are at peace, *City of Berne v. Bank of England*, 9 *Ves.* 347, or any one of the States of the Union may be permitted to institute a suit in our Courts against any of our citizens; yet such monarch or co-state may be required to give security for costs. 1 *Hovend. Sup. to Ves.* 149; 1785, ch. 36.

It would seem, that in England the demand upon the plaintiff to give security for costs may in all cases be made either by motion or petition setting forth the facts upon which the application is made. 2 *Harr. Pra. Chan.* 60; 2 *Mad. Chan.* 270. But here, in cases where the fact of the non-residence appears upon the face of the bill, it has always been the practice in this Court, and certainly is the easiest and best course, to move within the sittings of a term, as at law to lay a rule upon the docket, that the plaintiff be required to give security for costs *during the sittings of the next succeeding term.^(e) But if the fact of the non-residence of the plaintiff does not appear upon the face of the bill; or if he has after filing his bill left the State; then the matter must be brought before the Court by petition, and a special order obtained, to be served on the plaintiff's solicitor, or, if he has none, to be entered short upon the docket, requiring security for costs to be given, unless cause shewn by a particular day. The form of security is a recognizance or bond to the State in a penalty sufficient to cover the costs, with surety resident within the State, to be approved by the Chancellor.^(f)

(e) DENNIS, &C. ASSIGNEES OF D. A. BANKRUPT v. GREENBURY.—1714.—Ordered, that security be given for costs in the sum of five thousand pounds of tobacco; bond to be given in six weeks or the bill to be dismissed.—*Chan. Proc. lib. P. L. fol.* 75.

FALCONER v. BLAY.—1715.—Bill dismissed with costs for want of security being given according to the rule of last Court.—*Chan. Proc. lib. P. L. fol.* 122.

HANBURY v. VERNON.—1731.—Upon motion of the defendant's counsel, Ordered that security for costs be given. Edmund Jenings becomes security for the same.—*Chan. Proc. lib. S. R. No. 2, fol.* 225.

CHENEY v. CHENEY.—1773.—Rule security for costs and fees next Court.—*Chan. Proc. lib. W. K. No. 1, fol.* 314.

BRYDEN v. CHASE.—20th December, 1810.—The plaintiff was a resident of New York. Rule on the plaintiff to give security for costs before the 5th day of February Term, 1811. Rule enlarged to the fourth day of July Term, 1811.

THE LORD PROPRIETARY v. CARROLL.—1738.—Information, &c.—Upon motion of the defendant's counsel, Ordered, that security for costs be given by next Court; the person at whose relation the information is filed being a non-resident.—*Chan. Proc. lib. J. R. No. 3, fol.* 465.

(f) Upon which there may be as it appears a "*scire facias* against the security for costs on the recognizance," 1763, ch. 18, s. 89; or an attachment as at common law, 2 *Harr. Ent.* 617.