

ing the sittings of the next succeeding term.(g) But if the fact of the nonresidence 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 the security is a recognisance 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.(h)

In this case the bill itself states, that the plaintiffs are nonresidents, and, consequently, the answers and subsequent proceedings of the defendants have amounted to a waiver of the right on their part to lay the plaintiffs under a rule to give security for costs.

Whereupon it is ordered, that the petition of the defendants be and the same is hereby dismissed with costs.

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This case was afterwards entered agreed.

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(g) 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 nonresident.—*Chan. Proc. lib. J. R. No. 3, fol. 465.*

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