

8. Whenever any suit or action, whether in the name of the State or of an individual, shall be marked for the use of any person, the person for whose use such suit or action is marked shall be liable for costs as if he were the legal plaintiff.

9. The costs arising on the prosecution of any slave in any court, whether such slave be convicted or acquitted, shall be chargeable to and paid by the county or city where such prosecution may be had.

10. The defendant in any action may, at or before the trial court, have a rule on the plaintiff to give security for the payment of the costs and charges which may be recovered against him in such action, if the plaintiff is not a resident of this State at the time the motion is made for such rule. On such rule being laid the plaintiff shall have until the second day of the next term of the court to comply therewith, and on his failure to do so he shall be non-suited.

ARTICLE XXVIII.

County Commissioners.

SEC. 1. The County Commissioners of each county in this State are declared to be a corporation, and shall have power to appoint judges of election, collectors of taxes, trustees of the poor, a clerk to their board, and all other officers, agents and servants required for county purposes, not otherwise provided for by law or by the Constitution; and they shall have charge of and control over the property owned by the county, and over county roads and bridges.

2. They may sue and be sued, and may sue for any injury done to the property of the county, or to recover possession thereof, or may be sued by any claimant of such property.

3. The number of county commissioners in each county shall be as fixed by the code of local law for each county.

4. They shall meet in their respective counties within sixty days after their election, and qualify by taking the oaths required by