

such Plaintiff or Plaintiffs, in any Action, Suit, Bill or Plaint, sued, or to be sued to the King's Use; the Defendant or Defendants shall not recover any Costs against any such Plaintiff or Plaintiffs, any Act or Statute made in this present Parliament, or any other thing to the contrary being in any wise notwithstanding.

In what case the Defendant shall not recover Costs.

The exemption of the State from costs is well settled, *Charlotte Hall School v. Greenwell*, 4 G. & J. 407.¹

It is provided, however, by Art. 18, sec. 34,² of the Code, that in all suits brought on bonds given to the State, the Clerk shall before he issues the writ, endorse thereon the name of the party at whose instance and for whose use such suit is instituted; and under Art. 9, sec. 4,³ suits may be entered to the use of another party before judgment, or under sec. 1⁴ a judgment may be assigned over to another, so as to enable him to issue execution in his own name, and he may revive it by *scire facias* if the legal plaintiff be dead without taking out administration, the term *equitable assignee* in sec. 2⁵ including *cestui que use*, *Clarke v. Digges*, 5 Gill, 118; nor under sec. 4,³ does an action abate by the death of either the legal plaintiff or, as it should seem, of the *cestui que use* before judgment. Art. 27, sec. 8,⁶ which is a codification of parts of the several Acts of 1794, ch. 54, sec. 10; 1796, ch. 43, sec. 13; and 1801, ch. 74, sec. 10, provides that whenever any action, whether in the name of the State or 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. As to the practice of entering the use on bonds given to

¹ *State v. Williams*, 101 Md. 529; *Annapolis, W. & B. R. R. Co. v. Hickox*, 104 Md. 659, 666; *State v. Layman*, 46 Md. 190. But see *State v. Baltimore*, 52 Md. 398.

² Code 1911, Art. 17, sec. 38.

³ Code 1911, Art. 8, sec. 4.

⁴ Code 1911, Art. 8, sec. 1.

⁵ Code 1911, Art. 8, sec. 2.

⁶ Code 1911, Art. 24, sec. 8; *State v. Layman*, 46 Md. 190. A person to whose use a case is entered is liable for costs where the entry is made merely to give security for a subsisting debt, as well as where an unqualified interest in the subject of the suit is assigned. *Ruddell v. Green*, 104 Md. 371.

A person to whose use a case is entered cannot, by entering the case to the use of another person, relieve himself of liability for costs already incurred. *Willson v. Williams*, 106 Md. 657; *Ruddell v. Green*, *supra*.

Where a stranger to a suit pays the costs incurred by a party to the clerk, examiner, &c., he is not thereby entitled to be subrogated to the rights those officials would have if the costs had not been paid. *Willson v. Williams*, 108 Md. 522; *Marshall v. Cooper*, 43 Md. 46.