

resident plaintiff or plaintiffs. On such rule being laid, the plaintiff or plaintiffs, shall have until the second day of the next term of the court to comply therewith, and on his or their failure to do so he or they shall be non-suited.

Who is a "non-resident"? The "trial court" means any court at which the case is called and ready for trial. This section is constitutional. *Haney v. Marshall*, 9 Md. 208. See also, *Knee v. City Pass. Ry. Co.*, 87 Md. 625.

This section is constitutional. A rule laid in one county may be enforced in another county to which the suit is removed. The right to claim a non-suit for non-compliance with the rule, continues up to the beginning of the trial. *Holt v. Tennallytown, etc., Co.*, 81 Md. 220.

A plaintiff who discovers during the progress of a trial that the rule security for costs has not been complied with, cannot then insist that the trial be stopped until the rule is complied with. *Spencer v. Trafford*, 42 Md. 18.

This section relates to the laying of the rule security for costs in actions at law. An appeal lies from a refusal to require a non-resident to give security for costs. *Watson v. Glassie*, 95 Md. 660.

Although the suit may be brought in the name of the state, if the equitable plaintiff is a non-resident, the rule may be laid. *State v. Layman*, 46 Md. 192.

The right to insist upon a compliance with the rule for that term, may be waived by an agreement that the case shall be continued. How the rule may be complied with. *State v. McCarty*, 60 Md. 375.

Where the plaintiff, after a motion for non-suit for non-compliance but before the court acts on the motion, deposits security for costs, he will not be non-suited. *Heinekamp v. Beatty*, 74 Md. 391.

The court of appeals will not lay a plaintiff, who has moved out of the state since the appeal, under rule security for costs. *Berry v. Griffith*, 1 H. & G. 440.

Under what circumstances, and at what stage of the case, the plaintiff may be required to give security for costs. *Mayer v. Tyson*, 1 Bl. 562.

As to the rule security for costs in equity, see art. 16, sec. 174.

1906, ch. 271. 1908, ch. 510.

10. When in any action or proceeding at law or in equity or in any proceeding before an orphans' court a bond is required to be filed and the surety upon such bond so filed is a surety company authorized by the laws of this State to qualify upon such bonds, then the party entitled to recover or be allowed his costs in said action or proceeding at law or in equity or in any proceeding before an orphans' court may have included as his costs such reasonable sum as may have been paid by him to such surety company for executing such bond or any renewal thereof or substitution for the same, during the continuance of the trusts; and all executors, administrators, trustees, receivers, committees, guardians or other fiduciaries who file such bonds shall be entitled to collect the reasonable costs of the premium or premiums thereon and be allowed the same from the funds and assets in their hands.

As to "sureties," see art. 90.