

to pay or give security for costs, but such costs shall be paid by the county. The mayor and city council of Baltimore shall not, however, be liable in any such cases tried in the criminal court of Baltimore for the appearance fees allowed by law to the attorney of the traverser.

This section only applies in case the defendant is acquitted, or fined not exceeding fifteen cents. *Schamer v. Washington County*, 83 Md. 129. And see *Baltimore v. Pattison*, 136 Md. 66.

An. Code, sec. 8. 1904, sec. 8. 1888, sec. 8. 1794, ch. 54, sec. 10. 1796, ch. 43, sec. 13. 1801, ch. 74, sec. 10.

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.

The liability of the *cestui que use* for costs becomes fixed the moment the case is marked to his use with his knowledge and consent, and continues as long as that of the legal plaintiff lasts. History of this section It is immaterial that the *cestui que use* acquires no interest in the suit or judgment or that the entry is made only for collateral security. An order in lower court (pending an appeal) substituting one *cestui que use* for another, has no effect on the judgment for costs in the court of appeals. *Rudell v. Green*, 104 Md. 375; *Wilson v. Williams*, 106 Md. 672.

Where, pending an appeal and without consent of court, an order is filed with the clerk of the court of appeals striking out name of the equitable plaintiff and inserting another person as equitable plaintiff, former remains liable for costs incurred at time his name was stricken out. *Wilson v. Williams*, 106 Md. 672.

This section applies to chancery proceedings as well as to those at law. The legal and equitable plaintiffs are both liable for costs. *Wilson v. Williams*, 106 Md. 672. See also *Selby v. Clayton*, 7 Gill, 243.

An infant, who is defendant in a suit by his guardian, is liable for costs. *Lane v. Gover*, 1 H. & McH. 459.

While the costs are adjudged against legal plaintiff, defendant may proceed against him, or against equitable plaintiff. *Selby v. Clayton*, 7 Gill, 243.

Costs may be entered against state under this section, but equitable plaintiff is liable for such costs. *State v. Greenwell*, 4 G. & J. 417.

This section applied, where suit brought in name of state. *State v. Layman*, 46 Md. 192.

For a case dealing with act 1794, ch. 54, sec. 10, see *Logan v. State*, 39 Md. 187.

An. Code, sec. 9. 1904, sec. 9. 1888, sec. 9. 1796, ch. 43, sec. 12. 1801, ch. 74, sec. 9. 1900, ch. 382.

9. The defendant in any action may at or before the trial court have a rule on the plaintiff or plaintiffs to give security for the payment of costs and charges which may be recovered against him or them in such action if the plaintiff or plaintiffs, or any of them, is not a resident or are not residents of this State at the time the motion is made for such rule; provided, that such rule shall be had only against a non-resident plaintiff or plaintiffs, or against a resident plaintiff or plaintiffs, who is an assignee or are assignees of or stand in the place of a non-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.

Neither a rule security for costs nor a motion for such a rule extends the time in which to plead, since such rule is in no manner connected with the pleadings. *Wilkin Mfg. Co. v. Melvin*, 116 Md. 101.

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.