

deed, obtained leave from the court upon showing just cause to put in such plea.

12. In any suit brought on any judgment, bond or other writing sealed by the party, if the defendant shall have any demand or claim against the plaintiff upon judgment, bond, or other instrument under seal, or upon note, agreement, assumpsit or account proved, he shall be at liberty to file his account in bar, or plead discount to the plaintiff's claim, and judgment shall be given for the plaintiff for the sum only which remains due after just discount made; *Provided*, the sum which shall remain due after such discount be sufficient to support a judgment in the court where the cause may be tried according to its established jurisdiction.

13. In any suit upon simple contract, the defendant may file an account in bar or plead discount of any claim he may have against the plaintiff, proved according to law, which may be of an equal or superior nature to the plaintiff's claim, and judgment shall be given as aforesaid.

14. In case any person shall be prosecuted by indictment or any other criminal prosecution for a libel, the party so prosecuted shall be entitled to give the truth of the matter charged in the said indictment or other prosecution in evidence under the general issue, by way of justification.

15. In any suit on the bond of any clerk or register, it shall not be necessary to suggest the breaches in the replication, and if plea of performance is pleaded by defendants, it shall be sufficient to reply generally that the obligor has not performed the condition of his bond, and give the special matter in evidence.

16. The plea of non damnificatus shall not be received to any suit on the bond of a clerk or register.

17. Whenever any recognizance taken for the appearance of any person to answer, or of any person to testify, shall be forfeited in any court of record, the State's Attorney may order a writ of execution to be issued for the sum or sums thereon due.