

An. Code, sec. 16. 1904, sec. 16. 1888, sec. 16. 1825, ch. 208, sec. 1. 1888, ch. 547.

20. 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, and in this event the defendant shall be entitled to a bill of particulars of the plaintiff's claim.

As to a bill of particulars, see sec. 28, sub-sec. 107.

An. Code, sec. 17. 1904, sec. 17. 1888, sec. 17. 1825, ch. 208, sec. 4.

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

An. Code, sec. 18. 1904, sec. 18. 1888, sec. 18. 1777, ch. 13, sec. 2.

22. 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.

This section does not cover a recognizance under art. 87, sec. 40—to pay a fine or penalty—it refers to the forfeiture of a recognizance to answer or testify. See notes to art. 87, sec. 40. *Albrecht v. State*, 132 Md. 159.

An. Code, sec. 19. 1904, sec. 19. 1888, sec. 19. 1782, ch. 42, sec. 2.

23. Whenever any execution has issued on a forfeited recognizance against a person for not appearing according to the tenor of the recognizance, such person, on the return of the execution, may appear and plead in discharge thereof any plea which would have been good and sufficient to a *scire facias* on said recognizance, if a *scire facias* had issued thereon; and upon such plea being determined in favor of the person pleading the same, he shall be discharged from the said forfeiture; provided, such person shall not be discharged from such execution until the trial of the plea, unless he shall pay and satisfy the execution or give bond payable to the State before the sheriff, or enter into recognizance in court with one good and sufficient security in double the forfeiture and costs due upon such execution, conditioned to appear and plead in discharge of said execution and to abide by and fulfil the judgment of the court thereupon.

Whether there is such a record as the execution on recognizance recites, can only be tried on a plea of *nul tiel record* under this section. Questions of irregularity in taking and forfeiting of recognizance cannot be tried on motion to quash execution. Other matters to be disposed of under plea of *nul tiel record*. That traverser actually appeared according to condition of recognizance, is a matter of discharge to be availed of by plea. *Schultze v. State*, 43 Md. 305.

This section does not cover a recognizance under art. 87, sec. 40, to pay a fine or penalty—it only refers to an execution issued on a forfeited recognizance for not appearing. See notes to art. 87, sec. 40. *Albrecht v. State*, 132 Md. 159.

An. Code, sec. 20. 1904, sec. 20. 1888, sec. 20. 1856, ch. 112, sec. 94. 1888, ch. 409.

24. It shall be lawful for the defendant, or for one or more of several defendants, in all actions (except actions for assault and battery, false imprisonment, libel, slander, malicious arrest or prosecutions for criminal conversation, or debauching of the plaintiff's daughter or servant), to pay