

1096 PLEADINGS, PRACTICE AND PROCESS AT LAW. [ART. 75.]

accounted for, under the ordinary rules of evidence, to allow the introduction of secondary proof of the contents thereof at the trial, and that no judgment thereupon shall be entered for the plaintiff in such suit until a good and sufficient bond shall have been first filed therein by the plaintiff, or on his behalf, in such penalty and with such surety or sureties as the court shall approve, conditioned to hold and keep the defendant harmless, upon satisfaction of the judgment by him, to the same effect and intent as if said missing instrument were then and there produced and surrendered to him; and the costs in all such cases shall be adjudged by the court, in its discretion, as may be equitable.

Fell's Point Sav Bk. v. Weedon, 18 Md. 320. C. & O. C. Co. v. Blair, 45 Md. 102.

P. G. L., (1860,) art. 75, sec 14. 1803, ch. 54.

**15.** 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.

Ibid. sec. 15. 1825, ch. 208, sec. 1. 1888, ch. 547.

**16.** 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.

Ibid. sec. 16. 1825, ch. 208, sec. 4.

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

Ibid. sec. 17. 1777, ch. 13, sec. 2.

**18.** 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.