

for the defendant as in cases of non suit; and if a defendant shall fail to comply with such order to produce books or writings, or to answer any bill of discovery only, it shall be lawful for the court, on motion as aforesaid, to give judgment against him by default; provided, that any plaintiff or defendant may, in compliance with any rule for producing extracts of such books or papers, bring into court the original books or papers.

*Divers v. Fulton*, 8 G. & J. 202. *Glenn v. Rogers*, 3 Md. 312. *Atwell v. Miller*, 6 Md. 10. *The Spring Garden Mut. Ins. Co. v. Evans*, 9 Md. 1. *Morrison v. Whiteside*, 17 Md. 453. *Browne v. Browne*, 22 Md. 103. *Eschbach v. Lightner*, 31 Md. 533. *Mugraw v. Munnikhuisen*, 35 Md. 291. *Tome v. P. R. R. Co.*, 39 Md. 36. *Rich v. Boyce*, 39 Md. 314.

1888, ch. 529.

5. Whenever at the trial, hearing, or any other stage of an action, suit, petition, cause or matter at law or in equity, it shall appear to the court that the attendance or testimony of any person or witness, or the production of any paper, document or thing not produced by any party is necessary to the purposes of justice, the court may require any party to produce such paper, document or thing for inspection by court or jury, or may of its own motion issue process for the production of such person, witness, paper, document or thing, and may adjourn or postpone the trial or hearing, or name a day for the further trial or hearing if the trial has begun, or if a hearing shall already have been had, in order that such person, witness, paper, document or thing may attend or be produced, upon such conditions in every case as to time, notice, cost and security, as the court may deem proper.

P. G. L., (1860,) art. 75, sec. 70. 1825, ch. 208, sec. 2.

96. At the trial of any suit instituted upon the bond of any clerk or register for neglect of duty, it shall be the duty of the clerk or register, when required, to exhibit to the court his dockets, records and fee books, and the measure of damages shall be the sum or sums he has charged for services he has not performed, unless special damage has been suffered by some person, and if so, the jury shall, in addition, allow for such special damage.