

the plaintiff, proved according to law, which may be of equal or superior nature to the plaintiff's claim, and judgment shall be given for the difference found, or other consequence follow thereon, as in the preceding section is provided.

Clarke v. Magruder, 2 H. & J. 77. *Baltimore Ins. Co. v. McFadon*, 4 H. & J. 31. *Glenn v. Smith*, 2 G. & J. 493. *Burch v. State*, 4 G. & J. 444. *Sangston v. Maitland*, 11 G. & J. 297. *Hall's Admr. v. Creswell*, 12 G. & J. 51. *Milburn v. Guyther*, 8 Gill, 93. *Wilson v. Keedy*, 8 Gill, 197. *Simmons v. Tongue*, 3 Bl. 341. *Foley v. Mason*, 6 Md. 51. *Beall v. Pearre*, 12 Md. 550. *Abbott v. Gatch*, 13 Md. 332. *Carroll's Admr v. Quynn*, 13 Md. 390. *Lane v. Fallen*, 16 Md. 352. *Scott v. Scott*, 17 Md. 91. *Balto. Marine Ins. Co. v. Dalrymple*, 25 Md. 309. *Dowler v. Cushwa*, 27 Md. 355. *Smith v. Wash. Gas Light Co.*, 31 Md. 17. *Warfield v. Booth*, 33 Md. 72. *Miller v. Lea*, 35 Md. 406. *Penniman v. Loney*, 40 Md. 475. *Rice v. Forsyth*, 41 Md. 408. *C. & P. R. R. Co. v. Slack*, 45 Md. 161. *Lee v. Rutledge*, 51 Md. 313. *Tyrrell v. Tyrrell*, 54 Md. 169. *Hearn v. Cullin*, 54 Md. 542. *Simmons v. Haas*, 56 Md. 166. *Stallings v. Gottchalk*, 77 Md. 433.

1888, art. 75, sec. 14. 1876, ch. 345.

14. No party, otherwise entitled to sue and recover in any suit at law upon or under any promissory note, bill of exchange, bill of lading, warehouse or storage receipt, or other negotiable instrument, shall be precluded from so recovering by reason of his inability from any cause to produce such instrument in evidence at the trial, or surrender the same to the defendant; provided, always, that the absence of such instrument shall be sufficiently 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.

Ibid. sec. 15. 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