

Production of Books and Answering Bill of Discovery.

1888, art. 75, sec. 94. 1860, art. 75, sec. 69. 1796, ch. 43, sec. 7.
1801, ch. 74, sec. 6.

99. The court shall have power in the trial of actions at law, on motion made at the first court after the appearance court, supported by affidavit that the same is not intended for delay, and due notice thereof being given, to require the parties to produce copies, certified by a justice of the peace, of all such parts of all books or writings in their possession or power as contain evidence pertinent to the issue, or to answer any bill of discovery only which may be filed by the second court after the appearance court, in cases and under circumstances where they might be compelled to produce said original books or writings or answer such bill of discovery by the ordinary rules of proceeding in chancery, and if a plaintiff shall fail to comply with any such order to produce such books or writings, or answer such bill of discovery, it shall be lawful for the said courts on motion to give the like judgment 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. *Magraw v. Munnikhuysen*, 35 Md 291. *Tome v P R. R. Co*, 39 Md 36. *Rlch v. Boyce*, 39 Md. 314. *Union Pass. Ry. Co. v. M. & C. C.*, 71 Md. 240.

Ibid. sec. 95. 1888, ch. 529

100. 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