

pel the plaintiff to come into this Court, and incur the expense of a bill of discovery. It certainly does seem to be reasonable, even although the plaintiff should be ordered to pay the costs of this Court in the first instance; yet that they should await the event of the suit at law, and be taxed there like the costs for summoning witnesses, &c. as a part of the costs of the suit at common law. *Cartwright v. Hately*, 1 *Ves. Jun.* 292; *Weymouth v. Boyer*, 1 *Ves. Jun.* 423; *Simmonds v. Lord Kinnaird*, 4 *Ves.* 746; *Hindman v. Taylor*, 2 *Bro. C. C.* 10; *Noble v. Garland*, 1 *Mad. Rep.* 343; 1 *Mad. Pra. Chan.* 216; *Grant v. Jackson*, *Peake's Cas. N. P.* 204.

The Act of Assembly declares, that in deciding on exceptions to answers, the Court may award costs to the party prevailing; 1820, ch. 161, s. 8; by which the question of costs seems to have been submitted entirely to the discretion of the Court, in all such cases, without distinction. In the exercise of that discretion, therefore, I cannot but think it as reasonable, on a mere bill of discovery, as on a bill for relief, where the plaintiff has been put to the expense and trouble of extracting a sufficient answer from the defendant, or of pruning away its impertinences, that he should have, at least the costs of the exceptions; and therefore I shall give such costs in this case.

* Whereupon it is ordered, that the last one of the exceptions of the plaintiff to the said answer, be and the same is **407** hereby allowed; and that the said exhibit which the defendants have prayed to be taken as a part of their answer, purporting to be a copy of the second administration account of the defendants, and the distribution of the surplus of their intestate's estate, be expunged from the proceedings in this case; that all the other exceptions of the said plaintiff to the said answer be overruled. And that the defendants pay to the plaintiff all the costs of the said exceptions, including a solicitor's fee, to be taxed by the register.

MCKIM v. ODOM.

HEARING ON BILL AND ANSWER.—CHANCERY PRACTICE.—EFFECT OF AN APPEAL.—PUBLIC CORPORATIONS.

If the plaintiff brings on the case for hearing on bill and answer, he thereby admits the answer to be true. (a)

The bill dismissed as to some of the defendants, and relief granted against others.

A decree to account.

Where evidence is to be taken, a reasonable time to collect it is allowed as of course.

(a) Cited in *Warren v. Twilley*, 10 Md. 48.