

so given has been pursued; and, as under a writ of *ad quod damnum*, there should be no unreasonable delay, much less could any fraudulent practice be allowed to pass without check or rebuke. *Ex parte Vennor*, 3 *Atk.* 766; *Rex v. Inhabitants of Flecknow*, 1 *Burr.* 465; *Rogers v. Bradshaw*, 20 *Johns. Rep.* 735; *Rex v. The Mayor of Liverpool*, 4 *Burr.* 2244; *The King v. Bagshaw*, 7 *T. R.* 363.

In this case it is clear, from the answer, all the statements of which on this motion must be taken to be true, that the inquisition has been had before the property taken was covered up or obscured by admixture with other substances; and, at a time, and in a manner when the jury were enabled to form a correct estimate of the claim for damages; and, it is also manifest, that there has
392 * been no unreasonable delay, misrepresentation, or fraud practised by any one to the prejudice of the plaintiff; and therefore, this company cannot, from anything now appearing, be any longer restrained from proceeding with their work.

Whereupon it is ordered, that the injunction heretofore granted in this case, be, and the same is hereby annulled and dissolved.

PRICE v. TYSON.

BILLS OF DISCOVERY, AND ANSWERS.

The nature of a bill of discovery.

A defendant in answering a bill of discovery may set forth any pertinent matter in avoidance.

In general, no matter stated by way of answer which affords such information as the bill calls for, or which may be needful as a defence can be deemed impertinent.

Nor can any matter which is pertinent to the case be deemed scandalous.

The legality of evidence, brought out by a bill of discovery, must be determined by the Court of common law for whose use the discovery was made.

THIS bill was filed on the 8th of February, 1831, by William Price, administrator of John Price, deceased, against Mary Tyson, Isaac Tyson and Moses Sheppard, administrators of Nathan Tyson, deceased. The bill states, that in the year 1817, a suit which had been previously instituted by the plaintiff's intestate, against the intestate of the defendants, was transmitted from Baltimore to Harford County Court; and was there, by an order of that Court, referred to arbitration; but no award having been made, it was in 1826, reinstated; that the defendants had pleaded in abatement the death of the plaintiff before they had been summoned as defendants, which plea was finally overruled by the Court of Appeals; that the object of the suit at law was to recover a large sum of