

been no unreasonable delay, misrepresentation, or fraud practised by any one to the prejudice of the plaintiff; and therefore, this company cannot, from any thing 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.

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PRICE v. TYSON.

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 money due from the freight of a vessel chartered by the plaintiff's intestate to the intestate of the defendants; that these defendants pretending ignorance of any suit having been instituted against their intestate, in his life-time, for the recovery of this debt, have pleaded in bar thereof, that they had fully administered the estate of their intestate without any knowledge of the plaintiff's claim, or of the pendency of the suit at law; that the defendant *Mary* is the widow, and the defendant *Isaac* is the brother or near relation of their intestate; and both, being intimately acquainted with his affairs, did know, that the controversy between the late *John* and the late *Nathan* had been referred to arbitration, and had never been settled; and that the defendants before the 10th of October,