An. Code, sec. 166. 1904, sec. 157. 1888, sec. 144. Rule 26.

181. Either plaintiff or defendant shall be at liberty to decline answering an interrogatory, or part of an interrogatory which he shall consider or be advised by counsel relates to matters which are not admissible or proper, or from disclosing which he is protected by law; and he shall be at liberty so to decline notwithstanding he shall answer other interrogatories; and upon such declination, the plaintiff or defendant may, on three days' notice set down the matter for hearing before the Court or Judge thereof. But when interrogatories, or any of them are not fully answered, the objection to the insufficiency of the answer may be set down for hearing before the Court or Judge upon motion to be filed in which the particular objections to the answer shall be pointed out, and the objections shall be heard by the Court at such time and upon such notice as the Court or Judge may deem reasonable. The plaintiff or defendant shall be at liberty, before answers to the interrogatories are filed, to proceed to take testimony, without waiver of his right to such answers, or of his motion respecting the same.[1]

An. Code, sec. 167. 1904, sec. 158. 1888, sec. 145.

182. Cross-bills for discovery only shall not be allowed, but the defendant shall be at liberty, instead thereof, to file interrogatories to the plaintiff, as provided in the preceding section. In other cross-bills, no other reference shall be made to the matters contained in the original bill than shall be necessary, but the same may be treated as if incorporated therein. The rules regulating the form of bills shall apply to cross-bills. If no new parties are introduced, service of a copy of the cross-bill on the solicitor of the plaintiff or plaintiffs in the original bill shall be sufficient. But where other persons are made parties, the service or notification shall be the same as provided in respect to notice or service of process upon defendants in original bills, together with the cross-bill.

An. Code, sec. 168. 1904, sec. 159. 1888, sec. 146. 1852, ch. 133. 1853, ch. 344.

183. It shall not be necessary for any defendant to make oath to his answer unless required by the plaintiff, nor shall any answer, whether sworn to or not, be evidence against the plaintiff at the hearing of the cause, unless the plaintiff shall read such answer as evidence against the defendant making the same; but this section shall not apply to motions to dissolve an injunction or to discharge a receiver.

When answers are not required to be under oath, though they are under oath, they have the same effect as if they were not. The only way of setting up the insufficiency of an answer, whether it is under oath or not, is by exceptions. Exceptions erroneously overruled. Coan *v.* Cons. Gas E. L. & P. Co., 128 Md. 531.

This section must be read as applying only when an answer under oath is required, and sec. 184, as applying only when an answer under oath is not required.

When an answer is required to be under oath, it will only be evidence against the plaintiff if read by him at the hearing. When the answer is not required to be under oath, if it is under oath, it will be evidence for the defendant when the case is heard on bill and answer. Whether the answer is evidence or not, it forces the plaintiff to prove such allegations of the bill as are denied. Davis *v.* Crockett, 88 Md. 255.

[1] Thus amended by equity rule 26, November 21, 1919, adopted by the court of appeals in accordance with sec. 18 of art. 4 of the Constitution.