

tried, which may seem necessary or expedient for the purpose of obtaining full information or evidence.

In view of this and two following sections, little stress is now laid upon auxiliary jurisdiction of equity to compel discovery, produce documents, etc. Bill held not to be maintainable in equity for discovery. *Becker v. F. W. Lipps Co.*, 131 Md. 307.

This section does not confer upon trial court power in its discretion to allow jury to inspect premises. Such inspection can only be allowed by consent of both parties. The act of 1886, ch. 415, omitted from Code of 1888. *Arnold v. Green*, 95 Md. 227.

A sketch or painting of a bridge, milldam and adjacent country, admitted in evidence in view of act of 1886, ch. 415. *Harford County v. Wise*, 71 Md. 54; *New York, etc., Co. v. Jones*, 94 Md. 33.

Cited in construing Art. 93, Sec. 245. *Tsarackhs v. Characklis*, 176 Md. 32.

An. Code, 1924, sec. 105. 1920, ch. 563.

105. It shall be lawful for the court in any civil action at law, upon the application of any party to the cause, if in the opinion of the court it is proper and in the interest of justice so to do, to make such order as may be necessary in order to have the jury make an inspection of real property, which is the subject of litigation or of the place where any material fact in issue took place, and the court may order the jury to be conducted in a body to such place, under the charge of an officer of the court and such place or property shall be shown to the jury by some person or persons appointed by the court for that purpose; and while the jury are thus absent no person, other than the person or persons so appointed by the court, shall speak to them on any subject connected with the trial; and the court shall award and allow the cost of the transportation of the jury as other costs in such trial are awarded and allowed.

As to juries, see art. 51.

Production of Books and Answering Bill of Discovery.

An. Code, 1924, sec. 106. 1912, sec. 99. 1904, sec. 99. 1888, sec. 94. 1796, ch. 43, sec. 7. 1801, ch. 74, sec. 6.

106. 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.

Existence of legal remedy does not warrant sustaining demurrer to bill in equity if there is any ground for relief in equity. *Zalis v. Orman*, 175 Md. 102.

This section does not oust equity of its jurisdiction on a bill for discovery and an accounting. *Union, etc., Ry. Co. v. Baltimore*, 71 Md. 240.

This and the succeeding sections are of interlocutory nature and not as extensive as jurisdiction of chancery. Demurrer overruled. Auxiliary jurisdiction to enforce discovery. *Hill v. Pinder*, 150 Md. 406.