An. Code, 1924, sec. 182. 1912, sec. 167. 1904, sec. 158. 1888, sec. 145.

**188.** 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, 1924, sec. 183. 1912, sec. 168. 1904, sec. 159. 1888, sec. 146. 1852, ch. 133. 1853, ch. 344.

**189.** 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. 190, 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.

Although the answer is not evidence under this section, still it may be looked to for the purpose of ascertaining what is in issue between the parties. In such case, the bill and answer are only to be regarded as pleadings. Taggart *v.* Boldin, 10 Md. 114; Dorn *v.* Bayer, 16 Md. 152.

This section has no application where the case is set for hearing upon bill, answer and exhibits alone. Warren *v.* Twilley, 10 Md. 46; Taggart *v.* Boldin, 10 Md. 114; Mickle *v.* Cross, 10 Md. 360; Hall *v.* Clagett, 48 Md. 236.

This section has no application to plenary proceedings in the orphans' court. Watson *v.* Watson, 58 Md. 448.

This section applied. Hall *v.* Clagett, 48 Md. 236; Polk *v.* Rose, 25 Md. 160; Taggart *v.* Boldin, 10 Md. 113; Farrell *v.* Bean, 10 Md. 222; Winchester *v.* Baltimore, etc. R. R. Co., 4 Md. 238.

Under the last clause of this section, to sustain a motion to dissolve an injunction, the answer must be sworn to, whether required to be under oath or not. Mahaney *v.* Lazier, 16 Md. 73.

The last clause of this section applied. Voshell *v.* Hynson, 26 Md. 94; Dorsey *v.* Hagerstown Bank, 17 Md. 142; Colvin *v.* Warford, 17 Md. 435; Bouldin *v.* Baltimore, 15 Md. 22; Gelston *v.* Rullman, 15 Md. 267.

Cited in McKenrick *v.* Savings Bank, 174 Md. 129; Moodhe *v.* Schenker, 176 Md. 265.

An. Code, 1924, sec. 184. 1912, sec. 169. 1904, sec. 160. 1888, sec. 147.

**190.** If the plaintiff in his bill shall not require an answer under oath, or shall only require an answer under oath with regard to certain specified interrogatories, the answer of the defendant, though under oath, except such part thereof as shall be directly responsive to such interrogatories, shall not be evidence in his favor, unless the cause be set down for hearing on bill and answer only; but an answer under oath may, nevertheless, be used as an affidavit, with the same effect as heretofore, on a motion to grant