R. W. Co. 1 De G. & Sm. 503. So a petition was presented to wind up an incorporated railway company, but before it was heard an act passed exempting such companies, and no costs were given on dismissing the petition, *Re* the Direct L. & P. Railway Co., 12 Beav. 269. In Robinson v. Rosher, 1 Y. & C. C. C. 7, a bill was filed on the authority of Flight v. Bentley, 7 Sim. 149. After issue joined, the case of Moores v. Choat, 8 Sim. 508, was decided and soon after published by the regular reporter. The plaintiffs entered into evidence. But it was held that, in spite of this, they were entitled to have the bill dismissed at the hearing without costs, though they should have applied by interlocutory motion. And the rule is established, that if a bill is correctly filed on the authority of a reported case, there being no authorities in conflict with it, and the decision in the reported case is reversed, the plaintiff in the suit brought on its authority is entitled on motion to have the bill dismissed without costs; and so where a suit becomes nugatory by matters subsequent, Sutton Harbor Co. v. Hitchens, 15 Beav. 161, and see Williamson v. Thompson, 11 Price, 745. And a *pauper* may dismiss his bill without costs, unless his admission to sue *in forma pauperis* took place after the filing of the bill. But bankruptcy is no abatement of the suit, and the plaintiff cannot dismiss his bill without costs on the bankruptcy of the defendant, see Rutherford v. Miller, 2 Anstr. 458, even though the merits of the case are in his favour, Suckling v. Maddocks, 2 Y. & Coll. 232, where, however, the Lord Chief Baron observed that he could not listen to an argument as to the vested interest of any solicitor in costs. The English practice of dismissing the bill for want of prosecution is superseded in this State by a rule for further proceedings, which the defendant may obtain after filing his answer, Alexander's Chan. Pr. 62; 1 Bl. 198, note. But the rule of the Statute is followed in all cases of a bill dismissed on such a rule, except where the plaintiff has become bankrupt or has sued *in forma pauperis*.

XXV. A motion to quash a writ of error was, in general, made for some defect not remedied by Stat. 5 Geo. 1, c. 13, and our own Act of 1809, c. 153.[37] And it might have been made either in the Chancery Court from which it issued, or in the Court to which it was returnable, Lloyd v. Skutt, Doug. 350. In all cases where the writ was quashed costs were recoverable, Cooper v. Ginger, 1 Str. 606; Archbishop of Dublin v. Dean of Dublin *ibid.* 262; and these costs included those of quashing the *writ of **672** error, Ginger v. Cowper, 2 Ld. Raym. 1403; it being holden that the Statute was not confined to those cases only, where a variance from the original record was assigned as error, but that it extended to all writs of error, by reason of the words in the Statute, "or other defect;" and so the defendant in error was allowed costs on a writ of error quashed because brought by a *feme covert*, though it was insisted that the Statute only gives costs in cases where the judgment might be affirmed, whereas here the plaintiff in error was a *feme covert* against whom the judgment could in no event be affirmed, M'Namara v. Fisher, 8 T. R. 302. But now, by the 1st of the New Rules of the Court of Appeals,[38] prefixed to the 29th volume of Mary-

[37] Code 1911, Art. 5, secs. 17, 18.

[38] Code 1911, Art. 5, sec. 4.