

## ARTICLE LX.

## MANDAMUS.

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| <p>1. Application for.</p> <p>2. Rule to show cause why it should not issue.</p> <p>3. Answer.</p> <p>4. Defendant not to be permitted to rely on any matter in second application which might have been pleaded to the first.</p> <p>5. Pleading.</p> | <p>6 To stand for trial, when.</p> <p>7. Trial by jury or court; judgment.</p> <p>8. Costs.</p> <p>9. <i>Ex parte</i> hearing.</p> <p>10 Dismissal of petition with costs.</p> <p>11 Must be peremptory.</p> <p>12 Appeal bond.</p> |
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1888, art. 60, sec 1. 1860, art. 59, sec. 1. 1806, ch. 90, sec. 9.  
1858, ch. 285, sec. 1.

**1.** All applications for granting writs of mandamus shall be made to the circuit courts for the several counties and the superior court of Baltimore city, the court of common pleas or the Baltimore city court, or to the judges of said courts, respectively, during the recess of the court, and shall be commenced by petition verified by the affidavit of the applicant and setting forth fully the ground of his application.

*Eichelberger v. Sifford*, 27 Md. 320. *Hardcastle v. Md. & Del. R. R. Co.*, 32 Md. 32. *Brooke v. Widdicombe*, 39 Md. 386. *Watts v. Port Deposit*, 46 Md, 500.

1888, art. 60, sec 2. 1860, art. 59, sec. 2. 1858, ch, 285, sec. 2.

**2.** Upon the filing of such petition the court or judge to whom the same is addressed shall lay a rule requiring the defendant therein named to show cause within such time as the court or judge may deem proper why a writ of mandamus should not issue as prayed, a copy of which rule shall be served upon such defendant by a day to be therein limited.

*Ibid.* sec. 3. 1860, art. 59, sec 3. 1858, ch. 285, sec. 3.

**3.** The defendant, by the day named in such order, shall file an answer to such petition, fully setting forth all the defenses upon which he intends to rely in resisting such application, which shall be verified by his affidavit.

*Legg v. Mayor & C. C. of Annapolis*, 42 Md. 203. *Sudler v. Lankford*, 82 Md. 148. *Creager v. Hooper*, 83 Md. 503.