

Summons with Claim for Injunction or Mandamus.

1904, art. 75, sec. 123. 1888, art. 75, sec. 116. 1888, ch. 456, sec. 86 A.

125. The plaintiff in any action at law (except ejectment and replevin), upon the bringing of the same may, in his order to the clerk to issue in the case, if by titling, or in his order to issue, if endorsed on the declaration, direct that the writ of summons shall be "with claim for mandamus," or "with claim for injunction," (or either or both of them, as the case may be), or words to the like effect; and the writ of summons thereon issued shall contain such words in accordance with such order, or words to like effect.

This section referred to in construing sections 6 and 128—see notes thereto. Chesapeake, etc., Telephone Co. v. MacKenzie, 74 Md. 43.

As to injunctions, see art. 16, sec. 78, *et seq.*

As to pleading and practice in mandamus cases, see art. 60.

Ibid. sec. 124. 1888, art. 75, sec. 117. 1888, ch. 456, sec. 86 B.

126. Upon complying with the provisions of the foregoing section, the plaintiff may thereupon claim in his declaration, either together with any other demand which may be enforced in such action, or separately, a writ of mandamus commanding the defendant to fulfill any duty, in the fulfillment of which the plaintiff is personally interested, or directing the defendant to do any act or acts that he may be bound by contract with the plaintiff to do, or an injunction forbidding the defendant to do, repeat or continue to do any act or acts that it is his duty to refrain from doing, either by contract or otherwise, or either or both of said writs.

This section referred to in construing sections 6 and 128—see notes thereto. Chesapeake, etc., Telephone Co. v. MacKenzie, 74 Md. 41.

Ibid. sec. 125. 1888, art. 75, sec. 118. 1888, ch. 456, sec. 86 C.

127. The declaration in such action shall set forth sufficient grounds upon which the claim for mandamus or injunction is founded, and that plaintiff is interested therein; or, that he sustains, or may sustain, damage by the non-performance of such duty or act, or the doing of, repetition of, or continuance of any act, and that he has demanded performance, or discontinuance, and so forth, thereof, and the same has been refused or neglected.

This section referred to in construing sections 6 and 128—see notes thereto. Chesapeake, etc., Telephone Co. v. MacKenzie, 74 Md. 43.

Ibid. sec. 126. 1888, art. 75, sec. 119. 1888, ch. 456, sec. 85 D.

128. The pleadings and other proceedings in any action in which a writ of mandamus or injunction is claimed shall be the same in all respects, as nearly as may be, and costs shall be recoverable by either party as in an ordinary action at law; and the defendant may demur to so much of the plaintiff's declaration as claims such writ, and such demurrer shall raise the question whether the facts stated as the ground of such claim disclose any such legal duty as that so sought to be