

within thirty days after the announcement of such disqualification, or within thirty days after the trial of the cause, in case such announcement shall have been made before the trial, then such point or question shall be decided by the remaining judges or judge, who may be qualified to sit in such cause; provided, that every point or question reserved upon a motion for a new trial shall be decided by the remaining judges or judge who may be qualified to sit in such cause.

An. Code, sec. 122. 1904, sec. 120. 1888, sec. 113. 1868, ch. 441, sec. 2. Ante art. 5, sec. 11. 1894, ch. 33, sec. 10A.

**131.** Points or questions reserved for the court in *banc* shall be taken by means of exceptions, to be reduced to writing, and signed by the judges or judge before whom the cause may be tried, and so framed that the point or question may be fully presented as to both law and fact in case the cause shall be transmitted to the court of appeals instead of being heard by the court in *banc*.

An. Code, sec. 123. 1904, sec. 121. 1888, sec. 114. 1868, ch. 441, sec. 3.

**132.** Whenever any cause shall be removed to any other court upon a point or question reserved for the court in *banc*, as herein provided, the said cause shall remain in the said court for trial as if the same had originated therein.

#### **Special Case Stated.**

An. Code, sec. 124. 1904, sec. 122. 1888, sec. 115. 1888, ch. 264.

**133.** At any stage of an action or proceeding in a court of law, the court may, on application of any party in interest, or of its own motion if it shall appear that there is a question or questions of law which it would be convenient to have decided before going further, direct such question or questions to be raised for the court's decision, either upon a special case stated, or in such other manner as the court may order; and all such further proceedings as may be rendered unnecessary by the decision of such question or questions shall upon the decision be stayed, and such special case stated, or such proceedings as show the questions so decided and the decision thereon shall form part of the record and be reviewable on appeal after final judgment in the case.

For a case involving an application under this section, see *Chesapeake, etc., Towing Co. v. Western Assurance Co.*, 99 Md. 440.

As to a case by consent, see sec. 56, *et seq.*

See art. 16, secs. 220 and 221.

#### **Summons with Claim for Injunction or Mandamus.**

An. Code, sec. 125. 1904, sec. 123. 1888, sec. 116. 1888, ch. 456, sec. 86A.

**134.** 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