

## ARTICLE 60.

### MANDAMUS.

1.

See art. 5, secs. 3 and 48.

3.

Inasmuch as City Charter provides that City Council shall judge qualifications of its members, subject to appeal to city court, mandamus to test qualification of member does not lie. Effect of demurrer and overruling same. *West v. Musgrave*, 154 Md. 43.

Mandamus must issue as prayed or not at all; not issued if nugatory. Answer must state positive and definite facts; if answer indefinite and uncertain, relief will be granted. *Sinking Fund. Pennington v. Gilbert*, 148 Md. 653.

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As to mandamus *re* tax assessments, see art. 81, sec. 175.