

Clerk as soon as they have served their purpose in the trial of said cause in the Court to which the same was removed. In the event of a second removal by the opposite party to said cause under the provisions of said Article 4, Section 8, of the Constitution of Maryland, and Section 109 of this Article 75 of said Code, the like proceedings shall be had, and the like record transmitted as is herein provided above.

111. Repealed by ch. 578 of the Acts of 1927.
See notes to sec. 109.

Removal of Cases from Courts of Law to Courts of Equity and Vice Versa.

124.

This section shows that it is declared policy of the law that where it appears the plaintiff is entitled to some remedy, his suit shall not be dismissed because he has invoked aid of wrong tribunal. *Safe Deposit Co. v. Cahn*, 102 Md. 542.

Case remanded for transfer to common law court for trial, unless lower court finds it proper to permit amended allegations to justify retaining bill. *Levin v. Goodman*, 152 Md. 190.

Defendant not entitled to have action at law transferred to court of equity because defense to action involved complex accounts which could be more effectively pursued in equity. *Johnson & Higgins v. Simpson*, 165 Md. 88.

To the second note under this section, page 2409, vol. 2, of Code, add *Johnson & Higgins v. Simpson*, 163 Md. 582.

Art. 26, sec. 44, which was identical with this section, has been repealed.
See sec. 109, *et seq.*

Replevin.

128.

In action against four defendants to recover shares of stock, or their value, or damages for detention, declaration was in form one of detinue, while only one of defendants (Bank Commissioner, as receiver) was in possession of stock, hence judgment against others could be for damages only; action for detinue cannot be joined with one for damages, but point not raised in lower court. *Mylander v. Page*, 162 Md. 255.

Special Cases Stated.

133.

Case stated under this section. *Williams v. State*, 144 Md. 19.
Cited but not construed in *Darnall v. Wagner*, 161 Md. 211.

Summons With Claim for Injunction or Mandamus.

134.

Mandamus or injunction must be asked in declaration or in separate paper clearly a part of it. This and succeeding sections do not authorize appointment of trustee, without notice to defendant, to take charge of property, conduct business, produce papers, pay trustee money, etc. *Zimmerman v. Garfinkel*, 144 Md. 397.

135.

See notes to sec. 134.

136.

See notes to sec. 134.