

An. Code, 1924, sec. 10. 1912, sec. 10. 1904, sec. 10. 1888, sec. 10. 1858, ch. 285, sec. 5.

10. If the judge shall, upon such *ex parte* hearing, be of opinion that the facts and law of the case do not authorize the granting of a mandamus, he shall dismiss such petition with costs.

Cited but not construed in *Legg v. Annapolis*, 42 Md. 222.

An. Code, 1924, sec. 11. 1912, sec. 11. 1904, sec. 11. 1888, sec. 11. 1858, ch. 285, sec. 6.

11. It shall not be lawful for any judge to order a mandamus to issue in the alternative, but in all cases where a mandamus shall be ordered to issue, it shall be peremptory in form.

An. Code, 1924, sec. 12. 1912, sec. 12. 1904, sec. 12. 1888, sec. 12. 1888, ch. 388.

12. In case of an appeal by the defendant, the court shall fix the penalty of the appeal bond necessary to be given to stay the execution or enforcement of the order appealed from.

Cited but not construed in *Baltimore v. Libowitz*, 159 Md. 34.

As to mandamus *re* tax assessments, see art. 81, sec. 184.