

An. Code, 1924, sec. 131. 1912, 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, 1924, sec. 132. 1912, 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, 1924, sec. 133. 1912, 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.

Case stated under this section. *Williams v. State*, 144 Md. 19; *Liquor Stores Assn. v. Commissioners*, 171 Md. 428.

Cited but not construed in *Darnall v. Wagner*, 161 Md. 211.

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. 226 and 227.

Summons with Claim for Injunction or Mandamus.

An. Code, 1924, sec. 134. 1912, 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 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.

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.

Secs. 134-146 cited in holding that injunction not needed to prevent injury pending litigation as to right to share in use of alley. *Finglass v. Franke Sons Co.*, 172 Md. 135.

This section referred to in construing secs. 7 and 137—see notes thereto. *Chesapeake, etc., Telephone Co. v. MacKenzie*, 74 Md. 43.

As to injunctions, see art. 16, sec. 86, *et seq.*

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