

passed or issued, from the time when the passing or issuing of the same shall come to the knowledge of such person or persons, or corporation, by service or otherwise.

This section referred to in construing sec. 222—see note thereto. *Baker v. Baker*, 108 Md. 272.

An. Code, 1924, sec. 219. 1912, sec. 204. 1904, sec. 195. 1888, sec. 182. 1785, ch. 72. 1790, ch. 60. 1816, ch. 154. 1818, chs. 133, 193. 1828, ch. 184. 1831, ch. 311. 1833, ch. 150.

**225.** No decree *pro confesso* shall be passed against an infant or insane defendant under the preceding sections relating to process; but such infant or insane defendant shall be proceeded against according to the provisions of this article relating specially to infants and persons *non compotes mentis*.

A nominal decree "*pro confesso*," held to be actually an interlocutory decree. Who is entitled to rely upon a violation of this section? *Dungan v. Vondersmith*, 49 Md. 251.

As to decrees *pro confesso*, see sec. 170, *et seq.*

An. Code, 1924, sec. 220. 1912, sec. 205. 1904, sec. 196. 1888, sec. 183. 1836, ch. 334.

**226.** If it appear to the court, either from the pleadings or otherwise, that there is a question of law in any case, which it would be convenient to have decided before any evidence is given, or any question or issue of fact is tried, the court may make an order accordingly, and may direct such question of law to be raised for the opinion of the court, either by special case or in such other manner as the court may deem expedient; and all such proceedings as the decisions of such questions of law may render unnecessary may therefore be stayed.

An order of court answering a question raised under this section, held to be an appealable order since it was in the nature of a final decree. *Buckler v. Safe Deposit Co.*, 115 Md. 226.

Right of appeal from an order overruling plea to the whole bill filed by two of several defendants, held not sustained by this section. No order was passed as provided for in this section. *Hall v. Hughes*, 119 Md. 494.

This section followed. *McEvoy v. Security Fire Ins. Co.*, 110 Md. 277; *Murphy v. Wheatley*, 102 Md. 502; *Ridgely v. Cross*, 83 Md. 168. *Cf. Wickes v. Wickes*, 98 Md. 334; *Cochrane v. Harris*, 118 Md. 299; *P., B. & W. R. R. Co. v. Baltimore*, 121 Md. 507.

See art. 75, sec. 133.

Questions which may be heard by court in advance of main case; action of complainants in asking such hearing not equivalent to demurrer or exception. *Ruhl v. Wagner*, 146 Md. 601.

Trial court directed certain questions of law to be raised for opinion of court and settled preliminarily. *Robinson v. Hospelhorn*, 169 Md. 122.

An. Code, 1924, sec. 221. 1912, sec. 206. 1904, sec. 197. 1888, sec. 184. Rule 45.

**227.** Any person interested, or claiming to be interested, in any question cognizable by a court of equity, as to the construction of any statute, deed, or other instrument of writing, or as to any other matter falling within the original jurisdiction of such court, or made subject to the jurisdiction thereof by statute, may state and raise such question before the court in the form of a special case stated, instead of formal pleading. Every such special case stated shall be entitled as a cause between some one or more of the parties interested, or claiming to be interested, as plaintiff or plaintiffs, and the others of them as defendants; and such special case shall be regularly docketed as a cause pending in said court, and shall be in all respects, and for all purposes, treated and regarded as a pending cause, as if regularly instituted by formal pleading.

Case involving an amicable controversy between a life beneficiary and remaindermen to determine whether certain stock which was distributed was income or corpus, stated under this section. *Krug v. Mercantile Trust & Dep. Co.*, 133 Md. 111.

For a special case stated under this section involving the question of the right of a mortgagor in a deed of trust to use the proceeds of certain of the trust property which