

herein provided, the said cause shall remain in the said court for trial as if the same had originated therein.

#### **Special Case Stated.**

1888, art. 75, sec. 115. 1888, ch. 264.

**122.** 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.

#### **Summons With Claim for Injunction or Mandamus.**

1888, art. 75, sec. 116. 1888, ch. 456, sec. 86 A.

**123.** 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.

*Ches. & Pot. Telephone Co. v. Mackenzie*, 74 Md. 36.

*Ibid.* sec. 117. 1888, ch. 456, sec. 86 B.

**124.** Upon complying with the provisions of the foregoing section, the plaintiff may thereupon claim in his declaration, either together with any other demand which may be enforced in such action, or separately, a writ of mandamus commanding the defendant to fulfil any duty, in the fulfilment of which the plaintiff is personally interested, or directing the defendant to do any act or acts that he may be bound by contract with the plaintiff to do, or an injunction forbidding the defendant to do, repeat or continue to do any act or acts that it is his duty to