

CHAPTER 285.

AN ACT for the Amendment of the Law in Mandamus Cases. Passed March 8, 1858.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That from and after the passage of this act, all applications for the granting of writs of Mandamus shall be made to the Circuit Courts of the several counties of this State, and the Superior Court for the city of Baltimore, as the case may be, and shall be commenced by petition verified by the affidavit of the applicant, and setting forth fully the ground of the application. Applications.

SEC. 2. *And be it further enacted,* That upon the filing of such petition the judge to whom the same is addressed shall lay a rule requiring the defendant or defendants named therein to show cause within such time as the judge may deem proper, why a writ of Mandamus should not issue as prayed, a copy of which rule shall be served upon such defendant or defendants by a day to be therein limited. To shew cause.

SEC. 3. *And be it further enacted,* That the said defendant or defendants, by the day named in such order shall file an answer to such petition fully setting forth all the defences upon which such defendant or defendants intend to rely in resisting such application which shall be verified by his, her or their affidavit, as the case may be, and no defendant or defendants shall be allowed, on a second application for a Mandamus to rely upon any matter by way of defence thereto, which he, she or they might have relied upon in his, her or their answer to a previous application for a Mandamus by the same petition. To file an answer.

SEC. 4. *And be it further enacted,* That it shall and may be lawful for the petitioner in such proceedings to plead to and traverse all and any of the material averments set forth in such answer, and the said defendant and defendants, shall take issue, or demur to said plea or traverse within five days thereafter, and such further proceedings shall thereupon be had in the premises, for the determination thereof, as if the petitioner had brought an action on the case for a false return, Shall take issue or demur within five days.