

MANDAMUS.

7 OF 1890.

TO PROVIDE FOR THE ISSUE OF ORDERS OF MANDAMUS TO PUBLIC
BODIES AND PERSONS HAVING PUBLIC DUTIES TO PERFORM.

HENRY BULWER.]

[May 12, 1890.]

1. In this Law:—

Definition

“ An Order of Mandamus ” means an order issuing act of a District Court or out of the Supreme Court requiring some person or body of persons, having a duty imposed on him or them by law, to perform some act which he or they are legally bound to perform in the discharge of such duty.

“ District Court ” includes the President of a District Court sitting alone in a foreign action.

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2. The plaintiff in an action in any District Court may by his writ of summons claim that an order of mandamus may issue to the defendant ordering him to perform any public duty which has been omitted or neglected to be done by him.

Order of
mandamus
may be
claimed in
action.

3. The District Court in which the action is brought may issue such order of mandamus as is claimed in the writ of summons, if on the hearing of the action it appears:—

When order
may be issued
as claimed.

- (1) That the plaintiff has a legal right to the performance by the defendant of the public duty sought to be enforced.
- (2) That there is no other effectual method provided by law for enforcing the right except an order of mandamus.
- (3) That before action brought the plaintiff has demanded from the defendant the performance by him of the duty.
- (4) That the defendant, since such demand, has without lawful cause neglected or refused to perform it.