have anything done, and had no other specific means of compelling its performance. The general objects of the writ are given in Encyclopaedia of the Laws of England, 2nd ed., vol. viii, p. 531, as follows:—"To enforce the performance of duties of a public nature. The more important cases to which mandamus is applicable are those in which it is necessary to compel the proper exercise of jurisdiction of the inferior Courts and tribunals, to enforce the performance of duties by public bodies and public officers, and to compel the election, admission, or restoration to offices and franchises of a public nature." But the writ was never issued where there was another appropriate legal remedy, as by action, *Reg.* v. *The Commissioners of Inland Revenue, In re Nathan* (1884), 12 Q.B.D. 461, at p. 471; *Re Whitaker* v. *Mason* (1889), 18 O.R. 63, or by Petition of Right, *In re Nathan* (*supra*), or where a specific remedy was provided by statute for the person aggrieved, *Re Marter & Gravenhurst* (1889), 18 O.R. 243, at p. 255. But where the alternative remedy was inadequate, a prerogative writ was sometimes granted, *Rex* v. *Stepney*, [1902] 1 K.B. 317; *Munro* v. *Smith* (1906), 8 O.W.R. 452. This extraordinary remedy was available only to compel the performance of some imperative public duty. It could not be obtained to enforce a private right or specific performance of a contract, *City of Kingston* v. *Kingston, Portsmouth and Cataraqui Electric Ry.* (1897), 25 A.R. (Ont.) 462, 28 O.R. 399, "granting that a public right may arise out of a private contract and be enforceable by means of the prerogative writ of mandamus, the public duty is owed to the public and not necessarily to the party to the contract. The latter must for the purpose of obtaining the writ be able to shew that he is directly interested in the fulfilment of the public duty not as a party to the contract but as one of the public." *Per* Moss, J.A., at p. 469 (25 A.R.). This writ was never obtainable in an action, but only upon motion; *Smith* v. *The Chorley District Council*, [1897] 1 Q.B. 532; *Toronto Public Library Board* v. *City of Toronto* (1900), 19 P.R. 329. But, in this latter case, Boyd, C., permitted the plaintiffs to have the affidavits re-sworn and further intituled as they would be in an application (not in an action) for the prerogative writ, and in *Eastview Public School Board* v. *Township of Gloucester* (1917), 40 D.L.R. 707, 41 O.L.R. 327, though the Court doubted the right of the plaintiffs to a mandamus in an action, they made a declaratory judgment that the plaintiffs were entitled to the writ, and intimated that one of the members of the Court would sit in Chambers and order the issue of the writ, unless the defendants would consent to the issue of the writ in the action. To entitle the applicant to a prerogative writ, the duty whose performance he seeks to enforce must be imperative and not only discretionary, *Re McLeod* v. *Amiro* (1912), 8 D.L.R. 726, 10 O.W.R. 649, 27 O.L.R. 232. This form of mandamus was not as a rule made peremptory in the first instance, but was made a rule *nisi*, and on the return of the motion the respondent was given an opportunity of shewing cause why the writ should not issue. The application was made in Court, and could only be heard in term; consequently delay often occurred in obtaining the writ. R.S.O. 1877, c. 52, s. 17, was accordingly passed, providing for a summary application before a Judge in Chambers at any time, upon notice to the opposite party, and for a peremptory order in the first instance. The provisions of this enactment were carried into rr. 1091 to 1093 of the Rules of Practice of 1897. These rules are now repealed and a prerogative mandamus