

whatsoever, or any Court of Inferior Jurisdiction, shall omit, neglect or refuse to perform any act or duty belonging to such office; or to such Court, or which the persons holding such office, is or shall be by law required or
 5 bound to perform, and whenever any heir or representative of any Public Officer shall omit, neglect or refuse to do or perform any act which, by law, he may or shall be bound or required to do or perform as such heir or representative of such Public Officer, and in all cases in which
 10 a Writ of *Mandamus* will lie and may be legally issued in England, it shall be lawful for any person interested in such Corporation, Public Body or Board or in the performance of any such act or duty, to apply to the Superior Court sitting in the District in which such Public
 15 Officer, heir or representative of a Public Officer, or Inferior Court shall be sitting, or to two or more Justices of the said Court in vacation, for a Writ of *Mandamus* requiring and directing the Defendant, whether such Defendant be a natural person or a Corporation,
 20 Public Body or Board, to do and perform the act or duty which such Defendant may have so neglected or refused to do or perform, or show cause to the contrary on a day certain to be fixed for that purpose by such Court or by such Justices.

25 XII. And be it enacted, That every such application for any such Writ of *Mandamus* shall be made by a declaration or petition (*requête libellée*) supported by affidavit to the satisfaction of such Court or Justices, setting forth the facts of the case, whereupon it shall be lawful
 30 for the said Court or the said Justices, to issue such Writ of *Mandamus*, and the Defendant in any such case, whether such Defendant be a natural person a Corporation or an Inferior Court, shall not be allowed to shew cause to such Writ of *Mandamus*, otherwise than by
 35 answering or pleading to such declaration or petition, (*requête libellée*) and such Defendant shall not be required to make any return of or upon any such Writ of *Mandamus*, but the same shall be returned by the Bailiff or other officer who shall have served it upon such Defendant,
 40 with a Certificate under his oath of the time and place of service; and the like proceedings shall be had on all such applications for Writs of *Mandamus*, relative to service, appearance, entering of default, pleading, proof and all other matters, for the determination thereof,
 45 as are hereinbefore provided for the determination of cases in which any person shall have usurped, intruded into or unlawfully detained any public office, or franchise, or in which any Corporation, Public Body or Board, shall have forfeited its Charter as aforesaid.

Manner of making application for Writ of *Mandamus*, and proceedings thereupon.

50 XIII. And be it enacted, That if such Defendant shall answer or plead to such declaration or petition, (*requête libellée*), in such manner as to justify his conduct, the

If Defendant answer to declaration or petition in