

A mandamus lies to compel a Clerk of a municipality to produce its books to a ratepayer. *Re Cuddy*, 10 M.R. 422.

A mandamus will not issue if it will be fruitless and futile. *Rex v. Bonnar* 14 M.R. 467. As to a mandamus under Public Schools Act, *Canada Permanent v. East Selkirk*, 16 M.R. 618, 21 M.R. 750, 5 W.L.R. 485. Under the Liquor License Act *Rex ex rel. Sovreen v. Edwards*, 22 M.R. 790. Inability to obey no grounds for refusal. *London & Canadian v. Morris*, 9 M.R. 377; *Canada Permanent v. E. Selkirk*, 21 M.R. 750, 5 W.L.R. 485.

Relief by way of mandamus may now be obtained in an action under Rule 876. *Carr v. C.N.R.*, 17 M.R. 178. See *Frankel v. City of Winnipeg*, 23 M.R. 296.

The refusal of a mandamus on the ground of the existence of another adequate remedy should be without prejudice to a recourse to that remedy, *Noble v. Municipality of Turtle Mountain*, 15 M.R. 514, 2 W.L.R. 144.

For a consideration of the Rules re Mandamus, see *Frankel v. City of Winnipeg*, 23 M.R. 296.

The Referee in Chambers or the Local Judges have no jurisdiction. Rule 886.

INJUNCTION. See Rule 887, abolishing the Writ of Injunction. As to damages in lieu of, see following section.

Pleading. The coupling of a claim for an injunction with a prayer for forfeiture sometimes waives the latter, *Evans v. Davis*, 10 Ch. D. 747. *Moore v. Ullecoats* (1908), 1 Ch. 575.

Must claim in pleadings, *Reid v. Gibson*, 17 C.L.J., Occ. N. 226.

Must allege in the application for an injunction that the defendant threatens and intends to repeat the illegal act complained of, *Stannard v. Vestry of S. Giles*, 20 Ch. D. 195. *Thompson v. Baldry*, 22 M.R. 76.

Acts only in personam. *McPherson v. Temiskaming Lumber Co.*, 3 O.W.N. 36.

Will go to restrain persons not parties to the action. *Hubbard v. Woodfield* 57 S.J. 729.

As to interim preservation of property, Rules 888 et seq. Interlocutory Order. Application for, rule 890. Referee in Chambers may not make, as it is a Court Order (Clause (a)).

Local Judge may in certain cases, Rule 37 and Notes.

EX PARTE INJUNCTIONS. May be granted. Rule 890. There must be fullest disclosure. *Miller v. Campbell*, 14 M.R. 437,