

Recital of the said Act of 9 Anne.

3. And whereas Writs of Mandamus, other than such that relate to the offices mentioned in or provided for by the said Act made in the ninth year of the Reign of Queen Anne, are sometimes issued to officers and other persons, commanding them to admit to offices, or do or perform other matters, in respect whereof the persons to whom such writs are directed claim no right or interest, or whose functions are merely ministerial in relation to such offices or matters; and it may be proper that such officers and persons should in certain cases be protected against the payment of damages or costs to which they may otherwise become liable; it is therefore enacted, that it shall be lawful for the Court to which application may be made for any Writ of Mandamus (other than such as relate to the said offices mentioned in or provided for by the said Act made in the Reign of Queen Anne), if such Court shall see fit so to do, to make Rules and Orders, calling, not only upon the person to whom such writ may be required to issue, but also all and every other person having or claiming any right or interest in or to the matter of such writ, to shew cause against the issuing of such writ and payment of costs of the application; and upon the appearance of such other person in compliance with such Rules, or in default of appearance after service thereof, to exercise all such powers and authorities, and make all such rules and orders, applicable to the case, as are or may be given or mentioned by or in any Act of Parliament for giving relief against adverse claims made upon persons having no interest in the subject of such claims: Provided always, that the Return to be made to any such Writ, and Issues joined in fact or in Law upon any Traverse thereof, or upon any Demurrer, shall be made and joined by and in the name of the person to whom such writ shall be directed; but nevertheless the same shall and may, if the Court shall think fit so to direct, be expressed to be made and joined on the behalf of such other person as may be mentioned in such rules: and in that case such other person shall be permitted to frame the return, and to conduct the subsequent proceedings at his own expense; and in such case if any judgment shall be given for or against the party suing such writ, such judgment shall be given against or for the person or persons on whose behalf the Return shall be expressed to be made, and who shall have the like remedy for the recovery of costs and enforcing the judgment as the person to whom the writ shall have been directed might and would otherwise have had.

Court may make Rules and Orders, calling on all persons having interest in the matter of the writ, to show cause against its issuing, &c.

Proviso: as to form of Return of, and against Issues joined, on Demurrer, &c.

For or against whom judgment shall be given.

Costs.

Case of death resignation or removal, or person making the return,—provided for.

Costs to be in discretion of the Court.

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4. In case the return to any such writ shall, in pursuance of the authority given by this Act, be expressed to be made on behalf of any other person as aforesaid, the further proceedings on such writ shall not abate or be discontinued by the death or resignation of, or removal from office of the person having made such return, but the same shall and may be continued and carried on in the name of such person; and if a peremptory writ shall be awarded, the same shall and may be directed to any successor in office or right of such person.

5. And for making some further provision for the payment of costs on applications for Mandamus, it is enacted, that in all cases of application for any Writ of Mandamus whatsoever, the costs of such application, whether the writ shall be granted or refused, and also the costs of the writ, if the same shall be issued and obeyed, shall be in the discretion of the Court, and the Court is hereby authorized to order and direct by whom and to whom the same shall be paid.

6. And whereas it is expedient that parties interested in the issuing of or in the Proceedings upon Writs of Mandamus shall be enabled in certain cases to have the Judgments and Decisions of the Courts of