is always obtained upon a summary application by originating notice (r. 622) returnable before a Judge in Chambers (rr. 207(11) and 208(9)). No writ of mandamus issues; all the necessary provisions are made in the judgment or order (r. 623). Another form of mandamus was obtainable under former r. 1081, in any action. The plaintiff might indorse upon the writ a notice that he intended to claim a mandamus, and might claim in the statement of claim, either together with any other demand which might be enforced in the action, or separately, a mandamus commanding the defendant to fulfil any duty in the fulfilment of which the plaintiff was personally interested. This remedy was not the prerogative writ, jurisdiction to grant which was inherent in the Sovereign, but was conferred upon the Courts by R.S.O. 1877, c. 52, s. 4. These provisions were not consolidated in the Statute Revision of 1877, but were embodied in r. 1112, and appeared in the Rules of 1897 in rr. 1081-1083. The Act of 1877 was followed by the Judicature Act, 44 Vict. (1881), c. 5, s. 17(8), providing that a mandamus might be granted by an interlocutory order of the Court in all cases in which it should appear to the Court to be just and convenient that such order should be made. The result of these enactments was that the powers of the Court were enlarged to grant a mandamus in an action in cases where the prerogative writ would not be granted. The remedy was not intended to be available for the enforcing of public duties only. Day, J., in *Baxter* v. *London County Council*, 63 L.T. 767, at p. 771, described the jurisdiction as follows: "The action for a mandamus is simply an attempt to engraft upon the old common law remedy a right in the nature of specific performance. When private persons had rights one against the other, the Court had power to grant a mandamus or direct specific performance or something in the nature of an injunction, to command that the right claimed by the one party should be acceded to by the other. But it was never contemplated that the action for a *mandamus* was to supersede the prerogative writ of mandamus." The privilege of claiming such a mandamus is that right to claim a mandamus in an action where the litigant is personally interested in the fulfilment of a duty of a quasi public character, as for instance where a statute gives a right to a person to have an act or duty performed by another, and that other does not perform it, *Young* v. *Erie* (1896), 27 O.R. 520. The intention of the Legislature was to confer upon Courts of law the power of acting in *personam* possessed by the Court of Chancery, practically to give to them the equity powers of injunction and enforcing specific performance of a duty in the nature of an execution; *Smith* v. *The Chorley District Council*, [1897] 1 Q.B. 532 at p. 39. The jurisdiction probably extended as far as enforcing specific performance of a contract by a mandamus in an action; *Grand Junction Rly. Co.* v. *Peterborough* (1883), 8 Can. S.C.R. 76 at p. 123. The chief difference between this remedy and the prerogative writ was that the former might be granted to direct the performance of some act, of something to be done, which is the result of an action where an action will lie. Whereas the prerogative writ is only granted in cases where the performance of the duty sought to be enforced could not be compelled by action; *Glossop* v. *Heston* (1879), 12 Ch.D. 102 at p. 122. The enactment of 44 Vict. is now found in the Judicature Act, R.S.O. c. 56, s. 17, but the former rr. 1081-1083 have been repealed. The question therefore arises whether a mandamus