

Court may issue a writ of injunction to restrain such threatened breach, or the continuance of any breach which is of a continuous character.

448. When the assistance of the Court is sought to prohibit any inferior Court, Magistrate, or Justice of the Peace from exercising any jurisdiction he is not by law empowered to exercise, the Court may issue a writ of prohibition prohibiting the exercise of such jurisdiction.

449. When the assistance of the Court is sought to remove any person from office, or to try the right of any person to hold any office, the Court may order that such person be removed from office, or declare who is entitled to hold the office in question.

450. When the assistance of the Court is sought to remove any action from an inferior Court into the Supreme Court, the Court shall have power to order that such action be so removed.

451. Any person claiming the issue of writ of mandamus, or of a writ of injunction, or of a writ of prohibition, or an order under Rule 449, shall, without issuing a writ of summons, file in Court a statement of claim, verified by affidavit, setting out the facts upon which he bases his claim to the assistance of the Court to which he considers himself entitled.

452. The person filing any statement of claim under the last preceding rule may at any time thereafter move upon his statement of claim, and any affidavits filed in support thereof, for an order in terms of the prayer of his statement, or for such other order as the Court may consider him entitled to.

453. Such motions shall be made in manner hereinbefore provided as to motions generally, and if made upon notice such notice shall be served upon all persons whom it is sought to affect by the order claimed: Provided that the rules as to the time for giving notice of motion and filing affidavits in support thereof shall not apply to motions for a writ of injunction. The Court may, however, upon hearing the motion, or on any motion to rescind an order obtained *ex parte*, direct that any other persons shall be served with notice of motion, and give leave to such persons to appear on the hearing of such motion.

454. If the motion is made on notice, or if any person against whom an order *ex parte* has been made moves to rescind the order served upon him, the person on whom notice has been served or who moves to rescind shall file a statement of his defence to the statement of claim.

455. Such statement of defence shall be verified by affidavit, and additional affidavits in support of the allegations therein contained may be filed.

456. Upon hearing any motion under Rule 452, or motion to rescind an order obtained *ex parte* under that rule, the Court may either decide the matter on the affidavits filed by the persons, appearing on such motion, or may refer the matter for trial by a jury of four persons or of twelve persons upon the statements of claim and defence so filed as aforesaid, or may refer certain issues only to be so tried.

457. The Court, when referring any matter or issues thereon for trial by jury under the last rule, shall order at what place and time such matter or issues shall be tried; and such matter or issues shall be set down for trial at such time and place, and the trial and other proceedings thereon shall be had in the same manner as in an ordinary action.

458. Any party to an action commenced in the ordinary way may, in addition to any other relief, claim the issue of a writ of mandamus or of a writ of injunction; and when such claim is made, the party making such claim may, at any time after the commencement of the action, move for an order for such writ as he has claimed, and the like proceedings may be had upon such motion as upon any motion under Rule 452, save that any order for trial shall, unless the Court otherwise order, be for trial at the same time and place as the action is to be tried, and, if no such motion is made, such claim shall be disposed of at the trial of the action: Provided that the mode of trial of any action under the rules as to trial of actions shall be not affected by a claim for a writ of mandamus or a writ of injunction, but such claim may be tried or disposed of in the same way as the other relief claimed in the action.

459. Any person applying to have an action removed from an inferior Court into the Supreme Court shall proceed by way of motion, and notice of such motion shall be served upon the opposite party in such action or proceeding.

460. Any person disobeying any order made under the preceding Rules Nos. 446 to 459, both inclusive, shall be liable to attachment.

#### PROTECTION OF PROPERTY AND OTHER MATTERS.

461. When by a contract a *prima facie* case of liability is established, and there is alleged as matter of defence a right to be relieved wholly or partially from such liability, the Court or a Judge may make an order for the preservation or interim custody of the subject-matter of the litigation, or may order that the amount in dispute be brought into Court or otherwise secured.

462. It shall be lawful for the Court or a Judge, on the application of any party to an action, to make any order for the sale by any person or persons named in such order, and in such manner and on such terms as to the Court or Judge may seem desirable, of any goods, wares, or merchandise which may be of a perishable nature or likely to injure by keeping, or which for any other just and sufficient reason it may be desirable to have sold at once.

463. It shall be lawful for the Court or a Judge, upon the application of any party to an action, and upon such terms as may seem just, to make any order for the detention, preservation, or inspection of any property being the subject of such action, and, for all or any of the purposes aforesaid, to authorize any person or persons to enter upon or into any land or building in the possession of any party to such action, and for all or any of the purposes aforesaid to authorize any samples to be taken, or any observation, measurement, or plans to be made, or experiment to be tried, which may seem necessary or expedient for the purpose of obtaining full information or evidence.

464. An application for an order under the two last preceding rules may be made to the Court or a Judge by any party. If the application be by the plaintiff, it may be made at any time after the issue of the writ of summons; and, if it be by the defendant, it may be made at any time after he has filed his statement of defence.