

WRIT OF SALE.

207 A writ of sale shall authorize the officer to whom it is directed to seize all the chattels, including money, cheques, bills of exchange, promissory notes, bonds, or other securities for money, of the person against whom it is issued, except wearing apparel, bedding, tools and implements of trade, not exceeding £10 in value, and may give notice to any Court, or the proper officer of any Court, requiring it and him not to part with any moneys in the possession of the said Court or officer belonging to the party against whom a writ of execution shall have issued, and may apply to the Court *ex parte* for an order for the payment by such officer to the officer appointed to execute such writ of execution; and, upon notice of the making of such order, the officer in whose custody such money may be shall pay the same accordingly.

208. Such officer shall pay or deliver to the Court issuing out such writ of sale any money or bank notes which shall be so seized, or a sufficient part thereof, and shall hold any such cheques, bills of exchange, promissory notes, bonds, or other securities for money as a security or securities for the amount by such writ of sale directed to be levied, or so much thereof as shall not have been otherwise levied and raised, and may sue in his own name for the sum or sums secured thereby if and when the time of payment thereof shall have arrived.

209. The payment to such officer by the party liable on any such cheque, bill, promissory note, bond, or other security, with or without action, or the recovery and levying execution against the party so liable, shall discharge him to the extent of such payment, or of such recovery and levy in execution, as the case may be, from his liability on any such cheque, bill of exchange, promissory note, bond, or other security; and such officer may and shall pay over to the party issuing the writ of sale the money so to be recovered, or such part thereof as shall be sufficient to discharge the amount by such writ directed to be levied, and if, after satisfaction of the amount so to be levied, together with the fees and expenses of such execution, any surplus shall remain in the hands of such officer, the same shall be paid to the party against whom such writ shall be so issued: Provided that no such officer shall be bound to sue any party liable upon any such cheque, bill of exchange, promissory note, bond, or other security, unless the party suing out the writ of sale shall enter into a bond, with two sufficient sureties for indemnifying him from all costs and expenses to be incurred in the prosecution of such action, or to which he may become liable in consequence thereof; the expense of such bond to be deducted out of any money to be recovered in such action.

210. A writ of sale shall also authorize the officer to whom it is directed to sell the chattels so seized, not being money, cheques, bills of exchange, promissory notes, bonds, or other securities for money.

211. The officer to whom the writ is directed shall, as soon as possible, remove the chattels seized to some proper place for the purpose of sale, unless the party whose chattels have been seized shall in writing consent to the chattels being left on the premises where the same were seized, in the custody of some proper person to be put in possession by the officer, and sold there.

212. The sale shall be held at such place as the officer to whom the writ is directed shall deem most advantageous, and, with the consent of the person against whom the writ has been issued, may, in the case of chattels, be at the place of seizure.

213. Notice of the time and place of any intended sale of chattels shall be given by advertisement in some newspaper circulating in the town or district in which such sale is to take place, and such advertisement shall be published twice in such newspaper at least three days before the date of the intended sale, unless such goods shall be of a perishable nature, or upon the request in writing by the party whose chattels shall have been so seized.

214. A copy of the notice of any intended sale shall be served by the officer to whom the writ is directed on the person against whom the writ has been issued.

215. The notice of any intended sale shall specify the chattels, or right or interest in chattels intended to be sold, and shall state that the sale is made at the suit of the execution creditor, the name of the officer executing the writ, and the name of the solicitor (if any) of the party issuing the writ.

216. All sales under a writ of sale may be of all the property seized, in one lot or in several lots, and shall be to the highest bidder, and, unless the Court or a Judge otherwise direct, shall be for cash before delivery, assignment, or transfer, and shall be of the right, title, or interest only of the party against whom such writ has been issued in the chattels put up for sale.

217 In the event of such officer being unable to sell any chattels, or not being able to obtain what he considers a reasonable price therefor, he may put up the same for sale again, and on such second or any subsequent sale may sell the same to the highest bidder.

218. It shall be lawful for the officer to whom the writ is directed, by himself or his deputy, to sell by auction all chattels which may be taken by him in execution, without having taken out an auctioneer's license, anything in any law, Act, or ordinance to the contrary notwithstanding.

219. Every assignment and transfer heretofore or hereafter executed by such officer as aforesaid shall be *prima facie* evidence of the existence of a valid judgment and writ to support a levy by such officer, and of the fact of all necessary notices having been given and published, and of a levy having been duly made, and of a sale having taken place according to law.

220. The officer executing any writ of sale shall, before paying over any moneys seized or realized under a writ of sale, discharge any claims which by law are entitled to be paid out of such moneys in priority to the claim of the party issuing the writ.

WRIT OF POSSESSION

221. A writ of possession shall authorize the officer to whom it is directed to deliver to any party named in the writ possession of any land or of any chattels specified in the writ, and for that purpose to eject any other person from such lands, or to seize and take possession of any such chattels.