

ISSUE OF WRITS.

222. A writ of execution of any kind may be issued whenever the judgment in pursuance of which it is issued has been filed, subject nevertheless as follows:—

- (1.) If the judgment is for payment or performance within a period therein mentioned, no writ of execution shall be issued until after the expiration of such period.
- (2.) The Judge at the time of giving judgment, or the Court or a Judge afterwards, may stay execution for such time as may seem just.

223. When by any judgment any party is ordered to pay a sum of money, the party to whom such sum of money is ordered to be paid may apply to issue a writ of sale.

224. When by any judgment of the Court any party is ordered to deliver possession of land or chattels, the party to whom such land or chattels is or are ordered to be delivered may issue a writ of possession, and in addition may issue a writ of sale for any sum of money recovered in such action.

PART V.—SPECIAL PROCEDURE.

CHAPTER I.

CHANGE OF PARTIES BY DEATH.

225. An action shall not become abated by reason of the marriage, death, or bankruptcy of any of the parties if the cause of action survive or continue, and shall not become defective by the assignment, creation, or devolution of any estate or title *pendente lite*.

226. In case of the marriage, death, or bankruptcy, or devolution of estate by operation of law of any party to an action, the Court, if it be deemed necessary for the complete settlement of all the questions involved in the action, shall order that the husband, personal representative, trustee, or other successor in the interest (if any) of such party be made a party to the action, or be served with notice thereof, in such manner and form as hereinafter prescribed and on such terms as the Court shall think just, and shall make such order for the disposal of the action as may be just.

227. In case of an assignment, creation, or devolution of any estate or title *pendente lite*, the action may be continued by or against the person to or upon whom such estate or title has come or devolved.

228. Where by reason of marriage, death, or bankruptcy, or any other event occurring after the commencement of an action and causing a change or transmission of interest or liability, or by reason of any person interested coming into existence after the commencement of the action, it becomes necessary or desirable that any person not already a party to the action should be made a party thereto in another capacity, an order that the proceedings in the action shall be carried on between the continuing parties to the action and such new party or parties may be obtained *ex parte* on application to the Court upon an allegation of such change or transmission of interest or liability, or of such person interested having come into existence.

229. An order so obtained shall, unless the Court shall otherwise direct, be served upon the continuing party or parties to the action or their solicitors, and also upon each such new party, unless the person making the application be himself the only new party; and the order shall from the time of such service, subject nevertheless to the next two following rules, be binding on the person served therewith; and every person served therewith who is not already a party to the action shall be bound to file a statement of defence within the same time and in the same manner as if he had been served with a summons.

230. Where any person who is under no disability, or under no disability other than coverture, or being under any disability other than coverture but having a guardian *ad litem* in the action, shall be served with such order, such person may apply to a Court to discharge or vary such order at the next sitting of the Court after the service thereof.

231. Where any person being under any disability other than coverture, and not having had a guardian *ad litem* appointed in the action, is served with any such order, such person may apply to the Court to discharge or vary such order at any time to be appointed by the Court or a Judge thereof, and, until the hearing of such application, no steps shall be taken against the party applying.

CHAPTER II.

EXTRAORDINARY REMEDIES.

232. 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, and declare who is entitled to hold the office in question, or make such order as the circumstances may require.

PROTECTION OF PROPERTY AND OTHER MATTERS.

233. 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.

234. 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.