

75. Every writ of sale or writ of possession shall be issued by a Registrar of the High Court under the seal of that Court, and shall be addressed to an officer of the Court or to a constable.

76. Any judgment of the High Court in its civil jurisdiction for the payment of any sum of money may be enforced by a charging-order made by the Court against any real or personal property of the person by whom such money is payable (including debts and other moneys due or accruing due to that person, but not including the interest of a Samoan in any Native land). Any such charging-order shall be made and shall have effect in manner hereinafter provided.

77. The High Court may in any civil proceedings stay the execution of any judgment for such term as the Court thinks fit.

78. (1.) When judgment for the payment of any debt, damages, or other sum of money has been given by the High Court in its civil jurisdiction, the judgment creditor may at any time thereafter, in pursuance of the judgment, file in Court an application for an order under this clause.

(2.) A Judge, Commissioner, or Registrar of the Court may thereupon issue a summons (hereinafter called a judgment summons) to the judgment debtor to show cause why an order should not be made against him for the payment of the amount of the judgment.

(3.) On the hearing of the application the Court may, if it thinks fit, make an order that the judgment debtor do pay to the judgment creditor the amount of the judgment debt forthwith, or at such time, or by such instalments from time to time, as the Court thinks fit.

(4.) Except where the judgment debtor fails to appear in Court in pursuance of the judgment summons, no such order shall be made unless the Court is satisfied either—

(a.) That the judgment debtor is of sufficient ability to pay the judgment debt in accordance with the terms of the order;

or

(b.) That the liability in respect of which judgment was given against him was incurred by fraud; or

(c.) That before or after the date of the judgment the judgment debtor has made away with any property for the purpose of evading payment of such liability.

(5.) If any judgment debtor disobeys any order made against him under this clause he shall be guilty of contempt of the High Court.

(6.) Nothing in this clause shall exclude any other lawful method of executing any such judgment.

79. A writ of sale may be in Form 3 in the Second Schedule hereto.

80. A writ of possession may be in Form 4 in the Second Schedule hereto.

81. A charging-order under clause 76 hereof may be made by the Court *ex parte* on the application of the judgment creditor, and shall specify the property to which it relates.

82. So long as any such order remains in force the amount of the judgment debt shall constitute an equitable charge upon the property specified in the order.

83. For the purpose of enforcing any such charge the Court may from time to time, and either on the making of the charging-order or any time thereafter, on the *ex parte* application of the judgment creditor, make such order or orders as it thinks fit against all persons concerned—

(a.) For the appointment of a receiver of the rents, profits, or revenues of any property so charged; or

(b.) For the payment into Court in satisfaction of the judgment of any such rents, profits, or revenues, or of any moneys subject to the charge; or

(c.) For the sale of any such property by an officer of the Court. Disobedience to any order so made shall constitute a contempt of Court.

84. Any charging-order, or any order so made in pursuance of a charging-order, may be at any time cancelled or varied on the application either of the judgment debtor or the judgment creditor or of any other person concerned.