

#### 41. *Deserted Premises.*

The request to be made by the landlord of deserted premises under section 171 of the Act may be made in Chambers in Form No. 103. The action shall be entered in the plaint-book, and the written request filed in lieu of the ordinary plaint-note. The warrant to view shall be in the Form No. 104, the notice to be affixed to the premises in the Form No. 105, and the final warrant for possession in the Form No. 106.

#### 42. *Warrants of Possession and Confession in Tenement Cases.*

The warrant for giving possession of a tenement shall be such one of the forms Nos. 102 or 106 as may be applicable in each case.

The defendant in a tenement action may sign a confession in the Form No. 27, and thereupon (*mutatis mutandis*) the same proceedings shall follow as on a confession of claim in an ordinary action.

#### 43. *Appeal on Matter of Fact.*

The appellant shall within fourteen days, or such further time as may be agreed on by the parties or fixed by the Magistrate, after the latest day in which he could have properly given notice of appeal, deliver to the Clerk the case on appeal engrossed in triplicate.

The case shall consist of copies of the statement of claim, the Magistrate's notes of evidence, his decision, and the notice of appeal. The Clerk shall procure one copy to be signed by the Magistrate, and sealed with the seal of the Court. Each of the other copies shall be made by the Clerk into a true copy of the original signed by the Magistrate, and he shall file one copy and forward the other to the respondent.

The Clerk shall transmit or deliver the case on appeal to the Registrar of the Supreme Court at the place where the appeal is to be held, and such Registrar shall, within seven days after receipt thereof, enter the same for hearing at the next practicable sitting of the Supreme Court.

#### 44. *Security.*

In all cases where security is to be given, it may be by bond to the opposite party with one or two sureties to be approved by the Court, or by a deposit of money. The sureties to a bond shall severally make an affidavit in the Form No. 88 of their sufficiency, unless the opposite party dispenses with such affidavit. The bond shall be deposited with the Clerk. No Clerk, Bailiff, or other officer of the Court, or solicitor acting in the action, shall in any case become surety. If security is given by deposit of money, the party giving such security shall deposit with the Clerk a sum equal in amount to the sum for which he would be required to give security by bond, together with a memorandum to be approved of by such Clerk, and to be signed by such party, his solicitor or agent, setting forth the conditions on which the money is deposited, and the Clerk shall give to the party paying a written acknowledgment of such payment; and the Magistrate may, on the same evidence as would be required to enforce or avoid a security by bond, order such sum so deposited to be paid out to such party or parties as he thinks fit.

#### 45. *Certificate of Judgment.*

Whenever the Clerk is required, for any purpose, to give a certificate of any judgment or order recorded in the civil record-book of a Magistrate's Court, or of any abolished Court, such certificate may be in the Form No. 121, and shall be signed by the said Clerk and sealed with the seal of the Court of which he is Clerk. Whenever the Clerk is required to give a certificate of any order or proceeding recorded in the minute-book of a Magistrate's Court, a true copy shall be made of the minute of such order or proceeding, and the Clerk shall append a certificate signed by him that it is a true copy, and seal the same with the seal of the Court.

Whenever the Clerk issues a certificate of any judgment or order under this rule, he shall make an entry in the civil record-book, or in the minute-book opposite the case and in the fold of the plaint-note in the action, stating the section of the Act or rule under which the certificate is issued, and sign thereto his name and the date.

#### 46. *Issue of Warrants.*

Before the issue of any warrant, the person desiring to have the warrant issued shall lodge with the Clerk of the Court an application in the Form No. 90, or to the like effect, signed by the plaintiff, his solicitor, or some person duly authorized by him in writing in that behalf. The certificate to be signed by the Clerk under section 112 of the Act shall be in the form in the margin of the respective warrants of distress, and such of the Forms Nos. 91, 91M, 93, 94, or 95 shall be used as may be appropriate in each case. A warrant of distress under section 35 of the Act may be in the Form No. 92. In actions under section 46 of the Act, the warrant of distress shall direct levy *de bonis propriis*, or *de bonis testatoris*, or in the alternative, as the Court may order. The Clerk shall prepare and attach to every warrant issued, where any money is payable, a receipt in the Form No. 130. When any money is paid to the Bailiff on such warrant he shall sign and hand the receipt to the defendant or to the person paying such money. If the receipt has not been used by the Bailiff he shall return it to the Clerk issuing it endorsed with a short statement of what was done under the warrant (e.g., "*Nulla bona*"; "Defendant left the district" or "Cannot be found"; "Withdrawn at request of plaintiff"), and signed by him, and the date. The Clerk shall attach the receipt-form to the butt in the receipt-book.