

46. 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.

47. Certificate of Judgment.

Any person requiring a certificate of any judgment or order recorded in the Civil Record-book of a Magistrate's Court, or of any abolished Court, shall apply in writing to the Clerk for the issue thereof. No fee shall be payable on the application. If such certificate is required for the purposes of section 156 or 158 or 159 of the Act, the judgment creditor shall state in his application the section under which it is required. If such certificate is required for any other purpose, the person requiring it shall state in his application the purpose for which it is required, and, if such person is not a party to the proceedings in which the judgment or order was given or made, he shall also state the capacity in which he applies for the certificate, and shall satisfy the Clerk that it may properly be granted, and the Clerk may in such last-mentioned case refer the application to the Magistrate, who shall direct whether or not the certificate should be issued.

Upon receipt of an application for a certificate as aforesaid, unless the Magistrate directs to the contrary as provided in the last preceding paragraph, the Clerk shall, upon payment of the prescribed fee, issue a certificate of judgment or order in the form No. 121, which shall be signed by the said Clerk and sealed with the seal of the Court of which he is a 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 or proceeding as aforesaid 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 the rule under which the certificate is issued, and sign thereto his name and date.

In addition to the above entry, a further entry of a similar nature shall be made in chronological order in the minute-book and signed and dated by the Clerk.

48. 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 121 of the Act shall be in the form in the margin of the respective warrants of distress, and such of the Forms Nos. 91, 93, 94, or 95 shall be used as may be appropriate in each case. A warrant of distress under section 36 of the Act may be in the Form No. 92. In actions under section 48 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.

49. Bailiff to furnish Statements of Property seized.

The Bailiff shall deliver to the Clerk immediately after seizure thereof a written statement of all cheques, bills of exchange, promissory notes, bonds, or other securities for money which have been seized or taken by him on a warrant of distress. He shall also when returning a warrant after execution deliver therewith a full statement in writing, signed by himself, of all goods, and chattels seized and taken by him under the said warrant in the Form No. 132, and, if the said goods and chattels have been sold, setting forth opposite each article the price realized at the sale thereof, together with a general balance-sheet in respect to the proceeds of and expenses on such warrant, in the Form No. 122. Where after diligent search the Bailiff is unable to find any goods on which to levy, he shall endorse on the warrant his return of *nulla bona* in the Form No. 97, and sign the same, and in addition he shall make a short report setting