

the Stipendiary Magistrate shall from time to time appoint and at his pleasure remove the Clerks and Bailiffs of the Courts holden by him, and every Clerk shall have an office at such place within the Division for which he is appointed as the said Stipendiary Magistrate may direct; and in any case when the Stipendiary Magistrate shall remove any such Clerk or Bailiff and appoint another in his place, the said Stipendiary Magistrate shall and may direct that the books, papers and all documents relating to the business or matters of the Division Court, be delivered over to the newly appointed Clerk or Bailiff, and if any person or persons in whose custody such books, papers or documents may be, shall refuse to obey such order, it shall and may be lawful for Her Majesty's Court of Queen's Bench or Common Pleas in Upper Canada, or for any Judge thereof in vacation, upon proof of service of the said Stipendiary Magistrate upon such person or persons as shall have the custody or possession of such books, papers or documents, to make a rule or summons to show cause why such books, papers or documents should not be delivered in conformity with the order of the said Stipendiary Magistrate; and upon proper proof of the service of such rule or summons, or on hearing the parties, it shall and may be lawful for the said Court of Queen's Bench or the said Court of Common Pleas, or any Judge of the said Court, to order the issue of an attachment against such person or persons, and in default of the delivering up of the said books, papers or documents, to make such order for the imprisonment or such other punishment of the parties, respectively, as the justice of the case to the said Court or Judge shall seem to require; and any other person unlawfully holding or getting possession of such books, papers or documents, or any of them, shall be guilty of a misdemeanor.

Proceedings if Clerk or Bailiff be removed, to compel delivery of papers, &c., to his successor.

XV. Every Clerk and Bailiff appointed under the provisions of this Act shall give security by entering into a bond to Her Majesty in such sums, with so many sureties, and in such form as the Governor shall see fit to direct for the due accounting for all fines and moneys received by them respectively, by virtue of their respective offices, and also for the due and faithful performance of the duties of their several offices, and every such Clerk and Bailiff shall also give security for such sum and with so many sureties as the Stipendiary Magistrate for the temporary Judicial District shall see reason to direct, by entering into a covenant under their hand and seal joint and several, according to the form given in the Schedule marked A to this Act or in words to the same effect, which covenant shall be available to, and may be sued upon by any person suffering damages by the default, breach of duty or misconduct of any such Clerk or Bailiff, respectively, in any Court of competent Jurisdiction in Upper Canada; and such covenants shall not be accepted until the sureties therein mentioned shall have been approved of under the hand of such Stipendiary Magistrate, and declared sufficient for the sums for which they have respectively become bound;

Clerks and Bailiff to give security for good behaviour, &c.

Form.

Sureties to be subject to approval.