

5. Proofs of any facts which required to be proved in order to make out the title, and which are not established by the other produced documents, unless the Judge shall dispense with such proofs until a future stage of the investigation.

3. An affidavit or deposition by the person whose title is to be investigated and a certificate of one of his Counsel or Solicitors, to the effect hereinafter respectively mentioned, unless the Judge sees fit, for some special reason, to dispense with the same respectively. 5

7. A Schedule of the particulars produced under the preceding six sub-sections. 10

What the affidavit or deposition of the applicant must state.

6. The affidavit or deposition of the person whose title is to be investigated shall state to the effect, that to the best of his knowledge and belief he is the owner of the estate or interest (whatever it is) which is claimed by the petition, subject only to the charges and incumbrances set forth in the petition or in the Schedule thereto, 15 or that there is no charge or incumbrance affecting the land; that the deeds and evidences of title which he produces, and of which a list is contained in the Schedule produced under the preceding section, are all the title deeds and evidences of title relating to the land that are in his possession or power, and that he is not aware of any 20 claim adverse to his own to any part of the land or to any interest therein; or if he is aware of any such adverse claim, he shall set forth every such adverse claim, and shall depose that he is not aware of any except what he sets forth: And the affidavit or deposition shall also set forth whether any one is in possession of 25 the land, and under what claim, right or title; and shall state that to the best of the deponent's knowledge, information and belief, the said affidavit or deposition, and the other papers produced therewith, fully and fairly disclose all facts material to the title claimed by the Petitioner, and all contracts and dealings which affect the same or any part 30 thereof, or give any right as against the applicant.

As to adverse claims or possession.

In certain cases it may be dispensed with or made by another person.

7. This affidavit or deposition may in a proper case be dispensed with, or may be made by some other person instead of the person whose title is to be investigated, or an affidavit or deposition as to part may be made by the one, and as to part by another, at the discretion of the 35 Judge to whom the application is made; and in such case, the affidavit shall be modified accordingly.

What the certificate of Counsel or Solicitor must state.

8. The certificate of the Counsel or Solicitor shall state to the effect that he has investigated the title and believes the party to be the owner of the estate which the petition claims in the land in question, subject 40 only (if such be the case) to any charges or incumbrances that may be set forth in the Schedule to the petition; (or that he so believes, subject to any condition, qualification or exception to be set forth in the certificate), and that he has conferred with the deponent on the subject of the various matters set forth in the affidavit or deposition referred to in the 45 preceding two sections, and believes the affidavit or deposition to be true.

On what evidence Judge may proceed.

9. The Judge in investigating the title may receive and act upon any evidence that is now received by any of the Courts on a question of title, and any evidence which the practice of English Conveyancers authorizes to be received on an investigation of a title out of Court; or any other 50 evidence, whether the same be or be not receivable or sufficient in point of strict law, or according to the practice of the English conveyancers, provided the same satisfies the Judge of the truth of the facts intended to be made out thereby.