

or sale, such Court shall thereupon appoint a suitable and disinterested person to be guardian for one or more of such minors, whether the said minors reside within or without this Province, for the special purpose of taking charge of the interests of such minors in the proceedings upon such petition.

5

Guardians to give security.

V. Every guardian so appointed, shall, before entering upon his duties, execute a bond, in such penalty and with such surety as the Court shall direct, to the "Real Representative" of the County or Union of Counties where such estate is situate, by his name of office, conditioned for the faithful discharge of the trust committed to him, and to render a just and true account of his guardianship, when thereto required by the Court, and no proceedings shall be taken upon the petition until such bond is filed in the office of the Court; and after the execution and filing of such bond, such guardian shall represent his minor in the proceedings upon the said petition, and his acts in relation thereto shall be binding on such minor, and shall be as valid as if done by such minor after having arrived at full age.

Their powers thereafter.

Provision as to creditors having a lien on the property or any part thereof.

VI. It shall not be necessary in the first instance to make any creditor having a lien on such estate, or any part thereof, by judgment, decree, mortgage, or otherwise, a party to the proceedings, nor shall the partition or sale of the estate alter, affect, or impair the lien of such creditor, but the petitioner may make such creditor a party, and in such case the petition shall set forth the nature of any such lien or incumbrance, and if such lien or incumbrance is on the undivided interest or estate of any of the parties to the petition, it shall be a lien only in the share of such party, and such share shall be first charged with its just proportion of the costs of the proceedings in partition, in preference to any such lien.

Service of copy of Petition on parties interested not joining therein, and resident in Canada.

VII. A copy of such Petition, with notice that the same will be presented to the Court on some certain day in term, shall be served thirty days inclusive, previous to such term, on all the parties interested in such estate, who shall not have joined in such petition and are resident in this Province, and on the guardians of such as are minors, who shall have been appointed such guardians as aforesaid; and every such notice shall be addressed to all the parties interested who are known, and generally to all others unknown, having or claiming any interest in such estate.

Notice to absent and unknown parties.

VIII. If any parties having such interest are unknown, or if known reside out of this Province, or cannot be found therein, the Petition and notice may be served on such unknown or absent party, by publishing the same three months previous to the presentation of such Petition, once in each week successively in the Canada Gazette, and in a paper printed and published in the County or Union of Counties where the estate is situate, and if there be none, then in the Canada Gazette alone, which shall be equivalent to a personal service on such unknown or absent parties, or such Petition and Notice may be served personally on any known absent party, forty days previous to its presentation, without publishing the same.

On proper proof, Petition to be allowed and parties to shew title.

IX. Upon the presentation of such Petition, and satisfactory proof of the service or publication thereof with the Notice as aforesaid, and of the facts justifying the mode of publication, the Court shall, by rule, allow such Petition, and thereupon, the parties interested in the estate shall appear and shew title to the proportions which they claim of the

50