

not aware of any adverse claim to any part of the land ; or if he is aware of any adverse claim to any part of the land or to any interest therein, he shall set forth every such adverse claim and shall depose that he is not aware of any except those he sets forth ; And the Affidavit or Deposition, shall also set forth whether any one is in possession of the land, and under what claim, right or title. 5

In certain cases it may be made by other than owner.

6. This Affidavit or Deposition may in a proper case be made by some other person instead of the owner, at the discretion of the Judge to whom the application is made, and in that case the affidavit shall be modified accordingly. 10

What the certificate of Counsel or Solicitor must state.

7. 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 land in fee simple, subject only (if such be the case,) to any dower, leases, tenancies or incumbrances that may be set forth ; (or that he so believes subject to any questions of law or fact to be set forth in the affidavit, and in regard to which he has any and what doubt ;) 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 preceding two sections and believes the affidavit or deposition to be true. 15

On what evidence Judge may proceed.

8. 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 authorises to be received on an investigation of a title out of Court ; or any other evidence whether the same be or be not receivable or sufficient in point of strict law or according to the practice of English Conveyancers, provided the same satisfies the Judge of the truth of the facts intended to be made out thereby. 20 25

Form of proofs.

9. The proofs required may be by, or in the form, of affidavits or certificates ; or may be given *vivā voce* ; or may be in any other manner or form that under the circumstances of the case is satisfactory to the Judge in regard to the matters to which the same relate. 30

Judge may order notice to be published.

10. Before giving a certificate or conveyance, the Court or Judge shall direct to be published in such newspaper or newspapers, and for such period or periods as the Court or Judge thinks expedient, a notice either of the application being made, or of the Rule, order or decision of the Court or Judge thereon ; and the certificate or conveyance shall not be signed or executed until after the expiration of at least, 35  
from the first publication of such notice.

Or grant certificate without notice.

11. When the Judge is satisfied respecting the title, and considers that the certificate of title can safely be granted without any other notice of the application than the published notice so required he shall grant the certificate accordingly. 40

Further publication of notice.

12. In other cases he may require from time to time any further publication to take place, or any notice to be mailed or served, that he deems necessary before granting his certificate. 45

In case of contest.

13. In case of a contest, the Judge may either decide the question of title on the evidence before him ; or may refer the same or any matter involved therein to the full Court, or to any mode of investigation which is usual in other cases, or which he may deem expedient, and