

render such account or any misapplication of the funds he shall be liable to be proceeded against and punished for embezzling the monies of the real representative as in ordinary cases of embezzlement of a clerk or servant.

5 **XXIX.** All investments of monies arising from sales shall be made in Provincial or Consolidated Loan Fund Debentures.

Investments to be in certain Debentures only.

**XXX.** The Court shall apportion the costs of the proceedings on the petition according to the respective shares and interests of the parties known or unknown, and shall direct the same to be paid to the petitioners, and such order shall operate as a judgment for such costs, and on a copy thereof being filed in the County Registry Office, where the lands lie, shall be a charge for such proportion, against the shares representing such proportion, and execution may issue thereon as in ordinary cases of costs, and such share or interest may be sold thereon and a valid title on such sale given to the purchaser thereof as in the cases of sales by sheriffs in execution; and if judgment be rendered against the petitioners for any cause, the Court shall adjudge costs against them to be recovered as in cases of personal actions.

Costs of proceedings how to be apportioned, and recovered or secured.

**XXXI.** The proceedings upon petition if commenced in a County Court, may be removed into either of the Superior Courts of Common Law by *certiorari* at any time before judgment, to be allowed by any judge of such Court, on security being given by the party applying for the *certiorari* for the costs of the proceedings on petition to the satisfaction of such judge; and upon any final judgment, decree or order, an appeal may be had by any of the parties interested, in the same manner and with the same consequences as in other cases of appeal from the decision of any Court rendering such judgment, decree or order.

Removal of proceedings by *certiorari*.

Appeal allowed as in other cases.

**XXXII.** Where the interests in such estate are equitable fees simple, the Court of Chancery shall have the same powers upon petition or bill filed in that Court, to act thereupon as are hereby given to the Superior Courts of Common Law, and the same notices shall be given, served, published and verified, guardians of minors appointed and the same rules apply as to parties, and the like proceedings be had, as hereinbefore directed in reference to the Common Law Courts.

Powers of the Court of Chancery when the interests are equitable fees simple.

**XXXIII.** In the month of January of every year after the passing of this Act, the clerk of the Court having the custody of any bonds, mortgages or investments arising from sales of such estates, for the benefit of any unknown, absent, infant or lunatic parties, where no claim has been made on their behalf for any interest or principal of such investments during the preceding year, shall cause to be published in the Canada Gazette, and in one newspaper in the County or Union Counties in which such lands are situate, weekly, for the period of four weeks, a statement of the securities or investment remaining unclaimed, showing the name of the intestate party, the amount unclaimed and the property from which the claim has arisen, and such statement shall be verified by the clerk, and a copy thereof filed among the records of the Court.

Statement to be published yearly by Clerks of Courts of monies in his hands and unclaimed.

**XXXIV.** All proceedings in petition shall be intituled, "In the matter of the estate of A. B. who died intestate" and shall require no other title except the name of the Court in which such proceedings are had, and the judge of the Superior Courts of Common Law and the Court of

Title of proceedings under this Act. County to make Tariff and Rules.