

tigated, at the discretion of the Judge to whom the application is made, and in that case the Affidavit shall be modified accordingly.

11. 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 only (if such be the case) to any dower, leases, tenancies, easements or incumbrances that may be set forth in the Schedule to the petition (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.

Certificate of Counsel or Solicitor.

12. 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 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.

What evidence may be received.

13. The proofs required may be by or in the form of affidavits or certificates; or may be given *viva 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.

Form of proofs.

14. If the Judge is not satisfied with the evidence of title produced in the first instance, he shall give a reasonable opportunity of producing further evidence, or of removing defects in the evidence produced.

Further evidence if Judge is not satisfied

15. Before giving a certificate or conveyance under this Act, the Court or Judge shall direct to be published in the *Canada Gazette*, and, if he sees fit, in any other newspaper or newspapers, and for such period or periods as the Court or Judge thinks it 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 four weeks from the first publication of such a notice.

Notice to be published.

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

Certificate granted.

17. In case there is any adverse claim to any part of the land, the Judge shall direct such notices as he deems necessary to be mailed to or served on the adverse claimant.

If any adverse claim.

18. In all 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.

Further notice.

19. 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

Reference to full Court, &c., in case of contest.