

- 5 (m.) If any question or dispute arises as to whether the prescribed provisions relating to marking out the land or notifying the application have been sufficiently complied with, the Warden shall decide. In so deciding the Warden shall have regard to the spirit and intention of those provisions, and it shall be sufficient if he is of opinion that they have been substantially complied with, and that no person has been deceived or misled.
- 10 (n.) The Warden may adjourn the application from time to time or from place to place, in such manner and on such terms as he thinks fit.
- 15 (o.) On the hearing of the application the applicant and every objector shall appear in person or by solicitor or registered agent.
- (p.) If, however, the applicant does not desire to appear, he may, at any time before the hearing, file in the office of the Registrar a statutory declaration of compliance with this Act.
- 20 (q.) Such declaration shall be exempt from stamp duty, and shall be in the prescribed form, and shall certify—
- (i.) That all the statements contained in the application are true ; and also
- (ii.) That all prescribed provisions as to marking out the ground, posting notices thereon, serving notices on all persons affected, and otherwise, have been duly observed in so far as is required by law ; and also
- 25 (iii.) That the ground applied for does not cross any road or street ; and also
- (iv.) That the applicant believes himself entitled to the grant of the application, and knows of no valid objection thereto ; and also
- 30 (v.) That, so far as the applicant is aware, no public or private rights will be prejudicially affected by the grant of the application ; and
- (vi.) Such other particulars as are prescribed.
- 35 (r.) The Warden, if satisfied with such declaration, may accept it as evidence in support of the application, and grant the application without requiring the applicant to appear.
- (s.) If, however, he is not satisfied with the declaration, or if any objection arises which in his opinion requires to be met, he shall adjourn the hearing, and notify the applicant to appear.
- 40 (t.) If, on hearing of the application, any person appears and objects, the Warden may award to or against the applicant or the objector such costs and expenses as he thinks fit :
- 45 Provided that no costs or expenses shall be awarded against any objector whose objections are based wholly and *bona fide* on purely public grounds.
- (u.) In awarding such costs and expenses the Warden shall, as far as practicable, follow the scale for the time being in use in the Warden's Court, and they shall be recoverable in the same manner as if they were a judgment of that Court.
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