

the payment of all the costs of the proceedings in the Court, and also for the due payment of the assignee's compensation and disbursements; and the Court shall attach such conditions to the delivery of the estate to the bankrupt, as may appear to him to be necessary to secure the punctual payment of the said costs and compensation; and provided 5 also, that if the Court refuse to sustain the offer of composition, the grounds of such refusal shall be specified in the judgment rendered in such behalf.

Official assignee to be appointed.

LXII. It shall be lawful for the Governor of this Province, by Letters Patent, under the Great Seal thereof, to appoint from time to time a fit 10 and proper person, in each of the Districts of this Province in which a Section of the Court of Bankruptcy shall sit and be established, to be official assignee for the Districts over which such Section shall have jurisdiction, which said assignee shall possess and receive alone all the estate of the bankrupt, real and personal, the rents, issues, and profits 15 thereof, and the proceeds of the sale thereof; and it shall be the duty of such assignee, forthwith after the first meeting of the creditors, to demand and receive from the Sheriff, and from all other persons, all the estate and property, of whatever description, in his or their possession respectively, which shall have been vested, or have been intended to be 20 vested, in such assignee, according to this Act; and he shall collect all the debts and effects of the bankrupt, and for that purpose bring all necessary actions in his own name as such assignee; and all Courts of Justice in this Province shall judicially notice the office of such assignee, and no proof shall be necessary of his quality, or of any fact necessary 25 to the vesting of the estate of the bankrupt in him, or of the bankruptcy of the party in whose right he sues, unless such fact be specially put in issue; and he shall sell and dispose of all the estate and property of the said bankrupt, which shall come to his hands, or over which he shall procure and obtain a power of disposition, on such terms as he shall 30 think best for the interest of the creditors; and he shall be allowed his necessary disbursements, under the supervision of the Court; and in case of the death or removal of such assignee, all suits and actions, acts, doings and proceedings, shall be continued and perfected by his successor, without abatement or discontinuance, by the substitution of the name 35 of the new assignee in the place of the former.

Sale of real estate.

LXIII. Whenever the assignee shall deem it advantageous and for the interest of the creditors to sell any real estate belonging to the bankrupt, it shall be the duty of the Court, on the application of the assignee to that effect, to appoint a place and a day, upon or after which such 40 sale may take place, and the said assignee shall cause an advertisement of the day so appointed to be inserted in the Canada Gazette, and also in such other newspaper or newspapers, and by such other public notification as the Court shall direct, which advertisement shall call upon all persons having or pretending to have any claim to, upon, or respect- 45 ing such real estate, to make known to the Court the nature and extent thereof in writing, at least fifteen days before the day so appointed, in order that such claims may be heard and determined upon: Provided, that no sale shall be appointed to take place at a day earlier than the expiration of four calendar months from the first publication of the 50 advertisement thereof in the Canada Gazette; and such sale shall be had, save where it is otherwise ordered under special circumstances, at the place where the sittings of the Court are usually held.