

- How lessor's claim shall be paid. 2. The lessor shall in such case be collocated in the dividend sheet for the amount of rent due, and also of the rent for the current year, and for the further periods of one year during which the leased property is required for the use of the estate; and such collocation shall be made and be payable in the same manner and upon the same conditions as are hereinbefore provided with reference to creditors holding security; such security in the case of the lessor being his legal lien and privilege, upon the effects in and upon the property leased. 5
- In case the lease be cancelled. 3. If the lessor signifies to the assignee his willingness to cancel the lease from and after the period during which he is hereby authorized to claim rent for the leased premises, all liability to him by the estate of the Insolvent for rent after such period shall cease; and when such period expires the assignee shall consent to the cancelling of the lease and shall deliver the leased premises over to the lessor; but if not, and if the unexpired term of the lease be sold, the sale shall be binding upon the lessor; and the estate of the insolvent shall be thereafter discharged from all claim for rent, if at the time thereof the purchaser be solvent and of good credit and repute. 10 15
- In case of sale of unexpired term.

OF APPEAL.

- Proceedings in appeal from award of assignee. 8. There shall be an appeal to the Judge from the award of an assignee made under the 10th sub-section of the 6th section of this Act, which appeal shall be by summary Petition, of which due notice shall be given to the opposite party and to the assignee; and the assignee shall attend before the Judge at the time and place indicated in such notice, and shall produce before him all evidence, notes of evidence, books or proved extracts from books, documents, vouchers and papers having reference to the matter in dispute: and thereupon the Judge may confirm such award, or modify it, by such order as will satisfy the ends of justice. 20 25
- Appeal from decision of the Judge, 2. If the Judge reverses or modifies the decision of the assignee, any of the parties may appeal from his judgment in Lower Canada to the Court of Queen's Bench for Lower Canada on the Appeal side thereof; and in Upper Canada to either of the superior common law courts or to the court of chancery, or to any of the judges of the said courts; upon an appeal being first allowed by one of such judges. 30
- But notice of appeal must be given within a certain period. 3. Such appeal shall not be permitted unless the party desiring to appeal notifies the opposite party or his agent or attorney during the day on which the judgment of the Judge is rendered, of his intention to appeal; and unless within ten juridical days thereafter he causes to be served upon the opposite party and upon the assignee, a Petition in appeal setting forth the Petition to the Judge, and his decision thereon and praying for its revision: and also within the said period of ten days causes security to be given before the Judge by two sufficient sureties, that he will duly prosecute such appeal, and pay all costs incurred by reason thereof by the respondent. 35 40
- Presenting of petition in appeal. 4. The Petition in appeal, when the appeal is to a court, shall be presented on the first day of the term next following the service of the Petition in appeal and the putting in of the security in appeal, and shall not be thereafter received; and when the appeal is to a judge the petition shall be presented within ten days after putting in security, and shall not thereafter be received: and on or before the day of the presentation of the petition, the assignee shall file in the Office of the Court of Appeal, or of the court to which the judge appealed to belongs, the evidence, papers, and documents which had been previously produced before the Judge, and thereupon the appeal shall be proceeded with and decided according to the practice of the Court. 45 50
- In case petition is not presented. 5. If the party appellant does not present his petition on the day fixed for that purpose, the Court, or Judge selected to be appealed to, 55