

specting 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 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.

Proceedings  
on claims to  
real estate

LXIV. And be it enacted, That if any claim to, upon, or respecting such real estate, shall be made within the period aforesaid, the Court shall proceed after necessary proof and hearing of the parties, to adjudge and determine the same; and if the claim shall be admitted in whole or in part, the real estate shall be subject to such claim in whole or in part, as shall have been adjudged and determined, and shall be sold accordingly; and if no such claim shall be made as aforesaid, or having been made shall be wholly rejected or disallowed, the sale may take place as appointed in manner aforesaid, and the assignee shall have power in his discretion, at any time on or after the day appointed and notified to make such sale, either by public auction or private bargain, and upon such terms and conditions as to him may seem most advantageous and for the interest of the bankrupt and his creditors; and every deed or conveyance, executed by the assignee, according to the usual form of law, in furtherance and execution of a sale made as aforesaid, shall have the like force and effect in avoiding claims or incumbrances on the real estate so conveyed, as if the sale and deed of conveyance had been made by a Sheriff under the authority of a writ of execution against lands and tenements issuing out of any Court in this Province: Provided always, that an appeal shall lie against any adjudication of the Court of Bankruptcy, by the assignees, as the party setting up such claim to, upon, or respecting such estate as aforesaid.

Real estate  
may be resold  
at the risk and  
charges of a  
purchaser.

LXV. And be it enacted, That it shall be lawful for the Court, on failure by any bidder or purchaser to fulfil the conditions of the purchase and sale of any such real estate, or any part thereof, to order the re-sale of such real estate, and the first sale and adjudication thereof, shall, in such case, be null and void, and the said real estate may be sold again at the risk and charges of the purchaser or bidder so failing to fulfil the conditions of his bid or purchase, in like manner as real estate may be sold at the *folle enchère* of an *adjudicataire* by the laws of Lower Canada, and the said bidder or first purchaser shall be liable to be attached by his body, until he shall have paid the loss, costs and charges on the second sale.