

41. No landlord shall be entitled to distrain upon any goods in the custody of any Guardian or Trustee, and any landlord having distrained upon any goods of a debtor, before the same shall have come to the possession of any Guardian or Trustee, shall be bound on demand to deliver up such goods to such Guardian or Trustee, subject to the rights of the landlord to his preferential claim for rent, as hereinafter provided.

42. The preferential claim of a landlord for rent, in the Provinces of Ontario, New Brunswick, Nova Scotia, British Columbia, Prince Edward Island, and Manitoba, is restricted to the rent due or accruing due in respect of the three months next preceding the date of insolvency, and for other arrears of rent if any such landlord shall be entitled to rank as an ordinary creditor. In the Province of Quebec the preferential claim of the landlord shall be governed by the Civil Code. No landlord shall be entitled to any future rent from any Estate, Guardian, or Trustee, save occupation rent as aforesaid; except where the Trustee shall elect to retain the premises as aforesaid. And all provisions in leases providing for payment of any future rent in the event of insolvency shall be null and void as against Creditors and their Trustee.

SALE OF REAL ESTATE.

43. In any province of the Dominion, except Quebec, the real estate of a debtor may be sold by the Trustee under the authority of the inspectors or of the creditors, after such notice, in such manner and upon such conditions as they may order; and the title which such sale shall vest in the purchaser, shall in all respects have the same effect and validity as if it had been executed by the debtor before insolvency. But in such provinces, if ordered by the creditors or inspectors, and in all cases in the Province of Quebec, the real or immoveable property of the debtor which is not assigned to a secured creditor in the manner herein provided, shall be sold, as nearly as may be according to the existing practice therein respectively; and to that end the Trustee shall apply to the Judge for an order addressed to the Sheriff of the County or District wherein such property is situate requiring the Sheriff to seize and sell such property and thereupon the Sheriff shall seize and sell such property in the same manner and after the same notices and procedure, except as to demand of payment from the debtor, as if such order were a writ of *fieri facias de terris*; and except that all services of notices and other proceedings, usually required to be served upon the defendant in the course of such seizure and sale shall in such case be served upon the Trustee; and the Sheriff shall make his return to such order to the Court; and all the subsequent and incidental proceedings required or permitted in respect of the seizure or sale of real property under a writ of execution, and in respect of