

The Appellants contend that the Judgment of the Court below is erroneous, there being, as before stated, no law requiring such supposed permission, and the enactment of the 41. Geo. 3. on the subject of oppositions not having any application to an opposition, the reasons of which are based upon the invalidity of the writ of *venditioni exponas* itself. Indeed it is manifest that the statute assumes the existence of a valid writ of *vend. ex.* and contemplates only causes of opposition arising *extrinsically*, never intending to enact the absurdity that such a writ, however defective and null, can under no circumstances be set aside. Accordingly the Courts have always taken this view and have without difficulty maintained oppositions to annul such writs, for causes invalidating the writ itself.

For these reasons the Appellants hope for a reversal of the Judgment appealed from.

ANDERSON & PARKIN.

Attorney for Appellants.

Quebec, February, 1860.