

an opposition to be dismissed as frivolous on its face, would not permitted to be dismissed as to part of the articles seized and not as to the others.

It seems to me that under the circumstances it is very probable that the opposant is using legal procedure to obstruct and delay the plaintiff in the execution of his judgment, but nevertheless the Court ought not to extend the operation of the article in question, beyond its legal scope.

Judgment of the Court of Review;

"Considering that the plaintiff by his motion, as well as by his *factum*, relies wholly and entirely on the disposition of art. 651 of C. C. P., submitting purely and simply that the said opposition be dismissed because it is, according to him, manifestly and on its face frivolous and made to retard unjustly the sale, and also, because the *moyens* or reasons upon which it is based are manifestly unfounded in law:

"Considering that the only question to be decided in the present case is whether or not the present opposition, considered in itself and apart from the first one, could be dismissed by virtue of said art. 651 C. P. C.

"Considering that an opposition which is based upon facts which the opposant swears to be, and, which appear to be true, and which, if proven, could bring the tribunal, taking into consideration the law, the doctrine and the jurisprudence on the matter, to accept as well founded the legal proposition deducted by the opposant from these facts, cannot and should not be held as frivolous on its face and made to unjustly retard the sale of the effect seized: