

allegation is equivalent to an allegation of *mise en demeure* if any such allegation was necessary ;

“ Considering that defendants’ inscription is unfounded.

“ Doth dismiss the same with costs.”

*Nash v. Honan et al & Honan, appellant.*¹

Saisie-exécution de bonis sur plusieurs défendeurs.—Domicile commun.—Requête civile.—Ordre de saisir.

JUGÉ : 1o Que dans le cas où des meubles sont saisis conjointement sur deux défendeurs à leur domicile commun, il n’est pas nécessaire d’indiquer lequel est le propriétaire de ces meubles.

2o Qu’une requête civile ne peut arrêter l’exécution du jugement sans un ordre de sursis donné par un juge.

Voici le jugement :

“ The Court having heard the plaintiff and the opposants upon the motion of the former to dismiss the opposition in this cause fyled as follows ;

“ Considering that the said opposition is founded in substance :

1. On the allegation that a *requête civile* is pending to annul the judgment ;

“ 2o That the seizure is made upon the two defendants jointly without saying which was the proprietor of the goods seized ;

3o That the notices of sale have not been made according to law ;

“ Considering that by art. 1182, C. c. p., the pendency of a *requête civile* cannot stay execution unless upon order of a judge, which order was asked and refused in this cause ;

“ Considering that the effects seized were so seized in the joint domicile of both defendants and being thus in apparent possession of both defendants jointly could be seized upon them jointly ,

“ Considering that the opposants do not specify any particulars in which the notices of sale are not in accordance with law ;

“ Doth declare the said opposition frivolous and unfounded and doth dismiss the same with costs.”

¹ C. S., Montréal, no 20, 4 octobre 1899, Archibald, J.—Stephens & Hutchins, avocats du demandeur.—M. Honan, avocat du défendeur.—A. Germain, avocat de l’opposant.