

2o Que néanmoins le défendeur contestant ne pourra, dans ce cas, obtenir que les frais d'une comparution et d'une motion."

Le jugement qui suit explique suffisamment la procédure faite en cette cause.

"Evidence adduced. Parties heard by their counsel on the merits of defendant's contestation of *saisie-arrest* ;

"Seeing defendant contestant alleges : that at the dates of issue and service of the writ of *saisie-arrest* issued, the *tiers-saisie* owed him nothing, and that the writ was taken without cause, and solely for the purpose of putting defendant to costs. Wherefore it is prayed that said writ be dismissed ;

"Considering that said writ issued at the instance of plaintiff, that it is dated the 8th of March 1898, and was served as well upon the defendant as upon the *tiers-saisie* ;

"Considering that the *tiers-saisie* was thereby ordered to appear and declare, on the 18th of said month of March, that the Company owed to the defendant and the defendant was thereby enjoined to appear on said last mentioned date to hear said *saisie-arrest* declared good and valid ;

"Considering that defendant appeared on said 18th of March ;

"Considering that on the 19th March, the *tiers-saisie*, appeared by its authorized attorney and declared that the company owed nothing to defendant ;

"Considering that on the same day defendant filed his said contestation, which had been served between three and four o'clock in the afternoon, and presumably after the filing of the declaration which according to usual practise had to be made at ten o'clock in the forenoon ;

"Considering that, as well by art. 678 C. p. c., as by the terms of the writ, the defendant is entitled and called upon to appear ;

"Considering that the delays to plead and the method of contestation are the same as in summary matters, and that the non indebtedness of the *tiers-saisie*, is a good ground for defendant to urge for the quashing of the writ ;

"Considering that when the *tiers-saisie* is not indebted and cannot be proved so either he or the debtor may further also be discharged from the seizure on motion, and that defendant, if he chooses to file a formal contestation, ought not to have any greater costs than those allowed on the summary and less expensive procedure by motion which the Code provides for this purpose ;