

- amount and nature of such creditor's claim, and that the bid is made *bona fide* and not to delay proceedings in the cause,—
- By a party not a creditor. 3. With any such bid made by a party not being such creditor, there shall be fyled an affidavit of such bidder, sworn as aforesaid, that the bid is made *bona fide* and not to delay proceedings in the cause, and the Sheriff may, if he thinks proper, require security from such bidder, or a deposit in money, sufficient to defray the probable costs of the party seizing to be incurred by reason of such bid, and of a *folle enchere* in case it should be required. 5
- Form. 4. Each bid shall indicate the property bid upon and the amount offered. 10
- Notarial form. 5. If the party bidding cannot write, the bid may be made by notarial *acte* delivered *en brevet*.
- Bids to be returned. 6. The Sheriff shall endorse on each bid the date of the fying thereof, and shall return it with his proceedings on the writ. 15
- Highest to be the upset price. 7. The Sheriff shall read and publish at the place and time of sale every bid in writing so received by him; and the highest of such bids shall be the upset price at which the property shall then and there be offered for sale.
- If no higher bid is made. 8. If at the time and place of sale no higher bid is offered than the highest fyled in writing as aforesaid, the property shall be adjudged to the person having made such highest bid in writing, as if he were personally present and making such bid, and he shall be the *adjudicataire* to all intents and purposes as if he had become so at the time and place of sale, and he shall be liable to *contrainte par corps* in default of immediate payment of the price, and to all the obligations of an *adjudicataire*. 20 25
- Preceding Provisions to apply to forced licitations. 5. The enactments and provisions of the next preceding section shall apply to all cases of forced licitation, in which bids in writing for the property to be sold or any separate lot thereof, may be filed at the office of the Prothonotary of the Court in the District in which the licitation has been ordered, at any time after the licitation is ordered, except during the three days next preceding the day fixed for the adjudication; and the Prothonotary or officer conducting the sale shall have the like powers and duties with respect to such bids as are by the said section conferred or imposed upon the Sheriff selling any property; and if any property be adjudged to any person upon a bid made in writing, such person shall have the like rights and be subject to the like obligations and liabilities in respect thereof as are by the said section conferred and imposed upon a person becoming an *adjudicataire* upon a bid in writing made by him at a Sheriff's sale. 30 35 40
- Highest bid to be upset price 2. The bids in writing in cases of forced licitation shall be read and published by the Prothonotary in open Court, and the highest of such bids shall be the upset price of the property to which the bid relates, when the same is sold on such licitation. 45
- No costs of opposition for claim secured by Registrar's certificate. 6. No costs of opposition shall be allowed to any opposant to the distribution of money levied by Sheriff's sale of real estate, or of money paid into Court in any case of confirmation of title or forced licitation, when the claim of such opposant is secured by the Registrar's certificate. 50
- Notice by advertisement, of sale of moveables. 7. Whenever any movable property is seized in execution on any writ issuing from the Superior or Circuit Court, and such seizure is made in any city, town or parish in which a newspaper or newspapers is or are then published, the party prosecuting the seizure or his attorney *ad litem*, may in writing require the Sheriff or Bailiff having the execution of such writ, to give notice of the sale of the property by advertisement in the French and in the English language in the newspaper 55