

Proviso.

one Judge of the Superior Court, or by any Circuit Judge, in Term or in Vacation, and an appeal shall lie from the judgment of any such Judge or Circuit Judge to the Court of Queen's Bench established by an Act of this Session, in the cases in which an Appeal to the Provincial Court of Appeals is given in the said last mentioned Act: but nothing in this section shall be construed to prevent the Superior Court or any two or more Judges thereof, sitting together, from exercising any of the said powers, if they shall in any case deem it expedient so to do.

How the privilege of the Lessor on goods taken in execution shall be exercised.

XCVIII. And be it declared and enacted, That in all cases of the taking of goods and chattels in execution by virtue of a Writ issuing out of any Court in Lower Canada, wherein a Lessor may claim a privilege or lien for rent, it is not and shall not be lawful for such Lessor to prevent the sale of such goods and chattels by opposition, but it is and shall be lawful for him to deliver to or lodge with the Sheriff or the Bailiff who shall have seized such goods and chattels, his opposition *afin de conserver*, either before or after the sale, and if the same be so delivered or lodged before the sale, the Sheriff or Bailiff shall nevertheless proceed to the sale of the goods and chattels by him seized, and make his return thereof; and upon such return the Lessor shall have his privilege or lien upon the proceeds of the sale of such goods and chattels, and be collocated accordingly, any law, usage or custom to the contrary notwithstanding: Provided always, that when any such opposition or any other opposition *afin de conserver* upon monies levied by virtue of a Writ *de bonis* directed to a Bailiff, shall be delivered to and lodged with the Bailiff before he shall have paid the proceeds of the sale to the party suing out such Writ, it shall be the duty of the Bailiff forthwith to make his return of the said Writ according to law, and to pay over into the hands of the Clerk of the

Proviso: duty of the Bailiff receiving any opposition.