

seizure, the notice, or the sale, a Bailiff, if any there be, residing within the parish or locality in which the writ is to be executed, which the Sheriff shall accordingly do; but in such case the Sheriff shall not be responsible, pecuniarily or otherwise, for the due execution of the writ by such Bailiff, or for any irregularity or informality arising from any neglect or error on the part of such Bailiff; and if the seizing party, in order to avoid travelling expenses, requires any such Bailiff to deliver to him, in order that he may forward the same to the Sheriff, the return of his proceedings and all documents therewith connected, the Bailiff shall accede to such request, but in such case the seizing party shall be alone responsible for the consequences of the non-transmission of the said return and documents to the Sheriff;—and in the case of the sale of any immovable property by the ministry of a Bailiff, the Sheriff shall furnish such Bailiff with the bid or bids (if any) for such property which have been made at his office, as hereinbefore provided.

Bailiff selling to be furnished with the bids.

Pending cases excepted.

No recors required.

Orders for calling in absentees by advertisement, may be issued, as, of course, by the Officers of the Court.

Prothonotary may take *enquêtes* by consent of parties.

Proviso as to objections.

Prothonotary may take *enquêtes* in absence of Judge.

13. The foregoing provisions of this Act shall not apply to any case in which proceedings for confirmation of title or forced licitation have been commenced, or to any case in which movable or immovable property has been seized by a Sheriff or Bailiff, before the passing of this Act.

14. In all cases of seizure of property, movable or immovable, it shall not be necessary that the Sheriff or Bailiff should be accompanied by or have the assistance of any *recors* or witnesses; but the Sheriff or Bailiff shall make such seizure without any such assistance.

15. In amendment to section sixty-one of chapter eighty-three, and of section nineteen of chapter thirty-six of the said Statutes of the Consolidated Statutes for Lower Canada, be it enacted, that upon the return in term or in vacation of the Sheriff or Bailiff to the writ, or to any order under the said section nineteen of chapter thirty-six, that the defendant or person mentioned in such order cannot be found in the district or circuit, the order mentioned in the said section of chapter eighty-three may be issued by the Prothonotary or Clerk of the Court, at the instance of the plaintiff or of the party at whose instance the order under chapter thirty-six was made, and as of course, without the intervention of a Judge; and the Prothonotary or Clerk may, on the suggestion of the plaintiff, designate in such order the newspapers in which the defendant shall be notified to appear: and the order so issued under the seal of the Court, shall have the same effect as if made in open Court; but nothing herein shall prevent the Court or a Judge from making such order, if so advised.

16. If the Judge is, from any cause whatever, unable to attend in Court on any day fixed for the taking of *enquêtes* in the Superior Court, the Prothonotary of the Court at the place of sitting shall, during the absence of such Judge, preside at the taking of *enquêtes* on every such day in the place of such Judge, and he may swear the witnesses and do all other things with regard to the *enquêtes* on every such day, which a Judge of the Court might do; but all objections taken by any party, shall by such prothonotary be taken down in writing and kept of record in the cause or proceedings, for adjudication by the Court at the final hearing thereof.

17. In any case in the Superior Court, the *enquête* or any evidence in such case may, by the consent of parties, be taken before the Prothonotary of the Court at the place where the case is pending, and