

7. In case of any Sheriff's sale, confirmation of title or forced
 5 licitation, any person interested in the distribution of the moneys levied
 or deposited, may, in term or in vacation, examine or cause to be ex-
 10 amined on oath, before any Judge of the Superior Court, the defendant
 or the creditor or debtor of any hypothec mentioned in the Registrar's
 certificate or in any opposition, or any other person having or being
 supposed to have cognizance of the facts, and whether such person be
 or be not *mise en cause*, as to whether any such hypothec has or has not
 been wholly or in part discharged or become extinguished, or as to
 15 any other fact material to the case; and any person so examined shall
 be bound to disclose the existence of any receipt, account, or other
 document or writing tending to prove the discharge or extinction,
 wholly or in part, of any such hypothec, or any material point relating
 thereto, and to produce the same if within his power; and if any per-
 20 son so examined appears on the certificate or in any opposition to be
 the creditor of any such hypothec, his admission that the same is wholly
 or in part discharged or extinguished, shall be evidence that it is so.
 In the absence of a Judge, any such examination may take place before
 the Prothonotary, who shall have power to take the same, and to ad-
 25 minister the necessary oath to any person so examined: provided that
 per-son so examined shall be entitled to be taxed as a witness, if he be
 interested in the distribution of any such moneys as aforesaid.

Certain par-
 ties and per-
 sons may be
 examined in
 matters res-
 pecting the
 distribution
 of moneys
 arising from
 Sheriff's sales,
 &c.

Creditor's
 evidence of
 discharge
 sufficient.

Prothonotary
 may act in
 the absence of
 a Judge.
 Proviso.

8. Any hypothecary creditor whose hypothec is mentioned in the
 Registrar's certificate, is hereby declared to have had and shall have a
 25 right to appeal from any judgment of distribution, if he deems himself
 aggrieved thereby, although such creditor did not appear or fyle an
 opposition.

Creditor
 aggrieved
 may appeal
 though he did
 not appear

9. Whenever any movable property is seized in execution in either
 of the Cities of Quebec or Montreal, on any writ issuing from the
 30 Superior or Circuit Court, the Sheriff or Bailiff having the execution of
 such writ, shall give notice of the sale of the property by advertisement
 in the French and in the English language in the newspaper published
 in such city, if there be only one, or if all be published in the same
 language,—and in English in a newspaper so published in the English
 35 language, and in French in a newspaper so published in the French
 language, if there be a newspaper published in each language;—the
 Sheriff or Bailiff shall post up and keep posted up a duplicate of such
 notice in each language in a conspicuous place in the Sheriff's office
 40 take place until after the expiration of eight days from the first pub-
 lication of such notice.

Notice by ad-
 vertisement of
 sale of
 movables
 in Quebec or
 Montreal.

Copy to be
 posted up.

10. The said notice by advertisement shall be a summary one, con-
 taining the names of parties in the cause in an abridged form, as
 in the title of the cause, a general description of the movables seized,
 45 and the time and place of sale; and the cost of such advertisement
 shall not exceed *two dollars*.

Form.
 Cost.

11. In every case wherein the Sheriff or Bailiff gives notice of the
 sale by newspaper advertisement, such notice shall be in lieu of the
 notice and publication which would otherwise be required under section
 50 two of chapter eighty-five of the Consolidated Statutes for Lower
 Canada, which shall not be given or made in such case.

To be instead
 of notice un-
 der cap. 85 of
 the Con. Stat.
 L. C.

12. Whenever any property, moveable or immovable, to be seized in
 execution, lies at a distance of more than nine miles from the place at
 which the execution issued, the seizing party or his attorney *ad litem*,
 55 may, in writing, require the Sheriff to employ, with regard to the
 locality.

Sheriff, if re-
 quired by
 seizing party,
 to appoint a
 Bailiff of the
 locality.