

2. A condemnation obtained against one of two co-sureties is *chose jugée* as regards the other surety and his representatives.—*Truteau v. Fahey et vir*, S. C., Montreal, Davidson, J., June 27, 1892.

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*Procedure—Execution—Seizure of movables—Sale suspended by opposition—Art. 578, C. C. P.*

*Held*:—Where the seizure of movables by the first seizing creditor is suspended by reason of an opposition to his proceedings, the next seizing creditor is not thereby prevented from proceeding to the sale of the effects, the preference given to the first seizing creditor only subsisting so long as he is in a position to proceed to the sale of the effects seized and is not retarded by oppositions not affecting other creditors in a position to proceed.—*Joseph v. Leblanc, & Marcotte*, mis-en-cause, and Brown, opposant, S. C., Montreal, Doherty, J., June 24, 1892.

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*Servitudes—Division wall—Replacement of—Arts. 518, 519, C. C.*

*Held*:—Where a gable wall on the dividing line between two properties is not *mitoyen*, the owner of the adjoining property has the right to convert it into a *mitoyen* wall only after complying with the requirements of Arts. 518 and 519, C. C. Even where the wall in question is not straight nor adapted for a common wall, the neighbour is not entitled, without the consent of the owner or process of law, to take possession thereof and demolish it, with a view to rebuilding it as a common wall.—*Bruchési v. Desjardins*, S. C., Montreal, Doherty J., March 10, 1892.

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*Charte de la cité de Montréal—Vente d'un immeuble grevé de substitution—Nullité de décret.*

*Jugé*: Que le décret d'un immeuble, à la poursuite de la cité de Montréal, en vertu des dispositions de sa charte et en recouvrement de taxes, ne purge pas les substitutions non ouvertes qui grevent cet immeuble, et que l'adjudicataire d'un tel immeuble peut se pourvoir en nullité de décret.—*Chaput v. La cité de Montréal, & Guenette et al.*, C. S., Montréal, Jetté, J., 30 novembre 1892.