

delivered to the *adjudicataire*, the sheriff can maintain an action in his own name. *Shepherd vs. Paquet*, 1813, no. 102.

The old formalities of the *saisie* execution are no longer required. *Volant vs. Drapeau*, 1808.

An *adjudicataire* of immoveable property may be allowed to retain in his hands the capital of a *douaire préfix* which is charged thereon, but is not yet "*ouvert*," unless the plaintiff or some of the opposants are mortgage creditors for debt contracted by the husband prior to his marriage, in which case as the *décret* purges the dower, he cannot retain it. *Roberts vs. Lavaux*, 1816, no. 285.

Where an heritage is sold by *décret*, the proprietor of a *constitution de rente perpétuelle*, secured by mortgage upon it, can demand the capital of his *rente*, but of a *rente viagère* the proprietor can only demand what will purchase an annuity of equal value. *Thibodéau vs. Raymond*, 1821, no. 477.

