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SUPREME COURT OF CANADA.

OTTAWA, 1st May, 1897.

Quebec]

LAMBE v. ARMSTRONG.

Sale by sheriff—Folle enchère—Re-sale for false bidding—C.C.P. 690 et seq.—Questions of practice—Appeal—C.C.P. 688—Privileges and hypothecs—Sheriff's deed—Registration of—Absolute nullity—Rectification of slight errors in judgment—Duty of appellate court.

Questions of practice raised on appeal may be taken into consideration by the Supreme Court of Canada, when the decision of such questions involves substantial rights in litigation or might have the effect of causing grave injustice.

Part of lands seized by the sheriff had been withdrawn before sale, but on proceedings for *folle enchère* it was ordered that the property described in the *procès-verbal* of seizure should be re-sold, no reference being made to the part withdrawn. On appeal, the Court of Queen's Bench (Q.R., 6 Q.B. 52) reversed the order on the ground that it directed a re-sale of property which had not been sold, and further because an apparently regular sheriff's deed of the lands actually sold had been duly registered, and had not been annulled by the order for re-sale, or prior to the proceedings for *folle enchère*.

Held, that the Court of Queen's Bench should not have set