since 1st August 1861. The opposition was made by the son of the defendant, and the ground of the opposition was that the defendant had made a donation of the property seized to the opposant, his son, in Feb. 1863, whereby the seized property had become the opposant's. The consideration of this donation was the support of the donor and his family, the right of usufruct in the estate being, moreover, reserved by the donor. In the deed it was declared that $1189 had been paid, and the balance, $500, was said to have been received subsequently. The contestation arose on this deed, which, it was alleged, was made with the fraudulent intent of preventing the plaintiff from enforcing the execution of his judgment; that the defendant had transferred not only his real estate, but the whole of his moveables, to his son. There was nothing to show that the defendant's son had ever paid any money for this property, or that the conveyance was anything else than an artifice to protect the defendant's property from the grasp of his creditors. Under these circumstances, the judgment of the Court at Iberville rejecting the opposition must be maintained; but an alteration would be made in the grounds of the judgment. The opposition would be dismissed on the ground that the donation and the transaction between father and son were fraudulent, and not merely on the ground that the opposant had not proved the allegations of his opposition, as stated in the original judgment.

SCATCHERD *v.* ALLAN.

HELD.—*That when the delay for inscribing a case for review would expire on a Sunday, it is prolonged till the next juridical day.*

BADGLEY, J.—This case was brought up on a ruling of the Superior Court of this District. The plaintiff now moved to set aside the inscription for review, on the ground that the notice was not sufficient. The law said that the party seeking to have a judgment reviewed must, within eight days from the date of the judgment complained of, make the required deposit, and inscribe the case. In this instance, the judgment was rendered on the 30th September, and on the 9th Oct. notice of inscription for review was served by defendant's attorney on plaintiff's attorney. On the same day the inscription was fyled in the regular manner, with the deposit. Now the eighth day after judgment rendered was a Sunday, and it was in accordance with the rules of practice that when a delay expires on a Sunday it goes over to the next juridical day. The inscription, therefore, was in time, and the motion must be rejected with costs.

JOHNSON *et al. v.* KELLY.—

HELD—*That in insolvency cases the procedure under the ordinance of* 1667, *requiring the Sheriff to make a procès-verbal to accompany his report, has been superseded by the special procedure introduced by the Insolvent Act of* 1864.

BADGLEY, J.—This was an insolvency case from the Court at Richelieu. It was a case of compulsory liquidation, commenced in the usual manner according to the statute. A writ of attachment was issued from the court addressed to the Sheriff of that district, who acted upon it, and made his return on the return day of the writ. On that day the official assignee in whose hands the Sheriff had placed the estate of the insolvent, applied to the court for a prolongation of the time, in order to enable him to complete his inventory of the estate and effects of the defendant. The return day was the 6th. The official assignee renewed his application for delay, stating the time within which he would be able to complete his report. The court below did not come to any decision upon the applications, but it had come to a final judgment on a technical point based on the procedure under the ordinance of 1667. The objection made by the defendant was that because the Sheriff had not returned a *procès-verbal* under the ordinance of 1667, of his doings under the writ, the writ was bad and must be set aside. But the procedure under the old law had been superseded by the special procedure introduced by the Insolvent Act. The case being one of compulsory liquidation, it was necessary that there should be an act of bankruptcy, and, accordingly, certain allegations were fyled by plaintiffs, supported by affidavit, that an act of bankruptcy had actually taken place. The insolvent did not take any of the proceedings pointed out for setting aside the act of insolvency, and, therefore, the act of bankruptcy stood good on the record. The official assignee had applied for an enlargement of the delay for making his inventory, and it was quite competent for the Court to have extended the time to do so. The defendant then, by *exception à la forme*, objected to the report of the Sheriff, because it was not accompanied by a *procès-verbal* of his doings under the writ, which was followed the next day by a petition of the insolvent to the same effect for the same reason; but as before observed the statute required nothing of the kind from him. It is said that the Sheriff should return with the writ, a report under oath of his action thereon, but it said nothing more. The Sheriff was not to make the inventory; this was the duty of the assignee. The case went on; proof was adduced confirming the act of bankruptcy, and the defendant pleaded by *exception à la forme* exactly the same as if he were pleading in a civil action. Now there was no such course of pleading provided by the act which had substituted a different procedure. The mode there provided was by summary petition, which the defendant had also followed. Finally, the Court at Richelieu had rendered a judgment quashing the writ of attachment on the ground that the return of the Sheriff was not accompanied by a *procès-verbal* under the old system. The Court was wrong in departing from the statutory procedure, and the judgment could not be maintained.

MONK J., did not go to the extent of saying that a *procès-verbal* was unnecessary under the insolvent law. He believed it necessary for the Sheriff to tell the Court precisely what he had done. But in this case he considered that