

SALE.

PAGE

3rd. That Art. 1998 C. C., respecting the delay to exercise certain privileges, has no application, there being now no Insolvent Act.	149
" —In a sale of shares of a joint stock Company, the bailiff has no right to sell more than enough to satisfy the judgments.	
The consent of the defendant, if insolvent, does not render such sale valid.	218

SALE FOR TAXES.

A person not the proprietor who redeems property sold for taxes, and is subrogated in rights of purchaser, nevertheless redeems it for the proprietor. —Such person cannot refuse to surrender the property to the proprietor even after the expiration of two years. Proprietor must however tender price paid for redemption with 15 per cent. per annum interest thereon.....	255
" —Sheriff's. Nullity of, Property bought free and clear of all charges, delivery impossible, buyer must be put in possession, One party cannot compel the other to fulfil the conditions of a contract if he is himself in default.....	268
" —Vide EXECUTION.....	187
" —Vide TRANSFER.....	124
" —See VENDOR.....	275
SECURITY FOR COSTS:—SEE OPPOSITION.....	236

Jugé:—Que la cour inférieure ayant condamné le vendeur à donner caution en vertu de l'article 1535. C. C. sans limiter la durée de tel cautionnement, la cour d'appel réformera le jugement tout en reconnaissant que la question de savoir si l'acheteur a juste sujet de craindre d'être troublé est une matière discrétionnaire laissée à l'appréciation du tribunal de première instance.....

SERMENT SUPPLÉTOIRE:—Vide ASSUMPSIT.....	282
SERVICE:—See Nullity.....	23

SERVITUDE.

<i>Held:</i> —1. That the proprietors on the bank of a navigable river have no easement or servitude of free access to such river.	
2. That the functions of valuers appointed under "The Québec Consolidated Railway Act, (1880)" to value property on the bank of such river for expropriation purposes does not extend to awarding compensation for the deprivation of any easement or servitude upon the public wharves or banks of the river, even supposing any such right to exist	
3. That an award in the following form, "and a further and additional sum of \$3,500 to be paid to the said J. H. R. Molson "for loss of river frontage if the said J. H. R. Molson is entitled "to a river frontage," is hypothetical and void.....	278
<i>Held:</i> —1. That a servitude cannot be created by <i>destination de père de famille</i> , unless such destination is in writing.	
2. That the specifications for the building of a number of houses providing for a common drain running in rear of such houses to join a drain in an adjoining street is not a sufficient written destination.	
3. The words in a deed of sale of property "with servitude of hidden drains underneath the yards," cannot be interpreted as conveying a servitude of hidden drains over the adjoining property on the lower level, although, at the time of the sale, the hidden drains actually existing under the yards of the property sold were continued through such adjoining property to reach the street drain.....	258