

explain the means by which a party may obtain payment of sums of money due him. The third section, accordingly, contains the rules governing the execution of corporeal moveables, the fourth those regulating seizures by garnishment, and the fifth those which apply to execution upon immoveables.

Sec. 2. Execution in real actions. Arts. 549, 550.

Seven articles in the third section demand a few explanations.

Sec. 3. Execution in personal actions. Arts. 551 to 561.

The actual law stated in article 563 allows the sheriff, upon application of the party suing out the writ, to remove property seized in the country parts to the nearest town; the Commissioners suggest that a judge's order for that purpose should be required.

Art. 563.

Article 564 is intended to settle a doubtful point, by declaring that current money may be seized and entered upon the minutes, and returned by the sheriff as any other moneys levied.

Art. 564.

Article 565, which is also suggested in order to settle doubtful points, permits the seizure of debentures, promissory notes and other negotiable securities, as well as bank-notes, and their being sold in the same manner as the other effects of the debtor.

Art. 565.

The suggested amendment to article 574 is in keeping with the provisions regulating the delay during which services may be made.

Art. 574.

Article 577 and the additional paragraph of the next following article are intended to settle the practice in certain cases of frequent occurrence by declaring that upon a second seizure the same guardian must be named as upon the first when the debtor has been dispossessed, and providing that a seizure lapses if the property seized is not brought to sale within the time fixed for returning the writ, unless an order be obtained from the court or from a judge.

Art. 577.

Art. 578.

Article 600 revives a provision of the ancient law which required that the costs of seizure and sale should be taxed by a judge; the same power is given to the prothonotary, subject to revision by a judge.

Art. 600.

An additional paragraph suggested to article 606 is intended to settle the practice, which varies in the different districts, with respect to the preferential rank of costs incurred by the executing creditor in order to obtain execution against the common debtor. In the district of Montreal these costs are not allowed any privilege, in the district of Quebec they are privileged up to a certain amount. The provision suggested by the Commissioners gives the executing creditor a privilege for such an amount as the court shall deem reasonable, with preference over all creditors other than a pledgee.

Art. 606.

The provisions of this section state the rules actually in force, with the exception of the suggestion to add to article 618 a paragraph allowing the plaintiff to be present at the declaration of the garnishee and to put questions to him.

Sec. 4. Seizure by garnishment. Arts. 611 to 631.

Twelve articles suggested in amendment demand some explanation.

Sec. 5. Of execution upon immoveables. Arts. 631 to 762, Art. 641.

The suggested amendment to article 641 affirms as regards immoveables the rule that seizure upon seizure will not hold good. It is more easily applied here than in the case of moveables, the sheriff being the only officer through whom the seizure can be effected and made public; but at the same time the party holding the second writ of execution should be protected by being made a party to the first, which cannot be discontinued or delayed without his consent.

The same protection and the same rights are given by article 643 to all opposing creditors making application for that purpose to a judge.

Art. 643.

Article 645 provides for the appointment of a sequestrator in certain cases when the sale is suspended in consequence of incidental proceedings.

Art. 645.

Article 684 is intended to establish a fixed rule as to the time to be allowed in receiving bids.

Art. 684.

Article 697 is suggested for the purpose of establishing a uniform practice, by which all proceedings relative to sheriff's

Art. 697.