

*peine de nullité.* Vallières vs. Robitaille, 1821, no. 1019.

Upon a rule to reply to a plea to an opposition, if the replication is not filed in time, the opposition, on motion, will be dismissed. Tremain vs. Têtu, 1821, no. 1315.

The rules of practice do not extend to oppositions : if therefore the *poursuivant du décret* inscribes any issue joined upon an opposition on the roll *de droit* or on the roll *des enquêtes*, the inscription is regular, and the opposition will be dismissed, if the opposant does not, on notice, proceed to the *enquête*. Boucher vs. Caron, 1821, no. 1189.

### ***Adjudication et décret.***

The sale of an estate, by *décret*, for more in quantity than it contains, entitles the purchaser to a diminution of the price, but does not annul the sale. Gray vs. Todd & Usborne *adjudicataire* 1809, no. 4.

A sale by *décret* does not affect the property of a third person who has been publicly in possession, and remained in possession of such property from the seizure to the adjudication. Wilson vs. Caldwell, 1813, no. 466.

No action *en garantie* lies against the sheriff, or against the defendant, in consequence of a sale by *décret*. Fress vs. Martineau & al, 1809, no. 56.

The record of the court as to a *décret*, is a higher degree of evidence than the sheriff's deed of sale. Hôtel-Dieu vs. Roxburgh, 1811, no. 367.

If the plaintiff does not duly prosecute a distribution, an opposant may be substituted. Langlois vs. Daigle, 1813, no. 31.

For the price of moveables sold by virtue of a *feri facias*,