

Proof of service of summons, &c.

2. The service of any summons or other order, writing or judicial document whatsoever, in cases of prosecutions for offences shall be proved by the return in writing, and under his oath of office, of the bailiff or constable charged with the making of such service.

Execution of judgment.

28. The execution of any judgment rendered in any civil action by the said Recorder's Court shall be levied by the seizure and sale of the goods and movable effects of the defendant, situate within the District of Quebec, and no execution shall be issued against a defendant until eight days after that on which judgment shall have been rendered against him. 5 10

Safe of goods by bailiff.

2. The bailiff, the bearer of the writ of execution, shall proceed in the manner and form prescribed by the law respecting the seizure and sale of movable effects.

When writ of execution is to be returned

3. Every writ of execution shall be returned into the said Recorder's Court on the day fixed by such writ, or on such other day on which the return of the said writ shall be ordered by the said court, and any bailiff, the bearer of such writ, refusing or neglecting to return such writ, shall be liable to the legal penalties for such refusal or neglect. 15

To whom writ of execution shall be addressed.

29. The said writ of execution shall be addressed to a bailiff of the said Recorder's Court when the defendant resides within the District of Quebec; in any other case, it shall be addressed to the sheriff of the district in which the defendant resides. In any case the writ shall be returnable into the said court on the day fixed by such writ. 20

In case goods are already under seizure.

30. If the goods and movable property of the defendant be already under seizure in such case, the Sheriff or Bailiff, the bearer of the writ of execution issued by the said Recorder's Court, shall not make any seizure, and upon production to him of the *procès-verbal* of the said seizure, or of a copy thereof, he shall hand over the writ of execution issued by the said Recorder's Court to the Sheriff or Bailiff, as the case may be, who shall have made such seizure. 25 30

Delivery of writ to be opposition *à fin de conserver*.

2. The delivery of the writ of shall have the effect of an opposition *à fin de conserver*, and shall be sufficient to secure to the said corporation by privilege (in cases in which such privilege exists) the payment of the sum due, including principal, interest and costs, mentioned in the said writ. 35

In case defendant possesses in goods and chattels.

31. In case the defendant does not possess any goods or chattels, or in case they are not sufficient to satisfy the amount of the judgment obtained against him,—in all such cases if the amount of the judgment in principal, interest and costs, or the sum due on such judgment, exceeds forty dollars, and the defendant possesses in the District of Quebec, or any other District in Lower Canada, any immovable property, lands or tenements, then the said Recorder's Court may issue a writ *de teris*, addressed to the Sheriff of the district in which the said immovable property, lands and tenements are situate, for the purpose of causing them to be seized and sold to satisfy the said judgment or the balance due thereon as aforesaid. 40 45

Return of writ

2. The said writ shall be returnable into the Superior Court for the District of Quebec, sitting in the said city of Quebec.