

I am not at all sure that a question of this kind can properly be determined on an application for advice in this way. See *Re Rally* (1912), 25 O. L. R. 112; *Re Turner*, 22 O. W. R. 543; 3 O. W. N. 1438. Any disposition, however, which I would make of the motion would not necessarily put an end to the action.

The defendants, in their statement of defence, did not expressly say that they were willing to pay the balance of the legacy after giving credit for the debt. It is true that upon the motion they have now proposed to do this. The plaintiffs are disputing that there is any such sum owing by the son's estate to the father as is alleged by the defendants. Under these circumstances, I think, the proper course for me to take is to enlarge this motion to be disposed of by the presiding Judge at the trial of the action. He will also dispose of the costs incidental thereto.

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HON. MR. JUSTICE RIDDELL.

NOVEMBER 4TH, 1912.

WEEKLY COURT.

COWIE v. COWIE.

4 O. W. N. 224.

*Judicial Sale of Lands—Order of Court—To Satisfy Alimony Judgment—Husband Intimidating Prospective Bidders at Sale—Contempt of Court.*

Motion for an order directing defendant to deliver up possession of certain lands. Plaintiff obtained judgment for alimony, 15 O. W. R. 767, but defendant paid nothing in respect thereof. Plaintiff then obtained an order of the Court directing the sale of defendants' lands to satisfy the arrears of alimony, but defendant appeared at the sale and, by threats and intimidation, was able to prevent any satisfactory bid being received. Plaintiff's material shewed that satisfactory offers could be obtained if the purchasers were assured of peaceable possession.

RIDDELL, J., *held*, there was no precedent for the suggested order, and it could not be made; but that an order be made that the lands be again offered for sale, plaintiff to be at liberty to bid, to apply arrears of alimony and costs upon the purchase-price, and to pay balance into Court, to be paid out as the instalments of alimony should fall due.

Liberty reserved to move for defendant's committal for contempt, in case of further interference with the sale.

Costs to be costs in alimony proceedings.

Motion by the plaintiff in an alimony action, for an order for possession of the defendant's land, judgment having been given in her favour, 15 O. W. R. 767; 1 O. W. N. 635.