

The Master settled the advertisement; but the defendant attended the sale, and stated that he never had a title to the said lands, and title could not be given, etc., etc. The auctioneer did not succeed in getting any reasonable bids—and the land was not sold. After the abortive sale, two prospective buyers came to the solicitor conducting the sale and said that they wished to buy, but that, under the circumstances, they were afraid of trouble in getting or retaining possession; if the defendant were dispossessed, they were prepared to offer a reasonable sum for the land, but would not buy while he was in possession. The solicitor swears that, in his opinion, it is very improbable that a fair price can be realised for the land so long as the defendant is allowed to retain possession.

The plaintiff now asks for an order "directing the defendant to deliver up possession of the land to the plaintiff or to whom she may appoint," and for an order directing him to vacate possession. The defendant attended in person on the return of the motion, and again urged that the judgment had been obtained by perjury.

I asked for authority for an order such as is asked for, but none has been furnished, and it is said by the plaintiff's counsel that none can be found.

The arm of the law will probably be found long enough to meet such a case as this by extreme measures, if necessary. At present, however, I do not think the order asked for should be made. I shall make an order that the land be again offered for sale and that the plaintiff be at liberty to bid; the amount of past due alimony and costs to be allowed as part payment; the remainder to be paid into Court payable out to her according as the alimony becomes payable, etc.

The plaintiff is to be at liberty also to serve a notice of motion for an order to commit the defendant for contempt, in case of any further interference with the sale. The defendant must be made to understand that no interference with a sale under direction of the Court will be tolerated. His ignorance thus far may excuse him, but his misconduct must cease.

Costs of this application to be considered in all respects costs in the alimony proceedings.