

"final judgment therein, and is given in an intermediate state of the cause on some intermediate question before the final decision."

"A judgment revoking the stay of execution previously ordered by the Court, and ordering the bailiff to proceed with the execution of the property seized, is a final judgment."

In the case of *Connolly v. Stanbridge*, (1) it was held:

"Le jugement qui ordonne au shérif de vendre en bloc les immeubles saisis est un jugement final."

The second question is as to whether or not the Court could order a deposit of \$400.

Article 750 C. proc. says: [text].

In the present case no resale had taken place. The first resale was to take place on the petitioners demand. Therefore, this article cannot be invoked.

Art. 749 says: [text].

The petitioner is not the seizing creditor but an interested party, so the only sub-section which could apply would be the second. He did not produce any affidavit, so he cannot invoke sub-section 2 of art. 749.

For these reasons, I am of opinion to reserve the judgment *a quo* and dismiss the petition with costs.

Jugement:—"Considérant que ni l'art. 749 ni l'art. 750 C. proc. n'autorisaient le juge à ordonner ce dépôt;

"Considérant que la requête de l'intimé était mal fondée;

"Considérant que l'adjudicataire n'a pas contesté ladite requête devant la Cour supérieure;

(1) [1900] 4 R. P., 186.