

rable Court is without jurisdiction to compel a compliance with the terms of sale by an order ; that the sale is merely a matter of contract which can only be enforced by the methods afforded by the laws of the land to that end and can not be disposed of or treated as a contempt of Court .

4th. That even if the Court had jurisdiction to pass such an order as prayed for by the Trustees , and this Respondent respectfully submits this Court has no such jurisdiction , yet the case now before your Honorable Court is not a fit one for the exercise of such a power ; the purchase was made by Respondent in perfect good faith without any idea of hindering and delaying the sale in any way , and the Respondent only fails to comply with the terms of sale by reason of an utter inability to comply ; the Respondent therefore submits that a re-sale of the property is the only step that this Court will take under the circumstances of this case and the passage of an order which this Respondent is wholly unable to comply with and which can only involve pain penalty and delay without producing substantial results to the beneficiaries interested in the case .

And Respondent will show such further and other cause as may appear upon the hearing hereof .

Wherefore Respondent prays that the said Petition herein filed against him may be dismissed .

And as in duty bound &c &c .

*Wm. M. G. S.*  
*Att. for Respondent.*

Filed November 4, 1898