incumbrances upon the estate, that it may be sold on a shorter credit, or for such a proportion of cash as may be necessary to clear off any then existing incumbrances, as dower, mortgages and the like.

The court can have no objection to an alteration of the terms of sale as proposed by the trustee; but in order to prevent a sale of the estate, at public auction, for less than its value; the trustee must fix a price, or have a reserved bid for the benefit of the infants. Under ordinary circumstances, where property is offered for sale at auction to the highest bidder, it is held at law, though doubted in equity, to be a violation of the terms of such an agreement, and a fraud upon the sale and the public to take advantage of the eagerness of bidders by screwing up the price by means of a puffer or bye-bidder; (*a*) nor can a purchaser, on the other hand, be allowed to depreciate the value of an estate intended to be sold. (*b*) But, to prevent a sale of the property for less than its value, where the sale is not made for the payment of debts; but merely to effect a division; and particularly, in cases like this, where the object is a conversion of the property as necessary for the interest and advantage of infants, or of persons *non compos mentis*, it has been the practice here, as in England, to allow a reserved bid for the benefit of the owners, and to authorize the trustee to employ a bye-bidder accordingly. (*c*)

(*a*) Bexwell *v.* Christie, Cowp. 395; Howard *v.* Castle, 6 T. R. 642; Crowder *v.* Austin, 13 Com. Law Rep. 11; Moncrieff *v.* Goldsborough, 4 H. & McH. 282; Bramley *v.* Alt, 3 Ves. 620; Conolly *v.* Parsons, 3 Ves. 625, note; Townshend *v.* Stangroom, 6 Ves. 338; Smith *v.* Clarke, 12 Ves. 477.—(*b*) Sug. Ven. Pur. 16; Doolin *v.* Ward, 6 John. Rep. 194.—(*c*) Conolly *v.* Parsons, 3 Ves. 625, note; Smith *v.* Clarke, 12 Ves. 477; Jervoise *v.* Clarke, 1 Jac. & Wal. 389; Brooker *v.* Collier, 3 Cond. Cha. Rep. 439; Shelf. on Lunatics, 366, 368.

KILTY *v.* QUYNN.—This bill was filed on the 4th of June, 1804, by John Kilty against John Quynn, and Kitty, Betsey, William, Allen, and Casper Quynn, the five infant children of Allen Quynn, Junior, deceased, and John Gassaway, a minor, and Eliza Gassaway, children of Polly Gassaway, deceased. The bill stated that Allen Quynn the elder being seised in fee simple of certain tracts, lots, and parcels of land, made his last will according to law and died, by which will he devised, with some particular dispositions, the whole of his estate, the one-fourth part to his son, the defendant John Quynn; one other fourth part to his son-in-law this plaintiff; one other fourth part to the infant defendants the children of his late son Allen Quynn, Junior; and the other fourth part to his grandchildren the defendants John Gassaway and Eliza Gassaway, son and daughter of his late daughter Polly Gassaway; and appointed this plaintiff and John Gassaway his executors. That some of these devisees being minors, a division could not be effected without the interposition of this court, and without a sale of the property thus devised to them. Whereupon it was prayed, that a sale might be ordered; a division made; and that the plaintiff might have such relief as was suited to the nature of his case, &c.