

writing shall be filed. 1819, ch. 183, s. 2. But, in this instance, no separate express consent in writing of this widow can be deemed necessary to be filed before the decree or sale; because she herself is the petitioner who presents herself here as the widow of the deceased owner of the estate; and also as the guardian of his four infant children to whom it had descended; and for whose interest and advantage she prays to have the whole of it sold; and, therefore, her consent is thus as clearly given by her written petition, as if it had been distinctly expressed by a separate instrument of writing.

Decreed, that the lands and premises in the proceedings mentioned be sold, that Richard Potts be appointed trustee to make the sale, &c. having first given three weeks public notice inserted in such newspaper or papers as he shall deem proper, of the time, place, manner, and terms of sale; which shall be as follows: one-third of the purchase money to be paid in one, and one other third in two years, and the residue in three years from the day of sale, with legal interest on the whole from the day of sale; the purchase money to be secured by bond with surety to be approved by the trustee, &c.

After which the trustee, by his petition, asked leave to suggest to the Chancellor an alteration of the terms of sale prescribed by the decree, with a hope and under a belief, that the interests of the parties would be promoted by requiring a part of the purchase money to be paid in hand, and an extension of the time of payment of the balance; because much of the value of the estate depended upon the improvements upon it, consisting mainly of a costly mansion, and a large and very extensive mill; the loss of either of which, by fire, would impair the whole value of the estate to such a degree as to reduce the security contemplated by the reservation of the title until the whole purchase money was paid;

211 * and further, because the habit of purchasers in said county is consistent with the payment of a third, or a fourth of the amount, and the extension of the credit for the residue would operate as an incentive to a more liberal competition among bidders who may be equal in general ability, but greatly differ in their facilities to command large sums at pleasure. He therefore submitted, that the decree should be so modified as to require one-fourth to be paid in hand, and the balance in five or six annual payments, to bear interest from the day of sale, and be secured by bond with surety.

BLAND, C., 7th June, 1828.—This case having been again presented for further consideration, as to the terms of the sale, the proceedings were read and considered. The petitioner avers, that the amount for which the estate would sell, by a judicious invest-