

stances, should be obtained ; and the sale should be in all respects a fair and honest one. These are the ends in view. To attain them, in England, if after the biddings are closed, any one else comes in and offers a much higher price, the biddings may be opened, and the additional offer accepted. This phrase of 'opening the biddings,' which, in the English books, occurs so frequently, means no more than a further suspension of the sale, and a continuance of the property in the market. (*j*) In this state, there has been no instance of opening the biddings or suspending the sale merely to let in another and a higher bid, and for no other cause. But in this state, as well as in England, if there should be made to appear, either before or after the sale has been ratified, any injurious mistake, misrepresentation or fraud, the biddings may be opened, the reported sale rejected, or the order of ratification rescinded, and the property again sent into the market and re-sold.

As to sales under the authority of this court, it has long been well established, that any circumstance shewing that the sale was injurious to the parties concerned, or that a better sale might reasonably and probably have been made, is sufficient to prevent a ratification. It is not incumbent on the party objecting to shew favouritism, or an improper motive, although such proof would furnish conclusive inducement for rejecting the proposed sale. But where the property of infants was to be sold, even a strong doubt of the propriety of the sale has been deemed sufficient to prevent its ratification. And if, in any case, the trustee reports, that there was an error, mistake, misunderstanding, or misrepresentation as to the terms or manner of the sale, it may be at once rejected, and a re-sale ordered without further inquiry. Objections are seldom or ever made by any others than those directly interested. But the court, in acting as proprietor, or as if the property were its own, and in deciding on the merits of a sale, will avail itself of information from every quarter from which it may be derived ; that is, from the original parties to the suit, or the creditors for whose satisfaction the sale is to be made, or from any other person. In such cases, however, much more attention will be paid to objections coming from those who are interested than from volunteers. But it is not unusual, with the consent of all parties interested, to ratify the sale immediately on its being reported, without giving any notice or time for objections to be made by others.