

SALES BY TRUSTEES.—*Continued.*

13. But after the trustee has once offered the property in the market, in the mode prescribed by the decree, and has been unable to sell it, he may dispose of it in a different mode, and then it is for the Court to say whether it will ratify the sale or not. *Ib.*
14. When the trustee sells in the mode and upon the terms prescribed by the decree, the Court has, by anticipation, bound itself to make good the sale, and will always do so, unless fraud, accident, surprise, mistake, or some cause is shown, manifesting gross want of discretion in the trustee. *Ib.*
15. But the faith of the Court is never pledged to ratify a sale made upon terms, or in a mode varying from the decree, even though the property has been once put in the market in exact conformity with it, and the attempt so to sell has been unsuccessful. *Ib.*
16. The direction in the decree to give public notice is most essential because without it competition can rarely be secured. *Ib.*

SEPARATE PROPERTY OF MARRIED WOMEN.

1. When a creditor proceeds under the 9th Section of the Act of 1842, ch. 293, to reach the property of a married woman, he must show that she earned it by her skill, industry, or personal labor, and must prove his claim according to the course of the attachment law, proceeding by way of attachment from the County Court. *Crane vs. Seymour*, 493.
2. The questions of fact and of law which may arise under this Act, and the proceedings it authorizes, are intended and peculiarly fitted for decision by Courts of law aided by juries. *Ib.*
3. The questions whether the property was earned by the married woman, and is liable for her debts, must be passed upon by a jury, and equity can only interfere to preserve the property from waste or destruction pending the litigation at law. *Ib.*
4. A peculiar and special mode of proceeding, to be pursued by creditors who attempt to reach the property of married women under this Act, is prescribed by the Act itself, and to this mode creditors are restricted. *Ib.*

SET-OFF.

1. A joint claim against the complainant and another cannot be set off against a debt due to the complainant individually. *Robertson vs. Parks*, 65.
2. The rule at law and in equity is the same, that the right of set-off must be reciprocal, and that mutual claims and such as are in the same right, can alone be set off. *Ib.*

SPECIFIC PERFORMANCE.

See PART PERFORMANCE, 1, 8, 9.

PRACTICE IN CHANCERY, 25.

INJUNCTION, 2.

STATUTE OF FRAUDS.

See PART PERFORMANCE, 1 to 7.

PRACTICE IN CHANCERY, 75.

TRUSTS, 2.

STOCKS.

See DIVIDENDS ON,

MERGER, 2 to 5.

PRACTICE IN CHANCERY, 66.