

DEBTOR AND CREDITOR.—*Continued.*

29. After the sale has been ratified, and the purchase money has become due, the purchaser, and his sureties, may be ordered to pay; and, on their failing to do so, the land may be re-sold at the risk of the purchaser. *Ib.*
 30. Where it appears, in a creditor's suit, that there is any personal estate left, the executor or administrator should be decreed to account. *Ib.*
 31. A decree for a sale establishes the whole or a part of the plaintiff's claim. *Ib.*
 32. Where a creditor neglects, on being actually notified, to come in, under a creditor's suit, against the estate of the deceased as his principal debtor, such debtor's sureties will be discharged. *Ib.*
 33. A discount in bar, if not distinctly specified and admitted, must be shewn and established by him who is to benefit by it, or it will be rejected. *Ib.*
 34. Where there has been a partnership, the partnership debts must be first paid out of the joint estate; and the separate debts first paid out of the separate estate. *Ib.*
 35. Where it appears doubtful upon the face of the voucher, the claimant must shew whether the deceased was principal or surety. *Ib.*
 36. Where the deceased was bound only as a surety, the principal and co-surety, if there be one, must be shewn to be insolvent. *Ib.*
 37. The original bond, bill, or note, should be produced; or, if lost, an authenticated copy, or other proof. *Ib.*
 38. No claim can be admitted which did not exist, as such, against the deceased. *Ib.*
 39. Claims withdrawn, to be restated, considered in the nature of an amended bill. *Ib.*
 40. Where creditors come in so late as to require the distribution to be re-cast, they must defray the expense of such re-statement. *Ib.*
 41. A decree for a sale of the realty, in a creditor's suit, in general establishes the plaintiff's claim, and the insufficiency of the personal estate. *Post v. Mackall, 477.*
 42. Where a creditor, of any kind, comes in under the decree he is bound by it; but where there is an outstanding incumbrance, the surplus will not be paid to the defendant to the prejudice of the purchaser. *Ib.*
 43. An absolute judgment against an executor or administrator conclusive as between the parties to it; but not so as between such creditor and the heir; yet the heir may, to that extent, obtain reimbursement from the executor or administrator. *Ib.*
 44. The personal estate must be so disposed of as to leave no superannuated slave a burthen upon it, or upon the public. *Ib.*
 45. The marshalling of assets; in what cases it may be made without prejudice to the creditor. *Ib.*
 46. Where a claim, in a creditor's suit, has been put in issue and established between the proper parties, it cannot be called in question by any other creditor who may come in thereafter. *Cape Sable Company's Case, 587.*
- See CORPORATIONS, 14.
 EVIDENCE, 5.
 LIEN, 4, 11, 14.