

mal and summary. (o) The vendor under a decree, therefore, holds two securities for the payment of the purchase money; one is this equitable lien, and the other is the personal liability of the purchaser. It is conceded on all hands, that the equitable lien may be enforced in a summary way. Can there then, be any conceivable solid reason, why the personal liability should not also be enforced in a summary way? If it could not, there would be a gross incongruity in the rules of the court. But it is not so; the personal liability may be enforced in a summary way, and there is a perfect harmony in the rules and principles of the court.

Upon the whole, it is my opinion, that the purchase money of property sold under a decree, after the sale has been ratified, may be recovered either by an order and process of attachment of contempt against the purchaser himself, to compel him to complete his purchase after the purchase money has become due; or by a re-sale of the property, grounded on the subsisting equitable lien; or by an action at law against the purchaser and his sureties, upon the bonds or notes given by them for the payment of the purchase money.

*Ordered*, that no good cause having been shewn against the order of the 17th of March last, the same is hereby confirmed and made absolute. Also *Ordered*, that an attachment issue against the said *Samuel Anderson*, to enforce obedience to the said order, returnable to the next term.

---

From this order *Anderson* having appealed, a transcript of the record was sent up accordingly, and the case was argued before the Court of Appeals by the solicitors of the parties. (p)

*June term, 1828.—By the Court of Appeals.*—It appears from the proceedings in this case, that on the sale made by the appellee to the appellant, being reported to the Chancellor, objections to its ratification were filed by the appellant, and answered by the appellee, on full consideration of which, the sale was ratified, and that ratification affirmed by this court; it is, therefore, not competent for the appellant now to contest the propriety or validity of that sale, it having received the sanction of the highest judicial authority of this state. But it has been contended, that as the appellant never was

---

(o) *Haig v. Commissioners of Confiscated Estates, 1 Desau. 144.*—(p) This opinion of the Court of Appeals is introduced here, out of chronological order, that it may be placed in juxta-position to the decision of the Chancellor, to which it relates.