

the creditor's other remedies for the recovery of his claim ; (k) and as it is not improbable, that a portion of the purchase money may be obtained from his estate ; and if so, it is fit and proper that he, as the principal debtor, should be made to pay as far as satisfaction can be obtained from him, or his estate, in relief of his sureties in the appeal bond ; I shall therefore Order, that the lands be re-sold ; that the trustee of this court, apply to the trustee of *Anderson*, under the insolvent laws, and endeavour to obtain a dividend of his estate, if there be any ; and also, that the trustee of this court, put the appeal bond in suit.

Whereupon it is *Decreed*, that the trustee *James Boyle*, proceed immediately to make sale of the said land for the payment of the purchase money due thereon ; and the said sale shall be at the risk of the said *Samuel Anderson* ; and the terms of the said sale shall be for ready money, to be paid on the day of sale, or on the day of the ratification thereof, with legal interest from the day of sale ; in all other particulars, the trustee is directed to conform to the decree of the 5th of April, 1822, according to which, and the order of the first of March, 1827, he has given bond for the faithful discharge of the trust reposed in him, by that or any other decree or order, in the premises. And it is further *Decreed*, that the trustee *James Boyle*, without delay, make application to the trustee of the said *Anderson*, under the insolvent laws, and by all lawful ways and means, endeavour to obtain a dividend of his estate, if there be any, in proportion to the whole amount of the principal and interest of the purchase money, and costs due and owing from the said *Anderson*. And it is further *Decreed*, that the trustee *James Boyle*, do also forthwith institute suit upon the said appeal bond, and prosecute the same without delay, until he shall obtain full satisfaction, if to be had, of the said obligors, of the whole amount of principal, interest and costs, recoverable thereon. And it is further *Decreed*, that the trustee *James Boyle*, bring into this court, all sums of money he may receive or recover in any of the modes herein before specified, and make report of his proceedings accordingly, to the end, that no more may be collected by the said several modes of proceeding, than one entire satisfaction of the whole amount of principal, interest and costs, which ought to be paid by the said *Samuel Anderson*.

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(k) *Davis v. Battine*, 6 Cond. Cha. Rep. 404.