

vious to the day of sale, in some newspaper; *Provided*, there be any printed in the county where such sale may be made.

Sec. 2. *And be it enacted*, That it shall and may be lawful for any constable or sheriff, by virtue of any fieri facias or venditioni exponas as aforesaid, on any judgment rendered by a justice of the peace, to seize and sell the right, title, claim, interest, and estate, at law, and in equity, of the party or parties against whose property said execution shall have issued, to, and in, and out, of any lands or tenements, and real estate, within the county in which such execution shall issue; and that said constable or sheriff, shall make return of said fieri facias or venditioni exponas, and all his proceedings thereunder, in and about said sale, therein setting forth the terms and length of notice, and manner, and times, and places of publication, or giving notice of the said sale, to the justice of the peace authorised to receive the return of such fieri facias or venditioni exponas; and all said return, together with the warrant, and the proceedings of said magistrate thereunder, and the said fieri facias or venditioni exponas, shall, by the justice of the peace who shall receive such return, be forthwith delivered to the clerk of the county court of the county aforesaid, to be by said clerk recorded as sales under execution on judgments of county courts are, or shall be required to be recorded; for which recording said clerk shall be paid at, and after the rates, and in manner, as he is now entitled to be paid for recording sales as aforesaid, and a copy of such record, certified by the said clerk, under the seal of said court, shall be evidence of the matters therein set forth, in all courts of law or equity in this State.

Sec. 3. *And be it enacted*, That said sale, as to any land, tenements, or real estate, or interest, or estate, in, of, relating to, or growing out of, any lands, tenements, or real estate, shall have no effect to pass or give any right or title, or interest, whatsoever, to the purchaser or purchasers, until such sale, after the delivery of the proceedings aforesaid to the clerk aforesaid, shall, by the county court aforesaid, have been, on motion and notice given, as said court shall, as to mode and parties, direct, be finally ratified and confirmed; and the said county court, under said notice, shall be authorised to examine into any allegations of fraud, or surprise; as to the obtaining or rendering the judgment, under which such sale shall have been made; and if said court shall deem the judgment aforesaid to have been obtained or had by fraud or surprise, it shall vacate and annul the same, and the sale aforesaid, without prejudice to the right of further proceeding on the original cause of action; and if said court shall deem said sale to have been made unfairly, with-

CHAP. 290.

Right and title to either real or personal property may be sold by constable or sheriff to satisfy judgments.

Return of sale and proceedings to be made to the magistrate.

Who shall return the same to the county clerk.

To be recorded.

Clerks fee.

Copy made evidence.

Such sale as to real estate, of no effect until confirmation by the county court.

Court directed to examine into

May annul the sale.