

CHAP. 290.

Reserving plain-
tiff's right

out due notice, or under any circumstances tending to prevent the estate sold from bringing a fair or full value, the said court shall vacate and set aside the said sale, saving, however, to the party entitled to the benefit of the judgment, to have further execution of said judgment, issued by any justice of the peace of said county, on a certified copy, under seal of said county court, of the said judgment; and if the said court shall ratify and confirm the said sale, said ratification and confirmation shall be deemed and taken as conclusive evidence of the sufficiency and regularity of the notice required as aforesaid, and manner of making such sale.

May confirm the
sale.Deed of the con-
stable or sheriff for
property so sold,
confirmed.

Sec. 4. *And be it enacted*, That any deed or deeds of bargain and sale, duly executed and acknowledged by any constable or sheriff, for any lands and tenements or real estate or interest or estate, in, of, relating to, or growing out of, any lands, tenements or real estate, sold by virtue of any fieri facias or venditioni exponas or any judgment of a justice of the peace, shall be good and effectual, to transfer and convey to any purchaser or purchasers, his or their heirs, executors or administrators or assigns, any right or estate, to or in the premises, which by such grantees may be legally acquired under and by virtue of any such sale; *Provided*, Such sale be ratified and confirmed as aforesaid.

Proviso.

Provisions of the
act of 1825, chap.
108, and its sup-
plement extended
to such sales.

Sec. 5. *And be it enacted*, That the act passed at December session, in the year eighteen hundred and twenty-five, chapter one hundred and three, entitled, "An act to enable purchasers to obtain possession of lands and premises sold by sheriffs, coroners and elisors at public auction, and the supplements thereto, shall be deemed and taken to extend and apply, and are hereby extended and applied to sales by constables or sheriffs as aforesaid, ratified and confirmed as aforesaid, to every effect, intent and purpose, as if such sales had been specifically mentioned in said act, and the supplements aforesaid; and the writ habere facias possessionem, in said act and supplements provided for, may be issued by the county court to which the proceedings as to said sales shall be returned as aforesaid, and be by said court acted on and with, as if the execution under which such sales shall have been made, had issued from said county court, on a judgment therein recovered.

Magistrates judg-
ments not a lien
until confirmed
after appeal.

Sec. 6. *And be it enacted*, That no judgment rendered by any justice of the peace, shall, unless and until the same shall, on an appeal, be affirmed by a county court, be deemed and taken to be a lien on any lands, tenements or real estate or estates, or interest therein, legal or equitable.

Preamble.

AND WHEREAS, doubts have been entertained as to the proper construction of an act of the general assembly of