

sheriff or other officer making such sale, and shall in consequence of such purchase and assignment or conveyance stand as to title and be entitled to such remedy against all persons and in all cases as the person whose title he may purchase.

If title be one which includes possession, writ of *habere facias possessionem* is applicable. The purchaser takes subject to any right of possession or title which antedates judgment upon which execution is issued. *Deakins v. Rex*, 60 Md. 595. See also *Cooke v. Brice*, 20 Md. 400; *Richardson v. Stillinger*, 12 G. & J. 477; *McMechen v. Marman*, 8 G. & J. 57.

This section applied. *Shryock v. Morris*, 75 Md. 80.

See notes to sec. 1.

An. Code, sec. 3. 1904, sec. 3. 1888, sec. 3. 1813, ch. 102, sec. 7. 1816, ch. 129. 1831, ch. 290, sec. 1. 1833, ch. 92.

3. The legal notice required to be given by any sheriff, coroner or elisor of the sale of any goods or chattels, under any execution, shall be by advertisement set up at least ten days before the sale at the court-house door of the county or city and at least two other public places most convenient to such goods and chattels; and in case of lands or tenements, notice of the sale shall be given by advertisement set up at least twenty days before the day of sale at the court-house door of the county or city and also published for the same period of time previous to the day of sale in one newspaper, if any, published in said county or city. Notice of a constable's sale of goods and chattels under any execution shall be given by advertisement set up at least ten days before the sale at two public places at least most convenient to such goods and chattels.

The provision of this section with reference to a notice of ten days, as well as supposed requirement that sale shall be made within county where the goods are located when seized, have no application to perishable goods. In such case sheriff should apply to court for authority to make immediate sale at the most advantageous place. *Arnold v. Fowler*, 94 Md. 509.

As to a sufficient compliance with notice required by act of 1816, ch. 129, and also as to place where sale should be made, see *Nesbitt v. Dallam*, 7 G. & J. 510. See also *White v. Malcolm*, 15 Md. 543; *Moreland v. Bowling*, 3 Gill, 503; *Hanson v. Barnes*, 3 G. & J. 368.

For cases apparently now inapplicable to this section by reason of changes in law, see *Koechlept v. Hook*, 10 Md. 178; *Candler v. Fisher*, 11 Md. 337.

An. Code, sec. 4. 1904, sec. 4. 1888, sec. 4. 1828, ch. 187.

4. If the editor of a newspaper in any county shall refuse or neglect to publish, on application to him by the sheriff, coroner, elisor or other officer, the notice required to be given by such officer for the sale of lands or tenements, the same may be given by advertisement set up at least twenty days before the sale at the court-house door, and other public places of the county in which such property may be; and the said officer shall annex to his return of the writ under which said sale shall be made a statement on oath of the refusal of said editor to publish said notice in his newspaper; and the demand of an exorbitant price by an editor shall be deemed a refusal.

An. Code, sec. 5. 1904, sec. 5. 1888, sec. 5. 1847, ch. 334.

5. Any sheriff or other officer who shall, by virtue of any legal process, give notice by publication in any newspaper of the sale of any lands