

162. Whenever any judge, justice, commissioner, or auditor shall be required by law to direct the publication of any notice or other advertisement in one or more newspapers, he shall direct the place or places in which such notice or advertisement shall be published, the number of papers in which it shall be inserted and the number of insertions in each paper, but shall not name such paper in the order of publication, but leave to the party at whose expense such notice or advertisement is to be published to select the paper and contract for the cost of publication; but when such publication shall be ordered to be made in the city of Baltimore, it shall be published in one or more of the daily newspapers published in said city.

Id s 7.
1826, c 178
What directions
to be given by
judge, etc., in
publication of
notice.

163. In every case in which notice by publication in a newspaper is required to be made by any sheriff, coroner, elisor, constable or other officer, the defendant shall have the right to select the newspaper in which such notice shall be published, and upon his refusal or neglect so to do, the officer shall make publication in the newspaper making the lowest charge for the advertisement.

Id s 8.
1834, c 309, s 2
In case of publi-
cation of notice
by sheriff, etc.,
defendant to
have right to
select news-
paper.

164. Every constable or sheriff who shall sell any lands, tenements, or hereditaments, or any interest therein, by virtue of an execution from a justice of the peace, shall make return of the said writ 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 said sale, to the justice authorized to receive the return of said writ, who shall forthwith deliver all of the said return, together with the warrant and the proceedings of the justice thereunder, to the clerk of the Circuit Court of the county or the Superior Court of Baltimore City, as the case may be.

Id s 9
1831, c 200, s 2.
Return of sale
under execu-
tion from justice
of the peace to
the Circuit
Court, or Su-
perior Court of
Baltimore City
10 Md 173,
11 Md 332,
28 Md 488

165. The said sale, as to any lands or tenements, or any interest or estate therein, shall not pass or give any title or interest to the purchaser, until such sale, after the delivery of the proceedings aforesaid to the said clerk, shall by the court have been on motion and notice as the said court as to mode and parties shall direct, finally ratified and confirmed.

Id s 10.
1831, c 290, s 3.
Court to finally
ratify and
confirm
28 Md 388, 488.

166. The court, under said notice, may examine into any allegations of fraud or surprise as to the obtaining or rendering the judgment under which the sale shall have been made, and if the court shall deem the judgment to have been obtained by fraud or surprise, it shall vacate and annul the same and the sale aforesaid without prejudice to the right of proceeding on the original cause of action.

Id s 11
1831, c 290, s 3.
Court may
examine into
fraud and sur-
prise, vacate
judgment, and
annul sale

167. If the court shall deem the sale to have been made unfairly, without due notice, or under any circumstances tending to prevent the estate sold from bringing a fair or full value, the court shall vacate and set aside the sale, saving to the party entitled to the benefit of the judgment to have further execution of the said judg-

Id s 12
1831, c 290, s 3
For what causes
court may set
aside sale