

ed 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, without 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 the 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.

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 *fiere facias* or *venditioni exponas*, on 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."

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, owners and alisors, at public auctions, and the supplement 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 sale had been specifically mentioned in said act, and the supplements aforesaid, and the writ of *habne 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.