

BILLS BEFORE THE LEGISLATURE.

under the order of the land which is the subject of the instrument or conveyance, or of the adverse claim.

28. After the sale is concluded, the auctioneer shall make an affidavit in the form contained in Schedule C to this Act.

29. After any sale under this Act, the real representative shall, within seven days (and in case of default by him, the purchaser or any other person interested, may, at any time after seven days,) file in the Court the auctioneer's affidavit, and affidavits proving the due advertisement, and proving the contract of sale.

30. At any time during the seven days next after the filing of such affidavits, any party to the proceedings, or any beneficiary, may apply to the Judge on notice to the real representative and the purchaser, for an order to set aside the sale, and for a re-sale, on the ground that the sale was not duly advertised, or was not made fairly, openly, or in a proper manner.

31. In case such application is made, the Judge shall, if it appears to him that the sale was not duly advertised, or was not made fairly, openly, or in a proper manner, set aside the same and order a re-sale.

32. In case such application is not made, or fails, the sale shall, at the expiration of seven days after the filing of such affidavits, stand confirmed.

33. The purchaser may, within seven days after the confirmation of the sale, demand an abstract of title from the vendor; and if he does not so make such demand, he shall be deemed to have accepted the title.

34. If the purchaser does so make such demand, the vendor shall forthwith comply with the same, and the purchaser may, within seven days, serve objections to the abstract, and if he does not so serve such objections, he shall be deemed to have accepted the abstract as sufficient.

35. If the purchaser does serve such objections, the vendor shall answer them within fourteen days from the date of service; and if the purchaser is still dissatisfied, any of the parties may obtain from the Judge an appointment to consider the abstract.

36. The Judge shall determine all questions upon the abstract, and the sufficiency thereof, and if desired by the purchaser may require the vendor to make the same as perfect as he can; and if the vendor neglects or refuses to do so, may permit the purchaser to supply defects therein, at the vendor's expense.

37. The Judge shall mark the objections allowed or disallowed, as the case may be, and when he finds the abstract perfect, or as perfect as the vendor can make it, he shall certify to that effect at the foot, or on the back thereof.

38. After the abstract is allowed, or is accepted by the purchaser as sufficient, no objection to the abstract shall be allowed.

39. After the abstract is allowed, or is accepted by the purchaser, the verification shall be proceeded with, and the vendor shall with all diligence, afford the purchaser all the means of verification in his possession, in the manner and according to the practice usual with conveyancers, and having done so he may serve a notice on the purchaser to make his objections or requisitions, if any.

40. The purchaser may, within seven days thereafter, serve his objections or requisitions; and if he does not so serve the same, he shall be deemed to have accepted the title.

41. If the purchaser does so serve the same, the like course is to be followed upon the same as is hereinbefore provided, in relation to the abstract.

42. After the title is accepted or allowed, no objection thereto shall be allowed.

43. At any time after the title is accepted or allowed, the vendor or any person interested, may apply to the Judge on seven days' notice, for an order for the payment by the purchaser of any part of the purchase-money which is due and unpaid, and the Judge may order payment thereof to the vendor; and in default of payment within seven days after the date of such order, writs of execution for the recovery thereof, may issue under the seal of the said Court, in like manner as such writs issue on judgments recovered in the Courts of Common Law.

44. At any time after the title is accepted or allowed, the vendor or any person interested, may apply to the Judge on seven days' notice, for an order for the delivery of the possession of the lands to the vendor, by any beneficiary who may be in the possession thereof, in order to the delivery by the vendor of the lands to the purchaser; and the Judge shall order the delivery of such property to the vendor; and in default of such delivery, within seven days after the date of such order, a writ or writs of *habere facias possessionem*, may issue under the seal of the said Court, for the recovery thereof, in like manner as such writs issue on judgments recovered in the Courts of Common Law in actions of ejectment.

45. At any time after the title is accepted or allowed, and the purchaser has paid his purchase-money, he may apply to the Judge on seven days' notice for an order for the delivery to him of the possession of the lands by the vendor, if the vendor be in possession thereof, or by any beneficiary who may be in possession thereof, and the Judge shall order such delivery; and in default of such delivery, within seven days after the date of such order, a writ or writs of *habere facias possessionem*, may issue under the seal of the said Court for the recovery thereof, in like manner as such writs issue on judgments recovered in the Courts of Common Law in actions of ejectment.

46. At any time after the confirmation of