

ship, Village or Town, Treasurer or
 2 Chamberlain, and to return such warrant
 within *forty* days after the date thereof,
 4 which warrant the said Treasurer or Cham-
 berlain, shall immediately deliver to the
 6 Sheriff of the County or High Bailiff of the
 City, as the case may require.

9 XLIII. And be it enacted, That the
 Sheriff or High Bailiff, to whom the war-
 10 rant is directed, shall, within such forty
 days, cause the same to be executed, and
 12 shall make return thereof to the County,
 City, Village, Township, or Town Treasurer
 14 or Chamberlain, and shall pay to him the
 money levied by virtue thereof, deducting
 16 for his fees the same compensation that
 the Collector would have been entitled to
 18 retain.

How and
 when the said
 warrant shall
 be executed.

XLIV. And be it enacted, That if any
 20 Sheriff or High Bailiff, shall refuse or neglect
 to levy such money, or to pay over the
 22 same, or shall make a false return to such
 warrant, or neglect or refuse to make any
 24 return, or shall make an insufficient return,
 it shall and may be lawful for the said Coun-
 26 ty, City, Township, Village or Town Treas-
 urer or Chamberlain to make application
 28 in a summary manner upon affidavit of the
 facts, to either of the Superior Courts of
 30 Common Law Jurisdiction in Upper Canada
 in term time, or to any Judge of the said
 32 Courts in vacation, for a rule or summons
 calling upon the said Sheriff or High Bailiff
 34 to answer the matter of such affidavit,
 which said rule or summons, shall be re-
 36 turnable at such time as the said Court or
 Judge shall direct; and upon the return of
 38 such rule or summons it shall and may be
 lawful for the said Court or Judge to pro-
 40 ceed in a summary manner, upon affidavit
 and without formal pleadings, to hear
 42 and determine the matters of such applica-
 tion; and if the said Court or Judge shall be
 44 of opinion that the said Sheriff or High
 Bailiff has refused or neglected to levy such
 46 money or to pay over the same, or has made

Mode of pro-
 ceeding
 against any
 sheriff or high
 bailiff refusing
 or neglecting
 to pay over
 monies levied
 by him as
 aforesaid.