

from a collector
in default.

or Town Treasurer or City Chamberlain, or to such
other person as shall be legally authorized to receive the 2
same, the sums contained on his roll, or duly to account for
the same as uncollected, the County, Township, Village 4
or Town Treasurer or City Chamberlain, shall, within *twenty*
days after the time when such payments ought to have 6
been made, issue a warrant under his hand and seal,
directed to the Sheriff of the County, or to the High Bailiff 8
of such City, commanding him to levy such sum as shall
remain unpaid and unaccounted for, with costs, of the goods, 10
chattels, lands and tenements of such Collector, and to
pay the same to the County, Township, Village or Town 12
Treasurer or City Chamberlain, and to return such
warrant within *forty* days after the date thereof, which 14
warrant the said Treasurer or Chamberlain, shall imme-
diately deliver to the Sheriff of the County or High 16
Bailiff of the City, as the case may require.

Duty of the
sheriff or
high bailiff.

LXIV. And be it enacted, That the Sheriff or High 18
Bailiff, to whom the warrant is directed, shall, within such
forty days, cause the same to be executed, and make 20
return thereof to the County, Village, Township, or Town
Treasurer or City Chamberlain, and shall pay to him the 22
money levied by virtue thereof, deducting for his fees the
same compensation which the Collector would have been 24
entitled to retain.

Proceedings
against a
sheriff or high
bailiff neglect-
ing his duty.

LXV. And be it enacted, That if any Sheriff or High 26
Bailiff, shall refuse or neglect to levy such money, or any
money which he shall be commanded to levy in any warrant 28
lawfully issued under this Act by any Treasurer or Cham-
berlain, or to pay over the same, or shall make a false 30
return to such warrant, or neglect or refuse to make any
return, or shall make an insufficient return, it shall and 32
may be lawful for the Treasurer or Chamberlain, to make
application in a summary manner upon affidavit of the facts, 34
to either of the Superior Courts of Common Law Jurisdic-
tion in Upper Canada, in term time, or to any Judge of either 36
of the said Courts in vacation, for a rule or summons calling
upon such Sheriff or High Bailiff to answer the matter of 38
such affidavit, which said rule or summons, shall be return-
able at such time as the Court or Judge shall direct; and the 40
upon return of such rule or summons, it shall and may be
lawful for the Court or Judge to proceed in a summary man- 32
ner, upon affidavit and without formal pleadings, to hear and
determine the matters of such application; and if the 44
Court or Judge shall be of opinion that the Sheriff or
High Bailiff has refused or neglected to levy such money 46
or to pay over the same, or has made a false return or