

forty days after the date thereof, which warrant the said Treasurer or Chamberlain, shall immediately deliver to the Sheriff of the County or High Bailiff of the City, as the case may require.

Sheriff, &c., to  
execute such  
Warrant.

LXXIX. And be it enacted, That the Sheriff or High Bailiff to whom the warrant is directed, shall, within such forty days, cause the same to be executed, and make return thereof to the Treasurer or City Chamberlain, and shall pay to him the money levied by virtue thereof, deducting for his fees the same compensation which the Collector would have been entitled to retain. 5

Sheriff or  
High Bailiff  
neglecting to  
levy under  
such Warrant  
&c., to be re-  
sponsible here-  
for, and mode  
of enforcing  
such responsi-  
bility.

LXXX. And be it enacted, That if any Sheriff or High Bailiff shall refuse or neglect to levy such money, or any money which he shall be commanded to levy in any warrant lawfully issued under this Act by any Treasurer or Chamberlain, or to pay over the same, or shall make a false return to such warrant, or neglect or refuse to make any return, or shall make an insufficient return, it shall and may be lawful for the Treasurer or Chamberlain, to make application in a summary manner upon affidavit of the facts, to either of the Superior Courts of Common Law Jurisdiction in Upper Canada in term time, or to any Judge of either of the said Courts in vacation, for a rule or summons calling upon such Sheriff or High Bailiff to answer the matter of such affidavit, which said rule or summons shall be returnable at such time as the Court or Judge shall direct; and upon the return of such rule or summons, it shall and may be lawful for the Court or Judge to proceed in a summary manner upon affidavit, and without formal pleadings, to hear and determine the matters of such application; and if the Court or Judge shall be of opinion that the Sheriff or High Bailiff has refused or neglected to levy such money, or to pay over the same, or has made a false return or neglected or refused to make any return, or has made an insufficient return, it shall and may be lawful for the Court or Judge, and the Court or Judge is hereby required to order the proper officer of such Court to issue a Writ of *Fieri Facias* adapted to the case, directed to a Coroner of the County in which the said City or other Municipality is situate, which said writ shall direct the said Coroner to levy of the goods and chattels of the said Sheriff or High Bailiff, such sum as such Sheriff or High Bailiff may have been ordered to levy by the warrant of the said Treasurer or City Chamberlain, together with the costs of such application and of execution; and such writ shall bear date on the day of issuing the same, whether in term or in vacation, and shall be returnable forthwith, and the Coroner executing any such writ shall be entitled to the same fees and no more, as upon a writ grounded upon a judgment of the Court. 15 20 25 30 35 40

Penalty on  
Sheriff or  
High Bailiff  
wilfully neg-  
lecting his  
duty under  
this Act.

LXXXI. And be it enacted, That if any Sheriff or High Bailiff shall wilfully omit to perform any duty required of him by this Act, and no other penalty be hereby imposed for such omission, he shall be liable to a penalty of fifty pounds, to be recovered from him in any Court of competent Jurisdiction at the suit of the Treasurer of the Municipality or Chamberlain of the City; and the said penalty, as well as any penalties recovered under the preceding sections, shall be paid to the Treasurer or Chamberlain for the uses of the Municipality or City respectively. 45

Provision  
with respect

LXXXII. And be it enacted, That all money to be assessed, levied and collected under the authority of the Act passed in the Session held 50