

And the sheriff alone is held answerable to the amount which has so come to his hands to the plaintiff, at whose suit the levy was made. *Wilbraham v. Snow*, 2 *Saund.* 47, *note*.

The express terms of the order of appointment in this, as in all *like cases, placed the receiver in a similar situation. He **436** is regarded as a trustee in respect to the possession, care, and distribution of the property committed to his charge; and as such it is his duty to prevent the property, so handed over to his keeping, from being blended with his own, and to keep such clear and separate accounts of his transactions as receiver as will enable him at all times and immediately when called on to shew the amount of money and property in his hands; and so distinctly to designate it, as that it may be traced and followed into the hands of any one who may have wrongfully obtained possession of it. *Freeman v. Fairlie*, 3 *Meriv.* 41. A receiver is always required to give bond to account and submit to orders; and if he fails to account, or is, in any respect, delinquent as an officer of the Court, *Anonymous*, *Mosely*, 42, he may be proceeded against in a summary way by attachment; or his bond may be put in suit by *seire facias* in this Court, or an action at law so as to charge him and his sureties. 2 *Fow. Exch. Prac.* 323; *Ex parte Grimstone*, *Amb.* 707; *Davies v. Cracraft*, 14 *Ves.* 143; *Musgrave v. Meder*, 1 *Meriv.* 49; 2 *Harr. Pra. Chan.* 120; *Grant v. Stone*, 1 *Vern.* 313.

But here the receiver died before he had fulfilled his trust, and the question is, how far any of his rights, duties, and liabilities as such have devolved upon his personal representatives.

Where a sheriff has in his custody persons in execution and dies, the new sheriff must take notice at his peril of all executions against any person he finds in gaol; and that from necessity; because there is no one to make delivery or give notice to the new sheriff of the persons in custody when the former sheriff died. And if a prisoner should in the mean time, go out of the walls of the prison, it will not be deemed an escape as against either the late sheriff or his successor; because the prisoner will be considered as in the custody of the law, and may be retaken any where and at any time after. *Westby's Case*, 3 *Co.* 72.

A sheriff, having no property in prisoners detained by him in execution, leaves on his death no right, duty or responsibility, as regards them, to devolve upon his personal representative. But, in personal property taken in execution by him, he has in all cases a qualified interest, so far as to hold possession, to sell and make the money, wherewith to satisfy the plaintiff. And, for such purpose, he may hold and sell it even after his official term has expired and he has ceased to be sheriff. *Wilbraham v. Snow*, 2 *Saund.* 47, *notes*. From these principles it would seem necessarily to follow, where *the sheriff dies at any time after he has levied **437** the execution, and before he has brought the money into Court