

of the attorney-general, or his deputy, shall order judgment to be entered up against such defaulting sheriff, for the amount of the same and costs.—*ibid.* § 4.

47. The several sheriffs shall pay over the costs arising from the said executions, to such persons as are entitled to receive the same.—*ibid.* § 6.

48. The sheriffs shall be answerable for all fines imposed on the inhabitants of their respective counties, by the judgment of any court where no execution shall issue for recovery of such fine, unless it shall appear, to the satisfaction of the treasurer, that the party was insolvent.—*ibid.* § 7.

49. Where the sheriff, &c. shall or ought to levy, and collect, money or tobacco for the use of any person or persons, and shall refuse or neglect to pay over the same to the person or persons or order, entitled, by the time required by law, the several county courts or general court, shall upon motion made on behalf of the person or persons entitled as aforesaid, and producing to the court a stated account of the demand, supported by such affidavit or voucher as the court shall reasonably require, order a judgment to be entered, and an immediate execution to issue thereon, against the person or property of such sheriff, &c. to levy and compel payment, provided, that a copy of the demand, and notice of such intended motion, be delivered in writing to such sheriff, &c. or left at his place of abode, 20 days previous to the sitting of the court, and proof thereof made to the satisfaction of the court; and provided also, that if such sheriff, &c. shall, in person or by attorney, controvert the demand, and desire it, the court shall direct a jury to be impannelled and charged to try and ascertain an issue, whether the said sheriff or collector be chargeable with and liable to pay any and what sum or sums of money or tobacco to the person or persons so claiming; and the court, upon such verdict of the jury, shall pass judgment against the said sheriff, &c. upon which there shall be no writ of error, *superfedeas*, injunction or appeal, and award execution thereon.—1797, c. 43, § 1.

50. If any deputy sheriff or deputy collector intrusted by his principal to levy and collect any money or tobacco, due from the inhabitants of any district or hundred wherein appointed to serve, shall neglect or refuse to render and settle his accounts with his principal when thereto lawfully required, according to the terms of their contract, the respective county courts, upon motion made to them in behalf of the principal sheriff, &c. on producing a stated account of his demand, supported by satisfactory proof, may order a judgment to be entered, and an immediate execution awarded thereon against the person or property of such deputy, to levy and compel payment; provided that a copy of such account and 20 days notice of such intended application, be delivered in writing to such deputy as before directed; and provided also, that in case
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