

or to such person as he shall appoint to receive the same, all such sums as shall remain in his hands of moneys received under the authority of this Act, it shall be lawful for such Treasurer for the time being, in addition to any
 5 other proceeding in this Act contained, in his own proper name only, or by his name and description of office, to sue for and recover the same from such person with costs of suit, in any Court of Record in this Province having competent jurisdiction, by action of debt; in which action
 10 it shall be sufficient for such Treasurer to declare as for money had and received to the use of such Treasurer for the purposes of this Act; and the Court in which the action shall be brought, may, at the instance of either of the parties, refer the account in dispute in a summary
 15 manner, to be audited by any officer of the Court or other fit person, who shall have power to examine [all parties interested in the subject matter,] upon oath; and upon the report of the referee, (unless either of the parties shall shew good cause to the contrary,) the Court may make
 20 a rule either for the payment of such sum as upon the report shall appear to be due, or for staying the proceedings in the action, and upon such terms and conditions as to the Court shall appear reasonable; or the Court may order judgment to be entered up as by confession, for
 25 such sum as upon the report shall appear to be due.

XX. And be it enacted, That in case of the death of any person during the time that he shall be holding the office of County Treasurer or of Clerk of any Division Court, or after he shall have resigned or be removed
 30 from such office, the Treasurer for the time being may, in his own proper name, or by his name and description of office, sue and recover from the executors or administrators of such person deceased [and his sureties] all such sums as shall have been remaining in his hands, of money
 35 received under the authority of this Act, by an action of debt in any Court of Record in this Province having competent jurisdiction, in which it shall be competent for the plaintiff to declare that the deceased was indebted to the plaintiff for money had and received to his use for
 40 the purposes of this Act; and that the deceased died possessed of money had and received for the purposes of this Act, whereby an action hath accrued to the plaintiff, to demand and have the same from such executors or administrators; and a like action may be brought against
 45 any executors or administrators of executors or administrators; and in all such actions the defendant or defendants may plead in like manner, and avail themselves of the like matters in defence as in any action founded on simple contract of the original testator or intestate, and
 50 the Court may refer the account in dispute to be audited by any officer or person, and may proceed upon the report of such referee in like manner as in the case mentioned in the next preceding section.

moneys in his hands.

Proceedings in case of the death of any Treasurer or Clerk having moneys in his hands.