dispute in a summary manner, to be audited
by any officer of the Court or other fit per-
son, who shall have power to examine both
plaintiff and defendant upon oath; and upon
the report of the referee, (unless either of 5
the parties shall shew good cause to the
contrary,) the Court may make 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 10
terms and conditions as to the Court shall
appear reasonable ; or the Court may order
judgment to be entered up as by confession,
for such sum as upon the report shall appear
to be due. 15

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

XIX. And be it enacted, That in case of
the death of any person during the time that
he shall be holding the office of District Trea-
surer or of Clerk of any Division Court, or
after he shall have resigned or be removed 20
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 re-
cover from the executors or administrators
of such person deceased, all such sums as 25
shall have been remaining in his hands, of
money received under the authority of this
Act by an action of debt in any Court of Record
in this Province having competent jurisdic-
tion—in which it shall be competent for the 30
plaintiff to declare that the deceased was in-
debted to the plaintiff for money had and re-
ceived to his use for the purposes of this Act ;
and that the deceased died possessed of
money had and received for the purposes of 35
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 any exe-
cutors or administrators of executors or ad- 40
ministrators ; and in all such actions the de-
fendant 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 45