

virtue of his office or employment, received moneys belonging to His Majesty and amounting to a sum certain, which he has refused or neglected to pay over, in the manner and at the time lawfully appointed, to the officer duly appointed to receive the same, a justice or judge of any court having jurisdiction in civil matters to the amount of the sums so ascertained as aforesaid, shall upon affidavit of the facts made before him by any officer cognizant thereof and thereunto authorized by the Governor in Council, cause to be issued against and for the seizure and sale of the goods, chattels and lands of the officer or person so in default as aforesaid, such writ or writs as might have issued out of such court, if the bond given by him had been put in suit, and judgment had been thereupon obtained in favour of His Majesty, for a like sum, and any delay by law allowed between judgment and execution had expired.

Seizure and sale of defaulter's goods.

Execution and costs.

(2) Such writ or writs shall be executed by the sheriff or other proper officer; and such sum as aforesaid shall be levied under them with costs, and all further proceedings shall be had, as if such judgment as aforesaid had been actually obtained. R.S., c. 178, s. 78.

Purchaser exonerated.

62. Whenever any estate belonging to a public officer is sold under any writ of extent or any decree or order of any court of record, and the purchaser thereof, or of any part thereof, has paid his purchase money into the hands of any public officer authorized to receive the same, such purchaser shall be wholly exonerated and discharged from all further claims of His Majesty, for or in respect of any debt arising upon the account of such officer, although the purchase money so paid is not sufficient in amount to discharge the whole of such debt. R.S., c. 178, s. 79.

Proceedings if public moneys not properly applied.

63. If any officer or person has received public money for the purpose of applying it to any specific purpose, and has not so applied it within the time or in the manner provided by law, or if any person having held any public office and having ceased to hold the same, has in his hands any public money received by him as such officer for the purpose of being applied to any specific purpose to which he has not so applied it, such officer or person shall be deemed to have received such money for the Crown for the public uses of Canada, and may be notified by the Treasury Board to pay such sum back to the Minister; and the same may be recovered from him as a debt due to the Crown, in any manner in which debts due to the Crown are recoverable, and an equal sum may, in the meantime, be applied to the purpose to which such sum ought to have been applied. R.S., c. 178, s. 80.

Recovery if not paid in.