

the act of limitation to bar what he supposes to be a just claim, but the same shall be left to his honesty and discretion.

Rules for authenticating or proving claims against a deceased person.

SEC. 10. If the claim arises on a bond, note or bill of exchange, or account for dealing with a factor, and the principal be not within the state, the factor who took the said bond, or note or bill, or who sold or delivered the articles in the account, may make oath, or affirmation, to be certified as aforesaid, and endorsed on a statement of the money thereon due, 'that the said statement is full, just and true, and that he (the deponent) took the said bond, (or note, or bill, or delivered the articles charged in the account,) as factor to — —, living in (or lately of) — —; that neither he (the deponent) nor the principal, nor any other person for him, or the principal to his knowledge or belief, hath received any part of the money originally due on such bond, note, bill or account, or any security or satisfaction for the same, except what (if any) is credited;' and the said oath, or affirmation, with the other respective vouchers and proofs aforesaid, shall authorize the executor or administrator in making payment or distribution.

SEC. 11. If the factor aforesaid be dead, or out of the state, and the principal be also out of the state, and it shall appear, (in case of account) that the same have been regularly proved according to the act of 1785 aforesaid, an oath, (or affirmation,) of any other factor, made after the death of the testator or intestate, and certified and endorsed on the statement as aforesaid, 'that the said bond, note, bill or account, came into his hands as factor for the creditor, residing in — —, after the death (or removal) of — —, the factor who took the said bond, (or note, or bill, or delivered the articles in the account;) that he hath reason to believe, and does believe, that the said statement is full, just and true, and that no part of the money originally due on such bond, (note, bill or account,) or any security or satisfaction for the same, hath been received, except what (if any) is credited;' and the said oath, or affirmation, with the other respective vouchers or proofs as aforesaid, shall be sufficient to authorize the executors as aforesaid.

SEC. 12. When any affidavit or depositions to prove claims shall have been taken out of the state, the same shall be good, if taken and certified as aforesaid by the notary of the place, or by some person there authorized to administer an oath, and certified to be such under the seal of the governor, mayor or chief magistrate, or clerk of any court of record, or notary public of such place, and the said oath, affirmation or deposition, shall be as available as if taken before a justice within the state.

SEC. 13. Merged in 1802, ch. 101, sec. 9.