

Id s 89  
1798, c 101,  
sub-c 9, s 6  
In case of bill of  
exchange, pro-  
test required

**155.** In case of a bill of exchange, the protest and other things which would be required (if the deceased were alive), shall be necessary to justify an executor, or administrator in making payment or distribution.

Id s 90  
1798, c 101,  
sub-c 9, s 7  
Claim for rent,  
how proven

**156.** If the claim be for rent, there shall be produced the lease itself, or the deposition of some credible witness or witnesses, or an acknowledgment in writing of the deceased, establishing the contract and the time which hath elapsed during which rent was chargeable, and a statement of the sum due for such rent, with an oath of the creditor indorsed thereon, "that no part of the sum due for said rent, or any security or satisfaction for the same hath been received, except what (if any) is credited," and if the creditor be an assignee, there shall be such oath of the original creditor with respect to the time of the assignment.

Id s 91  
1836, c 192  
Claim for rent,  
when preferred

**157.** The proof of a claim for rent in arrear, so as to render the same a preferred claim, shall be the proofs and vouchers for rent aforesaid; and proof that the claim is such that a distress therefor might be levied on said deceased's goods and chattels in the hands of the administrator; but the preference given for rent is not to impair the landlord's right of distress if he thinks proper to exercise it.

Id s 92  
1798, c 101,  
sub-c 9, s 8  
Open accounts,  
how proven

**158.** The vouchers or proofs of any claim on open account shall be a certificate of an oath taken by the creditor since the death indorsed on or annexed to the account, that "the account as stated is just and true, and that he hath not received any part of the money stated to be due, or any security or satisfaction for the same, except what (if any) is credited," and, moreover, the account shall appear to have been proved as open accounts are required to be proved by article LXX of this Code.

Id s 93  
1798, c 101,  
sub-c 9, s 10  
Bond, etc., or  
account for  
dealing with  
factor.

**159.** If the claim arises on a bond, note, or a 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, note, or bill, or who sold or delivered the articles in the account, may make oath, to be certified as aforesaid, and indorsed on a statement of the money due thereon, "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 ———, and 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, with the other respective vouchers and proofs as aforesaid, shall authorize the administrator in payment or distribution

Form of oath

Id s 94  
1798, c 101,  
sub-c 9, s 11  
If factor be dead  
or out of State.

**160.** 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 has been regularly proved by a disinterested, credible witness, as prescribed in section one hundred and fifty-eight