that no difference in point of reason or law, exists between affidavits made in Ireland and Scotland, and those made abroad; *Omealy* v. *Newell*, 8 *East*, 372; but others of the English tribunals have entertained a higher respect for such acts coming from the sister kingdoms of Scotland and Ireland, than from foreign nations. *Annesley* v. *Anglesey*, *Dick.* 90; *Chicot* v. *Lequesne*, *Dick.* 150; *Johnson* v. *Smith*, *Dick.* 592; 2 *Foxcl. Exch. Pra.* 337; *Braham* v. *Bowes*, 1 *Jac. and Walk.* 296; *Ex parte Worsley*, 2 *H. Blac.* 275; *Dalmer* v. *Barnard*, 7 *T. R.* 251.

In accordance with the principles of these last mentioned English authorities, I feel disposed to go forward with the spirit of the Federal Constitution, and to allow all such ancillary testimonials, derived from any sister State or territory of our Union, to be used in a course of judicial proceeding without strictly exacting all those solemnities and forms of authentication usually required for the admission of similar testimony from an entirely foreign nation. It is not saying too much to aver, that all the public functionaries, of *each State of our perpetually intermingling confederacy, **284** know more of the forms and modes of proceeding of the officers and magistrates of every other State than of any foreign nation whatever. And besides, the harmonies of our peculiar system of government seem to require, that the magistrates and tribunals of each State should extend the practice of comity and credit toward those of every other State, as far as safety to the rights of persons and property will permit, and that may be to a considerable extent; for although, in such cases, there can be no prosecution for perjury against any one here, who has, abroad, testified on oath, or made affidavit to the truth of a fact, which can be shewn to be false, yet the parties may be punished for practising an imposition upon the Court. *Omealy* v. *Newell*, 8 *East*, 372.

This Court has, in fact, acted upon the distinction between testimonials from other States of our Union and those from foreign nations for many years past. Prior to the Revolution, certainly as late as the year 1761, it was the practice here, in accordance with the English mode of proceeding, to send a *dedimus potestatim*, even to a neighboring colony, to take the answer of a defendant resident there. *Chancery Proceedings*, *lib. D. D. No. J. fol.* 59. (*k*) But soon after the Revolution a *dedimus potestatim*, seems to have been dispensed with, and answers from other States of our confederacy by being sworn to before a Mayor or other principal magistrate of a city, or a justice of the peace, on its being certified

(*k*) PROUT *v.* SLATER.—On the 3d of April, 1799, on the petition of the defendants here to take the answer of one of them who resided in London, a commission was issued to four commissioners or either of them, that they or either of them administer the oath. The answer so taken was certified by the commissioners, and then certified by a notary public.—*Chancery Proceedings*, *lib. S. H. H. No.* 7, *fol.* 25.