legacy became vested as it did by her attaining her full age, or by her marriage before or after the death of her mother, it was a *chose in action* belonging to *Ann R. Contee;* and as all personal things are under the power of the husband, he may either release or forfeit them; (*b*) it is, therefore, upon that ground sufficient, that the husband alone as defendant has appeared, and by his answer admitted, that this claim, to which he had so become entitled in right of his wife, had been satisfied.

But it is objected, on behalf of the defendant *Eleanor Dawson*, that the answer of the defendant *Philip A. L. Contee* has not been sworn to in the manner required by the course of the court; and therefore cannot be considered as an answer for any purpose; and is certainly not such an answer as will bind him and his wife so as to justify *Eleanor Dawson*, as executrix of the trustee, in distributing the assets in payment of the proportions to which the other legatees are entitled; since she has not assets sufficient to satisfy all. This objection involves two inquiries; *first*, whether the answer of the defendant *Philip A. L. Contee* is such an one as must be received as effectual so far as it can operate for or against his co-defendants; and *secondly*, whether *Eleanor Dawson* has in truth alleged and shewn a deficiency of assets.

The first section of the fourth article of the constitution of the United States delegates to congress the power to prescribe the manner in which the public acts, the records, and the judicial proceedings of each state may be proved in every other state, and the effect thereof. And congress have passed several acts in execution of this power. But those laws of the federal government cannot be allowed to regulate the matter now under consideration; because, an answer to a bill filed in this court, or indeed any other portion of its proceedings, wherever it may be authenticated, or wherever the person may reside from whom it may be derived, must be deemed to all intents and purposes a record or judicial proceeding of this state only, and not of any other state. It is, therefore, perfectly obvious, that this federal law can have no direct and positive application to the mode of authenticating answers, or any other part of the judicial proceedings of this court. (*c*)

It is quite common for the courts of one nation to seek the aid of the magistrates of foreign countries; and to ask to be allowed to collect testimony, and obtain from them and under their autho-

(*b*) Cleaver v. Spurling, 2 P. Will. 528.—(*c*) Gibson v. Tilton, 1 Bland, 352.