

vince, to any person residing beyond seas, must be transmitted under the regulations of the act of assembly in 1729, ch. 20; by which all foreign debts by bonds, bills or accounts against persons residing within this province, must be proved by the oaths of the witnesses thereto, or any of them, before some magistrate, in the presence of a notary publick, who shall attest that such oath was taken, and that the person before whom it was taken was a magistrate of that place, together, with the creditor's deposition before such magistrate, or publick officer,

how to be proved.

*“ That the said debt, or any part thereof (except the credits given) is not satisfied, or that there are not any other accounts between the said creditor and debtor, for which the said creditor may be likewise indebted to the said debtor, to the value of the said debt, or any part thereof, for any matter or thing accrued since the date of the said bond, bill or instrument; or whether the said creditor hath not given the said debtor any release for the same.”*

All which is to be certified from under the hand of such magistrate, and notary publick; and if the creditor omits or refuses to take such a deposition, then the other matters so certified by the notary publick, or other officer, shall not be received as evidence to prove that debt.

If