

of wilful falsity, their credibility only being affected by their want of religious conviction. The condition of the persons described in paragraphs 3 and 4 might also be permitted to go against their credibility, and not to exclude them altogether from giving evidence.

"251. Testimony given by a party in the suit cannot avail in his favor." Add "*but such testimony cannot be divided to his prejudice.*"

Art. 252, last clause but one, "In all other matters, proof must be made by writing, or by the oath of the party," read "*adverse party.*"

"258. Legal presumptions are those which are specially attached by law to certain facts. They exempt from making other proof those in whose favor they exist; certain of them may be contradicted by other proof; others are presumptions *juris et de jure*, and cannot be contradicted."

Instead of "making other proof," read "adducing evidence." In the next line, for "proof" read "evidence." This last remark applies also to Art. 259.

"260. The authority of a final judgment (*res judicata*) is a presumption *juris et de jure*, it applies only to that which has been the object of the judgment, and "when the demand is founded on the same cause, is between the same parties acting in the same qualities, and for the same thing as in the action adjudged upon."

Add "The successors or representatives of the parties in the action adjudged upon are reputed to be the same as those parties."

"265. A party may be examined under oath *in like manner* as a witness, or upon "interrogatories on faits et articles, or by decisory oath. And the Court may in its "discretion examine either of the parties, in order to complete imperfect proof."

Omit the words in italics, and for "proof" read "evidence."

"266. The decisory oath may be offered by either of the parties to the other *upon any issue raised in an action* in which the parties may legally bind themselves by "admission or compromise, in any state of the cause, and without any commencement of proof."

Instead of the words italicized, read "in any action."

"268. He to whom the decisory oath is offered, and who refuses to take it, and "does not consent to refer it to his adversary, or the adversary who refuses to take "it when it is referred to him, fails in his demand or exception."

Omit the words "consent to" as worse than useless.

In Article 272, instead of "joint and several creditors or debtors," read "*creditors in solido,*" &c.

§ 2. "Of the oath *put* officially." The word *put* is objectionable. This title ought to be "Of the oath called *juramentum judiciaire,*" as in Pothier and the Code of Louisiana. In Art. 273, instead of "some proof has been made," read "some evidence adduced." If *proof* had been made, the suppletory oath would not be needed.

"274. The oath *put* by the Court officially to one of the parties cannot be referred "by him to the other party."

Instead of *put by the Court officially*, read "tendered by the Court." The same remark applies to Article 275.