

The *exception péremptoire* of *non numeratæ pecuniæ*, must be pleaded. Fortier vs. Beaubien, 1809, no. 221.

*Replication and Issue.*

In an action *en exhibition de titres*, conclusions upon the titles exhibited must be filed and an issue raised thereon. Rex vs. Saul, 1811, no. 306.

If by special replication to an exception the plaintiff admits the facts which the exception sets forth, he may (under the ordinance of 1785,) rebut the effect of what he so admits by pleading affirmatively such other facts as in law will avoid them, and upon these the issue may be raised as the ordinance directs. Paquet vs. Gaspard.

*Incidental demands, cross demands and interventions.*

That a deed was fraudulently obtained cannot be pleaded as matter of defence to an action founded upon it. An incidental demand in *révision* is the course to be pursued. Bradly vs. Blake, 1812, no. 553.

A sheriff's return is an *acte authentique* and cannot therefore be impeached as a false return without an inscription *en faux* (as in other cases) and an incidental demand *en révision* founded on affidavit. Bélanger vs. Holmes, 1818, no. 346.

S. P. 1818, no. 206.

Upon an inscription *en faux* against an *acte notarié* the subscribing witnesses, and also witnesses who are of kin to the parties may be examined. Paquet vs. Demers, 1810, no. 107.

S. P. 1820, no. 106.

If the party who fyles an acte impeached *en faux* omits to declare (on being required) that he means to make use of it, he is not foreclosed but may still be admitted to make his declaration on payment of costs. Proux vs. Proux, 1818, no. 106.