

pleas to the action or merits, as if he had not been so foreclosed ; but if he do not so plead within the said delay, such foreclosure shall have full effect ; And if such Defendant had pleaded to the action or merits, he shall be entitled to amend his plea or pleas or to plead *de novo* within the delay prescribed by law ; and if he do not amend the plea or pleas filed by him, or file new pleas within the prescribed delay, he shall be deemed to abide by his plea or pleas originally filed : And provided also that if the *exception dilatoire* so maintained relates to the delay required to call any *garant* into Court, any such *garant*, after being so called in, may, if he be entitled so to do, file during the prescribed delays, any plea which he may have to plead in answer to the original demand, whether the original defendant have or have not pleaded to such action.

Proviso : if the delay be to call in a *garant*.

LXXIV. Within two days after any issue shall be joined upon which evidence is to be adduced, each party shall file a statement (*articulation*) of facts pertinent to such issue and not admitted by the pleadings, which he proposes to prove, and shall serve a copy thereof upon the opposite party, and within three days after such service, the party on whom it is made shall file and serve his answer admitting or denying all or any of such facts or denying all or any of them to be within his knowledge ; and in default of such answer being filed and served within the delay aforesaid, the facts in the statement of the opposite party shall be taken as admitted by the party who ought to have filed and served such answer, as shall also any fact alleged in the statement and not expressly denied by the answer, or not denied to be within the knowledge of the party answering.

Statement of facts to be filed by each party after issue joined : and proceedings thereon.

LXXV. If any fact not mentioned in such statement be afterwards proved by the party filing it, the costs of proving such fact shall be taxed against him, whatever be the event of the case ; and if any fact denied in such answer shall be afterwards proved in the case, or any fact denied to be within the knowledge of the party answering shall be so proved and the Judge shall be of opinion that it must have been within the knowledge of such party, the costs of proving such fact shall be taxed against him, whatever be the event of the case.

As to costs of proving facts not mentioned in such statement, or denied and afterwards proved.

LXXVI. Any document or writing which either party intends to use at the *enquête*, or at the trial in a case to be tried by Jury, shall be filed by such party with his statement of facts, if not previously filed in the cause ; and if any document or writing not filed with or previously to such statement be afterwards used at the *enquête* or at the trial, by the party who ought to have so filed it, the costs thereby occasioned shall be taxed against him, whatever be the event of the case.

Documents intended to be used, must be filed with statement.

LXXVII. After the expiration of the three days allowed for filing such answer, but not before, the case may be inscribed for

inscription for *enquête* or pro-

for