

*Lauc vs Campbell*, 8 L. C. J., 68.

*Duval, J.* — "This is an appeal from a judgment rejecting the plaintiff's motion for a commission in the nature of a *commission rogatoire* to examine witnesses in one of the United States of America. In this case the plaintiff wishes to prove a fact of the circumstances material to support his demand. He is the judge of his own interests and has a right to conduct his case as he understands those interests unless he does wrong to his adversary."

*Barelle vs Palardy*, 4 Q. P. R., p. 73.

*Mathieu, J.* — "A party after being in default to reply to interrogatories on *faits et articles*, might, by paying the costs incurred by his default, ask to be examined on *commission rogatoire* at his new domicile situated outside the Province.

*Nash vs Baie de Chaleur Railway*, 7 Q. P. R., 381. — "A defendant who had a serious defence could examine a witness on commission even after the delays."

*Henderson vs Montreal Street Railway*. — "A motion was made to examine a doctor in Dundee, Scotland, to establish the physical condition of one of his patients, and although the patient had been in Montreal and had been examined by doctors here, the motion was contested and finally granted on the 31st January, 1908, by His Lordship Mr. Justice Fortin. This motion was made long after the issues were joined."

A similar decision was rendered on the 15th day of March, 1910, in the case of *Ross vs West India Electric Co.*, S. C., no 3730, in which a commission was allowed to Jamaica to examine expert scientific witnesses there.

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