

remembered that in the affidavit of documents (provided your opponent has made one) your opponent was required to state what had become of material documents, which were no longer in his possession.

Should any of the documents, so referred to, be necessary to your case, it will be advisable to serve on the person in whose possession they now are a *subpœna duces tecum*.

And the same applies to any other person who is in possession of documents, on which you intend to rely at the trial; unless, of course, you have reason to know that he will attend without a subpœna.

But it is not only in respect of documentary evidence that you can fortify your evidence before going into Court by a judicious application of the Rules of the Supreme Court. Admissions of fact can also be obtained in two different ways.

There may be facts which, though put in issue on the pleadings, yet are not likely to be contested at the trial. Or there may be facts which are common ground to both parties, and yet will be expensive to prove. If the onus of proving such facts be on your shoulders, you will be able to save the expense of proving them by giving the other side notice to admit them under Order XXXII., Rule 4. (For the form of notice, *vide post*, App. No. 6, p. 173.)

Or, again, there may be facts which you think your opponent would be unlikely to deny on oath, or as to which it is important that you should know on oath what answer he will make.

In such a case you may interrogate your opponent on oath by virtue of Order XXXI. of the Rules of the Supreme Court, provided you get the leave of a Master.

Order XXXI., Rule 1. In any cause or matter, the plaintiff or defendant, by leave of the Court or a Judge, may deliver interrogatories in writing for the examination of the opposite parties, or any one or more of such parties, and such interrogatories when delivered shall have a note at the foot thereof, stating which of such inter-