

For the above-mentioned rules and notices apply only to the production of documents for your solicitor's inspection, and not to production at the trial.

R. S. C., Order XXXII., Rule 8, is as follows :—

Notice to produce documents shall be in the Form No. 14 in Appendix B with such variations as circumstances may require. An affidavit of the solicitor, or his clerk, of the service of any notice to produce, and of the time when it was served, with a copy of the notice to produce, shall in all cases be sufficient evidence of the service of the notice, and of the time when it was served (*vide post*, App. No. 4, p. 172).

The result of giving this notice will be, that if your opponent refuses or neglects to produce the original documents, you will be enabled, on proof of the notice, and that the documents are in his possession, to give secondary evidence of them.

At the same time, in order to save the expense and trouble of proving your own original documents, your solicitor client will probably serve a notice on the other side to admit your own original documents under the following Rules :—

Order XXXII., Rule 2. Either party may call upon the other party to admit any document, saving all just exceptions; and in case of refusal or neglect to admit, after such notice, the costs of proving any such document shall be paid by the party so neglecting or refusing, whatever the result of the cause or matter may be, unless at the trial or hearing the Court or a Judge shall certify that the refusal to admit was reasonable; and no costs of proving any document shall be allowed unless such notice be given, except where omission to give the notice is, in the opinion of the taxing officer, a saving of expense.

Rule 3. A notice to admit documents shall be in the Form No. 11 in Appendix B, with such variations as circumstances may require (*vide post*, App. No. 5, p. 172).

Rule 7. An affidavit of the solicitor or his clerk, of the due signature of any admissions made in pursuance of any notice to admit documents or facts, shall be sufficient evidence of such admissions, if evidence thereof be required.

So far we have dealt only with documents in the power or possession of your opponent. But it will be