

“Voici comment le même ouvrage définit à la page 879 ce que l'on entend par document : “The term *Document* has been defined as meaning any substance having any matter expressed or described upon it by marks capable of being read (I—Steph. Dig. of Ev. art. I) or more comprehensively, as including all material substances on which the thought of men are represented by writing or any other species of conventional marks or symbol.”

“Un peu plus loin, à la page 898, on indique la valeur qu'il faut donner à ces entrées, à ces notes faites par des tiers : “Entries made by third persons are not generally admissible, since they are not made under the sanction of an oath, and there is no opportunity for cross-examination ; but such entries are admissible where they accompany and explain a matériel fact, being thus a part of the *res gestae*, and again, upon a principle of necessity warranted by particular circumstances which afford a reasonable assurance that the person who made the entry, whose testimony is no longer attainable, knew the fact and recorded it faithfully, as where the entry was against the pecuniary or proprietary interest of the person making it or was made at the time by a person whose duty it was to make it, and in the ordinary course of his business, and where recourse cannot be had to his testimony in consequence of his death.”

“Tout ceci indique bien que le terme document peut s'étendre à des écrits de tiers, malgré que ces écrits n'aient pas de force probante et directe contre la partie adverse et c'est bien en ce sens que paraît être employé le mot dans l'article 289.

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