

terrogate is about to leave the province. *Quebec Bank vs. Baby*, 1821, no. 148.

### **Serment Judiciaire et Décisoire,**

If a defendant is ordered to answer on the *serment judiciaire* it is the duty of the plaintiff to serve the rule to appear upon him, and if he does not appear the plaintiff may then move the court to refer the oath to himself. The court however, if they see fit may order the defendant to appear on another day. *Prevost vs. Dérousseau*, 1813, no. 354.

If an authority to defer the *serment décisoire* is filed by an attorney and is not impeached by his opponent, it must be received on the attorney's oath of office and binds his client until he is disavowed. *Jeanne vs. Caldwell*, 1816, no. 370.

After final heaving the *serment décisoire* cannot be allowed. The cause has then been finally referred *ad aliud examen*. *Burns vs. Giroux*, 1817, no. 342.

### **Witnesses.**

A witness not summoned before the *enquête* commenced cannot be heard if an objection be taken and no sufficient cause is shown to account for his not having been summoned. *Roy vs. Miville*, 1809, no. 71.

Proof by witness in an action of *dépôt* cannot be admitted without a *commencement de preuve par écrit*. *Smith vs. Gateskill*, 1812, no. 138.

If a witness eats and drinks at the expence of the party by whom he is summoned. It is not an objection to his competency but to his credit. *Bacon vs. Caron*, 1817 no. 502.

The objection that a witness is a servant of one of the par-