

Legislature promulgated the provisions under which we now have the articles referring to examination on discovery. There cannot be any doubt that this is the best way of obtaining the truth in a case and much more satisfactory than the former proceedings under the decisory oath. Plaintiff may say, and with a good deal of the appearance of truth, that inasmuch as the decisory oath has been abolished, it is now sufficient to maintain the spirit and intent of article 1690, C. C., by examining the defendant according to the ordinary rules of procedure, but at the same time holding him to his decisory oath upon the two points raised in article 1690, C. C. Cannot the plaintiffs say that the defendant's oath on these two points should decide the case? Such admission cannot be used as a commencement of proof in writing; it would be decisory; and in that case it could not be contradicted by the testimony of other witnesses. It would be sufficient to enable him to win the case. Nothing could be more equitable. And it is the true interpretation which we should give to article 1690, C. C. Article 1795, C. N., is only partly our law.

"The Legislature added the following clause to the law as it existed under the C. N.: "Or unless the agreement "upon these two points is established by the decisory oath "of the proprietor." And, now, by several subsequent modifications to the law, and with the exception of the provisions of article 286, C. C. P., the parties are now obliged to submit to examination upon all the facts of the case. In every case, a plaintiff can summon the defendant and ask him yes or no whether he owes him the debt claimed. If the defendant admits the debt, he should be condemned to pay it.

"It would be contended in vain, against the spirit and