

## CAS PARTICULIER DU FARDEAU DE LA PREUVE

**Principe** : Prépondérance des preuves (50% + 1) (art. 2804 CcQ) pour la personne qui veut faire valoir un droit (art. 2803 CcQ).

### Allègement du fardeau

<b>Présomptions (art. 2846 CcQ)</b> : On peut tenir pour acquis quelque chose sans en faire la preuve.	Deux types : <ul style="list-style-type: none"> <li>- Légales (tirées de la Loi)</li> <li>- Factuelles (déduite par le tribunal)</li> </ul>
<b>Actes authentiques (art. 2813 CcQ et ss.)</b> : Pas besoin de prouver que la preuve est <i>vintage</i> (authentique).	Fait preuve de son contenu et de sa confection.
<b>Connaissance d'office</b> : Tout ce qu'on peut tenir pour acquis que le tribunal connaît et donc, pas besoin d'en faire la preuve.	Trois catégories : <ul style="list-style-type: none"> <li>- Le droit en vigueur au Québec (art. 2807 CcQ)</li> <li>- Le droit international si allégué (art. 2809 CcQ)</li> <li>- Les faits notoires (art. 2808 CcQ)</li> </ul>

### Augmentation du fardeau

<b>Injonction Anton Piller</b> : Divulcation complète des faits favorables ou non, vérification de la sincérité des représentations des clients.	Fardeau très lourd comme c'est attentatoire à la vie privée de la personne : fouille, persécution, etc.
<b>Clause de non-concurrence (art. 2089 CcQ)</b> : doit être raisonnable dans sa durée, sa territorialité et son genre de travail concerné.	Fardeau à l'employeur pour démontrer la validité de la clause.
<b>Outrage au tribunal (art. 57 à 62 Cpc)</b>	Preuve hors de toute doute raisonnable (comme en droit pénal).
<b>Actes requérant corroboration (art. 2844 CcQ)</b> : Malgré un témoignage, la preuve des faits n'est pas fait (mauvaise crédibilité	Ex. témoin non-crédible, témoin enfant, preuve distincte d'authenticité.

# La Preuve Ndeg

**JA Banks**



## La Preuve Ndeg:

**Algebras, Groups, and Geometries** ,2001     *Acta arithmetica* ,2002     *Number Theory, Analysis and Geometry*  
Dorian Goldfeld,Jay Jorgenson,Peter Jones,Dinakar Ramakrishnan,Kenneth Ribet,John Tate,2011-12-20 In honor of Serge  
Lang s vast contribution to mathematics this memorial volume presents articles by prominent mathematicians Reflecting the  
breadth of Lang s own interests and accomplishments these essays span the field of Number Theory Analysis and Geometry  
*La gazette du palais* ,1907     *Notitieboek van de hoogbaljuw* ,     *Anthologie de conseils* Père Porphyre,2007  
**Paris-Hachette** Hachette (Firm),1897     **Les inrockuptibles** ,2006     *Revue de mathématiques spéciales* ,1997  
*Memoires et documents* Académie chablaisienne, Thonon-les-Bains,1965     *A-Z. 1866-70* Pierre Larousse,1874  
**Vlaemsch recht dat is costumen ende wetten ghedecreteert by de graven ende gravinnen van Vlaenderen** ,1676  
*Rapport Sur la Preuve* ,1975     *Le poids de la preuve* Scott Turow,1991 Sandy Stern cinquante six ans brillant avocat  
une maison superbe une femme encore jolie La r ussite en somme Jusqu ce soir de printemps o son univers s croule Clara s  
est suicid lui laissant pour tout adieu ces quatre mots Peux tu me pardonner Culpabilit il n a rien ressenti il tait pris par son  
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et un an Un trou de 850 000 dollars dans le compte en banque de Clara Des factures d h pital Quel tait le secret de cette  
pouse qui semblait parfaite     **La preuve** Commission de réforme du droit du Canada. Section de recherche sur le droit de  
la preuve,1974     **La Preuve Penale** Bergeaud-Wetterwald|Jean-Christophe Saint-Pau Aurelie Bergeaud-Wetterwald  
(Saint-Pau),2016     **La Preuve. 5. La contrainte de l'accusé et l'admissibilité de ses déclarations** Law Reform  
Commission of Canada,1973     *La preuve* Commission de réforme du droit du Canada. Section de recherche sur le droit de  
la preuve,1974     *La preuve* Commission de réforme du droit du Canada. Section de recherche sur le droit de la  
preuve,1973     *La preuve* Canada. Commission de réforme du droit. Section de la recherche sur le droit de la preuve,1972

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