account of an administration is rendered the person entitled to it has no right, on the ground that it is incomplete or inexact, to bring an action en reddition de compte; his proper course is by action for reformation of the account.

Beaudry v. Prevost, Q.R. 22 S.C. 32 (Sup. Ct.) confirmed by Queen's Bench.

—Co-heirs—Account and partition.]—Held, that an heir has no right of action against one of his co-heirs for an account, but that his only action is one for account and partition. (Affirmed on appeal by the Court of Review.)

Renaud v. Delfausse, 5 Que. P.R. 230.

—By Agent.]—See PRINCIPAL AND AGENT; BROKER.

—By Employee.]—See MASTER AND SERVANT.

—By executors.]—See EXECUTORS.

—Between partners.]—See PARTNERSHIP.

—By trustees.]—See TRUSTS.

ACKNOWLEDGMENT.

See LIMITATION OF ACTIONS; EVIDENCE.

ACQUIESCENCE.

See ESTOPPEL; WAIVER.

ACQUITTAL.

See FALSE ARREST; MALICIOUS PROSECUTION; CRIMINAL LAW; SUMMARY CONVICTION; SPEEDY TRIAL; SUMMARY TRIAL.

ACTION.

See SERVICE OF PROCESS; WRIT.

ADEMPTION.

See WILL.

ADMINISTRATION.

See EXECUTORS; WILL.

ADMIRALTY LAWS.

See SHIPPING.

ADMISSION.

Running account for goods sold and delivered—Acknowledgment of debt.]—Where regular entries of sales of goods were made, and invoices were rendered and demands for payment frequently made, and the debtor only questioned one small item of 50 cents, and, promising to pay, asked for delay, the indebtedness was held to be sufficiently established.

Laporte v. Duplessis, 20 Que. S.C. 244 (C.R.).

And see EVIDENCE.

ADULTERY.

See HUSBAND.

AFFIDAVIT.

Marksman—Jurat.]—An affidavit of a marksman is sufficient if the jurat reads "seemed fully to understand the same," instead of the usual form "who seemed perfectly to understand the same." Ex parte Alain, 35 N.B.R. 107.

—Oaths—Commissioner.]—See OATHS.

—Review—Affidavit—Before whom sworn.]—An affidavit on review from a justice's Court may be sworn before a commissioner who acted as attorney for the appellant in the court below. Northrup v. Perkins, 37 C.L.J. 706.

AFFILIATION.

Evidence—Commencement of proof by writing—Proof of paternity—Arts. 227, 232, 233 C.C.]—An affidavit under oath before a justice of the peace by the mother of a natural child cannot serve as a commencement of proof by writing under Art. 233 C.C. in an action en declaration de paternite subsequently brought by the tutor of the child although the affidavit had been filed of record without objection by the adverse party. However, it is of no importance whether the existing circumstances which may, in an action en paternite, authorize proof by witnesses (Art. 232 C.C.) be established before or during the enquete; it suffices that these existing facts are established and proved before parol evidence is admitted. When, in an action en declaration de paternite the defendant admits having had sexual intercourse with the mother of the child, but at a date outside of, though nearly approaching to, the period fixed by Art. 227 C.C. as the longest period of gestation, this avowal of the defendant constitutes a presumption and an indication resulting from