

ACTIONS.

- horse, whereby the horse was injured and his cart broken. Davidson vs. Cole, 1821, No. 1446.
- 23.—The contents of a confidential letter is not the subject of an *action d'injure*. Smith vs. Binet, 1821, No. 462.

Sec. XV.—*In Factum*.

- 1.—An indigent parent can maintain an action in factum against his or her child for an alimentary allowance. Parent vs. Dubuc, 1812, No. 414. Connor vs. Laforme, 1819, No. 176. Robin vs. Devarennnes, 1821, No. 1255.
- 2.—If a husband turns his wife out of doors she can maintain an action in factum against him for an alimentary allowance. Chamland vs. Jobin, 1814, No. 453.
- 3.—An *action in factum* can be maintained for a *chemin de sortie*. Dionne vs. Emond, 1817, No. 560.
- 4.—Every proprietor is answerable in damages to his neighbour for an injury which he occasions to the property of the latter by the improper use of his own and for such an injury an action in factum will lie. D'Estimonville vs. Tétu, 1817, No. 550.
- 5.—An action *in factum* can be maintained against a neighbouring proprietor for impeding a water course or an aqueduct by acts done on his own property. Harrower vs. Babin, 1817, No. 532.
- 6.—An action *in factum* can also be maintained where a building erected on the property of another is a private nuisance to his neighbours, whether it be occasioned by the building or by the use to which it is applied. Côte vs. Measam, 1819, No. 2.
- 7.—Whenever goods are committed to any one for a qualified purpose any deviation from that purpose in the disposition of them for another is a conversion upon which an action in factum in the nature of trover may be maintained. Adam vs. Henderson, 1819, No. 1036.
- 8.—In an action in factum *quasi trover*, the material inquiries are, touching possession and conversion by the defendant, and as to his possession, whether he got it by finding or otherwise, matters not; Was he in possession being the gist of the inquiry. Fougère vs. Boucher, 1821, No. 235.

Sec. XVI.—*Partage and pro socio*.

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- 1.—On *partage d'Hérédité*, all the co-heirs must be parties to the suit and if any are omitted and no steps are taken by either party to bring them into the suit, the court upon the final hearing will dismiss the action *quant à présent*. Laverdière vs. Laverdière, 1816, No. 227.
- 2.—The action *pro socio* is an action of account and *partage* and each co-partner must be plaintiff or defendant in the suit and if he be the latter he must be summoned; service also in this action on one co-partner is no service on the others (aliter in suits for