

**Way,**

- Brocklebank v. Colvill* (1906), 8 O. W. R. 231.  
*Horne v. Horne* (1906), 38 N. S. R. 404.  
*McLoche v. Davidson* (1902), 11 Que. K. B. 302.

See WAY.

**Work,**

- BY CONTRACTOR, *Union Lumber Co. v. Porter* (1908), 8 W. L. R. 423; 9 W. L. R. 325.

See CONTRACTS.

**ABATEMENT OF.**

**Action.** See ACTION—LIMITATION OF ACTIONS.

**Legacies.** See WILLS.

**Nuisances.** See NUISANCE.

**Price of Land.** See VENDORS AND PURCHASERS.

**Price of Goods.** See SALE OF GOODS.

**Rent.** See LANDLORD AND TENANT.

**Taxes.** See ASSESSMENT AND TAXES.

**ABATTOIR.**

See CONTRACT—MUNICIPAL CORPORATIONS.

**ABDUCTION.**

See CRIMINAL LAW.

**ABORTION.**

See CRIMINAL LAW.

**ABORTIVE SALE.**

See MORTGAGES—TRUSTS AND TRUSTEES—VENDOR AND PURCHASER.

**ABSCONDING DEBTOR.**

See ARREST—DEBTOR AND CREDITOR—EXECUTION.

**ABSENTEE.**

**Curator of an absentee** brought action to recover amount of a deposit standing in name of latter:—*Held*, that defendants could plead that plaintiff's appointment was tainted with serious irregularities and ask for its annulment. *Plourde v. Bank of Montreal* (1910), 11 Que. P. R. 429.

**Opening of a succession to which an absentee is called—Ratification—C. C. 194, 195, 196, 197, 697, 698, 641, 689, 1203, 1567—C. C. P. 1638, 1654, 1511, 1535, 1586, 1591.]—1.** He who claims to exercise a right which implies that an absentee is living, is bound to establish that such absentee existed when the right accrued. **2.** Art. 105 C. C. applies equally to the person presumed to be an absentee as to the person declared to be one. In other words, the actual heirs are not obliged to consider an absentee whose existence is not proved, and this even when he is not declared to be an absentee. **3.** The absentee is not considered as being either living or dead; he who bases his claim upon the fact that the absentee is living must prove it according to the maxim: *actori incumbit onus probandi*. **4.** If an absentee be called to a succession, in the absence of proof that he is living, it devolves exclusively to those who would have shared with him or to those who would have succeeded in his stead. **5.** By means of representation, one may succeed in the place and stead of an absentee whose existence is not proved. **6.** The actual heirs, called to a succession, to the exclusion of an heir of an absentee, is reputed the proprietor; consequently, all transfers of the property made by him are valid, and the purchaser cannot refuse to pay the purchase price or recover what he may have paid because he thinks he is in danger of being evicted. **7.** Art. 1038 C. C. P., which requires that all the co-heirs or co-proprietors must be parties in the suit for a partition, only means, when it is an undivided part of a succession, co-heirs or co-proprietors who are present and who are not absentees, inasmuch as the latter, whether presumed or declared absentees, are excluded from the succession. *Cadoux v. Deveau* (1909), 16 R. de J. 73.

**Service of absentees—Can they be served on him at the office of the Court—C. P. 85, 361.]—Article 35 C. P., which provides that whenever one of the parties has, since the commencement of the action, left the province, or has no domicile therein, all orders, rules, notices or other proceedings may be served upon him at the office of the Court, does not apply to the service of articulated facts. Therefore articulated facts served upon an absentee at the prothonotary's office will not be held as admitted, particularly if such absentee's residence is known. *Klipstein & Eagle Mining Co.* (1910), 11 Que. P. R. 411.**

See WILLS.

**ABSTRACT OF TITLE.**

See QUIETING TITLES ACT—REGISTRY LAWS—VENDOR AND PURCHASER.

**ACCELERATION.**

See CHOSE IN ACTION—LANDLORD AND TENANT—LIMITATION OF ACTIONS—MORTGAGE—SALE OF GOODS—VENDOR AND PURCHASER.