

way—Consent of council to estoppel—Inadvertence—Object of action of council—Lack of knowledge of facts—Land Titles Act R. S. O. 1897 c. 138, ss. 26, 109, 110—Municipal Act 1903, c. 19, ss. 29, 630, 632. *Larcher v. Town of Sudbury*, 659.

Disrepair of bridge on highway—Injury to motor truck by breaking through—Liability of county—Highway Improvement Act 1912—Damages—Quantum—Loss of use of truck—Liability for. *Armstrong Cartage Co. v. County of Peel*, 372.

Obstruction—Injunction restraining—Public user over 30 years—No special damage to plaintiff. *O'Neil v. Harper*, 88.

Public street—Alleged encroachment thereon—Street laid out on unregistered plan—Innocent purchaser—Registry Act—Streets excepted from conveyance—Estoppel—Locus standi—Costs. *Peake v. Mitchell*, *Mitchell v. Peake*, 291.

Right of way—Title by prescription—Evidence as to—Claim of title—Interim injunction—Damages. *Salter v. Everson*, 757.

WILLS—CONSTRUCTION.

After acquired lands—“Money and securities”—Date of construction—Annuity—Direction of payment out of certain funds—Insufficiency of funds—Right to resort to other assets—Arrears of annuity—Statute of Limitations not applicable to—Trust. *Mackenzie Estate*, *Re*, 678.

“Cash in bank”—Moneys on deposit in loan company—Inclusion of—Gift to enumerated class—Wrongful enumeration—Disregard of—Suggested mistake of testator as to description of class. *Cooper Estate*, *Re Francis*, 665.

Charge on lands—Annuity—Provision for—Firewood and medicine—Arrears. *Honsinger v. Honsinger & Small*, 218.

Codicil—Overriding of terms of will by—Annuity—Corpus. *Re Smith*, 476.

Division of surplus—“Between,” meaning of—Possible meaning of more than two—Intention as gathered from whole instrument. *Davies*, *Re*, 321.

“Foundling children”—Charitable bequest. *Re Gilbert*, 71.

Gift durante viduitate—Vested interest taken—Subject to divesting. *Re Lacasse*, 300.

Gift of all benefits—Absolute interest. *Sheard*, *Re Joseph*, 716.

Gift to foreign missions of Roman Catholic Church in Canada—No separate Canadian church—Gift to general church. *Re Upton*, 54.

Gift to married woman—Separate estate—Restraint on alienation—Validity during coverture but not thereafter—Costs. *Harrison Estate*, *Re*, 824.

Gift to nine legatees—Certain of legatees related, others unrelated to testatrix—“Aforesaid heirs”—Meaning of—“Heirs” construed strictly. *Re Phillips Estate*, 185.

Insurance moneys—Disposition of—Earlier and later clauses—Derogation—Identification of policy. *Fillingham*, *Re*, 682.

Life estate in residence given to widow—Annuity “as long as estate will pay same”—Not payable out of funds derived from sale or mortgage of residence—Costs. *Re Erskine*, 15.

Particular land charged with portion of debts—Exoneration pro tanto of residue—Special fund created—Expense of administration to be borne by fund itself. *Re Samuel Wilson Estate*, 214.

Partnership assets—Direction to value same and to permit of use by partnership—Appreciation in value—Right of beneficiaries to receive. *Paterson*, *Re*, 752.

Postponed gift—Vesting—Lapse—Member of class dying before date of will—No gift to. *Vining Estate*, *Re*, 814.

Precatory trust. *Re Soulliere and McCracken*, 400.

Precatory trust—Mere expression of desire does not create—Absolute interest not cut down—Review of cases. *Johnson v. Farney*, 244.

Reference to charge—No creating section—Reference ignored—Direction for creation of trust fund—Amount not stated—Reference to other sections to ascertain amount—Insufficiency of assets—Abatement. *Re Campbell*, 30.