

**Waste—**

Charge of annuity—Life tenant and remainderman—Appointment—Damages, 249

**Watercourse—**

Floatable river—Riparian rights, 67, 113, 486  
 Underground stream—Channel defined but not apparent, 101  
 Flooding—Damages—Procedure, 486  
 Dam—Tolls, 113, 486  
 Conveying logs—Riparian proprietor—Vis major, 486  
 Log driving—Obstruction—Recovering before motion—Costs, 599  
 See Timber—Trespass.

**Water rights—**

British Columbia—Gold commissioner—Appeal from, 800

**Way—**

See Right of way.

**Weights and Measures Acts—**

Burden of proof of illegality, 82

**Whist—**

Played for prizes—Gaming, 713

**Will—**

Discretion of executors to withhold and accumulate income, 213  
 Reasonable and desirable time—Failure of object—Scheme, 213  
 Legatee predeceasing testatrix—Rights of husband and children of legatee, 164  
 Ademption of legacy, 287, 704  
 Residuary devise—Lapsed devise, 287  
 Date of vesting, 293  
 Executor—Power to sell real estate—Charge of debts, 355  
 Power to grant easement, 355  
 Codicils—Incorporation, 617  
 Appointment of new trustees—Survivorship, 628  
 Specific legacy—Succession duty, 671  
 Probate—Lost will—Evidence, 783  
 Power of executor to sell or exchange, 786  
 Administration—Conflict of laws.  
 See Gift.

**Will, construction—**

Annuity—Fund for—Resorting to corpus, 36  
 Inconsistent bequests—Bequest of residue, 38  
 Illegitimate children, 63, 285  
 Nomination—Gift to next of kin, 63  
 Use of house and allowance, or alternative benefit—Exercise of judgment, 75  
 Speaking from death—"Now"—Stock in trade—Furniture—Books, 79  
 Devise—Vested estate—Rents—Improvements, 80  
 Charitable legacy—Evidence of intention, 183, 784  
 Direction to keep and maintain—Sup. of sisters, 207, 630  
 Devise for life—Remainder to devisee's children—Estate tail, 161  
 Life estate—Power of disposition—Effect of, 115  
 Remainder to heirs then surviving, 166  
 Survivorship—Disentailing deed, 328  
 Restraint on alienation, 242  
 "All my children"—Children of predeceased child, 291  
 Bearing testator's name, 328  
 Double portions—"Advances on moneys"—Hotchpot, 353  
 Trust for investment—Railway or other public company—Foreign company, 355  
 "Dying at same time," 361  
 "Dying without heirs," 787