

INDEX.

U.

UNDERGROUND WATER,
man has right to pump, from subsoil under his own land, 15.
not actionable when spitefully done to injure neighbour
being lawful act, 15.

UNFENCED SHAFT OR QUARRY, 13.

V.

VIS MAJOR
excuses what would otherwise be actionable, 191, 193.
exceptions, 193.

VOLENTI NON FIT INJURIA, 27, 189.
doctrine of, 189.
inapplicable to breach of statutory duty, 190.
situation of alternative danger, 188.
incurring risks, 27, 28.
not conclusive evidence of, 190.

VOLITION,
how far necessary to tort, 12, 13.

VOLUNTEERS
not in general entitled to recover for negligence of a party or
his servants, 208, 209.

W.

WALL,
party, 272.
trespass to, by sticking nails into it, 267.

WARRANT. See CONSTABLE.

WATER,
causing accumulation of, whereby another's property is injured,
is actionable unless injury caused by *vis major*, 193, 194.
aliter, if caused by fault of a third party, 194.

WATERCOURSE,
damage essential to an action for disturbance of, 246.
disturbance of right to use of, 246.
drawing off underground water, where actionable, 246, 247.
fouling a well, 247.
penning back water in, 247.
prescriptive rights in derogation of other riparian proprietors,
248.
right to use of surface watercourse vested in riparian proprietors,
aliter with regard to subterranean water, 246. 245.
rights may be gained in an artificial, 246.