

WAIVER—Cont.

- is question of fact, 23.
- vendor must show clearly, 23.
- purchaser may be concluded by own acts, 23.
- of objections of purchaser where condition gives right of, upon insistence on objections, 20.
- vendor cannot rescind, 20.
- notice of rescission need not give time for, 21.
- to title, by delay in making requisitions, 25.
- particular, by taking possession, 20.
- of condition for rescission by vendor by replying to purchaser's objections, 21.
- clause to prevent, 21.
- question of intention, 20.

WAY OF NECESSITY, 232. *et seq.*

- defined, 232.
- by implied reservation, 232, 233, 234.
- arise only upon grant of legal estate, 232.
- exists only where grant implied, 232.
- must be actual necessity for, 232.
- does not arise from grantee's own act, 233.
- need not be most convenient to grantee, 233.
- co-extensive with necessity, 233.
- grantor may select, 233.
- grantee may select if grantor does not, 233.
- not destroyed by changing locality, 233.
- right to, measured by necessity of dominant tenement at time of creation, 234.
- grantor may create, by own act, *quere*, 234, 235.
- arises out of implied regrant, 234, 235.
- doctrine of, only applied to title by grant, 300.
- right of, may be united with right of fishery, 222.
- defined, 227.
- may be limited or general, 227.
- how acquired, 227.
- arising by implied grant, 227.
- dedication of by registered plan, 227, 228, 229.
- public, not acquired under R.P.L. Act, 232.
- intention to lay out does not bind grantor, 228.
- not subject of either exception or reservation, 235.
- WIDOW, interest of, in lands saleable by equitable execution only, when, 175.**
- WIFE, separate estate of, Acts relating to, 208. *et seq.***
- may dispose of separate real property without husband's consent, 216.