

WATER POWER.

See "Specific Performance," 2.

WIDOW'S SHARE.

See "Account."

WIFE.

(MISCONDUCT OF—AFTER DECREE FOR ALIMONY.)

See "Alimony."

WILL.

1. A testator, by his will, devised thus: "All the residue of my property, real and personal, I devise to my wife, requesting her to will the same to our children, as she shall think best." The widow devised the whole of the property to one child out of a number.

Held, that the words used were directory, not precatory only; that the power reposed in the widow was not properly exercised, as she was bound to divide the property among all the children, although she might, in her discretion, give personally to one and realty to another.

Finlay v. Fellows, 66.

2. A will gave land to the testator's heir-at-law for life with power to appoint the same to one or more of his sons; and declared that the devisee (his heir) was not to alien or mortgage the lot; and that it was not to be attachable by his creditors:

Quære, whether this power was a naked power, or created a trust in favor of the devisee's sons.

McMaster v. Morrison, 138.

3. The testator left two unsigned and undated scraps of paper, on one of which he had written, "I leave the whof of my personal property (on one line) to William Brown, Townhead, Arbuthnot, by Fordoun, Scotland, \$2000; and on the second scrap of paper he had written, "I give Peter Cran \$500 for himself," which were admitted to probate as the last will of the deceased.

Held, that there was an intestacy as to the residue of the personality over and above the \$2,500 mentioned in these bequests.

In re Nelson—McLennan v. Wishart, 199, 512.