

**War—**

*See* Insurance.

**Ward of Court**

*See* Infant.

**Watercourse**

Injury by flooding—Damages—Costs, 551

Dams—Erection and maintenance—Tolls, 551

Lumbermen using, 551

*See* Riparian rights.

**Water record, B.C.—**

Ditch—Boundary line of United States, 515

**Waterworks—**

Use of water for business or domestic purposes, 338

**Way—**

*See* Crown—Highway—Right of way.

**Weights and measures Act—**

Burden of proof—Voluntary payments—Recovery back, 601

**Will—**

Capacity of testator—Undue influence, 21

Insane delusion, 370

Locus standi of executors to apply to Court to determine construction, 81

Execution—Presence of witnesses, 191

Mistakes and defects in, considered, 343, 390, 758

Testamentary exercise of power—Implied revocation of will, 494

Disappearance of legatee in lifetime of testator—Presumption of death, 530

Beneficiary giving instructions for will, 675

Conditional legacy—Religious liberty—Public policy—Education, 760

Destruction of parts of will and substitution of others after execution

Revocation, 759

Probate of

Foreign feme covert—Appointment of executor, 150

Will torn and pasted together, 190

Necessity for guardian ad litem, 190

Soldier's will, 405

Quebec will—Notarial form, 426

Setting aside after lapse of years, 212

Evidence of parties interested, 212

Executors according to the tenor, 675

Costs—Executors unsuccessfully propounding will, 343

Informal document—Witnesses dead, 676

Will referring to future document—Republication—Codicil, 759

Revocation—Action for—Res judicata—Fraud, 342, 540

Omission of words or clauses, 753

*See* Executor—Heirlooms—Limitation of actions—Power.

**Will, construction—**

Direction to set aside sum and pay income to life tenant, 20

Devise to parent and children—Fee diverted, 30

Gift to illegitimate children, 69

Devise of "all real estate" and "all leaseholds," 69

Condition—Vested estate subject to divertment, 81

Survivor, 151

Request of leaseholds by foreigners—Conflict of laws, 192

Estate in special tail—Shelley's case, 193

Gift of income—Use of capital if income insufficient, 193

Dower—Election—Annuities—Intestacy—Balance of estate, 201

Vendor and purchaser—Debt charged on land, 203