

**Mortgage—Continued.**

- power of sale—execution creditor — fraudulent conveyance, 58.
  - meaning of "assigns", 70.
  - costs of mortgagee, 71.
    - of mortgagor on bill for account, 351.
  - account—evidence, 77.
  - application under rule 322, O. J. A. 79.
  - merger of, in judgment, 89.
  - consolidation of, 55, 121.
  - insolvent act, 1864—trustee, 93.
  - possession by husband and wife, 93.
  - equitable—foreclosure of, 145.
  - reference—costs, 157.
  - dispute note—judgment on proceipe, 188.
  - owner of equity of redemption taking assignment after foreclosure, 210.
  - sale instead of foreclosure—infants—ejectment, 211.
  - tenant for life may redeem, 228.
  - tenant for years may redeem, 228, 316, 337.
  - priority—notice, 229.
  - second mortgagee—power to distrain, 245.
    - purchase by, under power in first, 245.
  - redemption—nature and effect of, 337.
  - deed intended to operate as, 333.
  - covenant—forfeiture, 371.
  - assumption of, by purchaser, 227.
  - short form—added words—construction of R. S. O., ch. 104, 402.
- Municipal law.**
- by-law to take gravel for street repairs, 15.
    - for railway purposes, 50, 315.
    - remedy if invalid—action or mandamus, 50.
  - as to weight of bread, 93.
  - as to cows in cities, 314.
  - municipal works—nuisance to highway, 105.
  - injury to health, 105.
  - closing travelled road—other convenient access, 208.
  - assessment for pavement, 224.
  - sinking fund—arrear—mandamus, 276.
  - railway aid—mandamus, 315.
  - index to act of 1883 by Mr. Bell, 335.
  - see Assessment—Drainage Acts—Voters List.
- Nationality,**
- children of British subjects born abroad, 125.
- Negligence,**
- driving ox thro' street, 69.
  - contributory—highway out of repair, 172.
    - helping oneself in druggists shop, 329.
  - in use of firearms, 284.
  - sale of poisons, 291.
  - see Lord Campbell's Act—Mercantile Agency—Railways.
- New trial,**
- conflict of evidence—mistake in law, 92.
  - see Interpleader.
- Nonsuit—see Division Courts.**
- Normal School,**
- penalty for refusal to teach, 178.
- Notice of action—see Justice of the Peace.**
- Notice of trial,**
- regularity of—given by one of two defendants, 235.
  - when trial postponed by order, 352.
- Obstruction,**
- of right of way—pleading, 206.

**Official Assignee—see Insolvency.**

**Official Referee,**

form of report, 110.

**Ontario Judicature Act—see Judicature Act.**

**Onus probandi—see Evidence.**

**Osgoode Hall Library,**

latest additions to, 175, 194, 278, 299.

**Osler, Mr. Justice,**

appointment to Court of Appeal, 377.

**Partition—see Tenant for life—Trustee—Wills.**

**Partnership,**

contract by partners—costs, 209.

giving time to principal—accounts, 275.

action against in firm name—amendment, 370.

**Patent,**

infringement—injunction, 57.

combination—non user of one part, 57.

sale of right to territory, 57.

re-issue of, 156.

first inventor in Canada, 274.

forfeiture—jurisdiction, 274.

manufacture before application in Canada, 274.

sale of—renewal, 294.

**Payment into court,**

not unless counter-claim frivolous, 389.

**Penalty,**

statutory—crown and common informer, 322.

**Pleadings,**

admissions in answer, 96.

recovery of land—counter-claim, 135.

novel method of pleading, 378.

**Police Commissioners,**

jurisdiction—cab licenses, 15.

**Power of appointment,**

by will, 124, 230.

**Practice,**

endorsement of writ for overdrawn account, 19.

dismissing action after once taken to trial, 33.

attachment of debts on reference, 97.

leave to deliver reply after time, 98.

service on wrong person—costs, 19.

out of jurisdiction, 98.

on infant defendant, 234.

substitutional—rule 34, O. J. A., 117.

new rule as to hours of, 398.

reference under C. L. P. A., s. 189, 138.

referee—report to judge setting aside, 207.

minutes of judgment—varying, 140.

right to insist on evidence being heard, 145.

consolidating conflicting applications, 158.

adding parties as defendants, 158.

payment into court in satisfaction, 208.

verdict—motion for judgment on—new trial, 224.

motion under rule 80—stay of proceedings, 252.

oral evidence in support of Chamber motion, 261.

cross-examination on affidavit, 273.

petition to open publication, 351.

undertaking to produce client, 333.

costs—entry of record—clerk's fees, 372.

admission of claim—payment into court, 389.

absence of one judge when judgment delivered,

by Court, 402.

see Appeal—Counterclaim—Ejectment—Trial.

**Practice cases,**

notes on by Lefroy & Cassels, 217, 337.

**Principal and agent,**

illegal contracts, 104.

agent selling lands, 123.

sale by agent—undisclosed principal, 223.