#### Master and Servant-

Restraining clerk from publishing master's letters, 26
Magistrate's power under Act to allow witness' fees as costs, 244
Division Court no power to give costs of appeal, 244
Negligence—Servant of one person hired by another, 102, 165, 532
Independent contractor, 385
Defect in plant, 388, 708
Risk voluntarily incurred, 708
Yearly hiring—Wrongful dismissal, 459, 460

Dismissal for one act of disobedience, 619
Injury to workman on way to work, 707
Accident arising out of employment, 707
Nec Railway—Restraint of trade—Workmen's Compensation Act.

## Mechanics lien-

Costs—Stay for appeal as to, refused, 315 Sec Appeal.

## Medical practitioner ---

Agreement not to practice-Breach, 610

# Member of Parliament-

See Discovery.

## Milk-

Sec Adulteration.

#### Milldam-

Accident from breaking of Liability Easement, 646

## Mines and Minerals-

Initial post in United States, 122
Adverse claim —Affirmative evidence, 285
Right to follow vein - Injunction—Inspection, 254
Prosecution of action with reasonable diligence, 318
Defective location—Curing irregularity, 471
Location of posts - Points of compass - Defective marking —Waiver, 542
Partner holding miner's certificate, 489
Overlapping locations - Abandonment and re-location, 653
Reservation in grant, 711

# **M**inor—

Sec Infant.

#### Mistake-

Money paid under Recovery back, 169, 637, 679 Appropriation of payments, 276 Payment by, to officer of court, 620, 679 See Arrest- Vendor and purchaser.

### Misappropriation-

See Trusts and trustee.

#### Misrepresentation-

Action for, against representative of deceased, 302 See Deceit Landlord and tenant—Trade mark.

# Money in Court-

# Mortgage-

Implied power to mortgage, 63
Assignment of equity—Covenant of indemnity—Right of mortgagee on, 164
Covenant in mortgage, 164
Purchaser of equity of redemption—Indemnity—Administrator or mortgagor, 453, 600
Of equitable interest—Notice to trustee—Limitation over, 267
Construction—Payment by instalments—Interest—Acceleration clause, 388