

Falconbridge, C.J. K.B., Street, J., Britton, J.]  
DAVIS v. HURD.

[June 12.]

*Costs—Judgment for—Construction of judgment—Action of slander—Plaintiff failing on some slanders alleged, and succeeding on others.*

Judgment in an action for slander provided "That the plaintiff do recover against the defendant in respect of the matters set forth in the third and fifth paragraphs of the statement of claim the sum of one dollar and costs to be taxed."

*Held*, affirming the decision of MEREDITH, C.J., that the Taxing Officer rightly taxed under the judgment of the plaintiff the general costs of the cause, except so much of them as were occasioned by the causes of action upon which he failed, and to the plaintiff only the costs of the issue upon which he succeeded, the latter being set off. *Sparrow v. Hill*, 7 Q.B.D. 362, 8 Q.B.D. 479, followed.

Afterwards, June 30th, 1902, per OSLER, J.A., leave to appeal to the Court of Appeal should not be given.

*L. McCarthy*, for defendant appellant. *C. A. Moss*, for plaintiff.

Britton, J.]

IN RE CHAPMAN.

[June 17.]

*Will—Construction—Gift "during natural life"—Absolute interest.*

A testator gave \$500 to A.S. but limited the disposition of it so that she got for her own use absolutely only the interest upon it. He provided that at her death this \$500 was to be given to her eldest son, E.C.S. and that he could use this sum "for his natural life." Then the testator purported to give to his wife all that remained after the \$500 was taken out, but he limited her for her own use absolutely to the interest only, and when the capital should be no longer needed to earn interest for his wife he gave it to certain persons named, and in all cases "for their benefit during their natural lives."

*Held*, that the testator intended to dispose of all his estate and had carried out his intention by a payment over of the \$500 after the death of A.S. and by a division of the rest after the death of his wife; and that the sum of \$500 was an absolute gift to E.C.S., and upon the death of his mother he was to be entitled to it absolutely; and the testator did not die intestate as to any portion of his estate.

*Maclaren*, K.C., for executors of Chapman. *Rowell*, for executor of widow. *Harcourt*, for infants.

Street, J.]

MACDONELL v. CITY OF TORONTO.

[June 25.]

*Local improvements—Petition for—Sufficiently signed—Exempt property—Value—Land—Buildings—Real property—Municipal Act—Assessment Act.*

A petition for local improvements is sufficiently signed under section 668 of the Municipal Act when signed by six out of nine owners to be