

JUNE 12TH, 1902.

DIVISIONAL COURT.

PEGG v. HAMILTON.

*Mortgage—Collateral Security—Promissory Notes—Payment.*

Appeal by plaintiff from judgment of ROBERTSON, J., dismissing the action brought on a covenant to pay in a mortgage dated 20th October, 1888, given by defendants to plaintiff as collateral security for the payment of certain promissory notes.

C. C. Robinson, for plaintiff.

T. H. Lennox, Aurora, for defendants.

THE COURT (STREET, J., BRITTON, J.) held that the evidence established that the notes had been paid. Judgment below dismissing the action with costs and directing a discharge of the mortgage affirmed and appeal dismissed with costs.

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DIVISIONAL COURT.

DAVIS v. HORD.

*Costs—Taxation—Apportionment—Proper Method of—Slander Action—Issues—Failure of Some—Success of Others—Set-off.*

Appeal by defendant from order of MEREDITH, C.J., dismissing defendant's application for order to review taxation of local Registrar at Stratford, and appeal from certificate of taxation of local Registrar, upon the ground that the principle upon which said taxation is based is wrong, i.e. that the taxing officer declined to allow defendant his full costs of the action under the judgment of the trial Judge. Action for slander, in which four separate claims are made for alleged slanders on different occasions. By the judgment the plaintiff recovered against the defendant in respect of the matters set forth in the third and fifth paragraphs of the statement of claim, the sum of \$1 and costs to be taxed; and the defendant recovered from the plaintiff in respect of the matters set forth in the fourth and sixth paragraphs of the statement of claim, his costs to be taxed. It was claimed for the plaintiff that he is entitled to the general costs of the action except so much of it as was occasioned by or referable to the causes of action upon which he has failed, with a set-off to the defendant of his costs of the issues upon which he has succeeded; while the defendant contends that the plaintiff should recover one-half only of the costs of the action against which he (the