

Under the circumstances, no claim having been made for the money, and the owners of the land having no knowledge of where Philip Gallagher is, if living, I deem it right that the costs should be deducted from the full amount of the claim.

Upon payment of the said sum of \$383.13 into Court in this matter on or before the 4th June, 1912, there will be a declaration that the said lands above-mentioned, being all the lands charged by Margaret Gallagher with the payment of \$300 to Philip Gallagher, shall be freed from that charge and incumbrance.

There will be reserved to the applicants, and to each of them, the right to make an application at any time for payment out of Court to them, or either of them, of the said money or any part thereof, whether by reason of the death of Philip Gallagher or for any other cause—upon such facts and material as they may be advised may warrant any such application.

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DIVISIONAL COURT.

MAY 22ND, 1912.

HOLLAND v. HALL.

*Slander—Words not Actionable without Proof of Special Damage—"Held the Town up"—Innuendo—Criminal Charge—Misfeasance in Office—Several Slanders—No Evidence for Jury in Support of some—General Assessment of Damages—New Trial on one Charge—Action Dismissed as to others.*

Appeal by the defendant from the judgment of KELLY, J., in favour of the plaintiff in an action for slander, the defendant seeking to have the action dismissed or a new trial ordered.

The appeal was heard by BOYD, C., LATCHFORD and MIDDLETON, JJ.

R. McKay, K.C. and J. H. Coburn, for the defendant.

E. S. Wigle, K.C., and J. H. Rodd, for the plaintiff.

The judgment of the Court was delivered by MIDDLETON, J.:—The action is for slander. Five distinct counts are set out in the statement of claim. At the trial the case was submitted generally to the jury, and they returned a verdict in favour of the plaintiff for \$1,000. The defendant has throughout contended that the slanders set forth in paragraphs 4, 5, 6,