

As to the costs of the reference, the general rule must prevail: the plaintiffs were entitled to the general costs of it; and, if there was any part of it upon which the plaintiffs failed, they must pay any separable costs of it, to be set off against the plaintiffs' costs.

The report and the judgment on further directions will be varied in accordance with these rulings.

The plaintiffs must pay the costs of this appeal and of the appeal to Sutherland, J., less the separable costs of the grounds of appeal on which the defendants failed, which the defendants must pay, fixed at one-fourth of the amount of the defendants' costs, so that in the result the defendants will get three-fourths of their costs of the appeals.

The other members of the Court concurred, RIDDELL and MASTEN, JJ., each giving written reasons.

Appeal allowed in part.

SECOND DIVISIONAL COURT.

FEBRUARY 4TH, 1916.

*STONEHOUSE v. WALTON.

Deed—Release of Interest in Land—Voluntary Deed—Action to Set aside—Lack of Independent Advice—Undue Influence—Laches and Acquiescence.

Appeal by the plaintiff from the judgment of SUTHERLAND, J., 35 O.L.R. 17, ante 222, dismissing without costs, on the ground of laches and acquiescence, an action to set aside a deed executed by the plaintiff releasing an interest in land devised to her by the will of the defendant's mother.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and MASTEN, JJ.

W. Laidlaw, K.C., for the appellant.

J. E. Jones, for the defendant, respondent.

MEREDITH, C.J.C.P., delivering judgment, said that the judgment of the trial Judge was sought to be supported upon the ground that the transaction was a valid one, and the Judge's finding in that respect erroneous, as well as upon the ground upon which he based his decision—the plaintiff's laches and acquiescence.