

SEPTEMBER 23RD, 1904.

DIVISIONAL COURT.

PUGH v. HOGATE.

*Costs—Taxation—Distribution between Plaintiff and Defendant — Plaintiff Failing on one Claim and Succeeding on Another—Jurisdiction of Taxing Officer—Objection—Waiver.*

Appeal by defendant from order of ANGLIN, J. (3 O. W. R. 799), allowing appeal by plaintiff from taxation of defendant's bill of costs by the senior taxing officer at Toronto.

Grayson Smith, for defendant.

C. A. Moss, for plaintiff.

THE COURT (MEREDITH, C.J., IDINGTON, J., MAGEE, J.), dismissed the appeal with costs.

SEPTEMBER 23RD, 1904.

DIVISIONAL COURT.

STROUD v. SUN OIL CO.

*Partition—Summary Judgment — Local Master—Appeal—Question of Title—Independent Title of Defendants—Direction that Action be Brought.*

Appeal by plaintiff from order of BRITTON, J., in Chambers (3 O. W. R. 806), allowing appeal from a summary order for partition and directing that an action be brought.

J. Dickson, Hamilton, for plaintiff.

W. M. McClemon, Hamilton, for defendants.

THE COURT (MEREDITH, C.J., IDINGTON, J., MAGEE, J.), dismissed the appeal with costs to defendants in any event in the action to be brought, and extended the time for bringing the action.