

MAGEE, J.:—I dismissed the appeal except as to the item of stenographer's fees on the reference before the local Master at Ottawa. . . .

Canadian Bank of Commerce v. Rolston, 4 O. L. R. 106, 110, 1 O. W. R. 351, does not help Mr. Code, as there the judgment itself deprived plaintiff of costs.

As to the stenographer's fees, it was stated by counsel that they had been incurred by consent of parties. If so, Rule 1143, as amended by Rule 1270, authorizes the allowance, on the certificate of the local Master. I have nothing to shew whether or not such consent was given, and cannot say that the taxing officer was wrong. The reasons for that officer's allowance of the various items was not before me. If plaintiff files the Master's certificate under Rule 1143, the appeal will be dismissed on this ground also, and the dismissal will be with costs. If such certificate be not filed, it should be shewn under what circumstances the stenographer was called in, and whether his fees were paid by the Master or by plaintiff; and the matter may be spoken to again.

MAGEE, J.

JUNE 18TH, 1906.

CHAMBERS.

RE GREER, GREER v. GREER.

Costs—Administration Proceeding—Taxed Costs in Lieu of Commission—Special Circumstances—Consent.

Motion by plaintiffs, on consent of all parties, for an order allowing taxed costs in lieu of the usual commission in a proceeding for the administration of the estate of Thomas Greer, deceased.

Grayson Smith, for plaintiffs.

MAGEE, J.:—The Master's certificate does not shew any unusual proceedings or difficulties such as arose in Wright v. Bell, 16 C. L. T. Occ. N. 193. The adding of parties, advertising for creditors, considering claims, and sale of lands, and examination of accounts, are the most ordinary experiences. It is stated that the executors' accounts were