

Plaintiff is, therefore, in the position of a bare licensee, to whom no duty is owing, unless the accident happened by reason of some unusual danger known to defendants and unknown to plaintiff, which is not this case.

On the motion for nonsuit, I therefore dismiss the action—under the circumstances without costs.

---

OCTOBER 28TH, 1907.

DIVISIONAL COURT.

PLENDERLEITH v. PARSONS.

*Costs—Taxation—Copy of Shorthand Evidence Taken in Master's Office—Allowance between Party and Party.*

Appeal by plaintiff from order of RIDDELL, J., ante 387, allowing an appeal by defendant from the taxation by the senior taxing officer at Toronto of defendant's costs of an action for redemption, and allowing as part of defendant's costs the expense of procuring a copy of the notes of evidence taken in the Master's office.

T. Hislop, for plaintiff.

H. E. Irwin, K.C., for defendant.

THE COURT (MULOCK, C.J., BRITTON, J., CLUTE, J.), dismissed the appeal with costs.

---

OCTOBER 28TH, 1907.

DIVISIONAL COURT.

RE CASHMAN AND COBALT AND JAMES MINES LIMITED.

*Mines and Minerals—Mining Claims—Contest—Decision of Mining Commissioner — Appeal — Weight of Evidence — Right of Claimant whose Claim has Failed to Appeal against Allowance of Rival Claim—"Any Licensee or Person Feeling Aggrieved"—Mining Act, secs. 52 (3), 75.*

Appeals by the Cobalt and James Mines Limited from a decision of the Mining Commissioner finding against the