

Defendant inserted in his bill an item: "Attending to pay for notes of evidence, 50 cents, and paid \$29.25." This was disallowed by the taxing officer, and defendant appeals.

It was stated before me that the taxing officer rejected the item because he considered that . . . *Re Robinson*, 16 P. R. 423, prevented him allowing such an item in any case in the Master's office. . . . *Re Robinson* . . . did not, I think, decide what has been suggested. . . .

Where the evidence is taken in shorthand, it is impossible for any counsel that I know of to take "such notes of the evidence as he may require, as the case proceeds." *Crede experto*. And this is a fortiori if the evidence deals with a number of small items, and still more so if the evidence has been taken from time to time over an extended period.

No general rule can be deduced from *Re Robinson*, at least where the evidence is not taken in longhand.

I have examined the proceedings and availed myself of such information as could be furnished me by the stenographer in the office of the Master. From such inquiry I am of opinion that the evidence was properly ordered, and that the costs thereby incurred "were necessary and proper for the attainment of justice and defending the rights of the" defendant.

I see no good reason why such evidence should not be allowed (under the practice in vogue) in the Master's office—as it may be to counsel under other circumstances: see *Gage v. Canada Publishing Co.*, 19 C. L. J. 175, 3 C. L. T. 267, a judgment of Proudfoot, J., after consultation with Boyd, C.

The price seems to be right.

The appeal of defendant will be allowed with costs, which may, at his option, be added to his claim.

Plaintiff also appeals, his appeal covering some 30 items in all.

1. Attended by plaintiff's solicitor on inspection by him of our productions . . . \$4.00

Of this \$2 was allowed. The objection is based upon . . . *Brown v. Sewell*, 16 Ch. D. 517. . . . In respect to this decision it is to be observed that there was no tariff item allowing costs for attending on such inspection: see *Wilson's Judicature Act*, 2nd ed. (1878), pp. 459-462. Nor