

RIDDELL, J.

JULY 8TH, 1907.

CHAMBERS.

PLENDERLEITH v. PARSONS.

Costs—Taxation—Copy of Shorthand Evidence Taken in Master's Office—Allowance between Party and Party—Counsel Fees—Subpoena—Letters, Attendances, and other Items.

Appeal by plaintiff and cross-appeal by defendant from the taxation by the senior taxing officer at Toronto of defendant's costs of an action for redemption.

T. Hislop, for plaintiff.

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

RIDDELL, J.:—This was an action for redemption, resulting in a judgment for redemption, which involved the taking of the mortgage accounts in the office of the Master in Ordinary. Considerable oral evidence was given, beginning 13th November, 1905, continuing 14th November, 8th December, 5th February, 1906, 7th February, all before the Master in Ordinary, while the evidence of one witness was taken at her house 22nd November, 1905, before Mr. Bastedo, appointed for that purpose by the Master.

In all evidence was taken down in shorthand, which upon being extended fills 193 pages of typewriting. I cannot say that defendant is responsible for any unnecessary or improper evidence. At the close of the sitting of 5th February, Mr. Irwin, counsel for defendant, said: "Might I suggest to your Honour that a day be fixed now with reference to the time when Mr. Bastedo may be able to produce extended notes of the evidence. I think it is absolutely necessary, in view of the importance of some of the points." The Master: "Very good—I will adjourn it until this day fortnight."

No objection was raised to this by counsel for plaintiff; the evidence was ordered, and, according to the usual practice in the Master in Ordinary's office, one copy was furnished for the Master and one for the counsel ordering the copy, a charge of 5 cents per folio being made to cover both.