

## STENOGRAPHERS' NOTES AS EVIDENCE.

**M**MR. JUSTICE RAMSAY in the Court of Appeals in Montreal, the other day, pronounced an elaborate judgment as to the admission in evidence of a Stenographer's notes. The case was one sent up from the Court of Queen's Bench. The defendant committed perjury as a witness in the Superior Court. His evidence there was taken by a stenographer, who was sworn, but with regard to whom the Court had not been formally desired to take the evidence. The stenographer in the trial for perjury had also been examined as a witness with his notes, and established from memory that the accused swore to the effect set forth in the notes. Now the points to be decided by the Court of Appeals were, 1st. Whether the stenographer was properly sworn; 2nd. Whether the notes of evidence can be used in the manner described; 3rd. Whether the stenographer can be examined as to what the accused said.

As to the first point, it was admitted that the stenographer had been sworn, and the objection that the Court had not been desired in writing to have the evidence taken was not in this case of any point. Secondly: If the offence were committed there must be the means of proving it. The record was not null. It produced all the effects it was intended to have, and its authenticity was quite as great as if the formality of a demand in writing had been made. It was then said that if it was the record of the oath, it was proof alone, and the evidence of the stenographer should not have been taken. It seemed that the dictates of the most ordinary common sense left no reason to doubt that the evidence of the stenographer was not only admissible, but was absolutely necessary. To admit these unsigned notes alone would be to permit the establishment of a new rule of evidence in criminal matters without the authority of Parliament. The defendant, therefore, was rightly convicted.

Justice Monk dissented on the first point, holding that the stenographer had not been properly sworn.

Chief-Justice Dorion concurred in the conviction because the perjury had been established by witnesses.

We may add that in this Province the testimony of a stenographer is admitted as verifying the transcript of his notes, and the transcript, or any portion of it, bearing on the case in point, is thus made a part of the case. The question does not arise as to whether the stenographer has been sworn, for the testimony is given, not as that of an expert who, because he has been sworn, can do no wrong, for official reporters enjoy no such immunity as doth hedge a king. The stenographer takes the stand as a witness who has both heard and written the statements made, and which are in question in the case; and no witness who had not written down the statements as he heard them could effectually break down the testimony given by the scribe. It is premising, of course, that the scribe be an

honest, faithful one, as all—well, nearly all—actually are.

The position of a stenographer in the witness box is somewhat new in this Province, but the view taken in our Courts is that "common sense" one referred to by Justice Ramsay, that the transcript of the notes without the stenographer's oath to stamp and approve them are absolutely valueless.

We do not now allude to proceedings in the Court in which the notes were taken, for the rules provide in such cases that the written certificate of the stenographer stamps the transcript with authority, and he is not, therefore, called and sworn.

Many cases which the stenographer is called upon to report, involve life or liberty and hence his position is one of great responsibility. Each present and would-be reporter may profit by considering this feature of his work.

## REPORTING AND THE TELEPHONE.

The London, Eng., correspondent of the *Toronto Globe* says:—The *Times* has succeeded in making a practical use of the telephone. Owing to the late hour at which it has become the practice to deliver important speeches in the House of Commons, it has been found impossible to give more than a very hasty and brief abstract of the addresses spoken by hon. members in the early edition of the *Times*, published about 4:30 every morning to send away to the country. To try and remedy this state of things, type-setting machines, by which 100 lines an hour—or more than double the rate of hand work—can be set up, have been made use of for some time. But the latest addition to the appliances in use is the telephone special electric wires, which are laid down between the *Times* office and the House of Commons. Belle's loud speaking telephone is employed. The reporter in the House takes down the speech in his note book and then reads it slowly through the telephone to the compositor in the *Times* office, who sets up, by means of the machine referred to, every sentence as read, and in this way the *Times* is able to give full reports of speeches delivered in the House as late as 2 a.m. A short article appears in the leading journal to-day on the subject written by Mr. Mowbray Morris, and he concludes his *communique* by stating his opinion that before long it would be possible to use the telephone for reporting speeches in every part of the Kingdom. "Our predecessors," he says, in former times endeavoured to supply early intelligence by methods which before long will be superseded, and it seems not unlikely that the fully written manuscripts of the experts may be gathered before long to the special steamers and the relays of post-horses which were the instruments of the greatest enterprise of the last generation." The *Times* also receives news through Reuter's agency and sets it up by the composing machine in the same manner.

Another correspondent says:—The type matter of the London *Times* is now largely set by

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