

writing and filed in the court-house, remaining there for reference if necessary.

4th—That the notes should be read to the witness in the presence of the Judge, and identified by him, or by the prothonotary.

5th—That the fees paid for stenography should belong to the Crown, and that the stenographer, as an officer of the court, be paid a salary at the rate of \$2,000 per annum.

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Professor of Civil Procedure.

MONTREAL, 6th December, 1878.

A STENOGRAPHER'S VIEWS.

To the Editor of THE LEGAL NEWS:

SIR,—Although I do not wish to occupy an unremunerative space in your valuable paper, still, the subject upon which I desire to express an opinion is, *per se*, of such importance to myself and *confrères*, as to be an apology for requesting insertion of the following.

I have observed with satisfaction that the recent reduction of Stenographers' fees has not only drawn forth remarks as to the inadvisability of doing so, (if a standard of reporting is to be upheld), but that, also, your observations have been endorsed by many others, and even articles have been the result of your comments.

It may be said that my statement will be one of partiality, but cannot the same be said with respect to the Advocates who have shown themselves as rather desiring "cheap" than competent labour?

It is said by an "old Stenographer" "that it "is not an uncommon thing at all for the stenographers' fees in a case to amount to half "the costs of the suit." Why is this? If an advocate takes a whole day by means of phonography to prove his case, how long would it occupy him were he to proceed by that ancient, peculiar, and anything but satisfactory *enquête* system, where a long-hand writer is but a mere tool in the hands of the lawyers, and, at times, what purports to be a deposition of a witness, is nothing more nor less than an indefinable concoction of the learned counsel. Again, an advocate's time is precious, at least, we are told so by them all, and they all concede that the stenographic system is advantageous and indispensable. For, where they would be occupied a week in taking evidence by long-hand, the

same amount by short-hand could be taken in a day, if not less; and, then, the deposition is the evidence of the witness as the law and justice intends it should be. The lawyer, then, in the five days remaining over, by adopting the speedy method, is able to proceed with his other cases, or attend at his office and rake in his consultation fees.

Every one knows the life of a reporter is anything but one of the healthiest of occupations, and the strain on the nerves to sit through a case all day, and then at night the transcribing of his notes tends to anything but his longevity.

With regard to the fees being sometimes \$30, \$40, or even \$50 in a case, I may say that a reporter would think himself lucky if he could calculate upon getting three or four cases a month at an average of \$40. It may be said, that is too high a figure to pay a stenographer. Why, Sir, the gentleman may be married, with a family to support, and have the same appreciation of the necessaries and even the delicacies of life as a lawyer. Also, it is supposed by some lawyers that Reporters as students should not be rewarded with an equivalent to a lawyer's income. My pretension is this, if a reporter is competent to discharge the duties so onerously devolving upon him, a just *quantum meruit* should be his reward. Take, for instance, the reporting of an election case, where the slightest error or mistake would be prejudicial, if not fatal, to a man's interests, and is it not absolutely imperative to get the best available talent. In England, of course, there are a great many shorthand writers, but it is obvious that a shorthand writer may be anything but a *verbatim* reporter, which is essential to the correct and accurate photographing of a case. And in England the fees to a competent person are £1. 1s. a sitting, or £2. 2 0 if a long one, and 10d a folio of,—in some cases—76 and at most 100 words. In Montreal, among 176,000 people there are a greater number of able lawyers than *pro rata*, efficient phonographers. It must be borne in mind also that there is little or no work done in December, March, June and September, owing to the Court of Appeals sitting; January but three or four days; July and August is vacation, and the remainder of the year there are but about 16 days in each month where there is a chance of getting cases, and when they come to be divided up between each lawyer's office shorthander,