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THE ENQUETE SYSTEM.

We have been informed that the use of stenography for the purpose of taking evidence in the Courts has not in every instance proved satisfactory to those who have resorted to it. The inconveniences to which our attention has been directed, and which have reference particularly to Montreal, consist chiefly in the difficulty of checking errors in the notes taken by the stenographers. As counsel cannot at the time read or supervise what is taken down, mistakes, it is said, may occur in the notes and may pass undetected until too late for rectification. Apart from inaccuracies which may occur in the original notes, there may also be mistakes in the transcription, and the original notes are not filed, and even if accessible, would not be legible to other short-hand writers. It is also remarked that writers are of varying degrees of accuracy, and some are far from prompt in extending their notes for use in the case.

If the system of stenography has not done all that its enthusiastic admirers anticipated, there is no occasion for surprise, for we are inclined to think that the expectations entertained at the outset were in some respects unreasonable. Stenography is simply rapid writing, and its use does not preclude errors arising from imperfectly hearing what is said, or misconceptions proceeding from imperfect acquaintance with the subject. In some of the discussions which preceded the introduction of stenography, it seemed to be supposed that because evidence could be taken down rapidly in short hand, therefore the words of the witness must necessarily be exactly photographed. But a moment's reflection is sufficient to show that entire accuracy cannot be guaranteed. The senses are imperfect, and a word or two may be incorrectly heard, whereby the meaning of the witness is misunderstood. How often, in the course of a trial, are counsel at war as to what a witness has actually said, and this within a few moments after the words have been uttered! It is no inconsiderable merit of stenography that in such cases a

reference to the short-hand notes is generally accepted as final.

The question is not whether stenography is absolutely perfect, but whether it is not an improvement upon the old time system. It will be admitted, we think, by all, that in certain classes of cases it is a vast benefit to have the aid of a stenographer, and few would willingly forego the advantage. That there are some imperfections in the system of stenography is quite true. There are imperfections in almost all human contrivances. But just as printing is a vast improvement over the old system of multiplying copies by hand, and printer's errors are few compared with the blunders which will be found in almost all written documents, so short hand in the Courts has proved of immense advantage. It must not be forgotten, too, that witnesses have an opportunity to correct their testimony when the notes are read over to them, and it is not to be assumed that a witness, especially if hostile, will permit a material deviation from what he said to pass unnoticed.

The whole subject is one of great practical importance, and on another occasion we may return to it. In the meantime it would be useful if those who have had large experience both under the old and new systems, would state the results of their observation, and point out wherein they conceive the present practice is defective.

A case involving a novel point of law was decided by the County Court of San Joaquin county on the 4th ult. A jury in a civil case while out deliberating was taken by the sheriff to a restaurant to eat. As the county had refused to pay for feeding juries in civil cases, the sheriff told the restaurant keeper to collect from the jurors. Of this, however, the jurors had no knowledge. One of the jurors refused to pay for his meal, and was sued by the restaurant keeper. No express promise to pay was proved. The court held that, under the circumstances of the case, the law would not imply a promise on the part of the defendant to pay for what he ate, and gave judgment in his favor.