evidence and proceedings, for the statute says he shall "take, or cause to be taken," full notes, &c. It must be that the notes were taken by stenographic signs or symbols.

No doubt, enactments regulating the procedure in courts seem usually to be imperative, and not merely directory. *Maxwell on Statutes*, 456; *Taylor* vs. *Taylor*, L. R. 1 Ch. Div. at p. 431. But the force of the objection depends upon what is meant by the word "writing." In proceeding to consider it, I am not conscious of being in any way prejudiced, from the circumstance that I am myself a stenographer. The statute does not specify any method or form of writing, as that which is to be adopted. "Writing" is, in the Imperial Dictionary, said to be "The act or art of forming letters or characters, on paper, parchment, wood, stone, the inner bark of certain trees, or other material, for the purpose of recording the ideas which characters and words express, or of communicating them to others by visible signs." In the same work, "to write," is defined thus, "To produce, form or make by tracing, legible characters expressive of ideas," Is not stenographic writing the production of "legible characters expressive of ideas"? The word is formed from two Greek words, "stenos" and "graphô," and means simply "close writing." If the objection is a good one, it must go the length of insisting that the notes must be taken down in ordinary English characters, in words at full length. If any contractions or abbreviations were made, the objection would have quite as much force as it has to the method adopted in this case.

Re Stanbro, 1 Man. L. R. 325, was an entirely different case. It was one under the Extradition Act, and the evidence was taken in short hand, as is usual on a trial. The Court held, that the reporter's notes extended, which were produced before it, on the argument on the return of a writ of *habeas corpus* obtained by the prisoner, could not be looked at, and that there was really no evidence. But the Court so held, because the provisions of the 32nd & 33rd Vic. c. 30, s. 39, were applicable to the mode in which the evidence should be taken in extradition proceedings. That section requires the depositions to be put in writing, read over to the witness, signed by him, and also signed by the justice taking the same. The depositions in the case in question had not been read over to the witnesses, nor signed by them; nor were they signed by the judge who took them, so that clearly the requirements of the Act had not been complied with.

In addition to the objections already dealt with, it was argued that the appellant is entitled to a new trial, on the ground that the evidence adduced proved his insanity, and that the jury should have so found, and therefore rendered a verdict of not guilty.

The section of the statute which gives an appeal, says, in general terms, that any person convicted may appeal, without saying upon what grounds; so there can be no doubt the one thus taken is open to the appellant. The question, however, arises. How should the Court deal with an appeal upon matters of evidence? We have no precedents in our own court, but the decisions in Ontario during the time when the Act respecting new trials and appeals, and writs of error in criminal cases, in Upper Canada (Con. Stat. U. C. c. 113) was in force there, may be referred to as guides. By the first section of that Act, any person convicted of any treason, felony, or misdemeanour, might apply for a new trial upon any point of law, or question of fact, in as ample a manner as in a civil action.

The decisions under the Act are uniform and consistent, and a few of them may be referred to.

The earliest case upon the point, and perhaps the leading case, is *Reg. vs. Chubbs*, 14 U. C. C. P. 32, in which the prisoner had been convicted of a capital offence. In giving judgment, Wilson, J., said: "In passing the Act, giving the right to the accused to move for, and the Court to grant, a new trial, I do not see that it was intended to give courts the power to say that a verdict is wrong, because the jury arrived at conclusions which there was evidence to warrant; although from the same state of facts, other and different conclusions might fairly have been drawn, and a contrary verdict honestly given." Richards, C. J., before whom the case had been tried, said: "If I had been on the jury, I do not think I should have arrived at the same conclusions, but as the law casts upon them the responsibility of deciding how far they will give credit to the wit-