

REGINA v. ERDHEIM.

[CORAM LORD RUSSELL, L. C. J., POLLOCK, B.,
HAWKINS, J., CAVE, J., AND WILLS, J., MAY
2, JUNE 2—Crown Cases Reserved—High
Court of Justice.

*Criminal law—Evidence—Public
examination of debtor—Parol
evidence of shorthand writer—
Bankruptcy Act, 1883, 46 & 47
V. c. 52, s. 17.*

This was a case stated by the Deputy Recorder of Leeds, before whom the prisoner was convicted of certain misdemeanours under the Debtors' Act, 1869. He had been adjudicated bankrupt May 20, 1875, and under the Bankruptcy Act, 1883, s. 17, had been examined on oath on five different days, when the examination was adjourned *sine die*. During his examination a shorthand writer had taken in

shorthand the prisoner's evidence, and had made a transcript of it, but the transcript was not read over to or signed by the prisoner. At the trial parol evidence of the shorthand writer was tendered and received of statements and admissions made by the prisoner in the course of his examination of facts tending to establish the misdemeanours with which he was charged.

The question was, whether that parol evidence was properly admitted or not.

The Solicitor-General (Sir R. B. Finlay, Q.C.), G. J. Banks, and A. W. Bairstow, for the Crown.

C. Mellor for the prisoner.
Cur. adv. vult.

June 2.—The Court held that the shorthand writer's parol evidence was properly admitted.

Conviction affirmed.

THE OUTSIDE JUDGE.

You may sing of the judge, Com-
mon Pleas judge,

Or any judge that you please;
I go for the judge, the nice old
judge,

That knowingly takes his ease,
And looking wise from behind
the bench,

At the rate of six thousand a
year,
Cares not a hair in his sound old
head,

Who goes to the front or rear.

Not his is the bone they are
fighting for,

And why should the judge sail
in

With nothing to gain, but a
chance perhaps

To lose in strife and chagrin,
There may be a few, perhaps,
who fail

To see it quite in this light;
But when the fur flies, I'd rather
be

The outside judge in the fight.

I know there are some—of judges
I speak—

That think it is quite the thing
To take the part of one in the
fight,

And hop right into the ring;
But I care not a hair what any
may say,

In regard to the wrong or the
right,

My judgment goes, as well as my
rhyme,

For the judge that keeps out
of the fight.

—Marshall Brown in *Pittsburg
Legal Journal*.