

SHORT HAND WRITERS—LAW OF MORTMAIN IN THE COLONIES.

evidence is taken down by short-hand writers. The result is equally beneficial to the Judge, to counsel and to suitors. The following observations taken from the *Chicago Legal News* are in point:—

“We fully endorse what Judge Longyear says in his opinion, printed in this issue, in regard to the importance of having the proceedings and evidence, in the federal courts, taken by short-hand reporters. We hope Congress, at its present session, may pass some law that will provide at least for taking the evidence and charge of the judge in short-hand in important cases. Very few cases are tried in the federal courts of this district without the aid of a short-hand reporter. The Chicago bar would as soon think of dispensing with telegraphs and railroads, as short-hand reporters.”

A short-hand writer was employed recently in the Court of Chancery with great benefit.

The advantages of the system we advocate are so many and so obvious, the disadvantages so few, and the expense so trifling that it is unnecessary to go into particulars. The fact is admitted, that evidence given at trials should be taken down, as nearly as possible, verbatim, and by some one other than the Judge, who has more important duties to perform than the manual labour of writing. What he writes is necessarily in the nature of hieroglyphics, which, though sufficiently intelligible to the writer, convey but a faint idea of the evidence really given by the witness to those who endeavour from these notes to obtain an accurate knowledge of what transpired at the trial. If the evidence were taken down by a short-hand reporter, the difficulties as to Judge's notes, which every Barrister at Osgoode Hall is familiar with, would be got rid of. This “looking at the Judge's notes” is a fruitful source of annoyance, perplexity and botheration to all concerned. The Judges can, of course, take what notes they please, and these would be their own private property,

but the reporters' notes would be open to all, upon payment of a fee for copying.

Let a short-hand writer be attached to each circuit; let them attend on special examinations; let them save the time of the Judges in taking down, if desired, judgments from the lips of the Judge which he might revise before delivery. If necessary, let them assist the Law Reporters of the Courts when occasion might require. In a dozen different ways their services might be utilized.

At first there will be a difficulty in obtaining writers who are familiar with legal terms. This, however, will only be temporary, and cannot stand in the way of an improvement on the present system. A change is imperatively necessary, and must come, sooner or later.

The matter of expense is of no practical importance. In fact there would, in the long run, be a saving to the public. We trust the Government of the Province will take such steps in the premises as may be necessary to bring about the desired result.

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(Continued from p. 100.)

The question first arose in the year 1833, as to whether this Statute of 9 Geo. II. c. 36, was in force in this Province. It was discussed in *Doe d. McDonell v. McDougall*, 3 O. S. 180, and although the decision of that case went off on another point, yet two of the Judges expressed their opinion on the constitutional question involved. The Chief Justice, (Robinson, C. J.,) did not consider the Mortmain Acts to be necessarily introduced by the Statute of 32 Geo. III. c. 1., which enacts that in all matters of controversy relative to property and civil rights, the laws of England should be the rule for the decision of the same (Con.