

## The Legal News.

VOL. VII.

JUNE 14, 1884.

No. 24.

### SHORTHAND WRITERS' NOTES.

It appears that the difficulty of securing with expedition an authentic transcript of what the witnesses have said, which is here found to be so formidable, has not been altogether overcome in England. There is often conflict between the shorthand writers' version and the notes taken by the judge. The question then arises, which should be accepted? In a recent case the Court ruled that a preference should be given to the full transcript made by the shorthand writer. Mr. Justice Field, however, emphatically dissents from this opinion, and protests against another Court setting aside his notes in favor of a shorthand writer's, and overruling him on the strength of that proceeding. His lordship insists that his notes are a truer record of the evidence than the shorthand report, for the simple reason that they contain nothing but what is in the strictest sense admissible evidence, and that in its most highly concentrated and pertinent form.

This is a matter determined very much by the circumstances. An inexpert shorthand writer will give his whole attention to the mechanical work of writing, which he will do imperfectly, and hence the sad jumble of words so often found in depositions, and in the factums in appeal. A practised and intelligent shorthand writer is more likely to be correct than a judge who strives to write in long hand with any degree of fullness what the witness is saying, and who will usually be a considerable way behind the witness. But if a judge restricts himself to the salient points of testimony, his record on one of these points should, it seems to us, be preferred to the record of an unprofessional writer; though even in such a case, we admit, it is quite possible that the judge may be wrong and the reporter right. There are a dozen circumstances which are not without importance: the keenness of hearing of one and the other; their position with reference to the witness; facility with the pen, etc.

### NECESSARIES FOR INFANTS.

The *Law Journal* (London) notes a curious case, *Lang v. Guthrie*, tried on the 23rd of May, before Mr. Justice Manisty and a special jury. It was an action by a gunmaker to recover the price of a pistol and two air-guns sold to the defendant. The plea was that the defendant was an infant. It appeared that the defendant ordered the goods while a minor, but the plaintiff having received an intimation that the purchaser was not yet of age, refused to deliver them until the defendant came of age, and then delivery was made upon his written order. The plaintiff, it would seem, was clearly entitled to recover under the circumstances, the fact that an order had been given previously during minority and not acted upon, having no bearing on the case; but the curious feature of the trial is that the jury found that the pistol was a necessary for an infant, and the learned judge is reported as saying that he agreed with the jury! If we had found this case in our contemporary, the *American Law Review*, it would seem quite in the ordinary course of affairs—the juries of Missouri would doubtless cling to so reasonable a doctrine, but for an English jury it is a little strange, and we are inclined to suspect that his lordship at least was not fully understood.

### THE MODERN LEGISLATOR.

The modern Quebec legislator is a remarkable person. Discovering a deficiency in the chest he institutes a commission to find out how to economize. The three commissioners immediately run up bills amounting to several thousands of dollars each, besides liberal drafts for travelling expenses; and the two secretaries do the same. This is only an inquiry as to civil service expenditure—a matter with which the heads of departments might be supposed somewhat conversant. Then grants to charities and similar objects are cut down 20 per cent. But the modern legislator ends by discovering that he is a more distressed creature than hospital patients, and he votes himself as extra pay for the session \$200, or \$17,800, for there are 89 of them—a sum considerably larger than was economized from the hospitals. Herbert Spencer has been studying and writing upon “the sins of legislators.” It is evident that he made a great mistake when he passed by Quebec in the course of his investigations.