

used in the sub-section I have mentioned. The words have no defined legal meaning, but were used to convey a technical meaning in connection with telephone equipment; and, therefore, their meaning must be proved by witnesses competent to explain that meaning, before anything like a proper adjudication upon the subject can be made. If they were words of common import, the Courts would take judicial notice of their meaning; but in such a case it would not be necessary to ask this Court to declare that meaning; it would be much simpler to find it out by consulting the dictionaries, if one could not tell without having recourse to them.

It is very probable that not one in an hundred persons has ever heard of "party lines" in regard to the telephone—in another sense they are quite familiar; and it is also quite possible that none of us ever heard the expression used in that connection before this case was brought into this Court; how then is it possible for us to give anything like a judicial answer to the question without proper and sufficient evidence upon which to base our judgment, just as in regard to any other question of fact? All of which questions must, if properly dealt with, be dealt with only on the weight of evidence. . . .

Upon all questions of fact, such as this, the danger lies not in a Judge's or juryman's ignorance of the fact, but in his ignorance of such ignorance, or in that little knowledge the danger of which has made it the subject of one of the commonest of proverbs. In matters of common knowledge and everyday experience, Judges and juries alike should make use of such of it as they possess. But in regard to other facts, justice should be, as she is depicted, blind to everything but the evidence properly adduced. If a Judge or juryman profess to have any personal knowledge, on any such question, that knowledge should be acted upon only when giving in evidence; no Judge or juryman has in this respect any right to assume any higher or easier position than that of any other witness; it is his duty to be sworn and submit to examination as such a witness, subject to have his knowledge tested by cross-examination and to have his testimony contradicted by other witnesses, just as any other witness and his testimony are.

Judges are supposed to know the meaning of words of the English language; but when that is too much supposition they are at liberty to consult the dictionaries, probably upon the excuse of refreshing their memory; but it is said that dictionaries are not reliable guides as to the meaning of statutory words, as often, necessarily so, they must be not reliable guides as to tech-