

THE E. LUCKENBACK.¹

District Court, E. D. New York. January 19, 1884.

STENOGRAPHER'S FEES ON TRIAL—WHEN TAXED.

A direction made in open court that the testimony given in court be taken down by a stenographer is sufficient to entitle the stenographer's fees to be taxed by the successful party.

Appeal from Taxation of Costs.

Goodrich, Dedy & Platt, for the motion.

Butler, Stillman & Hubbard, opposed.

BENEDICT, J. The judge's notes of the trial of this cause contain the memorandum, "stenographer takes notes." This memorandum indicates a direction given at the time that the testimony given in court be taken down by a stenographer. A direction to that effect made in open court is sufficient. It was unnecessary to enter a formal order. The sum paid stenographer was therefore for services rendered in pursuance of a direction of the court, and, like the expenses of printing, (*Dennis v. Eddy*, 12 Blatchf. 195,) is taxable by the successful party.

¹[Reported by R. D. & Wyllys Benedict, of the New York bar.]