

5. The official shorthand-writer shall not be required either to take shorthand notes or to transcribe the same until his fee for so doing shall be tendered to him or be deposited in Court.

6. The same as No. 7 as above.

7. The same as No. 8 as above.

8. The same as No. 9 as above.

9. The same as No. 10 as above.

We enclose you an extract giving opinions of United States' Judges on the subject.

We have, &c.,

STOTT AND HOARE.

P.S.—If you think our services would be of use in organizing the system, will you please communicate with us.

The Hon. the Minister of Justice, Wellington, N.Z.

No. 5.

The Hon. the MINISTER of JUSTICE to His Honour the CHIEF JUSTICE.

SIR,—

Department of Justice, Wellington, 11th September, 1885.

The Government has had under its consideration a proposal to establish a system of reporting, by competent shorthand-writers, the proceedings in the Supreme Court of the colony, and a Bill dealing with the subject has been prepared and introduced into Parliament. I now do myself the honour of enclosing copies of this Bill, and of a memorandum on the subject; and shall be obliged if your Honour will favour me with any remarks and suggestions which you may desire to make thereon.

For enclosure,
see No. 1.

I have, &c.,

His Honour the Chief Justice, Wellington.

JOS. A. TOLE.

[Similar letters to the above sent to their Honours Mr. Justice Johnston, Mr. Justice Richmond, Mr. Justice Williams, and Mr. Justice Gillies.]

No. 6.

His Honour Mr. Justice JOHNSTON to the Hon. the MINISTER of JUSTICE.

SIR,—

Judge's Chambers, Christchurch, September, 1885.

I have the honour to acknowledge the receipt of your letter of the 11th September, relative to the proposal to establish a system of reporting the proceedings of the Supreme Court by competent shorthand-writers, enclosing a copy of a Bill which has been introduced into Parliament, and asking me to forward you, at my earliest convenience, any remarks or suggestions which I may desire to make thereon.

I very much regret that an opportunity has not been afforded to the Judges of the Supreme Court to consult together and to make a considered report upon a subject upon which their united experience must necessarily be able to throw so much light; and I should have liked also to obtain some information as to the practical working of the system adopted in America.

But, understanding that the Bill is now before Parliament, and that you are desirous to ascertain my views on the matter without delay, I shall proceed to make some cursory remarks upon your memorandum, suggested by the experience of twenty-seven years on the Judicial Bench of New Zealand, and many years practice at the English Bar, comprising twelve years during which I acted as a law reporter in Westminster Hall.

With regard to the necessity for such appointments as proposed I have no special experience. Shorthand-writers are, I understand, usually procurable in New Zealand when litigant parties desire to have shorthand reports. But I doubt whether there are at present many in the colonies who would be found to be thoroughly competent for the proposed appointments.

As to the relief which the system would afford to the Judges I have very considerable doubts. There are certain classes of cases, but comparatively few, which must necessarily occupy more than one day, in which it would be a great relief to a Judge not to be obliged to take down a great mass of evidence, and to be supplied from day to day with notes of the previous day's evidence—as in contested proceedings before the Committees of the Houses of Lords and Commons in England; but such cases are comparatively few, and by agreement of parties shorthand notes may now be taken and used in them.

In the great mass of cases, civil and criminal, however, I think it would necessarily cause much delay, inconvenience, and expense, without any corresponding advantage, to require that such notes should be used. In ordinary trials, civil or criminal, the shorthand notes could not be extended and ready for use in time for the summing up on the same day, and few cases could be concluded, as the greatest number now are, on the same day on which they are begun. Moreover, Judges and counsel would still have to take notes for themselves, and it would be of very doubtful utility to increase the speed at which the evidence is usually taken. Moreover, as shorthand-writers have to take down the questions as well as the answers, the time occupied in Court by the present system is not very materially longer than it would be with a shorthand system.

On ordinary trials I do not think the mental and physical labour to Judges of taking notes is of very appreciable amount, and I think that the taking of notes itself impresses the facts on the mind of the Judge and helps him in his summing up, which would have necessarily to be delayed if he had to wait for the extension of the shorthand-writer's notes. It would no doubt be convenient to have a shorthand-writer's note ready to be referred to, although in the great majority of cases such reference would be unnecessary.