

As to “the mental freedom afforded to Judges for devoting undivided attention to the legal questions usually incidental to a trial or other proceedings, and which require decision as they arise,” I am afraid I do not quite appreciate the suggestion in your memorandum, because, when questions of law arise, the taking of notes of evidence ceases during their discussion; and the Judge, when evidence is being given, has to attend to the facts as well as the law.

The suggestion that the taking of shorthand notes “makes all concerned take greater care in what they say and do” is certainly not consistent with my experience in England of parliamentary Committees, where all the proceedings are taken in shorthand.

As to the taking of shorthand notes in proceedings in *Banco*, I am of opinion that it would be generally useless or undesirable, except for reporting oral judgments, which, however, practical law reporters are usually capable of doing even without the use of stenography.

A shorthand verbatim report of an ordinary legal argument, except occasionally in cases in Courts of Appeal, I believe to be not merely undesirable, but embarrassing and unsatisfactory. The great art of legal reporting, for which none but persons well skilled in law can be competent, is in condensing, arranging, and excising parts of the argument, and giving its purport and effect, instead of merely reproducing the language used by the counsel; and an “extended” shorthand-writer’s report of the usual proceedings in Courts of law, as distinguished from the evidence given on a trial, instead of being “absolutely reliable,” would be embarrassing and comparatively useless; and the voluminousness of the reports, moreover, which is already too great, would be thereby increased to an intolerable extent. A very considerable proportion of cases in *Banco* need no report at all, as they can be of no use as precedents.

To make law reports of any value to the public or the profession they must be prepared by skilled lawyers, as it is the presumption that the reporter was present at the argument and is a member of the profession competent to report which gives an authority to the precedent.

I observe that the Bill, in clause 2, speaks of a “reporter” as a person “skilled in the art of stenography to make verbatim reports of evidence and other legal proceedings;” but I may remark that the skill of the stenographer will not enable him to make intelligible reports of what he does not himself understand. The functions and duties of a law reporter are, to my mind, quite distinct from those of a reporter of evidence or speeches.

On the whole, I am of opinion that there is no necessity for the appointment of public stenographic reporters for the purpose of reporting normally the evidence and proceedings at all trials, civil and criminal; and I think it is not desirable to appoint any but skilled lawyers to report proceedings in *Banco*.

But I believe it would be desirable, if practicable, that a sworn stenographer should be attached to each judicial district to take down evidence at trials in civil or criminal or compensation cases where the Judge, on account of the probable length or of the importance of the case to the public, desires it, or where either or both of the parties in a civil case are willing to pay the cost.

I doubt whether the advantage to the public of having every criminal case reported by official reporters would be at all commensurate with the cost; and, as to civil trials, I do not see why, on the one side, the litigants should be supplied with such reports *gratis*, or, on the other, why they should be obliged to pay fees for such reports when they do not require them.

As to “law reports,” in the proper sense of the term, it would no doubt be a great boon to the profession and the public if provision were made for the remuneration, or contribution towards the remuneration, of regular and competent reporters out of the public funds, until such time as the ordinary sale of the reports would be sufficient for the purpose.

The whole time of the reporters would have to be at the disposal of the Court, and the work, having to be done promptly, could not be performed by a single person at each place. The shorthand notes taken in one day’s sitting of any length would take several days to extend, unless the reporter could command the services of several assistants.

To conclude, I am of opinion that to carry out a complete system of reporting of all proceedings at trials, civil and criminal, and at sittings in *Banco* would require a numerous staff, at such a rate of remuneration that the whole cost would exceed the sums mentioned in your memorandum, and add greatly to the expenses of the establishment of the Supreme Court, whose Judges and officers are at present so very inadequately paid.

It seems to me a very significant fact, bearing on the subject of your memorandum, that, notwithstanding the frequent complaints made in England of the delays of trials and other proceedings in the superior Courts, and of the overwork to which the Judges are exposed, no suggestion, at least so far as I am aware, has been seriously made or entertained to the effect that such a system as you contemplate ought to be adopted there, or that it would materially tend to secure despatch and accuracy in the administration of justice.

I have, &c.,

The Hon. the Minister of Justice, Wellington.

ALEXANDER J. JOHNSTON.

No. 7.

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

SIR,—

Judge’s Chambers, Wellington, 12th September, 1885.

I have the honour to acknowledge the receipt of your letter of yesterday’s date, covering your memorandum for Ministers of the 28th May last, with copy of the Bill which has been prepared in accordance with the suggestions of the memorandum.

The time allowed to the Judges for the consideration of this matter is short, as the Bill may, I presume, be expected to pass into law in a few days. Looking to the date of your memorandum, and to the fact that a Bill has already been introduced into Parliament, and a determination come to to place a sum upon the estimates for the purpose of carrying the scheme into effect, it is evident