that the subject must have been long and no doubt carefully considered by yourself and your colleagues. More than a few short observations is probably not expected from me upon a measure already determined upon and almost completed.

Apart from the question of expense, there can be no doubt that the addition to the Supreme Court of a staff of competent reporters would be a public benefit. The difficulty of obtaining such reporters, at any price, is, however, I am disposed to think, underrated. In general it will, I believe, be found indispensable that such a reporter should have received a legal education more or less complete. I say, in general, because I have, in my experience, found one reporter who, in my judgment, though not educated as a lawyer—so, at least, I understand—was yet thoroughly competent to report evidence, and even to give a fairly accurate statement of legal discussions. This gentleman constitutes, however, a rare exception.

All persons with any experience are aware of the truth of an observation lately made by Lord Blackburn in the House of Lords. "No shorthand-writer," he said, "however skilful, can be expected to take an accurate note of the words used, when he does not understand their significance." This disables laymen in general from reporting legal arguments; and such legal discussions as occur during the trial before juries of matters of fact are even more difficult to follow and report than regular arguments before the Court in *Banco*.

The disability extends in no small measure to reports by laymen of the evidence in a cause. Such reports, however useful they may be when checked by the notes taken by the Judge and barristers engaged, can seldom be entirely relied upon; because the reporter is seldom properly informed beforehand of the questions at issue, and so is very much in danger of missing the point of what is said. Besides which, he cannot have immediate access to the documents referred to in the examination of witnesses, and is thus at a great disadvantage in reporting the questions and answers which relate to them. Nor can he, like the Judge, insist upon repetition of what he does not hear or explanation of what he does not understand.

My purpose in these observations is chiefly to point out that, on the first introduction, at all events, of the proposed system, such an enactment as that of the 5th clause of the Bill, making the stenographer's notes conclusive evidence of the testimony and proceedings, is wholly inadmissible. Such an enactment would throw the procedure of the Court into confusion.

Every Judge must welcome the prospect of even partial relief from the most laborious part of his duties. The present system has no doubt the disadvantage of chaining down the Judge to his note-book, and preventing him from giving his attention to points of demeanour in the witnesses, and other by-play, which are often of significance. On the other hand, the full notes commonly taken by an English Judge have the advantage of rivetting his attention, and of giving him full command of the facts of the case in their minutest details; and, for my own part, I do not at present see that I could discharge my own duties satisfactorily to myself in a large class of cases, more especially in important criminal cases, without taking copious notes of my own. Nor do I see how, in cases which do not extend beyond one day, the shorthand-writer's notes can be of much use to the Judge.

I deprecate the withdrawal of the small amount of Government aid now conceded to "The New Zealand Law Reports." The work on these reports is of an entirely different character from that of a mere stenographer; and the proposed appointment of official shorthand-writers can by no means supersede the necessity for carefully-compiled reports of important cases by well-qualified lawyers. Law-reporting, in this sense, has, as you are of course aware, been pursued in England by the most eminent lawyers. To go no further back than our own time, it is enough to mention such names as Campbell, Alderson, Maule, Cresswell, and Blackburn. It is a work which requires for its satisfactory performance an accurate knowledge of law, united with great power of condensation and succinct expression. An acquaintance with shorthand, though highly desirable where oral judgments are delivered, is quite a secondary matter.

I trust these observations may reach you in time to be of some service.

I have, &c.,

The Hon. the Minister of Justice, Wellington. C. W. Richmond.

P.S.—I forward herewith a fuller extract of Lord Blackburn's remarks, to which I have referred.

Extract from Judgment of Lord Blackburn in Bowen *v.* Lewis. L.R.—9. Ap. Cas. 890 (at p. 911).

Lord Blackburn.—My Lords, the only report which we have of the reasons given by the Judges in the Court of Appeal is contained in the shorthand notes, not revised by the learned Judges. It is apparent on the face of those notes that the writer, not being acquainted with the subject concerning which the Judges were speaking, was unable to take a note of the sense of what the Judges said; and no shorthand-writer, however skilful, can be expected to take an accurate note of the words used, when he does not understand their significance. . . .

Though I am not able from the notes to form an opinion as to what Cotton, L.J., said, I am sure he could not have used the words taken down as what he said. They are not intelligible; and no one who knows the clearness with which that learned Judge expresses himself can for a moment suppose that he used unintelligible language.

No. 8.

His Honour Mr. Justice Gillies to the Hon. the Minister of Justice.

(Telegram.) Auckland, 15th September, 1885.

Supreme Court Reporting Bill just received. It is absolutely useless so far as Judge is concerned, nor will it serve any purpose equivalent to its cost. Thos. B. Gillies.

The Hon. the Minister of Justice, Wellington.