

could not be extended and ready for use on the same day, and few cases could therefore be concluded on the day they were begun. Does not think reporting will make all concerned more careful in their utterances; moreover, as question and answer would have to be taken down, it would not be materially quicker in point of time than the present system. Taking notes impresses the facts on the Judge's mind. In *Banco* proceedings shorthand notes useless except for judgments, which law reporters can do. Litigants, should not be required to pay for reports which they may not require. Notwithstanding the alleged delay of trials, &c., in England, no suggestion such as shorthand system has been made. No necessity for official reporters, but it would be desirable to have such officers for each judicial district to report cases when either the Judge or the parties desire it.

4. If evidence is taken by reporters, staff must be sufficient to put transcription in Judge's hands before he sums up. Does not think much of American precedent, as trials are spun out in the United States. No great saving of time, "except at a cost. . . . Government unlikely to assent to." Reporting will not shorten cases, as evidence should be given slowly for Judge and jury to master it.

No. 15.

Messrs. STOTT and HOARE to the Hon. the MINISTER of JUSTICE.

SIR,—

Melbourne, 13th April, 1886.

We have the honour to acknowledge the receipt of yours of the 4th February, requesting us to forward to you our criticism of the objections made by your Judges to the scheme proposed to be introduced by you in the Supreme Court of your colony for stenographic reporting.

We trust you will pardon the delay that has taken place in replying to your letter; but pressure of work has hitherto prevented our devoting the necessary time to its consideration.

As the result of our experience, we have concluded that the enclosed extracts, which we have carefully made from all available materials, go a long way to prove that the assistance of competent shorthand-writers is indispensable to the proper administration of justice.

In reply to the objection 1, the memoranda enclosed, marked "A," will apply. A great part of the information contained in that memoranda was supplied by us to Mr. B. C. Harriman (who is so well known as the able Secretary of the Law Department here), when, last year, he proposed to introduce the system of law-reporting into this colony. His proposals were embodied in a Bill, which was favourably received by the Legislature, and doubtless would have passed but for the fact that the Bill proposed other reforms not so acceptable to the majority. On our informing Mr. Harriman that you desired certain information on the subject, he courteously supplied us with an extra copy of the memoranda.

In reply to objection 2 we enclose a copy of part of an able article, marked "B," written by one of the leading American stenographers, in which he quotes the opinions of Mr. G. W. Hemming, Q.C., and Lord Justice Lindley. The conclusion to be drawn from those opinions is, that it is absolutely necessary to employ competent shorthand-writers, for the reason that the barristers who supply the law reports are not sufficiently practised in the art of shorthand to follow a rapid speaker. Therefore, in the delivery of oral judgments, the competent shorthand-writer should be employed; and then, if it is considered necessary, the barrister could revise. The reporters for the law journal in England are constantly in the habit of referring to the notes of the professional shorthand-writers.

In reply to objection 3, in short cases the Judge's own brief notes would be sufficient for summing-up, while the shorthand-writer's notes would be the record for appeal. They need not be transcribed if not required. The great delay in trials is caused by the fact of the Judge taking such full notes for appeal purposes. In this connection the papers marked "C," "D," and "E" respectively bear on the point.

The paper marked "C" contains a copy of the resolution arrived at by the American Bar Association in August last year. It is a necessary proviso, for the reasons stated in the paper, and should be inserted in any Bill providing for shorthand reporting.

We send also the December number of our own magazine, and direct your attention to pages 82 and 88A thereof, as containing information bearing on the subject.

We trust the information now supplied will be found of value. We will gladly render any further assistance in our power.

We have, &c.,

The Hon. the Minister of Justice, Wellington,
New Zealand.

STOTT AND HOARE.

Enclosure A in No. 15.

MEMORANDA ON THE SUBJECT OF OFFICIAL SHORTHAND-WRITERS IN COURTS OF LAW.—Extracted from English, Australian, and American Papers.

[From the "Phonetic Journal," English.]

THE success which has attended the introduction of shorthand reporting into the superior Courts of Canada has been so marked as to justify the Government in extending the system by appointing additional reporters for them, and also introducing them into the County Court of the County of York and City of Toronto. Those Judges who have had practical experience of the working of the system are, we believe, unanimous in the opinion that it economizes time, as well as saves the presiding Judge a vast amount of manual labour and mental toil, which are far more irritating and exhausting than his own proper work. Amongst the advantages resulting from its introduction his is by no means the least important. It seems, on the face of it, absurd that the functionary