

transcribed every evening by skilled operators, I presume on the "type-writer," and copies are ready to be furnished next morning to the litigants, on payment of certain regulated fees.

In England and in the colonies shorthand-writers are frequently employed solely by the parties to suits, or sometimes a Judge or Court may obtain the assistance of a shorthand-writer in long and important cases. In the former case the cost is borne, of course, by the parties, and in the latter by Government. But this is defective, because it is merely an occasional private arrangement, which is unofficial, uncertain, and unsystematic.

I think, as a beginning, there should be a reporter for each Supreme Court district, that is for each of the five Supreme Court Judges, as they hold sittings at other than the chief cities of the colony.

As to the character of appointment and remuneration, two methods may be suggested:—

- (1.) A shorthand-writer for each judicial district might be appointed, receiving what might be considered a retaining fee of, say, £100 per annum, for which he might be bound to take notes in all "defended" cases, and to furnish the Court and parties with a transcript at per folio, according to prescribed fees payable into Court. From the aggregate of such fees the reporter's retaining-fee could be recouped, leaving the balance to be paid to the reporter.

This method might, for reporters, be attractive enough, as being the more lucrative, especially as population and business increased; but, though it would be apparently economical for the State, it would, nevertheless, I think, prove unsatisfactory, as the shorthand-writer could not be regarded wholly and solely, as he should be, an officer of the Court, or entirely at its service. Possibly, under this plan, and with some addition to present salaries, the skill of the *Hansard* and Parliamentary Committees' staff might be utilized during the recess.

- (2.) Undoubtedly the best course to adopt (in the absence of a fully-organized double staff of writers and transcribers in connection with law-reporting, which I hope the colony at no distant date will possess) would be to appoint as an officer of the Court, under section 35 of "The Supreme Court Act, 1882," a skilled shorthand-writer to each judicial district, whose transcript of notes would be records of Court, and available at all times to the parties concerned and their solicitors on payment of a prescribed copying-fee.

In many short or minor cases or proceedings an expert writer would be able to take down in longhand the statements as they might fall from the witnesses or others. As such an officer as is indicated in this alternative proposal under consideration would be a permanent official, employed all the year round, I do not think that from £250 to £300 per annum could be considered excessive remuneration.

I accordingly ask the Cabinet to consent to a sum of £1,250 or £1,500 being placed on the estimates "Towards the establishment of official shorthand law-reporting in the Supreme Court."

Of this amount a considerable proportion would return in fees, but to what extent it is difficult, in relation to an untried scheme, to speculate.

I do not know whether or not the several Law Societies of the colony would be willing to contribute to this cost; but it is clear that the legal profession would derive considerable benefit from the appointment of shorthand-writers to the Courts. In compiling the authentic law reports it would be of special advantage. The fullest reports could be supplied, and not a single case throughout the colony need escape recording. At any rate, the payment of the £200 which is now annually voted as a contribution towards the publication of the *New Zealand Law Reports* might at once cease.

It has occurred to me that, if the system under consideration were once established, it is quite within probability that there would be found private enterprise sufficient to organize a firm or association of shorthand-writers, who would undertake, for a reasonable subsidy, derivable from copying-fees or otherwise, to supply a staff of reporters, and furnish reports with despatch.

The request I have submitted to Ministers is the minimum, but, if the Hon. the Colonial Treasurer would indulge me, I should like to strongly urge the appointment of at least two reporters—a writer and a transcriber—for each district, which would not only afford a convenient division of work and insure its expedition, but would also place the scheme, at its commencement, on a more successful footing.

In conclusion, I hope the Government will, in some shape, assent to the inauguration of this reform, which is real, and one which, from every point of view, will prove of incalculable value in the administration of our judicial system.

28th May, 1885.

J. A. TOLE.

NOTE.—In reference to the above, Cabinet has decided to place the sum of £500 on the estimates, with the view of inaugurating the scheme by (1) appointing reporters for the judicial districts; (2) charging a fee, to be paid into Court in each case by the parties; (3) fixing fees to be paid per folio for transcription.—11th September, 1885.

No. 2.

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

STR,—

80, Elizabeth Street, Melbourne, Australia, 29th April, 1885.

We are given to understand that you are about to give a trial to the system of official law-reporting as used in Scotland, Canada, and the United States. We carry on business in Melbourne as law reporters, and are well and favourably known to the legal profession here; and we thought it advisable to acquaint you with that fact, and to state that, if you desire any information regarding