

and that the per diem allowed by the Act should be paid by the marshal, on the certificate of the Judge by whose order the stenographer is employed. I think a law such as I have indicated would be more likely to pass than one creating a salaried office, and equally effective. These views are hastily written, but I think they embody the simplest plan for meeting the want at the smallest expense.—Very truly, GEO. W. HAZLETON, District Attorney."

"Wilmington, Delaware, 24th December, 1881.—DEAR SIR,—Your letter of the 22nd instant, relative to the appointment of stenographers in the United States Circuit and District Courts, addressed to William C. Spruance, Esq., my predecessor in the office of District Attorney, and by him referred to me for answer, is just received. In reply, I would say that I am thoroughly convinced of the propriety and expediency, not to say necessity, at this day, in the administration of justice, that there should be a faithful, accurate, and prompt taking-down of testimony, in every case on trial in a Court of justice, by a competent, sworn, and impartial officer, both as a means of settling questions in relation to the evidence both in the progress and after the hearing, and of arriving at the truth, as that upon which the law acts in the administration of justice. Seldom, owing to its laboriousness and time required, do either the presiding Judge or the attorneys in the case take down the evidence in detail as given, but in brief notes; and the result is often much difference, spauabbling, and controversy as to the precise words and exact character of the testimony. This would all be disposed of on an authentic and authoritative taking-down such as you propose. I strongly approve of it; but, inasmuch as I never have employed a stenographer, save upon one occasion, and have never studied the question in its relations to the Courts at large, either as to the manner of appointment, term of service, compensation, or limit of duties, without advancing any crude ideas upon the subject, I would prefer leaving these matters to those who have, like yourself, thought upon the matter and formed definite conclusions.—Very respectfully, JOHN C. PATTERSON, United States' District Attorney."

No. 13.

The Hon. the MINISTER of JUSTICE to S. C. RODGERS, Esq.

SIR,—

Department of Justice, Wellington, New Zealand, March, 1886.

I have the honour to acknowledge the receipt of your letter of the 23rd January last, and beg to express to you my sincere thanks for the valuable and interesting information with which you have been good enough to furnish me, and which I hope will materially aid in the establishment of a system of official shorthand reporting in our Courts.

I have also to gratefully acknowledge the receipt from you of a copy of "Brown's Monthly," together with copies of your State Association's Proceedings for 1884 and 1885, which I shall have much pleasure in depositing in our General Assembly Library.

Thanking you again for your courtesy, and for your invitation to avail myself of your kind services in affording me further information,

S. C. Rodgers, Esq., Troy, New York.

I have, &c.,

J. A. TOLE.

No. 14.

The Hon. the MINISTER of JUSTICE to MESSRS. STOTT and HOARE.

GENTLEMEN,—

Department of Justice, Wellington, 4th February, 1886.

As you were good enough to afford me information respecting my proposal to introduce stenographic reporting into the Supreme Court of this colony, I have taken the liberty of forwarding to you a *précis* of the chief objections made by our Judges to the scheme, and I have ventured to believe that you would be willing to give me the benefit of your criticism on these objections.

Of course there are some patent answers to the objections raised, to which undue weight may possibly be given; but I am anxious, in relation to them, to have the benefit of your large experience.

Trusting that you will excuse the trouble I am imposing on you,

Messrs. Stott and Hoare, Melbourne.

I have, &c.,

J. A. TOLE.

Enclosure in No. 14.

PRÉCIS OF OBJECTIONS BY JUDGES *re* OFFICIAL REPORTING IN SUPREME COURT.

1. REPORTING is absolutely useless. . . . It will not serve any purpose equivalent to its cost. Besides, there is no analogy between English and American trials at *Nisi Prius*, as in American Courts the Judge does not direct on facts or evidence, which are entirely a matter for the jury.

2. "A staff of competent reporters would be a public benefit;" doubts whether such can be obtained. Reporter should be one who should generally have more or less legal education, as reports of laymen can seldom be relied on, from their missing the point of what is said. Strong objections to the reporter's notes being conclusive proof of evidence. Judge must continue to take notes. Does not see how reporter's notes can be made use of in short (one-day) cases.

3. Doubts if competent men could be found for the work, or if reporting would relieve the Judges except in particular cases which are of rare occurrence, and in such cases the parties can agree to have the evidence reported stenographically. Judges must still take notes. Doubts reporting will shorten cases: Judge's notes help him in summing up, and reporter's notes