

should require to get another writer as assistant, letting him take a proof in turn, or I taking the proof and afterwards dictate it to him, to be written out as soon as possible. In cases where the evidence is wanted at the immediate close of the case, relays of men must be employed, as in the cases you indicate; but in these cases increased fees are paid, to cover that large staff. However, these cases here are not the rule, save in jury trials on civil causes, and then it is printed or set up in type, just the same as in the case of parliamentary reports for newspapers.

"The average fee to cover all the shorthand-writing in such cases is at from £3 to £4 an hour, 'or part thereof'—ten minutes, say, being counted as an hour. The fees fixed by the Court of Session in Scotland are 5s. per hour for attendance and noting evidence in all cases; 1s. 6d. per sheet (250) words for extending notes where the sum sued for is £25 and upwards, and 1s. per sheet where the sum is under £25. An easy average of extending notes may be made at eight pages of foolscap an hour.

"There are two ways in taking evidence, (1) question and answer, (2) dictation by the Judge. The practice in inferior Courts, as insisted on by the Court of Session—though not always followed—is for the Sheriff to dictate the evidence to the shorthand-writer. In the Court of Sessions itself the shorthand-writer just takes it question and answer; but in that case it is the Judge who certifies the evidence as correct. In the lower Courts it is the duty of the shorthand-writer to certify the evidence as a faithful transcript of his notes. I have as often taken it question and answer as to dictation, though our Paisley Sheriff follows closely the dictation rule. There are many cases, such as depositions to be signed by the party in a bankruptcy, where I take it question and answer. Here at the close of a proof the Judge seldom gives decisions, but makes *avizandum* to consider his judgment, allowing reasonable time for extension of evidence-notes should he wish it. The great purpose, however, of the recording of evidence is for appealing to the higher Courts. Where the Judge sums up for a jury then the relay system must be adopted. I should not care to go on salary for the job, unless it were a good salary.

"The scale of fees I have given you is the basis of all remuneration; but where the transcribed evidence is wanted by the next morning 1s. a page is charged to cover the extra outlay, regarding dictation by the shorthand-writer to an assistant. In cases where the evidence is to be kept abreast and transcribed for every evening, the £3 to £4 an hour, to cover the expenses of relays, is adopted. At present the fees here for shorthand-writers are paid by the parties to the cause, the lawyers appearing in the case being held personally liable. Government will not take up the heavy task of paying the shorthand-writer in the Courts. He is appointed by the Judge, though he does not get his salary from the same Exchequer.

Shorthand is employed only in civil causes. In criminal trials whatever note is taken is by the Judge. In what is known here as the small-debt Court, where the sum sued for must not exceed £12, no notes whatever are taken. In the Debts Recovery Court (£12 to £50) there is no note taken if parties agree to accept Sheriffs' Substitutes' decision as final. In the ordinary Court there is no limit as to sums. It is compulsory that notes be taken of all cases in this Court. In jury trials in civil causes shorthand notes are taken, and the evidence printed and in the hands of Judge, counsel, and jury the next morning. Extra aid is necessary in these cases. The Judge, being relieved from recording the evidence, is left free to take a comprehensive view of the evidence as it is led, taking whatever jottings he thinks needful for summing up, and referring to the extended notes placed in his hand if necessary to quote long or particular passages. If the last day of leading evidence is pretty well used up it is customary to adjourn the addresses of counsel and summing-up till the following day.

In cases heard before a single Judge in the Court of Session shorthand is also employed. Judgment is very seldom given at the immediate close of the case. The evidence is written out and placed in the hands of the Judge as soon as possible, where he may find it necessary to refer to the extended evidence before issuing judgment. When this decision is appealed to a full Bench, the evidence thus written out and lodged is printed before the hearing of the appeal, each Judge having a copy supplied to him. It happens, where a case is not going further than the Court of first instance, that the notes so taken are not extended. Where that is necessary the evidence in particular cases is extended, question and answer. The Judge always sits out the case. He is, however, often employed improving the time writing letters, &c., on the Bench. This occurs where the Judge does not dictate, and it is only in inferior Courts that the evidence is expected to be dictated: Court of Session Judges do not dictate the evidence. In jury trials in inferior Courts the evidence is not dictated. For ready reference the sides of the pages of evidence are marked with capital letters at intervals of about five lines.

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