

1886.

NEW ZEALAND.

SHORTHAND REPORTING IN SUPREME COURT

(CORRESPONDENCE AND MEMORANDA RELATIVE TO).

Presented to both Houses of the General Assembly by Command of His Excellency.

No. 1.

MEMORANDUM for MINISTERS *re* appointing SHORTHAND REPORTERS in the SUPREME COURTS.

I WISH to submit to the Cabinet the desirableness of making provision for the appointment of shorthand-writers to the Supreme Courts, and, in doing so, I think there are only two phases of the subject which I need bring under notice:—

- (1.) The necessity for such appointments as proposed;
- (2.) In what way to give effect to the proposal.

As to the first, I think it requires little, if any, advocacy. The loss of time, the mental and physical labour, involved in taking voluminous notes of evidence in cases whether long or short, and possibly the want of accuracy, as well as the inconvenience to legal practitioners engaged in judicial proceedings, and the delay to suitors, are alone, probably, sufficient reasons for establishing such a shorthand system. An advantage also not the least important is the absolute mental freedom afforded to Judges for devoting undivided attention to the legal questions usually incidental to a trial or other proceedings, and which require decision as they arise. Further, it makes all concerned—Judges, lawyers, and witnesses—exercise greater care in what they say and do.

Any disputes arising during a trial as to the alleged testimony of a witness are at once settled by reference to the sworn reporters' notes. Moreover, in cases of appeal and in *Banco*, absolutely reliable—indeed, indisputable—evidence will be thus secured, instead of trusting to Judges' notes, which, though beyond the right of controversy, may nevertheless possibly be inaccurate.

It is noteworthy—as showing the expedition and great pecuniary saving gained—that in the recent Bryce-Rusden Evidence Commission, held at Wanganui, over forty witnesses were, through the services of an expert shorthand-writer (Mr. Mitchell, of *Hansard*), during five days, enabled to be examined, cross-examined, and re-examined respectively by counsel. All the evidence was written out in longhand after each sitting, and ready for signature by the witnesses respectively on the morning of the day following its delivery. Had such quantity of evidence to have been there and then taken by or before the Commission in longhand, it is no exaggeration to say that the work could not have been accomplished in at least three times the period, and, in addition, would have made the proceedings intolerably wearisome.

As to the second—in what way to give effect to the proposal—I assume that the requisite skill is obtainable, for in this matter something approaching more to legal experience is required than is possessed by the ordinary newspaper shorthand reporter. I understand that a great many persons calling themselves shorthand-writers are totally incompetent, from want of general intelligence, experience, or mechanical efficiency, for the duties which reporting evidence in Courts of law requires. Hence, in its inaugural stage, the proposed reform will not, probably, run so smoothly as may be expected; but this difficulty will disappear in time, as the reporters become better trained in their work.

In America,* and also Canada, official shorthand law-reporting is carried on apparently on a very large scale, with a staff of reporters and a staff of transcribers, the chief reporter being a very highly-paid officer. He sends his deputies to each of the Courts, and the shorthand reports are

* In America (from 1860 to 1885, both years inclusive) the following States and Territories have made legislative provision for the employment of official stenographers in the law-courts, viz., the States of New York (the first to pass such a statute), Alabama, California, Colorado, Connecticut, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, Ohio, Pennsylvania, South Carolina, Vermont, West Virginia, and Wisconsin; and the Territories of Arizona, Dakota, Montana, New Mexico, Utah, and Wyoming.—J.A.T.