

(Copy of memorandum).

TORONTO, 1st March, 1882.

The committee appointed by the Law Society to wait upon the Ontario Government with the view of securing a reduction of the fees charged for shorthand writers' notes at the trial and hearing of causes, beg to submit the following memorandum:—

No motion can now be made against the decision of a judge or to set aside the verdict of a jury until copies are furnished to the Judges of the Divisional Court of the evidence taken by the shorthand writer at the trial. The copies of the judges are charged for at nine cents per folio, three being supplied for that sum, and these must be paid for by the party who moves against the verdict or judgment. In some cases the judge will enter a *pro forma* judgment or decision, leaving the real determination of the questions at issue to the full Court, and in such cases it is putting the party who has to move under a very heavy penalty when he is compelled to pay a large sum for the notes of evidence before he can be heard by the Court. The same may be said of cases where there has been a manifest miscarriage of justice, rendering an application to the full Court necessary. The Committee are of opinion that all necessary copies of the evidence should be furnished to the judges without charge, and that a charge of five cents per folio would be ample for each copy furnished to the parties; with the improved type writers 210 folios can be copied in an ordinary working day, from five to ten copies being made at once, but assuming that 100 folios only would be copied five cents a folio for the copy required by each party would amount to \$10 per day for the reporter's services while making the copies, which is more than his charge per day when taking evidence.

It is not to be expected that those who are obliged to go to the Divisional Court should contribute towards the cost of the taking of evidence in cases where the questions in dispute are finally disposed of at the trial, and it should be quite enough to ask them to pay for the copies of evidence they are obliged to obtain for their own use upon the argument before the Divisional Court.

There may be cases in which one copy only of the evidence will be required. In such cases five cents per folio will fully pay the cost of the

copy, and in most cases two or more copies will be needed by the parties, yielding a good profit upon the work done.

Under the present regulations the five copies which are all made at once are charged for at the aggregate rate of nineteen cents per folio, namely, nine cents for the copies for the judges and ten cents for the copies for the parties, additional copies can be struck off at the same time and when required, are supplied at five cents per folio each.

A shorthand writer, with a good type-writer, copying 210 folios in ten hours, as can be done, is able, under the regulations now in force, to earn \$40 a day, and in cases where more than two copies of evidence are required by the parties, may earn still more.

The Committee think that it is essential to the fair administration of justice that a change should be made in the mode of charging for copies of shorthand writers' notes, and that suitors should not be compelled to pay for the copies required by the judges, and they would respectfully request that the matter should be taken into consideration with a view to adopting some such change in the regulations as is herein suggested.

For the Committee,

F. MACKELCAN,
Chairman.

TORONTO, 26th May, 1882.

SIR,—Referring to yours of the 9th inst., with reference to the reduction of the short-hand reporters' fees, I beg to say that after consultation with the Judges an order in Council has been passed fixing these fees as follows: For copies required for the Judges under rules made or to be made in that behalf, and to be furnished at the expense of the parties, and for one copy for the party desiring to move thereon, ten cents per folio for the copies required, not exceeding four altogether; for any additional copies made for the parties, at the rate of five cents per folio, for each copy.

The Attorney General trusts these fees will be satisfactory to the Law Society.

Your obedient servant,

J. G. SCOTT,

Deputy Atty. Gen.

F. MACKELCAN, ESQ., Q.C.,

Mr. Lefroy was elected reporter of the High Court.