The Court Reporter by

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I Background

In 1588 Dr. Timothy Bright published the first book in England on a shorthand system, which he termed a 'Characterie'. The following year he was granted a 15-year patent monopoly of publishing books on this system (See Appendixl).[1] This was followed in 1590 by a work by Peter Bales called a 'Brachygraphy' from the Greek for shorthand. The object was to produce a verbatim simultaneous account.

These publications preceded similar publication in the contemporary Europe. This may therefore be a good occasion to celebrate the centenary of a striking development which must have influenced law-reporting and the requirements of the modern system of judicial precedent.

As law-reporters we are primarily concerned with the use of methods of perpetuating the oral elements in legal proceedings. These range from obscure mnemonic and idiosyncratic jottings which had to be quickly extended by their authors to complete contemporary accounts of all that was said. The need for the latter extreme might only exist where the *ipsissima verba* were required, not merely the broad underlying sense of arguments and decisions, which for most lawyers sufficed or was even preferable to too much detail.

That some form of abbreviation was essential in forensic matters appears to have been realised quite early. Tiro Tullius, a freedman of M.T. Cicero, invented a kind of shorthand system under the Roman Republic. Cicero studied law under the eminent jurist Mucius Scaevola and acted as 'counsel' at trials. His recorded speeches are also a valuable source for the study of Roman law of his time.

L. A. Seneca practised law under the Emperor Caligula and produced a further shorthand system.[2] He had to abandon his practice because of the Emperor's envy of his talent and resort to more retired pursuits. Augustus himself used shorthand. Suetonius, who was a contemporary of the Emperor Titus, states that the Emperor was very proficient in the art of shorthand.

During the mediaeval period in England a kind of speedwriting was used on the Latin plea rolls (e.g. *bre* for *breve, Reg'* for *Regis).* In the Law French of the Year Books a similar method of conventional abbreviation was used (e.g. *coe* for *commune, jug' for Jugemet* and *nr* for nostre). The plea roll record was made up after the court hearing and the Year Book MSS were written up from rough jottings made in court.

In the late sixteenth century Sir James Dyer was Chief Justice of the Court of Common Pleas from 1559 to 1582. According to Lord Campbell Dyer used shorthand notes, while he studied for the Bar in the 1530s, of arguments and judgments in Westminster Hall, which he then 'digested and abridged into a lucid report of each case'.[3] These notes were obviously not intended for strange eyes and must have been aided by memory. However they must have given him an advantage over longhand reporters. After his elevation to the judicial Bench he continued to make notes of cases tried in his court and these were used in editing his well-known Reports which were published after his death but had been prepared for publication.

Sir Edward Coke seems not to have used shorthand, but he enjoyed a particular skill in summing up cases for his own use 'since 22 Elizabeth I' and says he let friends consult them. Coke professed to give a summary account of the effect of what was said in court, 'beginning with the objections and concluding with the judgment of the court'.[4] Such precis-writing by a master was valuable but still lends itself to afterthoughts and ornamentation and possible distortion in partisan matters.

Knowledge of shorthand grew quickly in the early seventeenth century. John Willis's system of 1602 led to further refinements by Thomas Shelton in 1630, and Shehon's system became especially popular.

It is generally believed that some of the early pirated editions of Shakespeare's plays owed a debt to shorthand. It is thought that members of the audience and actors at the side of the stage may have prepared some of these, and in the case of his plays literal exactitude was more important than broad and unoriginal story lines.

Samuel Pepys is known to have used Shelton's system in his famous *Diary.*[5] He is believed to have taken notes at the 'Popish Plot' trials in 1684 and his transcript was more accurate than the printed reports.[6]

A few years later a Mr. Blaney is reported as having made a shorthand account of the Trial of the Seven Bishops in June 1688 and of the debate of 6 February 1689 in Parliament[7] By 1700 shorthand was being widely practised. In 1742 John Byrom M.A. secured an Act of Parliament giving him a monopoly for 21 years of a

system of shorthand devised by him, as a 'useful art' not protected by the existing law (see Plate 1).

(643)

Anno decimo quinto

Georgii II. Regis.

An Act for securing to *John Byrom*, Maſter of Arts, the ſole Right of publiſhing, for a certain Term of Years, the Art and Method of Short-hand, invented by him.

Whereas John Byrom, Maſter of Arts, and Fellow of the Royal Society, hath by long and ſtudious Application invented, and is willing to publiſh, a new Method of Short-hand, by the uniform Practice whereof, that uſeful Art, being reduced to the moſt eaſy, compendious, correct, and regular Syſtem, may be rendered more extenſively ſerviceable to the Publick: And whereas by an Act made in the Twenty firſt Year of the Reign of King James the *Firſt*, intituled, An Act concerning Monopolies and Diſpenſations with penal Statutes, and the Forfeitures thereof, it is provided, That the ſaid Act ſhall not extend to any Letters Patent, or Grants of Privilege, of, for, or concerning Printing: And whereas by an Act made in the Eighth Year of the Reign of Queen Anne, intituled, An Act for the Encouragement of Learning, by veſting the Copies of printed Books in the Authors or Purchaſers of ſuch Copies, during the Times therein mentioned; it is enacted, That the Authors of Books ſhall have the ſole Right of printing and reprinting the ſame, during the Terms by the ſaid Act limited: And whereas, though the Inventors of uſeful Arts deſerve at leaſt equal Encouragement, yet the ſaid John Byrom cannot, by the Authority of either of the ſaid Acts, effectually

Preamble, reciting the Acts 21 Jac. I.

and 8 Ann.

644 Anno Regni decimo quinto Georgii II. Regis.

secure to himself the Benefit of the said Invention, which is liable to be divulged surreptitiously and imperfectly, otherwise than by Printing, and cannot conveniently be published by Printing only; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said John Byrom, his Executors, Administrators, and Assigns, shall, from and after the Twenty fourth Day of June, One thousand seven hundred forty two, have the sole Liberty and Privilege of publishing the Method of Short-hand, by him invented, for the Term of One and twenty Years.

This Act to commence from June 24, 1742, for 21 Years.

Penalty on Persons offending against this Act.

And be it further enacted by the Authority aforesaid, That if any Person, during the said Term of One and twenty Years, before Publication of some Treatise, containing the said Method, shall be made by the said John Byrom, his Executors, Administrators, or Assigns, shall teach for Hire or Reward the said Method, in whole or in part, without the Consent of the said John Byrom, his Executors, Administrators, or Assigns, or if any Person shall at any time, during the said Term of One and twenty Years, without such Consent, by Writing, Printing, Engraving, Etching, or any other Device, publish for Sale, sell, or expose to Sale, or cause to be so published, sold, or exposed to Sale, the said Method, or the Alphabet, or Rules thereof, in whole or in part, such Person shall, for every such Offence, forfeit and pay to the said John Byrom, his Executors, Administrators, or Assigns, the Sum of One hundred Pounds, to be sued for and recovered by him or them respectively, by Action of Debt, in any of his Majesty's Courts of Record at Westminster, together with full Costs of Suit.

Publick Act.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed a publick Act. 3

FINIS.

Plate 2. Act of Parliament of 1742 granting protection for John Byron shorthand method.

Plate 1

Modern research has shown the interest of the shorthand diary of Sir Dudley Ryder, Attorney General and later (1754) Lord Chief Justice of the King's Bench. Like Dyer he had learned shorthand, a system similar to that of Jeremiah Rich, while still a law student. He continued to use it during his career and as a judge when trying civil and criminal cases. Since there is a relative paucity of material

on criminal trials, his notes from the sessions of the Old Bailey provide information not included in the printed reports in the Old Bailey Sessions Papers.[9] Thus he notes his own directions to the jury and summings up and adds personal observations on the verdicts.[10]

Transcripts of shorthand also had important official uses after the trial was over. There was no regular system of appeals so that a transcript was not needed for that purpose. On the other hand it was the practice to obtain transcripts of cases if they had resulted in capital convictions and transmit these as quickly as possible to the Crown for use in deciding whether to exercise the prerogative of mercy.[11]

There were also cases where the fact of bringing a criminal prosecution was a relevant matter in a subsequent civil case. The shorthand reporter could be called to authenticate his transcript of his 'minutes'.[12]

In 1758 John Angell, Sr. wrote a book called *Stenography or Shorthand improved,* based on 30 years' experience. His son later brought out three editions of this work. He was an official shorthand writer in Ireland and a teacher of shorthand in Dublin. It was the son who challenged Dr. Samuel Johnson by claiming that he could take down speech as quickly as he spoke, a task which he failed to perform although Johnson took care to speak fairly slowly.[13]

Boswell had himself practised law in Edinburgh about 1767.[14] In his *Life of Johnson* Boswell pointed out that he himself did not use 'what is called stenography or shorthand in appropriate characters devised for 'he purpose. I had a method of my own of writing half-words and leaving out some altogether, so as yet to keep the substance and language of any discourse.'[15] This must, by language, mean the style rather than the exact words, Boswell did not record his *Life of Johnson* simultaneously with Johnson's speeches. He gives an illuminating jxample. His note on one conversation had been as follows:

Johns. Walt great Panegyr. ***Bos***. no qual will get more friends than admir - not flattery. ***Johns***. Yes flat, please 1st man thinks so 2. Thinks us of conseq, to say so.[16]

We can compare this with the orotund periods of the published version for 18 April 1775:

J. He supposed that Walton had then given up his business as a linen draper and sempster and was only an author, and added, that he was a great panegyrist. ***Boswell***. No quality will get a man more friends man a disposition to admire the qualities of others. I do not mean flattery but a sincere admiration. **Johnson**. Nay, Sir, flattery pleases very generally. In the first place the flatterer may think what he says to be true: but in the second place, whether he thinks so or not he certainly thinks those whom he flatters of consequence enough to be flattered.[17]
It may be useful to point out that from 1834 Parliament encouraged shorthand writers to be present to report debates.[18]

A *ms* shorthand note, described as a 'whole minute', was taken of the noted Somerset's case in 1772 on the status of slaves brought to England. The published reports of the proceedings differ among themselves in several respects; they were clearly not themselves taken down exactly and suffer accordingly. One William Blanchard who produced works on shorthand in 1779 and 1786 enjoyed Lord Mansfield's patronage. The reporter Joseph Gurney took full notes at all the 150 sessions of the trial of Warren Hastings in 1785. Great American Presidents

at the turn of the century, Thomas Jefferson and James Madison, were known to have used shorthand.[19]

The value of shorthand in legal reporting obviously depended on the presence or absence of a need to report things verbatim. Medieval reporting is limited to a brief summary of argument in the Year Books with some but not all judgments reported. Appeals based on error in the record would be based on the short and formal contents of the record. When the procedure by motion for new trial developed in the eighteenth century the trial judge would supply a report based on his own notes, which might be substantial but incomplete, prepared to help him draft his own judgment, and taken down in longhand in most cases. In courts where evidence was taken down in pre-trial depositions there would also be less need for exact reporting, e.g. the Chancery and Admiralty.

Lord Campbell, L.C.J, had been a Parliamentary reporter at the beginning of the nineteenth century and in 1807 became a law reporter of cases tried at *Nisi Prius.* He would not leam shorthand, though it was now in common use by some reporters. He also edited and re-wrote the reports from his longhand notes and claimed that these were an improvement.[20]

The eighteenth and nineteenth centuries were the heyday of the great Gumey 'dynasty' of shorthand reporters. Thomas Gumey became a shorthand reporter at the Old Bailey for several years before his official appointment as shorthand writer in 1748, believed to be the first such official appointment recorded anywhere in the world. He also took notes in the House of Commons and in all the courts. He used his verbatim court reports to publish accounts of some of the great trials which he attended and attracted popular interest. His son Joseph was appointed official reporter in the civil courts in 1790 and also reported proceedings in Parliament. In turn he published accounts of notorious cases. W.B. Gumey, a grandson of Thomas Gumey, was officially appointed shorthand writer to the Houses of Parliament in 1813. He also practised his art in the courts and, among others, reported the trial of Queen Caroline in 1820.[21]

W.B. Gurney has been immortalised in a sense by Lord Byron, in stanza 189 of the first canto of his great poem 'Don Juan' published in 1819.

If you would like to see the whole proceedings
The deposition and the cause in full,
The names of all the witnesses, the pleadings,
Of counsel to nonsuit or to annul,
There's more than one edition, and the readings
Are various, but they none cof them are dull,
The best is that in shorthand ta'en by Gumey,
Who to Madrid on purpose made a journey.[22]

Our most famous court reporter in Parliament and the courts was Charles Dickens. He had worked for a firm of solicitors. From 1829 to 1831 he reported proceedings at Doctors' Commons, using shorthand. His experience of ecclesiastical court proceedings produced an account of a supposed case of *Bumple* v *Sludberry* in *Sketches by Boz* in 1835. This was concerned with a dispute over a church and he attacked the then Judge, Dr.Phillimore, Regius Professor of Civil Law at Oxford, in this lampoon. He also reported from Chancery, the Old Bailey and Bow Street Magistrates' Court. An imaginary common law proceeding for breach of promise, *Bardell* v *Pickwick,* figures in the *Pickwick Papers* published in 1836, with the immortal caricatures of Serjeant Buzfuz as counsel and the firm of Dodson Fogg as attorneys. An Old Bailey trial of *Fagin*

appears in *Oliver Twist* in 1838. Delays in Chancery were featured in Bleak House in 1852, with its interminable case of *Jarndyce* v *Jarndyce.*[2]*

George Borrow was articled to a Norwich firm of solicitors from 1819 to 1824 when he moved to London. In 1825 he edited a book called *Celebrated Trials* which drew on Howell's great series of *State Trials* and on the so-called *Newgate Calendar* which was produced unofficially from 1773 at various dates and probably inspired many of the authors of those days with dramatic plots. Borrow was apparently involved in some issues, presumably in the Calendar for 1824-6. There is evidence that Borrow tried unsuccessfully to be appointed a magistrate.[24]

The Gurney family of court reporters were distant relatives of the great Quaker banking family of Gurneys who flourished in the mid-nineteenth century.[25] In 1875 W.S. Gilbert alludes to them in the Judge's song in 'Trial by Jury*.

At length I became as rich as the Gurneys.
An incubus then I thought her.
So I threw over that rich attorney's
Elderly ugly daughter.[26]

The adaptation of shorthand to use in court reporting led to the further improvement of devising especially short designs to express common legal terms of ait. These were variously called abbreviations, arbitraries, short forms and grammalogues. They are not generally completely arbitrary but simplified or abbreviated versions of the normal patterns. In 1815 A.W. Stone offered a few samples, e.g. for 'defendant' and 'judgment'. In 1836 I.A. Nelson's book also suggested a few contractions for shorthand in forensic work. In 1840 G. Eyre, a solicitor, devised a system of shorthand especially designed for the writing of legal expressions.[27]

In modern times such short forms are generally offered by popular shorthand systems for use in court reporting work. Thus a Gregg *Reporting Course* published in the United States in 1936 provided short forms for a number of common legal expressions, such as 'beyond reasonable doubt', 'find a verdict according to the evidence', and 'contributory negligence'.

Individual reporters can devise their personal variations for particular phrases they encounter in their specialised areas. There is, however, some advantage in using a recognised system if there is any likelihood that the shorthand might have to be transcribed by a different reporter, e.g. after some lapse of time.[28]

II Organisation of Shorthand Writers

During the eighteenth and nineteenth centuries shorthand writers had practised their art as individuals and without any sort of representative body to look after their interests. They were employed as required by parties to actions in the courts, and Parliament had various people recording their proceedings, after a fashion. A petition to Parliament was raised requesting an inquiry into the practice of shorthand reporting with a view to recognising it as a profession.

In 1849 the first successful attempt was made at forming such a body, which came to be known as The Society of Practising Shorthand Writers. On 29 June 1850 its constitution was adopted.

At this time there were 33 shorthand writers, and 19 of them were mentioned in the Law List. Together with another six they became the 25 pioneers, among whose names will be recognised the names of firms which are still practising

today. They were Messrs. James Drover Barnett, Angelo Bennett, Charles Bennett, George Cherer, Joseph Nelson Cherer, William Cocks, John Cooke, C. Leopold Corfield, William Counsell, William Farmer, Henry Gregory, William Hibbit, J.G. Hodges, F. Bond Hughes, Fleming M. Leathern, George Sedgwick, George B. Snell, Snr., J. Stratford, Robert H. Tolcher, William Treadwell, Francis N. Walsh, Robert Walton, Henry White, James White, and Frederick Williams.

Whatever work was done by this Society, there are only faint traces of it. Its main work was a document called, rather grandly, 'The Case of Practising Shorthand Writers in reference to the Publication of an Official Record of Parliament, Debates &c, 1849'. It was produced in response to complaints' of the inaccuracy of the reports of Parliamentary proceedings in *The Times,* and it was considered essential by Lord Beaumont (talking to his peers) that an accurate record should be made available. Apparently, an official record had already been produced in the French Legislative Assemblies so the French were ahead of us - in this respect at least.

An argument then, which is familiar to us today, was that there was a desire for employment by the State rather than for being privately employed. Until the Cass Report was published, and put into effect in 1980, many practitioners felt that was the way out of the abyss of low pay and poor conditions which existed.

There is not much material available on which to found a knowledge of the Society as to its birth, life or death, but it is thought that it passed away peacefully about 1851 after, but not because, Messrs. Corfield and Walsh withdrew. George Cherer took the papers of the Society into his control about the time of its dissolution.

Fourteen years later when a similar society was being formed these papers were sought but could not be obtained, as Mr. George Cherer had died, and his brother took the view that they belonged to his deceased brother, so that he could not hand them over, besides which the keys to the box in which the papers were kept had disappeared, as have long since the papers themselves.

In October 1851 Edward Morton remarked that the business of the courts could not be conducted satisfactorily without the assistance of shorthand writers - a sentiment with which no doubt his colleagues agreed.

The next attempt to form a unified body was short-lived. In May 1865 shorthand writers gathered together and resolved to form an association of shorthand writers with the object of securing efficiency, and improving the status of its members generally. It was the committee of this new body that tried to recover the papers from Mr. Cherer, as already mentioned. This group (some of whom had been members of the earlier Society) for the first time called itself the Institute of Shorthand Writers, and the following were selected as the first members: Messrs. J. Bullions, W.A. Corfield, W. Counsell, J.G. Hodges, Snr. and Jnr., J. Hurst, T.E. Wilmot Knight, T.A. Reed, T. Robeson, G.B. Snell, Snr., R.H. Tolcher, and F.N. Walsh.

In 1865 there were 40 members of whom only 28 signed the roll of members. A curious feature of this group was its 'silence, secrecy and seclusiveness' (in Alexander Tremaine Wright's words). They appear to have been very retiring and eschewed all publicity, but unfortunately their AGM in January 1866 was 'leaked' to the Press. There was much agitation within the Institute, so much so that it could not overcome its embarrassment, and it expired.

However, one good thing that it did, according to the report presented to the 1867 AGM, was to indicate its requirements as to accommodation in the new law courts about to be built. But more of this anon.

Fourteen years of disorganisation caused the writers to realise the need for what is today called in certain circles 'a show of solidarity'. They moved into action as a result of a report published in October 1881. This was the Report of a Committee on Legal Procedure in which it was suggested in its 13th Clause that, in effect, it would be at the discretion of the judge how payment for attendance, and transcript, should be made. There is nothing like one's financial interests to concentrate the mind - whatever Samuel Johnson may have thought -so within five days of the publication of the Report seven firms of writers met, and within a fortnight the inevitable committee had been formed to keep an eye on this ominous Clause 13. By February 1882 the matter had been clarified and settled to the satisfaction of these gentlemen.

On 4 March 1882, 58 writers attended a general meeting at which 'it was unanimously resolved that it was desirable that a society or institute of shorthand writers practising in the High Court of Justice be formed*. It was also resolved that such formation should be carried out by revival of the 1865 Institute with such modifications as were thought advisable.

During the life of the 1865 Institute it had been found that not a single assistant could be induced to become a member, but in the reconstituted Institute every qualified assistant became a member on the same terms as the principals. The reason for this was the change found in the relations of principals and assistants. Until some time after 1867 an assistant was often not permitted to take notes on his own responsibility but had to pose as an 'improving pupil', while his principal was ostensibly taking the note, but out of court the whole labour of producing the transcript was frequently cast upon the assistant at a ridiculously inadequate remuneration.

During the next 13 years a subject which engaged the early and anxious attention of the Institute's Council was the grossly inadequate accommodation provided in the new Courts of Justice, in the Strand. The 1865 Institute had made repeated urgent representations about it. The father of the then Attorney-General, Sir R.E. Webster, was sympathetic, but the result was almost inevitable: nearly the whole of the representations came to nothing. In some of the courts the seat provided was but a narrow ledge raised a few inches from the floor, the writing desk being a narrow ledge at a height almost inaccessible to the occupant of the lower ledge, and the whole contrivance was put down at a spot where the difficulty of hearing was most acute.

The six suggestions put forward by the Institute were as follows:

(1) four seats, at least, in each court with flat desks not less than 18 ins. wide;
(2) a central situation with reference to the judge, counsel, witnesses and jury;
(3) a sufficient elevation to enable the note-taker to hear distinctly the words of the judge;
(4) freedom of ingress and egress;
(5) freedom from interruption;
(6) two retiring rooms, one in connection with the Chancery, the other in connection with the common law courts.

Fortunately, the then Lord Chief Justice (Lord Coleridge), the Master of the Rolls (Sir George Jessel), Mr. Justice Chitty, and others, realised that adequate facilities were necessary and so were induced to take an interest, and some

mitigation of the difficulties was obtained. (The then LCJ's interest in the Institute was a precedent followed by Lord Lane, the present LCJ.) Lord Coleridge was the first High Court judge to sit at the newly opened Victoria Courts at Birmingham in July 1891. They had been opened by the Prince and Princess of Wales in the same month.

While accommodation for note-takers in the various courts had been the subject of much complaint over the years, members' coats and umbrellas fared better, as accommodation was provided for them in the law courts in the Strand as early as 1885!

The Houses of Parliament were destroyed by fire in 1834. Rebuilding began six years later, and provision was made for a reporters gallery.

Four new courts were recently built in the Victoria Courts at Birmingham, which were described as 'prestigious'. Comfortable seats were provided which were all screwed to the floor. (Was it thought someone would actually 'take the chair'?) The architect had cunningly placed the shorthand writer's chair at such a distance from the desk (shared with the court clerk, as a result of which all stage-whispered conversations between the clerk and others were shared by the note-taker) as to give maximum discomfort. As a result one reporter took the matter in hand; took his courage in hand; took a screwdriver in hand, removed the offending chairs and replaced them with free-standing chairs. So far as is known, no official complaint was ever made.

Following a rule under the Bankruptcy Act 1883, an attempt was made to reduce by about 30 per cent the charges for shorthand notes. This again demanded prompt action. By a notice in the *Gazette* dated 4 February 1884 the relevant rule was annulled and the shorthand writers' time-honoured charges were practically re-established.

The first paragraph of the Institute's fifth annual report announced that the Institute of Shorthand Writers Practising in the Supreme Court of Judicature had been registered on 20 January 1887. The archives of the Institute contain the Memorandum & Articles of Association dated 17 January 1887. They were signed by 11 writers; the last surviving signatory, Mr. A.R. Marten, died in 1917.

Anyone able to write fairly quickly (usually in shorthand) and who has been provisionally accredited, and has the moral support of a tape recorder, can go into court and at least give the impression that she (or he) is writing an accurate note of the proceedings. On Saturday, 26 January 1793 *The Times* produced an advertisement which reads like the forerunner of this description. It stated:

A Reporter. Any gentleman who is capable of taking debates in the Houses of Parliament may find employment by addressing himself at the office of this paper this day or Monday.

Ninety years later, in 1883, a special general meeting was called to consider the suggestion that only members of the Institute should be allowed to take notes in court. The Court of Appeal held in 1889 that the note of a solicitor's clerk was not acceptable, which went a long way towards recognition of the official note.

A resolution was passed in 1891 that it was inconsistent with the interests of shorthand writers to allow tradesmen to hold themselves out as shorthand writers. During the nineteenth century, it appears, it had been quite an acceptable practice to advertise. The following appears to have been a typical

example, published in 1828:

Oxford Circuit. To the Profession. Mr. J. A. Dowling, Shorthand Writer, 43 Devonshire Street, Queen-square, London, begs to inform the Profession that he intends to visit the Oxford Circuit permanently, for the purpose of taking down such cases as may be required by the parties. The charges are as under, and it is optional on the part of Mr. D's Clients whether they will take a transcript or not.

	£	s	d
Taking Notes of a Cause	2	2	0
Transcript, per Law Folio of 72 words	0	0	8

Mr. Dowling's lodgings in each of the towns on the Circuit can be ascertained on application to Christopher Crouch, Porter to the Circuit.

We took ourselves very seriously as a professional organisation. In keeping with this professionalism the then Lord Chief Justice in 1913 expressed the opinion that shorthand writers should wear dark clothes, which sounds surprising, considering that at that time we must have been a conservative lot anyway. Sixty years later judges were complaining that women were wearing (the) trousers in court. What would Lord Coleridge have thought of that?

Dictatees in 1918 appeared to have been getting above themselves when they sought a rise in pay, and were reminded that by using the typewriter they were producing work so fast that they were able to earn more than the note-takers. To rub it in, they were accused at the same time of incompetence! In July 1901 there had been set up a National Union of Typists apparently considering itself as on a par with accountants and other professionals. Times have changed: the typist is rather lower down the hierarchy.

In the early years qualifications were, rightly, considered of such importance that, reading between the lines of one annual report, one sees almost a state trial of Walsh & Sons because they employed an unqualified person. In January 1885 a meeting of the Institute was held to discuss the matter, and it was proposed that a protest be signed by the members in consequence of which the Council would write to the firm. The complaint was that a Mr. King had come from a solicitor's office and had had no training. Walsh's reply was that Mr. King had never been employed by them, and that the few occasions when he had acted for them had been of an entirely exceptional character. (What is 'exceptional'? This sounds like a mitigation in a criminal case.) This explanation was accepted, and so another crisis was overcome.

A special meeting was held in 1896 to consider having 'official' shorthand writers in court. In 1902 Marshall Hall M.P. raised the matter, and the reply was that such an appointment might be of great convenience but that there were disadvantages, and that it required careful consideration.

It was the passing of the 1907 Criminal Appeal Act that gave shorthand writers almost their first official position in the Courts. This Act gave convicted persons a right of appeal, rather than have their cases considered by the Court of Crown Cases Reserved on points of law, and section 16 made it clear that shorthand notes of criminal trials were to be taken. Before this, it would appear, notes of criminal cases were taken only on instruction from solicitors. Often appointments were given at remote quarter sessions to the local journalist, who perhaps was not very efficient. These appointments fell into the hands of firms of shorthand writers. It followed that as firms attended the assizes so work came their way. Firms then had appointments to circuits and in very recent times there has been

the situation, for example, of Marten Meredith & Co. having the appointment to the Midland Circuit, and Walsh & Sons having the appointment to the Oxford Circuit. The circuits joined together, and the firms, coincidentally, joined together to make a company known as Marten Walsh Cherer Ltd., thus keeping alive the names of two members of the original 1849 Society.

In 1923 the Law Stationers Society claimed to have made arrangements to take notes in the High Court and elsewhere in conjunction with the shorthand writers, which claim was strongly denied.

In May 1931 the Bar Council recommended there should be court shorthand writers to cover the Royal Courts of Justice. Consequently, an inquiry under Mr. Justice Atkinson was held, and the Association of Shorthand Writers Ltd. was the result, being founded in 1938. In the same year the Institute and the Association set up house at 2 New Court, their present offices, the Institute having been of no fixed abode for all the years before.

Full transcripts used to be ordered by the Court of Criminal Appeal. However, as time went by the number of appeals increased considerably, so in 1950 'short transcripts' were introduced when the appeal was only against sentence.

Before the abolition of hanging the practice in capital cases was that the shorthand writer would produce a transcript each evening after working in court, in case there was a conviction, as then the transcript would be required within a fortnight of sentence being passed. If the defendant was acquitted, work on the transcript would cease but payment would be made for work already completed.
During the 1970s we had been falling behind in our pay and were getting rather desperate that something should be done to redress the matter. One of the big questions was whether we should become civil servants - an idea mooted back in 1908. There was much to support this idea in terms of pensions and a regularly increased income in keeping with inflation and other union demands, but then we would have lost our independence, which we have always treasured. The relative drop in pay, and the consequent failure to recruit staff, led to the setting up of the Study Group on Verbatim Reporting.

On the subject of pay, it is interesting to see that in April 1909 *The People* newspaper asked whether shorthand writers were being paid adequately under the Criminal Appeal Act, at £1 per day's attendance and 8d per folio (about 3p today). That writer wondered why shorthand writers did not become civil servants.

In 1979 the group published its Report (the Cass Report). It was quite lengthy and studied our profession deeply, coming out in favour of leaving the profession as an independent entity. The main consequences of the Report were a pay increase which took us to a level more consistent with the responsibilities and skills of the job from a level comparable with that of the shorthand-typist, and at the same time an obligation to accept the Government's wish that we tender for contracts to the Lord Chancellor's Department.

Tendering involves a four-year re-examination of the costs of running a business and paring them as much as possible so as to be able to put forward an acceptable figure in return for which the firms will be offered the appointment they seek. In wanting to save money, the Government also has in mind the previous years' performance.

The practice has resulted in under-cutting, and reductions in the salaries of staff.
It has also resulted in bad feelings between firms. In doing work for the Lord

Chancellor's Department - i.e. Crown Court work - firms are not in competition; indeed they always used to help each other when it came to covering court by lending staff where necessary." Another result has been an unsettling of staff in that every four years they do not know for whom they will be working or if they are going to be in work at all. As a result of the tendering the firm for which they are at present working may lose the appointment, and the new appointment holder may not wish to use the existing staff, or the staff may not wish to work for him. To add insult to injury, the LCD has asked the Institute to suggest ways in which the tendering procedure can be improved. Is the person about to be hanged expected to advise the hangman?

The following is a brief roll call of the better known names in the history of the Institute. Many names will be recognised by the names of the firms which are still in existence and which were formed so many years ago.

This chronological list is not exhaustive; but even by mentioning the dates when they died it will bring their bearers to life.

Reed, Thomas Allan original member of the ISW 29.3.1899
Tolcher, Henry Harwin original member of the ISW; 2 x President 10.4.1899
Walsh, Henry Morton original member of the ISW; 3 x President, and Treasurer 19.6.1900
Walsh, Edward Morton original member ISW; 1 x President 26.7.1904
Hibbit, William 1 x President; founded firm 1861 7.4.1905
Sanders, Thomas a freemason; founded firm 1861 14.2.1906
Counsell, Henry Richard 16.8.1908
Meredith, Thomas practised at Leeds 23.6.1909
Snell, George Blagrave original member of ISW; founded firm 1817 31.10.1910
Stammers, Harold William killed leading platoon in a charge 18.8.1916
Hersee, Charles original member of ISW 9.12.1917
Marten, Alfred Richard last surviving signatory of M of A; secretary of ISW; 4 x President 5.10.1917
Walsh, Alexander Treasurer; 1 x President 17.12.1918
Snell, Thomas founder-member of ISW; youngest son of G.B. Snell: opened Manchester office 1882 13.4.1922
Towell, James original member of ISW; 2 x President; practised on SW Circuit 6.12.1925
Howard, Sir Ebenezer, OBE 1.5.1928
Walpole, George member from 1881 19.12.1928
Gurney, Salter apptd. to Houses of Parliament 1872; held post till 1913 when retired.
Called to the Bar at Lincoln's Inn in 1874 but never practised 21.12.1928
Hurst, A. Stone member of ISW from 1903 to 1910 when resigned to practise at the Bar, Middle Temple 31.5.1928
Lehmann, John William partner with Cherer Bennett & Davies 1913; member of ISW 1887 21.3.1928
Barnett, CE member of ISW 1882 to 1906 2.1.1930
Sanders, Charles Alfred Treasurer, 1 x President 10.2.1935
Barnett, Edward Thornton original member of ISW; 4 x President; on Council 31 years 25.9.1935
Snell, Charles Darner 9.11.1936
Hersee, Charles Allan 1.8.1938 Humphries, Ernest L. 1.8.1938
Wright, Alexander Tremaine wrote monograph on Shelton, and other books on shorthand – to whom this writer is indebted.

In July 1982 a cocktail party was held at the Law Society in Chancery Lane to celebrate the centenary of the Institute. Distinguished persons attended,

including the Lord Chief Justice (Lord Lane), the Master of the Rolls (Lord Denning), and the Master of the Rolls-designate (Lord Donaldson).

Ill Methods of Writing

While this account is about shorthand writing and the Institute in particular, it seems appropriate to mention briefly a topic which must be considered of some relevance: the writing instrument.

Around the third century B.C. a writing brush made from stiff hair was evolved and writing became a highly developed art. The Egyptians made use of a rush pen with its ends frayed like a brush. Greeks and Romans sharpened a reed to a point, which reed pen had to be constantly sharpened like a pencil.

The most common alternative to the reed pen was the stylus, or metal pen. There is a story pertaining to the Roman period, that students learning the Tironian shorthand found it so frustrating they killed their teacher by using their styluses.

Medieval monks laboured long and tediously producing their manuscripts: so tediously that one eighth-century scribe wrote words which may appear to refer to shorthand-writing:

Be careful with your fingers; don't put them on my writing. You do not know what it is to write. It is excessive drudgery; it crooks your back, dims your sight, twists your stomach and sides(!)

It is interesting to note that the word 'pen' comes from the Latin 'penna', meaning a feather or quill. Tremaine Wright wrote in *The Two Angels,* a biography of the shorthand writers:

The early shorthand writer, of course, wrote with quill pens. Of these he carried into court with him a goodly supply in a leather case, and also an ink bottle in a metal case covered with leather. Part of the equipment of his chambers was a proper penknife and a hone, for he had to cut his pens to suit his hand.

As far back as 1795 the lead pencil had been introduced. During the nineteenth century attempts were being made to improve on the quill, and it was early in that century that the steel pen came into being.

Of course people tried to improve on what was then an improvement, the idea being that it would be more convenient to carry the ink in the pen rather than separately. Throughout the nineteenth century many attempts, which are well recorded, were made to produce a satisfactory fountain pen. The story goes that a certain Lewis Edson Waterman, an American, was motivated by the loss of a contract due to his pen splattering ink over the paper. In time he produced the first practical model, in 1884, the 'Ideal'. He founded his business in 1884 and retained the leadership in pen manufacture right up to the 1930s. Recently, in 1984, a French pen company bought out Waterman's.

A Canadian physics teacher provided some competition towards the end of the nineteenth century. George S. Parker sold fountain pens to his students but they were unsatisfactory so he decided to try to improve on them. In 1888 he successfully produced his first pen and then sold this model to his students. At the turn of the century, of the many pen manufacturers, Waterman and Parker were the chief rivals.

W.H. Shaeffer, also an American, was a jeweller who developed the lever-filling pen in 1908. This was very successful so he was able to incorporate his company in 1913. By 1920 most companies had produced this type of filling device.

A.T. Cross's literature shows that that company began in 1846 in England but soon moved to America. Cross patented his 'Stylographic' pen in 1878. In this pen a blunt needle is caused to move back by the writing pressure which in turn opens a valve mechanism to release the ink. In 1880 Cross patented a pen with a more conventional nib.

The 1920s brought styling and colour to fountain pens, while the 1930s streamlined them. In 1941 Parker introduced the '51' model with its hooded nib.

Mont Blanc has been in business in Germany since 1908.

In the late 1940s we saw the introduction of the ball pen which killed off much of the fountain pen business as it proved more convenient. The ball point pen was introduced by Reynolds in Chicago, and in Argentina by Biro, a Hungarian.

Another form of writing instrument well known to shorthand writers for transcription and with a long history is the typewriter. The idea of a machine to remove the limitations of the pen was in the minds of many men in the early eighteenth century. The first-ever patent was taken out in 1714. In Michigan, USA, William Burt produced a 'Typographer' in 1830. In Europe in the 1820s onwards various machines were invented. In France a machine was produced in 1833 aimed at helping the blind. (It will be remembered that it was a Frenchman, Braille, who invented a system of dots (no dashes) to help the blind.) In 1837 Ravizza's 'writing spinet' was produced, and patented in 1856. In 1839 in France there was even a typewriter salesman.

Remington's first commercial typewriter was introduced in 1873 in America and Mark Twain was one of the first purchasers of their machine. Scholes, from Milwaukee, produced an experimental model in 1867. The first thousand of his model were built by Remington (who had produced armaments) in 1873. In 1885 Tolstoy's daughter was the first European girl to use a typewriter - to be a 'typewriter' - it is said, typing her father's letters and *mss*, so he was the first European author to use a typist.

The owner of a shorthand and typewriting school had the audacity to state in 1877 that all typists should use all the fingers of both hands. A journal condemned this assertion by saying that unless the third finger of the hand had been previously trained to touch the keys of a piano it was not worth while attempting to use the finger in operating the typewriter; the best operators used only the first two fingers of each hand, and the editor doubted whether a higher speed could be obtained by the use of more fingers. A stenographer for the Federal Court of Salt Lake City used all his ringers, and had memorised the keyboard. He challenged anyone to show a higher speed in typing. This challenge was taken up by a four-finger typist. In the event the challenger won with ease.

On 25 October 1886 a paper was read at the Institute on "The Typewriter: and its utilization by the Shorthand Writer*. Members were assured by the notice of the meeting that 'they will be afforded a good opportunity of ascertaining and discussing the capabilities of this important machine', known also as the 'invisible writing machine'.

It is worth noting that before typewriters were introduced transcripts were laboriously written in copperplate by teams of dictatees. It has been suggested

that a sheet of such written paper held 72 words, thus we had the 'folio'. One shorthand writer has told this writer that his grandfather, at the turn of the century, bought a typewriter and secretly kept it at home in case such conduct would be called into question. This same source also mentions how his family sat around the dining-room table copying transcripts. The legal profession was also reluctant to introduce typewriters into the office, and as late as 1939 at least one set of chambers in the Temple did not have one. Was this because in the early part of the century at least 'typewriters' were in fact the operators?

In 1983, in America 'talking typewriters' were being sold. They were expected to replace dictating machines.

Machine recording such as by Stenotype is considered modem and the thing for the future. This is not so modern as the public may think. In 1827 a French stenotype type machine was being used, employing a system of dots and dashes. Back in 1909 a Walter Teer in America was demonstrating it across the States, having helped start the Stenotype Company at Indianapolis. During those early years of this century Gregg and Pitman shorthand were the dominant systems, but Teer foresaw that the machine would take over. He claimed to write at a top speed of 510 wpm on practice material, and 300 wpm on 'cold technical' material. Whether or not the words were counted in syllables, as at present, is not known to this writer, but either way Mr. Teer was a fast writer! Other machines were patented in the years 1900,1910 and 1920. Then in 1939 in England a patent was taken out by a Madame Camille Palanque on her machine which had 29 keys on it, as compared with the nine keys on the Stenotype.

These machines are operated as is the piano in that by combining letters new letters are formed (the chords of the piano), and as with the typewriter the operation is by touch, leaving the operator to watch the speaker, which is an advantage he has over the 'pen-pusher'. High speeds are claimed but it is still debatable as to which method is the better.

In the 1950s a matter of major concern to the profession was the suggestion that sound-recording be introduced into the courts. Although the Baker Committee found that the shorthand writer 'was able to interpret the proceedings in a way that no recording machine can', tape recorders were fitted into the courts in London's Royal Courts of Justice, and shorthand writers are not generally employed except in the Court of Appeal, and on writing-out cases.

An interesting story came the writer's way concerning a two-week trial held in the High Court. Recording equipment had been set up, including microphones for the judge and counsel and witnesses. Unfortunately, at the end of the case - not at the end of the day - questions were found to have been recorded but none of the answers as it was not noticed that the witness box in use (as opposed to the other one) had not been connected. The absence of a shorthand writer would no doubt have been noticed at some stage before the end of the case!

In the 1980s a matter of some interest to the profession is the attempted introduction of CAT (computer-aided transcription). Although it is widely used in the States there is a long way to go in this country before it will be considered suitable. If ever it should be employed it will require the use of machine shorthand, so then the manual shorthand writer will become a dying breed.

The enactment of the Contempt of Court Act in 1981 caused much concern in reporting circles, for it was thought that allowing tape recorders into court would at the least embarrass those taking the official note, knowing they were competing with tape recorders placed discreetly around the court for the benefit

of the legal practitioners. It was little consolation to think they would record only what they wanted to hear and that, therefore, the taped evidence or speech would not be a complete rendering of what was said and so would not be in conflict with the reporter's version. Fortunately, the matter was soon clarified in favour of the reporters, in that permission has to be obtained before taping of proceedings can take place. By contrast, since 1 January 1983 Californian courts have allowed attorneys, news reporters and members of the public to take hand-held tape recorders into court. However, these tapes cannot be used for broadcasting, or as a substitute for the official note.

IV Notes on Notable Shorthand Writers

In our profession we can claim to have had the talented and the famous, as well as the infamous. The following are a few of the names, some of which have lived on through the names of firms which are still practising. The infamous are represented by Horatio Bottomley who was orphaned at four years, having been born in 1860, and sent to an orphanage in Birmingham from which he escaped at about 14 years of age. After a couple of jobs, including one with a disreputable solicitor's firm, his uncle sent him to Pitman's College to learn shorthand, which it was thought would help him in his career. He eventually became employed by Walpole (see below), and was later admitted to the 'exclusive' Institute of Shorthand Writers. During his three years with Walpole he became a partner and the firm became Walpole & Bottomley. At 24 years of age he entered journalism and built up a chain of newspapers. His career covered journalism, company promotion, becoming an M.P. and a shorthand writer, and committing fraud, so that he spent some of his life in Parliament, some in the courts, and some in prison. He died in 1933.

Henry Buckley worked at the Old Bailey in 1816, and is thought to have died in 1847. The appointment then passed to his assistant, James Drover Barnett, later an exhibitor at the Royal Academy, and to his own son Alexander Buckley. James Drover Barnett died in 1902; Buckley's son died in 1905. Edward Thornton and Charles Edward Barnett wrote Mavor's system, and were still living in 1927.

John Byrom, a man of many talents, invented a system published in 1767. The hymn, 'Christians awake, salute the Happy Morn', was his inspiration. He had a medical degree but did not practise medicine. At one time he also took notes in the House of Commons. In 1728 after he had been taking notes there he wrote: 'I was told I was like to have been taken into custody: but I came away free.' No reason for this threat is known. It was said he was one of the tallest men in England. The Wesley brothers (of Methodist fame) learned his shorthand.

George Cherer and his brother Joseph Nelson Cherer were among the writers who formed the Society of Practising Shorthand Writers. One of those brothers is said to have been the model for one of the Cheeryble brothers in Dickens' *Nicholas Nickleby.* George Cherer died before the Institute came into being. He practised on the Western Circuit and was concerned to help prove a certain Edmund Galley was innocent of a charge of murder and highway robbery. He was so much moved by Galley's plea that he called out to him 'You're a noble fellow!' Galley ended his days having been deported to New South Wales. Being a considerate man, George Cherer got up a monthly subscription for Alexander Frazer (q.v.) who was in straitened circumstances. In February 1851 the Society were, at the instigation of George Cherer, endeavouring to found a benevolent fund, but on advice this was found to be impractical. (See also under Marten.)

Sir Edward Clarke QC published his own system in 1907 which. although adopted by many, made less mark on the public than he himself did in the law courts.

William Cocks started practising in 1840. He was the plaintiff in an action, *Cocks* v *Innes,* heard in 1849, in which the right to charge, *inter alia,* 8d per folio of 72 words was established. His younger brother Charles Brydges Cocks came into the partnership. They both wrote the Byrom system. In 1904 Cocks sought to recover from a solicitor payment for a transcript ordered and supplied. The defendant argued he was not personally liable, but Channell J. held that he was. With this precedent before them solicitors seem to be happy to pay our 'reasonable fees'.

One of a number of families of shorthand writers was the Cooke family. The earlier John Cooke died in 1827. His son, John Henry, went into partnership but was later admitted at Gray's Inn and was called to the Bar in 1841. A cousin, John, was apprenticed to John Henry and then went on to cover the Oxford and Northern Circuits. He in turn was in partnership with his son, John William, who proved to be philanthropically disposed. He died in 1859. The second John died about 1871; his son, John William, died in 1901. The family wrote Taylor's system, and John Henry published his - with which he had been helped by William Hibbit (q.v.) - in 1832 and it reached several editions down to 1866.

Charles Leopold Corfield is not really known of until 1839. In 1847 he entered into partnership with a Frederick Williams. Corfield took an active interest in the affairs of the then new Society of Practising Shorthand Writers, of which he was the first auditor, and later secretary. About 1853 he left the partnership for farming, and terminated his career in 1854 - in a horse pond!

The Counsells are said to have originated as refugees from Flanders in the sixteenth century, settling in Somerset as weavers. William was born in 1814. In 1844 he deputised for Gurney (see below) in Ireland. From 1855 to 1862 he was in partnership with G.B. Snell, being known as Snell & Counsell. His elder son, William Henry, joined him as a partner but temperamentally they clashed so they had to part company. William died in 1870. By 1869 he had taken his younger son, Edgar, into partnership and the firm became Counsell & Son. Edgar was the last of the writers to use quills. The HMSO discontinued the supply of quill pens to the Royal Courts of Justice in the latter years of the nineteenth century.

The next name in this gallery is perhaps better known. Charles Dickens was a man who championed 'the poor, the hard-done-by, and the wretched'. He would surely have joined the Institute had it existed hen he was reporting. He was born in 1812, and died in 1870. The period relevant to these thoughts was around 1827 when he first of all went to work as a solicitors' clerk, as a result of which experience he 'developed a hearty contempt' for solicitors. He bought a copy of Gurney's 'Brachygraphy' and despite it being a 'sea of perplexity' within a year he had mastered the subject well enough to be able to obtain work as a shorthand reporter in the Doctors Commons, whose business was later taken over by the PDA Division of the High Court - the 'Wills, Women and Wrecks' Division as A. P. Herbert described it. (Further changes were made in 1971.)

When he was 18 Dickens went into journalism through an uncle who had begun a periodical containing verbatim parliamentary reports, on which his (Dickens') father also worked as a reporter. Charles soon established himself and was 'universally reported to be the rapidest and most accurate shorthand writer in the Gallery'. From there he joined the staff of *The Morning Chronicle,* a newspaper established some 20 years before *The Times,* and whose editor is said to have created the system of notetaking by relays. ('What of the Romans?' you may ask.) In consequence of joining *The Morning Chronicle* Dickens travelled the country reporting speeches in the great Reform debate.

J. A. Dowling was a member of the Middle Temple as well as a shorthand writer. He was one of seven sons of a Vincent Dowling, an Irish journalist of whom Dickens spoke with special regard. Vincent Dowling was reporting for the *Observer* in 1816. It has been claimed he was the first person to discern Dickens' genius for character-sketching, and Dickens, in fact, contributed a number of sketches to a journal which was edited by Vincent Dowling.

It was said of Alexander Fraser that he 'exercised his pen with a velocity more rapid, if possible, than human articulation'. He had come to London from Edinburgh. In 1794, he published *Stenography, or the Art of Short Hand made Easy and Compendious,* possibly intended to have been developed into an improvement upon Gurney's version of Mason. Around 1810 Fraser tried to get an appointment to the Houses of Parliament but did not succeed. Objection to his appointment was made by Gurney who claimed an exclusive privilege (see below). Fraser was described by William Hibbit as 'a big burly unco' Scotchman'. When he came into straitened circumstances George Cherer got up a monthly subscription for him to which Hibbit contributed. In trying to improve on Mason's system, Fraser devised an arrangement of double dots for combined prepositions and articles: a single dot on the line indicated *of or the,* and above the line it stood for *a, an* of *and* - some of which is familiar to Pitman writers.

Dr. John Robert Gregg who was born in Ireland, at one time wrote Pitman but then went on to publish his cursive system, called Light Line Phonography, in Liverpool in 1888. In that year he went off to America where he stayed to see his shorthand used extensively until machine reporting took over.

Thomas Gurney, a schoolmaster at Luton, was the inventor of the Gurney system, and founder of the Gurney firm. He based his on Mason's system, but it was no improvement on the 'Brachygraphy'. according to Fraser, who also used Mason's. Gurney published his method in 1750 and this became the prime system for the next hundred years. Dickens used it. Until quite recently a Mr. A. C. Mill still used it, writing at 200 wpm, and thinking nothing of working a 10-hour day. Thomas Gurney married Martha Marsom, daughter of Thomas Marsom who was imprisoned for his part in an unlawful assembly, and was in prison with the poet Bunyan.

From 1738 to 1770 Thomas Gurney held the post of shorthand writer at the Central Criminal Court (Old Bailey). His son, Joseph, followed him and he, with William Isaac Blanchard, reported the impeachment trial of Warren Hastings over a period of five years. William Brodie Gurney, Joseph's son, was appointed shorthand writer to the Houses of Parliament in 1813 (a position held to this day by the same firm). It is said that Gurney's clerks frequently worked from 11 am to 1 or 2 the following morning while the House sat.

Thomas Gurney died in 1770. Joseph was born in 1744 and died in 1815, the year of Waterloo (to get it into perspective).

William Brodie Gurney was born in 1777 and died in 1855. In 1830 he announced that he would be travelling the Northern Circuit, which indicated he had accepted work for the London Press. Good shorthand writers of that period were sought by the Press to report trials of public interest. In those days they tended to be of two groups; those who turned to journalism, and those who sought to establish themselves as professional men with clienteles, modelling themselves on the legal profession. William Brodie Gurney's brother, John, became a KC in 1876 and eventually a Baron of the Courts of Exchequer.

William Hibbit was born in 1813. He saw the coronation procession of George IV in 1820. He was apprenticed to Joseph A. Dowling (see above) - who 'died by his own hand'. About 1830 he was apprenticed to J. H. Cooke and in 1838 he began on his own account. This was one year after Victoria came to the throne. He had earlier helped in the correction of the proofs of Cooke's edition of Taylor's system. In 1849/50 he was in partnership with John George Hodges. About 1861 he took into partnership his nephew, Thomas Sanders, and the firm became Hibbit & Sanders. W. Hibbit was once President of the Institute. He died in 1905. Thomas Sanders died in l907. They both wrote Taylor's system.

John George Hodges went on the Home Circuit and had William Hibbit as a partner. His eldest son then became his partner (his mother being William Counsell's sister). John George Senior died in 1875, his son in 1894. John George's grandson, J. A. Hodges, continued the business. He was a frequent contributor to photographic journals. He died in 1907.

One man of varied talents was Sir Ebenezer Howard, OBE, who had a social conscience. He became founder of the town planning movement, and 'father' of Letchworth and Welwyn Garden City, in which latter place he actually lived and died, unlike M.P.s who represent constituencies perhaps many miles from their homes. Sir Ebenezer was born in 1850 and died in 1928. He travelled and worked as a reporter in the United States, then on his return to England he joined the staff of Gurney's. He was also an amateur, though not successful, inventor. An invention he perfected, though never marketed, was a shorthand-typing machine.

A man of some interest was Mr. E. Gilburt Howell, whose career as a shorthand writer was to commence in Bell Yard, Temple Bar. In 1887 his name appeared in the roll as one of the first members of the Institute. In about 1905 he left the firm of Hibbit & Sanders and was attached to Snell & Sons. He was a very capable note-taker but his interest lay in the spoken word rather than the written word, so he spent all his spare time in amateur theatricals. About four years later he became a professional actor with the 'Blue Bird' touring company, thus travelling to South Africa and Australia. Unfortunately the company failed in Australia and was disbanded and so Howell found himself stranded.

He was able to obtain a post as a cook but was not successful at this and soon afterwards he worked his way from Australia to the Fiji Islands where he managed to get a post as shorthand writer to the Legislative Assembly and the courts.

Nothing more was heard of Mr. Howell until 1925 when the documents in an appeal to the Privy Council were found to include a transcript bearing his name. It is understood he died in Sydney, Australia, in 1940.

Frederick Bond Hughes was travelling the Midland Circuit from 1830. For a period he worked, as many of his colleagues did, as a deputy for Gurney in Parliament as well as in reporting the Chartist meetings, at which writers often worked in pairs so as to provide corroboration. W. Counsell and Hughes took notes together at the trial of J. Maxwell Bryson, the latter having to admit Counsell's was the fuller note.

Many reporters covered the trials of the Chartists, this movement having been revived due to the economic distress which succeeded the Napoleonic Wars, and the dislocation of society caused by the rapid industrialisation.

Alfred Richard Marten was born in Brighton in 1843. In conjunction with Thomas Meredith he set up the firm of Marten Meredith & Co. in 1870. Around 80 years

later the present writer joined this firm. In 1980 it merged with Walsh & Sons and became Marten Walsh Cherer Ltd. While training, it is recorded, Marten used to work from 10 a.m. to 1 a.m. the following morning note-taking and transcribing, which should be a salutary thought for those of us who think we are hard done by when we start at 10 a.m. and finish at 5 p.m.! On circuit Marten could be required to work from 10 a.m. to 11 p.m. He was an accomplished musician, and played the viola in the Stock Exchange Orchestra. He died in 1917, being the last surviving member of the original signatories to the Memorandum of Association.

Edward Morton was born in 1801 in the West Country. He became a member of Gray's Inn but was never called to the Bar. He was editor of a publication called *Adams' Parliamentary Handbook,* and at one time published a pamphlet in which he suggested a solution to the problem of Chancery reform which included the suggestion that notes of the proceedings should be taken by shorthand writers. (Was this a vested interest?) For two years he was in partnership with Francis Neate Walsh and went the Oxford Circuit, and later the Oxford and Northern Circuits. He added the Courts of Probate & Divorce, the Privy Council, and York Assizes. He died in 1866.

Morton attacked Gurney's monopoly in reporting Parliament. For 15 years he had been a deputy for Gurney. With Francis Walsh he petitioned Parliament for an inquiry, because two-thirds of the work done was by note-takers not employed by Gurney directly. It was stated that this monopoly lowered the character of the profession. In June 1849 Morton petitioned the House of Lords that he be allowed to lay before the House information on his experience to enable him to report the proceedings. In May of that year the Society of Professional Shorthand Writers presented a similar petition. This was turned down by the Select Committee on Accommodation of the House as their original reference did not embrace the subject of an official record of speeches.

It was in 1824 that Henry Richardson took into partnership George Cherer (see above), who wrote Mavor's system, used extensively at that time, Pitman not publishing until 1837. In 1838 his brother, Joseph Nelson Cherer, went into partnership. George died in 1857. In 1860 Moses Bennett, an assistant, became a partner. Joseph died in 1873. (Mavor was the Rev. William Mavor, LL.D, author of *Universal Stenography.)*

George Sedgwick took an active interest in the Society of Professional Shorthand Writers, and was for a short time its secretary.
George B. Snell was the seventh son of Richard Snell, and in turn father of five sons. He wrote the Lewis system and taught it to at least two of his sons. He died in 1874. During his career he was in partnership with one of the Counsells; then with his second son, G.B. Snell, Jnr; then later with his youngest son, Thomas, who was originally an engineer. George B. Snell, Snr. went the Northern Circuit G.B. Snell, Jnr. maintained his connection with the Bankruptcy Court. He died in 1910, and Thomas Snell died in 1922. They were Pitman writers. The firm was founded in 1817, with the Milner family looking after the Manchester branch, and the Snells the London end.

James Stratford was in business in 1834. In 1852 he took Francis Neate Walsh into partnership, until 1858 when Walsh left. Robert H. Tolcher used Taylor's system, and started in business on his own account in 1840. He took an interest in the 'battle of words and folios'. In 1743 Lord Hardwicke had directed that in counting folios figures were to be counted as if written in words (as now), but to reduce costs Lord St. Leonards, in 1852, ordered that each group of figures of one category (i.e. pounds, shillings or pence) should be counted as one word. The former point of view won the day. Tolcher died in 1899.

George Walpole was born in London in 1857, and died in 1928. He became a shorthand writer and for about 18 months worked in partnership with Horatio Bottomley who had the distinction of sitting both in and out of the dock at the Old Bailey! Walpole edited *Hansard's Debates* until it ceased publication, and he was the first reporter allowed to take notes in the House of Lords. He took the proceedings at Royal Commissions and Departmental Committees, and claims the record for longevity of note-taking at a trial in Carlisle: from 9.30 a.m. to 11.45 p.m. with a half-hour break for lunch and an hour's break for dinner. He also did some newspaper reporting for the *Financial Times;* and he wrote a column, *London Letter,* for the *Singapore Free Press.* He was appointed in February 1906 by the Corporation of London as the official shorthand writer at the Central Criminal Court. In 1921 he published his own system.

Francis Neate Walsh acted as a deputy for Gurney. He was in partnership with Morton for a short time, and later with James Stratford. He had two sons who joined him: Henry Morton Walsh and Edward Morton Walsh. The former died in 1900, his brother in 1904.

Robert Walton was first seen as a writer in 1833 when he started on the Midland Circuit, having gone there primarily as a representative of a London newspaper, and hoping to establish a business of his own. This engagement went on for a number of years. In the mid-nineteenth century writers often had a connection with the Press. (Now we occasionally get members of the Press becoming members of the Institute.) In about 1861 he took into partnership his son, Alfred Grainger Walton. In 1869 Robert published a volume. *Random Recollections of the Midland Circuit,* followed by a second volume in 1873. He died in the late 1870s.

Henry White was the brother of James White. Little is known of him, except that he, again, worked mainly as a deputy for Gurney, and his career is thought to have ended about 1860.

James White was born in 1820. He also took notes for Gurney at the Chartist meetings and trials. He died in 1897. He was connected only with the Society.

The first knowledge of Frederick Williams is as from 1839. Soon after termination of a partnership with Charles L. Corfield he took Joseph Hurst, Snr. into partnership. By 1854 William Archer Corfield, a brother of Charles, was his partner. It is thought that Williams died in about 1856. From 1870 Joseph Hurst was in partnership. Corfield dropped out through ill-health' so the firm became Hurst & Hurst. Corfield then entered into partnership with Charles Hersee who had originally been with Hurst, Corfield & Hurst, so originating the firm of Corfield & Hersee. Joseph Hurst, Snr. died in 1885. His son went to the Bar in 1887, and the firm became Barnett & Barrett, consisting of Edward Thornton Barnett and William George Barrett, an ex-assistant of Hurst & Hurst. William George Barrett died in 1923, then in 1924 Edward Thornton Barnett joined Henry Lenton as Barnett, Lenton & Co. (now practising from Chancery Lane). W.A. Corfield, Snr. died about 1875; W.A. Corfield, Jnr. died in 1911; and Hersee died in 1917. The Hursts, Hersee, and W. G. Barrett wrote Taylor's system, and the Corfields wrote Lewis's.

Another note-taker who wrote his memoirs was Lloyd Woodland, Jnr., who wrote of the Winchester court under the title *Assize Pageant.* His father had had a personal appointment to the Winchester Assize and Quarter Sessions back in 1908, at which he was assisted by H. Sanders. More latterly Sellers and Woodland worked together at Hampshire Assizes. Woodland, Jnr. left shorthand

writing for the local authority.

V Comments by Judges

It is interesting to note, looking through judgments pronounced over the last century, the comments of judges on the shorthand writer and his craft. The following is a small selection.

In 1862 Sir John Romilly, Master of the Rolls, suggested, in the case of *Clark*v *(Malpas* (31 Beav. 554, 559) 'the propriety of using the shorthand writer's note, in consequence of the much greater certainty and accuracy acquired thereby ... than by the note taken by the judge'.

In 1871 in *Tichborne* v *Lushington* (May 12, 1871; M. Levy, 'Shorthand Notes' (1886), 37, 38, 39) Bovill, Lord Chief Justice, said:

Probably this would be much more accurate than the note which I could take. If you think so, the examination may pass on much more rapidly, because they need not wait for me to take a note of every piece of evidence ... The gentleman who is taking the notes could always refer to the exact question and answer...I must give the shorthand writer authority to stop the proceedings if you are going a little too rapidly for him.

In the case of *Earl de la Warr* v *Miles* (9 Nov. 1881; M. Levy, *ubi supra,* 69), the distinguished if opinionated Sir George Jessel, M.R. inveighed against the idea (pp.72-3):

The shorthand writer... is not so competent to take a proper note as the Judge and counsel. As a general rule he has not a sufficient knowledge of the case to know the exact bearings of the answers, especially in technical or scientific cases ...he very often changes during the course of the trial, for we all know that a shorthand writer cannot go on all day; he must change from time to time, and therefore he may come in in the middle of a case without knowing anything about it... if a witness's answer is not understood by him he cannot call upon the witness to repeat the answer as a Judge can, if he is in doubt, so as to make his note perfect. Therefore it is impossible to say that, as a rule, a shorthand writer's note is the best record or the most reliable record of the evidence.

On the supposed problems raised by technical terms another view was taken by the court in the case of *Badische Anilin Fabrik* v *Levinstein* ((1883) 24 Ch. D. 156, at 176):

The case was one of extreme technicality, and it would be almost a necessity that a shorthand note should be taken of the whole of the evidence. Mr. Justice Pearson said he considered that, in cases of this nature, it was most important that the whole of the evidence should be taken by a shorthand writer. The case occupied the court for ten days. The witnesses were some of the principal authorities upon chemistry.

A daily transcript was provided. The report in the London *Times* added the following:

The shorthand notes have been taken with great correctness; but loud complaints are made by the reporters of the extreme inconvenience of the present position of their desk in the new court, which is so much below the level of the judge's seat and the witness box that it is with the utmost difficulty that they are able to hear the judge or witness.

There are further references to this familiar difficulty earlier in this article!

In the celebrated Canadian appeal of *Louis Riel* to the Judicial Committee of the Privy Council in London ((1885) 10 App. Cas 675) the original magistrate had directed a shorthand writer to take down the evidence, and as a result the magistrate himself could not read the characters. It was argued that the magistrate had not therefore had a note made of the evidence. Lord Halsbury, Lord Chancellor, giving the judgment, said that a shorthand note was a form of writing and the legal requirements had been met (p.679).

In the recent case of *R.* v *Dowling* in the Court of Appeal *(The Times,* 22 June, 1988) it was pointed out that a judge should not alter a sentence otherwise than in open court as 'only thus would a shorthand note be recorded and available'. In *R.* v *Chance (ibid,* 13 July 1988) transcripts of unreported cases were ordered.

VI Parliamentary Reports

Public reporting of proceedings in Parliament was not general until William Cobbett, MP. for Oldham in Lancashire, began to issue reports compiled from the Press and other sources of information, in 1800. In 1822 he advertised his reports as follows:

Cobbett's Collective Commentaries: or, Remarks on the Proceedings in the Collective Wisdom of the Nation, during the Session which began on the 5th February, and ended on the 6th of August, in the 3rd year of the Reign of King George IV and in the Year of our Lord 1822; being the Third Session of the First Parliament of that King. To which are subjoined a complete List of the Acts passed during the Session, with Elucidations, and other Notices and Matters, foregoing, altogether a short but clear History of the Collective Wisdom for the year. This is an octavo book, and the price is 6s.

These *Debates* were printed by a Thomas Hansard who eventually became the owner of the publication, which in 1829 became *Hansard's Parliamentary Debates.* On his death in 1833 he was succeeded by his son, also named Thomas. Hansard was a private publication which relied on subscriptions from M.P.s, newspapers and clubs. In 1855 the Chancellor of the Exchequer ordered the official Stationery Office to subscribe.

In 1888 a Joint Select Committee of the Houses of Lords and Commons sat to consider whether the reports should be full or just a condensation, and recommended against an official full report. In 1889 Mr. Hansard sold his business to a new public company called Hansard's Publishing Union. This went bankrupt within 12 months and the Stationery Office made a direct contract with a firm of printers.

The reporting was inadequate so Select Committees of Parliament were set up to consider a solution.

In 1908 such a Committee of the House of Commons recommended that the House of Commons should have a reporting staff of its own and publish a full report 'which, though not strictly verbatim, is substantially the verbatim report, with repetitions and redundancies omitted, and with obvious mistakes corrected, but which, on the other hand, leaves out nothing that adds to the meaning of the speech'. This is a definition we could well bear in mind. The proposals came into force in 1909 when 11 'of the most skilled reporters of the Kingdom' were selected.

The conditions for reporters were most unsuitable for such a responsible task. Charles Dickens complained in 1832: 'I have worn my knees by writing on them on the old backrow of the old gallery of the old House of Commons: and I have worn my feet by standing to write in a preposterous pen in the old House of Lords, where we used to be huddled together like so many sheep - kept in waiting, say, until the woolsack might want re-stuffing,' an allusion to the seat on which the Lord Chancellor presides. As to the acoustics Dickens defined these as 'A conglomeration of noise and confusion to be met with in no other place in existence, not even excepting Smithfield on a market day, or a cock-pit in its glory'.

That such conditions were not totally a thing of the past appears from the remarks in more recent times of Sir Alan Herbert, author of many works on the lighter side of the law:

The highest accuracy is demanded in conditions where the Recording Angel himself might well refuse duty ... some Members speak fast, some very low; some are near a microphone, some not; some have their backs to the reporter, some fire off a mass of figures and quotations, and they must be precisely right, if nothing else is. What a job!

As for the executive branch. Earl Balfour, when Foreign Secretary, astonished his staff at No. 10 Downing Street by introducing a stenographer there.

VII Miscellany

The status of women in the profession has grown over the years. In 1888 the first 'lady typewriter' began working in the Inland Revenue Department in Whitehall, and at that time there were no more than 20 typists in the country. They were segregated from the men and passed their work through a hatch in a wall. By 1915 there were 600 women typists and by the 1930s they outdistanced the men in contests. The idea that secretaries were assumed to be men reminds one of a bit of Edgar Wallace's 'The Ringer' where a woman was still referred to as a 'typewriter', as well as the instrument.

To-day we can proudly assert that there is equality of the sexes in the profession of court reporter. This has been true long before Parliament so decreed it, but until 1953 it too had been an all-male preserve when a certain Miss Crook became the first woman member of the Institute, followed a few months later by a Palantypist.

When women first came into our business there was a degree of concern felt that (a) they would not have the stamina to cope with the long periods of note-taking; (b) at a time when women were invited to leave court when less salubrious cases were being heard, how could a female reporter face up to the embarrassment of bad language and matters concerning 'male offences'? Of course the women proved resilient, and they managed as well as their male colleagues.

Mr. Justice Cassells (JQB 1939-1961) had been a newspaper reporter and used to take down his own note in shorthand when he tried cases. He once asked the incumbent reporter how to write the word 'iota' in shorthand, to which he got the reply: 'I wrote it in longhand.'

Court reporters must often have done much to enhance the reputation of members of the Bench. Vice-Chancellor Bacon (1798 - 1895) appears to have had no voice to speak of and very little wit; he frequently became inaudible, and yet

the pundits of the Inns of Court and elsewhere, having read him as rendered by shorthand writers, held him to be a great master of lucid, elegant and forceful language. Lord Campbell exercised some discretion in selecting cases for reporting in his *Nisi Prius* series before he became a judge. He claims to have had a drawer-full of judgments of Lord Ellenborough CJ. which he had suppressed as bad law!

Court reporting went on for very long hours in the past. Joseph Gurney reported a trial in 1781 which began at 8 a.m. on a Monday morning and only ended at 4 a.m. the next morning when the jury retired to consider its verdict. R.H. Tolcher took a trial at Staffordshire Summer Assize in 1850 which lasted five days. Sittings began at 9 a.m. and, with two or three adjournments of a few minutes each, went on until after 11 p.m, On the Friday the court sat until 1 a.m. and then adjourned until 8 a.m.

Some reporters had their eccentricities. Herbert White, on the Midland Circuit, used repeatedly to swear softly to himself when taking notes. On the Oxford Circuit a certain older writer used to make his views of the witnesses known by the way he glared at them when he did not believe them, or by throwing down his pen at some outrageous piece of evidence.

The technique of noting testimony was not always understood. One reporter, being asked if he was worried if he was a couple of questions behind, replied that he only started worrying when he was a couple of witnesses behind. Lord Chief Justice Goddard (LCJ 1946-58) once asked a witness why she was babbling so fast, to which she replied: 'I am frying to keep up with him,' pointing to the shorthand writer. A reporter at a court-martial was asked, 'When more than one member of the court was speaking at once, how did you cope?' He replied: 'I wrote the brigadier before the captain.'

The place occupied by a shorthand writer is not always understood by the general public. The following is a letter published in a local newspaper by a woman living in Ipswich.

Having been called for jury service I sat apprehensively in the waiting room. A group of people stood at the entrance to the courtroom and I idly speculated on what they were. One man was very well dressed but his eyes were close together and he had a cruel mouth. I thought he looked like a high class swindler but when we were called into the courtroom he was close to the clerk of the court. He was the official shorthand writer.

There have been more serious cases of misidentification. A male colleague was reporting a divorce case in the old-style divorce court when he was pointed out as being the co-respondent He quickly denied any association with the lady in the case. A female colleague was once identified as being a girl with whom the accused had slept on the night of the alleged offence somewhere else, which she emphatically denied. Knowing these people well I would have my doubts about the former, but I would have no doubt about the latter! On one occasion when a transcript was asked for it turned out that the shorthand writer's seat was occupied by a woman who had been apparently taking a shorthand note but did not know shorthand and was not in fact making a report. One wonders (a) how she came to be sitting in the shorthand writer's place, and (b) why?

A judge once passed two notes down to the shorthand writer and the court usher respectively. The usher was rather taken aback to read 'What did the witness say about this yesterday?' and the shorthand writer amused to read: 'Fish and chips

for lunch, please.'

Notes

The author wishes to express his thanks for a number of helpful suggestions by the Editor.

1. P.R.O. ref in Patent Rolls is C 66/1315 PFFP 1454, see transcript of Plate 1. Cf. Arber, Transcript of the Stationers Register (1554 -1640), Vol.2 p. 16 or WJ. Carlton, Timothe Bright (1911), pp.72-74 with a sample of his shorthand in the Frontispiece. This is probably the earliest sign of a literary copyright.

2. See Lemprière's Classical Dictionary (1984 reprint), sub nom.

3. Lives of the Chief Justices of England, Vol.1 (1849), pp.179 ff.

4. Prefaces to Vols. 1 and 10 of his Reports.

5. R.C. Latham ed., Vol.1, xxi, xlviii-lix.

6. W.J. Carlton, Samuel Pepys, his Shorthand Books (1933 offprint), p.76; Hist. MSS. Comm. 15th Report, App. Pt.II (1897), p. 178. As M.P. for the pocket borough of Castle Rising in Norfolk Pepys used shorthand to make notes of proceedings in the House of Commons.

7. Lois G. Schwoerer, The Declaration of Rights 1689 (1984), p.216 n.3.

8. See Isaac Pitman's History of Shorthand, 4th ed. (1918), pp. 9-40. and Plate 2.

9. J.H. Langbein, 'Shaping the Criminal Trial: a View from the Ryder Sources'. 50 Univ. of Chicago Law. Rev. (1983), No.l. pp.8-9.

10. Ibid, pp.22-3.

11. Ibid, pp.17, 19.

12. Ibid, pp.16, 17.

13. Boswell's Life of Johnson, ed. Hill and Powell (1934), Vol.3, pp.224, 504.

14. Letters of James Boswell, ed. Tinker (1924), Vol.1, p. 100.

15. Life of Johnson, vol.3, p.270.

16. Ibid, p.20.

17. Life of Johnson, Vol.2, p. 364.

18. Erskine May, Constitutional History of England (1882), Vol.2, pp.49, 50. From 1771 reporters were admitted but not to make notes.

19. James Oldham, 'New Light on Mansfield and Slavery', 27 Journal of British Studies (1988) at pp. 58-9. Blanchard is referred to in Isaac Pitman's History of Shorthand, op.cit., pp. 58-70.

20. Dictionary of National Biography Vol.8 (1886), p.380.

21. Ibid, Vol.23 (1890), p.367ff. In 1750 he published a work on shorthand which Dickens used for his career as court reporter.

22. Pratt edn.. Vol.2, p. 127, cf.Vol.4, p.451.

23. W.J. Carlton, Charles Dickens. Shorthand Writer (1926), pp.26, 41, 61; a sample of his shorthand appears at p. 139.

24. Life of George Borrow, by Clement Shorter (1919), p.203.

25. D.N.B. Yol.23 (1890), pp.361, 366-7.

26. The Savoy Operas (1963). p. 586.

27. Pitman, History of Shorthand, pp.94, 123, 124.

28. Ibid, pp.66. 67. 133.

Appendix

Patent of monopoly granted to Dr Timothy Bright

26 July 1589

Elizabeth by the grace of god &c To all manner of Printers Booksellers Statyoners and other oure Officers Ministers and subiect greetinge. Whereas oure wellbeloved subiecte Tymothe Brighte Doctor of Phisicke latelie invented a short and newe kynde of Writinge by Character to the furtheraunce of good learning, knowe ye that Wee of our grace speciall mere mocyone and certaine knowledge have granted and geven priviledge free libertie and lycence and by theise presents for us oure heires and successors do graunte and gyve pryvyledge free libertie and lycense to the saide Tymothe Brighte and to his assignes for and duering the space of fyfteene yeeres nexte ensewing the date hereof for hym and his assignes onlie to teche imprynte and publishe or cause to be taughte imprynted and published in or by Character not before this tyme commonlye knowne and used by anye other oure subiect. And also like pryvyledge free libertie and lycense to hym and his assignes onelie to prynte and sell all suche bookes as he heretofore halhe or hereafter shall make devyse compile translate or abridge to the furtheraunce of good knowledge and learning and so allowed of by publicque authoritie. Straightlie commaundinge and forbiddinge by these presents all and singular oure subiects as well Printers, Statyoners and Booksellers as all other parsons within oure realmes and domynyons whatsoever they be that none of them in anye manner wyse directlie or indirectlie publicklie or pryvatlye teache ymprinte or publish or cause to be taughte imprinted or published anye thinge or thinges whatsoever in or by Character ducring the saide terme of fyfteene yeeres or prynte or cause or assent to the prynting of any suche bookes as he heretofore hathe or hereafter shall devise compile translate or abridge to the furtherance of good knowledge and learning or anye parte of them without his specyall knowledge and assente firste had there unto in Writinge uppon payne of oure high indignacyon. And that enye offender for everye offence contrarie to the effect and true meaninge of these presents shall forfayle and lose all suche book or bookes so prynted or to be prynted published solde uttered or put to sale contrarie to the tenor of this speciall pryvyledge. And for the better and more due execucion of this presentc pryvyledge We do will and straightlie chardge and comaunde as well the maior and sheriffs of the Citie of London and also other the Justices of the peace officers ministers and subiects, as they tender

oure favoure and will avoide oure displeasure and indignation for the countrie. That they and everie of them if neede shall require aide and assist the said Tymothe Brightc his Executors, Administrators and Assigns in and for the due exersysynge and execution of this oure present lycense and pryvyledge with effecle accordinge to the true meaninge and intent of the same. And also sease suche bookes as shall be made or uttered to sale contrarie to this pryvyledge and to breake uppe and destroy the presses of suche impressyons wheresoever the same may be found and to byndc suche parsons with sufficiente suertie to theire good behaviaire as shall presume to offende in anye thinge contrarie to the purporte and intencion of theise oure letters patent And yf they shall refuse to doe so corny it them to Ward all that shal be conformable as is aforesaide.

hi Wytnes whereof

Wytness oureselfe at (Westminster) the xxvi days of Julye

per breve de privato sigillo
(by writ under the Privy Seal)

Update May 2003:

As Harry writes, on page 212 of his article, in the mid-80s Computer Aided Transcription (CAT) came upon the scene. For us in the UK it was in 1988 that, at the Lord Chancellor's Department's behest, shorthand writers re-trained on to computerised shorthand machines, either Palantype or Stenograph, and within two years a large number of Crown Courts in England and Wales were covered by a CAT writer. Pen writers who decided not to re-train are still today producing excellent transcripts in the private sector.

In the 1993 contract all the courts were wired for tape recording. However, after much lobbying by the Institute (now the British Institute of Verbatim Reporters [BIVR]) half were retained on CAT, but at greatly reduced fees as the Lord Chancellor's Department felt that the machine was doing all the work! Their doctrine seeming to be "down to a price, not up to a standard".

Today, as I write this in the year 2003, there are, sadly, very few CAT writers working in court, many having left to go into the private sector and television captioning.

The Lord Chancellor's Department lost a great opportunity as, with the advancement of computer operating systems, so came the improvement of the computers and CAT software with the ability to have "realtime" transcription - the instantaneous translation of the shorthand note back into English text on a computer screen either for one individual or for the whole court room via a Local Area Network (LAN). Had the LCD retained CAT writers in the Crown Courts, I am quite sure that by now every one of them would be capable of realtime reporting and the savings to the Court Service (as the LCD now call themselves) would have been greater. As things stand, it will be up to those working in the private sector to provide the realtime cover as and when it is needed.

The realtime market has opened up many avenues for CAT reporters. In addition to pen and CAT writers the Institute has a number of Qualified Realtime Reporters (QRR) as well as an increasing membership of Speech-to-Text Reporters (STTRs) who work as Human Aids to Communication (HACs) for the deaf community *** We do not know what the future will bring as far as reporting in court is concerned, but there is certainly tremendous scope out there for CAT and

realtime reporting in its many forms. There is still a niche for writers of pen shorthand.

Mary C Sorene
Sec BIVR 7th May 2003

British Institute of Verbatim Reporters
(Registered address) **
Cliffords Inn
Fetter Lane
London
EC4A 1LD

As I post this, in 2011, on to BIVR's up-dated website, BIVR does indeed have many Qualified Realtime Reporter members. We also have Speech-to-Text Reporters for deaf and/or hard of hearing people. We take notes in many spheres, disciplinary hearings, arbitrations, indeed, anywhere that a verbatim note is required. Several pen shorthand writer members still work in these areas and, while not able to provide a realtime transcript as the machine writer they do, working in teams or three, produce their work both quickly and accurately often by the end of the day.

The move by the Court Service to Digital Audio Recording Transcription and Storage (DARTS) which has to be transcribed, sometimes by persons in another hemisphere, without documents, adequate logs and sometimes with no knowledge of who was present, can really only be regarded, by anyone using a modicum of common sense, as a seriously retrograde step.

The voice activation, or recognition, software now used by some television companies – they having dispensed with the majority of realtime verbatim reporters they previously employed - is far from satisfactory. Perhaps not enough training (a minimum of 12 months) or preparation (at least 30 minutes before the broadcast) is undertaken by them as was done by the realtime verbatim reporters. In a Countryfile programme bees were, apparently, producing "minicab" honey – not, as I heard it, "Manuka". Just the other day, Ed Miliband was represented as Ed Miller band! There are sometimes so many in one programme that I am hard pressed to note them all. Names of people and whole sentences being dropped due to lack of speed on the part of the re-voicer is another worrying aspect of the now poor quality output offered to deaf people.

As to the first Palantypist mentioned by Harry Scharf, that was Helen Tennyson (now over 80 years of age - see photo below). I worked for Geo Walpole & Co., in the 70s and 80s. Arthur Jones, partner of that firm told me that he learned Walpole's shorthand as a dictatee before being allowed into court.

Sec BIVR 2011

** The registered address of the BIVR is now:

73 Alicia Gardens
Kenton Harrow
Middx HA3 8JD

*** Now referred to as providing Communication Support.

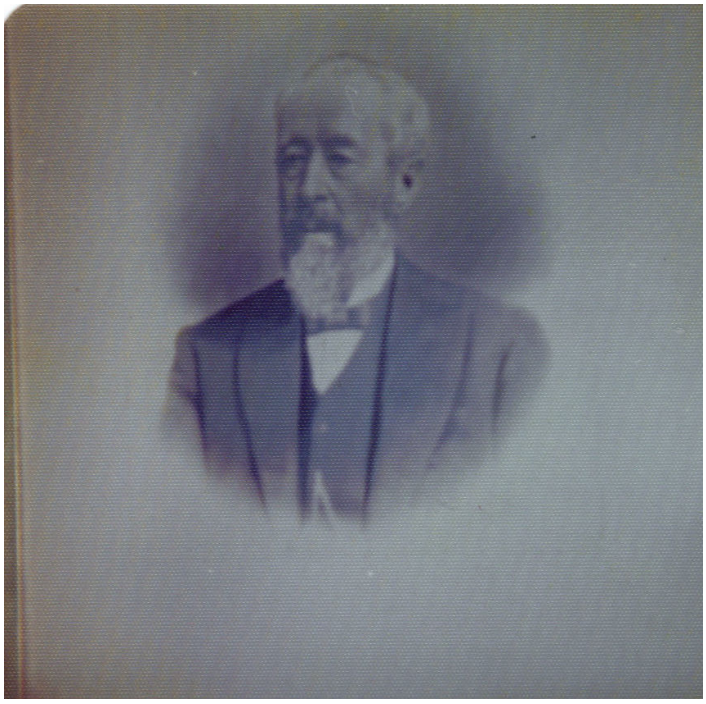
Photographs from our Archive

Mr John Cooke (initialled 20.4.98 [1898])

R H Tolcher

Edward M Walsh

William Counsell



William Hibbitt

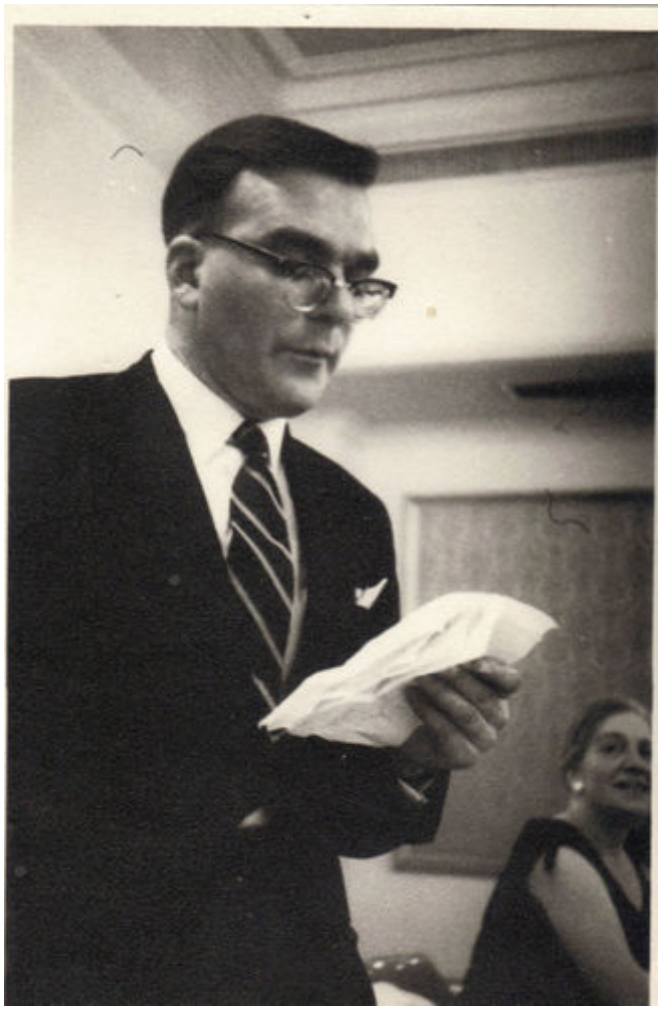
A R Marten

J D Barnett 1894

JAMES TOWELL.

Member IOSW 1882 - 6.12.1925

Helen Tennyson (on the left) addressing a meeting of the NSRA in America (now the NCRA) First Palantype member and first woman on Institute Council.



Peter Pandelis - Former Secretary of the IOSW for whom we have to thank for archiving our photographs.