their rights, trial by jury, the principle of trial by jury, might be allowed to disappear. No doubt a jury was given on special application, but such applications entailed costs and repeated visits to the solicitor, unless a man was willing to forego his rights. Those changes were not within the fair limits of procedure—they touched the principles of the law themselves. He did not believe either that the choice of actions for jury trial was a good one. The right should above all be maintained in cases where a man's character and reputation were at stake, as in actions of fraud, actions against directors of companies, actions on bills of exchange, when there might be a good defence of conditional acceptance and conditions not fulfilled.

"Then there was the question of discovery. Under the new system the enlarged right of discovery had been one of the most valuable changes ever effected in the law. But under the new rules they could have no discovery unless the party seeking it deposited £5, and a further payment each time after the first, that he required discovery. Such payments pressed very hard upon the poor suitor, who might be called upon to pay £20 before he could obtain his rights. Then the rules tampered with the laws of evidence. The judges had no power to alter the laws of evidence which did not belong to procedure, but were part of the common law. The judges were to have absolutely despotic rights over the cross-examination of witnesses. By Order 36, Rule 38, a judge might disallow any question which he thought to be vexatious or irrelevant. Could such a rule be said to be only declaratory of the common law? If it were there was no need for it at all; if not, it was a dangerous innovation, and altogether *ultra vires*. Practically there would be no appeal from the decision of the judge in such a case, as the Court of Appeal would decline in almost all cases to interfere with the discretion of the judge who had the witnesses before him. The power of the advocate was thus unduly limited in a manner which might tell unjustly against the interests of suitors. No doubt an advocate might abuse his power, but there were other checks upon such abuse. Besides the judge could not always estimate the relevancy of a question, as counsel was not bound to disclose all that was in his brief. In one case a woman was questioned as to her having borne an illegitimate child eighteen years before the trial. Such a question under the new rules would certainly be disallowed Yet that question led subsequently to the conviction of the woman for perjury.

"Then there was a great extension of the power under Order 14 of the Rules of 1875, to obtain summary judgment in cases where there was no defence. That order was intended to be limited to demands for liquidated sums of money; but now that power was extended to actions for the recovery of land. So important a change in the law ought not to be made in a body of rules of procedure, but, if at all only by express enactment after debate.

"Then in what was called third party proceedings, the rules gave the judges despotic power. Under Rule 16, Orders 48, 49 and 52, a third party might, on receiving notice, be absolutely precluded from appearing on the trial.

"There were other rules dealing with the jurisdiction of the County Courts. Many attempts had been made in that House to extend the jurisdiction of those Courts, and the attempts had failed. Now, it was extended indirectly. In cases where there was concurrent jurisdiction the judge had the power, if the action was brought in a Superior Court, of allowing only those costs which would have been incurred if the action had been brought in a County Court. Such a change ought only to be effected by express enactments. With respect to the rules generally, both branches of the profession asked for further enquiry and examination.

"He had petitions for inquiry from the Incorporated Law Society, from the Yorkshire Law Society, and from the recently appointed Bar Committee. Those rules had been settled in secret. The Benchers of Lincoln's-Inn—a body which he feared enjoyed no great popularity—had asked for a copy of them, which the Lord Chancellor had courteously but firmly refused. A similar application on behalf of the Bar Committee had met with a like response. If the House had ever contemplated that a committee of judges—not the whole Bench—would have framed such an enormous body of rules, introducing such momentous changes, it would never have given them the power to do so. It was the Act of 1875 which delegated such vast powers to a small body of judges. He was glad to admit that the Act of 1873, which was the work of a Liberal Government, did not give