

not surprising to find that very little has been considered sufficient to turn the scale, and bring about an exercise of the judicial discretion in favour of allowing a defendant to defend. Denman, J., stated it (v) as his opinion that "a plaintiff's right to take summary judgment was not absolute, merely because the defendant's affidavits are not completely satisfactory. The jurisdiction was one to be exercised with great care, so as not to preclude a party from raising any defence he may really have." Lopes, L.J., considered (w) that "judgment ought not to be allowed to be summarily signed except in the clearest cases" and Lord Esher's opinion was (x) that "a defendant ought not to be shut out from defending unless it was very clear indeed that he had no case in the action under discussion."

Passing from the foregoing in search of a less general definition of the defence sufficient to secure leave to defend, one finds that the practice in this respect has been very variously stated. Thus, such a defence has been defined to be "such a state of facts as leads to the inference that at the trial the defendant may be able to establish a defence to the plaintiff's claim:" (y) "enough to entitle the defendant to interrogate the plaintiff:" (z) a plausible (aa): reasonable (bb): very probable (cc): bona fide (dd): real (ee): real and bona fide (ff): substantial (gg): good (hh): fair (ii): fairly arguable (jj) defence.

Pollock, B., by way of summary of the practice under Order XIV. said, (kk), that "the general principle had been laid down

(v) *Manger v. Cash*, 5 T.L.R. 271.

(w) *Edmonds v. Davis*, 4 T.L.R. 386.

(x) *Shepards v. Wilkinson*, 6 T.L.R. 13.

(y) *Ray v. Barker*, L.R. 4 Ex. D. 283.

(z) *Harrison v. Bollenheim*, 26 W.R. 362.

(aa) *Wardens of St. Saviour's v. Gery*, 3 T.L.R. 668.

(bb) *Anglo-Italian Bank v. Wells*, ubi sup.; *Wallingford v. Mutual Society*, ubi sup.

(cc) *Manger v. Cash*, 5 T.L.R. 271 (per Denman, J.).

(dd) *Ford v. Harvey*, 9 T.L.R. 329; *Manger v. Cash*, ubi sup.

(ee) *Wallingford v. Mutual Society*, ubi sup.

(ff) *Manger v. Cash*, 5 T.L.R. 272 (per Manisty, J.).

(gg) *Anglo-Italian Bank v. Wells*, ubi sup. (per Hall, V.-C.).

(hh) *Shurmur v. Young*, 5 T.L.R. 155.

(ii) *Bowes v. Caustic Soda & C. Syndicate*, 9 T.L.R. 328.

(jj) *Anglo-Italian Bank v. Wells*, ubi sup. (per Jessel, M.R.).

(kk) *Saws v. Hakim*, ubi sup.