

discovery and an examination for discovery limited to one hour, are all that is required and the limitation of time for examination might be readily achieved by prohibiting without an order of the judge at the trial, the recovery of any fee on examination, even from the client, for any greater length of time except under special circumstances. In this way, and with the abolition of stamps, the cost of litigation could be very greatly lessened and the necessary flexibility could be given to proceedings by reserving power to apply to a judge for directions where more might be required. After all, the conscientious lawyer rarely requires to take more steps now than those here outlined and whatever other steps the Rules compel him to take he generally looks upon as mere surplusage.

The expense of a trial also could be much lessened by some legislative recognition of the fact that a case is best handled where the evidence is rapidly brought out, where cross-examinations are generally short, and where but little time is spent in the discussion of minute questions of procedure arising during the trial. At the trial one of the greatest expenses is frequently the payment of expert witnesses. Such witnesses are sought for their eminence in their calling. Their time being valuable they naturally demand large fees; their evidence being technical, much time is taken up in examining and cross-examining them, and their special knowledge frequently serves rather to confuse the court or the jury than to assist it or them. It would probably be much cheaper and more satisfactory if each party should, if possible, agree on and nominate one expert to assist the court in technical matters, who would occupy rather the position of an assessor than a witness, and who, giving his statement judicially, would not require the lengthy confusing examination and cross-examination that is now such a prominent feature of our trials. Even if the parties could not agree on an expert they might submit names to the trial judge who could make his choice from the two lists furnished him.

There is one other important matter connected with litigation which, while fortunately most usual in the profession, has received little, if any, legislative or judicial consideration. I