first sight it may appear that this decision is an invasion of the fundamental maxim, *Quilibet potest renunciare juri pro se introducto*, for the law in question seems particularly and expressly a law for the protection of debtors, just as much as a statute of limitations, which any debtor is competent to waive, or that protection which the law throws round infants, invalidating contracts made by them during infancy, which defence they nevertheless may waive on attaining majority. Street, J., who delivered the judgment of the Court, however, adopted the reasoning of the American Court in *Mabee* v. *Crozier*, 22 Hun, N.Y., 264, and *Bosle* v. *Rheene*, 72 Pa., St. 54. These were cases in which it was held that a debtor could not waive the provisions of statutes against usury, because otherwise such acts which were founded on public policy, might thus be rendered nugatory. This may be thought an invasion of that right of freedom of contract which some persons hold so dear, but which like many other good things is capable of being used perniciously.

DISCOVERY AND PRODUCTION.

SOME CONTRASTS BETWEEN THE LAW OF DISCOVERY AND PRODUCTION IN ENGLAND AND IN ONTARIO.

The right to discovery, as it now exists, may be said to have had its origin almost entirely in the Courts of Equity. Courts of Common Law, before the passing of the Common Law Procedure Act, exercised certain very limited powers, which might be said to partake of the nature of discovery. These were not based upon any idea, such as pervaded the equitable practice of discovery. They were rather what might be termed limited rights arising, in a measure, out of the rules as to pleading, and limited to the inspection of documents. They divided themselves into three heads:—

I. The inspection under the practice of profert and oyer of a document under seal, where it was relied upon by a party in his pleading, the rule being strictly one of pleading that the party must make profert that he bring the document into court, the other party shall then be entitled to demand oyer of it.

II. The other branch of the practice consisted in the right of a party to an action to inspect documents in his adversary's posses-