statements is surely most material matter to be taken into consideration by the jury with the other circumstances of the case. It is true this may be obtained in cross-examination, but if so, is there sufficient reason to reject it in examination-in-chief? To do so makes *A*'s statements evidence at the option of one party and not the other.

We do not believe that the admission of hearsay evidence would in general tend to *protract judicial investigations;* we believe that in many cases it would shorten them. In some cases where other evidence is not forthcoming, or where the hearsay was particularly important, it might prolong a trial, but under these circumstances it cannot be contended that because important evidence takes time it should be rejected. The same objection operated with far more weight against the admission of interested parties as witnesses. In most cases we believe that the completeness of the witnesses' testimony and the greater speed with which it could be given without constant interruptions, would enable counsel to rapidly pick out the real points in dispute, instead of having to fish about for them in lengthy cross-examinations.

As to the "*intrinsic weakness of hearsay and its incompetency to satisfy the mind as to the existence of the fact,*" we entirely agree with this objection to a large amount of hearsay which might be offered in evidence. But the answer is very simple. When hearsay is offered which is "*incompetent to satisfy the mind of the existence of a fact*" it is irrelevant, and like other irrelevant evidence it would be excluded at once by the judge. We are advocating the admission of relevant hearsay, not of irrelevant hearsay, any more than of any other irrelevant matter. Only when the hearsay was likely to throw some light on the issues would it be admitted. Our contention is that much hearsay which would greatly assist the decision of issues of fact is rejected under the existing rules of evidence, and that such relevant hearsay ought not to be rejected.

Lastly, "*of the frauds which may be practiced with impunity under its cover,*" we do not believe in them. That false hearsay evidence should be successful is not more likely than that false evidence of any other kind should mislead the jury. But we do believe that fraud is sometimes covered by the rejection of hearsay. We have faith in the discernment of the jurymen when they hear all; they are used in their ordinary transactions to assess the value of hearsay, and we believe that the jury are more likely to arrive at a correct decision when everything is before them than when a part is kept back. An untruthful witness is soon detected, especially if he be made to tell his whole story.

The practice of the old Ecclesiastical Courts and of the Court of Chancery was very lax compared with the rigid rule of exclusion in the Common Law Courts, and notwithstanding the great aversion to hearsay in our legal system, there is still the remarkable exception of interlocutory applications, where hearsay evidence is allowed to be read. This is very inconsistent, for if hearsay is dangerous and misleading, as is commonly supposed, why admit it in interlocutory matters any more than at the trial? It is sometimes given as a reason that interlocutory applications come before a judge alone, but if this is so why is not hearsay admissible testimony at the trial by a judge alone? And if so, are