service to enter appearance. In England, the plaintiff, at the expiration of the time for entering appearance, is allowed to obtain judgment at once, or to sign judgment, as it is called, and thereon execution may issue, and he may do this without any other formality or proceeding in Court whatever, judgment and execution following by the simple operation of the law. The regulations, however, on this subject are somewhat different in the bill under consideration, and I am not sure if they are improvements. According to the bill, the pursuer or plaintiff will not be entitled to judgment by the mere issuing of the writ or summons, no matter how plain the case may be, or however indefensible, for, by s. 6, "unless payment shall previously have been made, the pursuer shall, eight days before the expiration of the inducim, lodge the summons with the clerk of the process or his assistant, for enrolment," and he is at the same time to lodge a condescendence of the facts, which, according to the bill, corresponds to the English declaration; and not till all this has been done is he to be entitled to judgment or decree, and even then not as a matter of course by operation of law as in England, but "it shall be lawful for the pursuer forthwith to enrol the cause in the Lord Ordinary's motion roll, and to move for and obtain decree against the defender." Now there really appears to me to be a great deal that is unnecessarily cumbrous and therefore expensive in such an arrangement. The issuing and service of the writ seem to answer no other purpose than to warn the defender of his liability, and to suggest to him the expediency of paying—an intimation, however, which could be as well made by a letter from the pursuer's solicitor or law agent. Possibly, however, the procedure required by the bill is intended to meet an objection that has frequently been made to separate the summons from the condescendence, namely, that without such condescendence, there would be no sufficient interruption of prescription. Now, I humbly venture to think that the condescendence is not required for any such purpose, but that the writ or summons, if sufficiently endorsed, so as to show a reasonable identification of the claim, would be perfectly good for interrupting the running of the prescriptive period (15 & 16 Vic. c. 11). It is so in England by express enactment, and I would suggest that if there is any serious doubt on the subject by the existing law of Scotland, it would be better to dispense with the condescendence, and to enact that the issuing of the writ or summons shall, in all cases, have the effect of interrupting the prescription. For any other purpose, I do not see that the condescendence is required at all, unless appearance be made by the defendant, and then it would be time enough to lodge or file the condescendence after such appearance has been made. Where, however, no such appearance is made, and where the pursuer's claim is of such a nature that it could not seriously be disputed, I do not see why he should not have judgment at once as in England, instead of being subjected to the tedious and expensive procedure proposed by the bill. And this opinion is in accordance with the recommendation contained in the Report on the English and Irish Courts to which I have alluded. It appears from that Report, and it is not a little remarkable that, notwithstanding, as I have said, a general similarity of pleading and practice to that which prevails in England, the Irish lawyers had, in their recent Common Law Procedure Acts, deliberately combined the writ and declaration or condescendence; for, in Ireland, the writ and plaint, as it is called, is considered fully to state the plaintiff's case without any further pleading on his part; and the next step is the defendant's plea, on which issue may be joined at once. This difference of practice, however, between the English and Irish Common Law Courts has been anxiously considered by the Royal Commissioners, who have unanimously reported in favour of complete assimilation, as far as practicable; and, in particular, the Commissioners give it as their opinion, "that the English system of written declaration should be adopted in Ireland instead of the summons and plaint;" and there really seems no reason why, with reference to the class of actions contemplated by this part of the Lord Advocate's bill, the system should be different in Scotland. I submit, with the greatest deference and respect, that the policy of the Government in regard to such legislation should, as far as possible, be the same in the three Kingdoms, because the true policy must be, to take advantage of every opportunity of assimilating the law of the United Kingdom. It therefore appears to me that, on this subject, the bill might be simplified and improved. There is also a little ambiguity in regard to some of its proposed enactments. Thus, I am not very sure how it deals with the important matter of the Signet. The form of the writ given in the Schedule bears to be given "under the Signet," but the writ itself may be signed by any law agent. It will be reasonable, therefore, to infer, that the exclusive privilege hitherto exercised by the members of the body of writers to the Signet is proposed to be abolished, and that the Signet or Seal itself is simply to be impressed at the office. It may be right that it should be so, and it certainly ought to be the inherent right of the Queen's subjects to possess themselves of Her Majesty's writ in the simplest and most direct manner, with as little official interposition as possible, and on the easiest and cheapest terms. Let me take the opportunity of these remarks further to propose that there should cease to be any distinction as to privileges between Edinburgh and country practitioners. There is no such distinction in England and Ireland, but all solicitors and attorneys are admitted by the Superior Courts both in London and Dublin; and they may thereafter practise in any part of the country they may think fit, whether in the capital or in the provinces. And I think that it ought to be the same in Scotland. Such a reconstitution would indeed be the necessary precursor of the larger reform I have hinted at, namely, that there should be but one of the same profession for the whole United Kingdom.

The provisions of the bill as to the conjoining of actions, special cases, and other matters of detail, seem well conceived, and ought, I think, to be approved; and the same may be said of the rules of pleading recognised by the bill, so far as such recognition goes. This, to my mind, is by far the most interesting part of the whole measure, and for the sake of it alone I should deeply lament any serious miscarriage of the bill in Parliament. It is, so far as I am aware, the first formal and technical adoption by Scotch legal authorities, of special pleading as a science, namely, the science of forensic allegation. It might even without extravagance be contended that nothing deserving the name of pleading has hitherto distinguished the records of the Court of Session, parties being left to their own language, and allowed to introduce into their averments, argumentative, even rhetorical, and other objectionable matter, utterly subversive of sound judicial method. The pleadings were, as Mr. Sergeant Stephen describes them in his admirable treatise, "pleadings *at large*." According to Sir James Scarlett (afterwards Lord Chief Baron) they were not pleadings at all, but popular pamphlets, which the parties wrote against each other, and the whole so loosely expressed, as to make it a matter of no little difficulty to discover by the most careful analysis and examination, what the material questions were on which the litigants were at issue. This evil, and a more vicious evil could scarcely impede the administration of justice, still fully exists, and some such measure as the bill on which I am remarking has become unavoidable. I lately perused a voluminous Scotch "record," and with feelings of utter amazement, that such a form of statement could be tolerated at the present day by any enlightened legal system. It was characterized by considerable ability in the way of argument and rhetorical inuendo, and one could scarcely read it with any attention without seeing what it was about; but I would defy any one who had not some other knowledge of the case to understand from it what was the material contention between the par-