FLOTSAM AND JETSAM.

A friend sends us the following laudatory notice of a citizen of Storm Lake City in Iowa, published in a newspaper there. It opens up a new field of thought for some of our young practitioners in the country where litigation is slack, especially about Christmas times, when "notions" might be expected to be in demand:—"Mr. Chamberlin is one of Storm Lake's oldest citizens, having located here even before the present town site was planted. He is a hard worker and has built up an extensive practice and business. He is a young man of good abilities and will succeed in the world He has recently built a large office, and in addition to his law and insurance business has fitted up a portion of his room for the sale of *notions*, &c. He employs a clerk, Mr. Garrett, who will be found ready to show customers what he has for sale."

The Long and Short of Fusion.—It seems that there is a grave omission in the Judicature Act, which has been detected in the legal offices, on the subject of writs. To the ordinary reader the Act of Parliament appears to provide everything necessary. It prescribes how this unwelcome document is to begin in the name of Queen Victoria, and to end with an attestation by the Lord Chancellor, and in what ungentle terms the threats in the middle are to be conveyed. But, by a strange oversight nothing is said on the important point of its shape. The old common law writ, as most people know, although some might be unwilling to confess the information, was a long slip of parchment with the "threatening letter" written longwise across it. Those who have ever reached the dignity of being served with a copy of a bill in Chancery will remember that the menace of imprisonment and other horrible penalties which appeared upon it were conveyed by words written the short way of the paper. Here, then, was a difficulty. It is true that the Chancery and Common Law officials are now, in theory, merged into one; but to ask either body to abandon its peculiar mode of writing writs would be the same as asking a soldier to give up the banner under which he fights. To give way would be, perhaps, to admit that Common Law is narrow, or that equity is broad, or some other allegorical meaning hidden under these symbols. The officials are gallant gentlemen, and they would rather die first. Accordingly, Chancery officials repudiate longitudinal writs, and refuse to seal them, while Common Law officials reject latitudinal writs with equal scorn. Some murmuring, no doubt, has taken place among lawyers who have not mastered the distinction, and even the words "red tape" and "the difference between tweedledum and tweedledee" have been heard; but this is mere ignorance. It is remarkable that neither Lord Selborne nor Lord Cairns appreciated the difficulty. Great enterprises have often been foiled by a hitch in a matter of detail, and the fusion of Law and Equity seems endangered unless something can be done. The Chancery officials cannot be expected to adopt the practice of Common Law, nor *vice versa*. The only thing possible is a compromise; and if an order of the Supreme Court, or, better still, an Order in Council or an Act of Parliament, were to provide that writs shall be written diagonally across the paper, perhaps the long and the short of the matter might be arranged by a mutual concession.—*Hour.*

"The common law system of special pleading," said the late Mr. Justice Grier, "matured by the wisdom of ages, founded on principles of truth and sound reason, has been ruthlessly abolished in many of our states, who have rashly substituted in its place the suggestion of sciolists, who invent new codes and systems of pleadings to order. But this attempt to abolish all species and establish a single genus, is found to be beyond the power of the legislative omnipotence. The result of these experiments, so far as they have come to our knowledge, has been to destroy the certainty and simplicity of all pleadings, and introduce on the record an endless wrangle in writing, perplexing to the Court, delaying and impeding the administration of justice." *McFaul* v. *Ramsey*. 20 Howard, 523. And in a later case the same learned judge observed: "It is no wrong or hardship to suitors who come to the courts for a remedy, to be required to do it in the mode established by law. State legislatures may substitute, by codes, the whims of sciolists and inventors for the experience and wisdom of ages; but the success of these experiments is not such as to allure the Court to follow their example. If any one should be curious on this subject, the cases of *Rankin* v. *Toby*, 11 Howard, 517; of *Bennett* v. *Butterworth*, 11 Howard, 669; of *McFaul* v. *Ramsey*, 20 Howard, 523, and *Green* v. *Custard*, 23 Howard, 483, may be consulted." *Farni* v. *Tesson*, 1 Black, 315.