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FOREWORD.

THIS first number of the *Cambridge Law Journal* appears at a time when there is a marked legal renaissance throughout the civilized world. The vast processes of social, economic, and political change caused by the War have led to the adaptation of old law and the creation of new law: and those processes of evolution are still in progress. This renaissance of law is not unlike, in certain respects, the medieval revival of law within the environment of new departures in the development of the European civilization of those times. In the words of Pascal, *Le droit a ses époques*. The law has, in truth, its epochs of ebb and flow; and the full flow of the law is impelled by the dominant movements of society. These dominant social tendencies not only force the growth of the law, they force also, as a consequence, the growth of legal studies.

The present-day transition to a new period in the history of law and of legal studies has not left the Cambridge Law School unaffected. During the War several of the teachers, and all but a few of the students, were absent from Cambridge engaged in the work of preserving the very fabric of law and justice in the world. The studies of the School were still carried on, but under unprecedented difficulties and beneath the shadow of the great conflict. Like conditions ruled in nearly all the law schools of the world. Suddenly the Armistice changed the situation at Cambridge, and in many another seat of legal education. The return of teachers and students has been accompanied everywhere by an

awakened sense of the vital importance of law and justice in the affairs of nations. Society has likewise come to a fuller realization than ever before of the true function of the lawyer not only in professional practice and in judicature, but also in the manifold activities of private and public life. Men now appreciate more fully the significance of Lord Chief Justice Cockburn's assertion that the lawyer is concerned with "the eternal interests of truth and justice." Men now see that social and political justice, as well as legal justice, are in large measure in the keeping of trained lawyers; and that one of the ways whereby lawyers may, and ought to, fulfil this high trust is by moulding the justice of the law to meet the demands for justice bred of social, economic, and political conditions. The renaissance of legal studies has been the natural out-growth of these broader conceptions of the place of the law and of the lawyer in national and international life.

At Cambridge this new vigour pervading the study of law has already produced results of great value. One of them is the constant co-operation of the teachers in shaping the work of the School along lines of progress—lines of progress consonant with the spirit of the changed conditions and processes of national, imperial, and international life. New courses—including, thanks to the liberality of Gonville and Caius College, a course on Roman-Dutch Law—have been added to the curriculum. Special courses of lectures have been given by lawyers who are not on the permanent teaching staff of the School, notably by Professor Beale, of the Harvard Law School, Professor Garner, of the University of Illinois, Sir Chartres Biron, Chief Stipendiary Magistrate of London, Mr. R. F. Roxburgh, and Dr. C. T. Carr. Methods of study and instruction have been revised and improved. The whole general scheme of legal studies has been subjected to detailed examination with the object of reforming it. New steps have been taken to encourage research in the history and principles of the several legal systems taught at the School. These are some of the proofs of the revival of legal studies at Cambridge as it has affected teaching. They are also evidences of a process of reform in legal education which has not yet reached its full fruition.

Likewise among the students there is noticeable a fresh enthusiasm for law, both as a subject of scientific professional training and as an instrument of justice. A serious devotion to their work characterizes the body of students and meets with a cordial response from those older students, the teachers. Legal studies are pursued not only in the lecture-room and in the

library; they are pursued also in the several law societies within the University. The University Law Society has been re-organized and given a more prominent place in student-life: and round this central society of law students are now grouped, on quasi-federative principles, thirteen vigorous collegiate law societies, all of them, save only one, founded since the Armistice. All of these fourteen students' law societies have certain common purposes; and in the carrying out of these purposes they are assisted not only by the approval, but also by the active support of members of the teaching staff and of distinguished graduates of the School. Among the most important of the common purposes of the societies are the discussion of legal topics and problems; the argument of moot cases; the hearing of papers and addresses by members of the Law Faculty and by prominent members of the Bench, the Bar, and the solicitors' branch of the legal profession; and last, but by no means least, the forming of life friendships through the intercourse incident to meeting and dining together. During the last two years many successful meetings of these societies have been held. The prominent place which the societies now hold in the life of the School is destined to have still further reaching consequences; for plans are maturing whereby the University Law Society may serve as a bond between the Law School and its graduates.

The *Cambridge Law Journal* has been founded within this environment of quickened interest in legal studies. It is itself one of the first of the natural fruits of that interest. Its first number is an appropriate place in which to make a brief statement of the purposes of its founders and the work of its editors.

Let it be observed, first of all, that all save one of the editors of the *Journal* are students of the Cambridge Law School. This fact is worthy of special note, for to all seeming only in the jurisdictions of the Common Law do legal journals edited by students flourish. The success of the *Harvard Law Review* and of similar legal publications edited by students in Common Law jurisdictions outside England is a happy augury for the prosperity of the *Cambridge Law Journal*. The work of legal editorship and authorship is a valuable training; and this work on the *Journal* is already viewed at Cambridge as one of the highest goals of student-ambition. But legal authorship by students of first-rate ability has a wider aspect, for contributions by such men possess a value for older lawyers in their work as teachers or as practitioners.

The editors have divided the *Journal* into four separate departments. Of each one of these a word.

The first department contains some of the addresses delivered and the papers read before the Cambridge Law Club (the legal association of senior members of the University) and the fourteen law societies of students. Thus, the present number contains Lord Justice Scrutton's address on "The Work of the Commercial Courts," Sir Ernest Pollock's address on "The International Court of the League of Nations," Professor Beale's paper on "Equity in America," and Mr. Garrett's paper on "Solicitors' Work and Environment." In addition to papers and addresses, this first department also contains articles on legal topics written especially for the *Journal*. In the present number Mr. Plucknett's article deals with "*Execrabilis* in the Common Pleas."

The second department of the *Journal* is devoted to notes on topics of legal interest, especially notes on recent judicial decisions of special significance. The writing of these notes is almost entirely the work of student editors.

In the third department are to be found the reports of the proceedings of the several law societies in the University, written by the honorary secretaries. One special feature of these reports is that they contain the moot cases which have been argued in the law societies. The publication of these moot cases in the *Journal* will result in the formation of a valuable collection, from which matters for argument at future meetings of the law societies at Cambridge and elsewhere may be drawn.

Reviews of certain of the most important new works dealing with legal subjects are placed in the fourth department.

As thus outlined, the general design of the *Journal* is seen to be somewhat different from that of other legal periodicals in England. This is because the existing conditions of legal study at Cambridge have themselves, by a natural process, dictated both the purpose and the form of the *Journal*. It was felt that the publication of the proceedings of the law societies would be of interest and value to members not only during their student days, but also after their graduation. The desirability of training some of the ablest students of the School in legal editorship and authorship was also felt; and certainly the training which student editors receive on the *Journal* ought to bear its fruits in later years in the enrichment of legal literature. Apart from these purposes of the founders of the *Journal*, there was the further thought that a periodical of this character would enable the Law School to make some contribution to the legal thought of the times. The departments of the *Journal* which contain papers, addresses, articles, notes and book reviews, have been designed with this fundamental purpose in mind.

The appeal of the *Cambridge Law Journal* is thus not alone to the present and former members of the Cambridge Law School. The appeal is also to the teachers and students of law at other schools and to the members of the legal profession generally. The aim of the founders and editors is the production of a legal periodical which shall conform to high standards and which shall deal, so far as possible, with various aspects of each one of the several systems of law taught and enforced in lands under British sovereignty. In this way the *Journal* ought to serve as one of the links of Empire. The hope is also present to the founders and editors that their legal journal may contribute in some measure to the fostering of closer intellectual and personal relations between the law schools and lawyers of England and the law schools and lawyers of America. The heritage of the Common Law in both countries renders such relations natural and desirable.

In his *Second Institute*, Lord Coke declares that "the devil deviseth delays." The writer of this foreword would not willingly place himself within the ambit of Coke's just *dictum*: and, accordingly, he will no longer keep the reader from the perusal of that which followeth.

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