

Washington University Law Review

Volume 11 | Issue 4

January 1926

Review of “Sources and Literature of English Law,” By W. S. Holdsworth

Charles L. Waugh
Washington University School of Law

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Recommended Citation

Charles L. Waugh, *Review of “Sources and Literature of English Law,” By W. S. Holdsworth*, 11 ST. LOUIS L. REV. 331 (1926).

Available at: https://openscholarship.wustl.edu/law_lawreview/vol11/iss4/19

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The author makes no suggestion as to an organized method or any means of carrying out needed law reforms but infers that the remedy lies with the people and is not due to any lack of leadership from the profession. He cites an example of a certain reform bill of a procedural nature, which has the approval of the bench and bar, the Senate Judiciary Committee and many other bodies, yet because of the active opposition of two or three senators has been held in committee for eleven years. As long as the people tolerate such legislative inertia Mr. Taft would have us infer that there can be no reform. But as he truly says: "The insufficiencies of the law do not touch the people closely enough or frequently enough to excite their prompt and active interest."

The other papers deal chiefly with other phases of the subject of law reform and develop many of the points advocated in the title essay. Mr. Taft has indeed made a valuable contribution to the understanding of the problem with which he deals and while he has offered no solution, he has offered a work which should create an interest and understanding among all who read it and may in this way develop the public support which must be the foundation of all reform measures.

FORREST M. HEMKER, '27.

SOURCES AND LITERATURE OF ENGLISH LAW. By W. S. Holdsworth, K. C., D. C. L., F. B. A. Oxford University Press. New York. 1925.

There is no need of introducing W. S. Holdsworth. He is well known in his profession, both as a teacher and a writer. He holds the Vinerian Chair at Oxford University; he is a Foreign Associate of the Royal Belgian Academy, and a Bencher of Lincoln's Inn. He has written "The Sources and Literature of English Law" (based on six lectures given by him at Oxford) for the purpose of familiarizing the student, who is beginning to read the law, with the sources from which it developed, and with the names of the men who played important parts in that development.

The book opens with a short outline of the political condition of England at the time of the Conquest—the most significant, according to Mr. Holdsworth, political change in relation to the development of English law. He traces the gradual weakening of the strong Norman

kingships, the rise of Parliament under the Great Charter, and the importance of legislation on the development of English law.

The third chapter takes up the development of Case law, the most important of all sources of English law. It traces its development from the Court Rolls to the Year Books pointing out the natural causes of the changes and the inadequacy of the result. The defectiveness of the carelessly compiled Year Books caused the introduction of regular reporting and the publication of the first regular Reports. The next step was to abridge the Reports, and these Abridgments soon developed into the first Digests. Mr. Holdsworth also traces the development of the Text Book. He comments on the greatest achievements in this field—Coke's Institutes and Blackstone's Commentaries.

The final chapters deal with the development of English law outside the Common law, e. g., in the Star Chamber, Chancery, Merchant, and Admiralty Courts. They take up the various controversies between the different courts and the various mergers which finally left the Common Law and the Chancery Courts supreme.

The book more than attains its end. It is not only a scholarly presentation of the derivation of English Law, but it is also a decidedly interesting work. Throughout, the author describes the notable events in the Law's development, besides giving short outlines of the lives of the more important jurists and writers. As Lord Justice Atkins justly remarks in the Foreword to the volume, "I venture to think that, to the student, one of the most interesting features of this book is the light thrown upon the work of great writers: Glanville, Bracton, Fortescue, Littleton, Coke, Hale, Blackstone, Bentham. . . . To the reader, perhaps for the first time, Glanville and Bracton will be as real as Maitland and Pollock." CHARLES L. WAUGH, '26.