Some Lessons from Our Legal History, by William Searle Holdsworth

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REVIEWS

citations of numerous cases do no good to the poor student and are dis-
couraging to better students who may involve themselves in the hopeless
attempt of trying to read all these numerous citations. The reviewer is
inclined to agree with the editor on this point although the citations in
the footnotes of other collections of cases are often valuable as a starting
point for a more careful investigation of certain particular divisions of the
subject. The footnotes in the book under review do, however, contain
numerous references to articles in law periodicals.

In view of the fact that the printing is widely spaced and that the
pages are not large, the book is quite short—much shorter than would be
indicated by the comparatively large number of pages. It is perhaps
subject to the criticism that the cases are unduly abridged and in a number
of instances a single case is cut up, and parts presented under different
headings in the book. This has the obvious disadvantage of minimizing
the effort required from the student to analyze the case, but on the other
hand it does assist in carrying out the simple and logical arrangement,
which is unquestionably one of the great merits of this book. If anything,
the subject is subdivided a little too minutely but it would seem clear that
a student who had worked through this book should have a fairly complete
and logical knowledge of the subject of partnership. The scope of the
subject matter is in general accord with that of other casebooks on the
subject except that perhaps more attention is given to joint stock com-
panies and to Massachusetts trusts, which constitute the subjects of the
last two chapters. In the appendix is a reprint of the English Partner-
ship Act of 1890, the Uniform Partnership Act and the proposed Uniform
Limited Partnership Act. There is also a simple, but apparently quite ade-
quate index.

On the whole, this seems to be a work of very real merit. As has
already been said, it is chiefly characterized by simplicity and by careful
and logical arrangement. These very qualities may not be regarded as
virtues by many teachers who prefer that their students be compelled
themselves to struggle to work out the complex principles of the cases
and to fit their knowledge into a logical arrangement of the subject.
For such teachers this book is not suitable, and was not intended. The
purpose of the editor seems to have been to produce a simple and logical
unfolding of the subject, using the cases merely for this purpose rather
than as more or less isolated legal problems. It may, of course, be ques-
tioned whether this is the most desirable way to treat this or any other
legal subject, but, assuming the desirability of what the editor has
attempted to do, he has accomplished it with great success.

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This book contains four addresses by William S. Holdsworth, Vinerian
professor of law in the University of Oxford and author of the great
"History of English Law." The addresses were delivered by Professor
Holdsworth during his visit to the United States in 1927. The first three
of them were delivered as the lectures for 1927 under the Julian Rosenthal
Foundation at Northwestern University Law School. The fourth address was the dedicatory address on the occasion of the dedication of the new law buildings on McKinlock Campus of Northwestern University. The addresses are entitled: (1) The Importance of Legal History, (2) The Common Law's Contribution to Political Theory, (3) The Rule of Law, (4) A New Discourse on the Study of the Laws. The first three addresses are substantial in character and inspiring in content. They may be said to constitute a sort of *apologia pro vita sua* for the legal scholar who loves legal history for the service it can render rather than for its own sake after the manner of the antiquarian. Professor Holdsworth does not undertake to discuss various interpretations of legal history in so far as they are significant for legal philosophy and jurisprudence; he undertakes merely to set forth the service which an understanding of legal history can render in the interpretation and development of law today. In considering the service of legal history to the study of law, Professor Holdsworth refuses to regard our modern law as a separate system sufficient unto itself; he insists that the law is a social science and that the full significance of legal history will be found not only in its explanation and interpretation of the rules of law but also in an understanding of our system of government and the whole philosophical outlook of our people and their assurance of political freedom and individual liberty under law.

It seems to the reviewer that the fourth address in this collection is not of the same high significance as the first three. It was delivered upon the dedication of the law buildings at Northwestern University, and in its nature it was perhaps required to be rather popular and general in character. Its title "A New Discourse On the Study of the Laws" seems to promise more than its content fulfills. While Professor Holdsworth says something of the study of law in the middle ages in England, the system of the Inns of Court and the Law Society, and the teaching of law in the Universities both in England and in America, it does not appear that he sets forth any critique of these methods of legal education nor does he venture an estimate of the present-day legal education in England and America, or suggest valuable developments that the future may hold for us. The address is interesting in its cursory account of the history of legal education and it is gracious and happy in its references to the distinguished work of Dean Wigmore and the future usefulness of Northwestern University Law School.

It is very stimulating for the legal student to read the first three addresses in this book. The reviewer ventures to suggest that every merit and useful service that Professor Holdsworth claims for the study of legal history is justly claimed. He will be an unusual reader who can go through this book without feeling pride in his profession and a new will to make greater use of the past for the service of the future.

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