

THE ENGLISH LEGAL HERITAGE



Foreword by Lord Elwyn-Jones C

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Editor's Note

In 1976 I was approached by John Stidolph, and invited to commission and edit a book which, in his words, would 'record English law as it exists today.' The book was not to be just another legal textbook but would contain illustrations in the form of photographs and reproductions of old prints in order, it was hoped, to make it a true celebration of English law and the English legal system and of appeal to lawyers and laymen alike. So *The English Legal Heritage* was born.

At almost the same time the Labour Government of the day responded to pressures from many quarters and set up a Royal Commission on Legal Services 'to enquire into the law and practice relating to the provision of legal services in England and Wales and to consider whether any, and if so what, changes are desirable in the public interest in the structure, organisation, training, regulation of and entry to the legal profession, including the arrangement for determining its remuneration, whether from private sources or public funds, and in the rules which prevent persons who are neither barristers nor solicitors from undertaking conveyancing and other legal business on behalf of other persons.' By coincidence as this book goes to press, so the Royal Commission too has completed its task and sent its recommendations to the Lord Chancellor. Whatever conclusions the Royal Commission has reached it is undoubted that there will be recommendations that will bring about change; just how radical that change will be is a matter of conjecture. Notwithstanding the existence of a Royal Commission the law has continued to develop in

order to reflect modern day needs, and lawyers themselves are continually adapting themselves and their institutions to keep abreast of these changes. In the following pages we have attempted to describe the long and continuing process of the evolution of the English legal system, the influence that it has had on the development of the legal systems of former British colonies and the ways in which it too has been influenced – by the continuing growth of the common law in the Commonwealth, by the entry of the United Kingdom into the European Economic Community and by the different jurisdictions within the United Kingdom itself, namely those of Scotland (whose legal system, unlike its neighbours, is based on Roman law) and Northern Ireland.

Space has precluded us from even a passing mention of the laws and legal systems of the Isle of Man and the Channel Islands, and those same restraints have forced both editor and contributors to be highly selective in the treatment of their appointed subjects. Each section of *English Legal Heritage* is worthy of a book in its own right – indeed many books have been published on these subjects, some of which are listed on page 188 for those whose appetite has been whetted and wish to read further.

To the contributors, the publisher, the staff of New Law Journal and my husband, all of whom have exercised great patience and forbearance while the book has been in production my heartfelt thanks.

Judy Hodgson London June 1979

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Frontispiece: The Opening of the Law Courts.
The procession of judges through the Great Hall of the Royal Courts of Justice takes place after the Lord Chancellor's Breakfast every year early in October at the beginning of the Michaelmas Law Term