

**CAMBRIDGE
LEGAL STUDIES**

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Cambridge Legal Studies by E. C. Clark

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E. C. CLARK

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BY

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CHAPTER I.

PRESENT LEGAL STUDY AT CAMBRIDGE FROM THE REFORM OF 1887.

The Law Tripos. The main object of the present chapter is to describe the scheme of legal education at Cambridge marked out by the amended regulations for the Law Tripos which have recently (1887) been proposed by the Special Board for Law and received the sanction of the Senate. This scheme, being the result of considerable deliberation and repeated discussion, is likely to enjoy a comparative degree of permanence; while the number of students affected by it is large and increasing. A few remarks, therefore, upon it may be acceptable, from one who has had some share in drawing it up, together with a good many years' experience of legal studies and examinations both in Cambridge and elsewhere. This position of the writer will, he hopes, excuse an occasional use of the first person, particularly where he is giving utterance rather to his own opinions than to those expressed,

in various reports, by the Board over which he has had the honour to preside. An apology may also be due to the general reader, for a degree of technicality in speaking of University arrangements. Some acquaintance, however, with the system referred to must unavoidably be presumed, as, without such acquaintance, the bearing of this paper would be scarcely intelligible.

Two general questions—whether law can be successfully taught at all in Oxford and Cambridge, and whether examination is a good or bad medium of education—may be noticed here, but must be passed over very briefly. The first has been, and probably will be, often debated as a matter of argument: as a matter of practice, it seems to be, for the present, taken as settled, by the decided encouragement accorded to University Law Students on the part of the London authorities who control the *entrées* to both branches of the legal profession in England. I do not think this encouragement is to be entirely accounted for by the feeling which I may broadly term a “preference for gentlemen,” in the production of whom the old Universities of course claim no monopoly. The case, I hope, rather is, that some amount of previous University culture, intellectual as well as social, is found desirable, even by the strongest advocates of a practical legal education, and even at the cost of a little time and money.

The recognition, to which I am here referring, by the profession, is duly valued at Cambridge and

Oxford, and the practical character which it tends to impress upon the University study of law has undoubtedly added a great interest and stimulus to the latter. It must not however be forgotten that the proper function of a University is, according to the old theory—not yet, I hope, exploded—first, to educate its students, and second, to prepare them for their special business in life. This principle is implicitly recognised by the London authorities just referred to, in their selection of the subjects upon which they do and upon which they do not delegate their examination tests to our provincial tribunals. The same principle has been fully taken into account in the present scheme for the Law Tripos. One of the chief results contemplated by the division of the examination into two parts is the suggestion of a normal course of reading, wherein the subjects which may rather be considered as forming part of a high class general education will come first, and those which approximate to actual practice last.

Of examinations in general an old *ex-officio* labourer in that field is not always found to speak with much enthusiasm. Since, however, there is no substitute which is in the slightest degree likely to be accepted in their stead, we must obviously endeavour to make the best of what some among us regard as a necessary evil. Whether we like them or no, examinations are an accomplished fact, and a great part of our educational system. Equal, or greater, in importance is the proper

organisation of a teaching staff: but that subject, rendered, as it is, very difficult from the number of independent authorities whose cooperation is necessary, lies still, for the most part, *in futuro*.

The connexion of the teaching with the examining body is not looked upon with so much favour at Cambridge as in some other Universities, and it has been thought desirable, on the whole, to abolish the standing *ex-officio* examinership of the Regius Professor of Civil Law. On the other hand, the office of examiner has been thrown open to persons not members of the Senate. It may be observed that the power to nominate such persons for election would give the Cambridge Law Board an opportunity of requesting and considering recommendations, for examinership, from the Council of Legal Education and the Incorporated Law Society. This is merely thrown out as a suggestion; but I certainly think that any such recommendations would be well received by the Cambridge Board. If thereby any joint arrangement could be made between the London and University examining bodies, it might not be unreasonable to hope for slightly improved terms of admission, in the case of University candidates, to the respective positions of Barrister and Solicitor.

In passing from these general observations to the scheme itself, it must be first of all observed that no new subjects are introduced into the Law Tripos. The principal changes are, the division of the examination into two parts, the more searching