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The
North Carolina
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Volume Seven

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Number One

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The contributions of the student editors in this issue have been written under the supervision of individual members of the law faculty. Publication of signed contributions from any source does not signify adoption of the views expressed either by the LAW REVIEW or its editors collectively.

THE LAW SCHOOL

A highly successful session was held in the summer just past. The visiting professors were Mr. Justice Brogden and Mr. Justice Connor of the Supreme Court of North Carolina, Professor Edmund M. Morgan of the Harvard Law School, Professor Wesley A. Sturges of the Yale Law School, and Dean J. L. Parks of the University of Missouri School of Law.

The fall session opened with a registration of 118 students, a slight increase over last year. The faculty is fortunate in the return to its ranks of Professor A. C. McIntosh who has been on leave of absence under the Kenan Foundation during the past year, and of two former members. Professor M. T. Van Hecke, who was the first faculty Editor-in-Chief of this REVIEW at its foundation in

1922, and who since his former service here has been a member of the faculty of the University of Kansas Law School and a visiting professor at the Yale Law School, has returned as Professor of Law. He is teaching the courses in Contracts and Equity, and in conjunction with a Committee of the North Carolina Bar Association is preparing a local annotation of the American Law Institute's Restatement of the Law of Contracts. Fred B. McCall, formerly of the Charlotte Bar and of this faculty, returns after a year spent in securing his degree at the Yale Law School, as Associate Professor of Law.

Among the new courses added to the curriculum for the present year is a course in Legal Ethics which is required for the degree.

THE LAW SCHOOL LIBRARY

To the average person a law library is a dark dull place lined with row on row of monotonous sheep bound books from which a cloud of dust must be whiffed before a book can be used. This was more or less true of the University of North Carolina Law Library when it was housed in the old Law Building (now the Playmakers Theatre).

The small 6,000 volume library was a collection of broken sets and incomplete sections, the whole padded with many duplicates and much dead material. It was for the most part an "antique" library—thoroughly inadequate for the everyday needs of students and faculty. But great changes have taken place since then—mainly within the last two years. Today after two years of planned and thoughtful purchasing every usable set has been completed, the sections have been expanded, and the scope of the whole Library has been enlarged and its quality enriched by new and up to date material. A capable judge of law libraries has recently pronounced it a "good bread and butter collection." That means that the Library is now equipped with all the American and English case law, the latest statutory compilations of these countries, all the special reports used in law school work, a representative selection of nearly 2,000 of the latest American and English texts, all the leading current American and English periodicals, and all the encyclopedias and digests that make these sets most useful. Hardly an order comes to the Desk that cannot be filled.

As a natural consequence of this increase the Reading Room has been converted into the work shop of the Law School where students can find the necessary tools for their labor, and this enlarged collection has attracted outside students in allied fields, especially members of the faculty connected with other departments. It is a great satisfaction to the Librarians that to a pre-legal student looking for an easy introduction to law anyone of a dozen books can be furnished; to the chance person delving in Alaskan or Hawaiian law, both the decisions and statutes of those territories are available; or to a reader desiring the comment of some Philippine or Scotch jurist the periodical shelves will afford all he wishes on that line. Furthermore the Librarians are prepared to suggest a lengthy reading list to those persons who prefer to mix a little legal learning with their recreational reading. The list of books wherein literature touches law is a long one, beginning perhaps with "Forensic Fables" and ending on a high note with Dickens' "Bleak House"; or beginning with Arthur Train's "Tutt and Mr. Tutt" and ranging on up to the classic Galsworthy. These legal novels and essays comprise a section, very recently added to the Library, that is vastly popular with many students and readers.

Not only has the Library increased in utilitarian elements but also among its 18,400 volumes can be found many volumes so quaint and unique that the average person with the traditional notion of what a law library is like and with interest far removed from law can browse through the stacks and find his interest piqued in many ways.

Many visitors have loitered through the stacks dipping into old volumes whose odd binding and unmistakable age make them alluring on first sight. Upon closer examination of the contents, quaint and curious laws and law-suits are found. One volume of early Puritan laws of the Plymouth Colony has "And if any person shall be found smoking of tobacco on the Lord's Day going to or coming from the Meetings . . . they shall pay twelve pence (fine)." Again in the same volume "If any Christian (so called) be a witch, that is hath or consulteth with a familiar spirit, he or they shall be put to death." Along this same line an old report of English cases, in giving the testimony of a witness for a bewitched man says, "They said his breath made a Noise like the Barking of a Dog and she believed he was bewitched for she (the witness) was bewitched by

him and made to fly . . . and several times he (defendant) spit up pins." In an epilogue to the oldest treatise on wills, printed in 1611, the author says, "Thus for thy love (loving country man) have I delivered unto the view of thy judgment, the picture of my conceit concerning testaments. As no man hitherto since England was Albion has set forth a perfect idea of an English testator, the author therefore in adventuring to breake the yse, failing at the ford and falling into the pit may seem worthy to be pitied."

Not all of the interest, however, centers in the contents, for often on the fly leaves are written bits of history. In one old Virginia law book is a diary evidently kept on the battle field of Fredericksburg in '61. The writer says, "Stonewall Jackson did right not to charge the Yanks on Friday night. If we had received their fire from behind the Bowling Green Road we very probably should have been repulsed: while the fire of their batteries of Stafford Heights across the river would have annihilated us. Then what would Lee or Jackson have had to oppose Burnsidés' forward movement? Old Jack's head was level."

In another old treatise the Law School "yell" was found that tells of days when school spirit ran high and esprit de corps depended on such juvenile things as mascots and law school colors and "yells." This was the "yell" in those days as the fly leaf tells:

"Blackstone's Commentaries
My Lord Coke
Carolina Law School ain't no joke.
The teacher asked the question
But the boy never spoke.
Easements, property, Lucius Polk."

It is always a matter of interested inquiry by guests how this all came about in so short a while. It was made possible in two ways—by appropriations and gifts. The bulk of the increase came through purchases made with the \$20,000 allotted to the Law Library by the University Administration for the year 1926-27 and 1927-28. Besides that the most interesting old books and unusual volumes came from the collections recently given the Library by relatives of Chief Justice Richmond Pearson, the late Chief Justice Hoke and Dean Lucius Polk McGehee—all of whom were book lovers and collectors of rare old items. Through them the Law Library has come into possession of volumes that have long been out of print and

cannot be purchased at any price. During the last year gifts were made to the Library by publishing companies and friends who have watched the phenomenal growth of the Library and desired to "put their shoulder to the task" of helping to build it up rapidly. Among these gifts were the Hoke collection of 1,000 volumes mentioned above, several sets of reports and encyclopedias given by two publishing companies, the major portion of personal libraries worth hundreds of dollars, presented by two members of the law faculty, a collection of valuable reference books given by Mr. Charles G. Rose of Fayetteville, two dictionaries donated by the senior law class, and twenty-four volumes of new texts and casebooks given by the NORTH CAROLINA LAW REVIEW. Last and greatest of these gifts was a fund of \$10,000 given by an alumnus of the Law School now living in New York City who desired to withhold his name. This was given as a memorial to the late Dean Lucius Polk McGehee and according to the wishes of the donor the gift was designated as the McGehee Memorial Fund.

The recent expansion of the Law Library and the increase in its use by the student body have necessitated an addition to the Reading Room. For this purpose the basement room under the present Reading Room is being converted into an addition to the Library.

It is hoped that the establishment of an adequate working law library will not only make possible a higher type of work by faculty and students in the Law School, but will be of service to the Bar of the State. During the past year a substantial number of lawyers have come to Chapel Hill to use the Library. The Library hopes to welcome them in greater numbers in the future and to become one of the influences which will promote the closest coöperation between the Law School and the legal profession.

In one important particular the legal profession can be of real service to the Law Library. Though richer in the essentials, there is a decided weakness in the collection—in the North Carolina section especially among its old codes, early session laws and legal journals. To be specific, the Library needs the following:

CODES

Collection of Public Acts (1715-52—Swann), 1752.

Acts, 1791-94, Newbern, 1795.

Compilations of 1764 and 65.