

THE CAMBRIDGE LAW JOURNAL

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FOREWORD

WITH this number *The Cambridge Law Journal* enters upon a new series. In future it will appear twice a year, in April and November, and will be published under the auspices of the Faculty of Law.

A new section, entitled "Case and Comment," contains reviews of recent cases and will extend in future numbers, it is hoped, to legislation and other materials of outstanding interest. In the present number enough space for this section has been difficult to find, since a whole year's harvest of cases has been garnered. In this number, therefore, the section has been confined to notes of cases only, and it has been allowed more space than is intended for the future. It is hoped that the notes, which will be written by specialists, will appeal to a wider public than the short notes which were formerly published, and that they will interest practitioners as well as students of the law.

For over thirty years *The Cambridge Law Journal* has been published in much the same form as the first number in 1921, when it was the only journal of its kind produced in the Law School of a University in the United Kingdom. This is then a proper occasion to pay tribute to the pioneer work of its founder, the present Master of University College, Oxford, Dr. A. L. Goodhart, who has also for over a quarter of a century edited *The Law Quarterly Review*, and to the long service as its Honorary Treasurer of the Vice-Master of Trinity College, Professor H. A. Hollond. Without their inspiration, guidance and material help the *Journal* would never have established itself. But it is above all

to the late Editor, Professor Sir Percy Winfield, who edited it for over twenty years, that the *Journal* owes its greatest debt. That it is now in a position to enlarge its scope is in no small measure due to the years of devoted service which he rendered from the editorial chair. A tribute to him will be found in a leading article in this number.

CASE AND COMMENT

COURTS—JUDGES IN COLONIAL TERRITORIES—TENURE OF OFFICE

By way of introduction, it is necessary to explain both the scope and the limitations of this note, which is prompted by the decision in *Terrell v. Secretary of State for the Colonies* [1953] 2 Q.B. 482.

First, it is concerned with the Judiciary in territories which may conveniently be described together as those which are the concern of the Colonial Office. The words "Colonial territory" will be used to embrace not only Colonies but also Protectorates (including most Protected States), Trust Territories and composite territories, e.g., Kenya, which contains a Protectorate as well as a Colony, and Nigeria which consists of a Colony, a Protectorate and a Trust Territory.

Secondly, some statements, though in general correct, would need qualification if this note were intended to be a detailed exposition of the position of the Judiciary in every one of the thirty or forty colonial territories concerned.

The Courts

In every colonial territory there exists a court of unlimited jurisdiction, established either by Order in Council or by local statute. In a territory which is or includes a colony, this court is styled the Supreme Court, while in other colonial territories it is called the High Court. The origin of this difference in designation and the reason for it are obscure, but it is of no practical importance, and for the sake of brevity it will be convenient to use the term "Superior Court" as meaning both a Supreme Court and a High Court.

Between the Superior Court and the Judicial Committee of the Privy Council, which is, of course, the ultimate Appellate