

CHANGE OF GENERAL EDITOR

Pressure of other scholarly tasks prevents me from continuing as General Editor after this issue. This has been a sad decision to make, but the sadness is well tempered by contentment with the solid establishment of the Review in its first eight years, and by confidence in its future under the care of my successors and my colleagues and the Student Editors. I am happy to inform readers that Professor W. L. Morison, B.A., LL.B. (Sydney), D. Phil. (Oxford) and Dr. D. J. MacDougall, LL.B. (Melbourne), J. D. (Chicago) have been elected Joint General Editors to succeed me. I tender to them my warmest wishes.

At the Third Annual Dinner of the Law Review on December 8, 1960, I expressed to the gathering of Student Editors and other friends of the Review something of my feelings on retirement from office. I reproduce here my remarks on that occasion, in the hope of reaching friends and readers of the Review elsewhere in Australia and overseas:

"This Toast so generously proposed and so warmly received, is a Toast to the General Editor. A General Editor, it goes without saying, has no soul and no heart. And if I am deeply moved tonight it is rather in my capacity as a man and a teacher and a friend of so many of you.

"For a number of years I have felt that a new General Editor should be taking over the reins, and for some years now the Editorial Committee has had to listen once a year to a bedtime story from me of which this was the burden. And as the seventh year of my duties ended, I concluded that if my story was ever to be believed, I must vary the happy ending.

"I would not have you misunderstand me. It is true that ever since I was born, on the seventh day of the seventh month of 1907, seven has been my lucky number. It is also true that I was conscious from Chapter 19, verses 14 and following, of Genesis that seven is not everybody's lucky number.

"For, let me remind you how the patriarch Jacob as a youth fled from home and from the wrath of big brother Esau, after taking a legal transfer of the birthright, and acquiring from their father (by something uncommonly like false pretences) the blessing that went with it. He sought refuge, you remember, with his mother's kinsman, Laban, in Padan Aram, to work for him. And Laban is reported to have said to Jacob, 'What shall thy wages be?' — meaning, of course, money. (This part of the story, I assure you, has no present application—no one ever offered the General Editor any wages). And then the Chapter goes on: 'And Laban had two daughters, . . . Leah was tender-eyed but Rachel was comely and well-favoured. And Jacob loved Rachel and he said: "I will serve thee seven years for Rachel, thy younger daughter."' And Laban agreed. And so Jacob served seven years for Rachel, and the verses tell us 'They seemed to him but a few days for the love he had towards her'.

"And so, after seven years, the nuptial feast began, and in the evening, we are told, the crafty Laban brought the bride to Jacob. And we are told (without leave of the Censor, and even before the recent decision about game-keeping) that Jacob 'went in unto her . . . and it came to pass in the morning, behold, it was Leah and not Rachel'.

"Of course, the treacherous Laban had his defence, which turned on a delicate matter of precedence, corresponding to the order of seating, or, should I say, the order of lying. For Laban said: 'It must not be so done in our country to give the younger before the elder'.

"Whether this would be a good defence under the law of New South

Wales, I doubt. Nor in the presence of the authorities here assembled on the relation between law and equity in New South Wales do I wish to speak at any length on the adequacy of damages as a remedy. For, clearly, whatever we make of the thesis of Sir Raymond Evershed (as he then was) that equity is not past child-bearing, or of the pregnant addendum to it of our learned and distinguished guest, the Hon. Mr. Justice Sugerman—(both of which you can find in Volume 1 of the *Sydney Law Review*)—whatever clarifications the New South Wales Parliament may (according to the very learned article of the mover of this Toast which you will find in Volume 3 of the *Sydney Law Review*) have failed to bring to the relation of the law and equity in New South Wales—one thing is clear.

“There could be no specific performance to compel Laban to put Rachel where Leah had been.

“So, that dour morning, the choice for Jacob was clear and grim. He either gave up Rachel, the love of his heart, or he was in for another seven years.

“So was my mind running a year ago. Seven was not Jacob’s lucky number, but it might still be mine. Seven years before I had myself fallen in love, not with an existing paragon of beauty like Rachel, but rather with a creature of mere dreamwork—a lady, as it were, fair in *posse* but not yet in *esse*. Her main virtue would be to stir in the abler of our Law graduates a sense of the creative role of lawyers, an insight into the techniques of lawyering and a dedication to the ideals which the law should serve.

“But whether this Fair Lady—this *Sydney Law Review* as she came to be called—became a reality, was to depend by paradox on the thought and devotion which most of you around this table were willing to lavish on her. It is because you have cherished her, each of you in your years, that she has finally become, in the biblical phrase, comely and well-favoured, and a source of nurture to you and to your successors.

“At any rate, that is how she looked to me a year ago, and how she looks today. So I was luckier than Jacob. At the end of the seven years of service, I found myself with the Law Review I had wanted. And for that I feel deeply indebted to you all. No Review, I am sure, has had a keener and more competent succession of Student Editors-in-Chief. I ask them to accept on behalf of all of you, my gratitude, and I join with this a tribute to the co-operation of the judges present here tonight, and to all my colleagues, and to the zeal and skill and helpfulness of the Law Review Secretary, Miss Sachs.

“But the fact that the Law Review is indeed as I dreamed of it, means that the seven years were years well spent; and it also means that no Laban stands over me to demand another seven years. There are calls which I feel to other scholarly tasks, some of which have fallen deeply into arrears. And I have also, I must confess, an eager wish to watch the *Sydney Law Review* continue to play her rôle with ever-increasing grace and confidence, as she leans upon other and younger arms.

“Whosever arm it is, I wish him well. I hope he will continue to find among his colleagues, and among the ablest of the Law students from whom you and other Editors are selected, as well as in the Faculty and the University, the active sympathy and understanding for the work of the Law Review that are now established. And when, many years hence, he in turn comes to hand on his task, I hope that he too will feel able to say—as Genesis says of Jacob serving his first term for Rachel—that though the years were many that he served, ‘they seemed but a few days for the love he had’ of the *Sydney Law Review*.”

JULIUS STONE,
GENERAL EDITOR.