

177

The CAMBRIDGE Law Journal

April, 1961

CASE AND COMMENT	Reprint of the Journal	1		
Administration of Justice Act, 1960	1	Absolute Duty and Negligence	20	
"Person Aggrieved"	5	Remoteness of Damage	23	
Bias as Disqualification	8	<i>The Wagon Mound</i> , continued	30	
Offer for Sale	11	Conversion of Cheques	33	
Corporate Bodies' Contracts Act 1960	12	Requisition and Eviction	34	
Reliance on Seller's Judgment	13	Oral Lease by Partner	36	
Consideration for Variation	15	Mortgagee's Right to Possession	39	
Duty and Contributory Negligence	17	Cy-près and Accumulation	41	
THE ADEQUACY OF THE LAW OF TORTS				
		<i>Dean Cecil A. Wright</i> , q.c., LL.D.	44	
CAUSATION IN THE LAW				
		<i>Glanville Williams</i> , LL.D., F.B.A.	62	
NEW DEVELOPMENTS IN MISTAKE OF IDENTITY				
		<i>J. C. Hall</i>	86	
THE NORM IN THE BOTTLE				
		<i>B. E. King</i>	103	
BOOK REVIEWS				
UNDERHILL: Trusts (11th ed.)	112	DEVLIN: Criminal Prosecution	127	
VAN CAENEGEM: Royal Writs	114	KERSELL: Delegated Legislation	128	
FIFOOT: Judge and Jurist	118	SUCHARITKUL: State Immunities	129	
MORRIS: Cases on P.I.L.	121	NOKES ED.: Legal Citations	132	
ROUBIER: Le droit transitoire	123	Books also received	132	
CHESHIRE & FIFOOT: Contract (5th ed.)	124			
UNIVERSITY LAW SOCIETY				<i>R. A. Morrill</i> 136

*Published under the auspices of
The Faculty of Law, University of Cambridge.*

Net 13s. 6d. Annual Subscription 25s.



Comparative Law

Cases—Text—Materials

By R. B. SCHLESINGER

William Nelson Cromwell Professor of International and Comparative Law at Cornell University

‘The purpose of the book is to introduce the lawyer who has been nurtured on the common law to the vastly different systems of civil law which prevail in the countries of Europe west of the iron curtain, in South America, and in many other parts of the world where the common law was unable to stake a prior claim. . . . The book is throughout interestingly written and shows that very wide research has been done in compiling it.’

—*Solicitors’ Journal*

‘The book is admirably conceived to enable the instructor “to acquaint his students with the technique of using foreign material . . . and to de-provincialise their minds by increasing their knowledge of legal institutions outside their own habitat.” But both the nature of the subject and Professor Schlesinger’s treatment of it are such as to render the work acceptable to, and capable of being appreciated by, a much wider public.’—*Law Times*

‘The reader will avoid the pitfalls and learn to feel the atmosphere of comparative law from this work, and can proceed confidently to the great mass of material which now exists on special comparative topics. . . .’

—*International and Comparative Law Quarterly*

In THE LIBRARY OF WORLD AFFAIRS

Second Edition 1960

£4 4s. net (2s. 6d. postage)

STEVENS

11 NEW FETTER LANE, LONDON, E.C.4.

GIBSON & WELDON

LAW TUTORS and EDITORS OF "LAW NOTES"

**prepare students by class and by post for the
Bar, Solicitors' and other Law Examinations**

RECENT SUCCESSES INCLUDE:

BAR EXAMINATIONS

At the Hilary 1961 Final examination, at which no First was awarded, 22 of the 35 in the Second Class were pupils.

SOLICITORS' FINAL & HONOURS EXAMINATION, 1946/60

Down to the November, 1960, examination, inclusive, 8,808 of the 10,704 successful candidates at the Final and 1,656 of the 1,947 at the Honours, including 39 of 46 in the First Class, were pupils.

All Bar and Solicitors' Intermediate Classes are held in London.
Solicitors' Final Classes are *also* held at Guildford.

27 CHANCERY LANE, W.C.2
CHAncery 3757

Address for all correspondence:
36 PORTSMOUTH ROAD, GUILDFORD
Guildford 3833

BOOKS ON LAW CONSTITUTIONAL HISTORY Etc. . . .

NEW AND SECONDHAND

LARGE OR SMALL COLLECTIONS BOUGHT



W. HEFFER & SONS LIMITED

3 - 4 PETTY CURY, CAMBRIDGE

Essays in CRIMINAL SCIENCE

Volume 1

Edited by

GERHARD O. W. MUELLER

Eighteen of the world's foremost criminal scientists contributed to this, the first volume of the Publication of the Comparative Criminal Law Project of New York University. It is dedicated to *The Journal of Criminal Law, Criminology and Police Science*, which celebrates its fiftieth anniversary, and to its Editor-in-Chief, Dr. Robert Harvey Gault.

The contributors were invited to write on any subject which particularly interested them, and the result is an unusually stimulating collection of essays which are comparative in outlook and represent every aspect of criminal science. The essays deal with the quest for new ideas in contemporary criminology, modern criminal theory and the problems of forensic medicine and criminal law. The four final essays present the many problems encountered by France, Germany, the Soviet Union and Japan in their efforts to reform the criminal law.

Here are seventeen contributions to contemporary criminal science. Professional men cannot afford to ignore them.

Ready Now

£3 10s. net (2s. postage)

SWEET & MAXWELL

11 NEW FETTER LANE, LONDON, E.C.4

The Principles of Agency

‘This book by the Vinerian Professor of English Law at the University of Oxford contains the essence of his lectures to Oxford Law Students on the subject of agency and is in the first case a valuable textbook for students facing examination in this subject. But it is more than that, for with masterly skill it probes into the cases from which the general principles of the law of agency are to be extracted, and legal practitioners faced with a problem in the subject will often find sure guidance from the well-balanced opinion which the author expresses after painstaking examination of the authorities reviewed.’—*Law Times*.

‘. . . an excellent book . . . practitioners will find it useful for its well-reasoned opinions on doubtful points.’—*Cambridge Law Journal*.

HAROLD G. HANBURY, Q.C., D.C.L.

Second edition. 1960.

35s. net (1s. 9d. postage)

Essays in Constitutional Law

Here is a well-balanced collection of essays on the principles of English constitutional law. The scope of the work is best indicated by its seven chapter headings: Sovereignty, The Rule of Law, The Royal Prerogative, Parliamentary Privilege, Personal Liberty, Civil Disorder and Judicial Control of Powers. These essays cover a wide variety of topics, from abstract ideas such as the legal concept of sovereignty to questions of popular concern such as “wire tapping.” A book of this nature makes excellent “further reading” material for the University student. It stimulates thought and points out and clarifies important but often forgotten details.

R. F. V. HEUSTON, M.A.

Ready Now

£2 2s. net (1s. postage)

Stevens & Sons

11 NEW FETTER LANE, LONDON, E.C.4

The Antitrust Laws of the U.S.A.

A. B. NEALE

An account of the actual working of the antitrust laws of the United States of America and an assessment of their value as a model for other countries faced with the problems of monopoly. Published for the National Institute of Economic and Social Research. 45s. net

John Millar of Glasgow

WILLIAM C. LEHMANN

A study of John Millar, Professor of Civil Law at Glasgow (1761–1801), with an analysis of his thought, followed by the complete text of *The Origin of the Distinction of Ranks* and a selection of his other writings. PUBLICATIONS OF THE DEPARTMENT OF SOCIAL AND ECONOMIC RESEARCH, UNIVERSITY OF GLASGOW. 40s. net

The Machinery of British Justice

R. M. JACKSON

A new edition of this standard work of the English judicial system is now available. Over one-third of the text has been re-written and additional material includes a section on the Restrictive Practices Court. Statistics have been revised throughout.

THIRD EDITION.

45s. net

CAMBRIDGE UNIVERSITY PRESS

LAW STUDENTS

We can supply all the
textbooks you will
require in connection
with your studies



WRITE NOW for a copy of
our **FREE COMPREHENSIVE
CATALOGUE** of legal text-
books containing prices of
books and full details of our
**COUNTRY LIBRARY POSTAL
SERVICE**



LAW NOTES LENDING LIBRARY

LIMITED

Established 1886

Law Booksellers and Publishers

**25/26 Chancery Lane
London, W.C.2**

Telephone: **HOLborn 0780**

Oxford Essays in Jurisprudence

EDITED BY A. G. GUEST

These essays, primarily for students of law, will also attract readers interested in philosophy and political theory. The contributors, P. J. Fitzgerald, H. L. A. Hart, J. F. Lever, A. M. Honoré, D. R. Harris, R. F. V. Heuston, N. S. Marsh, A. W. B. Simpson, A. G. Guest and G. Marshall, explore central concepts such as Negligence and *Mens Rea*, Ownership, Possession, Voluntary and Involuntary Acts, Sovereignty, the Rule of Law, Justiciability, Motive and the Doctrine of Precedent.

25s. net

An Introduction to the Law of Contract

P. S. ATIYAH

Intended primarily for law students beginning a course on contract, and for non-lawyers requiring information on the law of contract, this provides an overall survey, emphasizing general principles and current trends, the economic and social background of the law, and its function and purpose.

(*Clarendon Law Series*) 18s. net

OXFORD UNIVERSITY PRESS

The Library of World Affairs

THE LAW OF INTERNATIONAL TRANSACTIONS AND RELATIONS

Cases and Materials

International transactions and relations, whether between individuals, business firms or governments, are becoming more and more frequent, thus underlining the importance of establishing rules acceptable to all. Different systems of values between states tend to make the determination of a universally applicable theory of legal relations difficult. What is taking of fair opportunity in one State is sharp practice in another. This book attempts to find the problems as they are embodied in cases in municipal and international tribunals, treaties and national statutes, records of diplomatic or business action and similar materials.

‘The book makes most interesting reading for those who encounter commercial problems with an international element in the course of their practice, and also for those who simply wish to widen their outlook.’—*Solicitors’ Journal*.

Milton Katz, *Henry L. Stimson Professor of Law and Director,
International Legal Studies, Harvard University*

and Kingman Brewster, Jr., *Professor of Law, Harvard University.*

Published under the auspices of

THE LONDON INSTITUTE OF WORLD AFFAIRS

£5 10s. net

STEVENS & SONS

THE CAMBRIDGE LAW JOURNAL

EDITORIAL COMMITTEE

PROFESSOR C. J. HAMSON, M.A., LL.M., *Chairman & Treasurer*

PROFESSOR S. J. BAILEY, LL.D.

H. W. R. WADE, LL.D., *Note Editor*

R. W. M. DIAS, M.A., LL.B.

R. N. GOODERSON, M.A.

J. A. JOLOWICZ, M.A., *Note Editor*

J. W. A. THORNELLY, M.A., *Book Review Editor*

Published under the auspices of
THE FACULTY OF LAW, UNIVERSITY OF CAMBRIDGE

STEVENS & SONS, LTD., 11 NEW FETTER LANE, LONDON, E.C.4

THE JUBILEE LECTURES

OF THE FACULTY OF LAW, UNIVERSITY OF SHEFFIELD

The Faculty of Law at the University of Sheffield celebrated its jubilee by inviting five distinguished academic teachers from other Universities to present lectures, and it is these lectures which are contained in this book.

Professor C. J. Hamson of Cambridge spoke on *The Academic Teaching and Learning of the Law*; Professors H. G. Hanbury and H. L. A. Hart from Oxford on *Forgery and its Effects and Acts of Will and Responsibility* respectively; while Professors G. W. Keeton and R. H. Graveson, both natives of Sheffield, chose *The Study of Equity Today* and *The Law of Domicile in the Twentieth Century* as their subjects. This is a wide variety of topics which, from their nature and treatment, will be of interest to many outside those students, University staff and distinguished guests who were able to be present.

Edited by O. R. MARSHALL, M.A., PH.D.,

Dean of the Faculty of Law, Sheffield University.

25s. net (1s. 6d. postage)

STEVENS & SONS, 11 NEW FETTER LANE, LONDON, E.C.4

AN INTRODUCTION TO EQUITY

G. W. KEETON, M.A., LL.D. 5th edition.

Here is the new edition of this superb standard work. It has been heavily revised to incorporate the relevant new decisions and statutes.

50s. net

SOCIAL CHANGE IN THE LAW OF TRUSTS

G. W. KEETON, M.A., LL.D.

Social change in this country, especially in the last few years, has created certain problems in the Law of Trusts.

In these collected essays Professor Keeton discusses some of these problems and the attempts that have been made, either by statutory reform or judicial decision, to solve them. The significance of several prominent cases is drawn out.

A valuable book for law and accountancy practitioners and students.

25s. net

SOCIAL SECURITY IN BRITAIN

HAROLD E. RAYNES, F.I.A., F.C.I.I.

For students of sociology, insurance and history this work is extremely useful. It traces the growth of our present system of social security from the earliest Anglo-Saxon guilds. An admirable exposition of the growth of the welfare state.

30s. net

SOME PILLARS OF ENGLISH LAW

JEAN DUHAMEL and J. DILL SMITH,

translated and revised by REGINALD HALL.

Many of the chapters in this book were originally delivered as lectures at the French Ministry of Justice. It is a clear, concise and objective survey of some of the fundamental principles of English law. For lawyers and law students.

20s. net

PITMAN LAW BOOKS

LAW OF BANKING

LORD CHORLEY, M.A., *Barrister-at-Law*,

with the assistance of J. MILNES HOLDEN, LL.B., PH.D., A.I.B.

The new fourth edition. For this new edition the text has been revised to include the changes that have taken place in the past ten years: the Cheques Act, 1957, the increased importance of securities for advances, the increased stress on Documentary Credits. The effects of several major cases are discussed, too. The general effect of this revision has been to give an already superb book the additional excellence of being fully up to date

35s. net

SECURITIES FOR BANKERS' ADVANCES

J. MILNES HOLDEN, LL.B., PH.D., A.I.B.

Third edition. In the new edition of this celebrated authoritative work, the text has been generally revised and brought up to date.

Particularly, more attention has been given to security problems arising from the finance of foreign trade. "This book has no rival in its field."—*Journal of Business Law*.

35s. net