Vol. 00.13/1

The

CAMBRIDGE Law Journal

April 1955

Report on Occupiers' Liability	1	Rule in Lassence v. Tierney	26
Dispossession Orders	10	Fraud on a Power	29
Permitting Use of Vehicle	13	Equitable Priorities	32
Action for Penalty	16	Presumption of Advancement	35
Sovereign Immunity	19	Savoy Hotel Report	37
Maintenance	23	Landlord and Tenant Act, 1954	42
LICENCES, A JONAH'S GOURD	—II	Professor H. G. Hanbury, D.C.L.	47
EVIDENCE EXCLUDED BY CONSTATE INTEREST	NSIDER	ATIONS OF J. E. S. SIMON, Q.C., M.P.	62
THE PERSONNEL OF THE CRI AND THE UNITED STATE LIVINGSTON HALL			80
THE PERFECTING OF ORDERS	S IN CH	HANCERY Michael Birks	101
BOOK REVIEWS Winfield: Textbook of the Law of Tort	113	Austin: Province of Jurispru- dence Determined and the Uses of the Study of Jurisprudence	123
Hamson: Executive Discretion and Judicial Control: An	110	PAWATE: Contract and the Free- dom of the Debtor in the Common Law	125
Aspect of the Conseil d'Etat Gower: The Principles of	115	Davis: Law Relating to Com- mercial Letters of Credit	125
Modern Comment Law	110	Pools also massived	107

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

Net 10s. Annual Subscription 15s.



Cases on Criminal Law

J. W. C. TURNER

and

A. LI. ARMITAGE

This new textbook of case-law is based on the eighth edition of Kenny's Cases on Criminal Law and is arranged to follow the order of subjects in the new sixteenth edition of Kenny's Outlines, to which it serves as a companion volume. Cases decided up to June, 1952, are incorporated and there is an Appendix on Teper v. Reginam. 45s. net

KENNY'S Outlines of Criminal Law

NEW EDITION BY
J. W. C. TURNER

Kenny's Outlines first appeared in 1902. Since that date it has run to fifteen editions and has been reprinted twenty times. New developments and new problems in criminal law since the author's death have now made necessary a thorough revision of the whole work, which has been carried out by Mr J. W. C. Turner, Barrister-at-Law and Fellow of Trinity Hall, Cambridge. This sixteenth edition, entirely redesigned and reset, runs to 576 pages. 42s. net

CAMBRIDGE UNIVERSITY PRESS

THE ENGLISH LEGAL SYSTEM

A. K. R. Kiralfy

This book is especially designed for students of the English Legal System in the course for the Intermediate LL.B. of the University of London. This one book covers all the topics of the syllabus. It is written without assuming any prior knowledge of the subject, and technical terms are explained or illustrated as they occur.

28s. 6d. post paid

TEXTBOOK ON TORT

Sir P. H. Winfield

'Professor Winfield's textbook is a classic in the high tradition of Cambridge Scholarship, and it has already enjoyed the honour of citation in numerous judgments. Its two outstanding qualities are its lucidity and the studied moderation of statement with which Professor Winfield treats controversial topics. . . . '—The Solicitor

Sixth Edition by T. Ellis Lewis £2 11s. 6d. post paid

GUIDE TO THE LEGAL PROFESSION

M. W. Maxwell

'This valuable guide, which might well be in the hands of all those who contemplate making the law their profession, provides all the information which the aspirant needs in regard to the steps which must be taken to achieve that end, whether his goal be the barristers' or solicitors' branch, and gives useful hints concerning the special qualifications required for each.'—Law Times

Fourth Edition 8s. post paid

SWEET & MAXWELL LIMITED · 2 & 3 Chancery Lane · London W.C.2

GIBSON & WELDON

LAW TUTORS and EDITORS OF "LAW NOTES"

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

RECENT SUCCESSES INCLUDE:

BAR FINAL EXAMINATION, 1954

At the Hilary and Trinity Examinations, at which no candidate was placed in the First Class, 17 and 21, respectively, of those placed in the Second Class were pupils, and at the Hilary Examination, 1953, the two candidates awarded Certificates of Honour and 17 of the 22 candidates placed in the Second Class were pupils.

SOLICITORS' FINAL & HONOURS EXAMINATIONS, 1946 to 1954

Down to the November, 1954, examination (inclusive), 5,419 of the 6,497 successful candidates at the Final, and 532 of the 635 awarded Honours, including all but one 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 Holborn 0770, 0778. 0779, 5924. Address for all correspondence:
36 PORTSMOUTH ROAD, GUILDFORD.
Guildford 3833.

THE LIBRARY OF WORLD AFFAIRS

THE COMMUNIST THEORY OF LAW

HANS KELSEN

This is the first comprehensive study of the theory of law based on the 'materialistic' or economic interpretation of society inaugurated by Karl Marx.

'The Communist Theory of Law' examines the Communist doctrine that the law is an ideological superstructure with the relationships of economic production as its real basis. The study points up the contradictions implied in this doctrine and the related tendency to make a Communist political instrument out of the science of law.

26s. post paid

STEVENS & SONS

2 & 3 Chancery Lane

London W.C.2

PRESTON & NEWSOM

RESTRICTIVE COVENANTS

AFFECTING FREEHOLD LAND

Will this building infringe a covenant? If so, what can be done to escape liability? Questions such as these are daily becoming more pressing, now that building is relatively free from control. The new edition sets out the present law and practice and takes account of the important developments due to the creation of the Lands Tribunal, which now enjoys the power to discharge or modify restrictive covenants

36s. 3d. post paid

second edition

SWEET & MAXWELL

2 & 3 Chancery Lane W.C.2

LAW NOTES LENDING LIBRARY

LIMITED

25 & 26 CHANCERY LANE LONDON, W.C.2

Phone: HOLborn 0780

For generations

Law Notes Lending Library Ltd. has had the pleasure of supplying legal books to Students for their various examinations either on loan or for sale.

vited to write to us as to their requirements, and for information as to the publication of new editions of books they will need to study.

The

International and Comparative Law Quarterly

Volume 4, Part 1

January 1955

4th Series

VLADIMIR IDELSON, Q.C.

BANKRUPTCY IN ENGLISH PRIVATE INTERNATIONAL LAW: II
L. J. Blom Cooper
THE DEVELOPMENT OF THE LAW OF CHARITIES IN IRELAND
V. T. H. Delany

NOTES

Judicial Machinery in the Channel Islands
American Uniform Rules of Evidence
First International Congress of Social Legislation
Comparative Law Activities

C. d'O. Farran G. D. Nokes

O. Kahn Freund

DECISIONS

ENGLAND—Dreyfus Foundation Inc. v. I. R. C. INDIA—Recent decisions in private international law ITALY

Paras Diwan
J. A. Clarence Smith

GERMANY—1. Matrimonial property régime; 2. Confiscation of trade marks Paul Abel

BOOK REVIEWS

PUBLIC INTERNATIONAL LAW

THE CASE OF MONETARY GOLD REMOVED FROM ROME IN 1943

D. H. N. Johnson
SOVIET VIEWS ON THE RELATIONSHIP BETWEEN NATIONAL AND
INTERNATIONAL LAW

E. Margolis

NOTES

U.N. Draft Convention on Restrictive Business Practices
Civilians in Occupied Territory: Ordinance 501
Rights of U.S. Nationals in Morocco: A comment
European Coal and Steel Community: High Court of Justice

Martin Domke H. A. Smith J. M. Sweeney

DECISIONS

Juan Ysmael & Co. V. Government of Indonesia Re Kolczynski and others A. J. I. Lincoln

BOOK REVIEWS AND NOTICES

DOCUMENTS

EDITED BY F. H. LAWSON and J. E. S. FAWGETT

Annual Subscription in the U.K. 302, which confers membership of the Society of Comparative Legislation Each issue 103.

THE JOURNAL OF THE SOCIETY OF COMPARATIVE LEGISLATION Nuffield Lodge, Regent's Park, N.W.1

There's
nothing
cheap
about
the
Weekly Law Reports

-except the price

Annual subscription four guineas post free.

A reduced rate is available to law students.

SWEET & MAXWELL

2 & 3 Chancery Lane

STEVENS & SONS London W.C.2

CRIMINAL LAW

THE GENERAL PART

Glanville L. Williams

- 'Sometimes a reviewer has to criticise the book he is reviewing. Sometimes he feels he can, perhaps hesitatingly, commend the work. But only in exceptional cases is it his privilege to be able to welcome the book with acclaim. Glanville Williams's book is undoubtedly one of these exceptional cases. It is indeed a stimulating treatise of great merit. It should be added at once, however, that this is no surprise, for we have learnt to expect no less from Professor Glanville Williams.
- 'This volume deals with "The General Part" of criminal law. The underlying principles of topics such as mens rea, vicarious responsibility, mental abnormality, attempt and the criminal liability of corporations, are critically examined. Although the work is complete in itself, the author hopes to follow it later with a companion volume on specific crimes.
- 'On the dust-cover of the book it is said: "Criminal law has been called the Cinderella of legal science, for its growing importance in practice has not been matched in thought and literature." Again, one sometimes hears the remark that "there is no law in criminal law." In his Criminal Law Professor Glanville Williams has given the lie to both these statements, for, if one may venture a prophecy, Glanville Williams's book will take its place in the forefront not only of the literature on this branch of law but of jurisprudential works as well."—South African Law Journal.

£3 4s. 6d. post paid

STEVENS & SONS :: 3 Chancery Lane W.C.2

THE

CAMBRIDGE LAW JOURNAL

EDITORIAL COMMITTEE

PROFESSOR C. J. HAMSON, M.A., LL.M., Chairman

PROFESSOR S. J. BAILEY, M.A., LL.M., Treasurer

PROFESSOR E. C. S. WADE, LL.D., Note Editor

T. ELLIS LEWIS, PH.D., Book Review Editor

S. F. C. MILSOM, M.A.

H. W. R. WADE, M.A., Note Editor

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

STEVENS & SONS, LTD., 119 & 120 CHANCERY LANE, LONDON, W.C.2

BOOKS ON LAW CONSTITUTIONAL HISTORY Etc. . . .

NEW AND SECONDHAND

LARGE OR SMALL COLLECTIONS BOUGHT

0

W. HEFFER & SONS LIMITED

8-4 PETTY CURY, CAMBRIDGE

EXECUTIVE DISCRETION AND JUDICIAL CONTROL

C. J. HAMSON

'The French Conseil d'Etat reviews and controls the grounds and substance of court decisions on administrative law. In England, such control is exercised by the High Court which controls their formal, external, legality only. In this latest series of Hamlyn Lectures, the author, who is Professor of Comparative Law in the University of Cambridge, makes direct comparison between the practice of the two countries and offers suggestions for possible changes in English procedure.'—British Book News

The Hamlyn Lectures. Number 6

13s. 3d. post paid



THE HAMLYN LECTURES

- 'The purpose of the trust lectures is to further the knowledge among the people of this country of our system of law "so that they may realise the privileges they enjoy and recognise the responsibilities attaching to them." Indeed, the awakening of the responsibilities resting upon each one of us in preserving the priceless heritage of the Common Law is clearly the purpose and message of this particular series, and there can be none amongst us, however eminent and erudite, who would not benefit by a study of them.'-Law Journal
- 1. Freedom Under the Law By Sir Alfred Denning 10s. net.
- 2. The Inheritance of the Common Law
 By Richard O'Sullivan, Q.C.
 10s. net.
- 3. The Rational Strength of English Law F. H. Lawson. 10s. net.
- 4. English Law and the Moral Law
 By A. L. Goodhart, K.B.E., Q.C.
 12s. 6d. net.
- 5. The Queen's Peace By Sir C. K. Allen, Q.C. 12s. 6d. net.

STEVENS & SONS · 2 & 3 Chancery Lane · W.C.2