Vel 100 14/1

The

CAMBRIDGE Law Journal

April 1956

CASE AND COMMENT

Prince Ernest's Nationality Larceny by a Bailee Intention in False Pretences Strike Clause in Bill of Lading Contracts of Indefinite Duration Oil on the Foreshore Escape of Water 'Would if sued have been liable.' Modification of Terms of Trust	1 1 3 5 9 11 13 15	Public Element in Charity Incidence of Pecuniary Legacies Jus Spatiandi Joint Tenancy in Trust Funds 'Obsolete' Restrictive Covenants Tenancy at Will under 1954 Act Repairs or Improvements? Mortmain and Forfeiture	20 22 24 25 27 30 32 34
THE RATCLIFFE MURDERS		L. Radzinowicz, ll.d.	39
TRADE UNIONS AND THEIR M	1EMBER	S T. C. Thomas	67
THE INCIDENCE OF GENERAL	PECUN	VIARY LEGACIES Professor E. C. Ryder	80
THE RIGHT TO INDEMNITY BE	ETWEEN		GI)
		J. A. Jolowicz	101
BOOK REVIEWS		GALEOTTI: Judicial Control	121
OPPENHEIM: International Law	112	CURIA REGIS ROLLS 7-9 HENRY	
Lawson: Civil Law	113	111	124
WILLIAMS: Proof of Guilt	114	YALE: Hake's Epieikeia	126
Edwards: Mens Rea	117	CHITTY on Contracts (21st ed.)	127
Kagan: Three Systems	120	Books also received	129

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

Net 10s. Annual Subscription 15s.

UNIVERSITY LAW SOCIETY



G. Slynn 131

Cases on Criminal Law

J. W. C. TURNER
and
A. LL. 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

Germany and the North Atlantic Community

A Legal Survey

M. E. Bathurst, C.M.G., C.B.E., LL.B., LL.M., PH.D. and

J. L. Simpson,

This book provides a comprehensive and up-to-date survey of the questions of international law relating to the German problem. It deals with all legal aspects of international relations affecting Germany from the autumn of 1944 to the end of the Geneva Conference of Foreign Ministers in November, 1955.

The authors, who are experts in this special field, distinguish three periods.

In the first three Parts they deal with conventional belligerent occupation, Military Government and Allied High Commission. Part Four deals with the position of the Federal Republic in the North Atlantic Community with particular reference to her relations with 'the Big Four.'

The main legal issues are broadly surveyed and

The main legal issues are broadly surveyed, and described only so far as they appear material to the legal issues.

This contemporary survey conveys a better understanding of the principles and rules of international law than is possible through any textbook exposition.

36s. 6d. post paid

Published under the auspices of THE LONDON INSTITUTE OF WORLD AFFAIRS

STEVENS & SONS 2 and 3 Chancery Lane, W.C.2

C.L.J. 1

THE JUDICIAL CONTROL of PUBLIC AUTHORITIES in ENGLAND and ITALY

S. Galeotti, D.PHIL., DR.JUR.

'A distinguished and profoundly interesting work. Not only has he enlightened us on the main features of Italian administrative law; he has also suggested a wider significance for some English doctrines which most of us tend to regard as nothing more than chance products of historical circumstance. It is impossible to read his book without learning something new about English Public Law. . . —The Modern Law Review

with a foreword by F. H. Lawson

31s. post paid

STEVENS & SONS : 3 CHANCERY LANE : 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 EXAMINATIONS, 1955/6

At the Hilary examination 1956 at which there were none in the 1st Class, 13 of the 18 candidates placed in the 2nd Class including 2 of the 3 in Division One were pupils. At Part One examinations 2 of the 3 candidates placed in the 1st Class were pupils.

SOLICITORS' FINAL & HONOURS EXAMINATION, 1946/55

Down to the November, 1955, examination, inclusive, 5,937 of the 7,190 successful candidates at the Final and 693 of the 803 at the Honours 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.

'That laymen will derive great benefit from it can be readily appreciated, for probably there does not exist any other book which tells the export merchant (and others connected with the export trade) so much about the legal aspects of their daily business and with such clarity.'

-The Law Quarterly Review

'This is an extremely practical and valuable guide to the mechanics of exporting, which not only describes in considerable detail the steps that have to be taken but explains their origin and purpose and the pitfalls to be avoided.'

—Fairplay

THE EXPORT TRADE

a manual of law and practice

CLIVE M. SCHMITTHOFF

third edition, 34s. post paid

STEVENS & SONS

2 & 3 Chancery Lane: London, 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 either on loan or for sale.

PRACTITIONERS AND STUDENTS

are invited to write to us as to their requirements. We shall be pleased to forward our latest catalogues giving full library particulars.

The

International and Comparative Law Quarterly

Volume 5, Part 1 4th Series January 1956 THE PROTECTION OF THE ACCUSED IN FRENCH CRIMINAL **PROCEDURE** Professor Robert Vouin Professor C. J. Hamson THE ISTANBUL CONFERENCE OF 1955 REVISION OF GERMAN WAR-TIME JUDGMENTS UNDER THE BONN-PARIS AGREEMENT Claud G. Allen FURTHER CONSIDERATIONS UPON THE PRINCE OF HANOVER'S Clive Parry CASE THE CASE OF THE SINGAPORE OIL STOCKS " R " INTERNATIONAL LAW AND ACTIVITIES IN SPACE C. Wilfred Jenks NOTES Extending the Bounds of Order 11 L. J. Blom-Cooper Section 3 of Lord Kingsdown's Act and the Revocation of Wills R. E. Little Reciprocity M. J. Russell Fifth Conference of the International Bar Association Michael Brandon European Coal and Steel Community Act, 1955 E. L. E. L. Agreement relating to the International Institute of Refrigeration DECISIONS AUSTRALIA-Miller v. Teale P. R. H. Webb R. Gottschalk ISRAEL-Family Law and Wills SWITZERLAND-Caliaro and Wydler v. Canton of Argovie Claude Reymond BOOK REVIEWS AND NOTICES

EDITED BY R. H. GRAVESON and R. Y. JENNINGS

Annual Subscription in the U.K. 30s., which confers membership of the Society of Comparative Legislation Each issue 10s.

THE JOURNAL OF THE SOCIETY OF COMPARATIVE LEGISLATION

Nuffield Lodge, Regent's Park, N.W.1

DOCUMENTS

The Rule Against Perpetuities

"One of the delights of the perpetuity rule is the scope it offers for debate within a logical and coherent framework."

The Authors have taken up this challenge on both counts. First, they have restated this complicated body of law within a logical and coherent framework and as shortly and as simply as the subject permits. Secondly, within this framework, they have offered considerable critical comment of existing doctrine. This criticism, segregated and designated as such, examines the anomalies which have crept in over three centuries and points the way to a more workable body of rules.

The book abounds in illustrations; these illustrations, each stated in simple language, bring out the essential point more clearly than could pages of description. All the relevant decisions from England, Ireland and the British Commonwealth have been cited; in addition, American experience has been drawn on wherever it appeared to have something useful and constructive to offer for possible emulation.

Throughout the work the main emphasis is placed on the way the Rule functions in its modern environment and how it fulfils the needs of modern society. Not content with stating the present position, the Authors have set out to show how the law of perpetuities can be adapted to present-day requirements and be freed from the defects of existing doctrine.

While the book was in the press, it was announced that the Lord Chancellor had referred the topic of perpetuities to the Law Reform Committee. When the Committee's Report is translated into an amending statute, a Supplement will be issued in which the Authors will explain and comment on the statutory provisions.

by

J. H. C. Morris, D.C.L. and W. Barton Leach, LL.B.

£2 16s. 6d. post paid

STEVENS & SONS: 3 CHANCERY LANE: W.C.2

R. H. Graveson

THE CONFLICT OF LAWS

'This book was first published in 1948, and the fact that three editions have been called for within seven years is a tribute to its usefulness. Professor Graveson is to be congratulated on the production of this further version of an excellent work on an exacting subject.'—The Law Times

third edition £2 Is. 6d. post paid

G. D. Nokes

AN INTRODUCTION TO EVIDENCE

'The author has succeeded in writing a book which strikes a happy balance. . . . There is a clear statement of principles for the student, an adequate citation of authorities for the busy practitioner and a careful explanation of historical and theoretical backgrounds toge.her with references to the latest academic dissertations on points of difficulty for the more advanced reader.'

—The Law Times

second edition 39s. 3d. post paid

Odgers

The Principles of PLEADING AND PRACTICE

'This long awaited book will meet a great demand by students and practitioners who have found difficulty in keeping abreast with the rapid changes that have been made in the procedure of the courts during the last year. . . . The student should find this book of great use in preparing for his examination.'

–Law Notes

fifteenth edition by BASIL ANTONY HARWOOD, M.A. A Master of the Supreme Court

£2 11s. 6d. post paid

SWEET & MAXWELL . STEVENS & SONS

2 & 3 Chancery Lane, London, W.C.2

THE

CAMBRIDGE LAW JOURNAL

EDITORIAL COMMITTEE

PROFESSOR C. J. HAMSON, M.A., I.L.M., Chairman

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

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

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

J. W. A. THORNELY, 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



W. HEFFER & SONS LIMITED

3-4 PETTY CURY, CAMBRIDGE

The Development of its Laws and Constitutions

The United Kingdom

VOLUME 1

England and Wales, Northern Ireland, The Isle of Man

under the editorship of

GEORGE W. KEETON & DENNIS LLOYD

with specialist editors

"The book is neither a history of English law, nor is it a textbook of the present law—but it is a little of both. . . . The style, as well as the treatment is above reproach."

THE LAW JOURNAL

£3 4s. 6d. post paid



VOLUME 2

Scotland and The Channel Islands

by T. B. SMITH & L. A. SHERIDAN respectively

"... the clarity, precision, accuracy and imaginative analysis with which the development of our native law is treated. It is difficult not to be profuse in praise..."

---SCOTTISH LAW REVIEW

£3 4s. 6d. post paid

Stevens & Sons

2 & 3 Chancery Lane, London W.C.2