THE CAMBRIDGE LAW JOURNAL 1986

CAMBRIDGE LAW JOURNAL 1986

EDITOR
L. S. SEALY, PH.D.

Published for the Faculty of Law, University of Cambridge

CAMBRIDGE UNIVERSITY PRESS

CAMBRIDGE
LONDON NEW YORK NEW ROCHELLE
MELBOURNE SYDNEY

Published by the Press Syndicate of the University of Cambridge The Pitt Building, Trumpington Street, Cambridge CB2 1RP 32 East 57th Street, New York, N.Y. 10022, U.S.A. 10 Stamford Road, Oakleigh, Melbourne 3166, Australia

© The Cambridge Law Journal and Contributors, 1986

Printed in Great Britain by The Eastern Press Ltd., London and Reading

EDITORIAL COMMITTEE

DR. L. S. SEALY, Editor

DR. M. A. CLARKE, Secretary and Treasurer

PROFESSOR J. A. JOLOWICZ, Note Editor

PROFESSOR D. G. T. WILLIAMS, Note Editor

PROFESSOR GLANVILLE WILLIAMS

Dr. J. H. Baker

J. G. COLLIER, Esq., Note Editor

DR. K. D. EWING, Note Editor

J. C. HALL, Esq., Note Editor

DR. R. J. C. MUNDAY, Book Review Editor

DR. B. W. NAPIER, Note Editor

M. J. PRICHARD, ESQ.

J. R. SPENCER, Esq., Note Editor

CONTRIBUTORS OF ARTICLES

ALLAN, T. R. S. Law, Convention, Prerogative: Reflections Prompted by the Canadian Constitutional Case	305
BAILEY, S. H. and BOWMAN, M. J. The Policy/Operational Dichotomy—A Cuckoo in the Nest	430
Bainham, Andrew The Balance of Power in Family Decisions	262
BAKER, J. H. Dr Thomas Fastolf and the History of Law Reporting	84
BOWMAN, M. J. and BAILEY, S. H. The Policy/Operational Dichotomy—A Cuckoo in the Nest	430
COVAL, S., SMITH, J. C. and COVAL, SIMON The Foundations of Property and Property Law	457
COVAL, SIMON, COVAL, S. and SMITH, J. C. The Foundations of Property and Property Law	457
Drury, R. R. The Relative Nature of a Shareholder's Right to Enforce the Company Contract	219
EWING, K. D. and NAPIER, B. W. The Wapping Dispute and Labour Law	285
NAPIER, B. W. and EWING, K. D. The Wapping Dispute and Labour Law	285
NARESH, SUMAN Passing-off, Goodwill and False Advertising: New Wine in Old Bottles	97
SMITH, J. C., COVAL, S. and COVAL, SIMON The Foundations of Property and Property Law	457
TRINDADE, F. A. The Principles Governing the Recovery of Damages for Negligently Caused Nervous Shock	476
TEMKIN, JENNIFER Pre-natal Injury, Homicide and the Draft Criminal Code	414
WARD, A. R. Making Some Sense of Self-Induced Intoxication	247
WILLIAMS, GLANVILLE The Lords and Impossible Attempts, or Quis Custodiet	33

REPORTS ANNOTATED

Law Commission's Report: Law of Contract: the Parol Evidence Rule (Cmnd 9700)	192	Report of the Committee on the Prison Disciplinary System (Prior Report), Cmnd 9641	179 175
CASES	AN	NOTATED	
AB Marintrans v. Comet Shipping		McDermid v. Nash Dredging &	
Co. Ltd	8	Reclamation Co. Ltd	387
Al Nahkel for Contracting and	100	Mark Rowlands Ltd. v. Berni Inns	
Trading Ltd. v. Lowe	189	Ltd.	22
Aliakmon, The	20	Muirhead v. Industrial Tank Specialists Ltd.	13
Attorney-General's Reference (No.	20	Operation Dismantle Inc. v. The	13
1 of 1985), Re	367	Queen	173
Basildon D.C. v. Lesser		R. v. Dawson	17
(Properties) Ltd	8	R. v. District Auditor, ex p. West	1,
Bayer A.G. v. Winter	189	Yorkshire Metropolitan C.C	391
Bourgoin S.A. v. Ministry of		R. v. Hancock and Shankland	161
Agriculture, Fisheries and Food	165	R. v. Howe	183
Bristow v. City Petroleum Ltd	30	R. v. Moloney	161
British Leyland Motor Corpn Ltd. v. Armstrong Patents Co. Ltd	216	R. v. Nedrick	366
Candlewood Navigation Corp. Ltd.	210	R. v. Powell	185
v. Mitsui OSK Lines Ltd	10	R. v. St. Edmundsbury B.C., ex p.	
City of Edinburgh District Council		Investors in Industry Commercial	27
v. Secretary of State for Scotland	169	Properties Ltd.	27
City of London Building Soc. v.		R. v. Secretary of State for the Environment, ex p.	
Flegg	202	Environment, ex p. Nottinghamshire C.C.	169
Coldunell Ltd. v. Gallon	194	R. v. Secretary of State for the	107
Collins v. Wilcock	379	Home Department, exp. Swati	372
Coombes v. Smith	394	R. v. Shivpuri 361	
Cumbrian Newspapers Group Ltd. v. Cumberland & Westmorland		R. v. Stratford-on-Avon D.C., ex p.	,
Herald Newspaper & Printing		Jackson	212
Co. Ltd.	399	Rowlands (Mark) Ltd. v. Berni Inns	
Dallal v. Bank Mellat	377	Ltd	22
Davies v. Presbyterian Church of		Runnymede B.C. v. Ball	374
Wales	404	Saunders (G.L.) Ltd., Re	209
Devis (W.) & Sons Ltd. v. Atkins	214	Speed Seal Products Ltd. v.	200
Eyre v. Measday	197	Paddington	200
Finnigan v. New Zealand Rugby	406	T.C.B. Ltd. v. Gray	207
Union	406	Thake v. Maurice	197
Flack v. Kodak Ltd	402 1, 3	Thomas v. University of Bradford Tutton v. A.D. Walter Ltd	187 15
Goodman v. Gallant	205	West Midlands Co-op. Soc. Ltd. v.	13
Grant v. Edwards	394	Tipton	214
Hotson v. Fitzgerald	6	Wilson v. Pringle	379
Hurley v. Minister of Law	369	Woodroffes (Musical Instruments)	,
Kingsnorth Trust Ltd. v. Bell	194	Ltd., Re	25
Leigh & Sillivan Ltd. v. Aliakmon		Wormell v. R.H.M. Agricultural	
Shipping Co. Ltd	, 384	Sales Ltd.	389

BOOK REVIEWS

ADLER, R. M.: Taking Juvenile Justice Seriously	33
Arlidge, A. J. and Parry, J.: Fraud	33
ARNOLD, M. S.: Unequal Laws unto a Savage Race: European Legal Traditions in	
Arkansas 1686–1836	14
BALDWIN, R.: Regulating the Airlines. Administrative Justice and Agency	
Discretion	13
BARENDT, E.: Freedom of Speech	32
BEALE, H. G., BISHOP, W. D. and FURMSTON, M. P.: Contract, Cases and	72
Materials	13
	51
BEATTIE, J. M.: Crime and the Courts in England 1660–1800	31
BENNION, F. A. R.: Statutory Interpretation. Codified, with a Critical	
Commentary	12
BIRKS, P.: An Introduction to the Law of Restitution	12
CHANOCK, M.: Law, Custom and Social Order. The Colonial Experience in	
Malaŵi and Zambia	13
Снім, NY.: Excluding Liability in Contracts	14
COCKBURN, J. S.: Calendar of Assize Records. Home Circuit Indictments	
Elizabeth I and James I	51
COLLINS, H.: The Law of Contract	50
COVAL, S. C. and SMITH, J. C.: Law and its Presuppositions. Actions, Agents and	
Rules	35
Cross, C. & Bailey, S.: Cross on Local Government Law (7th ed.)	52
DEUTCH, E. and SCHREIBER, HL. (Eds.): Medical Responsibility in Western	٠.
Europe	34
DEVLIN, P.: Easing the Passing. The Trial of Dr John Bodkin Adams	14
	_
DICKEY, A.: Family Law	52
Doob, A. N. and Greenspan, E. L. (Eds.): Perspectives in Criminal Law: Essays	
in Honour of John Ll. J. Edwards	33
Dore, I. I.: The International Mandate System and Namibia	32
Drake, C. D.: The Trade Union Acts with Commentary	15
Drzemczewski, A. Z.: European Convention on Human Rights in Domestic	
Law: A Comparative Survey	35
DWORKIN, R.: A Matter of Principle	51
Dworkin, R.: Law's Empire	50
EDWARDS, H.: Credit Management Handbook (2nd ed.)	35
EEKELAAR, J. and MACLEAN, M.: Maintenance after Divorce	33
FEINBERG, J.: Offense to Others	32
FINN, P. D. (Ed.): Essays in Equity	34
Fox, R. G. and Freiberg, A.: Sentencing: State and Federal Law in Victoria	52
GILBERT, M. (Ed.): The Oxford Book of Legal Anecdotes	3:
	5.
GOSTIN, L.: Mental Health Services—Law and Practice	Э.
GREEN, T. A.: Verdict According to Conscience: Perspectives in the English	
Criminal Trial Jury 1200–1800	33
HOUMOUD, S. H.: Islamic Banking. The Adaptation of Banking Practice to	_
Conform with Islamic Law	35
Hughes, D.: Environmental Law	52
HUNNISETT, R. F. (Ed.): Sussex Coroners' Inquests 1485–1558	53
IMWINKELRIED, E. J.: Uncharged Misconduct Evidence	52
KIRALFY, A., SLATTER, M. and VIRGOE, R. (Eds.): Custom, Courts and Counsel	16
KORAH, V.: Patent Licensing and EEC Competition Rules, Regulation 2394/84	34
- ,	-
хi	

Book Reviews

Lane, Dame E.: Hear the Other Side	158
LOGAN, R. G.: Information Sources in Law	357
McAuslan, P. and McEldowney, J. F. (Eds.): Essays Marking the Centenary of	
Dicey's Law of the Constitution	323
McFarlane, G.: Copyright Through the Cases	540
MARSHALL, T. F.: Alternatives to Criminal Courts. The Potential for Non-Judicial	
Dispute Settlement	335
MATTHEWS, N. L.: William Sheppard, Cromwell's Law Reformer	321
MEAGHER, R. P., GUMMOW, W. M. C. and LEHANE, J. R. F.: Equity: Doctrines	721
and Remedies (2nded.)	141
MILSOM, S. F. C.: Studies in the History of the Common Law	537
Mirfield, P.: Confessions	144
OSIEKE, E.: Constitutional Law and Practice in the International Labour	144
	£20
Organisation	539 341
PANNICK, D.: Sex Discrimination Law	
Perrins, B.: Trade Union Law	342
PHILLIPS, J.: Patents in Perspective	349
PORTER, R. and O'CONNOR, M. (Eds.): Abortion: Medical Progress and Social	
Implications	153
RADZINOWICZ, SIR L. and HOOD, R.: A History of the English Criminal Law and its	
Administration from 1750. Vol. 5. The Emergence of Penal Policy	521
RAISTRICK, D.: Lawyers' Law Books (2nd ed.)	159
REHBINDER, E. and STEWART, R.: Environmental Protection Law	346
REYNOLDS, F. M. B.: Bowstead on Agency (15th ed.)	336
ROBINSON, O. F., FERGUS, T. D. and GORDON, W. M.: An Introduction to	
European Legal History	138
ROSENBERG, N. L.: Protecting the Best Men: an Interpretive History of the Law of	
Libel	532
Roth, M. and Bluglass, R. (Eds.): Psychiatry, Human Rights and the Law	153
Rudden, B.: The New River. A Legal History	354
SALEH, N. A.: Unlawful Gain and Legitimate Profit in Islamic Law. Riba, Gharar	55.
and Islamic Banking	533
Shaw, M. N.: Title to Territory in Africa. International Legal Issues	515
SIMMONDS, N. E.: Central Issues in Jurisprudence. Justice, Law and Rights	534
	154
Soper, P.: A Theory of Law	134
SPILLER, P.: Cox and Crime. An Examination of Edward William Cox (1809–	140
1879)	146
STONE, R.: Entry, Search and Seizure	142
TOMLINS, C. L.: The State and the Unions. Labor Relations, Law and the	
Organised Labor Movement in America, 1880–1960	148
TUNC, A.: Le Droit Américain des Sociétés Anonymes	355
TURNER, R. V.: The English Judiciary in the Age of Glanvill and Bracton,	
c. 1176–1239	135
TURPIN, C.: British Government and the Constitution: Text, Cases and Materials	501
TWINING, W. (Ed.): Legal Theory and Common Law	536
VALLANCE, E. and DAVIES, E.: Women of Europe. Women MEPs and Equality	
Policy	341
VAMVOUKOS, A.: Termination of Treaties in International Law: The Doctrines of	
Rebus Sic Stantibus and Desuetude	328
WARE, G.: William Hastie. Grace under Pressure	158
WHITE, A. R.: Grounds of Liability. An Introduction to the Philosophy of Law	151
WHITEHORN, N. A.: Heywood and Massey's Court of Protection Practice (11th	
ed.)	157
Woodroffe, G.: Consumer Law in the EEC	159
ZAID, A. M.: The Islamic Law of Bequest	356
ZAID, 11. PI. I IIO ISIAIIIIC LAW VI DOQUEST	220

SUBJECT INDEX 1986

†Indicates an article

*Indicates a book review

Other references are to notes

Judicial review—Canada	Administrative law		Ne exeat regno	189
Judicial review—Canada	* Airlines	133	* Psychiatry, human rights and	
Judicial review—rate		173	law	153
Capping	Judicial review—planning	211	*Sex discrimination law	341
Judical review—time limit 211 New Zealand rugby tour 406 South Africa—ouster of jurisdiction 369 Africa *Colonial experience in Malawi and Zambia 137 *Namibia—international mandate system 326 *Title to territory 515 Agency *Bowstead 336 Director's authority 207 Vicarious liability—fraud 20 Alir law *Regulating the airlines 133 Animals Bees 15 Assault and battery Elements of 379 Canada Judicial review 173 Terrogative 173 Transparence 173 Transparence 173 Transparence 174 Transparence 175 Transparence 175	Judicial review—rate		* Women MEPs and equality	
Judicial review—reasons 372 Judicial review—time limit 211 New Zealand rugby tour 406 South Africa—ouster of jurisdiction 369 Africa *Colonial experience in Malaŵi and Zambia 137 Roskill report 175 Ne exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne Exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne Exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne Exeat regno 189 Recognition of award of international tribunal 377 Roskill report 175 Ne	capping	169	policy	341
New Zealand rugby tour 406 South Africa—ouster of jurisdiction 369 Africa *Colonial experience in Malaŵi and Zambia 137 *Namibia—international mandate system 326 *Title to territory 515 Agency *Bowstead 336 Director's authority 207 Vicarious liability—fraud 20 *Arisalam Bees 15 Assault and battery Elements of 379 Australia *Sentencing 525 *Sentencing 525 *Lawyers' law books 159 Canada Judicial review 173 Prerogative 173 †305 *English criminal trial jury 1200–1800 331 Fraud trials 131 *Collins' 1320–1800 331 Fraud trials 131 *Collins' Law of 331 331 331 3320 331 3320 331 3320	Judical review—reasons	372		
1200-1800 331	Judicial review-time limit	211		
South Africa—ouster of jurisdiction	New Zealand rugby tour	406		221
Jurisdiction 369				
Africa		369		
*Colonial experience in Malawi and Zambia 137 *Namibia—international mandate system 326 *Title to territory 515 Agency *Bowstead 336 Director's authority 207 Vicarious liability—fraud 20 Air law *Regulating the airlines 133 Animals Bees 15 Assault and battery Elements of \$379 Australia *Sentencing 525 Banking *Islamic law 356, 533 Bibliography, legal *Information sources 154 *Lawyers' law books 159 Canada Judicial review 173, †305 Civil liberties *Entry, search and seizure 142 *Freedom of speech 125 *Colonies *Colonial experience in Malawi and Zambia 137 Company law Class rights 399 Class rights 399 Company law Class rights 399 Director's authority 207, 219 *Dorit américain des sociétés anonymes 355 Fixed and floating charges 25, 209 †Membership contract 219 New Zealand rugby tour—standing of member 406 Preferential debts 25, 209 Conflict of laws Agency 20 Constitutional law †Canada; convention and prerogative 305 *Dicey—centenary essays 533 *Turpin's British government and the constitution 501 Consumer law †EEC 159 Contract *Beale, Bishop and Furmston's cases and materials 131 *Collins' Law of 503	•			189
*Namibia—international mandate system 326 *Title to territory 515 Agency *Bowstead 336 Director's authority 207 Vicarious liability—fraud 20 Air law *Regulating the airlines 133 Animals Bees 15 Assault and battery Elements of 379 Australia *Sentencing 525 Banking *Islamic law 356, 533 Bibliography, legal *Information sources 379 *Lawyers' law books 159 Canada Judicial review 173 Prerogative 173, †305 Civil liberties *Entry, search and seizure 142 *Freedom of speech 125 Molonial experience in Malaŵi and Zambia 137 Colonies *Colonial experience in Malaŵi and Zambia 137 Colonies *Colonial experience in Malaŵi and Zambia 137 Company law Class rights 399 Director's authority 207, 219 *Droit américain des sociétés anonymes 355 Fixed and floating charges 25, 209 †Membership contract 219 New Zealand rugby tour—standing of member 406 Preferential debts 25, 209 Conflict of laws Agency 20 Constitutional law †Canada; convention and prerogative 305 *Dicey—centenary essays 533 *Turpin's British government and the constitution 501 Consumer law *EEC 159 Contract *Beale, Bishop and Furmston's cases and materials 131 *Collins' Law of 503			Recognition of award of	
* Namibia—international mandate system				-
*Title to territory		137	Roskill report	175
*Title to territory			Colonies	
Malawi and Zambia 137				
*Bowstead	* Title to territory	515		127
*Bowstead	Agangu		Maiawi and Zamoja	137
Director's authority 207 Vicarious liability—fraud 20		226	Company law	
Vicarious liability—fraud 20			Class rights	
* Droit américain des sociétés anonymes			Director's authority 207,	219
*Regulating the airlines	vicarious nability—iraud	20		
The standing of the standing	Air law		anonymes	355
The standing of the standing	* Regulating the airlines	133	Fixed and floating charges 25,	209
Assault and battery Elements of				
Standing of member 406				
Assault and battery	Bees	15		406
Elements of 379	Assault and battery		Preferential debts 25.	209
Australia		379		
* Sentencing		0.,		
* Islamic law			Agency	20
# Islamic law	* Sentencing	525	Constitutional law	
* Islamic law	Ranking			
* Dicey—centenary essays 533 * Lawyers' law books 159 Canada 173		533		305
*Turpin's British government and the constitution	islanic law	, 555		
*Information sources	Bibliography, legal			333
*Lawyers' law books	* Information sources	357		501
Canada * EEC 159 Judicial review 173 Contract * Beale, Bishop and Prerogative * Beale, Bishop and Furmston's cases and *Entry, search and seizure 142 materials 131 *Freedom of speech 125 * Collins' Law of 503	* Lawyers' law books	159		301
Judicial review	Canada			
Prerogative		172	*EEC	159
*Beale, Bishop and Civil liberties *Entry, search and seizure 142 *Freedom of speech			Contract	
Eivril liberties Furmston's cases and materials 131 * Entry, search and seizure 142 materials 131 * Freedom of speech 125 * Collins' Law of 503	Prerogative 1/3,	T305		
* Entry, search and seizure 142 materials	Civil liberties			
*Freedom of speech	* Entry, search and seizure	142		131
	* Human rights in domestic		Contributory negligence	8
law		351		-
Dictioning natinity	***************************************	55.		1.77

Subject Index 1986

Contract—cont. Medical negligence and	200	Defamation * Libel, history of	532
Parol evidence rule Undue influence	192 194	Discrimination *Sex discrimination	341
Copyright		Environmental law	
† McFarlane's casebook	540	*Environmental protection	
Spare parts	216	law	346
Coroners		* Hughes' Environmental law	527
* Sussex coroners' inquests		Equity	
1485–1558	538	*Essays (ed. Finn)	347
		* Meagher, Gummow and	
Criminal law		Lehane (2nd ed.)	141
* Alternatives to criminal	225	Purpose trusts	391
courts	335	Undue influence	194
* Calendar of Assize records Elizabeth I and James I	519	European Communities	
* Cox and crime	146	*Consumer law	159
* Crime and the courts in	140	* Patent licensing and	
England 1660–1800	517	competition law	349
House of Lords, precedent		* Women MEPs	341
•	363	European Convention on Human	
Impossible attempts †33, 361		Rights	
† Intoxication, self-induced	247	* Domestic law	351
Manslaughter, frightening	17	Evidence, civil	
Murder, duress	183	Parol evidence	192
Murder, mental element 161. * Offense to others	329		1,2
† Pre-natal injury	414	Family law	
Theft, secret profit	367	Contraception, advice on 1	
* Trial of Dr. John Bodkin	507	* Dickey's Family law	262 529
Adams	146	* Maintenance after divorce	338
		Quasi-matrimonial home	349
Criminal procedure and evidence		-	J .,
* Alternatives to criminal courts	335	Fraud	332
* Confessions	144	* Arlidge and Parry	332
* Crime and the courts in	* ' '	Injunction	
England 1660–1800	517	Restraining criminal conduct	374
* Entry, search and seizure	142	Insurance	
* Uncharged misconduct		Landlord and tenant	22
evidence	523	International law	
Criminology		*I.L.O.—constitutional law	
* History of English criminal		and practice	539
law and its		Iran-U.S. claims tribunal	377
administration, Vol. 5	521	* Namibia—mandate system	326
* Juvenile justice	339	Recognition of award	377
* Prison discipline	179	*Title to territory in Africa	515
* Sentencing (Victoria)	525	*Treaties, termination of	328
Domagas		International trade	
Damages Contributory negligence,		Economic loss 382,	384
contract	8	Negligent carrier 382,	384
Economic loss, carrier 382,		Jurisprudence	
Economic loss, collision	10	*Central issues	534
Economic loss,		† Foundations of property law	457
manufacturer	13	* Grounds of liability	151

Subject Index 1986

Jurisprudence—cont.		*New River, The	354
* Justice, law and rights	534	*Sheppard, William,	
*Law and its presuppositions	352	Cromwell's Law	
*Law's empire	508	Reformer	321
*Legal theory and common		* State and the unions,	
law	536	America 1880–1960	148
*Matter of principle, A	511	* Studies in the history of the	
* Offense to others	329	common law	537
*Theory of law, A	154	*Sussex coroners' inquests,	
I abassalam		1485–1558	538
Labour law	214		
Disciplinary procedures	402	Local government	
Employment—continuity Employment—ordained	402	* Cross, 7th ed	526
minister	404	Injunction to restrain crime	374
*I.L.O.—constitutional law	404	† Policy/operational	
	539	dichotomy	430
and practice* * State and the unions,	339	Madialia	
America 1880–1960	148	Medicine	152
*Trade Union Acts, with	140	*Abortion	153
commentary	156	Contraception, advice on	
* Trade union law	342		†262
Truck Act	30	* Medical responsibility in	242
		western Europe	343
Unfair dismissal 214,		* Mental health services	531
† Wapping dispute	285	Negligence, failed	107
Land law		sterilisation	197
Declaration of trust—		Negligence, loss of chance	6
severance	205	* Psychiatry, human rights and	
Joint tenancy—severance	205	law	153
Quasi-matrimonial home	394	Mental health	
Trust for sale—overreaching	202	*Court of Protection practice	157
		* Psychiatry, human rights and	137
Law reform	102	law	153
Parol evidence	192	1aw	133
† Pre-natal injury	414	Muslim law	
Law reporting		*Banking law	. 533
† Fastolf, Dr. Thomas	84	*Bequest, law of	
Land biston		204.001, 01	
Legal history		Negligence	
* Calendar of Assize records,	510	Contributory negligence and	
Elizabeth I and James I	519	contract	8
*Cox, Edward William, and	146	Economic loss—carrier 382	, 384
crime	146	Economic loss—collision	10
* Crime and the courts in	517	Economic loss—	
England, 1660–1800	517	manufacturer	13
*Custom, courts and counsel	160	Employers' liability	387
* English criminal trial jury,	221	Medical, failed sterilisation	197
1200–1800	331	Medical, loss of chance	6
*English judiciary, 1176–1239	135	† Nervous shock	476
*European legal traditions in	• • •	† Policy/operational	
Arkansas, 1636–1836	140	dichotomy	430
*European legal history,	120	Vicarious liability	387
introduction	138	· ioniono maoniej · · · · · · · · · · · · · · · · · · ·	-07
† Fastolf, Dr. Thomas	84	New Zealand	
* History of English criminal		All Blacks' rugby tour	406
law and its	5a -		
administration, Vol. 5	521	Occupiers' liability	
* Libel, Law of	532	Trespassing bees	15

Subject Index 1986

Patents		Rugby football	
* Patents in perspective	349	All Blacks' tour—ultra vires	406
* Patent licensing and EEC		Sale of goods	
competition law	349	Merchantability	389
Personal		Misleading instructions	389
* Adams, Dr. John Bodkin,		South Africa	
Trial of	146	Judicial review—ouster of	
* Cox, Edward William	146	jurisdiction	369
* Dicey, centenary essays	533	Statutes	
* Edwards, John Ll. J. Essays		*Statutory interpretation	126
in honour of	334		120
† Fastolf, Dr. Thomas	84	Tort	
* Hastie, William	158	Abuse of process	200
* Lane, Dame Elizabeth	158	Assault and battery	379
* Sheppard, William	321	† Passing off	97
Planning law		See also Defamation,	
Planning law Conflict of interest	27	Negligence, etc.	
Judicial review—time limit	211	Trespassers	
Judiciai ieview—time mine	211	Bees	15
Precedent		T	
House of Lords and criminal		Trusts	201
cases 361	363	Purpose trusts	391
Property		United States	
† Foundations of	457	* Corporation law	355
Foundations of	437	* European legal traditions in	
Public law		Arkansas	140
† Policy/operational		* State and the unions	148
dichotomy	430	Universities	
Restitution		Lecturer, removal of	187
*Birks' Introduction	128	Visitor's jurisdiction	187

NOTES FOR CONTRIBUTORS

Communications concerning articles should be addressed to the Editor, Dr. L. S. Sealy, Gonville and Caius College, Cambridge CB2 1TA; those concerning notes to Mr. J. C. Hall, St. John's College, Cambridge CB2 1TP.

Books for review should be sent to the Cambridge Law Journal, Squire Law

Library, The Old Schools, Cambridge.

A leaflet giving instructions about layout is available on application.

Copying. This journal is registered with the Copyright Clearance Center, 21 Congress Street, Salem, MA 01970. Organisations in the USA who are also registered with CCC may therefore copy material (beyond the limits permitted by sections 107 and 108 of US Copyright law) subject to payment to CCC of the per-copy fee of \$05.00. This consent does not extend to multiple copying for promotional or commercial purposes. Code 0008–1973/86/45–03 \$05.00.

ISI Tear Service, 3501 Market Street, Philadelphia, PA 19104, USA, is authorised to supply single copies of separate articles for private use only.

For all other use, permission should be sought from Cambridge or the American Branch of Cambridge University Press.

BOOK REVIEWS-continued from p. 4 of cover

MCFARLANE, G.: Copyright Through the		SALEH, N. A.: Unlawful Gain and Legitimate	
Cases	540	Profit in Islamic Law. Riba, Gharar and	
MILSON, S. F. C.: Studies in the History of the		Islamic Banking	533
Common Law	537	SHAW, M N.: Title to Territory in Africa.	
OSIEKE E.: Constitutional Law and Practice		International Legal Issues	515
in the International Labour Organisation	539	SIMMONDS, N E.: Central Issues in	
RADZINOWICZ, SIR. L. & HOOD. R.: A History		Jurisprudence, Justice, Law and Rights	534
of the English Criminal Law and its		TURPIN, c.: British Government and the	
Administration from 1750. Vol. 5. The		Constitutions: Text, Cases and Materials	501
Emergence of Penal Policy	521	TWINING, W (Ed.).: Legal Theory and	
ROSENBERG, N. L.: Protecting the Best Men:		Common Law	536
an Interpretive History of the Law of			
Libel	532		

THE CAMBRIDGE LAW JOURNAL

November 1986

CASE AND COMMENT

House of Lords—precedent	361	Economic loss—policy	384
Criminal law—impossible attempts	363	Employer—personal and vicarious liability	387
Murder—mental element	366	Sale of goods—misleading instructions	389
Theft—secret profit	367	Purpose trust—unworkability	391
South Africa—ouster clause	369	Equity—quasi-matrimonial home	394
Immigration—adequate reasons	372	Company—class rights	399
Crime prevention—injunction	374	Employment—continuity	402
International law-recognition of award	377	Employment—ordained minister	404
Assault—"hostile" conduct	379	Public and private law—rugby football	406
Economic loss-negligent carrier	382		

ARTICLES

Pre-natal Injury, Homicide and the Draft Criminal Code: JENNIFER	
TEMKIN	414
The Policy/Operational Dichotomy—A Cuckoo in the Nest: s. H.	
BAILEY and M. J. BOWMAN	430
The Foundations of Property and Property Law: s. COVAL, J. C. SMITH	
and simon coval.	457
The Principles Governing the Recovery of Damages for Negligently	
Caused Nervous Shock: F. A. TRINDADE	476

BOOK REVIEWS

BEATTIE, J. M.: Crime and the Courts in		DWORKIN R.: Law's Empire	508
England 1660-1800	517	FOX, R. G. & FREIBERG, A.: Sentencing State	
COCKBURN, J. s Calendar of Assize		and Federal Law in Victoria	525
Records. Home Circuit Indictments		GOSTIN, L.: Mental Health Services- Law	
Elizabeth I and James I	519	and Practice	531
COLLINS, H.: The Law of Contract	503	HUGHES, D.: Environmental Law	527
cross, c. & Battley, s.: Cross on Local		HUNNISETT, R. F. (Ed.): Sussex Coroners'	
Government Law (7th ed.)	526	Inquests 1485-1558	538
DICKEY, A.: A Family Law	529	IMWINKELRIED, E. J.: Uncharged Misconduct	
DWORKIN, R.: A Matter of Principle	511	Evidence	523
•		[continued on p. 3 of cover]	

© The Cambridge Law Journal and Contributors, 1986

CAMBRIDGE UNIVERSITY PRESS
The Pitt Building, Trumpington Street, Cambridge CB2 1RP
32 East 57th Street, New York, NY 10022, USA
10 Stamford Road, Oakleigh, Melbourne 3166, Australia