

Frank Cass

The Journal of Legal History

Founding Editor

Emeritus Professor Albert Kiralfy

Editor

Andrew Lewis, University College London, UK

Editorial Committee

**John Cairns; Raymond Cocks; David Ibbetson; Philip Schofield;
Boudewijn Sirks; Thomas Glyn Watkin**

The Journal of Legal History, founded by Albert Kiralfy in 1980, is the only British publication exclusively devoted to legal history. Whilst its main aim is the publication of good quality research on the sources and development of the Common Law, in the British Isles, in the Commonwealth and in the United States of America, it also carries articles in English on Roman Law and the European tradition and maintains a wide-ranging section of reviews of recent literature.

Recent Articles

Witnesses and Attestation in Scotland by *G W S Barrow*

Roman and Comparative Law: The European Perspective by *Reinhard Zimmermann*

Nineteenth Century English Jurisprudence by *Michael Lobban*

The Criminalisation of Heresy in the Later Roman Empire by *Laurette Bernard*

Law Reporting in Nineteenth Century Quebec

by *Raymond Crête, Sylvio Normand and Thomas Copeland*

Bentham and the Abolition of Incompetency from Defect of Religious Principle by *C J W Allen*

ISSN 0144-0365 Volume 17 1996

Three issues per year: April, August, December

Individuals £35/\$55 Institutions £98/\$155

UK/OVERSEAS ORDERS to: Frank Cass 890-900 Eastern Avenue
Ilford Essex IG2 7HH UK Tel 0181 599 8856

Fax 0181 599 0984 E-mail sales@frankcass.com Web <http://www.frankcass.com>

US ORDERS to: Frank Cass c/o ISBS

5804 N.E. Hassalo Street Portland OR 97213-3644 USA

Tel (503) 287-3093 (800) 944-6190 Fax (503) 280-8832 E-mail orders@isbs.com

The Modern Law Review

Edited by W. T. Murphy

Authoritative and accessible, for over fifty years *The Modern Law Review* has provided a unique forum for the critical examination of contemporary legal issues and the law as it functions in society. One of the leading journals in its field, *The Modern Law Review* is noted for its progressive, reformist approach and its commitment to placing the study of law within a wider intellectual tradition.

ORDER FORM

THE MODERN LAW REVIEW

Subscription Rates, Volume 59, 1996

ISSN 0026-7961

Full Rate, £60.50 (UK-Europe), \$103.00 (N. America*), £64.00 (Rest of World)

Bound Volume Service, £101.00 (UK-Europe), \$163.00 (N. America*), £101.00 (Rest of World)

Reduced Rates for Law Teachers and Students, £17.50 (UK-Europe), \$35.00 (N. America*), £22.50 (Rest of World)

Reduced Rate Bound Volume Service, £50.50 (UK-Europe), \$85.00 (N. America*), £52.50 (Rest of World)

Published in: January, March, May, July, September and November

*Canadian customers please add 7% GST

- Please enter my subscription/send me a sample copy
- I enclose a cheque/money order payable to Blackwell Publishers
- Please charge my American Express/Diners Club/Mastercard/Visa account

Card Number Expiry Date

Signature Date

Name

Address

..... Postcode

Payment must accompany orders

Please return this form to: Journals Marketing, Blackwell Publishers, 108 Cowley Road, Oxford, OX4 1JF, UK.

Or to: Journals Marketing, MLR, Blackwell Publishers, 238 Main Street, Cambridge, MA 02142, USA.

	Internet
	Full details of Blackwell Publishers books and journals are available on the Internet.
	To access use a WWW browser such as Netscape or Mosaic, and the following URL:
	http://www.blackwellpublishers.co.uk

APPLY FOR YOUR FREE SAMPLE COPY BY E-MAIL!

jnlamples@blackwellpublishers.co.uk

Communications concerning Articles and Shorter Articles (not exceeding 4000 words, including footnotes) should be addressed to the Editor, Mr. M.J. Prichard, Gonville and Caius College, Cambridge CB2 1TA; and those concerning notes to Mrs. C.A. Hopkins, Girton College, Cambridge CB3 0JG.

Books for review should be sent to Dr. R.J.C. Munday, Peterhouse, Cambridge CB2 1RD.

Notes for Contributors are available from the Editor at the above address. Prospective contributors are urged to observe the guidelines carefully.

Copying. This journal is registered with the Copyright Clearance Center, 222 Rosewood Drive, Danvers, MA 01923. 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 \$7.50. This consent does not extend to multiple copying for promotional or commercial purposes. Code 0008-1973/96/5/\$7.50 + .10.

ISI Tear Sheet 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.

Information on *Cambridge Law Journal* and all other Cambridge journals is available on <http://www.cup.cam.ac.uk/> and in North America on <http://www.cup.org/>.

BOOK REVIEWS

BARTON, CHRIS and DOUGLAS, GILLIAN: Law and Parenthood	392	HAYES, MARY and WILLIAMS, CATHERINE: Family Law: Principles, Policy & Practice	393
BOROS, ELIZABETH J.: Minority Shareholders' Remedies	385	MACKAY, R.D.: Mental Condition Defences in the Criminal Law	378
BROWN, DESMOND H.: The Birth of a Criminal Code: The Evolution of Canada's Justice System	376	FIGARDA, HUBERT: The Law and Practice Relating to Charities	383
DADNITH, TERENCE: Implementing EC Law in the United Kingdom: Structures for Indirect Rule	382	SHEIKH, SALEEM and REES, WILLIAM: Corporate Governance and Corporate Control	387
FORD, TROWBRIDGE H.: Henry Brougham and his World: A Biography	394	TEFF, HARVEY: Reasonable Care: Legal Perspectives on the Doctor-Patient Relationship	388
GOODRICH, PETER: Oedipus Lex: Psycho-analysis, History, Law	372	THOMPSON, MARK: Land Law	390
GRAVELLS, NIGEL P.: Land Law: Text and Materials	390	ULFSTEIN, GEIR: The Svalbard Treaty: From Terra Nullius to Norwegian Sovereignty	375

CAMBRIDGE UNIVERSITY PRESS

The Pitt Building, Trumpington Street, Cambridge CB2 1RP

40 West 20th Street, New York, NY 10011-4211, USA

10 Stamford Road, Oakleigh, Melbourne 3166, Australia

THE CAMBRIDGE LAW JOURNAL

July 1996

CASE AND COMMENT

Judicial review—irrationality	179	Restitution—tracing and subrogation	199
Negligence—injury to burglar	182	Fiduciary liability—account of profits	201
Nuisance—television reception	184	Company—disclosure by sole director	204
Negligence—damages for loss of chance	187	Homicide—prenatal assault	207
Cheque—damages for dishonour	189	Child abuse—standard of proof	209
Sale of land—signature of documents	192	Children—restraint of publicity	212
Beneficial interest in land—quantification	194	<i>Forum non conveniens</i> —legal aid	214
Landlord and tenant—business tenancy	197	Conflict of laws—jurisdiction in tort	216

SHORTER ARTICLES

In defence of <i>Foakes v. Beer</i> : JANET O'SULLIVAN	219
The Licensee's Period of Grace: <i>Bellotti</i> Reconsidered: TAMARA KERBEL	229
Gently Reforming Land Registration: The Latest Law Commission Report and Draft Bill: LOUISE TEE	241

ARTICLES

Sir John Melton's Case (1535): Cockermonth Castle and the Three Silver Lucas: J.H. BAKER	249
Five Forms of Uncertainty in European Community Law: TREVOR C. HARTLEY	265
Substantive Legitimate Expectations in Domestic and Community Law: P.P. CRAIG	289
Former Tenants, Future Liabilities and the Privity of Contract Principle: The Landlord and Tenant (Covenants) Act 1995: STUART BRIDGE	313
Getting the Rabbit out of the Hat: A Critique of Anthony Kronman's Theory of Contracts: MATTHEW H. KRAMER and NIGEL E. SIMMONDS	358

[continued on p. 3 of cover]

CAMBRIDGE
UNIVERSITY PRESS



0008-1973(199607)55:2;1-3