THE CAMBRIDGE LAW JOURNAL 1972

JUBILEE ISSUE AND INDEX

THE

CAMBRIDGE LAW JOURNAL

VOLUME 31 [1972 B]

JUBILEE ISSUE

EDITED BY

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

Fellow of Magdalene College, Cambridge, and Lecturer in Law, University of Cambridge

AND

D. G. T. WILLIAMS, M.A., LL.B.

Fellow of Emmanuel College, Cambridge, and Lecturer in Law, University of Cambridge

INDEX

COMPILED UNDER THE DIRECTION OF

W. A. F. P. STEINER, M.A.

Sidney Sussex College, Cambridge Librarian of the Institute of Advanced Legal Studies of the University of London, and Lately Librarian at the Squire Law Library, Cambridge

CAMBRIDGE
AT THE UNIVERSITY PRESS
FOR THE FACULTY OF LAW
UNIVERSITY OF CAMBRIDGE

1972

Published by the Syndics of the Cambridge University Press Bentley House, P.O. Box 92, 200 Euston Road, London, NW1 2DB American Branch: 32 East 57th Street, New York, N.Y. 10022

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

EDITORIAL COMMITTEE

- PROFESSOR C. J. HAMSON, M.A., LL.M., Chairman & Treasurer PROFESSOR GLANVILLE L. WILLIAMS, Q.C., LL.D., F.B.A.
 - J. H. BAKER, M.A., Book Review Editor
 - D. W. BOWETT, M.A., LL.B., Note Editor
 - R. N. GOODERSON, M.A., Note Editor
 - J. C. HALL, M.A., LL.B., Note Editor
 - B. A. HEPPLE, M.A., LL.B., Note Editor
 - J. A. JOLOWICZ, M.A., Note Editor
 - M. J. PRICHARD, M.A., LL.B.
 - L. S. SEALY, PH.D., Secretary
 - J. W. A. THORNELY, M.A., Book Review Editor
 - D. G. T. WILLIAMS, M.A., LL.B., Note Editor

TABLE OF CONTENTS

JUBILEE ISSUE

R. W. M. DIAS and D. G. T. WILLIAMS: Preface

H. A. HOLLOND and A. L. GOODHART: The origin of the Law Journal	3
PETER STEIN: The two schools of jurists in the early Roman Principate	8
R. Y. JENNINGS: A changing international law of the sea	32
D. W. BOWETT: Deep sea-bed resources: a major challenge	50
K. LIPSTEIN: Conflict of laws 1921-1971—the way ahead	67
D. E. C. YALE: Hobbes and Hale on law, legislation and the Sovereign	121
H. W. R. WADE: Covenants—"a broad and reasonable view"	157
F. J. ODGERS: "As a matter of fact "	176
J. C. SMITH: Civil law concepts in the criminal law	197
L. S. SEALY: "Risk" in the law of sale	225
J. C. HALL: The waning of parental rights	248
D. G. T. WILLIAMS: The Constitution of the United Kingdom	266
R. W. M. DIAS: Law at the end of its tether	293
INDEX 1921-1970	
Notes	321
Years and volume numbers	324
Classified list of subject headings	325
Alphabetical list of subject headings	329
Author index	332
Subject index	364
Geographical index	403
••	

Table of cases annotated 404 Table of statutes and Order in Council annotated 427 Table of international conventions annotated 427 Table of reports of Committees etc. annotated 428

428

Table of Command papers annotated

PREFACE

It is with great pleasure that we present on behalf of the Cambridge Law Journal this special issue to commemorate its fiftieth anniversary. We would like to express our deep appreciation of the co-operation of the contributors, all Cambridge men, who so willingly devoted their time and energies not only towards producing the essays themselves, but also in helping to minimise the labour of seeing them through the press.

It is obviously appropriate that we should begin the issue with an account of the origin of the Journal, and we are particularly glad to be able to place on record Professor Hollond's personal recollections of its earliest stirrings, as well as the account by Professor Goodhart, our first editor, of the launching of the first volume. Thereafter the subject-matter is arranged so as to give pride of place to Roman Law by virtue of its age and universality, to be followed by International Law and Conflict of Laws as coming next in Turning to the national scene, they are followed by universality. Legal History, Land Law, Torts, Criminal Law, Contract and Family Law and the collection ends on a more general note with Constitutional Law and Jurisprudence. With regard to the choice of subjects, we can only say that it proved impossible to include all that we would have wished. Except in the cases of the first two contributions, the other authors were asked to take some development or event in their various subjects, which occurred within the fifty-year period. and to weave their papers around that. These essays are the result and we feel privileged to have been able to act as editors.

> R. W. M. D. D. G. T. W.

March 1972

- The following is a list of the authors in the order of their contributions:
- Professor H. A. Hollond, D.S.O., O.B.E., M.A., LL.M., Emeritus Rouse Ball Professor of English Law, Fellow of Trinity College, Cambridge.
- Professor A. L. Goodhart, K.B.E., Q.C., D.C.L., LL.D., F.B.A., Emeritus Corpus Professor of Jurisprudence, formerly Master of University College, Oxford.
- Professor P. G. Stein, M.A., LL.B.(Cantab.), Ph.D.(Aberd.), J.P., Regius Professor of Civil Law, Fellow of Queens' College, Cambridge.
- Professor R. Y. Jennings, Q.C., M.A., LL.B., Whewell Professor of International Law, Fellow of Jesus College, Cambridge.
- D. W. Bowett, M.A., LL.B.(Cantab.), Ph.D.(Manch.), University Lecturer in Law, President of Queens' College, Cambridge.
- K. Lipstein, Ph.D., Reader in Conflict of Laws, Fellow of Clare College, Cambridge.
- D. E. C. Yale, M.A., LL.B., Reader in English Legal History, Fellow of Christ's College, Cambridge.
- Professor H. W. R. Wade, Q.C., D.C.L., LL.D., F.B.A., Professor of English Law, Fellow of St. John's College, Oxford.
- Professor F. J. Odgers, M.A., LL.B. Professor of Law, Liverpool.
- Professor J. C. Smith, M.A., LL.B., Professor of Law, Nottingham.
- L. S. Sealy, M.A., LL.M.(N.Z.), Ph.D.(Cantab), University Lecturer in Law, Fellow of Gonville and Caius College, Cambridge.
- J. C. Hall, M.A., LL.B., J.P., University Lecturer in Law, Fellow of St. John's College, Cambridge.
- D. G. T. Williams, M.A., LL.B.(Cantab.), LL.M.(Calif.), University Lecturer in Law, Fellow of Emmanuel College, Cambridge.
- R. W. M. Dias, M.A., LL.B., University Lecturer in Law, Fellow of Magdalene College, Cambridge.