

THE CAMBRIDGE LAW JOURNAL 1960

THE
CAMBRIDGE LAW
JOURNAL
1960

EDITOR

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

Professor of Comparative Law

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

CAMBRIDGE UNIVERSITY PRESS
CAMBRIDGE · LONDON · NEW YORK

Published by the Syndics of the Cambridge University Press
The Pitt Building, Trumpington Street, Cambridge CB2 1RP
Bentley House, 200 Euston Road, London NW1 2DB
32 East 57th Street, New York, NY 10022, USA

First published by Stevens & Sons Ltd 1960
Reprinted by Cambridge University Press 1976

Reprinted in Great Britain by Kingprint Limited
Richmond, Surrey

EDITORIAL COMMITTEE 1960

Professor C. J. HAMSON, M.A., LL.M., *Chairman & Treasurer*

Professor S. J. BAILEY, LL.D.

Professor E. C. S. WADE, LL.D., *Note Editor*

H. W. R. WADE, LL.D., *Note Editor*

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

J. W. A. THORNELY, M.A., *Book Review Editor*

CONTRIBUTORS OF ARTICLES

ASTON-CROSS, D. I. C. Demonstratio	81
GOODERSON, R. N. Prejudice as a Test of Intent to Defraud	199
JOLOWICZ, J. A. The Changing Use of "Special Damage" and its Effect on the Law	214
PRITCHARD, M. J. Nonsuit: A Premature Obituary	89
RADZINOWICZ, Professor L. Public Order and the Chartist Disturbances	51
ROSTOW, DEAN EUGENE V. The Enforcement of Morals	174
SALMON, Hon. Mr. Justice. Crimes of Violence	45

CASES ANNOTATED

<p>Adams <i>v.</i> National Bank of Greece and Athens S.A. 169</p> <p>Addis <i>v.</i> Crocker 3, 152</p> <p>Armstrong <i>v.</i> Sheppard & Short Ltd. 42</p> <p>Att.-Gen. <i>v.</i> Harris 134</p> <p>Att.-Gen. <i>v.</i> St. Ives R. D. C. 23</p> <p>Australian Fixed Trusts Pty., Ltd. <i>v.</i> Clyde Industries Ltd. 28</p> <p>Auten <i>v.</i> Rayner No. 2 129</p> <p>Att.-Gen. <i>v.</i> Harris 134</p> <p>Baines <i>v.</i> Tweddle 36</p> <p>Baker <i>v.</i> T. E. Hopkins & Son, Ltd. 22</p> <p>Bird <i>v.</i> O'Neal 163</p> <p>D. P. P. <i>v.</i> Smith 140</p> <p>Gage <i>v.</i> King 153</p> <p>Gaon, Albert D. & Co. <i>v.</i> Société Interprofessionnelle des Oléagineux Fluides Alimentaires 10</p> <p>Grey <i>v.</i> I. R. C. 31</p> <p>Hultquist <i>v.</i> Universal Pattern and Precision Engineering Co. 159</p> <p>Ingram <i>v.</i> Little 145</p> <p>Jenner <i>v.</i> Allen West & Co., Ltd. 25</p> <p>Jones <i>v.</i> Challenger 167</p> <p>Kiriri Cotton Co., Ltd. <i>v.</i> Dewani 142</p>	<p>Lyle & Scott Ltd. <i>v.</i> Scott's Trustees 28</p> <p>Midland Silicones Ltd. <i>v.</i> Scruttons Ltd. 147</p> <p>Mount, (D. F.) Ltd. <i>v.</i> Jay & Jay (Provisions) Co., Ltd. 55</p> <p>Mwenya, <i>Ex p.</i> 1</p> <p>Oughtred <i>v.</i> I. R. C. 31</p> <p>Pope <i>v.</i> D. Murphy & Son Ltd. 160</p> <p>R. <i>v.</i> Duffy, <i>ex p.</i> Nash 138</p> <p>R. <i>v.</i> Hurst, <i>ex p.</i> Smith 132</p> <p>R. <i>v.</i> Podola 5</p> <p>Riverstone Meat Co. Pty., <i>v.</i> Lancashire Shipping Co., Ltd. 17</p> <p>Schneider <i>v.</i> Eisovitch 156</p> <p>Sleafe <i>v.</i> Lambeth Metropolitan Borough Council 40</p> <p>Société Franco Tunisienne D'Armement <i>v.</i> Sidermar S.P.A. 149</p> <p>Sze Hai Tong Bank Ltd. <i>v.</i> Rambler Cycle Co. Ltd. 11</p> <p>Taylor <i>v.</i> Munrow 135</p> <p>United Railways of the Havana Ltd., <i>Re</i> 171</p> <p>Webb <i>v.</i> Times Publishing Co., Ltd. 149</p>
---	---

BOOK REVIEWS

BIRKS: <i>Gentlemen of the Law</i>	242
CAHN: <i>The Moral Decision. Right and Wrong in the Light of American Law</i>	119
COMMONWEALTH PERSPECTIVES	118
DAUBE (ed.): <i>Studies in the Roman Law of Sale. Dedicated to the Memory of Francis de Zulueta</i>	112
DE SMITH: <i>Judicial Review of Administrative Action</i>	228
DRAPER: <i>The Red Cross Conventions</i>	247
FRANKS: <i>Limitation of Actions</i>	240
GINSBERG (ed.): <i>Law and Opinion in England in the Twentieth Century</i>	98
HALL: <i>Studies in Jurisprudence and Criminal Theory</i>	231
HANBURY: <i>The Vinerian Chair and Legal Education</i>	121
HANBURY: <i>Robert Warden Lee 1868-1958</i>	226
JAMES: <i>General Principles of the Law of Torts</i>	235
JENNINGS: <i>Cabinet Government</i>	226
JENNINGS: <i>Parliament</i>	226
KEETON: <i>Social Change in the Law of Trusts</i>	109
KEETON: <i>Cases on Equity and Trusts</i>	110
KER: <i>Wills, Probate and Administration</i>	251
LAUTERPACHT: <i>The Development of International Law by the International Court</i>	100
MARSHALL AND MOODY: <i>Some Problems of the Constitution</i>	124
MORGAN: <i>Some Problems of Proof</i>	233
NOKES (ed.): <i>Manual of Legal Citations. Part I. The British Isles</i>	250
O'SULLIVAN AND BROWN: <i>The Law of Defamation</i>	238
ROBSON: <i>The Attorney in Eighteenth-Century England</i>	242
SHERIDAN AND DELANY: <i>The Cy-Près Doctrine</i>	104
SMITH AND THOMAS: <i>A Casebook on Contract</i>	114
STONE: <i>Aggression and World Order: a Critique of United Nations Theories of Aggression</i>	246
STREET: <i>The Law of Torts</i>	235
SZLADITS: <i>Guide to Foreign Legal Materials: French, German, Swiss</i>	249
VAN PANHUYS: <i>The Role of Nationality in International Law. An Outline</i>	245
WEBB (ed.): <i>Legal Personality and Political Pluralism</i>	122

SUBJECT INDEX 1960

† indicates an article. * indicates a book review. Other references are to notes.

<p>Administrative Law</p> <p style="padding-left: 20px;">Discretion — Unreasonable Acts 135</p> <p style="padding-left: 20px;">*Judicial Review 228</p> <p style="padding-left: 20px;">Ultra Vires—Rent Subsidies 135</p> <p>Bibliography</p> <p style="padding-left: 20px;">*Legal Citations—Manual . . 250</p> <p>Company Law</p> <p style="padding-left: 20px;">*Corporate Personality . . . 122</p> <p style="padding-left: 20px;">Trust of Shares—Take-over Bid 28</p> <p>Comparative Law</p> <p style="padding-left: 20px;">*Foreign Materials—Guide . . 249</p> <p>Conflict of Laws</p> <p style="padding-left: 20px;">Debt — Foreign Currency — Conversion 171</p> <p style="padding-left: 20px;">Debt — Foreign Statute — Proper Law 169</p> <p>Constitutional Law</p> <p style="padding-left: 20px;">*Cabinet Government 226</p> <p style="padding-left: 20px;">*Commonwealth Perspectives 118</p> <p style="padding-left: 20px;">Crown Privilege—Evidence —Police 129</p> <p style="padding-left: 20px;">Habeas Corpus—Protectorate 1</p> <p style="padding-left: 20px;">*Law and Opinion—20th Century 98</p> <p style="padding-left: 20px;">Local Authority Discretion—Judicial Control 135</p> <p style="padding-left: 20px;">*Parliament 226</p> <p style="padding-left: 20px;">*Problems of Constitution . . 124</p> <p>Contract</p> <p style="padding-left: 20px;">*Casebook 114</p> <p style="padding-left: 20px;">Exceptions Clause—Agents . . 11</p> <p style="padding-left: 20px;">Exceptions Clause — Fundamental Breach 11</p> <p style="padding-left: 20px;">Exceptions Clause—Third Parties—Stevedores 147</p> <p style="padding-left: 20px;">Frustration—Suez Canal 10, 149</p> <p style="padding-left: 20px;">Mistake—Impersonation . . . 145</p> <p>Courts</p> <p style="padding-left: 20px;">Contempt — Newspaper — Pending Proceedings 138</p>	<p>Courts—cont.</p> <p style="padding-left: 20px;">County Court—Jurisdiction —Certiorari 132</p> <p style="padding-left: 20px;">Foreign Court—Defamation —Privilege 149</p> <p>Criminal Law</p> <p style="padding-left: 20px;">†Crime and Morality 174</p> <p style="padding-left: 20px;">†Crimes of Violence 45</p> <p style="padding-left: 20px;">*Criminal Theory 231</p> <p style="padding-left: 20px;">Fitness to Plead—Amnesia . . 5</p> <p style="padding-left: 20px;">†Fraud—Intent to Defraud or Deceive 199</p> <p style="padding-left: 20px;">Murder — Presumption of Intent 140</p> <p>Evidence</p> <p style="padding-left: 20px;">Crown Privilege—Police Records 129</p> <p style="padding-left: 20px;">*Proof—Problems of 233</p> <p>History of Law</p> <p style="padding-left: 20px;">Chartism — Police — Public Order 51</p> <p style="padding-left: 20px;">*Law and Opinion—20th Century 98</p> <p style="padding-left: 20px;">Legal Education—Vinerian Chair 121</p> <p style="padding-left: 20px;">Procedure—Nonsuit 88</p> <p style="padding-left: 20px;">*Solicitors and Attorneys—History 242</p> <p>International Law</p> <p style="padding-left: 20px;">*Aggression and World Order 246</p> <p style="padding-left: 20px;">*Nationality, Role of 245</p> <p style="padding-left: 20px;">*Red Cross Conventions . . . 247</p> <p style="padding-left: 20px;">*The International Court . . . 100</p> <p>Jurisprudence</p> <p style="padding-left: 20px;">*Morality—American Law . . 119</p> <p style="padding-left: 20px;">†Morals—Enforcement of . . . 174</p> <p style="padding-left: 20px;">*Personality—Theories of . . 122</p> <p style="padding-left: 20px;">*Studies in Jurisprudence . . 231</p> <p>Labour Law</p> <p style="padding-left: 20px;">Picketing—Nuisance 163</p> <p>Leases</p> <p style="padding-left: 20px;">Repairs—Weekly Tenancy . . 40</p>
---	---

Limitation of Actions		Tort— <i>cont.</i>	
*Textbook	240	Damages—Fatal Accident— Pension	25
Police		Damages — Husband and Wife	153
History — Chartist Distur- bances	51	Damages — Industrial Dis- ablement	159
Records—Crown Privilege	129	Damages — Remoteness — Nervous Shock	156
Procedure		†Damages—Special Damage	214
Nonsuit	88	Damages — Volunteer's Expenses	156
Real Property		Defamation — Privilege — Foreign Court	149
Licence — Revocation — Sewer	42	Defamation — Privilege — Tribunal	3, 152
*Limitation of Actions	240	*Defamation—Textbook	238
Trust for Sale—Order for Sale	167	Independent Contractor — Ship Repair	17
Vendor's Rescission Clause —Mortgages	36	Intimidation — Picketing	163
Restitution		Negligence—Rescue	22
Illegal Payment—Recovery	142	Nuisance — Non-feasance — Drainage	23
Roman Law		Nuisance—Picketing	163
Demonstratio	81	*Torts—Textbooks	235
*Lee, R. W.	226	Trusts	
*Sale	112	*Casebook	110
Sale of Goods		*Charities—Cy-Près Doctrine	104
Seller's Lien—Resale	34	Personalty — Transfer — Formality	31
Statute		*Social Changes	109
Injunction — Repeated Offence	134	Trust for Sale—Order for Sale	167
Tort		Wills	
Damages — Death — Loss of Earnings	160	*Wills, Probate, etc.	251