

Volume 34

[1975] C.L.J.

Part 2

THE CAMBRIDGE LAW JOURNAL

November 1975

Damages in Equity—A Study of Lord Cairns' Act

J. A. JOLOWICZ

Dunn v. The Queen Revisited

GARTH NETTHEIM

Self-Defence and the Right to Life

A. J. ASHWORTH

Skinning the Pantomime Horse—Two Early
Cases on Limited Liability

DAFYDD JENKINS

For full contents see back of cover

CAMBRIDGE UNIVERSITY PRESS

FOR THE FACULTY OF LAW, UNIVERSITY OF CAMBRIDGE

THE CAMBRIDGE LAW JOURNAL

EDITORIAL COMMITTEE

- D. E. C. Yale, M.A., LL.B., *Editor*
Professor Glanville L. Williams, Q.C., LL.D., F.B.A.
J. H. Baker, M.A., *Secretary and Treasurer*
D. W. Bowett, LL.D., *Note Editor*
R. N. Gooderson, M.A., *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.
J. W. A. Thornely, M.A., *Book Review Editor*
D. G. T. Williams, M.A., LL.B., *Note Editor*

SUBSCRIPTIONS 1975

One volume of *The Cambridge Law Journal* is published each year. Each volume is in two parts, published in April and November. The subscription price of Volume 34 is £5.00 net (US\$15.00 in the USA and Canada), including postage, and is payable in advance. Single parts cost £3.00 net (US\$9.00 in the USA and Canada) plus postage. Orders may be sent to any bookseller or subscription agent or to Cambridge University Press, P.O. Box 92, London NW1 2DB, or in the USA and Canada to Cambridge University Press 32 East 57th Street, New York, N.Y. 10022.

BACK VOLUMES

All back volumes are kept in print and may be purchased at the prices shown below. A discount of 10% is given on any single order for 25 or more volumes.

Vols. 1-11 (1921-1953)	
one volume of 3 parts every 3 years	£10 per volume (<i>hardbound</i>) £8 unbound parts (<i>if available</i>)
Vols. 12-30 (1954-1971)	
one volume of 2 parts every year	£8 per volume (<i>hardbound</i>) £3 per part (<i>paper covers,</i> <i>if available</i>)
Vol. 31 (1972) Jubilee Issue	
including Index 1921-1970	£10 per volume (<i>hardbound</i>) £4 per part (<i>paper covers,</i> <i>if available</i>)
Vols. 32-33 (1973-1974)	
one volume of 2 parts every year	£8 per volume (<i>hardbound</i>) £3 per part (<i>paper covers,</i> <i>if available</i>)

ADVERTISING

Details of advertising in the *Journal* may be obtained from Cambridge University Press.

COURT OF JUSTICE
OF THE
EUROPEAN COMMUNITIES

European Court Reports

Reports of Cases before the Court are now available in the official English version.

The Reports contain the full Judgment of the Court and the Opinion of the Advocate-General.

ANNUAL SUBSCRIPTION FOR 1973 — £10·00

ANNUAL SUBSCRIPTION FOR 1974 — £14·20

ANNUAL SUBSCRIPTION FOR 1975 — £15·00

Volumes for the years 1962 to 1972 will appear at regular intervals in the course of 1975.

Volumes for the years 1954 to 1961 will appear in the course of 1975 and 1976.

SUBSCRIPTION: FOR THE 18 VOLUMES — £150·00

PRICE FOR INDIVIDUAL VOLUMES — £15·00

Orders should be sent to:

SWEET & MAXWELL, SPON (BOOKSELLERS) LTD.,
NORTH WAY, ANDOVER, HANTS SP10 5BE

HER MAJESTY'S STATIONERY OFFICE,
HOLBORN VIADUCT, LONDON E.C.

OFFICE FOR OFFICIAL PUBLICATIONS OF THE EUROPEAN
COMMUNITIES, CASE POSTALE 1003, LUXEMBOURG

Principles of Scottish Private Law

David M. Walker

Professor Walker has revised and brought up to date his comprehensive study of the whole of the substantive private law of Scotland. It provides students of legal subjects with a general textbook covering the work of a wide range of courses, and gives the necessary basis for the detailed study of specialized books and of particular topics. 'A monumental work of scholarship and industry.'—*The Scots Law Times* Second edition two volumes £30

Progress in Penal Reform

Edited by Louis Blom-Cooper

The number of prisoners in British prisons is never less than 35,000. These essays show how such a clumsy instrument of social control came to be used, and why rehabilitation of offenders in prison has failed and is an unattainable goal. It points the way forward to a new penal system for a modern industrialized democracy in which incarceration will remain only for those too dangerous to be allowed their liberty. £4.50

Law Making in the Later Roman Republic

Alan Watson

In four previous volumes the author has examined the substantive law of the last two centuries of the Roman Republic in the light of all the texts directly referring to that time. The information is used here to show in greater detail than ever before how private law was shaped and reshaped in the most fertile period in the world's legal development. £5.25

A History of the Common Law of Contract

The Rise of the Action of Assumpsit

A. W. B. Simpson

The common law is one of the two major systems of law developed in Western Europe. Perhaps its most typical product is English Contract Law, which has evolved almost wholly through judicial decision. It developed around the action of *assumpsit* which arose at about 1400, and many of its characteristic doctrines emerged in the sixteenth and seventeenth centuries. This book traces its history up to the Statute of Frauds in 1677; a second volume will complete the work. £12.75

Oxford University Press

The Role of the Supreme Court in American Government

Archibald Cox

Professor Cox discusses the legitimacy of the Supreme Court, its influential role in interpreting the Constitution, and its importance as an instrument of social reform. Many topics of current or recent public interest are investigated: not only the Watergate affair, of which Professor Cox as Special Prosecutor has personal as well as legal knowledge, but other issues crucial to civil liberty: racial discrimination, the freedom of the press, and abortion. £2.75

The Judicial Mind Revisited

Psychometric Analysis of Supreme Court Ideology

Glendon Schubert

This book examines the Supreme Court justices of the United States from 1946 to 1969 and analyses the decisions made during that time. Using sophisticated factor analysis and cumulative scaling techniques, Professor Schubert groups the justices into ideological clusters according to political and economic considerations. Illustrated £5.25 paper covers £2.90

The Handling of International Disputes by Means of Inquiry

Nissim Bar-Yaacov

This is a historical and theoretical analysis of the institution of international inquiry since the First Hague Peace Conference of 1899. The author examines in turn the recourse to commissions of inquiry established by the parties to the dispute and the setting up of investigatory machinery by U.N. organs. Special attention is paid to the relationship between inquiry and other means of handling disputes, notably conciliation. £7.50
Royal Institute of International Affairs

The European Convention on Human Rights

Francis G. Jacobs

The European Convention on Human Rights now binds all eighteen member states of the Council of Europe and seems likely to play an increasingly important part in European affairs. This book sets out the substantive law of human rights under the Convention and analyses the novel system of international supervision operated by the European Commission, the Court of Human Rights, and the Committee of Ministers of the Council of Europe. £7.25

Oxford University Press

READINGS IN LAW AND PSYCHIATRY

Second Edition

edited by *RICHARD C. ALLEN, ELYCE ZENOFF FERSTER,*
and *JESSE G. RUBIN*

To be available for fall 1975 courses, the first book in the field of law and psychiatry has now been extensively revised and expanded so that it is without doubt the most up to date and comprehensive one. In *Readings in Law and Psychiatry*, two law professors and a psychiatrist have gathered material for virtually every type of case in civil and criminal law to which psychiatric testimony and insight may be relevant.

This new edition presents the most recent case material available (nearly three-fourths of the book is new), articles by leading psychiatrists as well as experts in law, an introduction to each section giving coherent perspective and historical background to cases presented, a helpful glossary of terms prepared by the American Psychiatric Association, an index, and a table of cases cited.

816 pages £14.65

The Johns Hopkins University Press

2-4 Brook Street, London W.1

AMSTERDAM

11th INTERNATIONAL COURSE IN EUROPEAN INTEGRATION

Europa Institute – University of Amsterdam

7 September 1976 – 30 April 1977

FOR GRADUATES IN LAW, ECONOMICS, POLITICAL SCIENCE

This Course, conducted in English, provides graduates with a thorough theoretical and practical understanding of the complex problems of European integration.

The academic programme consists of lectures and seminars on major subjects as: common market law, doing business in the common market, international legal relations, economic integration and political unification, with special emphasis on the internal structures and dynamics of the European Community and its external relations.

A limited amount of scholarships are available. For detailed information write to the Registrar of the Course: NUFFIC, 27 Molenstraat, The Hague, the Netherlands.