THE CAMBRIDGE LAW JOURNAL

April 1972

Coke's Notebooks and the Sources of his Reports
J. H. BAKER

The Necessity Plea in English Criminal Law P. R. GLAZEBROOK

Muslim Marriages in English Law

Unblinkering the Unruly Horse: Public Policy in the Law of Contract

JOHN SHAND

For full contents see back of cover

CAMBRIDGE UNIVERSITY PRESS

FOR THE FACULTY OF LAW, UNIVERSITY OF CAMBRIDGE

THE CAMBRIDGE LAW JOURNAL

EDITORIAL COMMITTEE

Professor C. J. Hamson, M.A., LL.M., Chairman and Treasurer Professor Glanville L. Williams, Q.C., LL.D., F.B.A. J. H. Baker, M.A.

J. H. Baker, W.A.

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
J. A. Jolowicz, M.A., Note Editor
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

SUBSCRIPTIONS 1972

Two volumes of *The Cambridge Law Journal* will be published in 1972, Volume 30 and the Jubilee Volume 31. Each volume is published in two parts, in April and November. The subscription price of Volume 30 is £2.80 net (\$9.00 in the U.S.A.), including postage, and is payable in advance; single parts cost £1.50 (\$4.75 in the U.S.A.). Volume 31, which must be purchased as a whole, costs £4.00 (\$13.00 in the U.S.A.). Orders may be sent to any bookseller or subscription agent or direct to Cambridge University Press, 200 Euston Road, London NW1 2DB or the U.S.A. and Canada to Cambridge University Press, 32 East 57th Street, New York, N.Y. 10022.

BACK VOLUMES

Volumes 1—27 (1921—1969)	£170 net (\$526.00) per set (hardbound)
Volumes 1—11 (1921—1953)	
one volume of 3 parts every 3 years	£8.50 net (\$26.00) per vol. (hardbound)
	£2.50 net per part (paper covers if available)
Volumes 12—28 (1954—1970)	
one volume of 2 parts every year	£5.00 net (\$15.00) per vol. (hardbound)
	£1.50 net per part (paper covers if available)
Volume 29 (1971)	£2.80 net (\$9.00) per vol.
	£1.50 net (\$4.75) per part

ADVERTISING

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



OXFORD BOOKS FOR STUDENTS

Constitutional Theory

Geoffrey Marshall, Fellow of The Queen's College, Oxford

This book introduces and examines some of the basic ideas underlying the Anglo-American system of constitutional government—the State, Law and Convention, Sovereignty, the Separation of Powers, Judicial Review, Equality, Liberty, and Public Order. Two styles of constitutionalism are contrasted. In the second part of the book the major civil rights are considered—in particular the right to equality before the Law and the right to freedom of speech and assembly. The concluding chapter examines the problem posed for constitutionalism by civil disobedience. £2.25 Clarendon Law Series

An Introduction to the Law of Contract

P. S. Atiyah, Faculty of Law, The Australian National University

This book gives students an overall view of the subject, either at the commencement of their studies or in conjunction with established textbooks. The new edition has been extensively revised, gives greater emphasis to current trends, and brings out more clearly the commercial and social policy issues which underlie contract law. It also illustrates the way in which lawyers give effect to these policy considerations through the skilful development of legal concepts. This has involved some digressions into the nature of legal reasoning, and the author attempts to apply some of the lessons which lawyers have learned from legal philosophers. Second edition £2.50 Clarendon Law Series

Administrative Law

H. W. R. Wade, Professor of English Law, University of Oxford

The powers of the state are growing incessantly and they affect every citizen in numerous ways. Much of the law that keeps them under control is judge-made, and there have been important developments since it was described in Professor Wade's second edition four years ago. Full account is taken of recent decisions in which the courts have asserted their powers. This book attempts to clarify the framework of a subject which has been insufficiently recognized as a single body of law. The principles of judicial control, natural justice, and tribunals and inquiries are given special prominence. Third edition £1.75 Clarendon Law Series

Basic Documents on Human Rights

Edited by Ian Brownlie, Fellow of Wadham College, Oxford

There is constant public discussion of issues concerning civil liberties and human rights, but the most relevant documents are not as readily accessible as they should be. This work is intended to be a handbook of sources on human rights with introductory notes. Particular attention has been paid to major international agreements, regional developments, the work of the International Labour Organization, the concept of equality and the economic foundations of human rights. £3.50 paper covers £1.75

OXFORD UNIVERSITY PRESS

A legacy means a lot to the limbless



18,000 limbless Ex-Service men depend on the British Limbless Ex-Service Men's Association.

BLESMA is not aided by the State. But we urgently need money to help these veterans conquer their handicap. And to equip and maintain homes in which they convalesce and are given care and comfort in their old age.

This is where you can help. A word from you to your client might give hope and encouragement to those who gave so much for their country. A legacy would mean a lot to them.

Donations and information:

Major the Earl of Ancaster, KCVO, TD, Midland Bank Limited, 60 West Smithfield, London ECIA 9DX

BRITISH LIMBLESS EX-SERVICE MEN'S ASSOCIATION

Help your clients give a little love where it's needed

Other's may have said "unwanted" — but the Children's Society tries to see that the 5,000 children they'll look after this year (many of them in one of their 75 Homes) always feel loved and cared for. Please ask your Clients to remember our children in wills or with covenants.

WE GIVE A LITTLE LOVE WHERE IT'S NEEDED

Children's Society

Kennington · London · S.E.11

Britain's largest adoption organisation: homes, nurseries & special centres including schools for diabetic, malajusted and physically handicapped children. Fostering, family casework etc.

HOW TO ELIMINATE THE DISADVANTAGES OF ORDINARY COVENANTS YET RETAIN THE MAXIMUM TAX BENEFIT

You know that a Covenant allows the money given to Charity to be increased by recovered income-tax.

You also know that a Covenant is restrictive: the same amount of money must be given each year to the same Charity over a period of time that is usually taken to be not less than seven years.

What is more, any other gifts that might be made (in response to an appeal, for instance) cannot be included in the Covenant and be increased by tax recovery.

Now consider the advantages of a single "Uncommitted Covenant" with the Charities Aid Fund.

We receive the cheque. We add to it the value of the tax which we recover. We send out donations in accordance with instructions. The choice of Charity or of Charities can be altered from time to time. The amounts can be changed. Charities can be added, or subtracted, from the list. We arrange all this and do all the paper-work without formal charge to you or to your Client. Thus all the money that is given to charity can be increased. And your Client retains his freedom.

If you would like to know more, please write to Howard Smith who will be glad to supply further information or to discuss with you the advantages of this uniquely simple "Uncommitted Covenant".

Charities Aid Fund

48 Pembury Road. Tonbridge. Kent. Telephone: Tonbridge 62323 (London Office: 01-636 4066)

The Legal Aspect of Money

With Special Reference to Comparative, Private, and Public International Law

F. A. MANN

This third edition has been thoroughly revised and largely rewritten. In particular, some new aspects of nominalism and certain legal implications of inflation are reflected in the third chapter. The part dealing with the ever-growing public international law of money has been further elaborated. Third edition £9

The Common Law in the Sudan

An Account of the 'Justice, Equity, and Good Conscience' Provision

Z. MUSTAFA

This is the first comprehensive and analytical survey of the substantive civil law now applied by the Sudan courts, and an essential work for all those interested in the development and working of African legal systems. Scholars in jurisprudence will find many illustrations of judicial law-making and the influence of economic, political, and social considerations on the shaping of legal rules. £3·50

Israel's Parliament

The Law of the Knesset

ELIAHU LIKHOVSKI

The author analyses Israel's unwritten and basically flexible constitution, tracing the Zionist and British traditions which together have provided the fundamental notions of the Israeli system of Parliamentary government. He is particularly concerned with the legal and conventional rules which determine the election of the Knesset, Israel's Parliament, and the Knesset's own rules of procedure. £4.25

Theft in Early Jewish Law

BERNARD S. JACKSON

Dr. Jackson uses modern techniques, such as form criticism, to trace the history of the principal rules of the Jewish law of theft from the earliest biblical sources to the end of the Tannaitic period (c. 220 A.D.). Comparison is made with ancient Near Eastern, Greek, and Roman Laws, and their possible influence on the Jewish rules is discussed. £5.50

The Law of Athens

Procedure

A. R. W. HARRISON, edited by D. M. MACDOWELL Most aspects of procedure in Athenian trials in the fourth century B.C. are covered, and special attention is paid not only to what happened in court but also to the steps which led up to a hearing and the consequences which followed it. £3.75

OXFORD UNIVERSITY PRESS