THE CAMBRIDGE LAW JOURNAL

November 1977

The Courts and the Executive: Four House of Lords Decisions

Economics and the Environment: A Study of Private Nuisance

A. I. OGUS and G. M. RICHARDSON

The Dialectical Origins of Finch's Law

Kelsen's Concept of Authority
J. W. HARRIS

The Completeness of Rules s. c. coval and j. c. smith

Lord Cairns' Act in the County Court: A Supplementary Note

P. H. PETTIT

For full contents see back of cover

CAMBRIDGE UNIVERSITY PRESS

https://pasculassed.orginally Computer Pully Reserved Press OF CAMBRIDGE

THE CAMBRIDGE LAW JOURNAL

EDITORIAL COMMITTEE

D. E. C. Yale, M.A., LL.B., Editor
Professor J. A. Jolowicz, M.A., Note 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
J. G. Collier, M.A., LL.B.
R. N. Gooderson, M.A., Note Editor
B. W. Napier, Ph.D., 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 1977

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 36 is £7.00 net (US \$16.50 in the USA and Canada), including postage, and is payable in advance. Reduced rate subscriptions are available to members of the Society of Public Teachers of Law, law students and recently qualified lawyers. Details may be obtained from the publishers. Single parts cost £4.00 net (US \$10.00 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 a single order for 25 or more volumes.

Vols. 1 – 11 (1921 – 1953) one volume of 3 parts every 3 years Vols. 12 – 30 (1954 – 1972) one volume of 2 parts every year

Vol. 31 (1972) Jubilee Issue including Index 1921 - 1970

Vols. 32 - 35 (1973 - 1976) one volume of 2 parts every year £12 per volume (hardbound)
£10 unbound parts (if available)
£10 per volume (hardbound)
£4 per part
(paper covers if available)
£12 per volume (hardbound)
£5 per part
(paper covers if available)
£10 per volume (hardbound)
£4 per part
(paper covers if available)

ADVERTISING

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

The Law of Habeas Corpus

Robert J. Sharpe

Habeas corpus is the principal means under the common law for the protection of personal liberty. Dr. Sharpe examines the nature of judicial review exercised on habeas corpus, and explores the past, present, and potential uses of the writ. The study focuses on English law, but also includes discussions of the law in other Commonwealth countries. £10

Law, Morality, and Society

Essays in Honour of H. L. A. Hart

Edited by P. M. S. Hacker and J. Raz

The contributors to this volume, all of them colleagues and former pupils of Professor H. L. A. Hart and themselves distinguished scholars, are G. P. Baker, R. M. Dworkin, J. R. Lucas, A. M. Honoré, R. S. Summers, G. Marshall, R. Cross, A. J. P. Kenny, J. L. Mackie, D. N. MacCormick, P. R. Foot, J. M. Finnis, B. M. Barry, and J. Feinberg, as well as the two editors of the volume. £7.50

The Personal Laws of Malaysia

An Introduction

M. B. Hooker

This introduction to those laws of Malaysia relating to racial and religious groups will be of interest to the historians of colonial law and the comparative lawyer. £13.75 East Asian Historical Monographs

The American Judicial Tradition

Profiles of Leading American Judges

G. Edward White

Edward White, a former law clerk to Earl Warren, traces the American judicial tradition in a series of portraits of the most famous appellate judges in American history. He shows how judicial influence was affected by changing economic, social, and political pressures, and illustrates the attitudes and personalities of such diverse figures as John Marshall, Roger Taney, Joseph Story, Oliver Wendell Holmes, Louis Brandeis, Charles Evans Hughes, Learned Hand, Benjamin Cardozo, Felix Frankfurter, and Hugo Black. £9.25

Oxford University Press

The Philosophy of Law

Edited by Ronald M. Dworkin

The debate about the nature of law has dominated legal philosophy for several decades, and the first two essays in this volume are concerned with the concept of law. The six essays that follow are about law not as it is but as it should be, and fall in the overlap between legal and political philosophy. Paper covers. £1.50 Oxford Readings in Philosophy

The Great Rights of Mankind

Bernard Schwartz

The Bill of Rights stands alongside the body of the American Constitution and the Declaration of Independence as the theoretical foundation of American guarantees of individual liberty and rights. This book describes the philosophical and historical origins of that document, beginning with its English precedents but focusing on developments during the Colonial period. £7.25

Freedom and the Court

Henry J. Abraham

This book examines how American courts have sought to resolve the conflicts between the rights of the community and individual freedoms. In this new edition Henry J. Abraham presents a thorough account of the many civil rights and civil liberties cases which have occurred in the four years since the second edition appeared. Third edition £11

Unequal Justice

Jerold S. Auerbach

This study, first published in 1975 and now issued in paperback, shows the American legal profession as essentially élitist in nature, with its emphasis on serving business interests and its attempts to exclude minority groups. Professor Auerbach traces developments up to the 'law and order' reaction against the changes of the 1960s and its culmination in the Watergate scandal which left public faith in the law shattered. Paper covers £2.75 Galaxy Books

Oxford University Press

British Tax Law



MERVYN LEWIS

£8.00 post paid

For law and accountancy students of taxation and for professional practitioners, this book states the main principles of tax law in relation to the major direct taxes and explains them in considerable depth, illustrating the practical application of various statutory rules with numerous examples of a computational nature.

	opies of British Tax Law O. for £	 	 	
Signature				
NameAddress		 	 	

Please send this form together with your remittance to: Macdonald & Evans Ltd., FREEPOST, Plymouth PL5 2BR (No postage stamp required)