The

CAMBRIDGE Law Journal

April, 1964

ARTHUR LEHMAN GOODHART

Gifts and delivery

			2000
Power to order new inquest	9	Breach of Confidence &	Trade
Murder in Roman-Dutch law	12	Secrets	34
Corroboration	14	Variation of Settlements	37
Trade Union Membership	16	Rule in Foss v. Harbot	ttle 39
In pari delicto	20	Adoption & Conflict_of	Laws 43
Negligence and novus actus	23	Custody of Child	45
Rylands v. Fletcher & Statutory		Rookes v. Barnard	47
Authority	25	Limitation Act, 1963	47
LEGAL PROCEDURE & DEMO	CRACY		
		rofessor A. L. Goodhart, K.	s.e., q.c. 51
COME DECEMBER AND ADDRESS OF THE			tokas Maka MA
SOME PROBLEMS ABOUT FU	NDAMI		
		Professor J. L. M	ontrose 60
A FAILURE OF JUSTICE & DE	FECT (OF POLICE A. W. 1	Bradley 83
THE MINIMUM PAYMENT MU	DDLE	Professor Jacob S.	Ziegel 108
BOOK REVIEWS			
Argyle (ed.) Phipson's		BROWNLIE: Use of Fo	rce by
Evidence	129	States	144
	Parrish (ed.): Cripps' Com- Honoré: Gaius		146
pulsory Acquisition	132	Howe: O. W. Holmes, V	
BLUNDELL & DOBRY: Town &		Howe (ed.): Holmes' C	
Country Planning	132	Law	148
Jolowicz & Ellis Lewis (ed.):		HARGREAVES-MAWDSLEY:	Legal
Winfield on Torts	136	Dress	149
HENDERSON: Foundations of		SHEEHAN: Wills in Me	diaeval
English Administrative Law	139	England	151
McWhinner: Comparative James & Jones: Child Law		Law 152	
Federalism	141	Books also received	153
Bowerr: International Institu-			
Albania.	140		

UNIVERSITY LAW SOCIETY

CASE AND COMMENT Bailiff's right of entry

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

Net 18s. 6d. Annual Subscription 35s.



C. G. G. Campbell 156

LIBRARY OF WORLD AFFAIRS NO. 61

THE BRITISH COMMONWEALTH IN INTERNATIONAL LAW

This study is a description of the status of the Commonwealth and its members, and the working of its internal relations, in international law. It discusses the relationship of members *inter se* and their relations with foreign countries where these appear to determine or affect status.

By J. E. S. Fawcett, Fellow of All Souls College, Oxford

£2 17s. 6d. net (Post free in U.K. Overseas postage 2s.)

LIBRARY OF WORLD AFFAIRS NO. 62

INTERPRETATION OF AMBIGUOUS DOCUMENTS BY INTERNATIONAL ADMINISTRATIVE TRIBUNALS

This book analyses the jurisprudence of the international tribunals set up under the United Nations, the International Labour Organisation, and the European Coal and Steel Community, and compares this with international law, focusing on the interpretation of documents.

By Alan H. Schechter

£2.7s. 6d. net (Post free in U.K. Overseas postage 2s.)

THE PROSPECTS OF INTERNATIONAL ADJUDICATION

In this further volume of the Law of International Institutions, the author advocates a thorough review of the jurisdiction and procedure of international courts, which have a vital part to play in the creation of a new world of law.

By C. Wilfred Jenks

£6 17s. 6d. net (Post free in U.K. Overseas postage 3s. 6d.)

British Institute Studies in International and Comparative Law No. 1

BRITISH INTERNATIONAL LAW CASES

VOLUME 1: STATES AS INTERNATIONAL PERSONS

A collection of decisions of courts in the British Isles on points of International Law, prepared under the auspices of the International Law Fund and the British Institute of International and Comparative Law. The first volumes of the series will cover the Law of Peace, excluding prize and private international law cases as such.

£6 6s. net (Post free in U.K. Overseas postage 4s.)

STEVENS

11 NEW FETTER LANE, LONDON, E.C.4

Lives of the Lord Chancellors 1885-1940

R. F. V. HEUSTON

The twelve Chancellors of this period include some of the most interesting figures in English legal and political life of the era—Halsbury, Haldane, Birkenhead, Hailsham, Sankey and Caldecote. The author has had access to much unpublished material and throws new light on many events of legal and political interest, from the judicial appointments of Lord Halsbury to the Munich settlement.

Illustrated 63s net

Law, Liberty & Morality

H. L. A. HART

Professor Hart holds that the criminal law may not properly be used to punish immorality, a stand that derives much from the philosophy of John Stuart Mill, but one that has been sharply challenged in recent years, notably by Lord Devlin in his Maccabaean Lecture, *The Enforcement of Morals*.

'... a major contribution to a debate which began in its present form not a decade ago and which still continues. To those who favour criminal law reform, this book will come as a powerful statement of their case...' Law Times 15s net

Studies in Criminal Law

NORVAL MORRIS AND COLIN HOWARD

The aim of this book is to acquaint a wider public than hitherto with a number of original and valuable contributions to the criminal law by the courts of Australia. It consists of seven studies of particular topics in criminal law: the definition of murder, insanity and automatism, provocation, manslaughter by excessive defence, penal sanctions and human rights, strict responsibility, and res judicata in criminal trials.

'Those who like an intellectual approach to problems of criminal law will find this an exceptionally rewarding work.... most impressive...' Law Times 48s net

A Text-Book of Jurisprudence

GEORGE WHITECROSS PATON

Edited by DAVID P. DERHAM

This modern treatment of jurisprudence is designed primarily for students. The third edition has been revised throughout and includes much new writing. 55s net

OXFORD UNIVERSITY PRESS

BOOKS ON LAW CONSTITUTIONAL HISTORY Etc.

NEW AND SECONDHAND LARGE OR SMALL COLLECTIONS BOUGHT

HEFFER & SONS LIMITED \mathbf{W}_{-}

3-4 PETTY CURY, CAMBRIDGE

MIDDLE TEMPLE

Harmsworth and Astbury Awards

The value of Scholarships from both Funds having been raised and provision made for Extension Awards, the following awards will be available in 1964.

Harmsworth and Astbury Scholarships

There will be not less than 10 such Scholarships available. These will normally be tenable for 3 years and will range between £300 and £500 per annum, depending on the qualifications of the successful applicants.

In 1963 there were awarded 2 Scholarships of £500 p.a., 7 of £400 p.a., and 4 of £300 p.a.: subject to the suitability of candidates it is intended that in 1964 Awards be made on a similar scale.

Extension Awards

A limited number of awards will be available to cover one further year after the expiry of a scholarship. The making of such an Award and its amount will depend on the circumstances of the individual candidate.

Harmsworth Entrance Exhibitions

There will be available, if suitable candidates present themselves:
6 Major Exhibitions of £130 (to cover admission fees and expenses and call fees).
12 Minor Exhibitions of £70 (to cover admission fees and expenses).

All the above Awards are open to any member of Oxford or Cambridge Universities who intends to practise at the Bar of England and Wales save that Astbury Scholarships are confined to male members who have been in residence at a College. Harmsworth Awards are also open to members of other Universities.

The latest dates by which nominations, recommendations, etc., must be lodged in each year are:

ENTRANCE EXHIBITIONS—between 15th July and 15th November SCHOLARSHIPS —30th June EXTENSION AWARDS —20th May.

Full particulars of, and application forms for, the above and other Middle Temple Entrance Exhibitions and Pupillage Awards can be obtained from the Under Treasurer, Middle Temple, London, E.C.4.

THE

CAMBRIDGE LAW JOURNAL

EDITORIAL COMMITTEE

PROFESSOR C. J. HAMSON, M.A., LL.M., Chairman & Treasurer PROFESSOR S. J. BAILEY, LL.D.

GLANVILLE L. WILLIAMS, LL.D., F.B.A.

R. W. M. DIAS, M.A., IL.B., Secretary

R. N. GOODERSON, M.A., Note Editor

J. C. HALL, M.A., IL.B., Note Editor

J. A. JOLOWICZ, M.A., Note Editor

W. A. F. P. STEINER, M.A., Assistant Book Review Editor

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

Published under the auspices of THE FACULTY OF LAW, UNIVERSITY OF CAMBRIDGE

STEVENS & SONS, LTD., 11 NEW FETTER LANE, LONDON, E.C.4

The **COLLEGE OF LAW** Ltd.

incorporating GIBSON & WELDON, Law Tutors, and THE LAW SOCIETY'S SCHOOL OF LAW

Class and correspondence courses for the Solicitors'. Bar and other Law Examinations

Classes for the Solicitors' examinations are held at 33–35, Lancaster Gate, London, W.2, and at 34–38, Portsmouth Road, Guildford, and for the Bar examinations at 27, Chancery Lane, London, W.C.2.

Address for correspondence relating to Bar courses:

27 CHANCERY LANE, LONDON, W.C.2 CHAncery 3757

All other correspondence:

38 PORTSMOUTH ROAD, GUILDFORDGuildford 68346/7

Parker's Modern Conveyancing Precedents

Edited by ANTHONY PARKER, a Solicitor of the Supreme Court with an expert team of contributors and consultants.

"A group of leading provincial lawyers headed by Mr. Anthony Parker have broken with tradition and produced a really modern precedent book . . . The individual precedents . . . are models of clarity expressing in each in concise twentieth century language the full legal intention in such a way as can be readily understood—even by the most junior clerk or lay client . . . Modern Conveyancing Precedents sets a new standard for conveyancers, and is a practical implementation of an ideal which the President of The Law Society has called 'improving the law'."—The Law Society's Gazette

Daniels' Common Law in West Africa

By W. C. EKOW DANIELS, DIPL.O.A.S., LL.M., FH.D., Barrister-at-Law; Solicitor of the Supreme Court of Ghana; Lecturer in Law, University of Ghana.

For anyone concerned with the law in West Africa a knowledge of the English common law system, which has been received as the basis of the legal systems in the Gambia, Sierra Leone, Ghana and Nigeria, is an essential requirement. It is, however, not always appreciated that there are limitations on the application of English law. This new book by a keturer in the University of Ghana is probably the first to describe these limitations, and at the same time provides a valuable survey of the development of English law in West Africa.

Cheshire and Fifoot's Law of Contract Sixth Edition

By G. C. CHESHIRE, D.C.L., F.B.A., Barrister-at-Law; sometime Vinerian Professor of English Law in the University of Oxford, and C. H. S. FIFOOT, M.A., F.B.A., Barrister-at-Law; Reader in Common Law to the Council of Legal Education.

Dealing with the principles of the law of contract and also providing an excellent critical analysis of the subject, one of the most valuable features of this work has always been the authors' fresh approach to the problems involved. For this new Sixth Edition they have therefore looked at the old difficulties in a new light, cut out much dead wood and undertaken a good deal of revision to ensure that the work is right up to date.

55s. net, by post 2s. 6d. extra

Yardlev's Introduction to British **Constitutional Law** Second Edition

By D. C. M. YARDLEY, LL.B.(Birm.), M.A., D.PHIL.(Oxon.), Barrister-at-Law; Fellow of St. Edmund Hall, Oxford.

The wide field which has to be traversed by any student requiring a knowledge of constitutional law is clearly covered by this well-known book in an easy narrative style with the minimum of footnotes. For the Second Edition the work has been thoroughly revised with important changes resulting from the Administration of Justice Act 1960, the Peerage Act 1963, and the London Government Act 1963.

25s. net. by post 1s. extra

Treagus, Rainbird and Harvey's Introduction to Solicitors Costs

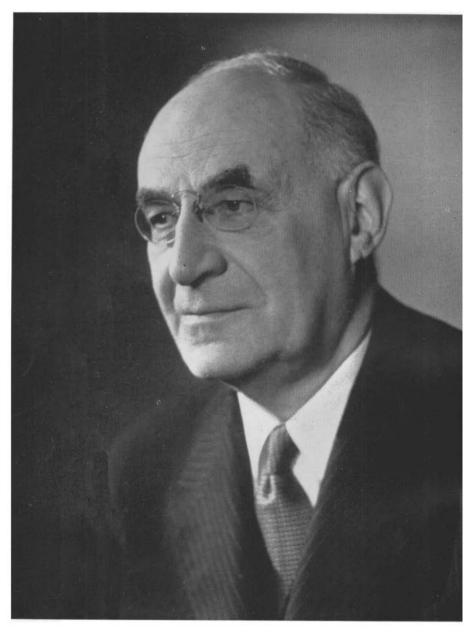
By B. P. TREAGUS, O.B.E., Chief Clerk, Supreme Court Taxing Office, H. J. C. RAINBIRD, Principal Clerk, Supreme Court Taxing Office, and R. H. HARVEY, F.INST.LEX.

Solicitors costs has always been an important subject in the legal world and yet there has never been an introductory work in this field which gives in a straightforward way the basic information necessary for understanding the complexities of drafting Bills of Costs. This new work by acknowledged experts, officially recommended for the examinations of Institute of Legal Executives, will therefore provide invaluable assistance to students and be of real interest to the profession in general.

25s. net, by post 1s. 4d. extra

BUTTERWORTHS · 88 KINGSWAY · LONDON, W.C.2

Showroom: 11-12 Bell Yard, Temple Bar, W.C.2



Professor A. L. Goodhart, K.B.E., Q.C.