

THE  
CAMBRIDGE LAW  
JOURNAL

EDITED BY

P. H. WINFIELD, K.C., LL.D., F.B.A.

*Emeritus Rouse Ball Professor of English Law*

FOR

THE CAMBRIDGE UNIVERSITY LAW SOCIETY.

VOL. 8

LONDON - 1944

STEVENS & SONS, LIMITED

119 & 120 CHANCERY LANE

*Law Publishers*

PRINTED IN GREAT BRITAIN BY  
C. F. ROWORTH, LTD., 88 FETTER LANE, LONDON, E.C. 4.

## INDEX TO VOL. 8

## LEADING ARTICLES

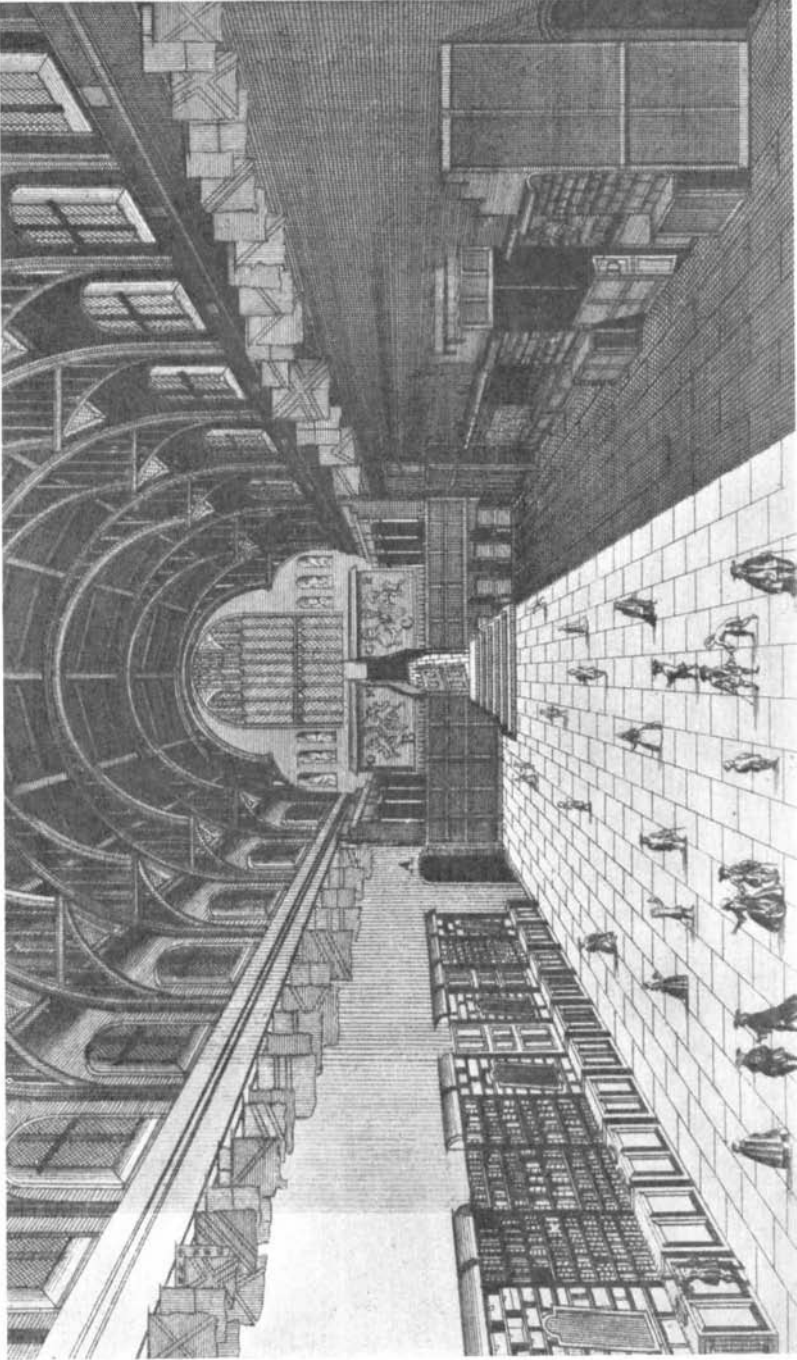
	PAGE
<i>Bourhill v. Young</i> (Prof. A. L. GOODHART) ... ..	265
British North America Act, The Interpretation of (Prof. W. P. M. KENNEDY) ... ..	146
Contracts, Legal Aspects of Illegal (Dr. G. L. WILLIAMS) ... ..	51
Contractual Obligation, Nature of (Prof. W. W. BUCKLAND) ... ..	247
Courts, From the Old Law Courts to the New (F. W. MAITLAND) ... ..	2
Criminal Legislation, Sources of Modern (Dr. L. RADZINOWICZ) ... ..	180
Criminal Science, Department of (J. W. C. TURNER) ... ..	92
Esau, How Esau sold his Birthright (Dr. D. DAUBE) ... ..	70
Free Speech, Reflections on Prof. Chafee's "Free Speech in the United States" (Dr. D. W. LOGAN) ... ..	201
<i>Jorrocks</i> , Law and Lawyers of (Prof. H. C. GUTTERIDGE) ... ..	161
Lunacy Administration, One Hundred Years of (T. C. S. KEELY) ... ..	195
<i>McNaghten Rules</i> , Century of (H. BARNES [HÉNRI O'BEIRN]) ... ..	300
Precedent (Right Hon. Lord WRIGHT) ... ..	118
Torts, Introduction to the Law of (Dr. C. A. WRIGHT) ... ..	238
Trusts and Titles (S. J. BAILEY) ... ..	36
Unborn Child, The (Prof. P. H. WINFIELD) ... ..	76
Warranties of Land in the Thirteenth Century (S. J. BAILEY) ... ..	274
Writs and Bills (Prof. H. A. HOLLOND) ... ..	15
Writs and Bills, New Light on, in Twelfth and Thirteenth Centuries (Prof. H. A. HOLLOND) ... ..	252

## CONTRIBUTORS OF LEADING ARTICLES

BAILEY, S. J.—Trusts and Titles ... ..	36
— Warranties of Land in the Thirteenth Century ... ..	274
BARNES, H. (H. O'BEIRN).—A Century of the <i>McNaghten Rules</i> ... ..	300
BUCKLAND, Prof. W. W.—The Nature of Contractual Obligation ... ..	247
DAUBE, Dr. D.—How Esau Sold his Birthright ... ..	70
GOODHART, Prof. A. L.— <i>Bourhill v. Young</i> ... ..	265
GUTTERIDGE, Prof. H. C.—Law and Lawyers of <i>Jorrocks</i> ... ..	161
HOLLOND, Prof. H. A.—New Light on Writs and Bills and on the Influence of Roman Law in the Twelfth and Thirteenth Centuries ... ..	252
— Writs and Bills ... ..	15
KEELY, T. C. S.—One Hundred Years of Lunacy Administration ... ..	195
KENNEDY, Prof. W. P. M.—The Interpretation of the British North America Act ... ..	146
LOGAN, Dr. D. W.—Reflections on Prof. Chafee's "Free Speech in the United States" ... ..	201
MAITLAND, F. W.—From the Old Law Courts to the New ... ..	2
O'BEIRN. (See "BARNES.")	
RADZINOWICZ, Dr. L.—Some Sources of Modern Criminal Legislation ... ..	180
TURNER, J. W. C.—Department of Criminal Science ... ..	92
WILLIAMS, Dr. GLANVILLE L.—Legal Aspects of Illegal Contracts ... ..	51
WINFIELD, Prof. P. H.—The Unborn Child ... ..	76
WRIGHT, The Right Hon. Lord.—Precedent ... ..	118
WRIGHT, Dr. CECIL A.—Introduction to the Law of Torts ... ..	238

## CASES ANNOTATED

	PAGE		PAGE
Akerele <i>v.</i> R. ....	323	Holt <i>v.</i> Heatherfield Trust, Ltd. <i>v.</i> ...	210
Amand (No. 2), <i>Re</i> .....	205	Hughes <i>v.</i> Williams .....	328
		Hunter's Lease, <i>Re</i> .....	99
Barnard <i>v.</i> Gorman .....	103	Jaber Elias Kotia <i>v.</i> Katr Bint Jiryes	
Batts Coombe Quarry, Ltd. <i>v.</i> Ford...	207	Nahas .....	94
Bishop & Baxter, Ltd. <i>v.</i> Anglo-			
Eastern, &c. Co., Ltd. ....	325	Leighton's Investment Trust, Ltd. <i>v.</i>	
Bontex Knitting Works, Ltd. <i>v.</i> St.		Cricklewood, &c. Trust .....	327
John's Garage .....	324	Lindop, <i>Re</i> .....	215
Bourhill <i>v.</i> Young .....	213, 265	Liversidge <i>v.</i> Anderson .....	95
Brackenborough <i>v.</i> Spalding U.D.C. ...	100	Luxor (Eastbourne), Ltd. <i>v.</i> Cooper ...	96
Buckner <i>v.</i> Ashby & Horner, Ltd. ...	105	Lyon <i>v.</i> Daily Telegraph, Ltd. ....	329
		Lyons & Co., Ltd. <i>v.</i> Knowles .....	326
Canadian Pacific Ry. <i>v.</i> Lockhart ...	211	Lysus <i>v.</i> Stepney B.C. ....	106
Century Insurance Co., Ltd. <i>v.</i>			
Northern Ireland T.B. ....	212	Mancini <i>v.</i> D.P.P. ....	98
Crofter Hand Woven Harris Tweed		Mattouk <i>v.</i> Massad .....	333
Co., Ltd. <i>v.</i> Veitch .....	101	Murray <i>v.</i> Parkes .....	206
De Buse <i>v.</i> McCarty, &c. ....	103	Peters <i>v.</i> Prince of Wales Theatre, Ltd. 214	
Diamond <i>v.</i> Minter .....	104		
Duncan <i>v.</i> Cammell, Laird & Co., Ltd. 328		R. <i>v.</i> A.B. ....	98
		— <i>v.</i> Agard .....	209
Fibrosa Spolka Akcyjna <i>v.</i> Fairbairn,		— <i>v.</i> Barker .....	97
&c., Ltd. ....	208	— <i>v.</i> Hudson .....	323
		— <i>v.</i> Shaw .....	209
Glasgow Corporation <i>v.</i> Muir .....	331	Ricketts <i>v.</i> Erith B.C. ....	332
Gold <i>v.</i> Essex C.C. ....	212		
		Samuels <i>v.</i> Davis .....	326
Haseldine <i>v.</i> Daw & Son, Ltd. ....	102	Speed <i>v.</i> Thomas Swift & Co. ....	330
Hay ( <i>or</i> Bourhill) <i>v.</i> Young .....	213, 265	Spottiswoode, Ballantyne & Co., Ltd.	
Heyman <i>v.</i> Darwins, Ltd. ....	206	<i>v.</i> Doreen Appliances, Ltd. ....	208
Hoani Te Heuheu Tukino <i>v.</i> Aotea			
District, &c. Board .....	96	Ware <i>v.</i> Garston Haulage Co., Ltd. ...	332
Holdman <i>v.</i> Hamlyn .....	330		



*A : Entrance to House of Commons B : The King's Bench  
C : Court of Chancery D : Court of Common Pleas  
E : Entrance to Exchequer*

**Westminster Hall**

*Reproduced by the courtesy of  
Messrs. John Murray, 50, Abchurch Lane, W. 1.*