

THE  
CAMBRIDGE LAW  
JOURNAL

EDITED BY

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

*Rouse Ball Professor of English Law*

FOR

THE CAMBRIDGE UNIVERSITY LAW SOCIETY.

VOL. VI.

LONDON

STEVENS & SONS LIMITED

1938

*Published by Stevens & Sons  
Limited of 11 New Fetter Lane  
London, Great Britain – Law  
Publishers – and reprinted in  
1962 by photolithography in The  
Netherlands by Krips/Oosthoek  
of Rijswijk, Utrecht and London*

*Printed in The Netherlands*

## INDEX TO VOLS. I—VI.

## INDEX OF LEADING ARTICLES.

	VOL.	PAGE
Abuse of Rights (H. C. GUTTERIDGE) .. .. .	v	22
Angary, Right of (W. I. JENNINGS) .. .. .	iii	49
Appeal in English Law (Right Hon. Lord Justice ATKIN (Lord ATKIN)) .. .. .	iii	1
Attempts to Commit Crimes (J. W. CECIL TURNER) .. .. .	v	230
Bacon (Sir WILLIAM HOLDSWORTH) .. .. .	iii	10
Benefit of a Restrictive Covenant (S. J. BAILEY) .. .. .	vi	339
Blackstone's Commentaries (A. V. DICBY) .. .. .	iv	286
Blackstone and His Commentaries, Some Aspects of (Sir WILLIAM HOLDSWORTH) .. .. .	iv	261
Blasphemy, Evolution of the Law of (C. S. KENNY) .. .. .	i	127
Book of Assizes (W. C. BOLLAND) .. .. .	ii	192
Cambridge and Harvard Law Schools (A. L. GOODHART) .. .. .	i	323
Choice of Law (W. H. UPJOHN, K.C.) .. .. .	ii	321
Coke, Sir Edward (Sir WILLIAM HOLDSWORTH) .. .. .	v	322
Commercial Courts, Work in the (Right Hon. Lord Justice SCRUTTON) .. .. .	i	6
Common Law, Thoughts About the (Right Hon. Sir JAMES O'CONNOR) .. .. .	iii	161
Conspiracy, History of, and Abuse of Legal Procedure (ROSCOE POUND) .. .. .	i	156
Contract, Undisclosed Principals in (A. L. GOODHART and C. J. HAMSON) .. .. .	iv	320
Contributory Negligence (J. C. MACINTOSH) .. .. .	i	185
Corporate Liability in Tort and the Doctrine of <i>Ultra Vires</i> (A. L. GOODHART) .. .. .	ii	350
Corporations, Criminal Responsibility of (C. R. N. WINN) .. .. .	iii	398
Crown, Proceedings By and Against the (Right Hon. Sir THOMAS INSKIP) .. .. .	iv	1
Damages, The Measure of, in Contract and Tort (S. L. PORTER (Right Hon. Lord PORTER)) .. .. .	v	176
Dangerous Things and Non-natural User of Land (W. T. S. STALLYBRASS) .. .. .	iii	376
Day in Court at Home and Abroad (Sir MAURICE AMOS) .. .. .	ii	340
Defamation, Law of, in Scotland (Right Hon. Lord NORMAND) .. .. .	vi	327

	VOL.	PAGE
Departmental Legislation (E. C. S. WADE) .. .. .	v	77
Dominions, The, and the United Kingdom (G. G. PHILLIPS) ..	iv	164
Dominions, The, and their Mother Country (C. S. KENNY) ..	ii	157, 297
Droit Administratif (ACHILLE MESTRE) .. .. .	iii	355
English and Roman Law, The Inner Relationship between (FRITZ PRINGSHEIM) .. .. .	v	347
English Private Law, 1870—1920 (Right Hon. Sir FREDERICK POLLOCK, Bt.) .. .. .	ii	19
Equitable Liens under Hire-Purchase Agreements (H. A. HOLLOND) .. .. .	iii	173
Equity in America (J. H. BEALE) .. .. .	i	21
Estates Tail under the New Law (C. P. SANGER) .. .. .	ii	212
<i>Excecrabilis</i> in the Common Pleas (T. F. T. PLUCKNETT) ..	i	60
Foreword (H. D. HAZELTINE) .. .. .	i	1
Fraud and the Statutes of Limitations (JOHN BRUNYATE) ..	iv	174
<i>Furtum Proprium</i> and <i>Improprium</i> (DAVID DAUBE) .. .. .	vi	217
Imperial Conference and the Constitution (E. JENKS) .. ..	iii	13
Insane, The Criminal Responsibility of the Alleged (TRAVERS HUMPHREYS (Hon. Mr. Justice HUMPHREYS) and G. F. E. PRIDEAUX) .. .. .	i	302
International Court of the League of Nations (Right Hon. Sir ERNEST POLLOCK (Lord HANWORTH)) .. .. .	i	29
International Law and Resort to Armed Force (J. L. BRIERLY) ..	iv	308
Interpretation of Statutes (Sir MAURICE AMOS) .. .. .	v	163
Irish Bar, The Last Forty Years of (Serjeant A. M. SULLIVAN, K.C.) .. .. .	iii	365
Johnson, Dr., and the Old Bailey (T. MATHEW) .. .. .	iii	182
Judicial Life, Some Aspects of (Hon. Mr. Justice McCARDIE) ..	ii	159
Judicial Settlement of Industrial Disputes, The (JETHRO BROWN)	ii	51
Jury Trial To-day (R. M. JACKSON) .. .. .	vi	367
Land Companies (W. J. WHITAKER) .. .. .	v	371
Law and the Courts of Palestine, The (N. BENTWICH) .. ..	ii	37
Law, The Contact of Public and Private (Right Hon. Sir FREDERICK POLLOCK, Bt.) .. .. .	i	255
Law Reform (H. A. HOLLOND) .. .. .	iv	146
Law Student, Happy State of the Modern (Hon. Mr. Justice (Lord Justice) MACKINNON) .. .. .	iii	24
Law Tripos, Revision of the (H. A. HOLLOND) .. .. .	i	193
League of Nations, The Covenant of, and War (Sir JOHN FISCHER WILLIAMS) .. .. .	v	1
Leaseholds and the Rule in <i>Howe v. Dartmouth</i> (S. J. BAILEY) ..	iv	357
Legal History, Gossip About: Unpublished Letters of Maitland and Ames (H. D. HAZELTINE) .. .. .	ii	1
Liability for Things Naturally on the Land (A. L. GOODHART) ..	iv	13

# Index of Leading Articles.

v

	VOL.	PAGE
Maitland, F. W. (W. W. BUCKLAND) .. .. .	i	279
Mandates (ARNOLD D. MCNAIR) .. .. .	iii	149
Master of the Rolls, Some Notes on the Office of (Right Hon. Lord HANWORTH, M.R.) .. .. .	v	313
<i>Mens Rea</i> and Motorists (J. W. CECIL TURNER) .. .. .	v	61
Mental Element in Crimes at Common Law (J. W. CECIL TURNER) .. .. .	vi	31
Misdemeanours, Common Law (R. M. JACKSON) .. .. .	vi	193
Negligence in Running-Down Cases, Burden of Proof in (E. WYNDHAM WHITE) .. .. .	vi	404
Nuisance as a Tort (P. H. WINFIELD) .. .. .	iv	189
Parliament and the Dominions, A Retrospect (R. L. SCHUYLER) .. .. .	iii	209
Personality of an Idol, The (P. W. DUFF) .. .. .	iii	42
Philosophy of Law, Some Reflections on the (Sir MAURICE AMOS) .. .. .	iii	31
Pleading and Proof at Common Law (H. A. HOLLOND) .. .. .	vi	1
Pleading, The New Rules of, Hilary Term, 1834 (Sir WILLIAM HOLDSWORTH) .. .. .	i	261
<i>Polemis</i> Business, This (ARNOLD D. MCNAIR) .. .. .	iv	125
Police Powers and Public Meetings (E. C. S. WADE) .. .. .	vi	175
Portuguese Bank Note Case, The (M. TAPPAN HOLLOND) .. .. .	v	91
Possession, Three Cases on (A. L. GOODHART) .. .. .	iii	195
Precedents in Continental Law (ERNST J. COHN) .. .. .	v	366
Private International Law, A New Approach to (H. C. GUTTERIDGE) .. .. .	vi	16
Privy Council, The Work for the Empire of the Judicial Committee of the (Right Hon. Viscount HALDANE) .. .. .	i	143
Promises to Perform an Existing Duty (A. G. DAVIS) .. .. .	vi	202
Property Act, 1925, Law of, s. 130 (2) (S. J. BAILEY) .. .. .	vi	67
Prosecution and Defence (Right Hon. Lord DARLING) .. .. .	ii	311
Public Meetings and Processions (A. L. GOODHART) .. .. .	vi	161
Reprisals as a Measure of Redress Short of War (S. MACCOBY) .. .. .	ii	60
Rescue and Voluntary Assumption of Risk (A. L. GOODHART) .. .. .	v	192
Roman Law, A Textbook of (F. DE ZULUETA) .. .. .	i	166
Roman Law as Illustrated by Pliny's Letters (D. T. OLIVER) .. .. .	iv	153
Roman Law in Aulus Gellius (D. T. OLIVER) .. .. .	v	46
Roman Law, The Official Manuals of in the Eighth and Ninth Centuries (EDWIN H. FRESHFIELD) .. .. .	iv	34
<i>Sinclair v. Brougham</i> (Right Hon. Lord WRIGHT OF DURLEY) .. .. .	vi	305
<i>Societas</i> as a Consensual Contract (DAVID DAUBE) .. .. .	vi	381
Solicitors' Work and Environment (S. GARRETT) .. .. .	i	42
Statutory Offences, Absolute Prohibition in (R. M. JACKSON) .. .. .	vi	83
<i>Thomas v. Sawkins</i> : A Constitutional Innovation (A. L. GOODHART) .. .. .	vi	22
Torts by Corporations in <i>Ultra Vires</i> Undertakings (E. H. WARREN) .. .. .	ii	180

	VOL.	PAGE
<i>Transat in Exemplum</i> (A. E. RANDALL) .. .. .	i	77
Trusts for Sale (J. M. LIGHTWOOD) .. .. .	iii	59
Undisclosed Principals in Contract ( <i>see</i> Contract, <i>supra</i> ).		
Unjustified Enrichment, The Doctrine of (H. C. GUTTERIDGE and R. J. A. DAVID) .. .. .	v	204
War and Law (A. PEARCE HIGGINS) .. .. .	i	177
Westminster, Since the Statute of (G. G. PHILLIPS) .. .. .	vi	182

INDEX OF CONTRIBUTORS OF LEADING  
ARTICLES.

	VOL.	PAGE
AMOS, SIR MAURICE.—A Day in Court at Home and Abroad ..	ii	340
— Interpretation of Statutes .. .. .	v	163
— Some Reflections on the Philosophy of Law .. .. .	iii	31
ATKIN, RIGHT HON. LORD JUSTICE (LORD ATKIN).—Appeal in English Law .. .. .	iii	1
BAILEY, S. J.—Benefit of a Restrictive Covenant .. .. .	vi	339
— Law of Property Act, 1925, s. 130 (2) .. .. .	vi	67
— Leaseholds and the Rule in <i>Howe v. Dartmouth</i> .. .. .	iv	357
BEALE, J. H.—Equity in America .. .. .	i	21
BENTWICH, N.—Law and the Courts in Palestine .. .. .	ii	37
BOLLAND, W. C.—Book of Assizes .. .. .	ii	192
BRIERLY, J. L.—International Law and Resort to Armed Force	iv	308
BROWN, JETHRO.—Judicial Settlement of Industrial Disputes ..	ii	51
BRUNYATE, JOHN.—Fraud and the Statutes of Limitations ..	iv	174
BUCKLAND, W. W.—F. W. Maitland .. .. .	i	279
COHN, ERNST J.—Precedents in Continental Law .. .. .	v	366
DARLING, RIGHT HON. LORD.—Prosecution and Defence .. .. .	ii	311
DAUBE, DAVID.— <i>Furtum Proprium</i> and <i>Improprium</i> .. .. .	vi	217
— <i>Societas</i> as a Consensual Contract .. .. .	vi	381
DAVID, R. J. A.—Doctrine of Unjustified Enrichment .. .. .	v	204
DAVIS, A. G.—Promises to Perform an Existing Duty .. .. .	vi	202
DICEY, A. V.—Blackstone's Commentaries .. .. .	iv	286
DUFF, P. W.—Personality of an Idol .. .. .	iii	42
FRESHFIELD, E. H.—Official Manuals of Roman Law in the Eighth and Ninth Centuries .. .. .	iv	34
GARRETT, S.—Solicitors' Work and Environment .. .. .	i	42
GOODHART, A. L.—Cambridge and Harvard Law Schools .. .. .	i	323
— Corporate Liability in Tort and the Doctrine of <i>Ultra Vires</i>	ii	350
— Liability for Things Naturally on the Land .. .. .	iv	13
— Public Meetings and Processions .. .. .	vi	161
— Rescue and Voluntary Assumption of Risk .. .. .	v	192
— <i>Thomas v. Sawkins</i> : A Constitutional Innovation .. .. .	vi	22
— Three Cases on Possession .. .. .	iii	195
— Undisclosed Principals in Contract .. .. .	iv	320
GUTTERIDGE, H. C.—Abuse of Rights .. .. .	v	22
— Doctrine of Unjustified Enrichment .. .. .	v	204
— New Approach to Private International Law .. .. .	vi	16

	VOL.	PAGE
HALDANE, RIGHT HON. VISCOUNT.—Work for the Empire of the Judicial Committee of the Privy Council .. .. .	i	143
HAMSON, C. J.—Undisclosed Principals in Contract .. .. .	iv	320
HANWORTH, RIGHT HON. LORD.—Some Notes on the Office of Master of the Rolls .. .. .	v	313
(See also POLLOCK, SIR ERNEST.)		
HAZELTINE, H. D.—Foreword .. .. .	i	1
— Gossip About Legal History: Unpublished Letters of Mait- land and Ames .. .. .	ii	1
HIGGINS, A. PEARCE.—War and Law .. .. .	i	177
HOLDSWORTH, SIR WILLIAM.—Bacon .. .. .	iii	10
— Sir Edward Coke .. .. .	v	322
— New Rules of Pleading of Hilary Term, 1834 .. .. .	i	261
— Some Aspects of Blackstone and His Commentaries .. .. .	iv	261
HOLLOND, H. A.—Equitable Liens under Hire-Purchase Agree- ments .. .. .	iii	173
— Law Reform .. .. .	iv	146
— Pleading and Proof at Common Law .. .. .	vi	1
— Revision of the Law Tripos .. .. .	i	193
HOLLOND, M. TAPPAN.—Portuguese Bank Note Case .. .. .	v	91
HUMPHREYS, TRAVERS (HON. MR. JUSTICE HUMPHREYS).— Criminal Responsibility of the Alleged Insane .. .. .	i	302
INSKIP, RIGHT HON. SIR THOMAS.—Proceedings by and against the Crown .. .. .	iv	1
JACKSON, R. M.—Absolute Prohibition in Statutory Offences .. .. .	vi	83
— Common Law Misdemeanours .. .. .	vi	193
— Jury Trial To-day .. .. .	vi	367
JENKS, EDWARD.—Imperial Conference and the Constitution .. .. .	iii	13
JENNINGS, W. I.—Right of Angary .. .. .	iii	49
KENNY, C. S.—Dominions and their Mother Country .. .. .	ii	157, 297
— Evolution of Law of Blasphemy .. .. .	i	127
LIGHTWOOD, J. M.—Trusts for Sale .. .. .	iii	59
MCCARDIE, HON. MR. JUSTICE.—Some Aspects of Judicial Life .. .. .	ii	169
MACCOBY, S.—Reprisals as a Measure of Redress Short of War .. .. .	ii	60
MACINTOSH, J. C.—Contributory Negligence .. .. .	i	185
MACKINNON, HON. MR. JUSTICE (LORD JUSTICE).—Happy State of the Modern Law Student .. .. .	iii	24
MCAIR, ARNOLD D.—Mandates .. .. .	iii	149
— This <i>Polemis</i> Business .. .. .	iv	125
MATHEW, T.—Dr. Johnson and the Old Bailey .. .. .	iii	182
MESTRE, ACHILLE.—Droit Administratif .. .. .	iii	355



# Index of Contributors.

ix

	VOL.	PAGE
NORMAND, RIGHT HON. LORD.—Law of Defamation in Scotland	vi	327
O'CONNOR, RIGHT HON. SIR JAMES.—Thoughts About the Common Law .. .. .	iii	161
OLIVER, D. T.—Roman Law in Pliny's Letters .. .. .	iv	153
— Roman Law in Aulus Gellius .. .. .	v	46
PHILLIPS, G. G.—Dominions and the United Kingdom .. .. .	iv	164
— Since the Statute of Westminster .. .. .	vi	182
PLUCKNETT, T. F. T.— <i>Execrabilis</i> in the Common Pleas ..	i	60
POLLOCK, RIGHT HON. SIR ERNEST.—International Court of the League of Nations .. .. .	i	29
(See also HANWORTH, RIGHT HON. LORD.)		
POLLOCK, RIGHT HON. SIR FREDERICK.—Contact of Public and Private Law .. .. .	i	255
— English Private Law, 1870—1920 .. .. .	ii	19
PORTER, S. L. (RIGHT HON. LORD PORTER).—Measure of Damages in Contract and Tort .. .. .	v	176
POUND, ROSCOE.—History of Conspiracy and Abuse of Legal Procedure .. .. .	i	156
PRIDEAUX, G. F. E.—Criminal Responsibility of the Alleged Insane .. .. .	i	302
PRINGSHEIM, FRITZ.—Inner Relationship between English and Roman Law .. .. .	v	347
RANDALL, A. E.— <i>Transeat in Exemplum</i> .. .. .	i	77
SANGER, C. P.—Estates Tail under the New Law .. .. .	ii	212
SCHUYLER, R. L.—Parliament and the Dominions: A Retrospect	iii	209
SCRUTTON, RIGHT HON. LORD JUSTICE.—Work of the Commercial Courts .. .. .	i	6
STALLYBRASS, W. T. S.—Dangerous Things and Non-natural User of Land .. .. .	iii	376
SULLIVAN, SERJEANT A. M.—Last Forty Years of the Irish Bar	iii	365
TURNER, J. W. CECIL.—Attempts to Commit Crimes .. .. .	v	230
— <i>Mens Rea</i> and Motorists .. .. .	v	61
— Mental Element in Crimes at Common Law .. .. .	vi	31
UPJOHN, W. H.—Choice of Law .. .. .	ii	321
WADE, E. C. S.—Departmental Legislation .. .. .	v	77
— Police Powers and Public Meetings .. .. .	vi	175
WARREN, E. H.—Torts by Corporations in <i>Ultra Vires</i> Under- takings .. .. .	ii	180

*Index of Contributors.*

	VOL.	PAGE
WHITE, E. WYNDHAM.—The Burden of Proof of Negligence in Running-Down Cases .. .. .	vi	404
WHITTAKER, W. J.—Land Companies .. .. .	v	371
WILLIAMS, SIR J. FISCHER.—Covenant of League of Nations and War .. .. .	v	1
WINFIELD, P. H.—Nuisance as a Tort .. .. .	iv	189
WINN, C. R. N.—Criminal Responsibility of Corporations ..	iii	398
WRIGHT, RIGHT HON. LORD.— <i>Sinclair v. Brougham</i> .. ..	vi	305
ZULUETA, F. DE.—A Textbook of Roman Law .. .. .	i	166

## INDEX OF CASES ANNOTATED.

	VOL.	PAGE		VOL.	PAGE
Addie (Robert) v. Dumbreck ..	iv	78	Beech, <i>Re</i> ; Beech v. Public		
Adriatic, The .....	iv	368	Trustee and Others .....	i	332
Aitchison v. Page Motors .....	vi	256	Behnke v. Bede Shipping Co.	iii	264
Allen v. Whitehead .....	iv	66	Bell v. Lever .....	iv	370
Amalgamated Society of Car-			Beresford v. Royal Insurance		
penters v. Braithwaite .....	i	343	Co. ....	vi	431
Anchor Line, <i>Re</i> .....	vi	249, 423	Berry v. Berry .....	iv	64
Anderson v. Daniel .....	ii	94	Besseler Waechter & Co. v.		
Andrews v. D. P. P. ....	vi	435	S. Derwent Coal Co. ....	vi	433
Andrews Bros. v. Singer & Co.	v	275	Blackwell, <i>Re</i> .....	iii	302, 459
Anglo-Scottish Beet Sugar			Blay v. Pollard .....	iv	213
Corpn. v. Spalding U. D. C.	vi	428	Blonde, The, and Others ...	i	217
Anichab, The .....	i	364	Blundell-Leigh v. Atten-		
Anziani, <i>Re</i> .....	iv	210	borough .....	i	358
Arcois v. Ronnasen & Son ...	v	267	Blundy & Co. v. L. N. E. R.	iv	390
Arpad, The .....	v	391	Board of Trade v. Cayzer, etc.	iii	268
Ardath Tobacco Co. v. Ocker	iv	385	Bohemian Union Bank v.		
Arden, <i>Re</i> .....	vi	112	Administrator of Austrian		
Arneil v. Paterson .....	iv	388	Property .....	iii	249
Arnell and Barmann Aviation			Eorman v. Griffith .....	iv	219
Co. v. The King .....	i	215	Bostock, <i>Re</i> ; Norrish v.		
Ashby v. Tolhurst .....	vi	422	Bostock .....	i	213
Aelan v. Imperial Airways ..	v	255	Bottomley v. Bannister .....	v	125
Att.-Gen. v. Corke .....	v	122	Bowden, <i>Re</i> .....	vi	261
Att.-Gen. for Canada v. Att.-			Bradstreets British v. Harold		
Gen. for Ontario .....	vi	425	Mitchell, etc. ....	v	260
Attwood v. Lamont .....	i	87	Brandon v. Osborne, Garrett		
Auchteroni v. Midland Bank..	iii	419	& Co. ....		113
Australia, Commonwealth of			Bremer Oeltransport G.m.b.H.		
v. N. S. W. ....	iv	54	v. Drewry .....	v	253
			British-American Continental		
Badische Co., <i>Re</i> .....	i	201	Bank, Ltd., <i>Re</i> .....	i	325
Bailey v. Geddes .....	vi	448	British and Beningtons v.		
Baker v. James Bros. ....	i	209	N. W. Cachar Tea Co. ....	i	355
— v. E. Longhurst & Sons	v	271	British Coal Corpn. v. R. ....	vi	98
Balden v. Shorter .....	v	269	British Homophone v. Kunz,		
Banco de Portugal v. Water-			etc., Ltd. ....	vi	104
low & Sons .....	v	91, 103	British Russian Gazette v.		
Banco de Vizcaya v. Don			Associated Newspapers ...	v	254
Alfonso de Borbon y Austria	v	387	Britt v. Galmoye .....	iii	455
Barnett v. Sanker .....	ii	379	Brooke v. Bool .....	iii	456
Barrow, Lane & Ballard v.			Broome v. Agar .....	iii	451
Phillips .....	iv	73	Buckle v. Holmes .....	iii	76
Bathe, <i>Re</i> .....	ii	391	Bull, A. H. v. W. African		
Beard v. The Director of			Shipping Co. ....	iii	288
Public Prosecutions .....	i	90	Buller & Co. v. Brooks .....	iv	222
			Burnyeat, <i>Re</i> ; Burnyeat v.		
			Ward .....	i	333

	VOL.	PAGE		VOL.	PAGE
Burrell v. Leven .....	iii	79	Doyle v. White City Stadium	v	388
Butt v. Weston - super - Mare			Drake v. Gray .....	vi	248
U. D. C. ....	i	346	Duff Development Co., Ltd. v.		
Butwick v. Grant .....	ii	228	Gov. of Kelantan .....	i	363
Byrne v. Deane .....	vi	439	Duncan v. Jones .....	vi	108, 289
Cammell, Laird & Co. v. Man-			Eastern Shipping Co. v. Quah		
guese Bronze and Brass			Beng Kee .....	ii	99
Co. ....	v	266, 399	Ecclesiastical Commissioners,		
Canadian Pacific Ry. Co. v.			Re .....	vi	247
Kelvin Shipping Co. ....	iii	458	Edwards v. Porter .....	i	339
— v. R. ....	iv	391	— v. — .....	ii	260
Cantiare San Rocco S. A. v.			Egton Settled Estate, Re ....	iv	388
Clyde Shipbuilding Co. ....	ii	215	Ellerman Line, Ltd. v.		
Carlton Hall Club v. Lau-			Smith's Dock, Ltd. ....	ii	82
rence .....	iv	57	Ellesmere v. Wallace .....	iii	429
Cassidy v. Daily Mirror ....	iv	75	Ellis v. Fulham B. C. ....	vi	437
Chamberlain, Re .....	i	198	— v. John Stenning & Son	v	109
Chambers v. Randall .....	ii	101	Elvin Powell v. Plummer		
Champsey Bhara v. Jivraj			Roddis .....	v	407
Balloo Co. ....	ii	118	Engelke v. Musmann .....	iii	441
Chapman v. Ellesmere .....	v	111	English Hopgrowers v. Dering	iii	433
Chardon, Re .....	iii	463	Eshugbayi Eleko v. Officer,		
China Navigation Co. v. Att-			etc. ....	iii	426
Gen. ....	v	101	Excelsior Wire Rope Co. v.		
Civilian War Claimants Assn.			Callan .....	iv	228
v. The King .....	v	102	 		
Clark v. Barnes .....	iv	71	Fagan v. Green & Edwards,		
Clayton and Waller v. Oliver			Ltd. ....	ii	382
Cleghorn v. Oldham .....	ii	294	Fagernes, The .....	iii	277
Cohen v. Roche .....	iii	267	Fairman v. Perpetual Invest-		
Coleshill v. Manchester Corpn.	iii	290	ment Building Society ....	i	847
Collins v. Henry Whiteaway ..	iii	292	Fanton v. Denville .....	v	118
Commonwealth of Australia v.			Fardon v. Harcourt-Rivington	v	118
N. S. W. ....	iv	54	Farey v. Welch .....	iv	67
Commonwealth Trust, Ltd. v.			Farr v. Butters Bros. ....	v	117
Akotey .....	ii	386	Farr & Co. v. Messers .....	iii	266
Condogianis v. Guardian			Fasbender v. Att.-Gen. ....	i	199
Assurance .....	i	204	Fender v. St. John-Mildmay	vi	102, 432
Cooper v. Stubbs .....	ii	380	 		
Corbett v. Burge .....	v	123	Ferdinand, Ex-Czar of Bul-		
Cotterill v. Penn .....	vi	106	garia, Re .....	i	79
Craddock Bros. v. Hunt ....	ii	75	Fitch v. Dewes .....	i	203
Crown Milling Co. v. R. ....	iii	275	Flint v. Lovell .....	v	407
Cunard v. Antifyre .....	v	270	Folkes v. King .....	i	351
 			Ford, Re .....	iii	478
Dadoo, Ltd. v. Municipal			Foster v. Driscoll .....	iv	59
Council of Krugersdorp ....	i	200	Freeborn v. Leeming .....	ii	388
Davis v. Lisle .....	vi	260	 		
— v. Mayhew .....	iii	297	Galbraith Grant, Ltd. v. Block	i	357
Debtor, Re A .....	i	82	Gayler & Pope, Ltd. v.		
Deen v. Davies .....	vi	114	Davies, Ltd. ....	ii	261
Deuchar v. Gas Co. ....	ii	86	General Union of Operative		
Dickinson v. Del Solar .....	iv	69	Carpenters v. Taylor .....	i	343
Donoghue v. Stevenson .....	v	116	George Wills & Sons v. Cun-		
Donovan v. Union Cartage Co.	v	273	ningham, Son & Co., Ltd. ..	ii	222
 			Gibaud v. Great Eastern Ry.	i	86
			Glanville v. Sutton .....	iii	287

	VOL.	PAGE		VOL.	PAGE
Glasbrook Bros. v. Glamorgan C. C. ....	ii	223	Hussey and Green's Contract, <i>Re</i> .....	i	83
Glasgow Corpn. v. Taylor ....	i	349	Huyton and Roby Gas Co. v. Liverpool Corpn. ....	ii	388
Gottliffe v. Edelston .....	iv	222	Hyde v. Taylor .....	iii	79
Grant v. Australian Knitting Mills .....	vi	118	Importers' Co. v. Westminster Bank .....	iii	240
Gray, <i>Re</i> .....	ii	393	Inche Noriah v. Shaik, etc. ..	iii	440
— v. Perpetual Trustee Co. ....	iii	461	Ipswich Permanent Money Club v. Arthy .....	i	89
Greer v. Downs Supply Co. ..	iii	259	Ironmonger v. Dyne .....	iii	260
Griffiths v. Studebakers, Ltd. ..	ii	229	Jameson v. Kinmell Bay, etc., Co. ....	iv	374
Grosvenor Settled Estates, <i>Re</i> v ..	108,	268	Jarvis v. Moy .....	vi	240
Grove-Grady, The .....	iv	82	Job Edwards, Ltd. v. Proprietors of Birmingham Navigations .....	ii	254
G. W. K. v. Dunlop Rubber Co. ....	iii	105	Johnston v. Davies .....	iii	463
Hall v. Brooklands Auto Racing Club .....	v	105	Johnstone v. Pedlar .....	i	214
Halstead v. Bargh .....	iii	283	Jones (R. E.) v. Waring & Gillow .....	iii	83-84
Hambrook v. Stokes Bros. ..	ii	247	— v. London C. C. ....	v	119
Harcourt, <i>Re</i> .....	i	82	Jupiter, The .....	iii	80
Hardie and Lane v. Chilton ..	iii	436	Karflex v. Poole .....	v	250
Harrods v. Lemon .....	iv	373	Kasler v. Slavouski .....	iii	270
Haseldine v. Hosken .....	v	258	Kempler v. Bravingtons ..	ii	385
Hawkins, <i>Re</i> .....	ii	237	Kennedy v. Thomassen .....	iv	62
Haynes v. Harwood .....	v	410	Keppel v. Wheeler .....	iii	257
Hemmings v. Stoke Poges Golf Club .....	i	83	Kettle v. Dunster .....	iii	243
Henshall v. Porter .....	ii	90	King's Theatre, Sunderland, <i>Re</i> .....	iv	72
Herd v. Herd .....	vi	238	Koechlin v. Kestenbaum ..	iii	241
Hillen and Pettigrew v. I. C. I. (Alkali) .....	vi	120	Konskier v. Goodman .....	iii	295
Hilton v. Westminster Bank ..	iii	87	Koursk, The .....	ii	243
Hoare & Co. v. McAlpine ....	ii	111	Kursell v. Timber Operators ..	iii	78
Hodson v. Barnes .....	iii	103	Lamb & Sons v. Goring Brick Co. ....	v	106
Holliday, <i>Re</i> .....	i	361	Langham v. Wellingborough School (Governors of) ....	v	120
Hollywood Silver Fox Farm v. Emmett .....	vi	258	Lanyon, <i>Re</i> .....	iii	299
Holt v. Markham .....	ii	95	Lapish v. Braithwaite .....	ii	371
Honeywill and Stein v. Larkin Bros. ....	v	402	Latter v. Colwill .....	vi	427
Hong Kong, etc., Corpn. v. Lo Lee Shi .....	iii	242	Laubach v. Co-optimists' Syndicate .....	iii	93
Hope's Will Trust, <i>Re</i> .....	iv	83	Laurie and Morewood v. John Dudin & Sons .....	ii	383
Horton's Estate v. Jas. Beattie	iii	90	Leaman v. The King .....	i	93
Hoskyns-Abraham v. Paignton U. D. C. ....	iii	462	Legh's Settlement Trusts, <i>Re</i> ..	vi	444
Houghton v. Nothard .....	iii	245	Leigh's Settled Estates, <i>Re</i> ..	iii	110
Howard v. Odhams Press ..	242,	430	L'Estrange v. Graucob .....	v	389
Howard, Houlder and Partners, Ltd. v. Manx Isles S.S. Co., Ltd. ....	ii	79	Letang v. Ottawa Electric Ry. ....	iii	98
Howell v. Evans .....	iii	75			
Hummeltenberg, <i>Re</i> .....	i	327			
Humphery v. Bowers .....	iv	76			
Humphreys v. Dreamland ..	iv	389			
Hunt v. Damon .....	iv	229			

	VOL.	PAGE		VOL.	PAGE
Liddle v. Yorks (N. Riding)			Murdoch v. Wood	i	207
C. C.	v	408	Murphy and Others v. Hurley	i	360
Liesbosch Dredger v. S.S.			Musgrove, In the Estate of	iii	297
Edison	v	274	Mycroft v. Sleight	i	211
Lindsey C. C. v. Marshall	vi	254			
Lloyds Bank, Re	iv	377	Nachimson v. Nachimson	iv	208
— v. Chartered Bank, etc.	iii	423	Nanka Bruce v. Common-		
Lockhart v. Harrison	iii	452	wealth Trust, Ltd.	ii	387
London Corpn., The	vi	113	National Sailors' Union v.		
London Jewellers v. Atten-			Reed	iii	99
borough	v	898	Newsholme Bros. v. Road,		
Looker v. Law Union, etc.,			etc., Co.	iv	61
Co.	iii	430	Nicholls v. Ely Beet Sugar		
Low v. Fry	vi	99	Factory	vi	259
Lowther v. Harris	iii	101	Noble v. Harrison	iii	97
Lynn v. Bamber	iv	214	North Charterland Exploration		
			Co. v. The King	iv	211
M'Alister (or Donoghue) v.			Northwestern Utilities v.		
Stevenson	v	116	London, etc., Co.	vi	121
Macartney, Re	i	81	Nunan v. Southern Ry.	ii	239
Macaura v. N. Assurance Co.,					
Ltd.	ii	397	Oakley v. Lyster	iv	384
Mackenzie-Kennedy v. Air			Ogle's Settled Estates, Re	iii	280
Council	iii	252	Oliver v. Birmingham and		
McNeall v. Hawes	i	339	Midland Motor Omnibus Co.	v	115
Manchester Liners, Ltd. v.			Osborn v. Boulter	iv	225
Rea, Ltd.	i	359	Otto v. Bolton	vi	253
Manton v. Brocklebank	ii	105			
Marbe v. George Edwardes	iii	253	Paley, Olga (Princess) v.		
Marie Leonhardt, The	i	79	Weisz	iv	68
Maritime National Fish, Ltd.			Palmolive Co. v. Freedman	iii	434
v. Ocean Trawlers, Ltd.	vi	100	Parker v. Miller	iii	95
Marriott v. Maltby Main Col-			Parker's Settled Estates, Re	iii	281
liery Co.	i	84	Pearce v. Brain	iv	60
Marshall v. Lindsey C. C.	vi	119,	Pellworm, The	i	365
		254	Penton v. S. R.	iv	372
Mason v. Lack	iv	53	Percy v. Glasgow Corpn.	i	354
May v. May	iv	58	Phillips v. Britannia Hygienic		
Mercantile Union Guarantee			Laundry Co.	i	345
Corpn. v. Ball	vi	426	Piracy Jure Gentium, Re	v	395
Mercer v. S. E. & Chatham			Place v. Searle	v	112
Ry.	i	349	Poland v. Parr	iii	91
Mersey Docks Board v. Procter	ii	108	Polemis v. Furness, Withy &		
Miles v. Easter	v	264	Co.	i	206
Mills, Re	iv	218	Pontardawe R. D. C. v.		
Minter v. Priest	iv	286	Moore-Gwyn	iv	80
Mogileff, The	i	216	Porter, Re	ii	392
Monk v. Warbey	v	400	Prager v. Blatspiel, Stamp &		
Moore v. Att.-Gen. of Irish			Heacock, Ltd.	ii	241
Free State	vi	97	Pramatha Nath Mullick v.		
Moore & Co. v. Donnelly	i	85	Pradymuna, etc.	iii	42
More v. Weaver	iii	450	Pratt v. Patrick and Others	ii	107
Morelli v. Fitch	iii	447	Price, Re	iv	70
Motor Manufacturers and			Public Trustee v. Villar	iii	465
Traders, Ltd. v. Motor					
Manufacturers Insurance					
Co.	ii	396			

# Index of Cases Annotated.

XV

	VOL.	PAGE		VOL.	PAGE
Purkis v. Walthamstow Borough Council .....	v	408	Ruby Steamship Corpn. v. Commercial Union Assurance Co. ....	v	251
Putsnam v. Taylor .....	iii	262	Rugby School (Governors of) v. Tannahill .....	v	896
 			Russell v. Russell .....	ii	238
R. v. Baldessare .....	iv	217	Rutherford v. Richardson ....	i	387
— v. Cheshire .....	iii	272	 		
— v. Cory .....	iii	274	Sack v. Jones .....	ii	394
— v. Currell .....	vi	109	St. Anne's Well Brewery Co. v. Roberts .....	iii	458
— v. Donovan .....	v	392	Sampson, Low, Ltd. v. J. M. Dent, Ltd. ....	ii	395
— v. Godfrey .....	i	325	— v. Duckworth & Co. ....	ii	395
— v. Hare .....	v	262	Scammell v. Hurley .....	iv	74
— v. Haslam .....	ii	366	Scottish Mutual Insurance Co. v. Samuel & Co. ....	ii	95
— v. Hussey .....	ii	281	Seager v. Seager .....	ii	376
— v. Kopsch .....	ii	366	Sharpe v. Southern Ry. ....	ii	374
— v. Lapworth .....	iv	375	Shawdon Estates, <i>Re</i> .....	iv	221
— v. Manley .....	v	263	Sigsworth, <i>Re</i> .....	vi	111
— v. Maughan .....	v	394	Sinclair v. Brougham .....	vi	305
— v. Meyrick .....	iv	65	Siveyer v. Allison .....	vi	101
— v. Minister of Health ..	iv	55	Slater v. Spreag .....	vi	115
— v. Mortimer .....	vi	246	Smith, Ltd. v. G. W. Ry. ..	i	866
— v. Newport (Salop) Justices .....	iv	65	Sorrell v. Smith and Others ..	ii	114, 367
— v. Peckham .....	vi	109	Spyer v. Phillipson .....	iv	380
— v. Peel .....	i	336	Sterns, Ltd. v. Vickers, Ltd. ..	ii	80
— v. Phillips .....	vi	435	Stonehouse v. Masson .....	i	212
— v. Redd .....	ii	88	Strangways-Lesmere v. Clayton .....	vi	255
— v. Smith (1935) .....	vi	109	Sullivan, <i>Re</i> .....	iv	84
— v. Stocks .....	i	91	Sun Life Assurance Co. of Canada v. W. H. Smith & Son .....	v	404
— v. Stone .....	vi	436	Sunnyfield, <i>Re</i> .....	iv	382
— v. Sugarman .....	vi	109	Sutcliffe v. Clients' Investment Co. ....	ii	256
— v. Wadey .....	vi	109	Sutton v. Featherley .....	iii	86
— v. Wainwright .....	ii	366	Swadling v. Cooper .....	iv	227
— v. Wheat .....	i	91	Swan v. Sinclair .....	ii	103
— v. Whitehead .....	iii	438	Swinburne, <i>Re</i> .....	iii	86
— v. Wicks .....	vi	245	 		
Ralston v. Ralston .....	iv	224	Taylor, <i>Re</i> .....	iv	380
Rawlings v. General Trading Co. ....	i	88	Taylor's Settlement Trusts, <i>Re</i> ..	iv	52
Reckitt v. Barnett .....	iii	445	Terry v. Variety Theatres ....	iii	427
Reference under Judicial Committee Act, <i>Re</i> .....	v	395	Tetley, <i>Re</i> .....	i	330
Rely-a-Bell, etc., Co. v. Eisler ..	iii	103	Thomas v. Att.-Gen. ....	i	81
Reynolds v. Shipping Federation .....	ii	116	— v. Sawkins .....	vi	22, 96
Richardson v. Moncrieff .....	iii	79	Thompson v. L. M. & S. Ry. ..	iv	63
Riley v. Brown .....	iv	56	— v. N. S. W. Branch of B. M. A. ....	ii	259
Robert Addie & Sons v. Dumbreck .....	iv	78	Thorne v. Motor Trade Association .....	vi	440
Robinson v. Graves .....	vi	105			
Rose v. Ford .....	vi	116, 442			
Rose and Frank v. J. R. Crompton Bros. ....	ii	219, 377			
Ross, <i>Re</i> .....	iv	209			
Rowland, etc., v. Air Council..	iii	252			
Royal London Insurance Socy. v. Barrett .....	iii	431			

b\*

	VOL.	PAGE		VOL.	PAGE
Tidy <i>v.</i> Battman .....	v	272	Warner Bros. Pictures <i>v.</i> Nelson .....	vi	244
Tolley <i>v.</i> Fry .....	iv	386	Watt <i>v.</i> Longsdon .....	iv	76
Tomkins <i>v.</i> Coates .....	iii	89	Weigall <i>v.</i> Westminster Hos- pital .....	vi	252
Tomlin's Will, <i>Re</i> .....	iv	392	Welsh Hospital (Netley) Fund, <i>Re</i> .....	i	81
Torni, The .....	v	100	Wessex Dairies <i>v.</i> Smith ....	vi	103
Tournier <i>v.</i> National Provin- cial Bank, Ltd. ....	ii	226	Westminster (Duke of) <i>v.</i> McKenna .....	v	268
Tubantia, The .....	ii	98	White <i>v.</i> Riley .....	i	84
Turner <i>v.</i> Civil Service Supply Association, Ltd. ....	ii	382	White ( <i>or</i> Bennett) <i>v.</i> White	vi	424
Union of London and Smiths Bank, Ltd.'s, Conveyance, <i>Re</i> .....	v	264	Widnes Foundry <i>v.</i> Cellulose, etc., Co. ....	iv	369
Universal Steam Navigation Co. <i>v.</i> James McKelvie & Co. ....	ii	85	Wiggins <i>v.</i> Lavy .....	iii	448
Upton <i>v.</i> Great Central Ry. ..	ii	117	Wilchick <i>v.</i> Marks and Silver- stone .....	v	411
Valeria, The .....	i	80	Wilkes <i>v.</i> Allington .....	iv	378
Van Oppen & Co. <i>v.</i> Trede- gars .....	i	209	— <i>v.</i> Jones and Goodwin ..	ii	91
Vanbergen <i>v.</i> St. Edmunds Properties .....	v	256	Wilkins <i>v.</i> Leighton .....	v	121
Vanderpant <i>v.</i> Mayfair Hotel Co. ....	iv	80	Williams <i>v.</i> Atlantic Assur- ance Co. ....	v	107
Villar, <i>Re</i> .....	iii	465	Wilson and Clyde Coal Co. <i>v.</i> English .....	v	441
Visser, <i>Re</i> .....	iii	443	Winkworth <i>v.</i> Raven .....	iv	376
Volute, The .....	i	341	With <i>v.</i> O'Flanagan .....	vi	243
Walton Harvey <i>v.</i> Walker and Homfrays .....	iv	216	Withers <i>v.</i> General Theatre Corp'n. ....	v	257
Ware and De Freville <i>v.</i> The Motor Trades Association ..	i	210	Woollatt <i>v.</i> Stanley .....	iii	421
			Woolmington <i>v.</i> D. P. P. ..	vi	107
			Wyatt <i>v.</i> Kreglinger .....	v	261
			Youssouppoff <i>v.</i> Metro-Goldwyn- Mayer Pictures .....	v	405