

A First Book of English Law

SEVENTH EDITION

O. Hood Phillips
A. H. Hudson

SWEET & MAXWELL

A First Book
of
ENGLISH LAW

BY

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SEVENTH EDITION

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LONDON

SWEET & MAXWELL

1977

First Edition	.	.	1948
Second Impression	.		1949
Second Edition	.	.	1953
Third Edition	.	.	1955
Second Impression	.		1957
Fourth Edition	.	.	1960
Second Impression	.		1962
Third Impression	.		1964
Fifth Edition	.	.	1965
Sixth Edition	.	.	1970
Seventh Edition	.	.	1977

*Published in 1977 by
Sweet & Maxwell Limited of
11 New Fetter Lane London
and printed in Great Britain
by The Eastern Press Limited
of London and Reading*

ISBN Hardback 1421 23040 1
Paperback 0421 23030 4

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O. Hood Phillips

1977

PREFACE TO THE SEVENTH EDITION

THIS edition contains new chapters on the Crown Court, on Family Law and on Evidence and Civil Procedure; and the opportunity has been taken to revise, clarify and correct the text throughout.

Recent statutes of which account has been taken include the European Communities Act 1972, which makes Community law a source of English law and provides for applications from English courts to the European Court of Justice for preliminary rulings; the Criminal Law Act 1977, reorganising the distribution of work between magistrates' courts and the Crown Court, and reducing the functions of coroners' courts; the Administration of Justice Act 1977, dealing with such miscellaneous matters as legal aid, appeals, county courts and abolition of the jurisdiction of many ancient courts; legislation further extending the jurisdiction of county courts; the Employment Protection Act 1975, creating the Employment Appeal Tribunal; the Powers of Criminal Courts Act 1973; the Torts (Interference with Goods) Act 1977, which gives the generic name of wrongful interference to conversion, trespass and negligent harm to goods; and the Inheritance (Provision for Family and Dependents) Act 1975.

Attention is drawn to a number of recent cases, notably on the interpretation of statutes and judicial precedent. The High Court in the provinces, arbitration, prospective overruling, criminal proceedings and agency have been given new or fuller treatment. The setting up or reports of various commissions and committees have been mentioned, including the Royal Commission on Legal Services, the Royal Commission on Civil Liability and Personal Injury (Pearson), the Faulks Committee on Defamation and the Law Commission's latest reports and working papers.

Although we severally undertook the preparatory work on particular chapters we are jointly responsible for the whole edition, except that the publishers have once more revised the Tables of Cases and Statutes and the Index.

O. H. P.
A. H. H.

August 1977.

EXTRACT FROM

PREFACE TO THE FIRST EDITION

THIS book is intended as an elementary introduction for those about to embark, for whatever purpose, on the study of English law. Following a brief survey of the characteristics of English law and the principles on which justice is administered in this country, an account is given in Part I of the various systems of courts, their composition and jurisdiction, with just enough history to indicate their origins. Apart from other considerations, some knowledge of the jurisdiction of the courts is necessary for an appreciation of the authority of their decisions at the present day, as well as the part they have played in the development of various branches of law in the past.

Part II deals relatively fully with the sources of English law, a topic with which the student of law needs to be acquainted at the outset, although in some University degree courses he has to wait for formal instruction in these matters until he reads Jurisprudence in his third year. I have tried . . . not only to explain the principles underlying the interpretation of statutes, the application of judicial precedent and the use of legal textbooks, but also to describe the literary materials in which legislation, judicial decisions and juristic opinion are embodied, so that the reader may enter a law library without fear and find what he wants without groping.

Part III sketches in outline the main branches of English private law. . . . Only the most general principles can be stated in the space available, the object being to introduce the reader to legal conceptions and terminology. This part is therefore highly selective, though I hope not too dogmatic. . . .

O. H. P.

THE UNIVERSITY

EDMUND STREET,

BIRMINGHAM 3.

January 1948.

TABLE OF STATUTES

1166	Assize of Clarendon (12 Hen. 2)	40	1535	Statute of Uses (27 Hen. 8, c. 10)	13, 131, 149, 291, 302, 306
1176	Assize of Northampton (22 Hen. 2)	40	1540	Statute of Wills (32 Hen. 8, c. 1)	306
1215	Magna Carta (17 John) ¹	3	1559	<i>De Scandalis Magnatum</i> (1 Eliz. 1, c. 6)	323
1235	Statute of Merton (20 Hen. 3) ²	123, 178	1571	Ecclesiastical Leases Act (13 Eliz. 1, c. 10)	156
1267	Statute of Marlborough (52 Hen. 3)	128	1601	(Charitable Uses) (43 Eliz. 1, c. 4)	149
1275	Statute of Westminster I (3 Edw. 1)	3, 128, 230	1623	Limitation Act (21 Jac. 1, c. 16)	291
	<i>De Scandalis Magnatum</i> (3 Edw. 1, c. 34)	323	1627	Petition of Rights (3 Cha. 1, c. 1 (a))	252
1278	Statute of Gloucester (6 Edw. 1)	128	1640	Ship Money Act (16 Car. 1, c. 14)	3
1279	Statute of Mortmain (7 Edw. 1)	129	1660	Parliament Act (12 Car. 2, c. 1)	3
1285	Statute of Westminster II (13 Edw. 1) ... 3, 59, 128, 129			Tenure Abolition Act (12 Car. 2, c. 24) ... 3, 291, 298, 306	
	<i>De Donis</i> (13 Edw. 1, c. 1)	119, 128, 129, 291, 300	1662	Act of Uniformity (14 Car. 2, c. 4)	17
	<i>In Consimili Casu</i> (13 Edw. 1, c. 24)	9, 129	1670	Statute of Distribution (22 & 23 Car. 2, c. 10)	306
	<i>Nisi Prius</i> (13 Edw. 1, c. 30)	129	1677	Statute of Frauds (29 Car. 2, c. 3)	127, 131, 149, 346
	Statute of Winchester (13 Edw. 1)	46, 128		s. 4	345
1290	<i>Quia Emptores</i> (18 Edw. 1)	119, 221, 297		s. 17	141, 345
	<i>Quo Warranto</i> (18 Edw. 1)	230	1679	Habeas Corpus Act (31 Car. 2, c. 2)	266
1297	Confirmation of the Magna Carta (25 Edw. 1)	154	1685	Statute of Distribution (1 Jac. 2, c. 17)	306
1328	Statute of Northampton (2 Edw. 3)	128, 154	1700	Settlement Act (12 & 13 Will. 3, c. 2)	29, 131
1340	Confirmation of Liberties (14 Edw. 3, c. 1)	154	1705	Princess Sophia, Naturalisation Act (4 & 5 Anne, c. 16)	140, 149
1349	Statute of Labourers (23 Edw. 3)	129	1707	Union with Scotland Act (6 Anne, c. 11)	1, 131
1351	Statute of Treason (25 Edw. 3, st. 5, c. 2) ... 126, 128, 131, 139		1746	Wales and Berwick Act (20 Geo. 2, c. 42), s. 3	155
1361	Justices of the Peace Act (34 Edw. 3, c. 1)	46, 283	1772	Royal Marriages Act (12 Geo. 3, c. 11)	137
1363	(Quarter Sessions) (36 Edw. 3, c. 12)	46		Dockyards, etc. Protection Act (12 Geo. 3, c. 24) ... 280	
1429	(Parliamentary Franchise) (8 Hen. 6, c. 7)	297	1780	Sunday Observance Act (21 Geo. 3, c. 49) ... 140, 154	
1533	Submission of the Clergy Act (25 Hen. 8, c. 19) ... 17				

¹ The most important re-issues are those of 1225 (9 Hen. 3) and the *Confirmatio Cartarum* of 1297 (25 Edw. 1).

² This is the earliest statute included by the Record Commissioners in *Statutes of the Realm*.

1793	Acts of Parliament (Com- mencement Act (33 Geo. 3, c. 13)	134	1861	Wills Act (24 & 25 Vict. c. 114)	148
1832	Prescription Act (2 & 3 Will. 4, c. 71)	290	1865	Colonial Laws Validity Act (28 & 29 Vict. c. 63) ...	155
	Reform Act (2 Will. 4, c. 45)	128, 297	1867	British North America Act (30 & 31 Vict. c. 3)	152
1833	Real Property Limitation Act (3 & 4 Will. 4, c. 27)	290	1869	Debtors Act (32 & 33 Vict. c. 62)	148, 376
	Judicial Committee Act (3 & 4 Will. 4, c. 41) ...	97	1870	Naturalisation Act (33 & 34 Vict. c. 14), s. 10	150
	s. 4	99		Forfeiture Act (33 & 34 Vict. c. 23)	269
	Inheritance Act (3 & 4 Will. 4, c. 106)	305	1872	Bastardy Laws Amendment Act (35 & 36 Vict. c. 65)	140
1834	Central Criminal Court Act (4 & 5 Will. 4, c. 36)	59		Licensing Act (35 & 36 Vict. c. 94)	144
1835	Highways Act (5 & 6 Will. 4, c. 50)	139	1873	Supreme Court of Judica- ture Act (36 & 37 Vict. c. 66) ... 6, 8, 10, 13, 15, 16, 35, 37, 40, 41, 68, 71, 81, 82, 84, 91, 97, 101, 214	13, 14
1837	Wills Act (7 Will. 4 & 1 Vict. c. 26)	308		s. 25	13, 14
	s. 9	364	1874	Real Property Limitation Act (37 & 38 Vict. c. 57)	290
1840	Church Discipline Act (3 & 4 Vict. c. 86)	146		Infants Relief Act (37 & 38 Vict. c. 62)	151, 347
1841	Copyhold Act (4 & 5 Vict. c. 35)	298		ss. 1, 2	347
1843	Libel Act (6 & 7 Vict. c. 96)	323		Public Worship Regulation Act (37 & 38 Vict. c. 85)	146
1844	Judicial Committee Act (7 & 8 Vict. c. 69)	97	1875	Public Health Act (38 & 39 Vict. c. 55)	160
1845	Gaming Act (8 & 9 Vict. c. 109)	144		Supreme Court of Judica- ture Act (38 & 39 Vict. c. 77) ... 6, 8, 10, 13, 15, 16, 37, 40, 41, 71, 81, 82, 91, 214	
	County Courts Act (9 & 10 Vict. c. 95)	66	1876	Customs Consolidation Act (39 & 40 Vict. c. 36), s. 186	142
1846	Fatal Accidents Act (9 & 10 Vict. c. 93)	362		Appellate Jurisdiction Act (39 & 40 Vict. c. 59) ... 91, 94, 96, 97	29
1848	Summary Jurisdiction Act (11 & 12 Vict. c. 43)	47		s. 6	
	Justices Protection Act (11 & 12 Vict. c. 44)	32	1878	Territorial Waters Jurisdic- tion Act (41 & 42 Vict. c. 73)	162
	Indictable Offences Act (11 & 12 Vict. c. 42)	47	1879	Summary Jurisdiction Act (42 & 43 Vict. c. 49)	47
	Summary Jurisdiction Act	47	1882	Municipal Corporations Act (45 & 46 Vict. c. 50)	47
1849	Petty Sessions Act (12 & 13 Vict. c. 18)	47		Bills of Exchange Act (45 & 46 Vict. c. 61) ... 120, 216, 237, 340	
1852	Common Law Procedure Act (15 & 16 Vict. c. 76)	71		Married Women's Property Act (45 & 46 Vict. c. 75)	152, 360
1854	Common Law Procedure Act (17 & 18 Vict. c. 125)	40		s. 17	360
1857	Matrimonial Causes Act (20 & 21 Vict. c. 85)	357	1883	Bankruptcy Act (46 & 47 Vict. c. 52)	72
1858	Chancery Amendment Act (21 & 22 Vict. c. 27) ...	41, 71	1885	Criminal Law Amendment Act (48 & 49 Vict. c. 69)	144
1860	Common Law Procedure Act (23 & 24 Vict. c. 82)	71			
1861	Offences against the Person Act (24 & 25 Vict. c. 100)	273, 318			
	s. 9	274			
	s. 57	155			

1887	Appellate Jurisdiction Act (50 & 51 Vict. c. 70)	95	1911	Maritime Conventions Act (1 & 2 Geo 5, c. 57), s. 1 (1)	330
	Coroners Act (50 & 51 Vict. c. 71)	55	1914	Bankruptcy Act (4 & 5 Geo. 5, c. 59)	84
1888	Mortmain and Charitable Uses Act (51 & 52 Vict. c. 42)	149		s. 157 (1)	138
1889	Arbitration Act (52 & 53 Vict. c. 49)	158	1916	Larceny Act (6 & 7 Geo. 5, c. 50), s. 1	275
	Interpretation Act (52 & 53 Vict. c. 63)	135, 166		s. 26	277
	ss. 1 (1), 19, 20	135	1919	Church of England Assembly (Powers) Act (9 & 10 Geo. 5, c. 76)	17
	s. 35 (2)	130	1920	Increase of Rent and Mortgage Interest Restrictions Act (10 & 11 Geo. 5, c. 17)	137
	s. 38 (2)	136, 154		Finance Act (10 & 11 Geo. 5, c. 18)	146
1890	Foreign Jurisdiction Act (53 & 54 Vict. c. 37)	98		Dangerous Drugs Act (10 & 11 Geo. 5, c. 46)	144
	Partnership Act (53 & 54 Vict. c. 39)	120		Emergency Powers Act (10 & 11 Geo. 5, c. 55)	121
	Directors Liability Act (53 & 54 Vict. c. 64)	325		Government of Ireland Act (10 & 11 Geo. 5, c. 67)	92, 100
1893	Public Authorities Protection Act (56 & 57 Vict. c. 61)	148		Official Secrets Act (10 & 11 Geo. 5, c. 75)	142
	Rules Publication Act (56 & 57 Vict. c. 66)	125	1922	Law of Property Act (12 & 13 Geo. 5, c. 16) ... 4, 291, 299	
	Sale of Goods Act (56 & 57 Vict. c. 71)	120, 216, 237		Settled Land Act (15 & 16 Geo. 5, c. 18) ... 291, 298, 304	
	s. 2	347	1925	Trustee Act (15 & 16 Geo. 5, c. 19)	11, 291
	s. 4	345		Law of Property Act (15 & 16 Geo. 5, c. 20) ... 4, 11, 129, 291, 303, 304, 338, 339	
	s. 10	351		s. 40	200, 345
1894	Merchant Shipping Act (57 & 58 Vict. c. 60)	136, 339		s. 41	351
1895	Judicial Committee Amendment Act (58 & 59 Vict. c. 44)	97		s. 56	147
1896	Short Titles Act (59 & 60 Vict. c. 14), s. 2 (1)	131		s. 123	354
1898	Criminal Evidence Act (61 & 62 Vict. c. 36) ... 157, 367, 368			s. 205 (1)	136
1903	Poor Prisoners' Defence Act (3 Edw. 7, c. 38) ... 43			s. 209 (1)	131
1906	Marine Insurance Act (6 Edw. 7, c. 41)	237, 340		Land Registration Act (15 & 16 Geo. 5, c. 21) ... 289, 291	
	Trade Disputes Act (6 Edw. 7, c. 47)	145, 316		Land Charges Act (15 & 16 Geo. 5, c. 22)	291, 303
1907	Probation of Offenders Act (7 Edw. 7, c. 17)	283		Administration of Estates Act (15 & 16 Geo. 5, c. 23) ... 4, 8, 228, 291, 300, 306	
	Criminal Appeal Act (7 Edw. 7, c. 23) ... 72, 81, 85, 93			s. 46	142
	ss. 3, 4 (1)	86		Merchant Shipping Act (15 & 16 Geo. 5, c. 42) ... 136, 146	
	s. 19	88		Supreme Court of Judicature (Consolidation) Act (15 & 16 Geo. 5, c. 49)	14, 41, 71, 81
1908	Criminal Appeal (Amendment) Act (8 Edw. 7, c. 46)	85		s. 12 (1)	29
1911	Parliament Act (1 & 2 Geo. 5, c. 13)	119, 149		s. 27	375
	Official Secrets Act (1 & 2 Geo. 5, c. 28)—			s. 31 (1)	82
	s. 1	147, 151		s. 99	371
	s. 7	142			

1926	Law of Property (Amendment) Act (16 & 17 Geo. 5, c. 11)	303	1938	Evidence Act (1 & 2 Geo. 6, c. 28)	367
	Adoption of Children Act (16 & 17 Geo. 5, c. 29)	361		Infanticide Act (1 & 2 Geo. 6, c. 36)	273, 275
	Legitimacy Act (16 & 17 Geo. 5, c. 60)	361		Inheritance (Family Provision) Act (1 & 2 Geo. 6, c. 45)	308
1927	Moneylenders Act (17 & 18 Geo. 5, c. 21)	348		Hire Purchase Act (1 & 2 Geo. 6, c. 53)	345
1929	Infant Life (Preservation) Act (19 & 20 Geo. 5, c. 34)	274		Architects (Registration) Act (1 & 2 Geo. 6, c. 54)	113
1930	Poor Prisoners' Defence Act (20 & 21 Geo. 5, c. 32)	43		Food and Drugs Act (1 & 2 Geo. 6, c. 56)	160
	Road Traffic Act (20 & 21 Geo. 5, c. 43)	155		Administration of Justice (Miscellaneous Provisions) Act (1 & 2 Geo. 6, c. 63)	47
1931	Architects (Registration) Act (21 & 22 Geo. 5, c. 33)	113	1939	Limitation Act (2 & 3 Geo. 6, c. 21)	311, 372
	Statute of Westminster (22 & 23 Geo. 5, c. 4) ...	131, 149		ss. 2, 3	291
	s. 11	135		s. 4 (3)	290
1932	Wheat Act (22 & 23 Geo. 5, c. 24)	157		s. 16	290
	Carriage by Air Act (22 & 23 Geo. 5, c. 36)	162		s. 34 (3)	155
	Rights of Way Act (22 & 23 Geo. 5, c. 45)	161		Emergency Powers (Defence) Act (2 & 3 Geo. 6, c. 62)	122
	Town and Country Planning Act (22 & 23 Geo. 5, c. 48)	292		s. 2	158
1933	Children and Young Persons Act (23 & 24 Geo. 5, c. 12)	54, 273, 365	1940	Emergency Powers (Defence) Act (3 & 4 Geo. 6, c. 20)	122
	Foreign Judgments (Reciprocal Enforcement) Act (23 & 24 Geo. 5, c. 13)	146	1943	Law Reform (Frustrated Contracts) Act (6 & 7 Geo. 6, c. 40)	350
	Administration of Justice (Miscellaneous Provisions) Act (23 & 24 Geo. 5, c. 36)	41, 67	1944	Education Act (7 & 8 Geo. 6, c. 31), s. 36	361
1934	Administration of Justice (Appeals) Act (24 & 25 Geo. 5, c. 40)	82, 92, 375, 378	1945	Law Reform (Contributory Negligence) Act (8 & 9 Geo. 6, c. 28)	147, 330
1935	Law Reform (Married Women and Tortfeasors) Act (25 & 26 Geo. 5, c. 30)	8, 152, 334, 360	1946	Statutory Instruments Act (9 & 10 Geo. 6, c. 36) ...	125
1936	Public Order Act (1 Edw. 8 & 1 Geo. 6, c. 6), s. 5	52		s. 1	125
1937	Ministers of the Crown Act (1 Edw. 8 & 1 Geo. 6, c. 38)	130		s. 3	134
	Matrimonial Causes Act (1 Edw. 8 & 1 Geo. 6, c. 57)	149, 358	1947	Crown Proceedings Act (10 & 11 Geo. 6, c. 44) ...	1, 8, 67, 72, 82, 92, 156, 207
				s. 2	207
				Town and Country Planning Act (10 & 11 Geo. 6, c. 51)	293
			1948	National Assistance Act (11 & 12 Geo. 6, c. 29)	144
				Companies Act (11 & 12 Geo. 6, c. 38), s. 43	325
				s. 332	150
				Criminal Justice Act (11 & 12 Geo. 6, c. 58) ...	41, 279, 282, 283
				Statute Law Revision Act (11 & 12 Geo. 6, c. 62)	131

1949	Consolidation of Enactments (Procedure) Act (12, 13 & 14 Geo. 6, c. 33)	120	1955	County Courts Act (4 & 5 Eliz. 2, c. 8)	68
	Legal Aid and Advice Act (12, 13 & 14 Geo. 6, c. 51)	43-45		Food and Drugs Act (4 & 5 Eliz. 2, c. 16)	160
	Civil Aviation Act (12, 13 & 14 Geo. 6, c. 67) ...	317, 320		Oil in Navigable Waters Act (3 & 4 Eliz. 2, c. 25)	142
	Representation of the People Act (12, 13 & 14 Geo. 6, c. 68)	76, 84		Public Service Vehicles (Travel Concessions) Act (3 & 4 Eliz. 2, c. 26)	161
	Marriage Act (12, 13 & 14 Geo. 6, c. 76)	357	1956	Magistrates' Courts (Appeals from Binding-Over Orders) Act (4 & 5 Eliz. 2, c. 44)	283
	Justices of the Peace Act (12, 13 & 14 Geo. 6, c. 101)	31, 47-50		Restrictive Trade Practices Act (4 & 5 Eliz. 2, c. 68)	82, 104, 104
	Parliament Act (12, 13 & 14 Geo. 6, c. 103)	119		s. 21	104
1950	Statute Law Revision Act (14 Geo. 6, c. 6)	129	1956	Sexual Offences Act (4 & 5 Eliz. 2, c. 69)	273
	Finance Act (14 Geo. 6, c. 15), s. 26	161		s. 6 (3)	160
	Arbitration Act (14 Geo. 6, c. 27), s. 4	106		Medical Act (4 & 5 Eliz. 2, c. 76)	98, 113
	s. 8	106	1957	Homicide Act (5 & 6 Eliz. 2, c. 11)	279
	s. 11	105		s. 1	274
	s. 12	106		ss. 2, 3	275
	ss. 21-23	107		House of Commons Disqualification Act (5 & 6 Eliz. 2, c. 20)	154, 265
	s. 26	107		Dentists Act (5 & 6 Eliz. 2, c. 28)	98, 113
	s. 32	106		Magistrates' Courts Act (5 & 6 Eliz. 2, c. 29), s. 18	52, 268
1951	Common Informers Act (14 & 15 Geo. 6, c. 39) ...	154, 265	1958	Opticians Act (6 & 7 Eliz. 2, c. 32)	98, 113
1952	Income Tax Act (15 & 16 Geo. 6 & 1 Eliz. 2, c. 10), s. 25 (3)	138		Maintenance Orders Act (6 & 7 Eliz. 2, c. 39)	376
	Magistrates' Courts Act (15 & 16 Geo. 6 & 1 Eliz. 2, c. 55) ...	42, 50, 52, 54, 120, 267, 283, 376		Prevention of Fraud (Investments) Act (6 & 7 Eliz. 2, c. 45), s. 13	325
	s. 31	53		Public Records Act (6 & 7 Eliz. 2, c. 51)	81
	Intestates' Estates Act (15 & 16 Geo. 6 & 1 Eliz. 2, c. 64)	291, 306, 309		Tribunals and Inquiries Act (6 & 7 Eliz. 2, c. 66)	108, 111
	Defamation Act (15 & 16 Geo. 6 & 1 Eliz. 2, c. 66)	324	1959	County Courts Act (7 & 8 Eliz. 2, c. 22)	66, 84
1953	Prevention of Crime Act (1 & 2 Eliz. 2, c. 14) ...	285		Restriction of Offensive Weapons Act (7 & 8 Eliz. 2, c. 37)	152
1954	Coroners Act (2 & 3 Eliz. 2, c. 31)	55		Fatal Accidents Act (7 & 8 Eliz. 2, c. 65)	362
	Law Reform (Enforcement of Contracts) Act (2 & 3 Eliz. 2, c. 34)	161		Mental Health Act (7 & 8 Eliz. 2, c. 72)	74
	ss. 1, 2	345		Legitimacy Act (7 & 8 Eliz. 2, c. 73)	362
	Law Reform (Limitation of Actions, etc.) Act (2 & 3 Eliz. 2, c. 36)	148		Judicial Pensions Act (8 & 9 Eliz. 2, c. 9)	31
	Pharmacy Act (2 & 3 Eliz. 2, c. 61)	113			

1960	Road Traffic Act (8 & 9 Eliz. 2, c. 16), s. 1	275	1964	Married Women's Property Act (c. 19)	354
	Legal Aid and Advice Act (8 & 9 Eliz. 2, c. 28)	44		Criminal Procedure (Right of Reply) Act (c. 34) ...	268
	Finance Act (8 & 9 Eliz. 2, c. 44), ss. 44, 46	138		Administration of Justice Act (c. 42)	32
	Matrimonial Proceedings (Magistrates' Courts) Act (8 & 9 Eliz. 2, c. 48) ...	48		Criminal Appeal Act (c. 43)	87
	Charities Act (8 & 9 Eliz. 2, c. 58)	149		Police Act (c. 48), s. 51 ...	52
	Administration of Justice Act (8 & 9 Eliz. 2, c. 65)	88		Resale Prices Act (c. 58) ...	104
	s. 1	93		Criminal Procedure (Insanity) Act (c. 84)	87
	s. 11	33	1965	Dangerous Drugs Act (c. 15)	144
	s. 13	34		s. 5 (b)	159
	s. 15	94		War Damage Act (c. 18)	161
	Professions Supplementary to Medicine Act (8 & 9 Eliz. 2, c. 66)	113		Law Commissions Act (c. 22)	3, 22, 23, 120
	Noise Abatement Act (8 & 9 Eliz. 2, c. 68)	321		s. 3	120
1961	Factories Act (9 & 10 Eliz. 2, c. 34)	106		Criminal Justice Act (c. 26)	279
	s. 14	331		Hire-Purchase Act (c. 66)	345, 348
	Criminal Justice Act (9 & 10 Eliz. 2, c. 39)	279, 282		Murder (Abolition of Death Penalty) Act (c. 71)	279
	Suicide Act (9 & 10 Eliz. 2, c. 60)	273	1966	Ministry of Social Security Act (c. 20)	361
	Trustee Investments Act (9 & 10 Eliz. 2, c. 62)	291		s. 22	361
1962	Criminal Justice Administration Act (10 & 11 Eliz. 2, c. 15)	47		Criminal Appeal Act (c. 31)	81, 85, 86, 87
	Northern Ireland Act (10 & 11 Eliz. 2, c. 30)	92		Family Provision Act (c. 35)	306
	Acts of Parliament Numbering and Citation Act (10 & 11 Eliz. 2, c. 34)	130		Veterinary Surgeons Act (c. 36)	98, 113
	Transport Act (10 & 11 Eliz. 2, c. 44), s. 43	349	1967	Land Commission Act (c. 1)	293
	Law Reform (Husband and Wife) Act (10 & 11 Eliz. 2, c. 48)	360		Misrepresentation Act (c. 7)	325, 350
1963	Consolidated Fund Act (c. 1)	130		s. 2	315, 349, 350
	Ecclesiastical Jurisdiction Measure (No. 1)	98, 130		s. 3	349
	s. 82 (4)	3		Parliamentary Commissioner Act (c. 13)	111
	Protection of Depositors Act (c. 16)	325		Matrimonial Causes Act (c. 57)	67, 359
	Children and Young Persons Act (c. 37) ...	54, 273, 365		Criminal Law Act (c. 58)	46, 76, 269, 280
	Wills Act (c. 44)	148, 308		ss. 1, 2	270
	Limitation Act (c. 47) ...	221, 272		Welsh Language Act (c. 66), s. 4	155
				Criminal Justice Act (c. 80)	41, 42, 51, 52, 267, 279, 281, 376
				Leasehold Reform Act (c. 88)	293

1968	Administration of Justice Act (c. 5)	81, 95	1970	Administration of Justice Act (c. 31)	18, 74, 75, 77, 98, 105, 359, 376
	Criminal Appeal Act (c. 19)	86, 94		s. 4	105
	ss. 1, 2, 3	86		Law Reform (Miscellaneous Provisions) Act (c. 33) ...	359
	ss. 7, 9-13	87		Matrimonial Proceedings and Property Act (c. 45), s. 41	356
	s. 23	86	1971	Guardianship of Minors Act (c. 3)	361
	s. 33	94		Animals Act (c. 22), s. 4 ...	318
	s. 35	95		Courts Act (c. 23) ...	29, 30, 31, 32, 41, 49, 58, 62-65, 72, 73, 76, 79, 80, 91, 101, 267, 359
	Courts-Martial (Appeals) Act (c. 20)	94, 102		s. 1	62
	s. 17	88		s. 2	63
	Criminal Appeal (Northern Ireland) Act (c. 21)	94		s. 3	62
	Wills Act (c. 28)	308		s. 4	62
	Theft Act (c. 60) ...	23, 120, 273, 275, 280, 285		(7)	64
	s. 1	275, 276		s. 5	62, 63
	s. 2	276		ss. 5-9	62
	s. 4 (1)	276		s. 16	62, 63, 66
	s. 5	276		s. 17	62, 63
	ss. 6, 8, 9, 12	277		ss. 18-24	62
	ss. 15, 16	278		s. 20	64, 66
	ss. 21, 22	278		s. 21	63, 66
	Civil Evidence Act (c. 64) ...	367, 368		s. 23	63
	ss. 14, 16	368		s. 25	64, 105
	Justices of the Peace Act (c. 69)	48-50		s. 27	64
	Companies Act (c. 81) ...	150		ss. 31-33	64
1969	Family Law Reform Act (c. 46)	362		s. 41	64, 101
	s. 1	292, 346, 347		ss. 42-43	64
	s. 3	308		s. 54	63
	s. 9	292		Sched. 2	62, 64, 101
	s. 12	347		Attachment of Earnings Act (c. 32)	282
	s. 14	307, 362		Criminal Damage Act (c. 48)	273, 280
	Post Office Act (c. 48), s. 28	349		s. 11 (2)	280
	Statute Law (Repeals) Act (c. 52)	3, 154		Industrial Relations Act (c. 72)	104, 316
	Children and Young Persons Act (c. 54)	284		Immigration Act (c. 77), ss. 24-26	161
	ss. 1, 4	284		Tribunals and Inquiries Act (c. 62)	108, 110
	s. 5	284		s. 13	79
	s. 6	285		s. 14	111
	s. 10	285	1972	Road Traffic Act (c. 20)	52, 283, 338
	ss. 11-19	284		Civil Evidence Act (c. 30), s. 3 (1)	364
	ss. 20-24	284		s. 3 (2)	364
	Divorce Reform Act (c. 55)	358		s. 4 (1)	364
	Administration of Justice Act (c. 58)	73, 84, 92, 375		Legal Advice and Assistance Act (c. 50)	45
	Law of Property Act (c. 59)	290			

1972	European Communities Act		1974	Health and Safety at Work	
	(c. 68), s. 2	18, 20, 163		Act (c. 37), s. 47	331
	(1), (2)	18, 19		Consumer Credit Act (c.	
	(4)	19		39)	68, 109, 345, 348
	s. 3	19, 163		Control of Pollution Act	
	(1)	205, 364		(c. 40), s. 59	321
	s. 9	117-118		Solicitors Act (c. 47) ...	34, 112, 120
	Sched. 2	19		s. 45	112
	Contracts of Employment			Trade Unions and Labour	
	Act (c. 53)	345, 348		Relations Act (c. 52) ...	316
	Land Charges Act (c. 61) ...	303, 338		s. 1 (3)	104
	Local Government Act (c.			Rehabilitation of Offenders	
	70)	48		Act (c. 53)	279, 324
	s. 221	101	1975	Arbitration Act (c. 3)	106
	s. 236	126		House of Commons Dis-	
	Criminal Justice Act (c.			qualification Act (c. 24)	100
	71)	279, 284, 285		Sex Discrimination Act (c.	
	s. 6	279		65)	68
	s. 22	279		Referendum Act (c. 33) ...	20
	s. 35	281		Limitation Act (c. 54) ...	221, 311, 372
	s. 36	88, 94		Inheritance (Provision for	
	Pt. 1	279		Family and Dependants)	
1973	Supply of Goods (Implied			Act (c. 63)	309
	Terms) Act (c. 13)	349		Employment Protection Act	
	Costs in Criminal Cases			(c. 71)	82, 104, 105, 107
	Act (c. 14)	286		ss. 1, 3, 10	107
	Administration of Justice			s. 71	353
	Act (c. 15)	29, 48, 49		ss. 87, 88	105
	s. 1	31		Sched. 6, paras. 10-14	105
	s. 7	68, 106		Children Act (c. 72)	361
	s. 9	30		Community Land Act (c.	
	s. 12	30		77)	293
	Matrimonial Causes Act (c.		1976	Trade Union and Labour	
	18)	49, 358		Relations (Amendment)	
	ss. 11, 12	357, 359		Act (c. 7)	316
	s. 13	359		Fatal Accidents Act (c.	
	ss. 21-25	358		30)	120, 362
	s. 41	358		Legitimacy Act (c. 31)	362
	Sched. 3	356		Restrictive Trade Practices	
	Guardianship Act (c. 29)	361		Act (c. 34)	348
	National Health Service			s. 10	104
	Reorganisation Act (c.			Adoption Act (c. 36)	361
	32), s. 31	112		Dangerous Wild Animals	
	Finance Act (c. 51)	161		Act (c. 38), s. 17	135
	Fair Trading Act (c. 41) ...	104		Resale Prices Act (c.	
	ss. 34-35	104		53)	104, 348
	s. 94	104		Race Relations Act (c. 74)	68
	Powers of Criminal Courts		1977	Torts (Interference with	
	Act (c. 62) ...	274, 279, 281, 283-285		Goods) Act (c. 32) ...	319, 320
	s. 1	279		Administration of Justice	
	s. 7	283		Act (c. 38)	44, 79
1974	Legal Aid Act (c. 4)	43, 44		s. 23	101
	Local Government Act (c.			Criminal Law Act (c.	
	7), s. 23	112		45)	42, 50, 52, 55-57, 86, 267, 281, 282
	Juries Act (c. 23)	41, 42, 43		s. 57	275, 282 285
	s. 2	64		Pt III	52
	Finance Act (c. 30)	161			

TABLE OF CASES

A. (A MINOR), <i>Re</i>	33	Att.-Gen. v. Lamplough	151
Abbott v. R.	273	— v. Prince Ernest Augustus	
Abrath v. North Eastern		of Hanover 136, 139, 149,	162
Ry.	318, 365	— v. Times Newspapers	33
Acton v. Blundell	209	— v. Wilts United Dairies ...	122,
Adams v. Naylor	207		158
Addie and Sons v. Dumbreck ...	198	Att.-Gen. for Northern Ireland v.	
Addis v. Crocker	112	Gallagher	94
Adler v. George	142	Att.-Gen. for Ontario v. Att.-Gen.	
Admiralty Commissioners v. S.S.		for Canada	99, 204
Amerika	219, 245	— v. Canada Temperance Fed-	
Affréteurs Réunis Société Anon-		eration	203
yme v. Walford	224, 338	Atwal v. Massey	278
Ajaji v. Briscoe	344	Australian Consolidated Press	
Aldred's Case	234	Ltd. v. Uren	99, 204, 312
Alexander v. Railway Executive	348	Ayerst v. Jenkins	347
— v. Rayson	374		
Allen v. Flood	96	BAGOT v. Stevens Scalan	311
— v. Thorn Electrical Industries	157	Bakewell v. Wandsworth	157
Amand v. Home Secretary &		Bakhshuwen case: <i>See</i> Fatuma	
Minister of Defence of the		Binti Mohamed Bin Salim	
Royal Netherlands	83, 265	Bakhshuwen v. Mohamed Bin	
Ambard v. Att.-Gen. for Trinidad		Salim Bakhshuwen	335
& Tobago	33	Balfour v. Balfour	33
Anderson v. Gorrie	186	Balogh v. St. Albans Crown	
— v. Pacific Fire & Marine		Court	33
Insurance Co.	325	Bamford v. Turnley	320
Anderson (W. B.) & Sons v.		Bank voor Handel en Scheep-	
Rhodes (Liverpool)	315	vaart N. V. v. Administrator of	
Andrews v. Director of Public		Hungarian Property	155
Prosecutions	272, 275	Barnaby v. Rigalt	234
Anglo-African Shipping v. Mort-		Barnard v. Gorman	142
ner	237	— v. National Dock Labour	
Application des Gaz S.A. v.		Board	112
Falks Veritas Ltd.	21	Barras v. Aberdeen Steam Trawl-	
Armory v. Delamirie	319	ing & Fishing Co.	136
Arnold v. The King-Emperor	99	Barrow v. Wadkin	150
Ash v. Abdy	127	Bartonshill Coal Co. v. Reid	181
Ashby v. White	317	Barwick v. English Joint Stock	
Ashford v. Thornton	2, 239, 248,	Bank	219
	250	Bastin v. Davies	238
Ashforth, <i>Re</i>	244	Bates's Case. <i>See</i> Impositions,	
Assam Railways & Trading Co.		Case of.	
v. Inland Revenue Commis-		Beard v. London General Omni-	
sioners	146	bus Co.	333
Astley v. Younge	32	Bebee v. Sales	316
Astry v. Ballard	253	Bechuanaland Exploration Co. v.	
Att.-Gen. v. De Keyser's Royal		London Trading Bank Ltd. ...	237
Hotel Ltd.	243	Becke v. Smith	141
— v. Edison Telephone Co. of		Beckett (Alfred F.) v. Lyons	234
London Ltd.	153	Begbie v. Phosphate Sewage Co.	347
— v. Fulham Corporation	122	Bell v. Lever Bros. Ltd.	336

Benjamin v. Storr	321	CALICO PRINTERS ASSOCIATION v.	
Benmax v. Austin	374	Barclays Bank	356
Benyon v. Nettleford	340	Calvin's Case	174, 248
Berkeley v. Berkeley	193	Campbell v. Hall	5
Berryman v. Wise	366	— (Donald) v. Pollak	375
Beswick v. Beswick	147, 338	Candler v. Crane, Christmas &	
Bethlem Hospital, <i>Re</i>	215	Co.	315
Birtwistle v. Tweedale	168	Carlill v. Carbolic Smoke Ball Co.	335
Blackburn v. Attorney-General ..	18	Carlton, <i>Re</i>	150
Black-Clawson International Ltd.		Casey's Patents, <i>Re</i> , Stewart v.	
v. Papierwerke Waldhof-		Casey	343
Aschaffenburg Aktiengesell-		Cassell & Co. v. Broome ..	193, 198,
schaft	137, 143, 146, 148		312
Boaler, <i>Re</i>	151	Catt v. Tourle	346
Bolam v. Friern Hospital Man-		Cavanagh v. Ulster Weaving	328
agement Committee	328	Central Control Board (Liquor	
Bolton v. Stone	321	Traffic) v. Cannon Brewery Co.	
Bombay Province v. Bombay		Ltd.	158
Municipal Corporation	156	Central London Property Trust	
Bonham's Case	120	Ltd. v. High Trees House Ltd.	344,
Boulton v. Jones	337		369
Bourke v. Davis	228	Ceylon University v. Fernando ..	113
Bowles v. Bank of England	187	Chamberlain v. Greenfield	311
Boy Andrew (Owners) Ltd. v. St.		Chandler v. D.P.P.	147, 151
Rognvald (Owners) Ltd.	146	Chester v. Bateson	157
Boys v. Chaplin	199	Christie v. Davey	320
Brace v. Calder	352	— v. Leachinsky	318
Bradford (Mayor) v. Pickles	320	City of London v. Wood	120
Bradlaugh v. Gossett	207	City of London Corporation v.	
Brailey v. Rhodesia Consolidated	364	Appleyard	206
Brain v. Minister of Pensions	42	Clark v. Kirby-Smith	311
Brend v. Wood	158	Clayton-Greene v. De Courville	225
Bretherton v. United Kingdom		Clouston v. Corry	374
Totalisator Co. Ltd.	202	Coggs v. Bernard	209, 250
Bridges v. Hawkesworth	206	Collen v. Wright	355
Bright v. Hutton	195	Collins v. Godefroy	343
British Coal Corporation v. The		Colonial Sugar Refining Co. Ltd.	
King	97, 99	v. Melbourne Harbour Trust	
British Railways Board v. Her-		Commissioners	158
rington	197, 327	Colquhoun v. Brooks	141
Broadbent v. Wilks	233	Combe v. Combe	344
Broom v. Morgan	208	Commissioners of Customs and	
Broome v. Cassell & Co. <i>See</i>		Excise v. Cure and Deeley	122
Cassell & Co. v. Broome		Conway v. Rimmer	197, 208
Broughton v. Whittaker	201	Cooper v. Hawkins	155, 188
Brownsea Haven Properties v.		— v. Phibbs	337
Poole Corporation	140	— v. Stuart	5
Bryant v. Foot	233	Copcraft Ltd. v. Pan American	
Buller v. Crips	236	Airways Inc.	162
Bulmer (H. P.) v. J. Bollinger		Corkery v. Carpenter	144
S.A.	20, 163	Costa v. Enel	20
Burmah Oil Co. v. Lord		Couldery v. Bartrum	344
Advocate	161	Couturier v. Hastie	336
Burnard v. Haggis	316	Coventry v. Wills	228
Bushell's Case	32	Cox & Neve's Contract, <i>Re</i>	303
Butt v. Conant	255	Craddock Bros. v. Hunt	337
Butterfield v. Forrester	330	Craxfords v. Williams and Steer	
Button v. D.P.P.	241, 243, 254, 258	Manufacturing Co.	161
Bywell Castle, The	330	Croft v. Dunphy	162

Crofter Harris Tweed Co. v. Veitch	220	EASTMAN PHOTOGRAPHIC Co. v. Comptroller of Patents	143
Crouch v. Crédit Foncier of England	235	Eastwood v. Herrod	200
Cud v. Rutter	346, 352	— v. Kenyon	345
Culley v. Harrison	140	Ecclesiastical Persons, Case of ...	155
Cundy v. Lecocq	160, 272	Edelstein v. Schuler & Co.	237
— v. Lindsay	337	Edie v. East India Co.	235, 237
Curtis v. Marsh	365	Edinburgh & Dalkeith Ry. v. Wauchope	120
— v. Stovin	131	Edwardes (George) (Daly's Theatre) Ltd. v. Comber	225
Czarnikow v. Roth, Schmidt	107	Edwards v. Jones	183
		— v. Porter	152, 245
DABORN v. Bath Tramways	328	Elder, Dempster & Co. v. Paterson	195
Dalton v. Angus	209	Elderton v. United Kingdom Totalisator Co. Ltd. (1935) ...	202, 203
Danchevsky v. Danchevsky	34	Ellen Street Estates v. Minister of Health	156
Davies v. Mann	330	Ellenborough Park, <i>Re</i>	245
— v. Powell Duffryn	375	Ellerman Lines v. Murray ...	146, 151, 162, 165
Davis v. Gardiner	322	Enoch, <i>Re</i>	106, 370
— v. Marlborough (Duke) ...	179, 214	Entick v. Carrington	317
— v. Shepstone	375	Eshugbayi Eleko v. Government of Nigeria (Officer Administering)	208
Day v. Savadge	120, 232	Eso Petroleum Co. Ltd. v. Mar-don	204, 315
Debenham v. Mellon	354	Evans v. Cross	140
Debtor, <i>Re A</i>	161	Evelyn v. Evelyn	214
Defiant Cycle Co. v. Newell. <i>See</i> Simmonds v. Newell.		Exeter (Bishop) v. Marshall	17
De hassalle v. Guildford	364		
Dennis v. White	365	FABBRI v. Morris	321
De Reneville v. De Reneville ...	202, 208	Fairey v. Southampton County Council	161
Derry v. Peek	325, 349	Fairlie v. Fenton	354
Devonshire (Duke) v. O'Connor	150	Fairman v. Perpetual Building Society	183
Dillet, <i>Re</i>	99	Farnworth Finance Ltd. v. Attryde	348
Diplock, <i>Re, sub nom.</i> Ministry of Health v. Simpson	303	Farrell v. Alexander	120, 136
D.P.P. v. Boardman	367	Farrington v. Knightly	214
— v. Hester	364	Fatuma Binti Mohamed Bin Salim Bakhshuven v. Mohamed Bin Salim Bakhshuven	203, 204
— v. Ping Lin	369	Fibrosa Spolka Akcyjna v. Fairbairn Lawson Combe Barbour Ltd.	351
— v. Schildkamp	150	Fielding v. Morley Corporation	148
D.P.P. for Northern Ireland v. Lynch	242, 273	Fisher v. Bell	152
Donoghue v. Stevenson	204, 208, 311, 326	— v. Raven	148, 150
Doughty v. Turner Manufacturing Co. Ltd.	204, 205, 329	— v. Ruislip-Northwood U.D.C.	199
Downshire Settled Estates, <i>Re</i> ...	244	Fitch v. Rawling	228, 231
Doyle v. White City Stadium Ltd.	347	Fitzsimmons v. Ford Motor Co.	199
Duff Development v. Kelantan ...	365	Fletcher v. Birkenhead Corporation	150
Dulieu v. White	204, 208		
Duncan v. Aberdeen Council	165		
— v. Cammell, Laird & Co. ...	197, 204		
Dunlop Pneumatic Tyre Co. v. Selfridge & Co. ...	195, 337, 338, 343		
Dunn v. Birds Eye Foods	311		
Dunn v. Dunn	361		
Dwyer v. Mansfield	320		

Floyd's Case	89	Hare v. Nicoll	351
Foakes v. Beer	344	Harmer v. Armstrong	354
Folkes v. Chadd	364	Harper v. National Coal Board, Re	221
Ford Motor Co. Ltd. v. Amalgamated Union of Engineering and Foundry Workers	246	Harris v. D.P.P.	367
Forster v. Baker	208	Hartnell v. Minister of Housing and Local Government	158
Foster v. Mackinnon	337	Hartog v. Colin & Shields	337
Foster Wheeler v. Green & Son Ltd.	158	Hawke v. Mackenzie	201
Fouldes v. Willoughby	317, 319	Haynes v. Harwood	208, 238, 246
Fowler v. Lanning	318	Hearts of Oak Assurance Co. v. Att.-Gen.	153
Franconia, The. See R. v. Keyn.		Heath v. Pryn	126
Free Church of Scotland (General Assembly) v. Lord Overtoun ...	96	Heaton's Transport v. T.G.W.U.	375
Freeman v. Cooke	369	Heddon v. Evans	187
Froom v. Butcher	202, 330	Hedley Byrne & Co. Ltd. v. Heller & Partners Ltd.	38, 207, 315, 325, 327, 349
		Hern v. Nichols	334
GALLIE v. Lee	200	Herne Bay Steamboat Co. v. Hutton	350
Garland v. Jeykyl	254	Herrington v. British Railways Board. See British Railways Board v. Herrington	
Gee v. Pritchard	214	Heydon's Case	143, 144, 163
Gelberg v. Miller	94	Hilder v. Dexter	145
Ghani v. Jones	183	Hill v. C. A. Parsons	353
Gifford v. Yarborough (Lord) ...	228	Hillas-Drake, Re	202
Gladstone v. Bower	152	Hobbs v. Winchester Corporation	159, 272
Godden v. Hales	212	Hollins v. Fowler	319
Gold v. Essex County Council ...	246	Hollis' Hospital and Hague's Contract, Re	244
Goode v. Harrison	347	Hollywood Silver Fox Farm Ltd. v. Emmett	320
Goodman v. Saltash Corporation	234	Hooper, Re	185
Goodrich v. Paisner	136-7	Hope v. Walter	353
Goodtitle v. Funucan	244	Hopwood v. Muirson	324
Goodwin v. Roberts	235, 236-7	Hornal v. Neuberger Products ...	365
Gorris v. Scott	144, 331	Horsfall v. Thomas	325
Gosling v. Gosling	151	House Property and Investment Co., Re	206
Grant v. Australian Knitting Mills Ltd.	204	Household Fire Insurance Co. v. Grant	336
— v. Gould	102	Howard v. Walker	240, 320
Gray (Miss) Ltd. v. Cathcart (Earl)	354	Huckle v. Money	312
Green v. Berliner	202	Huddersfield Police Authority v. Watson	201
Greenlands Ltd. v. Wilmshurst ...	239	Hughes v. Lord Advocate	329
Greenshield's Case	92	Hulton v. Jones	324
Gregory v. Fearn	140	Hutchinson and Tenant, Re	215
Grey v. Pearson	141	Hutton v. Warren	224
Groos, Re	148		
Grosvenor Hotel (No. 2), Re ...	207	I.C.I. LTD. v. Shatwell	334
Groves v. Wimbourne (Lord)	330	I.R.C. v. Church Commissioners for England	93
Gubertini v. Waller	225	— v. Hinchy	138, 150
HADLEY v. Baxendale ...	168, 351, 352		
Haley v. London Electricity Board	327		
Hallett's Estate, Re	211, 215, 303		
Hannah v. Peel	206, 288		
Harbutt's Plasticine Ltd. v. Wayne Tank Co. Ltd.	348		
Hardie and Lane v. Chilton	199		
Harding v. Price	159		