

General Principles of the Law of Torts

FOURTH EDITION

PHILIP S. JAMES with D. J. L. BROWN



BUTTERWORTHS

General Principles of the Law of Torts

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Preface

Ten years have elapsed since the last edition of this book. I regret the long delay in producing this one; it has been due to other commitments. Indeed the book would not even have been out by now had I not enlisted the help of my old friend and colleague David Latham Brown of the Faculty of Law, Leeds University, to prod me on the way. His assistance has been considerable, and there is a very great deal in this edition which is owed to him. I must, however, confess a personal shortcoming—I am sensitive to style and, David having done the lion's share of the revision, I decided that I must "write over" much of his work; so (contrary, indeed, to our original intention) I restyled most of it in an attempt to obtain uniformity of approach. This assertive disguise thus conceals his work. But that does not reduce my indebtedness to him—which I now gratefully acknowledge.

The aim of the book has always been to seek to examine the subject as simply as possible in a readable form. I have therefore not (as some urged) abandoned the method of "Illustrations"; but, though I hope the text is clear, the book has grown in length.

The Chapters on Damages, Causation, Negligence and Remoteness have been lengthened and, of course, Conversion (which was heavily revised by David Latham Brown) has had to take account of the Torts (Interference with Goods) Act 1977. I have re-written the Chapter on "*Volenti*" and much else.

The law now awaits the Pearson Report*; and it may be that before long substantial changes may call for a much altered book on the law of tort/insurance. The economy permitting, I have personally long opined that regulated compensation for loss ought, in many areas, to replace the hazards of trial by "battle".

My thanks are due primarily to Latham Brown—though he must not be blamed for inadequate proof reading, because I took that responsibility. I am also grateful to many other helpers: and especially to Mrs Chris Evans, my present secretary, and Mrs D. Jones, my former secre-

* The Pearson Report was unfortunately published after the text of this work went to press and it was considered that in the time and space available no adequate summary of the report could be included.

tary at Leeds. I would add that my wife (to whom the book is dedicated) also helped.

To Butterworths, as ever, their laggard author pays his usual tributes: they have (and, I fear, have to have) the virtue of patience to a high degree.

P. S. J.

The Law School,
The University College at Buckingham

January, 1978

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