

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

Table of Statutes

References in this Table to *Statutes* are to Halsbury's Statutes of England (Third Edition) showing the volume and page at which the annotated text of the Act will be found.

	PAGE		PAGE
Accident Compensation Amend- ment (No. 2) Act 1973 (New Zealand)	10	Carriage by Air Act 1961 (2 <i>Statutes</i> 604).	412
Administration of Justice Act 1969—		s. 1 (1)	412
s. 22	451	3	412
Animals Act 1971 (41 <i>Statutes</i> 84)	224, 151	5 (1)	486
s. 2 (2)	228, 229	Sch. 1, art 17	412
3	230	29	468
(5)	228	Carriage by Air (Supplementary Provisions) Act 1962 (2 <i>Statutes</i> 639)	412
4	228	Carriage of Goods by Road Act 1965 (28 <i>Statutes</i> 436)	468
(1), (2)	231	Carriage of Passengers by Road Act 1974 (44 <i>Statutes</i> 1326)	11
5	231, 233	Cheques Act 1957 (3 <i>Statutes</i> 238)—	
(1), (2)	226, 229, 231, 232	s. 4	153
(3)	227, 229	(2)	154
(4)	231	Children and Young Persons Act 1933 (17 <i>Statutes</i> 435)—	
(6)	232	s. 1 (7)	128
6 (2)	225	Chronically Sick and Disabled Persons Act 1970	446
(3)	226, 227	Civil Aviation Act 1949 (2 <i>Statutes</i> 514)—	
(4)	226	s. 40 (1), (2)	173
(5)	226, 229	Civil Evidence Act 1968 (12 <i>Statutes</i> 910)—	
7 (1)	231	s. 11 (1), (2)	82
(3)	232	Civil Procedure Act 1833	450
(6)	231	Clean Air Act 1956 (26 <i>Statutes</i> 456)	203
8 (1)	233	Coal Industry (Nationalisation) Act 1946 (22 <i>Statutes</i> 143)	172
9	17, 230	Common Law Procedure Act 1858	458
(1), (2)	230, 231	s. 2	461
(3)	230	Companies Act 1948 (5 <i>Statutes</i> 110)—	
11	225, 226, 230, 231, 233	s. 18 (2)	328
Bankruptcy Act 1914 (3 <i>Statutes</i> 33)—		42	281
s. 30	6	43 (4)	354
(1)	415		
38 (2)	414		
Benefices (1571)	168		
Betting and Lotteries Act 1934	113		
s. 11 (2)	113		
Bill of Rights (1688).	260		
Bills of Exchange Act 1882 (3 <i>Statutes</i> 188)—			
s. 82	154		

	PAGE		PAGE
Congenital Disabilities (Civil Liability) Act 1976 (46 <i>Statutes</i> 1837)	344	Crown Proceedings Act 1947— <i>continued</i>	
s. 1	344	s. 9 (1)	109
(3)–(7)	344	10	107
2, 3	344	40 (1)	345
4 (2)–(4)	344	Dangerous Wild Animals Act 1976 (46 <i>Statutes</i> 130)	225
Constables Protection Act 1750—		s. 5	225
s. 6	384	Schedule	225
Consular Relations Act 1968 (6 <i>Statutes</i> 1025)	379	Defamation Act 1952 (19 <i>Statutes</i> 34)	244, 249, 318
Consumer Credit Act 1974 (44 <i>Statutes</i> 746)—		s. 1	237
s. 133	159	2	247
Contagious Diseases (Animals) Act 1869—		3	237, 316, 319
s. 75	113	4	14, 273, 274
Copyright Act 1956 (7 <i>Statutes</i> 128)—		(1)	273, 274
s. 17 (3)	423	(2), (4)	274
18	149	(5)	273
(1), (2)	143	(6)	274
Countryside Act 1968	171	5	254
County Courts Act 1959 (7 <i>Statutes</i> 302)—		6	257
s. 30 (1)	384	7	271
104–106	160	(2)	272
165, 166	384	(3)–(5)	271
Criminal Justice Act 1948 (8 <i>Statutes</i> 337)—		8	269
s. 70 (1)	343	9 (2)	269, 271, 272
83 (3)	343	10	264
Sch. 10, Pt. I.	343	11	354
Criminal Justice Act 1967 (21 <i>Statutes</i> 363)—		12	273
s. 3 (3)	270	13	252
5	270	16 (1)	237, 319
Criminal Law Act 1967 (8 <i>Statutes</i> 552).	128	(3)	237, 269, 271
s. 2	129	Schedule	272
(2)–(5)	129	Pt. II	271, 272
(6)	129, 171	Defective Premises Act 1972 (42 <i>Statutes</i> 1395)	100
3 (1), (2)	130	s. 1	101
Crown Proceedings Act 1947 (8 <i>Statutes</i> 844).	59, 345	(1)	100
s. 2 (1)	107	(2)–(4)	101
(2)	114	2	101
(5)	382	3 (1)	101
4 (2)	354	4 (1), (2), (4)–(6)	102
		5	101, 102
		Diplomatic Privileges Act 1964 (6 <i>Statutes</i> 1013)	379
		Directors' Liability Act 1890	281
		Disposal of Uncollected Goods Act 1952 (2 <i>Statutes</i> 715)	144
		Dogs Act 1906 (2 <i>Statutes</i> 170)	228

	PAGE		PAGE
Dogs (Amendment) Act 1928 (2 <i>Statutes</i> 174).	228	Hire-Purchase Act 1965 (30 <i>Statutes</i> 61)—	
Employers' Liability Act 1880 .	10	s. 35, 42, 49	159
Employers' Liability (Defective Equipment) Act 1969 (40 <i>Statutes</i> 551)—		Industrial Relations Act 1971 (41 <i>Statutes</i> 2062)	306
s. 1 (1), (2), (4)	104	Sch. 9	305
Employment Protection Act 1975 (45 <i>Statutes</i> 2371)—		Judgments Act 1838 (18 <i>Statutes</i> 8)	450
Sch. 16, Pt. III.	349	Justices Protection Act 1848 (21 <i>Statutes</i> 31)—	
Factory and Workshop Act 1878—		s. 1	381
s. 5	112	Labourers Artificers (1349) .	331
Family Law Reform Act 1969 (17 <i>Statutes</i> 792)—		Law of Libel Amendment Act 1888 (19 <i>Statutes</i> 30)—	
s. 1	345	s. 3	269
Fatal Accidents Act 1846 (23 <i>Statutes</i> 780).	402, 403	4	271
Fatal Accidents Act 1864 (23 <i>Statutes</i> 786).	403	5	252
Fatal Accidents Act 1959 (23 <i>Statutes</i> 801)—		6	273
s. 1 (4)	351	Law Reform (Contributory Negligence) Act 1945 (23 <i>Statutes</i> 789).	395
Fatal Accidents Act 1976 (46 <i>Statutes</i> 1115)—		s. 1	74
s. 1 (1), (2)	403	4	75
(3)	404	Law Reform (Husband and Wife) Act 1962 (17 <i>Statutes</i> 135) .	343
(5)	403	s. 1	343
2 (1)	403	(2)	343
(4)	404	3	343
3 (2), (3)	411	Schedule	343
4 (1), (2)	408	Law Reform (Limitation of Actions &c.) Act 1954 (19 <i>Statutes</i> 99)	352, 473
Sch. 3	403	s. 5 (3)	468
Fires Prevention (Metropolis) Act 1774—		Law Reform (Married Women and Tortfeasors) Act 1935 (35 <i>Statutes</i> 543)	108
s. 86	222	s. 6 (1)	350, 351
Friendly Societies Act 1896 (14 <i>Statutes</i> 259).	348	(2)	353, 354
Health and Safety at Work etc. Act 1974	102	(4)	354
Highways Act 1959 (15 <i>Statutes</i> 143)—		Law Reform (Miscellaneous Provision) Act 1934	401, 402, 405, 409, 412, 415, 429, 471
s. 36	161	s. 1	401
154 (5), (6)	209	(1)	401, 402
Highways (Miscellaneous Provi- sions) Act 1961 (15 <i>Statutes</i> 485)—		(2)	402, 423, 424
s. 1	209	(3)	401
(2)	209	(5)	412
(3)	210	3 (1)	451
		5	331, 334
		Schedule	401

	PAGE		PAGE
Law Reform (Personal Injuries)		Limitation Act 1975— <i>continued</i>	
Act 1948 (35 <i>Statutes</i> 548)—		s. 2	473
s. 1 (3)	103	(2)	473
2 (1)	445, 453	Sch. 2	470, 471, 473
(3)	445	Limitation (Enemies and War	
(4)	446	Prisoners) Act 1945 (19	
3	445	<i>Statutes</i> 95)—	
Libel Act 1792 (19 <i>Statutes</i> 5)	238	s. 1	472
Libel Act 1843 (19 <i>Statutes</i> 11)—		Maritime Conventions Act 1911	
s. 1	272, 274	(31 <i>Statutes</i> 475)	351
2	273, 274	s. 8	468
6	238, 254	Married Women's Property Act	
Libel Act 1845 (19 <i>Statutes</i> 16)—		1882 (17 <i>Statutes</i> 116)—	
s. 2	273, 274	s. 12, 17	343
Limitation Act 1939 (19 <i>Statutes</i>		Merchant Shipping Act 1970 (31	
60)—		<i>Statutes</i> 739)—	
s. 2	169	s. 79	128
(1)	467, 468, 469, 470	Mental Health Act 1959 (25	
2A	468	<i>Statutes</i> 42)	472
(1)	468	Misrepresentation Act 1967 (22	
(4)–(6), (8), (9)	471	<i>Statutes</i> 675).	280, 284
2B	468	s. 2 (1)	109, 284
(2)	412	National Health Service Act	
(3)	411	1946 (23 <i>Statutes</i> 9)	446
2C	468	National Insurance Act 1971 (41	
2D	412, 468	<i>Statutes</i> 976)—	
(2)	412	s. 3	445
3 (1), (2)	470	Sch. 5	445
4	468	National Insurance (Industrial	
(1)–(3)	164	Injuries) Act 1948.	10
6 (1)	165	National Parks and Access to the	
10 (1)	164, 166	Countryside Act 1949	90, 171
13	167	Newspaper Libel and Registra-	
16	164	tion Act 1881 (19 <i>Statutes</i> 22)—	
21	352	s. 1	269
(1)	358	Nuclear Installations Act 1965	
22	473	(37 <i>Statutes</i> 430)	344
23, 24	166	Nuclear Installation (Licensing	
26	166, 471, 472	and Insurance) Act 1959—	
31 (1)	470	s. 4 (4)	468
(4)	472, 473	Occupiers' Liability Act 1957	
Limitation Act 1963 (19 <i>Statutes</i>		(23 <i>Statutes</i> 792)	90, 396
102)—		s. 1 (1)	90
s. 1–3B	471	(2)	89, 90
4 (1)	468	(3)	88, 90
(2)	470	(4)	90
(3)	473	2 (1)	90
Limitation Act 1975 (45 <i>Statutes</i>		(2)	91
847)	468	(3)	91, 92, 98, 99
s. 1	468	(4)	91, 92

	PAGE		PAGE
Occupiers' Liability Act 1957—		Restrictive Trade Practices Act	
<i>continued</i>		1956 (37 <i>Statutes</i> 77): 303, 304, 310	
s. 2 (5)	92	Revenue Act 1883—	
3	90	s. 17	154
(1)	90	Road Traffic Act 1930 (28	
(2)	91, 371	<i>Statutes</i> 146)—	
(5)	90	s. 35 (1)	110
4	371	Sale of Goods Act 1893 (30	
5 (1)	92, 93, 371	<i>Statutes</i> 6)—	
(3)	93	s. 22	149, 154
6	88, 90	25	149, 154
Occupiers' Liability (Scotland)		51 (3)	452
Act 1960	93	Slander of Women Act 1891 (19	
Offences against the Person Act		<i>Statutes</i> 33)	247, 253
1861 (8 <i>Statutes</i> 147)—		Statute Law Revision and Civil	
s. 42-45	131	Procedure Act 1883—	
Parliamentary Commissioner		s. 3	461
Act 1967 (6 <i>Statutes</i> 822)—		Schedule	461
s. 10 (5)	260	Statute of Frauds Amendment	
Parliamentary Papers Act 1840		Act 1828 (7 <i>Statutes</i> 7)—	
(19 <i>Statutes</i> 9)—		s. 6	282, 369
s. 1, 2	269	Statutes of Labourers	
3	271	<i>See</i> Labourers Artificers	
Parliamentary Privilege Act 1770		(1349)	
(24 <i>Statutes</i> 358)	260	Supreme Court of Judicature	
Partnership Act 1890 (24 <i>Statutes</i>		1873	6
500)—		Supreme Court of Judicature	
s. 10	266, 369	1875	6
12	370	Supreme Court of Judicature	
24 (2)	354	(Amendment) Act 1959 (25	
Patents Act 1949 (24 <i>Statutes</i>		<i>Statutes</i> 787)—	
550)—		s. 1 (1)	141
s. 65	320	Supreme Court of Judicature	
Penalties for Maintenance (1377)	204	(Consolidation) Act 1925—	
Petroleum (Production) Act 1934		s. 36-43	458
(22 <i>Statutes</i> 86)	172	45 (1)	457
Proceedings Against Estates Act		51	141
1970 (40 <i>Statutes</i> 632)—		Theatres Act 1968 (35 <i>Statutes</i>	
s. 1	401	306)—	
Public Health Act 1936 (26		s. 4	237
(<i>Statutes</i> 189)	203	Theft Act 1968 (8 <i>Statutes</i> 782)—	
Registered Designs Act 1949		s. 2	17
(24 <i>Statutes</i> 648)—		Third Parties (Rights against	
s. 26	320	Insurers) Act 1930 (3 <i>Statutes</i>	
Rent Act 1965 (18 <i>Statutes</i> 620)—		175)—	
s. 31, 32	162	s. 1 (1), (6)	415
Reserve and Auxiliary Forces		Torts (Interference with Goods)	
(Protection of Civil Interests)		Act 1977	143, 156, 159
Act 1951 (29 <i>Statutes</i> 708)—		s. 1	143, 144
s. 13 (2)	423	2	143

	PAGE		PAGE
Torts (Interference with Goods)		Trade Union and Labour Relations Act 1974— <i>continued</i>	
Act 1977— <i>continued</i>		s. 28	349
s. 2 (1)	143, 148	(2)	349
(2)	154	29	306
3 (2)–(7)	159	(1), (3)–(5)	306
4	159	30 (1), (2)	306
5	157	Trade Union and Labour Relations Amendment) Act	
(1), (3), (4)	157	1976	305, 310, 315, 349
6 (1), (2)	157	s. 1	306
7 (3)	156, 157	Transport Act 1962 (26 <i>Statutes</i>	
(4)	156	925)	396
(5)	157	Unfair Contract Terms Act	
8 (1), (2)	156	1977	396
9	157	s. 1 (1)	396
10	148	(3)	397
11 (1)	151, 154	2	396
(2)	153	5	397
(3)	151, 154	(2), (3)	397
12, 13	144	11	397
14 (1)	143	(5)	397
15	144	13	397
17 (2)	143	(2)	398
Sch. 1	144	14	396, 398
Trade Disputes Act 1906 (37		26	398
<i>Statutes</i> 1001)	305, 349	29 (1)	397
Trade Disputes Act 1965 (37		Sch. 1	397
<i>Statutes</i> 1030)	315	Sch. 2	397
Trade Marks Act 1938 (37		Unsolicited Goods and Services	
<i>Statutes</i> 887)—		Act 1971	144
s. 8	327	Vexatious Actions Act 1896	141
Trade Union and Labour Relations Act 1974 (44 <i>Statutes</i>		Water Resources Act 1963 (39	
1766)	349	<i>Statutes</i> 223).	198
s. 3 (1)	305, 306, 311, 315	Water Resources Act 1971 (41	
(2)	297, 307, 311	<i>Statutes</i> 2284)	198
(3)	306, 307	Workmen's Compensation Act	
(4)	310	1897	102
14 (1)–(3)	349	Workmen's Compensation Act	
17	349	1925	102
(1), (2)	349		

List of Cases

	PAGE		PAGE
A.M.F. International Ltd v Magnet Bowling Ltd (1968) .	73, 89, 90, 92	Bernadin (Alain) et Com- pagnie v Pavilion Properties Ltd	
Abbot v Sullivan (1952) .	382	Alcott v Millars' Karri and Jarrab Forests Ltd (1904) .	318
Abbott v Refuge Assurance Co Ltd (1962) .	137	Alderson v Booth (1969) .	129
Abrahams v Deakin (1891) .	365	Aldred's (William) Case (1610):	178,
Abrath v North Eastern Rly Co (1886) .	135, 137		179
Achilli v Tovell (1927) .	459	Aldworth v Stewart (1866) .	128
Acrow (Automation) Ltd v Rex Chainbelt Inc (1971) .	304, 305	Alexander v Jenkins (1892) .	248
Acton v Blundell (1843) .	58, 198	Alexander v North Eastern Rly Co (1863) .	254
Acton Corp'n v Morris (1953) .	169	Alexander v Railway Executive (1951) .	149
Adam v Ward (1917) .	262, 263, 265, 266, 268, 269	Alexander v Southey (1821) .	152
Adams v Naylor (1946) .	348	Allan v Liverpool Overseers (1874) .	163
Adams v Ursell (1913) .	178, 184	Allbutt v General Council of Medical Education and Regi- stration (1889) .	270
Adamson v Jarvis (1827):	277, 354, 355	Allen v Aeroplane and Motor Aluminium Castings Ltd (1965) .	75, 107, 116, 361, 382
Addie (Robert) & Sons (Col- lieries) Ltd v Dumbreck (1929) .	94, 95, 99	Allen v Flood (1898) .	16, 298, 308, 309, 311, 313, 314
Addis v Crocker (1961) .	162, 382	Allen v Waters & Co Ltd (1935) .	444
Addis v Gramophone Co Ltd (1909) .	6	Allsop v Allsop (1860) .	245
Addis v Odham's Press Ltd (1958) .	254	Allsop v Church of England Newspapers Ltd (1972):	241, 242, 243
Ad Lib Club Ltd v Granville (1971) .	323, 457, 459	Almeroth v Chivers & Sons Ltd (1948) .	204
Admiralty Comrs v SS <i>Amerika</i> (1917) .	332, 403	Alnwick, The, (1965) .	468
Admiralty Comrs v SS <i>Chekiang</i> (1926) .	158	Alphacell Ltd v Woodward (1972) .	22, 26
Admiralty Comrs v SS <i>Susquehanna</i> .	429	Ambler v Gordon (1905) .	196
Agincourt, The (1824) .	128	American Cyanamid Co v Ethicon Ltd (1975) .	459
Aglionby v Cohen (1955) .	162	Ames Crosta Ltd v Pionex Inter- national Ltd (1977) .	326
Aitchison v Page Motors Ltd (1935) .	362	Amphitheatres Inc v Portland Meadows (1948) .	184
Ajello v Worsley (1898) .	319		
Akerhielm v De Mare (1959) .	281		
Alain Bernadin et Compagnie v Pavilion Properties Ltd. See			

	PAGE		PAGE
Amway Corp'n v Enroway Inter- national Ltd (1974)	323	Arnott v Redfern (1826)	450
Anderson v Gorrie (1898).	380	Arthur Robinson (Grafton) Pty Ltd v Carter (1967). <i>See</i>	
Anderson v Oppenheimer (1880)	219	Robinson (Arthur) (Grafton) Pty Ltd v Caster (1967)	
Anderson v Pacific Fire and Marine Insurance Co (1872).	280	Arthur White (Contractors) Ltd v Tarmac Civil Engineering	
Anderson v Radcliffe and Walker (1858)	162	Ltd (1967). <i>See</i> White (Arthur) (Contractors) Ltd v Tarmac	
Anderson (W. B.) & Sons Ltd v Rhodes (Liverpool) Ltd		Civil Engineering Ltd (1967)	
(1967)	282, 289	Ash v Dickie (1936)	157
Andreae v Selfridge & Co (1938)	180, 183	Ashby v White (1703)	4, 419
Andrew Bakers' Case	225	Ashcroft v Curtin (1971)	436
Andrews v Hopkinson (1957)	87	Ashdown v Samuel Williams & Sons Ltd (1957)	104
Andrews v Mockford (1896)	278	Asher v Whitlock (1865)	164, 168
Andrews v Waite (1907)	462	Ashley v Harrison (1793)	313
Angel v H. H. Bushell & Co Ltd (1968)	239, 266	Ashton v Stock (1877)	172
Ankerson v Connelly (1907)	196	Ashworth v Stanwix (1861)	103
Annakel's (Berkeley Square) v Schock trading as Annabel's		Askey v Golden Wine Co Ltd (1948)	398
Escort agency (1972)	325, 326	Aspden v Seddon (1875)	194
Anns v Merton London Borough (1977): 54, 58, 59, 60, 101, 292, 469		Associated Leisure Ltd v Associ- ated Newspapers Ltd (1970).	254
Anthony v Haney (1832)	171	Associated Newspapers Ltd v Dingle (1964)	273
Apley Estates Co Ltd v De Bernales (1947)	351	Astaire v Campling (1965)	243
Appah v Parncliffe Investments Ltd (1964)	163	Astley v Younge (1759)	262
Applebe v West Cork Board of Health (1929)	404	Atkinson and Horsells' Contract, Re (1912)	164, 167
Applebee v Percy (1874)	229	Atkinson v Newcastle and Gateshead Waterworks Co	
Archer v Moss (1971)	472	(1877)	111
Arenson v Casson Beckman Rutley & Co (1975)	383	Atlantic Star, The, (1973)	477
Argentino, The (1888)	158	A-G v Conduit Colliery Co (1895)	26, 193
Argy Trading Development Co Ltd v Lapid Developments Ltd (1977)	285, 290	A-G v Corke (1933)	214
Argyll, Duchess v Duke of Argyll (1967)	458	A-G v Cory Bros & Co, Kennard v Cory Bros & Co (1921)	214, 216, 220
Arkwright v Newbold (1881)	279	A-G v Dorking Union Guardians (1882)	459
Armory v Delamirie (1722): 146, 448		A-G v London and Northwestern Rly Co (1900)	458
Armstrong v Sheppard and Short (1959)	459	A-G v Luton Local Board (1856)	203
Armstrong v Strain (1952)	282	A-G v Nissan (1970)	378, 379
Arneil v Paterson (1931)	230	A-G (on the relation of Glamorgan County Council and Pontardawe Rural	
Arnold and Butler v Bottomley (1908)	254		

	PAGE		PAGE
District Council v PYA Quarries Ltd (1957): 181, 203, 204		Baker v Willoughby (1970) . . . 22, 23, 27, 33, 43 ¹ , 43 ² , 44 ⁸	
A-G for New South Wales v Perpetual Trustees Co Ltd (1955) 332		Baker's (Andrew) Case. <i>See</i> Andrew Baker's Case	
A-G v St Ives RDC (1960) 112		Balden v Shorter (1933) 318	
A-G v Stone (1895) 187		Baldwin v Cassella (1872). 228	
A-G v Times Newspapers Ltd (1974) 141		Balfour v Barty-King, Hyder & Sons (Builders) Ltd (1956) 214, 220, 221, 222, 371	
A-G v Tod Heatley (1897) 189, 203, 205		Ballard v Tomlinson (1885) 201	
A-G v Vallé-Jones (1935). 332		Ballett v Mingay (1943) 346	
A-G v Vernazza (1960) 141		Bamford v Turnley (1862) 178, 179, 180, 182, 183, 184	
Attwood v Chapman (1914) 261		Banbury v Bank of Montreal (1918) 282, 288, 370	
Attwood v Small (1838) 279		Banbury Buildings Ltd v Sectional Concrete Buildings Ltd (1970) 322	
Austin v Dowling (1870) 133, 134, 292		Bank of England v Cutler (1908) 354	
Australian Coastal Shipping Commission v Green (1971). 31		Bank of New South Wales v Owston (1870) 365	
Australian Consolidated Press Ltd v Uren (1969) 422		Bank Russo-Iran v Gordon Woodroffe Co Ltd (1972) 477	
Australian Newspaper Co Ltd v Bennett (1894) 243		Bank voor Handel en Scheepvaart NV v Slatford (1953) 358	
Avenson v Casson Beckman Rutley & Co (1975) 382		Barber v Penley (1893) 207, 209	
Baccus SRL v Service Nacional de Trigo (1957) 379		Barclays Bank Ltd v Cole (1967) 279	
Back v Stacey (1826) 197		Barclays Bank Ltd v Roberts (1954) 384	
Badham v Lambs Ltd (1946) 113		Barker v Furlong (1891) 149	
Bagnall v Levinstein Ltd (1907) 358		Barker v Herbert (1911) 190	
Bagot v Stevens, Scanlan & Co Ltd (1966) 7, 469		Barker v Walters (1844) 283	
Bailey v Ayr Engineering and Construction Co Ltd (1959) 112		Barkway v South Wales Transport Co Ltd (1950) 80, 81	
Bainbridge v Postmaster-General (1906) 345		Barnard v Sully (1931) 368	
Baker v Barclays Bank Ltd (1955) 148		Barnes v Hampshire County Council (1969) 66, 68	
Baker v Bolton (1808) 402		Barnes v Irwell Valley Water Board (1939). 86	
Baker v Dalglish SS Co Ltd (1922) 406		Barnes v Lucille Ltd (1907) 228	
Baker v Market Harborough Industrial Co-operative Society Ltd (1953) 24, 79		Barnes v Ward (1850) 208	
Baker (G. L.) v Medway Building and Supplies Ltd (1958) 472		Barnett v Chelsea and Kensington Hospital Management Committee (1969). 19, 79	
		Barnett v Cohen (1921) 406	
		Barnett v H. and J. Packer & Co Ltd (1940) 86	
		Barr v Matteo (1958) 14	

	PAGE		PAGE
Barratt v Kearns (1905)	261, 382	Bellingham v Dhillon (1973)	454
Barrett v Associated Newspapers Ltd (1907)	319	Beloff v Pressdram Ltd (1973)	358
Barry v Croskey (1861)	277	Belsize Motor Supply Co v Cox (1944)	449
Bartlett v Marshall (1896)	185	Belvedere Fish Guano Co v Rainham Chemical Works Ltd (1920)	371
Barwick v English Joint Stock Bank (1867)	282, 362, 363	Belvoir Finance Co Ltd v Harold G. Cole & Co Ltd (1969): 149, 396	
Baséché v Matthews (1867): 134, 135		Belvoir Finance Co Ltd v Stapleton (1971)	149, 398
Baskin-Robbins Ice Cream Co & Gutman (1976)	323	Benham v Gambling (1941)	433, 434, 438, 451
Bass v Gregory (1890)	197	Benjamin v Storr (1874): 206, 207, 209	
Bata v Bata (1948)	479	Bennett v Chemical Construction Co (GB) Ltd (1971)	80
Baten's Case (1610)	185	Bennett v Tugwell (1971).	387
Bates v Parker (1953)	91	Beresford v White (1914)	262
Batistini v Dance (1908)	153	Bernadin (Alain) et Compagnie v Pavilion Properties Ltd (1967): 323	
Bativala v West (1970)	66, 233	Bernstein of Leigh (Lord) v Skyviews and General Ltd (1977)	173
Battalia v New York 10 NY 2d 237, 176 NE 2d 729 (1961)	63, 65, 428	Berry v British Transport Comr (1962)	140
Battersby v Anglo-American Oil Co Ltd (1945)	473	Berry v Humm & Co (1915)	406
Bawden v London Assurance Co Ltd (1892)	279	Besozzi v Harris (1858)	226
Baxter v Taylor (1832)	161	Bessey v Olliot and Lambert (1681)	12
Bayley v Manchester, Sheffield and Lincolnshire Rly Co (1873)	361, 363	Best v Samuel Fox & Co Ltd (1952)	333, 334, 335, 427
Beach v Freeson (1972)	264, 265	Betts v Metropolitan Police Receiver (1932)	470
Beach v Reed Corrugated Cases (1956)	450	Billings (A. C.) & Sons Ltd v Riden (1958).	88, 187
Beaman v ARTS Ltd (1950)	471, 472	Birch v Thomas (1971)	387
Beard v London General Omnibus Co (1900)	362	Birchall v J. Bibby & Sons Ltd (1953)	25
Bearne, The (1906)	348	Bird v Holbrook (1828)	94
Beaulieu v Finglam (1401): 14, 221		Bird v Jones (1845)	124, 125
Beaumont v Jeffrey (1925)	470	Bird v O'Neal (1960)	179
Bebee v Sales (1916).	227	Birkett v James (1977)	467
Becker v Teale (1971)	141	Birmingham Corpn v Sowsbery (1969)	158
Beckham v Drake (1849)	414	Bishop v Balkis Consolidated Co (1890)	282
Beech v Freeson (1972)	267	Bishop v Cunard White Star Ltd (1950)	410
Bease v Woodhouse (1970)	457	Bishop v Latimer (1861)	271
Beevis v Dawson (1957)	254	Bisset v Wilkinson (1927)	280
Behrens v Bertram Mills Circus Ltd (1957): 65, 225, 226, 387, 408			
Bell v Great Northern Rly Co of Ireland (1890)	64		
Bell v Holmes (1956)	352		
Bell v Midland Rly Co (1861)	424		
Bell v Stone (1798)	239		

	PAGE		PAGE
Black v Christchurch Finance Co		Booth v Briscoe (1877)	249
(1894)	222, 371	Borradaile v Hunter (1843)	347
Blackham v Pugh (1846)	264	Borthwick v Evening Post	
Blades v Higgs (1865)	147, 159	(1888)	327
	171	Boston v W. S. Bagshaw & Sons	
Blake v Lanyon (1795)	333	(1966)	248, 271, 272
Blake v Midland Rly Co (1852):	405	Boston Deep Sea Fishing and Ice	
Bland v Moseley (1587)	179	Co Ltd v Farnham (1957)	343
Bland v Yates (1914)	180	Bottomley v Bannister (1932)	59,
Bleachers' Association Ltd v			101
Chapel-en-le-Frith RDC		Bottomley v Brougham (1908)	261,
(1933)	198		382
Bligh v Martin (1968)	167	Bottomley v Woolworth & Co	
Bliss v Hall (1838)	184	(1932)	253
Blofeld v Payne (1833)	322	Boulston's Case (1597)	180
Bloodworth v Gray (1844)	247	Bovillon v Laclede Gaslight Co	
Blundy, Clark & Co v London		(1910)	428
and North Eastern Rly Co		Bowater v Rowley Regis Corpn	
(1931)	206, 209	(1944)	107, 108, 388
Blyth v Birmingham Waterworks		Bower v Pearte (1876)	192, 371
Co (1856)	67	Bowmakers Ltd v Barnet Instru-	
Blyth v Flodgate (1891)	370	ments Ltd (1945)	398
Board v Coggins and Griffiths		Bowring Hanburys Trustee v	
(Liverpool) Ltd (1947)	358	Bowring Hanbury (1942)	166
Boardman v Sanderson (1964)	51,	Bowyer v Cook (1847)	169
	56, 65	Box v Jubb (1879)	26, 218
Bodlewel, The (1907)	158	Boxius v Goblet Frères (1894)	267
Bodley v Reynolds (1846)	158	Boyle v Kodak Ltd (1969):	115, 116
Bognor Regis UDC v Campion		Boynton v Richardson (1924)	382
(1972)	240, 347	Bradburn v Great Western Rly	
Bolam v Friern Hospital		Co (1874)	440
Management Committee (1957):	66	Braddock v Bevins (1948)	248, 264
Bold v Brough, Nicholson and		Bradford v Robinson Rentals	
Hall (1963)	450	Ltd (1967)	41
Bollinger (J.) v Costa Brava Wine		Bradford Corpn v Pickles	
Co Ltd (1960)	323, 324	(1895)	15, 16, 58, 182, 298,
Bolton v Stone (1951)	37, 53,		314
56, 57, 73, 74, 78, 81, 181, 394		Bradley v Copley (1845)	146, 149
Bone v Seale (1975)	448	Bradshaw & Waterloo & Sons	
Bonham-Carter v Hyde Park		Ltd (1915)	134
Hotel Ltd (1948)	436	Brady v Warren (1900)	180
Bonnard v Perryman (1891)	458	Brandon v Osborne Garrett &	
Bonnington Castings Ltd v		Co Ltd (1924)	29
Wardlaw (1956)	18, 23, 24, 79,	Brekkes Ltd v Cattell (1972)	304,
109, 116, 395			305
Bontex Knitting Works v St		Brestian v Tray (1958)	326
John's Garage (1943)	360	Brew Bros Ltd v Snax (Ross)	
Booker v Wenborn (1962):	55, 78	Ltd (1970)	178, 191
Boorman v Brown (1842)	7	Brewer v Dew (1843)	414, 415
Booth v Arnold (1895)	248	Bridges v Hawkesworth (1851)	148

	PAGE		PAGE
Bridlington Relay Ltd v Yorkshire Electricity Board (1965)	179, 180, 184	Britt v Galmoye and Nevill (1928)	369
Briss v Woolley (1954)	282	Broadway Approvals Ltd v Odhams Press Ltd (1965): 255, 256	
Brimelow v Casson (1924):	15, 300	Brock v Copeland (1794)	229, 230
Brinsmead v Harrison (1872)	350	Brocklebank v Thompson (1903)	201
Brinsmead (John) & Sons Ltd v Brinsmead and Waddington & Sons Ltd (1913)	327	Bromage v Prosser (1825)	16
British Broadcasting Corpn v Hearn (1978)	306, 459	Bromley v Mercer (1922)	208
British Celanese Ltd v A. Hunt (Capacitators) Ltd (1969)	61, 181, 217, 220	Brooke v Bool (1928)	350
British Columbia Electric Rly Co Ltd v Gentile (1914)	404	Brook v Cook (1961)	225, 226
British Columbia Electric Rly Co Ltd v Losch (1916)	74	Brookes v London Passenger Transport Board (1974)	78
British Economical Lamp Co Ltd v Empire (Mile End) Ltd (1913)	171	Broome v Cassell & Co Ltd (1971)	422, 424, 426
British Industrial Plastics Ltd v Ferguson (1940)	301	Broughton v Jackson (1852)	129
British Linen Co v Drummond (1830)	478	Brown v Harrison (1947)	189
British Motor Trade Association v Salvadori (1949)	301, 310	Brown v Hawkes (1891)	138
British Railway Traffic and Electric Co Ltd v CRC Co and LCC (1922)	319	Brown v Kendal (1850)	120
British Railways Board v G. J. Holdings (1974)	163	Brown v National Coal Board (1962)	115
British Railways Board v Herrington (1972). 72, 73, 94, 95, 96, 97, 98, 99, 100		Brown v Raphael (1958)	280
British Road Services Ltd v Arthur Crutchley Ltd (1968): 371		Brown v Roberts (1963)	110
British Road Services Ltd v Slater (1964)	189	Brown v Robins (1850)	194
British School of Motoring v Simms (1971)	28	Brown v Rolls Royce Ltd (1960): 66, 79, 81, 116	
British South Africa Co v Companhia de Mocambique (1893)	479	Brown v Scruttons Ltd (1958)	56
British Transport Commission v Gourley (1956) 336, 410, 441, 449, 450		Brown v T. and E. C. Cotterill (1934)	86
British Westinghouse Electric and Manufacturing Co Ltd v Underground Electric Rlys Co of London Ltd (1912): 452, 453, 454		Brown v Thomson (1968)	76
		Brown v Wootton (1605)	350
		Brown Jenkinson & Co Ltd v Percy Dalton (London) Ltd (1957)	281
		Brown v Dawson (1840)	162
		Browne v Stradling (1836)	134
		Browning v War Office (1963)	441
		Brownlie v Campbell (1880): 279, 283	
		Brunsdon v Humphrey (1884)	425, 426, 427
		Brunswick (Duke) v Harmer (1849)	251
		Bryanston Finance Ltd v de Vries (1975)	267, 268, 350, 459
		Bryant v Lefever (1879)	197
		Buchanan (James) & Co Ltd v Hay's Transport Services Duncan Barber & Son (1972): 364	
		Buck v English Electric Co Ltd (1978)	468, 471