A.W.B. Simpson: a bibliography

compiled by Jules Winterton

This is a bibliography of the published works of Alfred William Brian Simpson listed in various bibliographies, library catalogues and indexing services from the early 1950s until about February 1999. The breadth of his interests has necessitated a wide search. An attempt has been made to be comprehensive but such attempts inevitably do not succeed and the compiler will be glad to receive a note of any works omitted.

The works are arranged as far as possible by date of publication from earliest to most recent within four sections: books, articles and book contributions, book reviews, and selected newspaper items. I hope this arrangement may be appropriate in a work celebrating a scholar’s work over his career and give some insight into the development of his interests. For those who would like to trace particular works, there are an alphabetical list by title, a simple subject index, and a list of books reviewed at the end of the bibliography. Each work in the bibliography has a number and the lists and indexes refer to those numbers.

A work is listed each time it was published. The title index can be used to trace all instances of publication of a work under a single title. If a work was explicitly published in revised form under a different title, a note is provided.

The bibliography is of works written by Professor Simpson but not works about him. It would have been almost impossible to include, for example, the vast number of reviews of his works. There are a few exceptions: some articles are mentioned in notes where they were written in reply to his articles and a few newspaper items are included where they mention him by name. Reports of official committees on which he sat are also included.

I should like to acknowledge the assistance of Professor David Sugarman and Paul Norman, Senior Reference Librarian at the Institute of Advanced Legal Studies, as well as Professor Simpson himself.

Books

(1) *An introduction to the history of the land law.*
xx, 276 p. ; 22cm

(2) *Oxford essays in jurisprudence: second series.*
x, 306 p. 23 cm.


(10) *Legal theory and legal history: essays on the common law.*
xiii, 432 p.; 1 facsim., 1 port.; 24 cm.
ISBN: 0 907628 83 4
Contents:
(b) ‘The early constitution of the Inns of Court’, p.17-32;
(c) ‘The early constitution of Gray’s Inn’, p.33-52;
(d) ‘The circulation of Yearbooks in the fifteenth century’, p.53-66;
(e) ‘The source and function of the later Year Books’, p.67-91;
(f) ‘The introduction of the action on the case for conversion’, p.93-109;
(g) ‘The penal bond with conditional defeasance’, p.111-141;
(h) ‘Entails and perpetuities’, p.143-162;
(i) ‘The rule in *Wheeldon v. Burrows* and the *Code Civil*’, p.163-170;
(l) ‘The rise and fall of the legal treatise: legal principles and the forms of legal literature’, p.273-320;
(m) ‘Contract: the twitching corpse’, p.321-333;
(n) ‘The analysis of legal concepts’, p.335-358;
(o) ‘The common law and legal theory’, p.359-382;
(p) ‘The survival of the common law system’, p.383-402;

(11) *Rhetoric, reality, and regulation 18B: a public lecture delivered by A. W. B. Simpson on Tuesday 12 May 1987.*
33 p.; 23 cm

(12) *Invitation to law.*
(Invitation series)
227 p.; 22 cm.
ISBN: 0 631 14537 0; 0 631 14538 9 (paperback)
NOTES: Includes index.

(13) *The judges and the vigilant state: a public lecture delivered by Professor A. W. B. Simpson … on Tuesday 20th June 1989.*
23p.
ISBN: 019 825775 9
NOTES: Includes bibliographical references (p. [436]-442) and index.

ISBN: 019 825949 2 (paperback)
NOTES: Includes bibliographical references (p. [436]-442) and index.

ISBN: 1852852003
NOTES: Originally published as: *Cannibalism and the common law: the story of the tragic last voyage of the Mignonette and the strange legal proceedings to which it gave rise*, Chicago: University of Chicago Press, 1984. Includes bibliographical references (p. 325-344) and index.

NOTES: “Selden Society lecture”. Includes bibliographical references (p. 29-31).

ISBN: 0 19 825852 6
NOTES: Includes bibliographical references (p. [293]-302) and index.

Contents:
(a) ‘The study of cases’, p.1-12;
(b) ‘Politics and law in Elizabethan England: Shelley’s Case (1581)’, p.13-44;
(c) ‘The timeless principles of the common law: Keeble v. Hickeringill (1707)’, p.45-75;
(d) ‘Legal science and legal absurdity: Jee v. Audley (1787)’, p.76-99;
(e) ‘A case of first impression: Priestley v. Fowler (1837)’, p.101-134;
(f) ‘The beauty of obscurity: Raffles v. Wicelhaus and Busch (1864)’, p.135-162;
(g) ‘Victorian judges and the problem of social cost: Tipping v. St. Helen’s Smelting Company (1865)’, p.163-194;
(h) ‘Bursting reservoirs and Victorian tort law: Rylands and Horrocks v. Fletcher (1868)’, p.195-226;
(i) ‘The ideal of the rule of law: Regina v. Keyn (1876)’, p.227-258;
“Three of the chapters in this book are based upon articles which have previously appeared in legal journals. I have made some modifications to enhance readability. These include reducing the bulk of footnotes; those who need fuller documentation can use the original versions.” Chapter 6 ['The beauty of obscurity'] is based on ‘Contracts for cotton to arrive’ 1989 Cardozo Law Review; chapter 8 ['Bursting reservoirs and Victorian tort law'] is based on ‘Legal liability for bursting reservoirs’ 1984 Journal of Legal Studies; and chapter 10 ['Quackery and contract law'] is based on ‘Quackery and contract law’ 1985 Journal of Legal Studies. “Chapter 5 ['A case of first impressions'] is based upon an inaugural lecture delivered in the University of Cambridge, and chapter 9 ['The ideal of the rule of law'] began life as a Selden Society lecture.”

NOTES: Reprinted in paperback with corrections 1996. Includes bibliographical references (p. [293]-302) and index. First published 1995 (see above for contents).

Articles and Contributions to Books
(including government reports of committees on which Professor Simpson sat.)

(20) ‘The reports of John Spelman.’
Law Quarterly Review, 72 (July 1956), 334-338.

(21) ‘Keilwey’s Reports, temp. Henry VII and Henry VIII.’
Law Quarterly Review, 73 (January 1957), 89-105.

(22) ‘The ratio decidendi of a case.’

(23) ‘The circulation of Yearbooks in the fifteenth century.’
Law Quarterly Review, 73 (October 1957), 492-505.

(24) ‘The ratio decidendi of a case.’

(25) ‘The place of Slade’s case in the history of contract.’
Law Quarterly Review, 74 (July 1958), 381-396.

(26) ‘The introduction of the action on the case for conversion.’
Law Quarterly Review, 75 (July 1959), 364-380.

(27) ‘The ratio decidendi of a case.’
Modern Law Review, 22 (September 1959), 453-457

(28) ‘The ratio decidendi of a case and the doctrine of binding precedent.’

(29) ‘The analysis of legal concepts.’
Law Quarterly Review, 80 (October 1964), 535-558.

(30) ‘The equitable doctrine of consideration and the law of uses.’
University of Toronto Law Journal, 16 (1965), 1-36.

(31) ‘Real property’

(32) ‘The penal bond with conditional defeasance.’
Law Quarterly Review, 82 (July 1966), 392-422.

(33) ‘Real property’


(35) ‘Real property’

(36) ‘The early constitution of the Inns of Court.’

(37) ‘Real property’

(38) ‘The source and function of the later Year Books.’

(39) ‘Real property’

(40) ‘Real property’

(41) ‘The common law and legal theory.’

(42) ‘The survival of the common law system.’

(43) ‘The early constitution of Gray’s Inn.’

(44) ‘Innovation in nineteenth century contract law.’
*Law Quarterly Review*, 91 (April 1975), 247-278
NOTES: “This is an amended version of a lecture delivered in the Old Hall of Lincoln’s Inn on July 3 1974.”

NOTES: Professor Simpson was a member of the Advisory Group, appointed by the Home Secretary, chaired by the Hon. Mrs Justice Heilbron, which reported in December 1975.

(46) ‘Historical introduction.’
NOTES: Historical introduction forms part I.

(47) ‘Heraldic evidence and the early history of Lincoln’s Inn.’
*Law Quarterly Review*, 95 (April 1979), 201-204.

(48) ‘Entails and perpetuities.’
*Juridical Review*, April 1979, 1-20
NOTES: “A lecture delivered on November 4, 1978, at the Annual General Meeting of the Stair Society.”

(49) ‘The Horwitz thesis and the history of contracts.’
*University of Chicago Law Review*, 46 (Spring 1979), 533-601.

NOTES: Professor Simpson was a member of the Committee, appointed by the Home Secretary, chaired by Bernard Williams, which reported in November 1979.
(51) ‘Introduction.’
Chicago: University of Chicago Press, 1979, iii-xv
NOTES: "A facsimile of the first edition of 1765-1769" (taken from title page).
Includes bibliographical references.

(52) ‘The rise and fall of the legal treatise: legal principles and the forms of legal literature.’
NOTES: “This article originated as a paper delivered to the Fourth British Legal History Conference, held at the University of Birmingham, in 1979.”

(53) ‘Historical introduction.’
NOTES: Historical introduction forms chapter 1.

(54) ‘The laws of Ethelbert.’

(55) ‘Obscenity and the law.’
NOTES: Appears in a selection of papers from the proceedings of the Royal Institute of Philosophy conference on the philosophy of law, September 1979. Article follows and comments on ‘The tendency to deprave and corrupt’ by A. D. Woozley, 217-238, and is followed by ‘Reply to Professor Simpson’ by A. D. Woozley, 255-261.

(56) ‘Regina v. Archer and Muller (1875): the leading case that never was.’
NOTES: Footnote p.181: “This article is an extract from a book I have been engaged in writing on the case of *Regina v. Dudley and Stephens* and its historical background.”

(57) ‘The legal treatise and legal theory.’
NOTES: Footnote at page 29: “This paper is an abridged version of a fuller study of the history of the legal treatise, and is here presented in essentially the form in which it was delivered at the Conference, without supporting notes; a fuller annotated version is available in the University of Chicago Law Review for 1981.”

(58) ‘Legal liability for bursting reservoirs: the historical context of *Rylands v. Fletcher*.’

(59) ‘Obscenity and the law.’
In M. A. Stewart (ed.), Law, morality, and rights, 223-238. Dordrecht ; Boston: Reidel, 1983,
NOTES: The volume contains the papers of the Royal Institute of Philosophy conference 1979 and forms volume 162 of the Synthese Library.

(60) ‘Quackery and contract law: the case of the Carbolic Smoke Ball.’
CASE: Carlill v. Carbolic Smoke Ball Co. [1893] 1 Q.B. 256

(61) ‘The common law and legal theory.’
NOTES: “A revised version of pages 77-99 of the Oxford essays in jurisprudence (2nd series)”.

(62) ‘Historical introduction.’
NOTES: Historical introduction forms chapter 1.

(63) ‘Rhetoric, reality, and Regulation 18B.’

(64) ‘Detention without trial in the Second World War: comparing the British and American experiences.’
NOTES: “This article derives from the Mason Ladd Memorial Lecture given at the Florida State University College of Law in April 1988. It represents a development of work delivered in 1987 as ‘Rhetoric, reality and Regulation 18B, the Child and Co. Oxford Lecture’”.

(65) ‘The judges and the vigilant state.’
NOTES: Child & Co. Lecture 1989 delivered by Professor A. W. B. Simpson on Tuesday 20th June 1989. Also published separately in 1989 (see books above).

(66) ‘Contracts for cotton to arrive: the case of the two ships Peerless.’

(67) ‘Legal iconoclasts and legal ideals.’
University of Cincinnati Law Review, 58 (1990), 819-844.
NOTES: “This address was delivered on March 30, 1989 at the University of Cincinnati College of Law as the Robert S. Marx lecture.”

9
(68) ‘Historical introduction.’
In M. J. Furmston, *Cheshire, Fifoot and Furmston’s law of contract*. 12th edn., 1-16.
NOTES: Historical introduction forms chapter 1.

(69) ‘The origins of futures trading in the Liverpool cotton market.’
NOTES: Forms chapter 8.

(70) ‘Coase v. Pigou reexamined’

(71) ‘[Coase v Pigou reexamined:] An addendum.’
NOTES: Follows the article above. This addendum is a response to R. H. Coase’s article: ‘Law and economics and A. W. Brian Simpson’. *Journal of Legal Studies*, 25 (January 1996), 103-119.

(72) ‘Round up the usual suspects: the legacy of British colonialism and the European Convention on Human Rights.’
NOTES: “This paper formed the basis of the [ninth] Brendan Brown Lecture, delivered at Loyola University School of Law on March 17, 1995.”

(73) ‘The exile of Archbishop Makarios III.’
NOTES: History of first interstate ECHR applications arising from decision by British Governor of Cyprus to deport Archbishop in attempt to suppress colonial insurrection.

(74) ‘Historical introduction.’
In M. J. Furmston, *Cheshire, Fifoot and Furmston’s law of contract*. 13th edn., 1-16.
NOTES: The historical introduction forms chapter 1.

Book Reviews

(75) W. Ogwen Williams (ed.), *Calendar of the Caernarvonshire Quarter Sessions Records. Volume 1: 1541-1558.*


(77) Lambard, William, *Archeion, or, a discourse upon the high courts of justice in England*. Edited by Charles H. McIlwain and Paul L. Ward.


NOTES: Headed 'From tenure to estates'.

NOTE: Headed: 'release mechanism'. Name of reviewer given as A. W. R. Simpson.

NOTES: Headed 'With concern for the victim'.

(85) Smith, J. C., Legal obligation. Times Literary Supplement, no.3936, 19 August 1977, 1008.
NOTES: Headed 'To do our duty'.

NOTES: Headed 'The turn of the screw'.

NOTES: Headed: 'Berating Blackstone'.

NOTES: Headed 'The judicial role'.

NOTES: Headed 'The judicial role'.

(90) Alderson, John, Policing freedom.
Times Literary Supplement, no.4017, 21 March 1980, 337.
NOTES: Headed ‘May the force be with us’.


NOTES: Headed ‘Emptying the prisons’.

NOTES: Headed ‘How do the judges do it?’

NOTES: Headed ‘Grass and the graduate’.


NOTES: Headed ‘Disagreeable rhetoric’.

NOTES: headed ‘Disagreeable rhetoric’.

NOTES: Headed ‘Provocatively free’.

NOTES: Headed ‘Just, not right’.

NOTES: Headed ‘Who, how, where, why, when’.


NOTES: Headed ‘Bulwarks of liberty’.

NOTES: Headed ‘Of legal culture’.

NOTES: Headed ‘Bringing accusations to book’.

NOTES: Headed ‘Bringing accusations to book’.

NOTES: Headed ‘Towards a legal science’.

NOTES: Headed ‘No accounting for judges’.

NOTES: Headed ‘Attorney on trial’.

NOTES: Headed ‘Blaming the beasts’.

(126) Steiner, Henry J., *Moral argument and social vision in the courts: a study of tort accident law.*
In review article: ‘Legal reasoning anatomized’.


(128) Thorne, S. E., *Essays in English legal history.*

(129) Van Caenegem, R. C., *Judges, legislators, and professors: chapters in European legal history.*
*American Historical Review*, v.94 (1989), 1090.

(130) Ekirch, A. Roger, *The transportation of British convicts to the colonies, 1718-1775.*

*American Journal of Legal History*, 34 (October 1990), 443-444.

NOTES: Headed ‘A testing time for judges’.

NOTES: Headed ‘Trouble with the case’.

In review article: ‘Legal education and legal history’.

NOTES: headed ‘The economics of Eros’.


In review article: ‘Law, crime, and the Victorians’.


NOTES: Headed ‘A tissue of lies’.


NOTES: Headed ‘Triumph or travesty?’


**Newspaper Items**


(160) ‘Three women appointed to inquiry on rape.’ Times 2 July 1975, 2e. Membership of committee to investigate rape laws includes Professor Brian Simpson.


(163) ‘We can see the broken eggs, now show us the omelette.’ Times Higher Education Supplement, no.284, 1 Apr 1977, 12. Reply by Adrian Taylor and Larry Grant to article by A. W. B. Simpson.

(164) ‘Trades council pleads to V-C for law clinic.’ Times Higher Education Supplement, no.290, 13 May 1977, 2c. News item; A. W. B. Simpson maintains that Kent University law clinic’s involvement in controversial cases has not affected University’s decision to close clinic.

(165) ‘Obscenity committee.’ Times, 3 Sep 1977, 3d. Professor Simpson sits on Committee on Obscenity and Film Censorship; with photograph of committee members.

(166) ‘Parental authority and the pill.’ Times, 1 August 1983, 11g. Letter.


Title Index

Agincourt campaign and the law of war, The 144
analysis of legal concepts, The 10n, 29
beauty of obscurity, The 18f, 19
Biographical dictionary of the common law 6
Bursting reservoirs and Victorian tort law18h, 19
Cannibalism and the common law 5, 7, 16
case of first impression, A 18e, 19
circulation of Yearbooks in the fifteenth century, The 10d, 23
<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coase v. Pigou reexamined</td>
<td>70, 71</td>
</tr>
<tr>
<td>common law and legal theory</td>
<td>10o, 41, 61</td>
</tr>
<tr>
<td>Contract: the twitching corpse</td>
<td>10m, 93, 94, 95,</td>
</tr>
<tr>
<td>Contracts for cotton to arrive</td>
<td>66</td>
</tr>
<tr>
<td>Detention without trial in the Second World War</td>
<td>64</td>
</tr>
<tr>
<td>early constitution of Gray's Inn</td>
<td>10c, 43</td>
</tr>
<tr>
<td>early constitution of the Inns of Court</td>
<td>10b, 36</td>
</tr>
<tr>
<td>elusive truth about Holmes</td>
<td>152</td>
</tr>
<tr>
<td>Entails and perpetuities</td>
<td>10h, 48</td>
</tr>
<tr>
<td>equitable doctrine of consideration and the law of uses</td>
<td>30</td>
</tr>
<tr>
<td>Euthanasia for sale?</td>
<td>113</td>
</tr>
<tr>
<td>exile of Archbishop Makarios III</td>
<td>73</td>
</tr>
<tr>
<td>Heraldic evidence and the early history of Lincoln's Inn</td>
<td>47</td>
</tr>
<tr>
<td>Historical introduction (<em>Cheshire and Fifoot's law of contract</em>)</td>
<td>46, 53, 62, 68, 74</td>
</tr>
<tr>
<td>history of the common law of contract</td>
<td>A 3, 9</td>
</tr>
<tr>
<td>history of the land law</td>
<td>A 8</td>
</tr>
<tr>
<td>Horwitz thesis and the history of contracts</td>
<td>10k, 49</td>
</tr>
<tr>
<td>ideal of the rule of law</td>
<td>18l, 19</td>
</tr>
<tr>
<td>In the highest degree odious</td>
<td>14, 15</td>
</tr>
<tr>
<td>Innovation in nineteenth century contract law</td>
<td>10j, 44</td>
</tr>
<tr>
<td>Introduction (Blackstone's <em>Commentaries</em>)</td>
<td>51</td>
</tr>
<tr>
<td>introduction of the action on the case for conversion, The</td>
<td>10f, 26</td>
</tr>
<tr>
<td>introduction to the history of the land law, An</td>
<td>1</td>
</tr>
<tr>
<td>Invitation to law</td>
<td>12</td>
</tr>
<tr>
<td>judges and the vigilant state</td>
<td>13, 65</td>
</tr>
<tr>
<td>Keilwey's Reports, temp. Henry VII and Henry VIII</td>
<td>21</td>
</tr>
<tr>
<td>Law, crime, and the Victorians</td>
<td>136, 137, 138, 139, 140</td>
</tr>
<tr>
<td>laws of Ethelbert, The</td>
<td>10a, 54</td>
</tr>
<tr>
<td>Leading cases in the common law</td>
<td>18, 19</td>
</tr>
<tr>
<td>Learning and the learned journals: law</td>
<td>167</td>
</tr>
<tr>
<td>Legal education and legal history</td>
<td>133</td>
</tr>
<tr>
<td>Legal iconoclasts and legal ideals</td>
<td>67</td>
</tr>
<tr>
<td>Legal liability for bursting reservoirs</td>
<td>58</td>
</tr>
<tr>
<td>Legal reasoning anatomized</td>
<td>125</td>
</tr>
<tr>
<td>Legal science and legal absurdity</td>
<td>18d, 19</td>
</tr>
<tr>
<td>Legal theory and legal history</td>
<td>10</td>
</tr>
<tr>
<td>legal treatise and legal theory</td>
<td>57</td>
</tr>
<tr>
<td>Obscenity and the law</td>
<td>55, 59</td>
</tr>
<tr>
<td>origins of futures trading in the Liverpool cotton market, The</td>
<td>69</td>
</tr>
<tr>
<td>Oxford essays in jurisprudence: second series</td>
<td>2</td>
</tr>
<tr>
<td>penal bond with conditional defeasance</td>
<td>10g, 32</td>
</tr>
<tr>
<td>place of Slade's case in the history of contract, The</td>
<td>25</td>
</tr>
<tr>
<td>Politics and law in Elizabethan England</td>
<td>18b, 19</td>
</tr>
<tr>
<td>Pornography &amp; politics</td>
<td>4</td>
</tr>
<tr>
<td>Quackery and contract law</td>
<td>18l, 19, 60</td>
</tr>
<tr>
<td>R. S. Rattray and Ashanti law</td>
<td>10q</td>
</tr>
<tr>
<td><em>ratio decidendi</em> of a case</td>
<td>22, 24, 27, 28</td>
</tr>
<tr>
<td>Real property</td>
<td>31, 33, 35, 37, 39, 40</td>
</tr>
</tbody>
</table>

*Regina v. Archer and Muller* (1875): the leading case that never was. 56
Report of the Advisory Group on the Law of Rape 45
Report of the Committee on Obscenity and Film Censorship 50
reports of John Spelman, The 20
Rhetoric, reality, and regulation 18B 11, 63
rise and fall of the legal treatise, The 10l, 52
Round up the usual suspects 72
rule in Wheeldon v. Burrows and the Code Civil, The 10l, 34
source and function of the later Year Books, The 10e, 38
study of cases, The 18a, 19
survival of the common law system, The 10p, 42
Their litigious society 105
timeless principles of the common law, The 18c, 19
Victorian judges and the problem of social cost 18g, 19
Victorian law and the industrial spirit 17

Cases

Carlill v. Carbolic Smoke Ball Company (1893) 18j, 19, 60
Greece v United Kingdom (1956 and 1957) 73
Jee v. Audley (1787) 18d, 19
Keeble v. Hickeringill (1707) 18c, 19
Priestley v. Fowler (1837) 10e
R. v. Archer and Muller (1875) 56
R. v. Dudley and Stephens (1884) 5, 7, 16, 56
R. v. Keyn (1876) 18i, 19
Raffles v. Wichelhaus and Busch (1864) 18f, 19, 66, 69
Rylands v. Fletcher (1868) 18h, 19, 58
Shelley’s Case (1581) 18b, 19
Slade’s Case (1602) 25
Tipping v. St. Helen’s Smelting Company (1865) 18g, 19
Wheeldon v. Burrows (1879) 10i, 34

Subjects
(Books are not indexed under legal history and jurisprudence because the terms apply to so many works. Book reviews are not indexed in this list.)

Accidents at work 18e, 19
Actions and defenses 1, 3, 9, 10f, 10g, 26, 32
Archbishop Makarios III 73
Ashanti law 10q
Blackstone, Sir William 51
Cannibalism 5, 7, 16, 56
Censorship 4, 50
Civil rights 11, 13, 14, 15, 18i, 19, 63, 64, 65, 72, 73
Coase theorem 18g, 19, 70, 71
Colonialism 72, 73
Committee on Obscenity and Film Censorship 4, 50, 165
Contracts 1, 3, 9, 10j, 10k, 10m, 17, 18f, 18j, 19, 25, 30, 32, 44, 46, 49, 53, 60, 62, 66, 68, 69, 74

20
Cyprus 73
Defence Regulations 1939, Regulation 18B 11, 13, 14, 15, 63, 64
Detention 11, 13, 14, 15, 63, 64, 65, 72, 169
Ducks 18c, 19
Easements 10i, 25, 34
Ethelbert 10a, 54
European Convention on Human Rights 72, 73
Film Censorship 4, 50
Futures 18f, 19, 66, 69
Gray’s Inn (see also Inns of Court) 10c, 43
Horwitz, Morton J. 10k, 49
Inns of Court 10b, 10c, 36, 43, 47
Judges 6, 13, 65
Keilwey 21
Land law 1, 8, 17, 18b, 19, 31, 33, 35, 37, 39, 40,
Law and economic development 17
Law reporting 18a, 19, 20, 21
Lawyers 6
Legal literature and legal publishing 10l, 10p, 18a, 19, 20, 21, 42, 52, 57, 167
Lincoln’s Inn (see also Inns of Court) 47
MI5 14, 15, 168
Mignonette (Boat) 5, 7, 16
Mosely, Sir Oswald 14, 15
Murder 5, 7, 16, 56
National security 11, 13, 14, 15, 63, 64, 65
Obscenity 4, 50, 55, 59
Peerless (Ship) 18f, 19, 66, 69
Perpetuities 10h, 18d, 19, 48
Pigou, Arthur Cecil (1877-1959) 18g, 19, 70, 71
Pornography 4, 50, 55, 59
Rape 45, 160
Ratio decicendi 18, 19, 22, 24, 27, 28
Rattray, R. S. 10q
Social cost 18g, 19, 70, 71
Spelman, Sir John 20
Torts 17, 18c, 18e, 18h, 19, 58
Trials (Murder) 5, 7, 16, 56
University of Kent at Canterbury 161, 162, 163, 164
Uses 30
War and emergency powers 11, 13, 14, 15, 63, 64
Williams Committee 4, 50, 165
Yearbooks 10d, 10e, 23, 38

Book Reviews by author
Alderson, John, Policing freedom.90
Anderson, J. Stuart, Lawyers and the making of English land law, 1832-1940. 142
Arthurs, H.W., Without the law. 107
Atiyah, Patrick S., Pragmatism and theory in English Law. 122
Atiyah, Patrick S., Promises, morals and law. 96
Atiyah, Patrick S., *The rise and fall of freedom of contract.* 94
Baker, John H. (ed.), *The reports of Sir John Spelman.* 91
Bayne, C. G. (ed.), *Select cases in the Council of Henry VII.* 78
Bentham, Jeremy, *A comment on the commentaries.* 87
Bentley, Iris and Dening, Penelope, *Let him have justice.* 148
Best, Geoffrey, *War and law since 1945.* 146
Bourguignon, Henry J., *Sir William Scott, Lord Stowell.* 127
Brewer, John and Susan Staves (eds.), *Early modern conceptions of property.* 155
Cohen, Marshall (ed.), *Ronald Dworkin and contemporary jurisprudence.* 103
Conley, Carolyn A., *The unwritten law.* 137
Darden, Christopher A. and Walter, Jess, *In contempt.* 151
Denning, Alfred Thompson, *Baron, The discipline of law.* 88
Dershowitz, Alan M., *Reasonable doubts.* 152
Devlin, Patrick Arthur, *Baron, Easing the passing.* 113
Devlin, Patrick Arthur, *Baron, The judge.* 89
Downs, Donald Alexander, *Nazis in Skokie.* 110
Ekirch, A. Roger, *The transportation of British convicts.* 130
Evans, E. P., *The criminal prosecution and capital punishment of animals.* 124
Gordon, Richard and R. Wilmot-Smith (eds.), *Human rights in the UK.* 156
Green, Thomas and Andrew, *Verdict according to conscience.* 117
Guest, A. G. (ed.), *Anson’s law of contract. 25th (Centenary) edn.* 93
Hall, Jerome, *Studies in jurisprudence and criminal theory.* 79
Hill, Paddy Joe and Hunt, Gerard, *Forever lost, forever gone.* 149
Honoré, Tony, *Making law bind: essays legal and philosophical.* 125
Ives, E. W., *Common lawyers of pre-reformation England.* 115
Kee, Robert, *Trial and error.* 119
King-Hamilton, Alan, *And nothing but the truth.* 99
Lambarde, William, *Archaeion.* 77
Langbein, John H., *Torture and the law of proof.* 86
Leigh, David, *High time.* 104
Liebermann, D., *The province of legislation determined.* 132
Lobban, Michael, *The common law and English jurisprudence, 1760-1850.* 139
McConville, Michael and Baldwin, John, *Courts, prosecution, and conviction.* 97
Meron, Theodor, *Henry's wars and Shakespeare's laws.* 145
Milsom, S. F. C., *Studies in the history of the common law.* 118
Mullin, Chris, *Error of judgment.* 120
Noonan, John Thomas, Jr., *Bribes.* 106
Norton, Philip (ed.), *Law and order and British politics.* 108
O'Dell, T. H., *Inventions and official secrecy.* 157
Oldham, James, *The Mansfield manuscripts.* 143
Palmer, Robert C., *The Whilton dispute, 1264-1380.* 105
Paterson, Alan, *The Law Lords*. 98
Pattenden, Rosemary, *The judge, discretion, and the criminal trial*. 100
Robertson, Geoffrey, *People against the press*. 101
Rose, Andrew, *Stinie: murder on the common*. 111
Rosenberg, David, *The hidden Holmes*. 153
Rubin, Gerry R., *Private property, government requisition ....*. 150
Ryan, Mick, *The politics of penal reform*. 102
Shanley, Mary Lyndon, *Feminism, marriage and the law in Victorian England*. 131
Sharpe, R. J., *The law of habeas corpus*. 83
Sheehan, Michael M., *The will in medieval England*. 81
Smith, J. C., *Legal obligation*. 85
Spring, Eileen, *Law, land and family*. 147
Steiner, Henry J., *Moral argument and social vision in the courts*. 126
Thomas, Rosamond M., *Espionage and secrecy*. 144
Thorne, S. E., *Essays in English legal history*. 128
Toner, Barbara, *The facts of rape*. 84
Treitel, G. H., *The law of contract. 5th edn.* 95
Tur, Richard and Twining, William (eds.), *Essays on Kelsen*. 121
Turow, Scott, *Presumed innocent*. 123
Unlawful sex: offences, victims and offenders .... 112
Van Caenegem, R. C., *Judges, legislators, and professors*. 129
Waldron, Jeremy, *The law*. 133
Weisberg, Richard H., *The failure of the word*. 109
Wiener, Martin J., *Reconstructing the criminal*. 140
Williams, Penny, *The Council in the Marches of Wales*. 80
Williams, W. Ogwen (ed.), *Calendar of the Caernarvonshire Quarter Sessions Records*. 75

Books Reviewed by Title

*And nothing but the truth.* (King-Hamilton) 99
*Anson’s law of contract.* (Guest) 93
*Archeion.* (Lambarde) 77
*Bribes.* (Noonan) 106
*Calendar of the Caernarvonshire Quarter Sessions Records.* (Williams) 75
*Comment on the commentaries...*, A. (Bentham) 87
*Common law and English jurisprudence, 1760-1850, The.* (Lobban) 139
*Common lawyers of pre-reformation England.* (Ives) 115
*Council in the Marches of Wales, The.* (Williams) 80
*Courts, prosecution, and conviction.* (McConvill and Baldwin) 97
*Crime and the courts in England, 1660-1800.* (Beattie) 116
*criminal prosecution and capital punishment of animals, The.* (Evans) 124
*Discipline of law, The.* (Denning) 88
*Early modern conceptions of property.* (Brewer and Staves) 155
*Easing the passing: the trial of Dr. John Bodkin Adams.* (Devlin) 113

23
Error of judgment. (Mullin) 120
Espionage and secrecy. (Thomas) 144
Essays in English legal history. (Thorne) 128
Essays on Kelsen. (Tur and Twining) 121
facts of rape, The. (Toner) 84
failure of the word, The. (Weisberg) 109
Feminism, marriage and the law in Victorian England. (Shanley) 131
Forever lost, forever gone. (Hill and Hunt) 149
H. L. A. Hart. (MacCormick) 92
Henry's wars and Shakespeare's laws. (Meron) 145
hidden Holmes, The. (Rosenberg) 153
High time. (Leigh) 104
history of the Anglo-American common law of contract, A. (Teeven) 136
Human rights in the United Kingdom. (Gordon and Wilmot-Smith) 156
In contempt. (Darden and Walter) 151
Inventions and official secrecy. (O'Dell) 157
judge, The. (Devlin) 89
judge, discretion, and the criminal trial, The. (Pattenden) 100
Judges, legislators, and professors. (Van Caenegem) 129
law, The. (Waldron) 333
Law and order and British politics. (Norton) 108
Law and society in England: 1750-1950. (Cornish and Clark) 134
Law Lords, The. (Paterson) 98
law of contract, The. (Treitel) 95
law of habeas corpus, The. (Sharpe) 83
Law, land and family. (Spring) 147
Lawyers and the making of English land law, 1832-1940. (Anderson) 142
legal framework of English feudalism, The. (Milsom) 82
Legal obligation. (Smith) 85
Let him have justice. (Bentley and Dening) 148
Making law bind: essays legal and philosophical. (Honoré) 125
Mansfield manuscripts and the growth of English law ... The. (Oldham) 143
Moral argument and social vision in the courts. (Steiner) 126
Nazis in Skokie. (Downs) 110
New River: a legal history, The. (Rudden) 114
Penal discipline, reformatory projects and the English Prison Commission, 1895-
1939. (Forsythe) 138
People against the press. (Robertson) 101
Policing freedom. (Alderson) 90
politics of penal reform, The. (Ryan) 102
Pragmatism and theory in English Law. (Atiyah) 122
Presumed innocent. (Turow) 123
Private property, government requisition ... (Rubin) 150
Promises, morals and law. (Atiyah) 96
province of legislation determined, The. (Lieberman) 132
Reasonable doubts. (Dershowitz) 152
Reconstructing the criminal. (Wiener) 140
reports of Sir John Spelman, The. (Baker) 91
rise and fall of freedom of contract, The. (Atiyah) 94
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