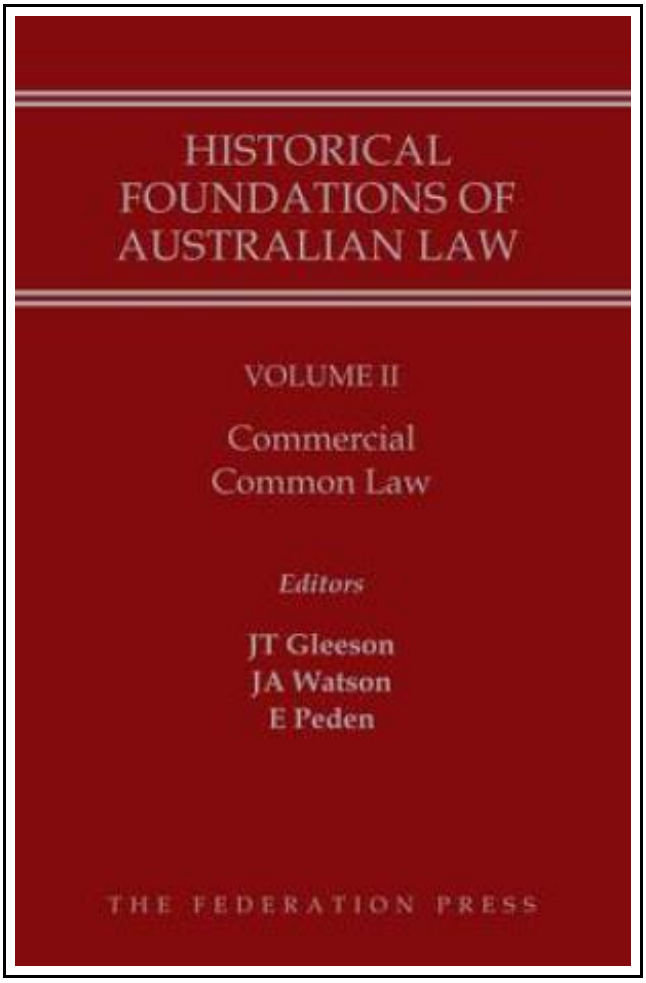
Historical Foundations of Australian Law



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HISTORICAL FOUNDATIONS OF AUSTRALIAN LAW

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Hardback. Book Condition: New. Not Signed; I M Jackman's essay Why the History of Restitution Matters , cited at fn 157 para [65] in the judgment ADSL v Hills 2014 HCA 14 Questions arising in commercial law require an understanding of legal history, no differently from any other area of law, and, as the High Court observed in Andrews v ANZ [2012] HCA 30 at [14], what is needed is more than a brief backward glance . These essays provide a suite of materials to enable a sophisticated and informed understanding of basic questions throughout commercial law. Their range extends to many aspects of commercial practice, often viewed through more than one prism. Thus, there are chapters on money and bills of exchange, and cheques and banking, and on the actions often associated with them (notably debt and conversion), and on Lord Mansfield's contribution to commercial law. There are chapters on how the basic elements of the law of torts and contract came into existence, from a variety of perspectives. There are valuable analyses of privilege, defamation, assignment and implied terms. There are chapters on corporations, agency and insolvency. The chapter on restitution poses a challenge to thinking which has become orthodox outside Australia, as well as learnedly and deftly exposing the conceptual and practical difficulties accompanying that approach. The collection as a whole is introduced by James Watson, who demonstrates how each essay informs and influences commercial law in Australia in the 21st century. These essays, once again by distinguished judges, practitioners and academics, complement those in the first volume. They provide insight and a deep understanding for students, practitioners and academics of fundamental issues in commercial law. * Click here for information about Volume I - Institutions, Concepts and Personalities * Click here for information about Set -...

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