



Historical Foundations of Australian Law

By Justin Gleeson, James Watson, Elisabeth Peden,

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...



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