

## NEGLIGENCE AND RULES OF LAW — A REPLY

Miss Tay joins issue with me simply as to what in fact the Court did in *Prince v. Gregory* [1959] 1 W.L.R. 177 (see p. 352, *ante*). I cannot vouch for its authenticity, but the report above cited shows that the Court of Appeal in that case considered it necessary to distinguish a previous decision of its own, *Jackson v. L.C.C.* (1912) 28 T.L.R. 359. If this is so, then it was true then and remains true now that according to one view “much patient judicial research remains to be carried out before the rules with regard to liability for mortar abandoned in a public amusement park, or outside a school-gate can be discovered.” The discerning reader may have noted that I did not commit myself enthusiastically or irrevocably in support of such a view. My statement that sceptics would delight in the decision might even have been interpreted as suggesting that in some quarters at any rate the approach in that case might have been questioned. *Mirabile dictu*, we now have the *Qualcast* case, [1959] 2 W.L.R. 510.

In my note, I described the view in *Prince v. Gregory* as the “traditional view.” Words do not have “true” or “untrue” meanings. If Miss Tay’s objection is that my use of the word in this context is unusual, I would disagree. I can see nothing unusual about describing as “traditional” a view which is both based on adherence to and multiplication of precedent and commonly adopted in negligence cases. Either of these facts would seem amply to justify my use of the word.

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