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# Australian Law Journal

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The article “Causation and Remoteness under the Trade Practices Act” by David Wright published in the May 2006 edition of the *Australian Law Journal* reproduced material without acknowledgment from a case note on *Travel Compensation Fund v Robert Tambree t/as R Tambree and Associates* (2006) 80 ALJR 183 by Neil Foster previously published on an online forum known as the “Obligations Discussion Group”. The author and Thomson sincerely regret this error and unreservedly apologise to Neil Foster.

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**ARTICLES**

**PROPERTY BY ANY OTHER NAME: THE TROUBLE WITH SHAREHOLDER CLAIMS IN AUSTRALIA**

**Scott Wotherspoon**

Section 1070A of the *Corporations Act 2001* (Cth) provides that a share is an item of personal property. When a contract to subscribe for shares is induced by the company's misrepresentation, the shareholder enjoys a right to rescind that subscription contract. The right is unequivocally proprietary. A consequence of rescission is to re-vest title in the personal property transferred. Being proprietary in nature, the right can persist even when the company is wound up. This seemingly orthodox position is not reflected in the authorities, which are dominated by three 19th century British cases: *Oakes v Turquand* (1867) LR 2 HL 325; *Tennent v City of Glasgow Bank* (1879) LR 4 App Cas 615 and *Houldsworth v City of Glasgow Bank* (1880) LR 5 App Cas 317. This article attacks the basal legitimacy of those cases and describes the consequences that their overruling will have on Australian company law..... 75

**ABOLISHING THE CRIME OF TREASON**

**Graham S McBain**

The *Treason Act 1351* is the oldest criminal legislation on the English statute book. From it, the United States and Commonwealth countries have derived their concept of treason. However, many of the texts on treason are very old and difficult to obtain. Also, there has been no modern summary of the law of treason under English law. The last was that of Stephen, more than 100 years ago. This article therefore considers all the principal texts and articles on treason as well the historical background to the two principal offences which remain: levying war and adhering to the enemy. The purpose is to assert that the crime of treason is no longer required and that the offence of adhering to the enemy should be an offence of treachery, enacted during wartime only. .... 94

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