

CONTRACT

LAWS 3003 A&B

2019-2020

INSTRUCTOR: Professor M.H. Ogilvie
Of the Bars of Ontario and Nova Scotia
Department of Law
Loeb D596
613-520-2600 Ext. 3672

OFFICE HOURS: Tuesday 2:30-4:30
or by appointment

REQUIRED TEXT: Stephanie Ben-Ishai and David R. Percy, Contracts: Cases and Commentaries 10th ed. (Toronto: Thomson Reuters, 2018).

EVALUATION:

Mid Term Examination	50%
Final Examination	50%

Each examination will be two hours in length. Each examination will be closed book.

The Midterm Examination will be held in class in Week Seven

The Final Examination will be held during the regular university final examination period as scheduled by the University.

ALL STUDENT WORK IS SUBJECT TO THE CONTRACTUAL PROVISIONS CONTAINED IN THE CURRENT CARLETON UNIVERSITY UNDERGRADUATE CALENDAR AND TO THIS COURSE OUTLINE.

SCHEDULE:**WEEK ONE Introduction****WEEK TWO When Contractual Obligations Arise**

Canadian Dyers Association Ltd. v. Burton (BP 20)
Pharmaceutical Society v. Boots (BP 23)
Carlill v. Carbolic Smoke Ball Co. (BP 28)
Goldthorpe v. Logan (BP 33)
Livingstone v. Evans (BP 53)

WEEK THREE When Contractual Obligations Arise, cont'd.

Butler Machine Tool Co. v. Ex-Cell-O Corp. (BP 56)
Tywood Industries Ltd. v. St. Anne-NacKawic Pulp and Paper Co. Ltd. (BP 58)
Felthouse v. Bindley (BP 73)
St. John Tug Boat Co. v. Irving Refinery Ltd. (BP 76)

WEEK FOUR When Contractual Obligations Arise, cont'd.

Brinkibon Ltd. v. Stahag Stahl (BP 89)
Rudder v. Microsoft Corp. (BP 94)
Household v. Grant (BP 83)
Holwell Securities v. Hughes (BP 86)
Byrne v. Van Tienhoven (BP 103)
Dickinson v. Dodds (BP 99)
Errington v. Errington (BP 104)

WEEK FIVE The Distinguishing Mark of Contractual Obligation

Balfour v. Balfour (BP 244)
Rose and Frank Co. v. J.R. Crompton & Bros. Ltd. (BP 248)
Toronto Dominion Bank v. Leigh Instruments Ltd. (Trustee of) (BP 250)
Lampleigh v. Brathwait (BP 172)
Thomas v. Thomas (BP 173)
B.(D.C.) v. Arkin (BP 175)
Pao On v. Lau Yiu Long (BP 180)
Gilbert Steel Ltd. v. University Construction Ltd. (BP 185)
Rosas v. Toca (BP 203)

WEEK SIX The Distinguishing Mark of Contractual Obligation, cont'd.

Foakes v. Beer (BP 190)
High Trees (BP 215)
D. & C. Builders Ltd. v. Rees (BP 221)
Combe v. Combe (BP 233)
M. (N.) v. A.(A.T.) (BP 238)
Royal Bank v. Kiska (BP 254)

WEEK SEVEN Midterm Examination

WEEK EIGHT The Ambit of Contractual Obligation

Tweddle v. Atkinson (BP 286)
Dunlop v. Selfridge (BP 287)
Beswick v. Beswick (BP 293)
London Drugs Ltd. v. Kuehne & Nagel International Ltd. (BP 309)
Fraser River Pile & Dredge Ltd. v. Can-Dive Services Ltd. (BP 319)

WEEK NINE The Content of Contractual Obligation

Redgrave v. Hurd (BP 359)
Smith v. Land and House Property Corp. (BP 363)
Heilbut, Symons & Co. v. Buckleton (BP 376)
Leaf v. International Galleries (BP 383)
Dick Bentley v. Harold Smith (BP 381)
BG Checo International Ltd. v. B.C. Hydro and Power Authority (BP 403)

WEEK TEN The Content of Contractual Obligation, cont'd.

Hawrish v. Bank of Montreal (BP 422)
Evans v. Merzario (BP 427)
Hong Kong Fir v. Kawasaki (BP 448)
Tilden v. Clendenning (BP 508)
McCutcheon v. David MacBrayne Ltd. (BP 504)
Thornton v. Shoe Lane Parking (BP 494)
Interfoto Picture Library Ltd. v. Stiletto Visual Programmes Ltd. (BP 499)

WEEK ELEVEN The Content of Contractual Obligation, cont'd.

Tercon Contractors Ltd. v. British Columbia (BP 537)
Greater Fredericton Airport Authority Inc. v. NAV Canada (BP 686)
Geffen v. Goodman Estate (BP 701)
Royal Bank of Scotland plc v. Etridge (No. 2) (BP 709)
Lloyds Bank v. Bundy (BP 726)
Harry v. Kreutziger (BP 732)

WEEK TWELVE Loosening the Bonds of Contractual Obligation

Paradine v. Jane (BP 639)
Taylor v. Caldwell (BP 640)
Davis v. Fareham U.D.C. (BP 645)
Edwinton Commercial Corporation v. Tsavlis Russ (Worldwide Salvage and Towage Ltd.); The Sea Angel (BP 661)

What is it Worth?

READING LIST

The following list contains a selection of the major monographs and textbooks about the Law of Contract which are available in the MacOdrum Library. Although not required reading, students may find these books of use in preparing research papers and in researching topics of particular interest.

I. History and Theory of the Law of Contract:

- John Adams, Roger Brownsword, Key Issues in Contract, (Butterworths, 1995).
- John N. Adams and Roger Brownsword, Understanding Contract Law, 5thed., (Sweet & Maxwell, 2007)
- Peter A. Alces, A Theory of Contract Law (O.U.P., 2011).
- P.S. Atiyah, An Introduction to the Law of Contract, 6th ed., (O.U.P., 2006).
- P.S. Atiyah, The Rise and Fall of Freedom of Contract, (O.U.P., 1979).
- P.S. Atiyah, Essays on Contract, (O.U.P., 1986).
- Peter Benson (ed.), The Theory of Contract Law. New Essays, (Cambridge U.P., 2001).
- Roger Brownsword, Geraint Howells and Thomas Wilhelmsson, (eds.), Welfarism in Contract Law, (Dartmouth, 1994).
- Roger Brownsword, Contract Law. Themes for the Twenty-First Century, 2nd ed., (O.U.P., 2006).
- F. H. Buckley (ed.), The Fall and Rise of Freedom of Contract, (Duke U.P., 1999).
- Andrew Burrows and Edwin Peel (eds.), Contract Terms, (O.U.P., 2007).
- Hugh Collins, The Law of Contract, 4th ed., (Cambridge U.P., 2008).
- Hugh Collins, Regulating Contracts, 2nd ed. (O.U.P., 2002).
- Richard Craswell and Alan Schwartz, Foundations of Contract Law, (O.U.P., 1994).
- Larry A. Di Matteo and Martin Hogg (eds.), Comparative Contract Law. British and American Perspectives, (O.U.P, 2016).
- Charles Fried, Contract As Promise, 2nd ed. (O.U.P., 2015).
- Grant Gilmore, The Death of Contract, (Ohio State U.P., 1974).
- James Gordley, The Philosophical Origins of Modern Contract Doctrine, (O.U.P., 1991).
- James Gordley, Foundations of Private Law, Property, Tort, Contract, Unjust Enrichment, (O.U.P., 2007).
- Andrew Grubb (ed.) The Law of Contract, (Lexis Nexis, 2007)
- Dori Kimel, From Promise to Contract. Towards a Liberal Theory of Contract, (Oxford: Hart, 2003).
- A.T. Kronman and R.A. Posner, The Economics of Contract Law, (Little, Brown & Co., 1979).
- Richard Lawson, Exclusion Clauses and Unfair Contract Terms, 12th ed. (Sweet & Maxwell, 2017).
- Kim Lewison, The Interpretation of Contracts 6th ed., (Sweet & Maxwell, 2015).
- Ian R. Macneil, The New Social Contract, (Yale U.P., 1980).
- Paul B. Miller and Andrew S. Gold, Contract, Status, and Fiduciary Law, (O.U.P., 2017).
- Jason W. Nyers, Richard Bronaugh and Stephen G.A. Pitel (eds.) Exploring Contract Law,(Hart, 2009).

- O.L.R.C., Report on Amendment of the Law of Contract, 1987.
- Prince Sapai, Contract Law Without Foundations. Toward a Republican Theory of Contract Law, (O.U.P., 2019).
- Harry N. Scheiber (ed.), The State and Freedom of Contract, (Stanford U.P., 1998).
- A.W.B. Simpson, A History of the Common Law of Contract, (O.U.P., 1975).
- Stephen A. Smith, Contract Theory (O.U.P., 2004).
- Warren Swain, The Law of Contract, 1670-1870 (Cambridge U.P., 2015).
- Barry J. Reiter and John Swan, Studies in Contract Law, (Butterworths, 1980).
- Kevin M. Teeven, A History of the Anglo-American Common Law of Contract, (Greenwood Press, 1990).
- Michael J. Trebilcock, The Limits of Freedom of Contract, (Harvard U.P., 1993).
- Stephen Waddams, Dimensions of Private Law. Categories and Concepts in Anglo-American Legal Reasoning, (Cambridge U.P., 2003).
- Stephen Waddams, Principle and Policy in Contract Law, Competing or Complementary Concepts?, (Cambridge U.P., 2011).

II. Textbooks:

(a) English:

- Cheshire, Fifoot and Furmston's Law of Contract, 17th ed., (O.U.P., 2017).
- Chitty on Contracts, 33rd ed., (Sweet and Maxwell, 2018).
- Edwin Peel, Treitel on the The Law of Contract, 14th ed., (Sweet and Maxwell, 2015).

(b) Canadian:

- G.H.L. Fridman, The Law of Contract, 6th ed., (Carswell, 2011).
- Geoff R. Hall, Canadian Contractual Interpretation Law, 3rd ed. (Lexis Nexis, 2016).
- Bruce MacDougall, Introduction to Contracts, 3rd ed. (Lexis Nexis, 2016).
- John D. McCamus, The Law of Contracts, 2nd ed. (Irwin Law, 2012).
- John Swan and Jakub Adamski, Canadian Contract Law, 4th ed. (Lexis Nexis, 2018).
- S.M. Waddams, The Law of Contracts, 7th ed., (Canada Law Book, 2017).