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Book Review

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This second edition of a book first published in 1968 is a useful and lucid exposition of the law of building contracts in Canada. The author's analysis is carefully built up from first principles of contract law, and thus serves to keep the issues in perspective. The citation of case authority is very thorough, although the citations fail to include the name and jurisdiction of the court deciding the case.

Most of the book is taken up with the operation of basic contract law in the special circumstances of building contracts. The structure of the terms of the contract and the manner of payment, for instance, require special treatment. In the latter part of the book, the author deals with ancillary matters such as the position of sub-contractors, the roles of architects and engineers, the use of bonds and arbitration proceedings, and the operation of Mechanic's Liens.

A thorough index and table of cases is included, as well as an appendix of four of the most commonly used standard form contracts of the Canadian Construction Association, that is new with this edition. Forms for a Stipulated Price Contract, Stipulated Unit Price Contract, Cost Plus Contract, and Stipulated Price Sub-Contract are reproduced. Although these forms will undoubtedly be of use in practice, the author takes pains to point out that "the indiscriminate use of blank forms is a two-edged sword, and often creates more problems than it solves."


This book outlines the development of the civil liability of manufacturers, retailers, and others connected with the production and distribution of goods for damage and loss caused by products which are defective or which fail to meet reasonable standards. The subject is conveniently divided into two parts: contractual liability and tortious liability. The first topic includes privity of contract, express and implied warranties, misrepresentations, and exemption clauses. The portion on tortious liability, which is developed in somewhat greater detail, deals with the manufacturer's liability for errors and omissions in production, product design, warnings, and directions for use, as well as proof of negligence, causation, and possible defences. There are also chapters devoted to the liability of persons other than manufacturers, the types of damage which should be compensated, and conflict of laws problems. The conclusion contains a brief discussion of how the authors would like to see product liability develop in the future.

This book is written from a British perspective, but a high proportion of it is devoted to American developments, since the United States has been a forerunner in this field. Each topic is explained in terms of basic principles, followed by a discussion of the leading cases, most of which are relevant to
Canada. Indeed, a number of important Canadian decisions are set out in great detail. There is little reference to statutory material, except the Sale of Goods Act 1893, which is substantially the same as the corresponding Canadian law. Thus, this book should be of great help to the Canadian reader interested in obtaining a basic understanding of the law governing product liability.


The author's stated purpose in writing this book was to provide a comprehensive and analytical Canadian text for both students and practitioners. It should be particularly useful to students as it is written in a simple, clear, easy to read manner.

This book is intended to be the first volume of a two-volume work on the law of wills in Canada. As such, it only deals incidentally with problems of construction and focuses mainly on the substantive law of probate. It covers the nature of a will, testamentary capacity, knowledge and approval of contents, due execution, revocation, republication, revival and incorporation, grants of probate and administration, and executors and administrators, offering suggestions for law reform throughout.


When the author first published his treatise on trusts in 1974, it was well-received by the reviewers, but the major criticism was that the book, at $80.00, was out of the price range of students. That problem has now been remedied by the publication of a soft cover students' edition which makes the work much more accessible to the one group that can most benefit from it.

The book focuses on Canadian materials and covers all Canadian jurisdictions, including a chapter on the trust in Quebec. It is written in narrative style and the author approaches each topic from first principles. Besides the areas normally considered in books on the subject, the author discusses the modern uses of trusts, including business trusts and the use of the trust in tax planning which will be useful in helping students gain an understanding of the trust concept and its importance.