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abbreviation of the journal title

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December 2009. (Portions from  
such article that deal with the  
characterization of equipment  
leases as "true leases" or  
"security leases" have been

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quoted in Re 843504 Alberta Ltd.,  
2011 ABQB 448; Royal Bank of  
Canada v.

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Michael Burke, Toronto | Blake,  
Cassels & Graydon LLP  
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the Law/Revue femmes et droit –  
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to appear in Canadian Business  
Law Journal. Swain, Harry &  
Baillie, James. Published: March  
2015. Keywords: Tsilhqot'in,  
Supreme Court of Canada, Judge-

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made law, Aboriginal title,  
Aboriginal land claims, Section  
35, Constitutional law. Abstract:  
In Tsilqot'in Nation v. British  
Columbia, the Supreme Court of  
Canada confirmed aboriginal title  
...

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Master's Thesis from the year

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2010 in the subject Law -  
Comparative Legal Systems,  
Comparative Law, grade: B+,  
University of Auckland, course:  
Remedies for breach of contract,  
language: English, abstract: In the  
now famous Blake case the  
majority in the House of Lords has

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granted a (restitutionary) remedy for a breach of contract which has been alien to the law of contract so far. Although it was held to be available only in exceptional circumstances the judgment prompted Lord Hobhouse to express the following warning in

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his dissenting opinion: "If some more extensive principle of awarding non compensatory damages for breach of contract is to be introduced into our commercial law, the consequences will be very far-reaching and disruptive." It is the



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goal of this essay to examine whether Lord Hobhouse's fear of a silent reconceptualisation of the law of contract is justified. In order to fully understand the potential impact of the Blake case it is vital to bring oneself to mind what the law of contract was

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before the judgement in Blake was rendered. Accordingly the essay will start with an outline as to which remedies were and in fact still are available to a claimant under the pre-Blake law. After a summary of the Blake case itself, it will be described

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why a broad Blake remedy indeed might have a revolutionary effect on the conventional law of contract. However, – as history shows – not all revolutions are bad. Thus, even if Blake should have far-reaching and disruptive consequences on the law of

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contract it is by no means said that this is an undesirable result. It should be borne in mind that the law of contract is a default system that provides remedies for a breach of contract in case the parties did not – unconsciously or deliberately –

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stipulate their own remedies which they are free to do. Ideally this default system leads to just and economically reasonable results. By this measure a default system has to prove its value and practicability. Thus, if it turns out that a law of contract under which

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the Blake remedy is generally available is superior to the current law its implementation must not be declined only because of its revolutionary character. Part IV of this essay draws the necessary comparison between the two alternatives in

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terms of economic efficiency. In doing so special attention is given to what is called the "efficient breach theory", which is often called upon to defend the current contractual rules. The essay will then conclude with a final assessment as to what the

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contract of law should be like in  
the author's opinion.

Who enjoys statutory preferred  
creditor status? What  
justifications exist for jurisdictions



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to maintain statutes that favour 'priority' creditors over other creditors and contributories? This book examines preferential debts derived from specific legislative provisions applying to corporate insolvency. In exploring the concept of preferential treatment,

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Statutory Priorities in Corporate Insolvency Law includes chapters that provide a doctrinal, theoretical and historical analysis of who enjoys preferred creditor status. As well as examining the traditional major categories of priorities, this work also identifies

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potential new categories for priority status such as environmental clean-up costs, international creditors, tort claimants and consumers among other non-consensual creditors. While the study focuses on Australian corporate insolvency

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law, where appropriate, comparisons are made with other common law jurisdictions, particularly the UK, Canada, New Zealand and the US.

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The book includes chapters on what multi-bank financing is and who does it, relevant areas of law (including contract, torts, insolvency, tax, and statutes, such as the Bank Act), the mechanics of arranging loan syndications and loan

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participations, financial  
accommodation used (direct  
loans, bank guarantees, letters of  
credit, and bankers'  
acceptances), legal relations  
between parties in loan  
syndications and loan  
participations, rights and duties of

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the agent bank, securities regulation issues in loan syndications and loan participations, and accounting and tax issues in loan syndications and loan participations. Agasha Mugasha argues that loan syndications,

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loan participations, and related practices are commercial transactions between sophisticated parties and should be analysed and regulated as such. Sample documents for syndicated facility agreements, participation agreements, sale



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and participation agreements, and standby letters of credit are provided in appendices. Based on law in Canada, particularly Ontario, The Law of Multi-bank Financing includes discussions of a significant body of United States jurisprudence as well as the most

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important court decisions in other common-law countries.

Business Law and Economics for Civil Law Systems highlights the relevance of economic analysis of business law from a civilian perspective. It integrates a

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comparative approach (common law and civil law) to economic analysis using tools and illustrations to assist in conducting critical economic analysis of rules in the field of business law. This book is a valuable contribution to the

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reflection on the place and meaning of value creation and accountability as goals for business law. It will be of great value to academics interested in business law, competition law, comparative law and legal theory, students studying law, business

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and economics, and to policy makers and regulators.

This book is a study of doctrinal and methodological divergence in the common law of obligations. It explores particular departures from the common law

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mainstream and the causes and effects of those departures. Some divergences can be justified on the basis of a need to adapt the common law of contract, torts, equity and restitution to local circumstances, or to bring them into conformity with local values.

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More commonly, however, doctrinal or methodological divergence simply reflects different approaches to common problems, or different views as to what justice or policy requires in particular circumstances. In some instances divergent

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methodologies lead to substantially the same results, while in others particular causes of action, defences, immunities or remedies recognised in one jurisdiction but not another undoubtedly produce different outcomes. Such cases raise



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interesting questions as to whether ultimate appellate courts should be slow to abandon principles that remain well accepted throughout the common law world, or cautious about taking a uniquely divergent path. The chapters in this book were

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originally presented at the Seventh Biennial Conference on the Law of Obligations held in Hong Kong in July 2014. A separate collection, entitled The Common Law of Obligations: Divergence and Unity (ISBN: 9781782256564), is also being

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published.

Scholars, economists, lawyers,  
and government officials debate  
American trade policy

Standard economic models  
assume that many small investors

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own firms. This is so in most large U.S. firms, but wealthy individuals or families generally hold controlling blocks in smaller U.S. firms and in all firms in most other countries. Given this, the lack of theoretical and empirical work on tightly held firms is

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surprising. What corporate governance problems arise in tightly held firms? How do these differ from corporate governance problems in widely held firms? How do control blocks arise and how are they maintained? How does concentrated ownership

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affect economic growth? How should we regulate tightly held firms? Drawing together leading scholars from law, economics, and finance, this volume examines the economic and legal issues of concentrated ownership and their impact on a shifting

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global economy.

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