

1) Contract Formation

a) Offer

i) Rule = An offer is a manifestation of intent to enter into a contract.

ii) Elements. An offer requires both:

(1) Intent and

(a) Look at this from the position of a reasonable person.

(b) *Fairmount Glass Works v. Crunden*: Even if one or more terms (below) are left open, a contract does not fail for indefiniteness if the parties intended to make a contract.

(2) Specific terms. The specific terms are:

(a) Price,

(i) *Harvey v. Facey*: Saying "lowest price you'll accept" is not an offer. Need *the price*.

1. Hypo: Will you sell us the property?" is that an offer? No, a question cannot be an offer. No price term either!

(b) Quantity, and

1. "We are authorized to offer you all of the fine salt you order." Is that an offer? No. because no quantity. Just saying "offer" does not make it one.

(c) Identity of the offeree.

(i) *Owen v. Tunison*: If offeree is not identified (in this case, a land sale contract) there is no offer.

(ii) *Lefkowitz*: Coat case. This was an offer because all terms were identified (first person in store gets coat for \$1.)

1. What makes an ad an offer? when there is nothing left to negotiate.

Outlines Of Law

D Kirk



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Outlines of Criminal Law Courtney Stanhope Kenny, 1913

Outlines of Roman Law William Carey Morey, 1884

Kenny's Outlines of Criminal Law J. W. Cecil Turner, 2013-09-19 First published in 1962 this book formed part of an ongoing series of elementary legal guides The text was intended to assist students in understanding the rules of criminal law which would enable them to form a clear idea of the practical task confronting the prosecution and defence in the trials of specific people

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