

# The Modern Law of Restitution

**Gerard McMeel**



# Modern Law Of Restitution

**Jason W Neyers, Mitchell  
McInnes, Stephen G.A. Pitel**

## **Modern Law Of Restitution:**

Understanding Unjust Enrichment Jason W Neyers, Mitchell McInnes, Stephen G.A. Pitel, 2004-04-20 This book is a collection of articles based on Understanding Unjust Enrichment a symposium held at the University of Western Ontario in January 2003. The articles written from the perspective of English Australian Canadian German and Jewish law deal with numerous theoretical and practical issues that surround restitution and unjust enrichment. The articles outline recent developments across the Commonwealth explain the unjust enrichment principle and its component parts and address discrete issues such as tracing choice of law disgorgement damages for breach of contract and the use of unjust enrichment in the cohabitation context. The contributors are Kit Barker Peter Benson Jeffrey Berryman Michael Bryan Andrew Burrows Robert Chambers Gerald Friedman Peter Jaffey Dennis Klimchuk Thomas Krebs John McCamus Mitchell McInnes Stephen Pitel Stephen Waddams and Ernest Weinrib *The Theory and Practice of Private International Law* Ludwig von Bar, 1892

**Lessons of the Swaps Litigation** Peter Birks, Francis Rose, 2020-11-25 This is the first comprehensive review of the extent of remedies and impact of contractual agreements on restitution claims for void unenforceable and discharged contracts Resulting Trusts Robert Chambers, 1997 The resulting trust has received little attention in recent years and this may be because until relatively recently the law relating to resulting trusts was thought to be settled and uncontroversial. Most of the current academic writing about resulting trusts is found in the established textbooks on equity and trusts but these tend to provide little more than catalogues of the situations in which resulting trusts arise. There is however very little consensus on the principle by which the resulting trust operates including the fundamental question whether it arises by operation of law or depends on the presumed intention to create a trust. This book examines the true nature of the resulting trust and the question whether the trusts brought into being to reverse unjust enrichment should not include resulting trusts. It then considers whether when resulting trusts are properly understood it does turn out that it is through the resulting trust that equity makes its principle contribution to reversing unjust enrichment. This book examines principally the case law of the UK Canada and Australia and it also makes reference to the views of academic commentators as found in the standard texts and law journals The Modern Law of Restitution Gerard McMeel, 2000 In a sequence of landmark decisions in the 1990s from *Lipkin Gorman v Karpnale* to *Klienwort Benson v Lincoln City Council* the House of Lords and courts throughout the common law world have recognised and developed a coherent law of restitution based upon the principle of reversing unjust enrichment. This intellectual revolution supersedes obsolete learning on quasi contract and constructive trusts. Whenever money goes astray or an apparently consensual transaction goes awry lawyers need to be familiar with the principles and detailed rules of this new subject. This work addresses the relationship between the unjust enrichment principle and the traditional rules on transactions and insists upon the primacy of contract and the subsidiary of restitution to established categories of law. The book guides both the student and the busy practitioner through the difficult practical

issues and the arcane vocabulary towards a clearer understanding of the restitutive enquiry     Rationalising Constructive Trusts Ying Khai Liew,2017-09-21 Constructive trusts significantly interfere with the rights of an apparent legal owner of property This makes it necessary for their imposition to be properly explained and justified Unfortunately attempts to rationalise constructive trusts as a whole as opposed to specific doctrines or particular aspects of constructive trusts have been few and far between Rationalising Constructive Trusts proposes a new structure for a coherent understanding of constructive trusts By using a combination of conceptual tools it provides answers to a number of crucial questions for example What are the ingredients of a constructive trust claim What are the limits of constructive trusts How can we rationalise the imposition of constructive trusts in particular situations Why do judges exercise varying degrees of remedial discretion in different doctrines From a wider perspective the structured understanding helps us to appreciate the precise ambit and role of express constructive and resulting trusts     Unjust Enrichment James Edelman,Elise Bant,2016-08-25 Unjust enrichment is one of the least understood of the major branches of private law This book builds on the 2006 work by the same authors which examined the developing law of unjust enrichment in Australia The refinement of the authors thinking responding to novel issues and circumstances that have arisen in the maturing case law has required many chapters of the book to be completely rewritten The scope of the book is also much broader It concerns the principles of the law of unjust enrichment in Australia New Zealand England and Canada Major decisions of the highest courts of these jurisdictions in the last decade provide a fertile basis for examining the underlying principles and foundations of this subject The book uses the leading cases particularly in England and Australia to distil and explain the fundamental principles of this branch of private law The cases discussed are current as of 1 May 2016 although the most recent could only be included in footnotes

Research Handbook on Unjust Enrichment and Restitution Elise Bant,Kit Barker,Simone Degeling,2020-07-31 This comprehensive yet accessible Research Handbook offers an expert guide to the key concepts principles and debates in the modern law of unjust enrichment and restitution     Symposium ,2003     Common-law actions Thomas Atkins Street,1906

**International Law** Ludwig von Bar,1883     The Foundations of Legal Liability: Common-law actions Thomas Atkins Street,1906     Readings in Roman Law ,1906     The Dickson Legacy Roland Penner,University of Manitoba. Legal Research Institute,1992     **Some Aspects of the Law of Unjust Enrichment in South Africa and Ceylon** Gamin Lakshman Peiris,1972 The law is stated as at 1st August 1971 T p     **The Modern Law of Unjust Enrichment and Restitution** Gerard McMeel,2003     **Contracts and Sales** J. Teller,2012-08-17 The definitive law school study aid with Concise overviews of the black letter law Summaries and holdings of all of the major cases that students are expected to study A thorough index for quick reference to key topics Concept driven outlines covering the topics students are expected to master for class and the bar exam Look for all of these titles in the TellerBooks Outlines and Case Summaries Series Law School Survival Guides TM Torts Property Civil Procedure Contracts and Sales Constitutional Criminal Procedure Business

Organizations Constitutional Law Criminal Law Family Law International Law Evidence Available in paperback iPhone Kindle Nook and pdf formats    Exodus R. J. Rushdoony,2009-11-23 Essentially all of mankind is on some sort of exodus However the path of fallen man is vastly different from that of the righteous Apart from Jesus Christ and His atoning work the exodus of a fallen humanity means only a further descent from sin into death But in Christ the exodus is now a glorious ascent into the justice and dominion of the everlasting Kingdom of God Therefore if we are to better understand the gracious provisions made for us in the promised land of the New Covenant a thorough examination into the historic path of Israel as described in the book of Exodus is essential    Loyola of Los Angeles Law Review ,2002    Proceedings of New York University ...  
Annual Institute on Federal Taxation New York University. Institute on Federal Taxation,2004

The Enigmatic Realm of **Modern Law Of Restitution**: Unleashing the Language is Inner Magic

In a fast-paced digital era where connections and knowledge intertwine, the enigmatic realm of language reveals its inherent magic. Its capacity to stir emotions, ignite contemplation, and catalyze profound transformations is nothing lacking extraordinary. Within the captivating pages of **Modern Law Of Restitution** a literary masterpiece penned with a renowned author, readers set about a transformative journey, unlocking the secrets and untapped potential embedded within each word. In this evaluation, we shall explore the book's core themes, assess its distinct writing style, and delve into its lasting affect the hearts and minds of people who partake in its reading experience.

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