

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
ELIZABETH CAMERON (Appellant)	- and -	MARGARET MacLENNAN (Respondent)
CA 172162	Halifax, N.S.	HALLETT, J.A.

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[Cite as: **Cameron v. MacLennan, 2002 NSCA 13**]

APPEAL HEARD: January 18, 2002

JUDGMENT DELIVERED: January 21, 2002

SUBJECT: **Contracts**

SUMMARY: A purported acceptance of an offer to sell land at a price significantly higher than that contained in the offer is a rejection of the offer and constitutes a counteroffer. Under such circumstances, it is not open to the offeree at a later date to accept the original offer. **Hyde v. Wrench** (1840), 3 Beav. 334; 4 Jur. 1106, 49 E.R. 132; **T. Eaton Co. v. Adam Martini's Ltd.**, [1971] O.J. No. 757 (Q.L.)(Ont. C.A.) at para. 16; *Halsbury's Laws of England*, (4<sup>th</sup> Edition) Volume 9, paras. 645 and 663; S.M. Waddams "*The Law of Contracts*", 3<sup>rd</sup> Edition (Toronto, Canada Law Book Inc., 1993) at paras. 56 and 111; *Chitty on Contracts* (27<sup>th</sup> Edition, 1994) at para. 2-063; **Sinanan v. Woodyer** (1999), 176 N.S.R. (2d) 201 at paras. 22-23).

RESULT: Appeal allowed.

<p>This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 6 pages.</p>
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