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FEEDBACK TUTORIAL LETTER

1ST SEMESTER 2023

ASSIGNMENT 2

COMMERCIAL LAW 1A

CML111S

Feedback Tutorial letter 2023 Assignment 2

ANSWERS QUESTION 1

- 1.1 Entrenchment clause
- 1.2 Agent
- 1.3 Essentialia
- 1.4 Cancellation clause
- 1.5 stipulation alteri

ANSWER QUESTION 2

- 2.1. Yes because it is on credit. Written/verbal
- 2.2. Yes, written
- 2.3 yes , after getting married in community of property they co-own

ANSWER QUESTION 3

- Delegation
- Transfer of obligation from one debtor to another
- The creditor has to consent
- The new debtor in place of the old
- A new contract between the new debtor and creditor

ANSWER QUESTION 4

- contract in restraint of trade
- Restricts one from doing business in a certain geographical area a certain period of time
- The purpose is to protect trade secrets and good will

It brings two important interests into conflict

- Constitutional right of all citizens to do any type of business of their choice without being prohibited and
- Contractual obligations should be performed
- Contractual commitment takes an upper hand
- It is valid and enforceable
- If entered into it freely
- The court will only refuse to enforce it based on public interest
- Mr. Hoffman can therefore sue for breach of contract

ANSWER TO QUESTION 5

- 5.1 Novation
- 5.2 Merge
- 5.3 compromise
- 5.4 release
- 5.5 supervening impossibility of performance

ANSWER TO QUESTION 6

6.1

- Parole evidence rule is applicable
- Once the contract is in writing, the written document is the only evidence that be tendered to court
- Therefore the oral agreement is not valid
- Cannot be enforced.

ALTERNATIVE ANSWER:

- Entrenchment clause is applicable
- Parties agree that once the contract is in writing
- Parties are not allowed to amend the written contract verbally
- Any change should be in writing and signed by both parties.