

LPRO3724 Summary

Unit 1: Introduction to property law

Chapters 1 & 2 of the TB

Scope and content of property law:

- In wide sense → It deals with "property" – all assets that form part of person's estate. Or, it deals with non-legal terminology, a person's "possessions"
 - Includes immovable assets, like a house
 - Movable assets, like a motor car
 - Immaterial property, like a patent
- Remember, private law concerns itself with legal relationships and transactions between private subjects operating on a more / less equal footing
- Public law also plays a part in LPRO → section 25 of the C provides protection for rights in property. LPRO must take note of C principles & their effect
- As result of developments, it became impossible to restrict LPRO to corporeal assets / things
 - "LPRO" = more appropriate than "law of things"
- Apart from rights in property, LPRO traditionally deals with relationships that don't qualify as rights at all
 - They are still NB for LPRO because of their legal implications
 - Relationships are described as unlawful control of property, to which the person in question has no right

Sources of the traditional property law:

- Roman-Dutch private law so common-law
 - Found in writings of the great RD lawyers of the 17th-18th centuries
- SA leg
 - Sectional Titles Act 95/1988
 - Security by Means of Movable Property Act 57/1993
 - Constitution
- Case law
 - *Ex Parte Geldenhuys*
 - Distinction between real rights & creditor's rights
 - *Setlogelo v Setlogelo*
 - Requirements of obtaining an interdict

Apartheid effects → discriminatory laws must be abolished

- Section 39(2) of C → common + customary law must be interpreted + applied with due regard to spirit & objectives of C

Sources of modern property law:

- RD common law
 - Must now be applied with greater care & circumspection in every case
 - Must now consider whether it will promote / frustrate the ideals of human dignity, freedom and equality set out in C
- Statutory law
 - Apartheid was seen to be promoted through legislation (Prevention of Illegal Squatting Act of 1951)
 - New leg have to be evaluated against C backdrop

Summary Of American Law

Raffaella Di Napoli



Summary Of American Law:

Summary of American Law Martin Weinstein,1988 *Summary of American Law* R. Kimbrough,1981-12 Written especially for students this one volume summary of American law states as clearly and concisely as possible the principles on which the law is based **Analysis of American Law** Thomas Watkins Powell,2008 *American Law and Legal Systems* James V. Calvi,Susan Coleman,2016-09-19 *American Law and Legal Systems* examines the philosophy of law within a political social and economic framework with great clarity and insight Readers are introduced to operative legal concepts everyday law practices substantive procedures and the intricacies of the American legal system Eliminating confusing legalese the authors skillfully explain the basics from how a lawsuit is filed through the final appeal This new edition provides essential updates to forensic and scientific evidence contract law and family law and includes new text boxes and tables to help students understand remember and apply central concepts New to the 8th Edition Updates the coverage of environmental law especially in relation to climate change Updates the coverage of family law especially in relation to gay marriage Includes new coverage of challenges to the Voting Rights Act campaign finance and cybersecurity Covers the effects of social media on judicial proceedings Includes 16 new cases including Obergefell v Hodges Adds new text boxes on intriguing subjects throughout Accompanied by an author written Instructor s Manual that includes Learning Objectives Chapter Summaries Chapter Outlines Key Terms and Concepts as well as Test Questions for each chapter **American law reports annotated** ,1922 *American Law Review* ,1891 *Commentaries on American Law* James Kent,1848 **Affirmative Action in American Law Schools** United States Commission on Civil Rights,2007 A briefing before the United States Commission on Civil Rights held in Washington D C June 16 2006 **The American Law Journal** ,1851 **The American Law Review** ,1876

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