

Professor Diana Ginn, Section B
PROPERTY IN ITS HISTORICAL CONTEXT
1005X/Y.06
SYLLABUS: FALL TERM 2018

(Full year course/ 6 Credits/ 3 hours of class weekly
 Credit can only be given for this course if X and Y are completed in consecutive terms and partial
 credit cannot be given for a single term.)

Contact information:	
Office	433
Telephone	902-494-2798 (office) 902-423-2319 (home)
E-mail	d.ginn@dal.ca
Office hours: Fall term: Monday, 3:30 - 4:30. Please note that I am also available to meet <u>outside office hours</u> . You may make an appointment to see me at another time, drop by if my office door is open, or phone me.	
Email communication with students: Any emails sent to students will use their <u>dal.ca</u> email address and will have the re line: <i>Property Law</i> . <u>Please read these!</u> Students will be <u>deemed to have received</u> course information sent by email. Information regarding class cancellation or other unforeseen circumstances will be posted on Brightspace .	
Class times	Monday: 11:30 am to 1 p.m. in Room 104 Wednesday: 11:30 am to 1 p.m. in Room 105
Readings	<i>Property in its Historical Context</i> , Volume I (available on line via Brightspace)

Evaluation: This course is evaluated by way of **examination**.

In December, there will be a **“fail-safe”** examination. “Fail-safe” means that if you get a higher mark on your April Property exam, your April mark will be your final mark. If you do better on your December exam, the December mark will count for 30% of your final grade.

The December and April exams are both closed book. Students will be provided in the exam with copies of the table of contents from the casebook, as well as relevant legislation.

The December exam will be on Volume I only.

The April exam will be on Volume II only.

Grading: Letter/ Mark Co-relation

A+	85 and above
A	80-84
A-	78, 79
B+	75-77
B	70-74
B-	68, 69
C+	65-67
C	60-64
D+	55-59
D	50-54
F	Under 50

Class description:

The purpose of this course is two-fold: first, to provide a basic understanding of property concepts and principles in both real and personal property; second, to provide a sense of the historical development of the law of property. This course introduces the student to the concept of property, its evolution, types and fundamental principles. It illustrates ideas such as possession and ownership by reference to the law of finders and bailment and to various transactions in which land or goods are the common denominators. It also introduces the doctrine of aboriginal title and explores the principles of real property, including tenure, estates, future interests, matrimonial property, private and public controls on land use, and the registry system.

Please take note of the following policies and procedures:

1. Student Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean, Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require documentation. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at (902) 494-2836.

2. Plagiarism

All students must read the University policies on plagiarism and academic honesty <http://academicintegrity.dal.ca/> and the Law School policy on plagiarism <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

3. General Academic Support

https://www.dal.ca/campus_life/academic-support/advising.html

4. Fair Dealing Guidelines

<https://libraries.dal.ca/services/copyright-office/guidelines/fair-dealing-guidelines.html>

Day	Date	Topic	Readings in Casebook
1	Wed. Sept. 12	Introduction to Course Definitions, Theories and Justifications of Property	5-15 Ziff, up to <u>beginning</u> of "Tragedy of the Commons"
2	Mon. Sept. 17	Definitions, Theories and Justifications of Property	15-35 To end of McCallum
3	Wed. Sept. 19	Definitions, Theories and Justifications of Property	36-46 To end of <i>Petty Trespasses Act</i>
4.	Mon. Sept. 24	Classifications of property (Traditional)	46 -49 To end of Chart
5	Wed. Sept. 26	Classifications of Property (Changing Dimensions)	50- 59 and 64-76 Skip <i>International News</i> , read to end of <i>Saulnier</i>
6	Mon. Oct. 1	Classifications of Property (Changing Dimensions) Intro to Copyright	77 to 94 To end of <i>Copyright Act</i>
7	Wed. Oct 3	Copyright Moral rights	95 to 106 and 110- 116 Skip <i>Society of Composers</i> , read to end of <i>Prise de Parole</i>
8	Mon. Oct.8	No class - Thanksgiving	
9	Wed. Oct. 10	Personality as property	116-134 To end of <i>Privacy Act</i>
10	Mon. Oct. 15	Review	No new readings
11	Wed. Oct. 17	No class – Legal Ethics	

12	Mon. Oct. 22	Possession	135- 149 To end of <i>Tubantia</i>
13	Wed. Oct. 24	Finders	149-167 To end of <i>Bird</i>
14	Mon. Oct. 29	Finders	167-177 To end of <i>Thomas</i>
15	Wed. Oct 31	Bailment	178-199 To end of <i>Chapman</i>
16	Mon. Nov. 5	Bailment Intro to Gifts	199-211 To end of <i>Cole</i>
17	Wed. Nov. 7	Gifts	212-225 To end of <i>Zacharuic</i>
18	Mon. Nov. 12	No class – Reading Week	
19	Wed. Nov. 14	No class – Reading Week	
20	Mon. Nov. 19	Transfers of Choses in Action	226-232 To end of <i>Rose</i>
21	Wed. Nov. 21	Transfers of Choses in Action Intro to Nemo Dat	232-241 To end of <i>Battle River</i>
22	Mon. Nov. 26	Nemo Dat Rule and its exceptions	No new readings
23	Wed. Nov. 28	Fixtures Discussion of Exam Writing	241-245 To end of <i>Arctic Transit</i>
24	Mon. Dec. 3	Review	No new readings