CLA 1503 - HOMEWORK 1

CHAPTER 1 — A LEGAL SYSTEM - memo

Question 1

Soon after the death of Multimillionaire Joe Doe a dispute arises regarding the validity and interpretation of his will.

Which one of the following courts should be approached to resolve the dispute?
1. A magistrates court
2. A small claims court
3. the Constitutional court
4. **The High Court X**

Question 2

Which one of the following sources will a SA Lawyer consult on Roman Dutch Law?

1. the law of the twelve Tables
2. the Institutiones
3. **the Corpus Iuris Civilis**
4. Commentarius ad Pandectas

Question 3

Which one of the following statements regarding the *stare decisis* rule/doctrine is **INCORRECT**

1. A high court, whether it is a full bench consisting of three judges, a bench of 2 judges, or only one, is bound by the decisions of the high court of appeal
2. One high court is not bound to follow the decisions of a high court from another area of jurisdiction.
3. Within the area of jurisdiction of one High Court, a bench of two judges is bound by a decision of the full bench of the same court.
4. **If the judgments of the High court are conflicting, a magistrate's court can follow any decision it deems to be right irrespective of the jurisdiction in which it falls. X**

Question 4

MAN TRUCK & BUS(SA)(PTY) LTD V DORBYL LTD t/a DORBYL TRANSPORT PRODUCTS AND BUSAF 2004(5) SA 226 SCA. Supreme Court of appeal.

Mpati DP, Zulman JA, Farlam JA, Cloete JA and Lewis JA
2004 February 17; March 25

Which one of the following statements is Incorrect?

1. The case was reported in the fifth part of the SA Law reports of 2004
2. **MAN TRUCK & BUS was the applicant and DORBYL the the respondent (HEARD ON APPEAL and Parties are then Swapped)**
3. The case was heard by a full bench of five appellate judges
4. The seat of the supreme Court of Appeal is Bloemfontein

Question 5

Which one of the following is not an authorative source of SA Law?

1. SA Case Law
2. Corpus Iuris Civilis
3. **English case law**
4. The Constitucion of SA, 1996
5. Judgements of the Dutch courts before 1652

QUESTION 6

Which one of the following officers is responsible for the issue of process, the enrolment of cases, the maintenance of records and the issuing of orders of the High Court?
1. The clerk
2. **The Register**
3. The litigating parties themselves
4. The Sheriff

QUESTION 7

Which one of the following statements is incorrect?

1. Every Court is bound by the decisions of the superior court within its jurisdiction.
2. **A court is not bound by the decision of a court of concurrent status within its own area of jurisdiction.**
3. A high Court is not bound to follow the decision of another High Court since they belong to different areas of jurisdiction.
4. Magistrates Courts are bound to follow the decisions of the Supreme Court of Appeal and the High Courts.

QUESTION 8

Which one of the following is not a requirement for a customary rule to be recognized as a legal rule?
1. It must have existed for a long time and must be reasonable.
2. It must be generally recognized and observed by the community.
3. The contents thereof myst be clear and certain.

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applied Among the new research directions observable in Web related applications intelligent methods from within the broadly perceived topic of soft computing occupy an important place AWIC the Atlantic Web Intelligence Conferences are intended to be a forum for exchange of new ideas and novel practical solutions in this new and exciting eld The conference was born as an initiative of the WIC Poland and the WIC Spain Research Centres both belonging to the Web Intelligence Consortium WIC http wi consortium org So far three AWIC conferences have been held in Madrid Spain 2003 in Cancun Mexico 2004 and in dz Poland 2005   **Journal of Education** ,1891   **Commerce Business Daily** ,2000-04   **Popular Science** ,1971-02 Popular Science gives our readers the information and tools to improve their technology and their world The core belief that Popular Science and our readers share The future is going to be better and science and technology are the driving forces that will help make it better   *The National Directory of Addresses and Telephone Numbers* ,1996   Energy Abstracts for Policy Analysis ,1982   The Bibliographer's Manual of English Literature William Thomas Lowndes,1858   *Input-output Tables* ,2000   **Student-staff Directory** University of Minnesota,1997   **Exporters Directory/U.S. Buying Guide** ,1985   **Regional Industrial Buying Guide** ,1996   **Ulrich's International Periodicals Directory** Carolyn Farquhar Ulrich,2001   A New English Dictionary on Historical Principles James Augustus Henry Murray,1893   *Daily Graphs* ,1988-10   *Palmer's Index to the Times Newspaper* ,1965 Covers the period from 1790 to 1905 in The Times of London   The Bookseller ,1954

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