Introduction: the domain of property law

A. Property

What is "property"?

1. Common connotations
   a. Things, i.e., physical objects
   b. Rights related to things

2. Technical connotations

How is the term used in legal speech?

a. Things
   1) Definition & examples
   2) Exemplary CC arts. in which the term "property" is used in this sense

See CC arts. 535 & 642.

b. Rights related to things

1) Broad sense: patrimonial rights
   a) Definition
   b) Exemplary CC arts. in which the term "property" is used in this sense

See CC arts. 3182-3183.

c) Examples of "property" in this sense

2) Narrow sense: real rights
   a) Definition

1] By exposition

What's a "real right"? See CC art. 476 cmt. (b) & art. 1763 cmt. (b).

a] Direct and immediate authority over a thing

What do we mean when we say that real rights confer direct and immediate authority over a thing?

b] Opposability to the world

What do we mean when we say that real rights are held against the world?

2] By contrast

What is the counterpart of "real rights"? In other words, when one subtracts "real rights" from the larger category of "patrimonial rights," what's left?

a] Definition of "obligation"

What is a credit right (the right entailed in an "obligation")? See CC art. 476 cmt. (b) & art. 1756. What are some examples?

b] Differences between real rights & personal rights

How does a personal right differ from a real right?

1] Connection with a thing
2] Opposability
3] Pursuit

b) Varieties

1] Principal real rights
   a] Definition
   b] Examples

2] Accessory real rights

B. Property law: definition & scope

II. Things

A. Definition (see above)

B. Classification

1) Analysis of CC art. 448

Is the typology of things set out in CC art. 448 complete? If not, what’s missing?
2) Varieties
   a) Common, public & private things
      1) Common & noncommon things
         See Yiannopoulos, Treatise Excerpts, in Yiannopoulos, Text, 9-10; Trahan, Supp, 2-3.
         a] Definitions & illustrations
            What are "common" things? Examples? See CC art. 449.
         b] Significance: susceptibility of ownership
            What is the principal effect of classifying a particular thing as "common"?
      2) Public v. private things
         a] Explication
            * Preliminary investigation: public v. private capacity
               Read CC arts. 450 & 453. What’s the difference between “public capacity” and “private capacity”? How is one to determine in which of these capacities the state or one of its political subdivisions holds a particular thing? See CC art. 450; Landry v. Council of the Parish of East Baton Rouge, 220 So. 2d 795 (La. App. 1st Cir. 1969) [Yiannopoulos, Text, 12-17]; Town of Broussard v. Broussard Volunteer Fire Dept., 357 So.2d 25(La. App. 3d Cir. 1978) [handout]; City of New Iberia v. Romero, 391 So.2d 548 (La. App. 3 Cir. 1980) [handout].
               1} Public things
                  a] Definitions
                     What are "public" things?
                  b] Illustrations
                     1/ Public things
                        a/ Of the state
                           Give some examples of public things owned by the state. See CC art. 450, par. 2, & cmt.(g), par. 2.
                        b/ Of political subdivisions
                           What are some examples of public things owned by political subdivisions of the state? See CC art. 450, par. 3, & cmt. (e), par. 2.
               2} Private things
                  a] Definition
                     What are "private" things? See CC art. 453.
                  b] Illustrations
                     1/ Of private persons
                        What are some examples of private things of individuals or other private persons?
                     2/ Of the state and/or its political subdivisions
                        What things might qualify as the "private" things of the state or a political subdivision, that is, as things that the state or a political subdivision owns in its private capacity? See CC art. 453 cmt. (b).
                  b] Significance: susceptibility of private ownership
                     Why do we care whether something is public or private?
                     1} Ease of disposal
                     2} Vulnerability to acquisitive prescription
                     3} Susceptibility of (adverse) possession
                     PH 1. Olide pitches a tent on the riverwalk and, at same time, closes off an area on the inside of the Centroplex Arena. At both spots he posts signs that read "This here spot belongs to Olide. No trespassin'." No one disturbs him for a year. Then Mayor orders the police to throw Olide out. Olide, however, claims he's now acquired a "possessory interest," namely, right to possess, both the riverwalk and his corner of the Centroplex Arena. What result? Is the result the same for both pieces of property? Why or why not? See CC arts. 3421 & 3422 & Landry, Broussard, Romero (supra).