

PROPERTY LAW AND THE
PUBLIC INTEREST:
CASES AND MATERIALS

PROPERTY LAW AND THE PUBLIC INTEREST: CASES AND MATERIALS

Fourth Edition

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Dedication

To

Laurie Callies
- D.L.C.

To all my children and grandchildren
- D.R.M.

Veronica, Elizabeth, Joseph, and Caroline
- J.G.H.

Preface

With the publication of this Fourth Edition, *Property Law and the Public Interest* remains committed to its central claims, that the concept of property is never static, that property law is both public and private, that property rules perform the socially critical function of mediating between competing claimants to the same resource or object, and that the law of property has always represented a balance between the claims of individual rights and the needs of the larger public.

However, the Fourth Edition does contain a number of alterations in the arrangements of the materials. For the first time, there is a separate chapter on estates in land and future interests. Concurrent estates and servitudes are now divided into distinct chapters while the materials on the police power and the power of eminent domain are now combined in a single chapter. In a similar way, many of the materials on the acquisition of property that previously appeared in a chapter on unintentional transfers are now incorporated into the opening chapter, which remains focused on the ways in which property and property rights are defined.

All of the chapters in this edition have been updated in light of developments since 2007, and the book continues to provide information in the notes on the historical context in which the featured cases have occurred. Whenever practical, a comparative perspective is provided. As has been the case since the appearance of the First Edition in 1998, *Property Law and the Public Interest* still consists of a collection of cases, edited to different degrees, and a series of notes written by the co-authors. It remains our belief that decisions regarding supplementary secondary sources are best left to the instructor. However, our notes do direct interested users to a wide variety of secondary sources.

As before, we are very much in debt to our editors at LexisNexis, to the library and administrative staffs at Washington University, the University of Hawaii, and the University of Virginia, and to research assistants at all of those institutions. Professor Callies thanks in particular Jacob Garner, Derek Simon, Tina Tsuchiyama, and Ian Wesley-Smith, as well as his indefatigable faculty support specialist, Dana Lum, for her organizational skills in reassembling our manuscript. We are also anxious to receive feedback on this book from our users, both faculty and students. Such comments are always useful. They have helped shape future editions in the past, and they will certainly be taken into account during the preparation of the Fifth Edition.

David L. Callies
Daniel R. Mandelker
J. Gordon Hylton
October 2015

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