

BIBLIOGRAPHY

Explanatory Notes on Formatting

1. In the main body of this thesis, the initials of the authors are given only in the first occurrence of the reference within a chapter. Thereafter, only their surnames are used in indicating the reference in the remainder of the chapter since these are cross-referenced to the first occurrence of their names. Their initials are also reflected in the Bibliography below.
2. The year of publication of textbooks is not given in the body due to the fact that, unlike periodicals, these change with much less frequency and are not essential to locating the relevant text and there is enough detail in the footnotes without further complicating them unnecessarily. However, for the sake of completeness the year of publication is given in the Bibliography below.
3. Where a passage from a judgement or textbook is quoted and the quote itself contains references to other materials, the format of these references has not been altered to follow the format in the text of the thesis on the basis that it is a quote and as such must remain unaltered.
4. With regard to journal references their abbreviated names are used in the main body of the text and also in this Bibliography since their full names can be found by referring to the Table of Abbreviations.
5. References to case names appear in the main body of the text in italics except when they are intended as references to the people themselves in which case they appear as regular text: eg *Soobramoney* means the case of *Soobramoney v the Minister of Health, KwaZulu-Natal* while Soobramoney means the applicant in that case.

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Hartl v Pretoria Hospital Board	1915 TPD 336
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Helgesen v SA Medical and Dental Council	1962 (1) SA 800 (N)
Hepner v Roodepoort-Maraisburg Town Council	1962 (4) SA 772 (A)
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Hermer v Fisher and Others	1960 (2) SA 650 (T)
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Hleka v Johannesburg City Council	1949 (1) SA 842 (A)
Hoffa NO v SA Mutual Fire & General Insurance Co Ltd	1965 (2) SA 944 (C)
Holmdene Brickworks (Pty) Ltd v Roberts Construction Co Ltd	1977 (3) SA 670 (A)
Holomisa v Argus Newspapers Ltd	1996 (2) SA 588 (W)
Honey & Blanckenberg v Law	1966 (2) SA at 46
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Inkatha Freedom Party And Another v Truth And Reconciliation Commission And Others	2000 (3) SA 119 (C)
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Iscor Pension Fund v Marine and General Trade Insurance Co Ltd	1961 (1) SA 178 (T)
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Jaffe & Co (Pty) Ltd v Bocchi and Another	1961 (4) SA 358 (T)
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Janse Van Rensburg No And Another v Minister Of Trade And Industry And Another NNO	2001 (1) SA 29 (CC)
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Jayiya v Member Of The Executive Council For Welfare, Eastern Cape, And Another	2004 (2) SA 611 (SCA)
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Jodaiken v Jodaiken	1978 (1) SA 784 (W)
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Johannesburg Municipality v African Realty Trust Ltd	1927 AD 163
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Jooste v Botha	2000 (2) SA 199 (T)

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Kemp And Another v Republican Press (Pty) Ltd	1994 (4) SA 261 (E)
Kempston Hire (Pty) Ltd v Snyman	1988 (4) SA 371 (SE)
Kern Trust (Edms) Bpk v Hurter	1981 (3) SA 607 (C)
Khala v Minister of Safety and Security	1994 (4) SA 218 (W)
Khumalo and Others v Holomisa	2002 (5) SA 401 (CC)
Kidson v SA Associated Newspapers Ltd	1957 (3) SA 461 (W)
Kleyenstrüber v Barr And Another	2001 (3) SA 672 (W)
Klopper En Andere NNO v Engelbrecht En Andere NNO	1998 (4) SA 788 (W)
Knight v Hemming	1959 (1) SA 288 (FC)
Knop v Johannesburg City Council	1995 (2) SA 1 (A)
Knox D'Arcy Ltd and Another v Shaw and Another	1996 (2) SA 651 (W)
Kotze en Genis (Edms) Bpk en 'n Ander v Potgieter en Andere	1995 (3) SA 783 (C)
Kotze v Kotze	2003 (3) SA 628 (T)
Kovalsky v Krige	1910 CTR 822
Kritzinger v Steyn En Andere	1997 (3) SA 686 (C)
Kroonstad Westelike Boere Ko-operatiewe Vereeniging Bpk v Botha and Another	1964 (3) SA 561 (A)
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Kruger v Coetzee	1966 (2) SA 428 (A)
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Lamprecht and Another v McNeillie	1994 (3) SA 665 (A)
Landmark Real Estate (Pty) Ltd v Brand	1992 (3) SA 983 (W)
Langeberg Voedsel Bpk v Sarculum Bpk	1996 (2) SA 565 (A)
Larbi-Odam and Others v Member of the Executive Council for Education (North-West Province) and Another	1998 (1) SA 745 (CC)
Latham v Sher	1974 (4) SA 687
Laws v Rutherford	1924 AD 261
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Levy NO and Another v Schwartz NO and Others	1948 (4) SA 930 (W)



Lifestyle Amusement Centre (Pty) Ltd and Others v Minister of Justice and Others	1995 (1) BCLR 104 (C)
Lillicrap, Wassenaar and Partners v Pilkington Brothers (SA) (Pty) Ltd	1985 (1) SA 475 (A)
Lower Umfolosi District War Memorial Hospital v Lowe	1937 TPD 31
Lowe v Johnstone	[1907] TS 1069
LTA Construction Bpk v Administrateur, Transvaal	1992 (1) SA 473 (A)
Lubbe v Volkskas Bpk	1991 (1) SA 398 (O)
Lymbery v Jefferies	1925 AD 236
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M G Holmes (Pty) Ltd v National Transport Commission And Another	1951 (4) SA 261 (T)
Mabaso v Felix	1981 (3) SA 865 (A)
Macala v Maokeng Town Council	1993 (1) SA 434 (A)
MacDuff & Co Ltd (in Liquidation) v Johannesburg Consolidated Investment Co Ltd	1924 AD 573
Macleod v Rens	1997 (3) SA 1039 (E)
Madyosi And Another v SA Eagle Insurance Co Ltd	1990 (3) SA 442 (A)
Magna Alloys and Research (SA) (Pty) Ltd v Ellis	1984 (4) SA 874 (A)
Mahambehlala v MEC for Welfare, Eastern Cape, and Another	2002 (1) SA 342 (SE)
Maharaj v Chairman, Liquor Board	1997 (1) SA 273 (N)
Maisel v Van Naeren	1960 (4) SA 836 (C)
Malilang and Others v MV Houda Pearl	1986 (2) SA 714 (A)
Maluleke v MEC, Health and Welfare, Northern Province	1999 (4) SA 367 (T)
Mangope v Van Der Walt And Another NNO	1994 (3) SA 850 (BG)
Manousakis and Another v Renpal Entertainment CC	1997 (4) SA 552 (C)
Maqungu And Another v Assistant Magistrate, Whittlesea, And Another	1977 (2) SA 359 (E)
Marais v Edelman	1934 CPD 212
Marais v Richard en 'n ander	1981 (1) SA 1157 (A)
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Maritime Motors (Pty) Ltd v Von Steiger and Another	2001 (2) SA 584 (SE)
Marlin v Durban Turf Club and Others	1942 AD 112
Martin v Martin	1997 (1) SA 491 (N)
Maseko v Maseko	1992 (3) SA 190 (W)
Masiba and Another v Constantia Insurance Co Ltd and Another	1982 (4) SA 333 (C)
Matthews and Others v Young	1922 AD 492
McCain Frozen Foods (Pty) Ltd v Beestepan Boerdery (Pty) Ltd	2003 (3) SA 605 (T)
McCann v Goodall Group Operations (Pty) Ltd	1995 (2) SA 718 (C)
McMurray v H L & H (Pty) Ltd	2000 (4) SA 887 (N)
McMurray v H L & H (Pty) Ltd	2000 (4) SA 887 (N)
Mcnally v M & G Media (Pty) Ltd And Others	1997 (4) SA 267 (W)
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Meskin NO v Anglo-American Corporation of SA Ltd and Another	1968 (4) SA 793 (W)
Mhlongo and Another NO v Minister of Police	1978 (2) SA 551 (A)
Michael & Another v Linksfeld Park Clinic (Pty) Ltd & Another	2001 (3) SA 1188 (SCA)
Midway Two Engineering & Construction Services v Transnet Bpk	1998 (3) SA 17 (SCA);
Miller And Another NNO v Dannecker	2001 (1) SA 928 (C)
Miller And Another NNO v Dannecker	2001 (1) SA 928 (C)
Miller v Miller,	1940 CPD 466
Minister Of Education v Harris	2001 (4) SA 1297 (CC)
Minister Of Finance And Others v EBN Trading (Pty) Ltd	1998 (2) SA 319 (N)
Minister of Forestry v Quathlamba (Pty) Ltd	1973 (3) SA 69 (A)
Minister of Health and Another v Maliszewski and Others	2000 (3) SA 1062 (SCA)
Minister of Health and others v Treatment Action Campaign and Others (No 2)	2002 (5) SA 721 (CC)
Minister Of Home Affairs v Eisenberg & Associates: In Re Eisenberg & Associates v Minister Of Home Affairs And Others	2003 (5) SA 281 (CC)
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Minister of Land Affairs and Another v Slandien and Others	1999 (4) BCLR 421 (LCC)
Minister of Law and Order and Others v Hurley and Another	1986 (3) SA 568 (A)
Minister of Law and Order v Kadir	1995 (1) SA 303 (A)
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Minister of Police v Chetty	1977 (2) SA 885
Minister of Police v Mbilini	1983 (3) SA 705 (A)
Minister of Police v Rabie	1986 (1) SA 117 (A)
Minister of Police v Skosana	1977 (1) SA 31 (A)
Minister of Safety and Security and Another v Gaqa	2002 (1) SACR 654 (C)
Minister of Safety and Security and Another v Xaba	2003 (2) SA 703 (D)
Minister Of Safety And Security v Van Duivenboden	2002 (6) SA 431 (SCA)
Minister of the Interior and Another v Mariam	1961 (4) SA 740 (A)
Minister van Landbou-Tegniese Dienste v Scholtz	1971 (3) SA 188 (A)
Minister van Onderwys en Kultuur en Andere v Louw	1995 (4) SA 383 (A)
Minister van Polisie en 'n Ander v Gamble en 'n Ander	1979 (4) SA 759 (A)
Minister van Polisie v Ewels	1975 (3) SA 590 (A)
Minister van Wet en Orde v Matshoba	1990 (1) SA 280 (A)
Mistry v Interim Medical and Dental Council of South Africa and Others	1998 (4) SA 1127 (CC)
Mistry v Interim National Medical and Dental Council of South Africa and Others	1997 (7) BCLR 933 (D)
Mitchell v Dixon	1914 AD 519
Mitchell v Maison Libson	1937 TPD 13
Mkhatswa v Minister Of Defence	2000 (1) SA 1104 (SCA)
Moaki v Reckitt & Colman (Africa) Ltd	1968 (3) SA 98 (A)
Modise And Others v Steve's Spar, Blackheath	2001 (2) SA 406 (LAC)
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Moore v Minister of Posts and Telegraphs	1949 (1) SA 815 (A)
Morrison v Angelo Deep Gold Mines Ltd	1905 TS 775
Mort No v Henry Shields-Chiat	2001 (1) SA 464 (C)
Moubray v Syfret	1935 AD 199
Mouton v Die Mynwerkersunie.	1977 (1) SA 119 (A)
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Mtsetwa v Minister of Health	1989 (3) SA 600 (D)
Mthembu v Letsela and Another	1998 (2) SA 675 (T)
Mufamadi And Others v Dorbyl Finance (Pty) Ltd	1996 (1) SA 799 (A)
Muhlmann v Muhlmann	1981 (4) SA 632 (W)
Mukheiber v Raath And Another	1999 (3) SA 1065 (SCA)
Muller v Mutual And Federal Insurance Co Ltd And Another	1994 (2) SA 425 (C)
Muller v Pam Snyman Eiendomskonsultante (Pty) Ltd	2001 (1) SA 313 (C)
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Mutual and Federal Insurance Co Ltd v Swanepoel	1988 (2) SA 1 (A)
Mutual Life Insurance Company of New York v Ingle	1910 TPD 540
Mzeku and Others v Volkswagen SA (Pty) Ltd and Others	2001 (4) SA 1009 (LAC)
Nasionale Behuisingskommissie v Greyling	1986 (4) SA 917 (T)
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National Media and Others v Bogoshi	1998 (4) SA 1196 (SCA)
National Media Ltd And Another v Jooste	1996 (3) SA 262 (A)
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Neugebauer & Co Ltd v Hermann	1923 AD 564
Neuhoff v York Timbers Ltd	1981(4) SA 666 (T)
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New National Party of South Africa v Government of the Republic of South Africa and Others	1999 (3) SA 191 (CC)
New United Yeast Distributors (Pty.) Limited v Brooks	1935 W.L.D. 75
Newman v Prinsloo and Another	1973 (1) SA 125 (W)
Ngema v Minister of Justice, KwaZulu	1992(4) SA 349 (N)
Novick v Benjamin	1972 (2) SA 842 (A)
Nuclear Fuels Corporation Of SA (Pty) Ltd v Orda AG	1996 (4) SA 1190 (A)
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Ocean Accident and Guarantee Corporation Ltd v Koch	1963 (4) SA 147 (A)
Odendaal v Bethlehem Romery Bpk	1954 (3) SA 370 (O)
O'Keeffe v Argus Printing & Publishing Co Ltd	1954 (3) SA 244 (C)
Oldwage v Louwrens	case no 10253/01 in the Cape Provincial Division of the High Court judgment handed down on 19 February 2004
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Omar And Others v Minister Of Law And Order And Others; Fani And Others v Minister Of Law And Order And Others; State President And Others v Bill	1987 (3) SA 859 (A)
Oosthuizen v Homegas (Pty) Ltd	1992 (3) SA 463 (O)
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Oos-Transvaalse Koöperasie Bpk v Heyns	1986 (4) SA 1059 (O)
Orville Investments (Pty) Ltd v Sandfontein Motors	2000 (2) SA 886 (T)
Oude Meester Groep Bpk and Another v SA Breweries Ltd; SA Breweries Ltd and Another v Distillers Corporation (SA) Ltd and Another	1973 (4) SA 145 (W)

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Paddock Motors (Pty) Ltd v Igesund	1976 (3) SA 16 (A)
Pakendorf en Andere v De Flamingh	1982 (3) SA 146 (A)
Palmer v Poulter	1983 (4) SA 11 (T)
Pan American World Airways Inc v SA Fire and Accident Insurance Co Ltd	1965 3 SA 150 (A)
Paragon Business Forms (Pty) Ltd v Du Preez	1994 (1) SA 434 (SE)
Parke v Hamman	1907 TH 47
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Park-Ross and Another v Director: Office for Serious Economic Offences	1995 (2) SA 148 (C)
Parsons v Langemann and Others	1948 (4) SA 258 (C)
Pauw v African Guarantee	1950 (2) SA 132
Peacock v SA Eagle Insurance Co Ltd	1991 (1) SA 589 (C)
Pennington v Friedgood And Others	2002 (1) SA 251 (C)
Permanent Secretary, Department Of Education And Welfare, Eastern Cape, And Another v Ed-U-College (PE) (Section 21) Inc	2001 (2) SA 1 (CC)
Permanent Secretary, Department Of Welfare, Eastern Cape, And Another v Ngxuza And Others	2001 (4) SA 1184 (SCA)
Peter v Peter And Others	1958 (4) SA 361 (N)
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Pizani v Minister of Defence	1987 (4) SA 592 (A)
Plum v Mazista Ltd	1981 (3) SA 152 (A)
Plum v Mazista Ltd	1981 (3) SA 152 (A)
Polpark Dispensary (Pty) Ltd v SA Pharmacy Board	1978 (2) SA 816 (A)
Pont v Geysen en 'n Ander	1968 (2) SA 545 (A)
Pop v Revelas	WLD 05 August 1999 unreported
Preller And Others v Jordaan	1956 (1) SA 483 (A)
Premier, Eastern Cape, And Others v Cekeshe And Others	1999 (3) SA 56 (TK)
President Of The Republic Of South Africa And Another v Hugo	1997 (4) SA 1 (CC)
President of the Republic of South Africa and Others v South African Rugby Football Union and Others	2000 (1) SA 1 (CC)
President Of The Republic Of South Africa And Others v United Democratic Movement (African Christian Democratic Party And Others Intervening; Institute For Democracy In South Africa And Another As Amici Curiae)	2003 (1) SA 472 (CC)
Pretorius and Another v Natal South Sea Investment Trust Ltd (under Judicial Management)	1965 (3) SA 410 (W)
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Pringle v Administrator Transvaal	1990 (2) SA 379 (W)
Prinsloo v Van der Linde and Another	1997 (3) SA 1012 (CC)
Public Carriers Association and Others v Toll Road Concessionaries (Pty) Ltd and Others	1990 (1) SA 925 (A)
Publication Control Board v Central News Agency,	1970 (3) SA 479 (A)
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R v Chipesa	1964 (4) SA 472 (SRA)
R v Damascus	1965 (4) SA 598 (SR)
R v Davidow	(1955) unreported
R v Dhlamini	1955 (1) SA 120 (T)
R v Du Plessis	1950 (1) SA 297 (O)
R v Garnsworthy	1923 WLD 17
R v Holliday	1927 CPD 395
R v Hutcheons and Another	1912 T.P.D. 705
R v Jansen	1937 CPD 294
R v Makali	1950 (1) SA 340 (N)
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R v Rossouw	1960 (3) SA 326 (T)



R v Samuel	1960 (4) SA 314 (SWA)
R v Schoonwinkel	1953 (3) SA 136 (C)
R v Terblanche	1933 OPD 65
R v Van der Merwe	1950 (4) SA 124 (O)
R v van der Merwe	1953 (2) PH H 124 (W)
R v Van Schoor	1948 (4) SA 349 (C)
R v Van Tonder	1932 TPD 90
R v Victor	1943 TPD 77
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Raats Röntgen And Vermeulen (Pty) Ltd v Administrator, Cape, And Others	1991 (1) SA 827 (C)
Radebe v Hough,	1949 (1) SA 380
Ramsay v Minister van Polisie en Andere	1981 (4) SA 802 (A)
Ranger v Wykerd and Another	1977 (2) SA 976 (A)
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Recsei's Estate v Meine	1943 EDL 277
Regal v African Superslate (Pty.) Ltd	1963 (1) SA 102 (AD)
Regering van S.A. v Santam Versekeringsmaatskappy Bpk	1970 (2) SA 41
Reid Bros (South Africa) Ltd v Fischer Bearings Co Ltd	1943 AD 232
Reitzer Pharmaceuticals (Pty) Ltd v Registrar Of Medicines	1998 (4) SA 660 (T)
Rens v Coltman	1996 (1) SA 452 (A)
Republic of South Africa v Fibre Spinners & Weavers (Pty) Ltd	1978 (2) SA 794 (A)
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Rex v Jolly and Others,	1923 AD 176
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Richter and Another v Estate Hamman	1976 (3) SA 226 (C)
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Rivett-Carnac v Wiggins	1997 (3) SA 80 (C)
Road Accident Fund v Mothupi	2000 (4) SA 38 (SCA)
Road Accident Fund v Sauls	2002 (2) SA 55 (SCA)
Road Accident Fund v Sauls	2002 (2) SA 55 (SCA)
Roberts Construction Co Ltd v Dominion Earthworks (Pty) Ltd and Another	1968 (3) SA 255 (A)
Roberts NO v Northern Assurance Co Ltd	1964 (4) SA 531 (D)
Robin v Guarantee Life Assurance Co Ltd	1984 (4) SA 558 (A)
Robinson v Randfontein Estates GM Co Ltd	1925 AD 173
Roffey v Catterall, Edwards & Goudre (Pty) Ltd	1977 (4) SA 494 (N)
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Röseman v General Council Of The Bar Of South Africa	2004 (1) SA 568 (SCA)
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S v Barber	1979 (4) SA 218 (D)
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S v Bochris Investments (Pty) Ltd	1988 (1) SA 861 (A)
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S v Bradbury	1967 (1) SA 387 (A)
S v Daniëls en 'n Ander	1983 (3) SA 275 (A)
S v De Bellocq	1975 (3) SA 538 (T)
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S v Dobson	1993 (4) SA 55 (E)
S v Dodo	2001 (3) SA 382 (CC)
S v Frames (Cape Town) (Pty) Ltd	1995 (8) BCLR 981 (C)
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S v Hartmann	1975 (3) SA 532 (C)
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S v Johnson	1969 (1) SA 204 (A)
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S v Julius	1984 (2) SA 480 (O)
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S v Kramer	1987 (1) SA (N)
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S v Mahomed and Another	1938 AD
S v Makwanyane and Another	1995 (3) SA 391 (CC)
S v Manamela and Another (Director-General of Justice Intervening)	2000 (3) SA 1 (CC)
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S v Marx	1962 (1) SA 848 (N)
S v McBride	1979 unreported
S v Mhlungu & Others	1995 (3) SA 867 (CC)
S v Mkwetshana	1965 (2) SA 493 (N)
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S v Mtetwa	1977 (3) SA 628 (E)
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