

Class 3 - Law and Judges

9 CJ Truepenny - Follow Statute,
Judges Seek Clemency from
Executive (Convict)

15 Foster (I)- Law of Nature &
Social Contract (Acquit)

10 Foster (II)- Self-Defense
Exception to murder based on
purpose (Acquit)

2 Tating - Withdraws

25 Keen - Follow Statute
(Convict)

4 Handy - Acquit Because Popular
Support for Acquittal

Post = Hunter

Pierson = Jerk, takes fox

No positive law (no statutes, no
common law, no precedents)

Tompkins (Majority) - Rule of capture, pursuit does not give prop right, Jerk Wins

Livingston (Dissent) - Hunter wins, sportsmen, fairer, rewarding hunter, pursuit enough

Pufendorf + Grotius --> rule of capture applies. Not fair. Easy to apply.

Barbeyrac --> pursuit *may* give a property right (Locke) --> Lockean labor theory. Hard to apply. May be fair. Creates incentives, rewards hunting. economically efficient.