

Assignment: Johnson v. M'Intosh

Due: Wednesday, August 13. The assignment will be collected during class.

Instructions: write an answer to the following questions. In answering the questions, please cite to the relevant information in the case that supports your answer.

1. Who is the plaintiff in this action? Who is the defendant?
2. What does the plaintiff want the Court to do?
3. What law or legal principle does the plaintiff say the defendant violated?
 - a. What cause of action did plaintiff bring?
 - b. What elements must plaintiff prove to succeed on this cause of action?
4. Briefly describe what happened in this case.
5. Make a list of each owner in plaintiffs' chain of title (I.e. From whom did plaintiff get title? From whom did that person get it? Etc.)
6. Make a list of each owner in defendant's chain of title. (E.g. From whom did defendant get title? From whom did that person get it? Etc.)
7. What legal rules or principles support plaintiff's argument for title?
8. What legal rules or principles support defendant's argument for title?
9. What legal issue must the Court decide?
10. How does the Court resolve the issue? In whose favor?
11. What legal rules or principles does Justice Marshall rely upon to resolve the issue?
12. What is the discovery principle?

- a. What affect did discovery principle have on original inhabitants?
 - b. What were the rights of original inhabitants under discovery doctrine?
13. Under the discovery principle, what were the two ways European nations could acquire land from the original inhabitants? What method was used in this case?
14. What is title by conquest? How is title by conquest acquired?