Marquette Monday  
Mock Property Class

A. What do you think you will learn in law school?

I. The law school class is traditionally organized around the Socratic Method. So, I typically engage in a Socratic Method—that is, I cold-call a student and the student and I engage in a Socratic Dialogue about a given case. This process of cold-calling is intended to teach different types of reasoning:

- **Deductive Reasoning**: You use logical reasoning to move from **general rule to a particular set of circumstances**. For example, in *Armory*, we are examining what legal rule should be applied in a case that involves the finding of a valuable jewel.
- **Inductive Reasoning**: You use logical reasoning to move from a **particular rule to apply it to a general set of circumstances**. For example, you would deduce a new rule for finding by synthesizing a new rule from *Armory* and various other cases that address the rule.
- **Analogical Reasoning**: You compare, contrast and weight the particulars of various different cases. For example, you compare the rule for finders as applied in *Armory* to other cases that mention finders and explain why your rule may be better in a given instance.

As you can imagine, I had to change this in an online environment. We are going to use the chat function very actively and I am going to present the information in the chat function.

1. I am releasing to the chat the facts of the case.

The plaintiff being a chimney sweeper's boy found a jewel and carried it to the defendant's shop (who was a goldsmith) to know what it was, and delivered it into the hands of the apprentice, who under pretense of weighing it, took out the stones, and calling to the master to let him know it came to three halfpence, the master offered the boy the money, who refused to take it, and insisted to have the thing again; whereupon the apprentice delivered him back the socket without the stones.
This case is about trover. Trover: common-law action to recover the value of personal property that has been wrongfully disposed of by another person.

As to the finding of trover, the court held that: That the finder of a jewel, though he does not by such finding acquire an absolute property or ownership, yet he has such a property as will enable him to keep it against all but the rightful owner, and subsequently may maintain trover.

2. In the chat, explain how the Court addressed trover?

• Question to the Whole: Was the way in which trover was addressed here helpful?

There were two sub-issues?

• First, the Court addressed whether the master could be liable for the apprentice actions. That the action well lay against the master, who gives a credit to his apprentice, and is answerable for his neglect, Jones v Hart, Salk 441. Cor. Holt C J[2] Mead v Hammond, supra. Grammer v Nixon,[3] post, 653.

• Question to the Whole? Why do you think that the Court held the Master’s liable for the action.

• Second, the Court also discussed how to value the jewel.

As to the value of the jewel several of the trade were examined to prove what a jewel of the finest water that would fit the socket would be worth; and the Chief Justice directed the jury, that unless the defendant did produce the jewel, and shew it not to be of the finest water, they should presume the strongest case against him, and
make the value of the best jewels the measure of their damages: which they accordingly did.

Questions to the Whole? How did the Court address valuing the jewel?