

NATURAL PROPERTY RIGHTS

Natural Property Rights presents a novel theory of property based on individual, pre-political rights. The book argues that a just system of property protects people's rights to use resources and also orders those rights consistent with natural law and the public welfare. Drawing on influential property theorists such as Grotius, Locke, Blackstone, and early American statesmen and judges, as well as recent work in normative and analytical philosophy, the book shows how natural rights guide political and legal reasoning about property law. It examines how natural rights justify the most familiar institutions in property, including public property, ownership, the system of estates and future interests, leases, servitudes, mortgages, police regulation, and eminent domain. Thought-provoking and comprehensive, the book challenges leading contemporary justifications for property and shows how property both secures individual freedom and serves the common good.

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Contents

<i>Acknowledgments</i>	<i>page</i> xi
<i>Note on Cover</i>	xiii
<i>Table of Cases</i>	xv
<i>Table of Legislative Materials</i>	xxiii
<i>Table of Multiple Edition Works</i>	xxv
 PART I FOUNDATIONS	
1 Introduction	3
1.1 Natural Property Rights	3
1.2 Two Test Cases	4
1.3 Argument	10
1.4 Topics	15
1.5 Contributions	17
1.6 Contemporary Theories	20
References	25
 2 Natural Law and Rights	 33
2.1 Four Test Cases	36
2.2 Interest-Based Rights	38
2.3 Natural Law and Rights: An Overview	42
2.4 Natural Law	44
2.5 The Foundations for Natural Law	45
2.6 Natural Law, Individuals, and Communities	48
2.7 Natural Rights	50
2.8 The Priority of Rights and Duties	50
2.9 Implications	53
References	53

3	Practical Reason	58
3.1	Practical Reason as a Distinct Field of Reasoning	60
3.2	Specification	60
3.3	Determination	61
3.4	Reasoning with Core Cases	62
3.5	The Scope of Practical Reasoning	63
3.6	Reasoning about Parking Spaces	63
3.7	Practical Reasoning and Consequences	66
3.8	Determinacy in Practical Reasoning	68
	References	69
	PART II THE NATURAL RIGHT TO PROPERTY	
4	Property's Subject Matter and Interest	75
4.1	Separability and the Field of Property	76
4.2	Property as a Law of Things	77
4.3	Separability's Limits	78
4.4	The Interest in Using Things	78
4.5	Property and Slavery	79
	References	80
5	Property's Elements and Scope	82
5.1	The Community Baseline	83
5.2	From the Community Baseline to Individual Rights	84
5.3	The Productive Use Requirement	84
5.4	The Claim Communication Requirement	89
5.5	Consent	90
5.6	The Necessity Proviso	91
5.7	The Sufficiency Proviso	92
5.8	Acquisition Law and Policy	94
5.9	Skepticism about Natural Property Rights	98
5.10	The Skepticism Addressed	99
	References	102
6	Property's Conceptual Structure	105
6.1	Institutional Artifacts	108
6.2	The Features of Institutional Artifacts	110
6.3	Usufructs	112
6.4	Property Rights' Features	116
6.5	The In Rem, Immunized Claim-Right	117
6.6	Facilitating Use	119

Contents

vii

6.7 Property and Exclusion	121
6.8 Property and Bundles of Rights	123
References	124
7 Property, Natural Law, and Nozick	128
7.1 Nozickean Rights	129
7.2 The Features of Nozickean Rights	131
7.3 Will- and Interest-Based Rights	133
7.4 Autonomy- and Use-Based Property Rights	134
7.5 The Effects of Recognizing Property Rights	135
7.6 Natural Rights and Universalizability	136
References	139
PART III PROPERTY LAW	
8 Justifying Ownership	145
8.1 Two Introductions to Ownership	147
8.2 The Challenge for Ownership	150
8.3 Justifying Ownership	150
8.4 Clear Property Rights	151
8.5 Resource Stewardship	152
8.6 Productivity and Labor	153
8.7 Individual Autonomy	154
8.8 Lingering Questions	155
References	156
9 Limiting Ownership	159
9.1 Aerial Trespass	159
9.2 Adverse Possession and Claim Communication	161
9.3 Nonowners' Interests in Productive Use	162
9.4 The Necessity Proviso and Doctrine	165
9.5 The Sufficiency Proviso	166
9.6 Ownership Reconsidered	168
References	171
10 Designing Property Rights	174
10.1 Resources and <i>Res</i>	176
10.2 Thing Design as a Property Topic	179
10.3 Justifying Thing Design	182
10.4 An Overview of Thing Design Policy	184
10.5 Rights in Real Estate, in Relation to Minerals, Animals, and Plants	186

10.6	Rights in Real Estate, in Relation to Artifacts	189
10.7	Real Estate and Water Rights	191
10.8	Fruits and Newborn Animals	192
10.9	Accession, Specification, and Confusion	193
10.10	Real Estate and Shale Oil and Gas	194
	References	198
11	Subdividing Ownership Rights	201
11.1	Component Rights	203
11.2	Justifying Component Rights	204
11.3	The Cases for and against Component Rights	206
11.4	Facilitating Use with Component Rights	207
11.5	Limits for Claim Communication	208
11.6	Limits Protecting Third-Party Sufficiency Interests	210
11.7	Correlative Rights in the Same Resource	211
	References	216
	PART IV PROPERTY IN COMMON LAW AND PUBLIC LAW	
12	Common Law, Duties, and Harms	221
12.1	Tort and the Use of Land	223
12.2	The Primacy of Duties and Harms	225
12.3	The Right to Use Land	227
12.4	Use Rights in Nuisance	232
12.5	Use Rights in the Train Sparks Doctrine	235
12.6	Skepticism about Common Law Reasoning	236
12.7	The Skepticism Addressed	238
	References	242
13	Police Regulation	245
13.1	Regulation and Legitimate Authority	247
13.2	The Police Power	248
13.3	Supplying Determinacy	250
13.4	Harm Prevention	251
13.5	Securing an Average Reciprocity of Advantage	253
13.6	Pennsylvania Coal Co. v. Mahon	255
13.7	Regulation and Certainty	256
13.8	Police Power Skepticism	256
13.9	The Skepticism Addressed	257
13.10	Police Regulation Today	262
13.11	The Policy Case for Focusing Police Regulation	266
	References	270

<i>Contents</i>	<i>ix</i>
14 Eminent Domain	274
14.1 Four Test Cases	277
14.2 Condemnations with Police Regulation	278
14.3 Condemnations with Eminent Domain	280
14.4 Public Use	282
14.5 Eminent Domain Justly Applied	286
14.6 Skepticism about Eminent Domain	287
14.7 The Skepticism Addressed	288
14.8 The Policy Case for Focusing Eminent Domain	292
References	295
 15 Conclusion	 297
15.1 Normative Lessons	297
15.2 Conceptual Lessons	297
15.3 Policy and Doctrinal Lessons	298
15.4 Practical Reason	300
15.5 Skepticism	301
15.6 Legitimacy	301
15.7 Contemporary Perspectives	303
15.8 First Principles and Questions of First Impression	304
References	305
 <i>Index</i>	 307

Cambridge University Press & Assessment
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Frontmatter
[More Information](#)

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Note on Cover

The image on the cover is an aerial photograph of oil drilling rig on western edge of Williston, North Dakota, by Richard Hamilton Smith. Image courtesy of Getty Images. Williston is at the heart of the Bakken Oil Field Boom, and the metal structure in the foreground is an oil drilling rig. The image is of a bright and prosperous town. I hope that the image interests viewers in three sets of questions central in this book.

For property theorists, the image illustrates vividly how well-designed property rights improve human life. Such rights empower people to put resources to many different uses – commerce, farming, home ownership, and energy production. But how should property rights be designed to empower people and make their lives better?

For lawyers, the picture highlights many of the issues addressed in a complete system of property law. Why let most land become private property but reserve some for public roads? Why does property in each of the lots include attached trees and buildings – but not motor vehicles on the lots or oil pumped from beneath any lot? What laws are needed to stop neighbors from polluting on one another's lots?

And for political theorists, the image illustrates the complicated relationship between individual freedom and just community. Williston is an attractive town – in part because each individual lot is well-kept, and in part because those lots contribute to a satisfying whole. How are individual property rights and the common good arranged together in a just political community?

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Table of Cases

Each case below includes a full citation and then references to the pages in which it is discussed in this book.

- 5 *Women in Oakland California House v. Wedgwood Property Company*, 2020 WL 472922 (C.D. Cal. Jan. 29, 2020), 166
- Adams v. Cleveland-Cliffs Iron Company*, 602 N.W.2d 215 (Mich. App. 1999), 224, 232–33
- Adams v. Greenwich Water Company*, 83 A.2d 177 (Conn. 1951), 115, 117
- Allnutt v. Inglis* [K.B. 1810] 104 Eng. Rep. 206, 167
- Allore v. Flower Hospital*, 699 N.E.2d 560, 564 (Ohio Ct. App. 1997), 36
- Ambler Realty Company v. Village of Euclid*, 297 F. 307 (N.D. Ohio 1924), 268–69
- The Antelope*, 23 U.S. (10 Wheat) 66 (1825), 79
- Arkansas Game & Fish Commission v. United States*, 568 U.S. 23 (2012), 281
- Arkansas Valley Land & Cattle Co. v. Mann*, 130 U.S. 69 (1889), 176
- Armstrong v. United States*, 364 U.S. 40 (1960), 113, 281
- Austin v. Murray*, 16 Pick. 121 (Mass. 1834), 252
- Backus v. Fort Street Union Depot Company*, 169 U.S. 557 (1898), 282
- Baker v. Howard County Hunt*, 188 A. 223 (Md. 1936), 117, 148
- Baker v. Weedon*, 262 So.2d 641 (Miss. 1972), 214
- Bamford v. Turnley* [Exch. Ch. 1862] 122 Eng. Rep. 27, 229–31
- Barahona v. Union Pacific Railway Company*, 881 F.3d 1122 (9th Cir. 2018), 207
- Bartlett v. Budd*, 1 Low. 223 (D. Mass. 1868), 132
- Baseball Publishing Company v. Bruton*, 18 N.E.2d 362 (Mass. 1938), 114, 117
- Baumgartner v. Gulf Oil Corp.*, 168 N.W.2d 510 (Neb. 1969), 195
- Beekman v. Saratoga & Schenectady Railroad Company*, 3 Paige Ch. 45 (N.Y. Ch. 1831), 167, 284
- Berman v. Parker*, 348 U.S. 26 (1954), 10, 34, 257, 275, 277, 288–92, 294
- Blackburn v. Lefebvre*, 976 So.2d 482 (Ala. 2007), 119
- Bloodgood v. Mohawk & Hudson Railway Company*, 18 Wend. 9 (N.Y. 1837), 283
- Board of Commissioners of Rice County v. Scott* (“In re Scott’s Will”), 93 N.W. 109 (Minn. 1903), 134

- Bolotin v. Rindge*, 41 Cal. Rptr. 376 (Cal. Dist. Ct. App. 1964), 211
Boom Co. v. Patterson, 98 U.S. 403 (1878), 282
Borton v. Forest Hills Country Club, 926 S.W.2d 232 (Mo. Ct. App. 1996), 112
Bridge Aina L'ea, LLC v. Hawaii Land Use Commission, – U.S. –, 141 S. Ct. 731 (2021), 300
Briggs v. Southwestern Energy Products Company, 224 A.3d 334 (Pa. 2020), 195
Brokaw v. Fairchild, 237 N.Y.S. 6 (Sup. Ct. 1929), 213, 215
Brokaw v. Fairchild, 231 A.D. 704 (N.Y. App. Div. 1930), 213
Brokaw v. Fairchild, 256 N.Y. 670 (1931), 213–15
Brown v. Board of Education, 347 U.S. 483 (1954), 34
Brumagim v. Bradshaw, 39 Cal. 24 (1870), 95, 100
Bryant v. Lefever, [Ct. App. 1879] 4 C.P.D. 172, 237, 239–41
Buchanan v. Warley, 245 U.S. 60 (1917), 268
Calder v. Bull, 3 U.S. (3 Dall.) 386 (1798), 277
Campbell v. Race, 7 Cush. 408 (Mass. 1851), 169
Campbell v. Seaman, 63 N.Y. 568 (1876), 238
Campo v. United States, 157 Fed. Cl. 584 (2021), 304
Campo v. United States, 169 Fed. Cl. 502 (2024), 304
Carpenter v. Double R Cattle Company, 701 P.2d 222 (Idaho 1985), 233
Carruth v. Easterling, 150 So.2d 852 (Miss. 1963), 176
Carter v. Thurston, 58 N.H. 104 (1877), 178
Cedar Beach/Cedar Islands Supporters, Incorporated v. Gables Real Estate, Limited Liability Company, 145 A.3d 1024 (Me. 2016), 118
Cedar Point Nursery v. Hassid, 141 S. Ct. 2063 (2021), 265
Champlin Refining Company v. Dugan, 270 P. 559 (Okla. 1928), 87
Charles v. Barzey [2002] UKPC 68 [2003] 1 WLR 437 [11], 209
City of Dunsmuir v. Silva, 317 P.2d 653 (Cal. App. 1957), 118
City of Passaic v. Paterson Bill Posting, Advertising & Sign Painting Company, 62 A. 267 (N.J. 1905), 260
Clark v. Nash, 198 U.S. 361 (1905), 288
Coastal Oil & Gas Corporation v. Garza Energy Trust, 268 S.W.3d 1 (Tex. 2008), 194, 196–98
Coffin v. Left Hand Ditch Company, 6 Colo. 443 (1882), 98, 116, 120, 179
Columbus-America Discovery Group, Incorporated v. The Unidentified, Wrecked and Abandoned Sailing Vessel, S.S. Central America, 1989 AMC 1955 (E.D. Va. 1989), 96
Commonwealth v. Alger, 61 Mass. 53 (1851), 249–51
Coryell v. Cain, 16 Cal. 567 (1860), 95
County of Wayne v. Hathcock, 684 N.W.2d 765 (Mich. 2004), 294
Crook v. Sheehan Enterprises, Incorporated, 740 S.W.2d 333 (Mo. App. 1987), 148
Cross Continent Development, Limited Liability Company v. Town of Akron, 742 F. Supp.2d 1179 (D. Colo. 2010), 201
Cushman Virginia Corporation v. Barnes, 129 S.E.2d 633 (Va. 1963), 118
Dakota Central Telephone Company v. South Dakota ex rel. Payne, 250 U.S. 163 (1919), 249
Dayton Gold & Silver Mining Co. v. Seawell, 11 Nev. 394 (1876), 285, 288
De Mers v. Graupner, 53 S.W.2d 8 (Ark. 1932), 224
Del Monte Mining & Milling Co. v. Last Chance Mining & Milling Co., 171 U.S. 55 (1898), 177, 187, 189

- Dierkes v. Crawford Orthodontic Care, Personal Corporation*, 643 S.E.2d 364 (Ga. App. 2007), 148
- Dolan v. City of Tigard*, 512 U.S. 374 (1994), 169, 256, 291
- Dumont v. Kellogg*, 29 Mich. 420 (1874), 115
- Dunlap v. Beaty*, 122 S.E.2d 9 (S.C. 1961), 211
- eBay, Incorporated v. MercExchange, Limited Liability Company*, 547 U.S. 388 (2006), 117
- Eddy v. Simpson*, 3 Cal. 249 (1853), 116
- Edwards v. Allouez Mining Company*, 38 Mich. 46 (1878), 163
- Edwards v. Sims*, 24 S.W.2d 619 (Ky. 1929), 177, 187, 198
- Elliff v. Texxon Drilling Co.*, 210 S.W.2d 558 (Tex. 1948), 195
- Evans v. Merriweather*, 4 Ill. (3 Scam.) 491 (1842), 115
- Eyerman v. Mercantile Trust Company*, 524 S.W.2d 210 (Mo. Ct. App. 1975), 134
- Fallbrook Irrigation District v. Bradley*, 164 U.S. 112 (1896), 288–89
- Farmers High Line Canal & Reservoir Company v. City of Golden*, 975 P.2d 189 (Colo. 1999), 117
- Fisher v. Steward*, 1 Smith 60 (N.H. 1804), 188–89
- Fontainebleau Hotel Corporation v. Forty-Five Twenty-Five, Incorporated*, 114 So.2d 357 (Fla. App. 1959), 233
- Galbraith v. Oliver*, 3 Pitts. Rep. 78 (Pa. Comm. Pl. 1867), 224, 231–32, 234
- Garza Energy Trust*: See entry for *Coastal Oil & Gas Corp. v. Garza Energy Trust*.
- Ghen v. Rich*, 8 F. 159 (D. Mass. 1881), 97, 132–33
- Gilbert v. Showerman*, 23 Mich. 448 (1871), 231, 234
- Golden Press, Incorporated v. Rylands*, 235 P.2d 592 (Colo. 1951), 102, 163
- Goddard v. Winchell*, 52 N.W. 1124 (Iowa 1892), 188–89, 198
- Gray-Mellon Oil Co. v. Fairchild*, 292 S.W. 743, 745 (Ky. 1927), 197
- Green Acres Trust v. Wells*, 72 So.3d 1123 (Miss. App. 2011), 224
- Hadacheck v. Sebastian*, 239 U.S. 394 (1915), 257–63
- Hail v. Reed*, 54 Ky. 479 (1854), 194–95
- Halbouty v. Railroad Commission*, 357 S.W.2d 364 (Tex. 1962), 194–95
- Hanna v. Robinson*, 167 S.W.3d 166 (Ark. App. 2004), 114
- Hanover Star Milling Company v. Metcalf*, 240 U.S. 403 (1916), 114
- Hannum v. Gruber*, 31 A.2d 99 (Pa. 1943), 224
- Harbison v. City of Buffalo*, 4 N.Y.2d 553 (N.Y. 1958), 259
- Harris v. Brooks*, 283 S.W.2d 129 (Ark. 1955), 93, 115, 134
- Harris v. Pease*, 66 A.2d 590 (Conn. 1949), 201
- Haslem v. Lockwood*, 37 Conn. 500 (1871), 97, 100, 188
- Hawaii Housing Authority v. Midkiff*, 467 U.S. 229 (1984), 4, 275, 277, 288–89, 291
- Head v. Amoskeag Manufacturing Company*, 113 U.S. 9 (1885), 279–80
- Heller v. New York, New Haven & Hartford Company*, 265 F. 192 (2d Cir. 1920), 131, 147
- Hinman v. Pacific Air Transport Company*, 84 F.2d 755 (9th Cir. 1936), 160–62, 164, 171
- Hoelzer v. Stamford*, 972 F.2d 495 (2d Cir. 1992), 164
- Hole v. Barlow* [1858] 4 C.B. (N.S.) 334, 229, 233
- Horne v. Department of Agriculture*, 576 U.S. 350 (2015), 265
- Howard Gault Company v. Texas Rural Legal Aid, Incorporated*, 615 F. Supp. 916 (N.D. Tex. 1985), 135
- Humble Oil Refinery Co. v. West*, 508 S.W.2d 812 (Tex. 1974), 176

- Hyde v. Town of Jamaica*, 27 Vt. 443 (1855), 169
Ifrah v. Utschig, 98 N.Y.2d 304 (2002), 267
In re Condemnation for Improvement of Rouge River, 266 F. 105 (E.D. Mich. 1920), 284
In re Scott's Will: See entry for *Board of Commissioners of Rice County v. Scott*.
International News Service v. The Associated Press, 248 U.S. 215 (1918), 114
Jackman v. Rosenbaum Company, 260 U.S. 22 (1922), 253–54, 279
Jacobson v. Massachusetts, 197 U.S. 11 (1905), 36, 52
Jacque v. Steenberg Homes, Inc., 563 N.W.2d 154 (Wis. 1997), 131, 147–48, 169–70
Janney & Ors v. Steller Works Proprietary Limited [2017] VSC 363, 148
Javins v. First National Realty Corporation, 428 F.2d 1071 (D.C. Cir. 1970), 130
Jespen v. Camassar, 187 A.3d 486 (Conn. App. 2018), 201
Johnson v. M'Intosh, 21 U.S. (8 Wheat.) 543 (1823), 129, 133, 136–37, 264
Johnson v. Whiton, 34 N.E. 542 (Mass. 1893), 209
Kaiser Aetna v. United States, 444 U.S. 164 (1979), 105, 145, 169
Kansas Pacific Railway Company v. Brady, 17 Kan. 380 (1877), 225
Keeble v. Hickeringill [1809] 103 Eng. Rep. 1127 (Q.B. 1707), 36–37, 47, 83, 163, 234
Kelo v. City of New London, 545 U.S. 469 (2005), 4–6, 8–10, 18, 23, 34, 51, 68, 87, 155, 213, 275–77, 283, 285, 287–88, 292–95
Kelo v. City of New London, 843 A.2d 500 (Conn. 2004), 5
Keppell v. Bailey [Ch. 1834] 39 Eng. Rep. 1042, 209
Koontz v. St. Johns River Water Management District, 570 U.S. 595 (2013), 291
Krause v. City of Royal Oak, 160 N.W.2d 769 (Mich. 1968), 267
La Frombois v. Jackson, 18 Am. Dec. 463 (N.Y. 1826), 162
Latta v. Kilbourn, 150 U.S. 524 (1893), 37
Lauderbaugh v. Williams, 186 A.2d 39 (Pa. 1962), 210
LeRoy Fibre Company v. Chicago, Milwaukee & St. Paul Railway, 232 U.S. 340 (1914), 225–26, 236
Little v. Kin, 644 N.W.2d 375 (Mich. Ct. App. 2002), 179
Louisville Joint Stock Land Bank v. Radford, 295 U.S. 555 (1935), 281
Lucas v. South Carolina Coastal Council, 424 S.E.2d 484 (S.C. 1992), 265
Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992), 246, 252, 257, 261, 264–65, 283
McConico v. Singleton, 9 S.C.L. 244 (S.C. Const. App. 1818), 166
McKee v. Gratz, 260 U.S. 127 (1922), 166
McMahon v. City of Telluride, 244 P. 1017 (Colo. 1926), 278, 290
Mahon: See entry for *Pennsylvania Coal Company v. Mahon*.
Mahoney v. Tara, Limited Liability Corporation, 107 A.3d 887 (Vt. 2014), 162
Manhattan Manufacturing & Fertilizing Co. v. Van Keuren, 23 N.J. Eq. 251 (1872), 278
Mannillo v. Gorski, 255 A.2d 258 (N.J. 1969), 162
Marengo Cave Company v. Ross, 10 N.E.2d 917 (Ind. 1937), 162
Marrs v. City of Oxford, 32 F.2d 135 (8th Cir. 1929), 10
Marsh v. Colby, 39 Mich. 626 (1878), 166
Melms v. Pabst Brewing Company, 79 N.W. 738 (Wis. 1899), 214–16
Metromedia, Incorporated v. City of San Diego, 610 P.2d 407 (Cal. 1980), 259
Midler v. Ford Motor Company, 849 F.2d 460 (9th Cir. 1988), 78
Miller v. Schoene, 276 U.S. 272 (1928), 257, 260–61
Moore v. Regents of the University of California, 793 P.2d 479 (Cal. 1990), 78

Table of Cases

xix

- Morey v. Fitzgerald*, 56 Vt. 487 (1884), 169
Mugler v. Kansas, 123 U.S. 623 (1887), 252–53
Munn v. Illinois, 94 U.S. 113 (1876), 167
Mutual Loan & Thrift Corporation v. Corn, 188 S.W.2d 345 (Tenn. 1945), 148
Myrick v. Peck Elec. Company, 164 A.3d 658 (Vt. 2017), 224, 232–33
National Audubon Society v. Superior Court, 658 P.2d 709 (Cal. 1983), 116
Nectow v. Cambridge, 277 U.S. 183 (1928), 263
New State Ice Company v. Liebmann, 285 U.S. 262 (1932), 247
Nome 2000 v. Charges Fagerstrom, 799 P.2d 304 (Alaska 1990), 162
Northwestern Fertilizing Company v. Hyde Park, 97 U.S. 659 (1878), 248, 258
Ohio Oil Company v. Indiana, 177 U.S. 190 (1900), 10
O’Keefe v. Snyder, 416 A.2d 862 (N.J. 1980), 162
Olson v. United States, 292 U.S. 246 (1934), 282
Olwell v. Nye & Nissen Company, 173 P.2d 652 (Wash. 1946), 149
Pardee v. Camden Lumber Company, 73 S.E. 82 (W. Va. 1911), 113, 117
Peabody v. Norfolk, 98 Mass. 452 (1968), 114
Penn Bowling Recreation Center v. Hot Shoppes, Incorporated, 179 F.2d 64 (D.C. Cir. 1949), 207
Penn Central Transportation Company v. New York City, 438 U.S. 104 (1978), 24, 253, 257–59, 262–63
Pennsylvania Coal Company v. Mahon, 260 U.S. 393 (1922), 8, 253, 255–56, 279
People v. Budd, 22 N.E. 670 (N.Y. 1889), 168
People v. Toynbee, 20 Barb. 168 (N.Y. Gen. Term 1855), 252
People v. Walsh, 22 N.E. 682 (N.Y. 1889), 168
Pestey v. Cushman, 788 A.2d 496 (Conn. 2002), 224–25, 234
Phillips v. Washington Legal Foundation, 524 U.S. 156, 164–71 (1998), 281
Pierson v. Post, 3 Cai. R. 175 (N.Y. Sup. Ct. 1805), 96, 132, 135
Platt v. Johnson, 15 Johns. 213 (N.Y. 1818), 93
Ploof v. Putnam, 71 A. 188 (Vt. 1908), 92, 96, 133–34, 169, 187
Poletown Neighborhood Council v. City of Detroit, 304 N.W.2d 455 (Mich. 1981), 294
Production Credit Association v. Farm & Town Industries, Incorporated, 518 N.W.2d 339 (Ia. 1994), 201
Pumpelly v. Green Bay Co., 80 U.S. (13 Wall.) 166 (1871), 281
Ramsey v. Oxford, 280 U.S. 563 (1929), 10
Reed Tool Company v. Copelin, 689 S.W.2d 404 (Tex. 1985), 234
Rindge v. County of Los Angeles, 262 U.S. 700, 706 (1923), 287
Roaring Fork Club, Limited Partnership v. St. Jude’s Co., 36 P.3d 1229 (Colo. 2001), 179
Rogers v. Elliott, 146 Mass. 349 (Mass. 1888), 260
Rowland v. Christian, 443 P.2d 561 (Cal. 1968), 130
Ruckelshaus v. Monsanto Co., 467 U.S. 986 (1984), 288, 291–92
Russell-Vaughn Ford, Incorporated v. Rouse, 206 So. 2d 371 (Ala. 1968), 148
Ryerson v. Brown, 35 Mich. 333 (1877), 284–85
Santo v. State, 2 Iowa 165 (1855), 252
Schneider v. District of Columbia, 117 F. Supp. 705 (D.D.C. 1953), 10, 23, 290–91, 294
Schoolmasters Case (Hamlyn v. More) [1410] Y.B. 11 Henry IV, fol. 47, pl. 21 (Eng.), 37

- Scott v. Anderson-Tully Company*, 154 So. 3d 910 (Miss. Ct. App. 2015), 100
Scriver v. Smith, 3 N.E. 675 (N.Y. 1885), 182
Sher v. Leiderman, 226 Cal. Rptr. 698 (Cal. App. 1986), 233
Somerville v. Jacobs, 170 S.E.2d 805 (W. Va. 1969), 164
Somerset v. Stewart [1772] 98 Eng. Rep. 499, 79
Southern Burlington County NAACP v. Township of Mount Laurel, 336 A.2d 713 (N. J. 1975), 268
Southern Pacific Company v. Jensen, 244 U.S. 205 (1917), 255
St. Louis Poster Advertising Company v. City of St. Louis, 249 U.S. 269 (1919), 257
State ex rel. Reynolds v. Miranda, 493 P.2d 409 (N.M. 1972), 98, 116
State v. Shack, 277 A.2d 369 (N.J. 1971), 129–30, 134–36
Stevens & Thompson Paper Company v. Middle Falls Fire Department, Incorporated, 137 N.Y.S.3d 529 (App. Div. 2020), 235
Stoltzfus v. Covington County Bank, 154 So.2d 866 (Fla. D. Ct. App. 1963), 178
Stone v. Chesapeake Appalachia, LLC, 2013 WL 2097397 (N.D. W. Va. 2013), vacated by 2013 WL 7863861 (N.D. W. Va. 2013), 195–96
Stone v. Mississippi, 101 U.S. 814 (1879), 253
Strain v. Green, 172 P.2d 216 (Wash. 1946), 178, 190
Strickley v. Highland Boy Gold Mining Co., 200 U.S. 527 (1906), 288–89
Sturges v. Bridgman [Ct. App. 1879] 11 Ch. D. 852, 237–38, 241
Stuyvesant v. City of New York, 7 Cow. 588 (N.Y. Sup. Ct. 1827), 252
Swift v. Gifford, 23 F. Cas. 558 (D. Mass. 1872), 132
Tennant v. John Tennant Memorial Home, 140 P. 242 (Cal. 1914), 148
Thomas Cusack Company v. City of Chicago, 242 U.S. 256 (1917), 257
Thurston v. City of Portsmouth, 140 S.E.2d 678 (Va. 1965), 179
Tulare Irrigation District v. Lindsay-Strathmore Irrigation District, 45 P.2d 972 (Cal. 1935), 86, 93
Tyler v. Wilkinson, 24 F. Cas. 472 (C.C.D.R.I. 1827), 79, 93, 115, 179
United States Forest Service v. Cowpasture River Preservation Association, 140 S. Ct. 1837 (2020), 114
United States v. Caltex, Inc., 344 U.S. 149, 150–51 (1952), 282
United States v. Carroll Towing Company, 159 F.2d 169 (2d Cir. 1947), 233
United States v. Causby, 328 U.S. 256 (1946), 159–60
United States v. Central Eureka Mining Company, 357 U.S. 155 (1958), 24
United States v. Craft, 535 U.S. 274 (2002), 105, 113
United States v. General Motors Corporations, 323 U.S. 373 (1945), 147
United States v. Gettysburg Electric Railway Co., 160 U.S. 668, 680 (1896), 289
United States v. State Water Resource Control Board, 227 Cal. Rptr. 161 (Ct. App. 1986), 116
United States v. Security Industrial Bank, 459 U.S. 70 (1982), 201
Van Horne's Lessee v. Dorrance, 2 U.S. (2 Dall.) 304 (C.C.D. Pa. 1795), 277, 280
Vanderbilt v. Adams, 7 Cow. 349, 351 (N.Y. 1827), 254
Varney & Green v. Williams, 100 P. 867 (Cal. 1909), 259
Village of Euclid v. Ambler Realty Company, 272 U.S. 365 (1926), 79, 247, 267, 268, 269, 270
Vincent v. Lake Erie Transportation Company, 124 N.W. 221 (Minn. 1910), 166, 185–86
Vosburg v. Putney, 50 N.W. 403 (Wis. 1891), 36
Waier v. Peerless Oil Company, 251 N.W. 552 (Mich. 1933), 224

Table of Cases

xxi

Westmoreland & Cambria Natural Gas Company v. De Witt, 18 A. 724 (Pa. 1889),
98, 177, 186–87
Wetherbee v. Green, 22 Mich. 311 (1871), 177
White v. Samsung Electronics America, Incorporated, 989 F.2d 1512 (9th Cir. 1993),
78
Whitlock v. Hilander Food, Incorporated, 720 N.E.2d 302 (Ill. App. 1999), 102, 163
Wishnatsky v. Huey, 584 N.W.2d 859 (N.D. Ct. App. 1998), 36
Woollerton & Wilson Limited v. Richard Costain Limited [1970] 1 All E.R. 483,
148–49
Yunker v. Nichols, 1 Colo. 551 (1872), 120–21, 179, 191–92

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Eric R. Claeys
Frontmatter
[More Information](#)

Table of Legislative Materials

Each statutory or constitutional provision below includes a full citation and then references to the pages in which it is discussed in this book.

California Civil Code § 711 (2012), 210
 California Civil Code § 3479 (2020), 232–33
 Connecticut General Statutes § 8-124 *et seq.* (2023), 294
 Connecticut General Statutes § 8-125 (2023), 294
 Connecticut General Statutes § 8-188 (2023), 294
 Connecticut General Statutes § 8-193 (2023), 4, 294
 District of Columbia Code § 5-701 (1951), 10, 34
 Kansas Statutes Annotated § 82a-701(g) (2020), 179
 58 Pennsylvania Statutes and Consolidated Statutes Annotated § 408 (West 2021), 6
 South Carolina, Code of Laws of, 1976 Annotated §§ 48–39(A)(2), -290(A), 265
 Texas Natural Resources Code Annotated § 102.017 (West 2021), 6
 7 United States Code § 136 *et seq.*, 291
 8 United States Code § 1101, 38
 8 United States Code § 1158, 38
 8 United States Code § 1423, 38
 8 United States Code § 1427, 38
 8 United States Code § 1448, 38
 11 United States Code § 541, 113
 26 United States Code § 6321, 113
 28 United States Code § 1498, 292
 30 United States Code § 26, 189
 35 United States Code § 261, 77
 United States Constitution Amendment V, 33, 247, 276
 United States Constitution Amendment XIII, 39
 United States Constitution Amendment XIV, 247, 255

United States Constitution Article I, § 8, clause 18, 247
United States Constitution Article I, § 10, clause 1, 255
United States Constitution Preamble, 197
United States Declaration of Independence (1776), 43
Virginia Constitution Article I, § 1 (1776), 3, 43

Table of Multiple Edition Works

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Table of Multiple Edition Works

xxvii

- Locke, John. 1698/1988. *Two Treatises of Government*, Peter Laslett ed. Cambridge: Cambridge University Press. Citations are by treatise (uppercase Roman numeral), chapter (lowercase Roman numeral), section (Arabic number), and then the page of the Laslett edition (Arabic numeral).
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