

## **I of II. Hanson and Hargrave cases**

Read the cases, *Hanson* and *Hargrave*. The two out-of-court statements at issue are:

*Hanson*: "This is your corn."

*Hargrave*: "That's father's mare."

These two statements are very similar grammatically. However, one of them turns out to be hearsay and the other does not.

1. Which statement is hearsay? Give the legal reason.
2. Which statement is not hearsay? Give the legal reason.

## **II. Illocutionary Classification**

A. Here is the classification that we shall use for *types of illocutions*:

(a) Assertive: an illocutionary act that *represents a state of affairs*.

E.g. stating, claiming, hypothesizing, describing, telling, insisting, suggesting, asserting, or swearing that something is the case

(b) Directive: an illocutionary act for getting the *addressee to do something*.

E.g. ordering, commanding, daring, defying, challenging

(c) Commissive: an illocutionary act for getting the *speaker (i.e. the one performing the speech act) to do something*. E.g.

promising, threatening, intending, vowing to do or to refrain from doing something

(d) Expressive: an illocutionary act that expresses the *mental state of the speaker about an event presumed to be true*.

E.g. congratulating, thanking, deploring, condoling, welcoming, apologizing

(e) Declaration: an illocutionary act that *brings into existence the state of affairs to which it refers*.

E.g. blessing, firing, baptizing, bidding, passing sentence, excommunicating

B. Assign the italicized verbs of the following sentences to one of the five categories (a –e).

Example: (a) I hereby *testify* that I sold that property on July 3, 1989.

0. \_\_\_ I *praise* you for receiving the Pulitzer Prize.
1. \_\_\_ I *pass*. (Said while playing bridge)
2. \_\_\_ If you need a ride, I *offer* to drive you to the airport.

3. \_\_\_ I *request* that you be here tomorrow one-half hour earlier.
4. \_\_\_ I *permit* you to camp out on my front lawn.
5. \_\_\_ I *recommend* that you eat less foods with cholesterol.
6. \_\_\_ I *pledge* to donate \$500 to your favorite charity.
7. \_\_\_ I *maintain* that Mickey Mouse is a national hero.
8. \_\_\_ I *bless* the two of you. (Said by a priest during the marriage ceremony)
9. \_\_\_ I *abbreviate* the Committee for Untested Trials and Experiments as CUTE.
10. \_\_\_ I *beg* you not to go out during this hurricane.
11. \_\_\_ I *curse* the day you were born.
12. \_\_\_ I *name* this dog Butchie.
13. \_\_\_ I *compliment* you on your excellent choice of wine.
14. \_\_\_ I *predict* that there will be a stock market crash later this year.
15. \_\_\_ I *acknowledge* that I promised to take you to Las Vegas.
16. \_\_\_ I *implore* you to leave that no-good husband of yours.
17. \_\_\_ I *require* my students to do homework assignments.
18. \_\_\_ I *honor* you for winning a gold medal in the Olympics.