

Chapter 1 : Bound Upon A Course - House of Stratus

'Bound Upon a Course' takes a generous glance at the life of the celebrated biographer, John Stewart Collis. In this autobiography, Collis recounts his difficult childhood in Ireland, his decision to write, the years spent on the cultural fringe in London, and his acquaintance with the literary personalities of Rose Macaulay, W B Yeats and T S Eliot.

They and other orders like the Sisters of Mercy , and in aged care the Sisters of the Little Company of Mary and Little Sisters of the Poor founded hospitals, hospices, research institutes and aged care facilities around Australia. Enrolled nurses may initiate some oral medication orders with a specific competency now included in national curricula but variable in application by agency. Registered nurses hold a university degree enrolled nurses can progress to registered nurse status and do get credit for previous study Nurse practitioners have started emerging from postgraduate programs and work in private practice. Mental health nurses must complete further training as advanced mental health practitioners in order to administer client referrals under the Mental Health Act. Enrolled and registered nurses are identified by the department of immigration as an occupational area of need, although registered nurses are always in shorter supply, and this increases in proportion with specialization. In there were a number of rolling industrial actions around the country, culminating when five thousand Victorian nurses went on strike for eighteen days. A profession is said to be regulated when access and exercise is subject to the possession of a specific professional qualification. The regulated professions database contains a list of regulated professions for nurse [62] in the EU member states, EEA countries and Switzerland. Iran[edit] Nursing educational program in Iran is similar to the nursing educational program in other countries from some aspects. Holding secondary school diploma and passing the entrance exam is necessary for the admission in this course. Entrance exam to governmental universities and Azad University is held on separate basis. In the beginning, nursing educational program was the part of medical educational program. On the basis of this structure, the nurse follows the instruction of physician without any question. Nowadays, nursing educational program in Iran has been progressed and after the year considering the community base care, the nursing educational program also has changed. At present nursing education is held in 43 governmental nursing colleges and 63 nursing colleges of Azad University. The PhD degree program is held only in governmental universities under the supervision of Ministry of Health and Ministry of Sciences. At present nursing educational program in throughout Iran is the same and is compiled under the supervision of Supreme Council of Ministry of Health, Treatment and Medical Education. Nursing students take the theoretical subjects, training and internship courses in various sections of educational hospitals and hospitals that affiliated to universities. Students, during the years of study have opportunity to create relation with patients in the various sections especially intensive care units and to achieve experiences. Practical Nurse A person who is holding secondary school diploma in nursing and have completed 2 years program in nursing and cooperate in activities of nurses in medical sections under the supervision of nurses. Nursing Assistant A person who is holding secondary school diploma and passing short term program for the execution of initial cares of patients under the supervision of nurses. Emergency medical technician These persons after obtaining secondary school diploma and passing entrance exam of university and obtaining technician diploma are in charge of performing affairs including rendering first aid services to the patients and emergency victims resulting from accidents with motor vehicles, explosion, debris, falling from height, fractures, burns, poisonings, cuts, drowning, industrial accidents cutting of limbs , patients with heart diseases and baby delivering. Duration of this program is 2. Duration of this program is 4 years and the graduates mainly will work in educational and research sections. At present annually 20 persons are graduated in this program. Also, nurses are working in the hospitals affiliated to social security organization, armed forces, private sector and charity sector. Nurses by establishment these centers can render consultant and care services to the client. At present to work as a nurse only holding accredited academic degree is sufficient, but there are programs for nurses to take RN examination after graduation. Also, upon the approval and execution of continuous educational act, the Iranian nurses should obtain score of 15 every year in various educational courses held by the Ministry of Health of Universities, Scientific Associations and Nursing organization.

Nursing in the United Kingdom To practice lawfully as a registered nurse in the United Kingdom, the practitioner must hold a current and valid registration with the Nursing and Midwifery Council. The title "Registered Nurse" can only be granted to those holding such registration. Second-level nurse training is no longer provided; however, they are still legally able to practice in the United Kingdom as a registered nurse. Many have now either retired or undertaken conversion courses to become first-level nurses. They often perform roles similar to those of physicians and physician assistants. Most NPs have referral and admission rights to hospital specialties. They commonly work in primary care e. In the UK, the title "nurse practitioner" is legally protected. Specialist community public health nurses – traditionally district nurses and health visitors , this group of research and publication activities. Lecturer-practitioners also called practice education facilitators – these nurses work both in the NHS, and in universities. They typically work for 2–3 days per week in each setting. In university, they train pre-registration student nurses see below , and often teach on specialist courses for post-registration nurses Lecturers – these nurses are not employed by the NHS. Instead they work full-time in universities, both teaching and performing research. Managers[edit] Many nurses who have worked in clinical settings for a long time choose to leave clinical nursing and join the ranks of the NHS management. This used to be seen as a natural career progression for those who had reached ward management positions, however with the advent of specialist nursing roles see above , this has become a less attractive option. Nonetheless, many nurses fill positions in the senior management structure of NHS organizations, some even as board members. Others choose to stay a little closer to their clinical roots by becoming clinical nurse managers or modern matrons. Pre-registration[edit] To become a registered nurse, one must complete a program recognised by the Nursing and Midwifery Council NMC. Currently, this involves completing a degree , available from a range of universities offering these courses , in the chosen branch specialty see below , leading to both an academic award and professional registration as a 1st level registered nurse. The first year is known as the common foundation program CFP , and teaches the basic knowledge and skills required of all nurses. Skills included in the CFP may include communication, taking observations, administering medication and providing personal care to patients. As of , the Nursing and Midwifery Council will require all new nurses qualifying in the UK to hold a degree qualification. Midwifery training is similar in length and structure, but is sufficiently different that it is not considered a branch of nursing. There are shortened 18 month programs to allow nurses already qualified in the adult branch to hold dual registration as a nurse and a midwife. Shortened courses lasting 2 years also exist for graduates of other disciplines to train as nurses. This is achieved by more intense study and a shortening of the common foundation program. Before Project , nurse education was the responsibility of hospitals and was not based in universities; hence many nurses who qualified prior to these reforms do not hold an academic award. Post-registration[edit] After the point of initial registration, there is an expectation that all qualified nurses will continue to update their skills and knowledge. The Nursing and Midwifery Council insists on a minimum of 35 hours of education every three years, as part of its post registration education and practice PREP requirements. Cannulation , venipuncture , intravenous drug therapy and male catheterization are the most common, although there are many others such as advanced life support , which some nurses undertake. Many nurses who qualified with a diploma choose to upgrade their qualification to a degree by studying part-time. Many nurses prefer this option to gaining a degree initially, as there is often an opportunity to study in a specialist field as a part of this upgrading. District nurses and health visitors are also considered specialist nurses, and to become such they must undertake specialist training. This is a one-year full-time degree. Many of these and other nurses will also undertake training in independent and supplementary prescribing, which allows them as of 1 May to prescribe almost any drug in the British National Formulary. This has been the cause of a great deal of debate in both medical and nursing circles.

Chapter 2 : Nursing - Wikipedia

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When asked about two capsules lying on a bedside table, petitioner put them in his mouth. After an unsuccessful struggle to extract them by force, the officers took petitioner to a hospital, where an emetic was forced into his stomach against his will. He vomited two capsules which were found to contain morphine. These were admitted in evidence over his objection, and he was convicted in a state court of violating a state law forbidding possession of morphine. The conviction is reversed, because it was obtained by methods violative of the Due Process Clause of the Fourteenth Amendment. In a California state court, petitioner was convicted of violating a state law forbidding the possession of morphine. The District Court of Appeal affirmed. The State Supreme Court denied a review. This Court granted certiorari. Having "some information that [the petitioner here] was selling narcotics," three deputy sheriffs of the County of Los Angeles, on the morning of July 1, , made for the two-story dwelling house in which Rochin lived with his mother, common law wife, brothers and sisters. Inside they found petitioner sitting partly dressed on the side of the bed, upon which his wife was lying. On a "night stand" beside the bed, the deputies spied two capsules. When asked "Whose stuff is this? A struggle ensued in the course of which the three officers "jumped upon him" and attempted to extract the capsules. He was handcuffed and taken to a hospital. This "stomach pumping" produced vomiting. In the vomited matter were found two capsules which proved to contain morphine. The chief evidence against him was the two capsules. On appeal, the District Court of Appeal affirmed the conviction, despite the finding that the officer "were Page U. One of the three judges, while finding that "the record in this case reveals a shocking series of violations of constitutional rights", concurred only because he felt bound by decisions of his Supreme Court. These, he asserted, "have been looked upon by law enforcement officers as an encouragement, if not an invitation, to the commission of such lawless acts. But because the evidence forced from his lips consisted of real objects, the People of this state are permitted to base a conviction upon it. In our federal system, the administration of criminal justice is predominantly committed to the care of the States. The power to define crimes belongs to Congress only as an appropriate means of carrying into execution its limited grant of legislative powers. Broadly speaking, crimes in the United States are what the laws of the individual States make them, subject to the limitations of Art. These limitations, in the main, concern not restrictions upon the powers of the States to define crime, except in the restricted area where federal authority has preempted the field, but restrictions upon the manner in which the States may enforce their penal codes. Accordingly, in reviewing a State criminal conviction under a claim of right guaranteed by the Due Process Clause of the Fourteenth Amendment, from which is derived the most far-reaching and most frequent federal basis of challenging State criminal justice, "we must be deeply mindful of the responsibilities of the States for the enforcement of criminal laws, and exercise with due humility our merely negative function in subjecting convictions from state courts to the very narrow scrutiny which the Due Process Clause of the Fourteenth Amendment authorizes. Regard for the requirements of the Due Process Clause "inescapably imposes upon this Court an exercise of judgment upon the whole course of the proceedings [resulting in a conviction] in order to ascertain whether they offend those canons of decency and fairness which express the notions of justice of English-speaking peoples even toward those charged with the most heinous offenses. New York, supra, at U. These standards of justice are not authoritatively formulated anywhere as though they were specifics. Due process of law is a summarized constitutional guarantee of respect for those personal immunities which, as Mr. Justice Cardozo twice wrote for the Court, are "so rooted in the traditions and conscience of our people as to be ranked as fundamental," Snyder v. In dealing not with the machinery of government, but with human rights, the absence of formal exactitude, or want of fixity of meaning, is not an unusual, or even regrettable, attribute of constitutional provisions. Words being symbols do not speak without a gloss. On the one hand, the gloss may be the deposit of history, whereby a term gains technical content. Thus the requirements of the Sixth and Seventh Amendments for trial by jury in the federal

Page U. No changes or chances can alter the content of the verbal symbol of "jury" -- a body of twelve men who must reach a unanimous conclusion if the verdict is to go against the defendant. It exacts a continuing process of application. When the gloss has thus not been fixed, but is a function of the process of judgment, the judgment is bound to fall differently at different times and differently at the same time through different judges. Even more specific provisions, such as the guaranty of freedom of speech and the detailed protection against unreasonable searches and seizures, have inevitably evoked as sharp divisions in this Court as the least specific and most comprehensive protection of liberties, the Due Process Clause. The vague contours of the Due Process Clause do not leave judges at large. Even though the concept of due process of law is not final and fixed, these limits are derived from considerations that are fused in the whole nature of or judicial process. See Cardozo, Page U. These are considerations deeply rooted in reason and in the compelling traditions of the legal profession. The Due Process Clause places upon this Court the duty of exercising a judgment, within the narrow confines of judicial power in reviewing State convictions, upon interests of society pushing in opposite directions. Due process of law, thus conceived, is not to be derided as resort to a revival of "natural law. Even cybernetics has not yet made that haughty claim. But Page U. They are precisely the qualities society has a right to expect from those entrusted with ultimate judicial power. Restraints on our jurisdiction are self-imposed only in the sense that there is from our decisions no immediate appeal short of impeachment or constitutional amendment. But that does not make due process of law a matter of judicial caprice. The faculties of the Due Process Clause may be indefinite and vague, but the mode of their ascertainment is not self-willed. In each case, "due process of law" requires an evaluation based on a disinterested inquiry pursued in the spirit of science, on a balanced order of facts exactly and fairly stated, on the detached consideration of conflicting claims, see Hudson County Water Co. Applying these general considerations to the circumstances of the present case, we are compelled to conclude that the proceedings by which this conviction was obtained do more than offend some fastidious squeamishness or private sentimentalism about combatting crime too energetically. This is conduct that shocks the conscience. They are methods too close to the rack and the screw to permit of constitutional differentiation. It has long since ceased to be true that due process of law is heedless of the means by which otherwise relevant and credible evidence is obtained. This was not true even before the series of recent cases enforced the constitutional principle that the States may not base convictions upon Page U. These decisions are not arbitrary exceptions to the comprehensive right of States to fashion their own rules of evidence for criminal trials. They are not sports in our constitutional law, but applications of a general principle. They are only instances of the general requirement that States, in their prosecutions, respect certain decencies of civilized conduct. Due process of law, as a historic and generative principle, precludes defining, and thereby confining, these standards of conduct more precisely than to say that convictions cannot be brought about by methods that offend "a sense of justice. Chief Justice Hughes, speaking for a unanimous Court in *Brown v. It would be a stultification of the responsibility which the course of constitutional history has cast upon this Court to hold that in order to convict a man the police cannot extract by force what is in his mind but can extract what is in his stomach. Use of involuntary verbal confessions in State criminal trials is constitutionally obnoxious not only because of their unreliability. They are inadmissible under the Due Process Clause even though statements contained in them may be independently established as true. So here, to sanction the brutal conduct which, naturally enough, was condemned by the court whose judgment is before us would be to afford brutality the cloak of law. Nothing Page U. In deciding this, case we do not heedlessly bring into question decisions in many States dealing with essentially different, even if related, problems. We therefore put to one side cases which have arisen in the State courts through use of modern methods and devices for discovering wrongdoers and bringing them to book. It does not fairly represent these decisions to suggest that they legalize force so brutal and so offensive to human dignity in securing evidence from a suspect as is revealed by this record. Indeed, the California Supreme Court has not sanctioned this mode of securing a conviction. It merely exercised its discretion to decline a review of the conviction. All the California judges who have expressed themselves in this case have condemned the conduct in the strongest language. We are not unmindful that hypothetical situations can be conjured up standing imperceptibly from the circumstances of this case and, by gradations, producing practical differences despite seemingly logical*

extensions. But the Constitution is "intended to preserve practical and substantial rights, not to maintain theories. On the facts of this case, the conviction of the petitioner has been obtained by methods that offend the Due Process Clause. The judgment below must be reversed. New York, U. But the course hath prevailed from the oldest times. It hath been so general and so uniform that it must be considered as the law of the land. And Burke had an answer for those who argue that the liberty of the citizen cannot be adequately protected by the flexible conception of due process of law:

Chapter 3 : SCENE I. The English camp at Agincourt.

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Do-er Main Character Approach Othello is a man of action: When Brabantio accuses Othello of using witchcraft to seduce Desdemona, Othello suggests that she be summoned to give evidence of their courtship. When Iago accuses Desdemona of adultery, Othello asks for proof. **Optionlock Story Limit** Othello struggles with the idea that Desdemona is unfaithful: Facing her insanely jealous husband, Desdemona pleads innocence, when that fails, she begs for her life, then for one more day, then just to live until the morning. Othello rejects her requests and smothers her to death. An example of how the optionlock is illustrated by a minor objective character is found in Roderigo. As a result of this failure: When Brabantio accuses him of witchcraft in front of the Venetian senate, the members disbelieve the charges because of his stellar reputation. He faces them with calm and confidence. But Othello is corrupted and quickly becomes an irrational, despondent madman, an abusive husband, a murderer, and after realizing his colossal mistake, he kills himself. **Overall Story Throughline Mind Overall Story Throughline** Brabantio thinks of Othello as the Moorish soldier—a well-behaved barbarian—and will never accept him as a son-in-law. Desdemona loves Othello and will continue to love him no matter how he treats her. Othello thinks the guilty must always be swiftly punished. **Subconscious Overall Story Concern** The objective characters have a fundamental need to be loved and admired. Desdemona, seeking love and adventure, falls for the experienced general. Brabantio accepts Othello as an occasional house guest, but not as a son-in-law. **Closure Overall Story Counterpoint** Brabantio, heartbroken when Desdemona places her husband above him disowns her, ending their relationship. **Overall Story Thematic Conflict Denial vs.** He destroys everyone around him, including himself. She keeps trying to appease him and makes mistakes that worsen the situation. **Temptation Overall Story Problem** The objective characters bring enormous problems upon themselves by indulging in immediate gratification without thinking about the possible consequences. **Conscience Overall Story Solution** If the characters listened to their conscience, the tragic ending could have been avoided. His lapse of conscience allows him to be used to hurt the people he loves. **Closure Overall Story Catalyst** The use of closure accelerates the story. The Turkish fleet encounters a storm off of the coast of Cyprus and turns back, ending the threat of war. This makes Othello available to concentrate on his marriage, and frees Iago to execute his diabolical plot against Othello and Cassio. He convinces Roderigo to kill Cassio; kills Roderigo when he only wounds Cassio; tries to make Emilia shut up about the handkerchief, then kills her when she reveals the truth. **Preconception Overall Story Inhibitor** Brabantio is prejudiced against Othello as a son-in-law, feels Desdemona is making a mistake, and disowns her. Iago will never accept that Cassio will make a better lieutenant than he would. Lodovico witnesses Othello slap his wife, remembers Othello as a kind and composed man, and begins to believe the popular theory that all Moors are barbarians. Her recollections cause Iago to kill her for revealing the truth. Othello, a heroic Moorish general in the service of Venice, appoints Cassio and not Iago as his chief lieutenant. **Overcome with jealousy**, Othello kills Desdemona. Iago has vowed revenge on Othello for the oversight. Having been a soldier all his life, he has a military mind and is not prepared for life as a husband and gentleman. **Obtaining Main Character Concern** Othello wants Desdemona, and by winning her he hopes to gain the acceptance of Venetian society at large. Terrified of losing her to a younger man, he seeks solid proof of her betrayal from Iago. **Morality Main Character Issue** At the beginning of the story, Othello is depicted as a selfless, moral man. He refuses to run and hide when he learns that Brabantio knows of his marriage to Desdemona and has armed men after him. When Brabantio accuses him of using witchcraft to seduce his daughter, Othello has his wife sent for. Once he decides to end his torment by killing her, nothing Desdemona says can make him look beyond himself for the truth. **Main Character Thematic Conflict Morality vs.** Othello is driven to torment Desdemona. **Temptation Main Character Problem** Othello is tempted by the beauty, position, and compassion that Desdemona can give him in marriage. **Conscience** If Othello had used his conscience he could have prevented the tragedy. **Disbelief Main Character Response** Othello thinks that using

disbelief will solve his problems regarding Desdemona. He refuses to believe anything she says in her defense. He overlooks her devotion and innocence: But his standard of perfection for those around him, and his trusting nature leads him astray. A Moorish general in the service of Venice. He becomes furiously jealous of his innocent wife and his loyal lieutenant. His character decays, and he connives with Iago to have his lieutenant murdered. Finally he decides to execute his wife with his own hands. After killing her, he learns of her innocence, and he judges and executes himself. He became a professional soldier rising to the rank of general. He has fought many battles, skillfully leading his men and earning a reputation as a great, honorable, and level-headed warrior. He often recounted his adventures to entertain his host. At forty, Othello has never been in love and he impulsively, perhaps for the first time in his life, seizes an opportunity without mapping out an advanced strategy first. Iago, fueled by envy and jealousy comes to the conclusion that he can thwart Othello by using his own reputation as an honest man against his general. Commitment Influence Character Counterpoint Iago is committed to destroying Othello no matter who he has to use to achieve his goal. Influence Character Thematic Conflict Responsibility vs. Commitment Because he believes he was best suited to receive the lieutenantcy, Iago makes a commitment to revenge himself against Othello and Cassio. Iago forges recklessly ahead, devising his attack on Othello as he goes along. Feeling Influence Character Problem Iago is driven by his feelings, which causes problems for others, and eventually for himself. Iago tells Roderigo that he hates Othello because he has made Cassio his lieutenant instead of him. Iago is motivated by a love of excitement and by his perception of himself as an artist. He derives great pleasure from the successful execution of his complex and dangerous intrigues. This satisfaction of his personal drive is short-lived, however, as Iago will be executed for his crimes. Help Influence Character Symptom Iago creates problems for Othello and others when he focuses his efforts on pretending to help. Later, Iago offers his support to Othello by swearing to kill Cassio for him, but Iago dupes Roderigo into killing Cassio. He hinders Cassio by getting him involved in a drunken brawl that results in a demotion. He thwarts Othello by inciting him to become jealous of Cassio and Desdemona, corrupting him, and driving him to madness and murder. He is a bold and impulsive liar, turning the slightest bit of hearsay into fact, when if any two people were to compare notes at any time, Iago would be caught. His attitude toward his wife ultimately causes his downfall when she exposes his deceit. Conceptualizing Influence Character Benchmark As the story progresses, Iago envisions more ways to torment Othello, and use Roderigo, Cassio, and Emilia to further his scheme. For example, he imagines discrediting Cassio with Othello by having Cassio entreat Desdemona to promote his cause to the general, unwittingly leading Othello to suspect him of having an affair with his wife. Influence Character Throughline Synopsis When Othello promotes Cassio to lieutenant, Iago feels slighted and plots revenge against them both. He manipulates Cassio into discrediting himself. By telling one lie after another Iago drives Othello mad with jealousy, causing him to murder Desdemona. Iago gets his wish when Othello makes him his lieutenant after he vows to kill Cassio. Iago convinces his dupe, Roderigo, to slay Cassio. When the plot fails, he kills Roderigo to keep from being exposed. Iago murders his own wife when she reveals that he lied to Othello about Desdemona. He has learned the position of lieutenant has been bestowed upon Michael Cassio, a young, educated Florentine who has seen little battle. Iago feels slighted and vows to take revenge against Othello and Cassio. Now Iago is ready to bedevil Othello, having learned that the general has eloped with Desdemona, the young daughter of a Venetian senator. He relies solely upon his comrade-in-arms, Iago, for the truth. Future Relationship Story Concern Iago feels by promoting Cassio as lieutenant over him, Othello has ruined his future. Once Othello arrives in Cyprus he concerns himself with his honeymoon with Desdemona, beginning their life together. Relationship Story Thematic Conflict Preconception vs. He keeps up his torment of Othello, finally telling Othello that Cassio has confessed to an affair with Desdemona to Iago himself. Othello actually faints at what he believes is this absolute proof. Temptation Relationship Story Problem The problems between Othello and Iago are created when Othello is tempted to trust Iago based purely on his reputation as an honest man, and rely solely upon the ensign to produce all the evidence against his wife. Iago vows to make Othello so jealous that his usual good judgment will fail to control his temper. Openness Relationship Story Catalyst As the story progresses, the use of openness accelerates the subjective story forward. Iago refuses to end his intrigue against Othello, weaving

one deceit after another. After he learns that Cassio served in the trusted position as go-between when Othello was wooing Desdemona, Iago implies that Cassio betrayed that trust by pursuing her himself. Although Iago is liked and trusted, it is ostensibly this insult which unleashes a consuming malevolence for which he later offers different explanations that drives him to destroy Othello.

Chapter 4 : - Bound upon a Course by John Stewart Collis

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A term may either be expressed or implied. An express term is stated by the parties during negotiation or written in a contractual document. Implied terms are not stated but nevertheless form a provision of the contract. The implied term must be reasonable and equitable. In *Biotechnology Australia Pty Ltd v Pace*, [16] it was held a term that imposes a significant detriment or burden on the other party is unlikely to be equitable. The implied term must be necessary for the business efficacy of the contract. For instance, if the term simply causes the contract to operate better, that does not fit this criterion. This is the principle laid out in *The Moorcock*. The term is so obvious that it goes without saying. Furthermore, there must be one and only one thing that would be implied by the parties. For example, in *Codelfa Construction Pty Ltd v State Rail Authority of NSW*, [18] a term regarding the inability of construction company to work three shifts a day could not be implied because it was unclear what form it would have taken. In English law, this principle was established in the case of *Spring v NASDS*, [19] in the context of a trade union membership contract. The term must be capable of clear expression. No specific technical knowledge should be required. The implied term may not contradict an express term. In the case of an informal contract, where the parties have not attempted to stipulate the full terms, the courts should imply a term upon referring to the imputed intention of the parties, provided that the particular term is necessary for the effective operation of the contract. Common law [edit] *Liverpool City Council v Irwin* [23] established a term to be implied into all contracts between tenant and landlord that the landlord is obliged to keep the common areas in a reasonable state of repair. *Wong Mee Wan v Kwan Kin Travel Services Ltd* [24] established that when a tour operator contracts to provide services, a term is implied that those services will be performed with reasonable duty and care. Statutory [edit] The rules by which many contracts are governed are provided in specialized statutes that deal with particular subjects. Most countries, for example, have statutes which deal directly with sale of goods, lease transactions, and trade practices. For example, each American state except Louisiana has adopted Article 2 of the Uniform Commercial Code, which regulates contracts for the sale of goods. Terms implied by custom or trade [edit] One is generally bound by the custom of the industry that one is in. To imply a term due to custom or trade, one must prove the existence of the custom, which must be notorious, certain, legal and reasonable. The parties must have dealt on numerous occasions and been aware of the term purported to be implied. In *Hollier v Rambler Motors Ltd* [28] [29] four occasions over five years was held to be sufficient. In *British Crane Hire Corp Ltd v Ipswich Plant Hire Ltd* [30] written terms were held to have been implied into an oral contract in which there was no mention of written terms. Although these cases may appear to fall into the category of agreement to agree, Australian courts will imply an obligation to negotiate in good faith provided that certain conditions are satisfied: The test of whether one has acted in good faith is a subjective one; the cases suggest honesty, and possibly also reasonableness. There is no such implied term under UK common law: Subsequent authorities have been willing to recognize a fourth category in addition to those stated in *Masters v Cameron*. Contingent Condition [edit] If a contract specifies "subject to finance", it may impose certain obligations on the purchaser: Furthermore, whether the finance seeker may validly claim non-fulfillment of a contingent condition, despite being genuinely satisfied with finance he or she obtained before the expiration of the contingent condition, was not decided in *Meehan v Jones*. Conditions precedent are conditions that have to be complied with before performance of a contract is required by both parties With conditions subsequent, parties do not need to perform the contract if a condition is not yet such as official certification to practice in a particular course of business. The non-fulfillment of a contingent condition means that the parties are not required to perform their side of the respective bargain.

Chapter 5 : Upward Bound - Upward Bound - University of San Diego

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Chapter 6 : USCG Rules of the Road Questions: Master's License (QUESTION)`

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If the state, for purposes of its own, insisted upon expropriating all landlords, it was bound to find the difference, or to enter upon a course of undisguised confiscation.

Chapter 8 : Rochin v. California :: U.S. () :: Justia US Supreme Court Center

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Chapter 9 : Bound Upon a Course : John Stewart Collis :

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