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Chapter 1 : word, n. and int. : Oxford English Dictionary

Book digitized by Google from the library of Harvard University and uploaded to the Internet Archive by user tpb. pt. I. Proceedings of the National conference of college and university trustees, October , ; ed. by E. J. Townsendpt. II. Proceedings of the Conference on religious education, October , ; ed. by W. N. Stearnspt. III. Proceedings of the Conference on.

The plaintiff asserts title to the premises by a patent of the United States issued to him in , under the act of Congress of Sept. The case turns upon the validity of this judgment. It also provides, where the action is for the recovery of money or damages, for the attachment of the property of the non-resident. And it also declares that no natural person is subject to the jurisdiction of a court of the State, "unless he appear in the court, or be found within the State, or be a resident thereof, or have property therein; and, in the last case, only to the extent of such property at the time the jurisdiction attached. The authority of every tribunal is necessarily restricted by the territorial limits of the State in which it is established. Any attempt to exercise authority beyond those limits would be deemed in every other forum, as has been said by this court, an illegitimate assumption of power, and be resisted as mere abuse. In the case against the plaintiff, the property here in controversy sold under the judgment rendered was not attached, nor in any way brought under the jurisdiction of the court. Its first connection with the case was caused by a levy of the execution. It was not, therefore, disposed of pursuant to any adjudication, but only in enforcement of a personal judgment, having no relation to the property, rendered against a non-resident without service of process upon him in the action, or his appearance therein. The court below did not consider that an attachment of the property was essential to its jurisdiction or to the validity of the sale, but held that the judgment was invalid from defects in the affidavit upon which the order of publication was obtained, and in the affidavit by which the publication was proved. The majority are of opinion that inasmuch as the statute requires, for an order of publication, that certain facts shall appear by affidavit to the satisfaction of the court or judge, defects in such affidavit can only be taken advantage of on appeal, or by some other direct proceeding, and cannot be urged to impeach the judgment collaterally. The majority of the court are also of opinion that the provision of the statute requiring proof of the publication in a newspaper to be made by the "affidavit of the printer, or his foreman, or his principal clerk," is satisfied when the affidavit is made by the editor of the paper. The term "printer," in their judgment, is there used not to indicate the person who sets up the type, â€” he does not usually have a foreman or clerks, â€” it is rather used as synonymous with publisher. The Supreme Court of New York so held in one case; observing that, for the purpose of making the required proof, publishers were "within the spirit of the statute. And, following this ruling, the Supreme Court of California held that an affidavit made by a "publisher and proprietor" was sufficient. The term "editor," as used when the statute of New York was passed, from which the Oregon law is borrowed, usually included not only the person who wrote or selected the articles for publication, but the person who published the paper and put it into circulation. Webster, in an early edition of his Dictionary, gives as one of the definitions of an editor, a person "who superintends the publication of a newspaper. But it was also contended in that court, and is insisted upon here, that the judgment in the State court against the plaintiff was void for want of personal service of process on him, or of his appearance in the action in which it was rendered, and that the premises in controversy could not be subjected to the payment of the demand [] of a resident creditor except by a proceeding in rem; that is, by a direct proceeding against the property for that purpose. If these positions are sound, the ruling of the Circuit Court as to the invalidity of that judgment must be sustained, notwithstanding our dissent from the reasons upon which it was made. And that they are sound would seem to follow from two well-established principles of public law respecting the jurisdiction of an independent State over persons and property. The several States of the Union are not, it is true, in every respect independent, many of the rights and powers which originally belonged to them being now vested in the government created by the Constitution. But, except as restrained and limited by that

instrument, they possess and exercise the authority of independent States, and the principles of public law to which we have referred are applicable to them. One of these principles is, that every State possesses exclusive jurisdiction and sovereignty over persons and property within its territory. As a consequence, every State has the power to determine for itself the civil status and capacities of its inhabitants; to prescribe the subjects upon which they may contract, the forms and solemnities with which their contracts shall be executed, the rights and obligations arising from them, and the mode in which their validity shall be determined and their obligations enforced; and also to regulate the manner and conditions upon which property situated within such territory, both personal and real, may be acquired, enjoyed, and transferred. The other principle of public law referred to follows from the one mentioned; that is, that no State can exercise direct jurisdiction and authority over persons or property without its territory. The several States are of equal dignity and authority, and the independence of one implies the exclusion of power from all others. And so it is laid down by jurists, as an elementary principle, that the laws of one State have no operation outside of its territory, except so far as is allowed by comity; and that no tribunal established by it can extend its process beyond that territory so as to subject either persons or property to its decisions. To any influence exerted in this way by a State affecting persons resident or property situated elsewhere, no objection can be justly taken; whilst any direct exertion of authority upon them, in an attempt to give ex-territorial operation to its laws, or to enforce an ex-territorial jurisdiction by its tribunals, would be deemed an encroachment upon the independence of the State in which the persons are domiciled or the property is situated, and be resisted as usurpation. Lord Baltimore, 1 Ves. Watts, 6 Cranch, ; Watkins v. Every State owes protection to its own citizens; and, when non-residents deal with them, it is a legitimate and just exercise of authority to hold and appropriate any property owned by such non-residents to satisfy the claims of its citizens. If the non-resident [] have no property in the State, there is nothing upon which the tribunals can adjudicate. They have been frequently expressed, with more or less distinctness, in opinions of eminent judges, and have been carried into adjudications in numerous cases. Thus, in Picquet v. Where he is not within such territory, and is not personally subject to its laws, if, on account of his supposed or actual property being within the territory, process by the local laws may, by attachment, go to compel his appearance, and for his default to appear judgment may be pronounced against him, such a judgment must, upon general principles, be deemed only to bind him to the extent of such property, and cannot have the effect of a conclusive judgment in personam, for the plain reason, that, except so far as the property is concerned, it is a judgment coram non judice. In the latter case, the defendant is not personally bound by the judgment beyond the property in question. And it is immaterial whether the proceeding against the property be by an attachment or bill in chancery. It must be substantially a proceeding in rem. But in Cooper v. Reynolds, reported in the 10th of Wallace, it was essential to the disposition of the case to declare the effect of a personal action against an absent party, without the jurisdiction of the court, not served [] with process or voluntarily submitting to the tribunal, when it was sought to subject his property to the payment of a demand of a resident complainant; and in the opinion there delivered we have a clear statement of the law as to the efficacy of such actions, and the jurisdiction of the court over them. In that case, the action was for damages for alleged false imprisonment of the plaintiff; and, upon his affidavit that the defendants had fled from the State, or had absconded or concealed themselves so that the ordinary process of law could not reach them, a writ of attachment was sued out against their property. Publication was ordered by the court, giving notice to them to appear and plead, answer or demur, or that the action would be taken as confessed and proceeded in ex parte as to them. Publication was had; but they made default, and judgment was entered against them, and the attached property was sold under it. The purchaser having been put into possession of the property, the original owner brought ejectment for its recovery. In considering the character of the proceeding, the court, speaking through Mr. But the plaintiff is met at the commencement of his proceedings by the fact that the defendant is not within the territorial jurisdiction, and cannot be served with any process by which he can be brought personally within the power of the court. For this difficulty the statute has provided a remedy. If the defendant appears, the cause becomes mainly a suit in personam, with the added incident, that

the property attached remains liable, under the control of the court, to answer to any demand which may be established against the defendant by the final judgment of the court. But if there is no appearance of the defendant, and no service of process on him, the case becomes in its essential nature a proceeding in rem, the only effect of which is to subject the property attached to the payment of the demand which the court may find to be due to the plaintiff. That such is [] the nature of this proceeding in this latter class of cases is clearly evinced by two well-established propositions: No general execution can be issued for any balance unpaid after the attached property is exhausted. No suit can be maintained on such a judgment in the same court, or in any other; nor can it be used as evidence in any other proceeding not affecting the attached property; nor could the costs in that proceeding be collected of defendant out of any other property than that attached in the suit. Second, the court, in such a suit, cannot proceed, unless the officer finds some property of defendant on which to levy the writ of attachment. A return that none can be found is the end of the case, and deprives the court of further jurisdiction, though the publication may have been duly made and proven in court. The opinion treated them as being without the territorial jurisdiction of the court; and the grounds and extent of its authority over persons and property thus situated were considered, when they were not brought within its jurisdiction by personal service or voluntary appearance. It is the only doctrine consistent with proper protection to citizens of other States. If, without personal service, judgments in personam, obtained ex parte against non-residents and absent parties, upon mere publication of process, which, in the great majority of cases, would never be seen by the parties interested, could be upheld and enforced, they would be the constant instruments of fraud and oppression. Judgments for all sorts of claims upon contracts and for torts, real or pretended, would be thus obtained, under which property would be seized, when the evidence of the transactions upon [] which they were founded, if they ever had any existence, had perished. The law assumes that property is always in the possession of its owner, in person or by agent; and it proceeds upon the theory that its seizure will inform him, not only that it is taken into the custody of the court, but that he must look to any proceedings authorized by law upon such seizure for its condemnation and sale. Such service may also be sufficient in cases where the object of the action is to reach and dispose of property in the State, or of some interest therein, by enforcing a contract or a lien respecting the same, or to partition it among different owners, or, when the public is a party, to condemn and appropriate it for a public purpose. In other words, such service may answer in all actions which are substantially proceedings in rem. But where the entire object of the action is to determine the personal rights and obligations of the defendants, that is, where the suit is merely in personam, constructive service in this form upon a non-resident is ineffectual for any purpose. Process from the tribunals of one State cannot run into another State, and summon parties there domiciled to leave its territory and respond to proceedings against them. Publication of process or notice within the State where the tribunal sits cannot create any greater obligation upon the non-resident to appear. Process sent to him out of the State, and process published within it, are equally unavailing in proceedings to establish his personal liability. But the answer to this position has already been given in the statement, that the jurisdiction of the court to inquire into and determine his obligations at all is only incidental to its jurisdiction over the property. Its jurisdiction in that respect cannot be made to depend upon facts to be ascertained after it has tried the cause and rendered the judgment. If the judgment be previously void, it will not become valid by the subsequent discovery of property of the defendant, or by his subsequent acquisition of it. The judgment if void when rendered, will always remain void: Even if the position assumed were confined to cases where the non-resident defendant possessed property in the State at the commencement of the action, it would still make the validity of the proceedings and judgment depend upon the question whether, before the levy of the execution, the defendant had or had not disposed of the property. If before the levy the property should be sold, then, according to this position, the judgment would not be binding. This doctrine would introduce a new element of uncertainty in judicial proceedings. The contrary is the law: Reid, reported in 11th of Howard, the plaintiff claimed title to land sold under judgments recovered in suits brought in a territorial court of Iowa, upon publication of notice under a law of the territory, without service of process; and the court said: Whether they all resided within the

territory or not does not appear, nor is it a matter of any importance. No person is required to answer in a suit on whom process has not been served, or whose property has not been attached. In this case, there was no personal notice, nor an attachment or other proceeding against the land, until after the judgments. The judgments, therefore, are nullities, and did not authorize the executions on which the land was sold. But this view was afterwards qualified so as to make the act applicable only when the court rendering the judgment had jurisdiction of the parties and of the subject-matter, and not to preclude an inquiry into the jurisdiction of the court in which the judgment was rendered, or the right of the State itself to exercise authority over the person or the subject-matter. Ketchum, reported in the 11th of Howard, this view is stated with great clearness. That was an action in the Circuit Court of the United States for Louisiana, brought upon a judgment rendered in New York under a State statute, against two joint debtors, only one of whom had been served with process, the other being a non-resident of the State. The Circuit Court held the judgment conclusive and binding upon the non-resident not served with process; but this court reversed its decision, observing, that it was a familiar rule that countries foreign to our own disregarded a judgment merely against the person, where the defendant had not been served with process nor had a day in court; that national comity was never thus extended; that the proceeding was deemed an illegitimate assumption of power, and resisted as mere abuse; that no faith and credit or force and effect had been given to such judgments by any State of the Union, so far [] as known; and that the State courts had uniformly, and in many instances, held them to be void. As was stated in a subsequent case, the doctrine of this court is, that the act "was not designed to displace that principle of natural justice which requires a person to have notice of a suit before he can be conclusively bound by its result, nor those rules of public law which protect persons and property within one State from the exercise of jurisdiction over them by another. In all the cases brought in the State and Federal courts, where attempts have been made under the act of Congress to give effect in one State to personal judgments rendered in another State against non-residents, without service upon them, or upon substituted service by publication, or in some other form, it has been held, without an exception, so far as we are aware, that such judgments were without any binding force, except as to property, or interests in property, within the State, to reach and affect which was the object of the action in which the judgment was rendered, and which property was brought under control of the court in connection with the process against the person. The proceeding in such cases, though in the form of a personal action, has been uniformly treated, where service was not obtained, and the party did not voluntarily [] appear, as effectual and binding merely as a proceeding in rem, and as having no operation beyond the disposition of the property, or some interest therein. And the reason assigned for this conclusion has been that which we have already stated, that the tribunals of one State have no jurisdiction over persons beyond its limits, and can inquire only into their obligations to its citizens when exercising its conceded jurisdiction over their property within its limits. Briggs, decided by the Supreme Court of Massachusetts as early as , the law is stated substantially in conformity with these views. In other words, it was held that over the property within the State the court had jurisdiction by the attachment, but had none over his person; and that any determination of his liability, except so far as was necessary for the disposition of the property, was invalid. The defendant in that judgment was not served with process; and the suit was commenced by the attachment of a bedstead belonging to the defendant, accompanied with a summons to appear, served on his wife after she had left her place in Massachusetts. The court held that [] the attachment bound only the property attached as a proceeding in rem, and that it could not bind the defendant, observing, that to bind a defendant personally, when he was never personally summoned or had notice of the proceeding, would be contrary to the first principles of justice, repeating the language in that respect of Chief Justice DeGrey, used in the case of Fisher v. See also Borden v. To the same purport decisions are found in all the State courts. In several of the cases, the decision has been accompanied with the observation that a personal judgment thus recovered has no binding force without the State in which it is rendered, implying that in such State it may be valid and binding. But if the court has no jurisdiction over the person of the defendant by reason of his non-residence, and, consequently, no authority to pass upon his personal rights and obligations; if the whole proceeding, without service upon

him or his appearance, is coram non judice and void; if to hold a defendant bound by such a judgment is contrary to the first principles of justice, â€" it is difficult to see how the judgment can legitimately have any force within the State. The language used can be justified only on the ground that there was no mode of directly reviewing such judgment or impeaching its validity within the State where rendered; and that, therefore, it could be called in question only when its enforcement was elsewhere attempted. In later cases, this language is repeated with less frequency than formerly, it beginning to be considered, as it always ought to have been, that a judgment which can be treated in any State of this Union as contrary to the first principles of justice, and as an absolute nullity, because rendered without any jurisdiction of the tribunal over the party, is not entitled to any respect in the State where rendered. Preston, 18 Iowa, ; Hakes v. Whilst they are not foreign tribunals in their relations to the State courts, they are tribunals [] of a different sovereignty, exercising a distinct and independent jurisdiction, and are bound to give to the judgments of the State courts only the same faith and credit which the courts of another State are bound to give to them. Whatever difficulty may be experienced in giving to those terms a definition which will embrace every permissible exertion of power affecting private rights, and exclude such as is forbidden, there can be no doubt of their meaning when applied to judicial proceedings.

Chapter 2 : Export III.C. Opportunity To Be Heard

Nothing is more evident than that things change. It is impossible for anything to be twice in absolutely the same state; on the other hand all the changes are not equally profound. Some appear to be purely external: Thus there are two kinds of changes: It is necessary, therefore, to recognize in each thing certain secondary realities see ACCIDENT and also a permanent fundamentum which continues to exist notwithstanding the superficial changes, which serves as a basis or support for the secondary realities -- what, in a word, we term the substance. Its fundamental characteristic is to be in itself and by itself, and not in another subject as accidents are. And, again, substance is either complete, e. The principal division; however, is that between material substance all corporeal things and spiritual substance, i. Thomas, "Contra Gentes", II, 91 sqq. Thomas further teaches that the name substance cannot properly be applied to God, not only because He is not the subject of any accidents, but also because in Him essence and existence are identical, and consequently He is not included in any genus whatever. For the same reason, it is impossible that God should be the formal being of all things esse formale omnium , or, in other words, that one and the same existence should be common to Him and them op. In the visible world there is a multitude of substances numerically distinct. Each, moreover, has a specific nature which determines the mode of its activity and at the same time, through its activity, becomes, in some degree, manifest to us. Our thinking does not constitute the substance; this exists independently of us, and our thought at most acquires a knowledge of each substance by considering its manifestations. In this way we come to know both the nature of material things and the nature of the spiritual substance within us, i. In both cases our knowledge may be imperfect, but we are not thereby justified in concluding that only the superficial appearances or phenomena are accessible to us, and that the inner substantial being, of matter or of mind, is unknowable. Since the close of the Scholastic period, the idea of substance and the doctrines centring about it have undergone profound modifications which in turn have led to a complete reversal of the Scholastic teaching on vital questions in philosophy. This formula is unfortunate: But this idea in no way determines either the manner in which actual existence has been given to this essence or the way in which it is preserved. The Cartesian definition, moreover, is dangerous; for it suggests that substance admits of no efficient cause, but exists in virtue of its own essence. Thus Spinoza, following in the footsteps of Descartes declared that "substance is that which is conceived in itself and by itself", and thence deduced his pantheistic system according to which there is but one substance -- i. He considers substance as "a being gifted with the power of action". Substance certainly can act, since action follows being, and substance is being par excellence. But this property does not go to the basis of reality. In every finite substance the power to act is distinct from the substantial essence ; it is but a property of substance which can be defined only by its mode of existence. The basis of this radical negation is an erroneous idea of substance and accident. They hold that, apart from the accidents, substance is nothing, a being without qualities, operations, or end. This is quite erroneous. The accidents cannot be separated thus from the substance; they have their being only in the substance; they are not the substance, but are by their very nature modifications of the substance. The operations which these writers would thus attribute to the accidents are really the operations of the substance, which exercises them through the accidents. Finally, in attributing an independent existence to the accidents they simply transform them into substance, thus establishing just what they intend to deny. It can be said that whatever exists is either a substance or in a substance. The tendency of modern philosophy has been to regard substance simply as an idea which the mind indeed is constrained to form, but which either does not exist objectively or, if it does so exist, cannot be known. According to Locke Essay ii, 23 , "Not imagining how simple ideas can subsist by themselves, we accustom ourselves to suppose some substratum wherein they do subsist and from which they do result; which therefore we call substance; so that if any one will examine himself concerning his notion of pure substance in general, he will find he has no other idea.

Hume held that the idea of substance "is nothing but a collection of simple ideas that are united by the imagination and have a particular name assigned to them, by which we are able to recall, either to ourselves or others, that collection" Treatise, bk. IV ; and that the soul is "a bundle of conceptions in a perpetual flux and movement". For Kant substance is a category of thought which applies only to phenomena, i. The substantiality and immortality of the soul cannot be proved by the pure reason, but are postulated by the moral law which pertains to the practical reason. Mill, after stating that "we may make propositions also respecting those hidden causes of phenomena which are named substances and attributes", goes on to say: Mill defines matter as "a permanent possibility of sensation", so that no substantial bond is required for material objects; but for conscious states a tie is needed in which there is something "real as the sensations themselves and not a mere product of the laws of thought" "Examination", c. Wundt, on the contrary, declares that the idea hypothetical of substance is necessary to connect the phenomena presented in outer experience, but that it is not applicable to our inner experience except for the psycho-physical processes Logik, I, sqq. This is the basis of Actualism, which reduces the soul to a series of conscious states. But, if so, the impossibility of knowing the substance of mind is manifest" Princ. ElseWhere he declares that it is the same Unknowable Power which manifests itself alike in the physical world and in consciousness -- a statement wherein modern Agnosticism returns to the Pantheism of Spinoza. This development of the concept of substance is instructive; it shows to what extremes subjectivism leads, and what inconsistencies it brings into the investigation of the most important problems of philosophy. While the inquiry has been pursued in the name of criticism, its results, so far as the soul is concerned, are distinctly in favour of Materialism ; and while the aim was supposed to be a surer knowledge on a firmer basis, the outcome is Agnosticism either open or disguised. It is perhaps as a reaction against such confusion in the field of metaphysics that an attempt has recently been made by representatives of physical science to reconstruct the idea of substance by making it equivalent to "energy".

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Chapter 3 : Richard Hakluyt | Revolvy

D'Angelico Guitars is coming out with a Bob Weir model and the guitarist has put together a band for a private event to be.

Since this process will usually entail a delay of several years, the inevitable result of such a constitutionally imposed burden will be that the government will not put a claimant on the rolls initially until it has made an exhaustive investigation to determine his eligibility. The operation of a welfare state is a new experiment for our Nation. For this reason, among others, I feel that new experiments in carrying out a welfare program should not be frozen into our constitutional structure. They should be left, as are other legislative determinations, to the Congress and the legislatures that the people elect to make our laws. It is a categorical assistance program supported by federal grants-in-aid but administered by the States according to regulations of the Secretary of Health, Education, and Welfare. It assists any person unable to support himself or to secure support from other sources. Two suits were brought and consolidated in the District Court. The named plaintiffs were 20 in number, including intervenors. However, even in many of the cases where payments have been resumed, the underlying questions of eligibility that resulted in the bringing of this suit have not been resolved. Altagracia Guzman alleged that she was in danger of losing AFDC payments for failure to cooperate with the City Department of Social Services in suing her estranged husband. She contended that the departmental policy requiring such cooperation was inapplicable to the facts of her case. The record shows that payments to Mrs. Guzman have not been terminated, but there is no indication that the basic dispute over her duty to cooperate has been resolved, or that the alleged danger of termination has been removed. Home Relief payments to Juan DeJesus were terminated because he refused to accept counseling and rehabilitation for drug addiction. DeJesus maintains that he does not use drugs. His payments were restored the day after his complaint was filed. But there is nothing in the record to indicate that the underlying factual dispute in his case has been settled. A new HEW regulation, 34 Fed. This case presents no issue of the validity or construction of the federal regulations. That subdivision also requires written notification to the recipient at least seven days prior to the proposed effective date of the reasons for the proposed discontinuance or suspension. However, the notification must further advise the recipient that if he makes a request therefor he will be afforded an opportunity to appear at a time and place indicated before the official identified in the notice, who will review his case with him and allow him to present such written and oral evidence as the recipient may have to demonstrate why aid should not be discontinued or suspended. The District Court assumed that subdivision a would be construed to afford rights of confrontation and cross-examination and a decision based solely on the record. It was conceded in oral argument that these time limits are not in fact observed. The new HEW regulations presently scheduled to become effective July 1, , will supersede all of these provisions. For a general discussion of the provision of an evidentiary hearing prior to termination, see Comment, The Constitutional Minimum for the Termination of Welfare Benefits: The automobile dealer has his franchise, the doctor and lawyer their professional licenses, the worker his union membership, contract, and pension rights, the executive his contract and stock options; all are devices to aid security and independence. Many of the most important of these entitlements now flow from government: Such sources of security, whether private or public, are no longer regarded as luxuries or gratuities; to the recipients they are essentials, fully deserved, and in no sense a form of charity. It is only the poor whose entitlements, although recognized by public policy, have not been effectively enforced. See also Goldsmith v. Alabama State Board of Education, F. One Court of Appeals has stated: See also, for example, Ewing v. United States, U. McElroy, supra, U.

Chapter 4 : Substance - Encyclopedia Volume - Catholic Encyclopedia - Catholic Online

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Memorandum for the Secretary: The Office of Indian Affairs has addressed to you the attached undated letter concerning the claims of individual Sioux Indians on specified Indian reservations in North and South Dakota and Montana for leases of personal property authorized to be adjudicated by the act of May 3, 45 Stat. This letter was referred to me by the Acting Commissioner in his memorandum of May 4, The claims involved are generally referred to as the "Sioux pony claims. On February 1, , Hon. Francis Case, of the House of Representatives, requested a rehearing in regard to certain classes of claims, which request was granted by the Indian Office letter of February 27, approved March 14, In that letter it was suggested that Ralph M. Case, attorney for the Indians, submit a bill of particulars showing each claim that ought to be reopened and the point of fact or law as to which an error was allegedly made by the Department. Such a statement was submitted by Mr. Case on November 14, , with a notion for reconsideration of specified decisions of the Department, supported by a brief and argument. The present Indian Office letter, if approved, would reaffirm the previous action of the Department and reject all claims except two. I have examined with some care the contentions of the claimants, through their attorney, and of the Indian Office, and I believe the proposed action by the Department should be reconsidered in the light of certain legal principles which should govern the construction and application of the act of May 3, For your information I am setting forth a synopsis of the history and character of the Sioux pony claims. For many years the Sioux have asserted claims for personal property, particularly horses and arms, taken from them by military authority on various occasions in the latter part of the nineteenth century, and particularly in Three acts of Congress were passed appropriating fixed sums to pay pony claims at designated agencies. The act of March 2, 25 Stat. The act of January 18, 26 Stat. The act of June 21, 34 Stat. The act of May 3, , was the first act to authorize a general investigation of such claims, leaving the amount of compensation to be determined by the Secretary of the Interior and reported to Congress for later appropriation. Under the act, between 15, and 20, claims of all types were filed, including those for allotments of land and loss of improvements, as well as for loss of personal property. A report on the type of claims now involved in the present letter was made to Congress in a letter from the Secretary of the Interior on December 13, , which showed that only an inconsiderable number of claims of this type were allowed. Four claims were allowed of the filed by the Indians of the Pine Ridge Agency; 16 were allowed of the filed on the Standing Rock Reservation; 4 were allowed of the filed at the Cheyenne River Agency; and on the Rosebud Reservation in place of the claims for ponies lost from to there were substituted two lists of claims prepared by Lieutenant Lee covering ponies and cattle stolen by white citizens of the United States from to This division of the subject will be followed in the consideration of the contentions. I the Tora "Hostility" The act of May 3, , is as follows: Rosebud, Pine Ridge, Lower Brule, Crow Creek, Cheyenne River, Yankton, Sisseton, and Flandraeux, in the State of South Dakota; Fort Peck, in the State of Montana; Fort Totten, in the State of North Dakota; Standing Rock, in the States of North and South Dakota; and Bantee, in the State of Nebraska; Provided, That the Secretary of the Interior is authorized to make all rules and regulations necessary to carry out the provisions of this Act; Provided further, That the claims which shall be investigated under this Act shall be individual claims for allotments of land and for loss of personal property or improvements where the claimants or those through whom the claims originated were not members of any band of Indians engaged in " hostilities against the United States at the time the losses occurred. If any such claims shall be considered meritorious, the Secretary of the Imerior shall adjust same where there is existing law to authorize their adjustment, and such other meritorious claims he shall report to Congress with appropriate recommendation. Since practically all of the claims presented for rehearing which

involve the question of hostility arose out of the military incidents beginning in connected with the hostilities known as the Sioux War, the controversy as to the construction of this qualifying clause has centered about its application to those hostilities. Decision as to its application in this regard has been considered sufficient since the principles involved would have equal application to the single other incident of hostilities involved in the present claims, namely, the Dry Bone Hill Creek incident of My consideration of the subject is, therefore, also directed to the incidents of the Sioux War. Ralph Case, in a letter of November 14, , to the Commissioner of Indian Affairs, maintained 1 that all the main band subdivisions of the Sioux Tribe were in amity with the United States throughout the Sioux War and that the hostile bands were the groups of Sioux drawn from various of the main subdivisions of the tribe and banded together under the leadership of warring chiefs, and 2 that there was no hostility anywhere on the part of the Sioux Indians after March 11, , which date is given as the end of the Sioux War. The Indian Office in its reply of November 25, , approved by the Department December 1, , stated that the act of May 3, , should be given a liberal construction in favor of the claimants as its provisions were remedial, and that the hostility clause should not be construed to include individual members of a hostile band where such individuals were not themselves actually engaged in hostilities. In a subsequent Indian Office letter of December 10, , addressed to the Secretary of the Interior, and approved December 14, certain claims connected with the capture of Chief Gall were disposed of by adopting a construction of the act which was used as a precedent in the case of similar claims. The ruling in this case was, in effect, that where a hostile band encamped with friendly Indians and such Indians "afforded comfort" to the hostile band, the friendly Indians were not eligible to receive compensation. Bcause of the importance of the ruling, the language of the essential part of the letter is quoted as follows: Ralph Case contends that the Indian Office letter of December 10, , should be overruled and the Indian Office letter of November 25, , should be followed. He reiterated that the Sioux War ended March 11, , and that thereafter there were no hostile bands, asserting that the capture of Chief Gall in , for example, was not accompanied by any hostilities. The position of the Indian Office in its present letter is that the Sioux War continued until the last surrender, that of Chief Sitting Bull in , and that all the Sioux Indians were "intermittently or permanently hostile," since the agency Indians provided supplies and support to the hostile Indians 1. On these contentions my conclusions are that: The last surrender occurred in the case of Chief Sitting Bull on July 19, In the case of the November 25 letter, the activity of the individual Indian at the time of the loss of property is immaterial, if he was at the time a member of a band engaged in hostilities. As regards the ruling of December 10, , if an individual was not a member of a hostile band, the fact that he was affording aid and comfort to the hostiles did not make him a member of such a band or ineligible to receive compensation for the loss of his property. These three conclusions are reached on the basis of the following considerations: The facts surrounding the Sioux War as recorded in the reports of the Secretary of War and of the General of the Army and of the Commissioner of Indian Affairs, and as found by the Court of Claims in a number of cases, are that the hostile bands consisted of groups of Indians drawn from various of the main subdivisions of the tribe and operating for the duration of the war under the leadership of various chiefs. Since an outline for the facts connected with this war is essential, I quote the following from the survey of the war included as findings of fact in the case of The Sioux Tribe v. United States, 85 Ct. During the progress of this war the hostiles received large accessions from the different agencies, a count of the Indians at the agencies by the military establishing the fact that the numbers remaining were from one-third to one-half the numbers previously reported for issue. The number of warriors in the field during the course of the hostilities was esti mated by the Secretary of War to be from 2, to 3, In July there were held as prisoners of war, as a result of successive captures and surrenders in the years to , more than 1, Sioux at Fort Keegh, Montana, and 1, at Fort Buford, Montana. There are a number of similar cases relating to other tribes. In the case of Connera v. United States and the Cheyenne Indians, U. Those peculiarities would rather give them the character of tribes. United States and the Ute Indians, 32 Ct. United States and the Apache Indians, 33 Ct. In my opinion, not only is that date not established as the end of the war, but no general date is relevant since the date of surrender of each band is the determining date of the cessation

of hostilities on the part of that band. The attorney for the claimant bases his contention that the Sioux War ended March 11, , on the Salois case, supra, and the caseof Boughton v. Both of these cases involve depredations committed by Indians on white persons and the question was whether the tribe to which the Indians belonged was in amity with the United States and therefore liable for the damage done. The court held that both the Ogalalla Indians which were one main subdivision of the Sioux and the Northern Cheyenne Indians were in amity with the United States. The court also found that the last hostile Cheyenne band, under Dull Knife, surrendered at the agency in January The court did not deal with the other hostile bands who were not connected with the Red Cloud Agency. The case, therefore, does not decide when the Sioux War ended, except as to the particular hostile bands important to the case. The depredations occurred in January and August and on March 11, The court held that the Sioux Indians were in amity with the United States in January and on March 11, , but not in August The holding is not that the Sioux War ended on March 11, , but simply that the Sioux Indians were in amity on that date. This unreported case contains no opinion or discussion of the facts but simply the ultimate finding of fact as to amity. Except for the consideration that the case involved the Black Hills country, the ownership of which was an object of the Sioux War, the case is in conflict with the later Salois case which found the Indians remaining at the agencies to be in amity with the United States in the summer of The case of Botson v. The case did not hold that the hostilities of the Ogalalla ceased in October but held that at the time of the depredation in October in the Black Hills country the defendant Indians were not in amity with the United States. Here again there is no discussion nor opinion, and this case, like the Boughton case, is in conflict with the Salois case in so far as it treats the Sioux as at war in the summer and autumn of These cases make no analysis of the situation as to hostility and no distinction between the friendly and the hostile Sioux, and in this respect I consider whatever weight these cases may have overcome by the Salois case and by the official reports of the War and Interior Departments. If property was taken by the military authorities from an Indian who was a member of the band of Sitting Bull or Crazy Horse or any of the other war chieftains up to and including the surrender of the band, or up to and including his individual surrender, by which he dissociated himself from the band, the claimant is not entitled to compensation whether or not he himself was actually engaged in hostilities at the time the loss occurred. The conclusion of the Indian Office in its letter of December 14, that Indians who afford comfort to the hostiles are to be classed as hostiles, although not members of a band engaged in hostilities, is likewise erroneous. It was between the United States and the organized hostile bands outside the Great Sioux Reservation, which bands were recognized as being capable of conducting war and negotiating peace. The ultimatum issued by the Indian Office in to the belligerent Indians outside the Great Sioux Reservation requiring them to return to the reservation or be considered hostile, which ultimatum was followed by the turning over of such Indians to the military authorities, is determinative evidence of who the enemy was in that war. The acts of individuals within the Great Sioux Reservation, or at any of the agencies in Montana or North Dakota, in supplying aid and comfort to one side in the war do not make such individuals at war with the other side or identify them as belligerents cf. The activity of the United States military authorities and the official reports of that period all recognize the distinction between the hostile Indians in the field and the reservation Indians at the agencies and the sympathy of the reservation Indians for the hostile bands and willingness to provide material assistance to them. Nevertheless, Congress provided for compensating these Indians in the three acts prior to and recognized the distinction between the Indians of hostile bands and those not so participating in the war in the act of itself. Moreover, the argument that all the Sioux were intermittently or permanently hostile up to is untenable in view of the fact that after only a very few hostile bands who had not yet surrendered remained, and the main leader of the war, Chief Sitting Bull, was in Canada during that period. Furthermore, even during the years and , when most of the military engagements occurred, the military authorities kept close guard over the reservation Indians, enrolling them and handling their affairs as a separate group, and treating the hostiles returning to the reservation as belligerents and confiscating their property as the property of prisoners of war. On this point I quote from the brief of the United States in the Boughton case, at pages , to The war records

for show that troops were brought from the various military divisions of the Army to accomplish this work. Report Secretary of War, , p. It is shown that General Sheridan caused an enrollment of the reservation Indians and the arrest of any hostiles that might come into the reservation. It will further be noticed that in September, , the Secretary of War authorized the military to assume control of the agencies in the Sioux country, and this they did in a most vigorous way, and a sufficient military force was put in and about every agency, not only to prevent hostiles from coming in and getting provisions, but to see that none left the agencies; and this military force went so far as to count and enroll every Indian on the reservation in the Sioux country and to even take away their ponies and their arms. It was thus ascertained that more than one-half of these Indians were out with the hostiles. It is immaterial whether the surrender occurred at an agency or in the field or whether the surrendered property was delivered to the military authorities at the agency or in the field. If the case of the capture of Chief Gall is used as an example, there could be no recovery for the taking of property from Chief Gall or his followers upon their surrender at the Fort Peck Agency, although no actual fighting occurred at the time, as the taking was part of the terms of surrender required of hostile bands. My conclusion as to the construction and application of the qualifying clause in the act, that claimants may not be members of any band engaged in hostilities against the United States, may be summarized as follows: Where the claimant was a follower of any of the chiefs fighting the United States, or, in other words, a member of a hostile band, he cannot recover his property taken by the military authorities up to and including the occasion of his own surrender when he relieved himself of membership in the hostile band, or of the surrender of the chief of whose band he had remained a member. In the application of this principle to the Sioux hostilities, it may be said that if property was taken from a reservation Indian it was probably taken from a friendly Indian, unless it is shown to have been taken as an incident of his military surrender or the surrender of the chief in whose band he was a member. II Partial Payment as a Bar The motion for reconsideration submitted by the attorney for the claimants is also based on the contention that the Indians who received part payment on their pony claims prior to the act are privileged to claim and to receive compensation for the balance of their claims under that act. The acts of March 2, , and of January 19, , cited in Part I, provided that the sum paid to each Indian under the acts should be taken and accepted in full compensation for all losses sustained. It is admitted that the full amount of the claims of the Indians was not met by the compensation provided for by these acts. The Indian Office takes the position that the regulations formulated under the act excluded from consideration the claims designated as "balance pony claims" and that the previous payment of part of the claims prevented payment of the balance, both under the acts authorizing payment and the regulations I. The Indian Office regulations for the execution of the act did not, in my opinion, exclude consideration of the "balance pony claims" but merely required that the facts connected with any payment upon a claim be ascertained and reported by the investigator. This is indicated by the following quotation from the regulations I. Should there have been such a part settlement by property or cash, he should give all the facts. On the contrary, the act authorized full investigation of all pending claims, a determination of their merits by the Secretary of the Interior, and report with recommendations to Congress. Claims for a balance due are as much pending claims as claims where no payments have been made.

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Chapter 5 : May 25, Coshocton County Beacon by The Coshocton County Beacon - Issuu

This Rule defines the standard terminology, administrative procedures, and dispute resolution procedures required to implement the Division's Medical Treatment Guidelines and Medical Fee Schedule. STANDARD TERMINOLOGY FOR RULES 16, 17, AND

May 25, www. Black and Gold Class song: Dairel Kaiser Worship Service: Those students with IEPs that state they need a one on one aid will still have them, but everyone will be trained to know how to support each child as well as their individual aide. This new team approach will eliminate this problem. All open positions created by this new team approach are right now posted internally and current aids will have the first opportunity to apply for them and be interviewed. They also all will be Hopewell employees instead of the aides being hired through the school districts. Parents were not happy about them originally not being part of the plan or how it was communicated. To address these concerns, the administrative staff at Hopewell School invited parents to attend one of two meetings held May Eleven parents attend the morning meeting where Steve Oster, superintendent, explained why the school needed to make a change. The aides will be called instructor assistants due to union regulations and Hopewell will no longer have to go through the school districts to address any concerns they have with them. They will now be able to handle any issues themselves. She also is a member of the yearbook staff and National Honor Society. When asked to name a person who had contributed the most to her self-development, Colleen named Beth Cormack. The experience that has given her the greatest satisfaction was the job she had this past summer in the Summer Splash program. She stated how much she came to care for the 40 kids who were in this program. The kids as she called them told her it was the best summer they had ever had as she was their best friend. She looks forward to working in that program again this summer and hopes to make a career in service of this type. We want what is best for them and to be accountable for their safety and education. I homeschool my girls, but feel Skyler my son is best served here. I thank you for listening to us. Oster encouraged the parents to contact him or Shontz if they ever have any concerns. The opening day is Saturday, May The museums will celebrate with a special event this year. A tour of the museums, a drink, popcorn, and a special show. This show contains history, music, stories, some beautiful flags, and even some comedy. It is great entertainment, and a wonderful learning experience. Scott has entertained at many venues in the community and around the United States, with his patriotic and historically relevant show. The museum tours will be 5 to 6: To get your ticket, call on Thursday evenings from 5 to 7 p. Tickets can be purchased at the door the day of the opening. Staff Beacon May 25, www. Starting June 13 and 15 will be the Summer Science Day Camp series where youth ages years old will learn about the five senses and youth ages years old will participate in Detective Academy. Each class will meet once a week for three weeks. The program lasts from 9 a. Registration is due by June 3. Cloverbud Day camp is June 18 from 9 a. Cloverbud Day camp is for youth ages 5 and in Kindergarten as of Jan. Registration is due by June Activities include shooting sports, swimming, crafts, canoeing, scuba diving, high ropes, camp lamp, adventure tower, mountain boarding and many more. For information and registration details, visit coshocton. Babcock, who has been playing baseball ever since he was a young boy, is greatly looking forward to joining the team. Andrew Everhart Beacon Coshocton senior Talon Babcock sits with his parents Angie and Tom Babcock and his teammates while signing his national letter of intent to play baseball at Ohio Wesleyan University. Kirkpatrick, who is a four-year-letterman for the Redskins track program and a two-year -letterman for their basketball program, expressed that Youngstown State was the perfect fit for him. New Philadelphia, OH joshua. There are many reasons to buy local: Local food is fresher and tastes better than food shipped long distances. Local growers offer varieties bred for taste and freshness rather than for shipping and long shelf life. Plus, eating food in its natural season means you get the most flavor. Buying local food keeps your dollars circulating in your community. With each local food purchase, more of your money spent on food goes to the person who raised it. Buy from local farmers you trust. Buying local food helps make farming

more profitable, saving farmland for agriculture. Coshocton Farmers Market on Main Street is one good place to find fresh, local food. Right now produce in season in our part of Ohio includes lettuce and salad greens, herbs, asparagus, rhubarb, radishes and green onions. In addition to fresh produce, the market offers fresh farm eggs, pastured meats, local honey and maple syrup, homemade baked goods, garden plants, and local crafts. Heat skillet over medium heat and add egg mixture. Cook until eggs are half set, but still runny. Add onions and cheese and continue stirring until eggs are set and cheese is melted. Add salt and pepper to taste. The market is open 8: For information, visit Coshocton Farmers Market on Facebook. Must be caring, compassionate and flexible. Excellent clinical and organizational skills are a must. Hospice experience is preferred. Background check and drug test required. Any questions call Zach at or apply online at www.

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Chapter 6 : Southern Connecticut - Winter-Spring by Seniors Blue Book - Issuu

The name Sweden was loaned from Dutch in the 17th century to refer to Sweden as an emerging great calendrierdelascience.com Sweden's imperial expansion, Early Modern English used Swedeland.

Can you explain what our options are to do this? Thank you, Margaret B. They also may decide to pre-arrange their funerals because they are looking for the peace of mind that comes from knowing there will be adequate funds to cover the unavoidable expenses. Furthermore, pre-payment can provide real benefits when folks are applying for Medicaid in the U. The pre-arrangement process is simple and painless. It consists of a meeting with a director at the funeral home of your choice where you determine your funeral preferences based upon the available options. The funeral director will explain the various options available and help guide you through establishing your plans. Vital information about you will be recorded and documentation will be gathered and organized to complete the required forms and paperwork. The next step, if applicable to your specific arrangements, you can select a casket, a burial vault, and any other ancillary merchandise associated with the services. Also, if you so wish, you can fund the services and merchandise selected ahead of time through our Cooperative Funeral Trust program. The cost would be a direct result of the choices made during the pre-arrangement meeting and the money put away can be the total amount quoted OR a portion towards the total that will then earn interest and roll over until a passing occurs. Once details have been finalized, your funeral director will prepare a pre-need agreement and fully itemized statement for your review and explain your choices for payment. These choices include prepayment, and, should you choose prepayment, he or she will prepare all of the necessary trust documents for you. This means that you are not committing yourself to use the funeral home where you made pre-arrangements. At the time of death, the pre-arrangements and money are transferrable and can be used by any funeral home in the country. If you and your husband would like to discuss this in more depth I would be happy to help. Let us help you reacquaint with your loved ones. Finding a way to start talking with a loved one may be the most difficult part; however, we will help you find the way. Your conversation can take place at any time â€" not just at the end of life. To qualify you must meet the following criteria: Whether it be using only an analog telephone line connection, a high speed connection or an extra-large screen for easy reading, there is a CapTel model that fits the bill. Using Relay Connecticut gives you the confidence to enjoy calls again, knowing that the captions will help you to catch every word. For more information, visit www. Available for use with standard analog phone lines or with a high speed Internet connection Wi-Fi compatible. CapTel i allows users to customize the font sizes, styles, and colors on an extremely large display. Requires high speed internet and a telephone line. Indicates website link on seniorsbluebook.

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Chapter 7 : Export Brett Master Class playlist

CHAPTER I. It must, to admirers of Browning's writings, appear singularly appropriate that so cosmopolitan a poet was born in London. It would seem as though something of that mighty complex life, so confusedly petty to the narrow vision, so grandiose and even majestic to the larger ken, had blent with his being from the first.

Between and he was chaplain and secretary to Sir Edward Stafford , English ambassador at the French court. He was the chief promoter of a petition to James I for letters patent to colonize Virginia , which were granted to the London Company and Plymouth Company referred to collectively as the Virginia Company in The Hakluyt Society , which publishes scholarly editions of primary records of voyages and travels, was named after him in its formation. A person named Hugo Hakelute, who may have been an ancestor or relative of Richard Hakluyt, was elected Member of Parliament for the borough of Yatton in or ,[7] and between the 14th and 16th centuries five individuals surnamed "de Hackluit" or "Hackluit" were sheriffs of Herefordshire. A man named Walter Hakelut was knighted in the 34th year of Edward I and later killed at the Battle of Bannockburn , and in Thomas Hakeluyt was chancellor of the diocese of Hereford. He died in when his son was aged about five years, and his wife Margery[1] followed soon after. He took his Bachelor of Arts B. He was the first to show "both the old imperfectly composed and the new lately reformed mappes, globes, spheares, and other instruments of this art". Hakluyt was a member of the chapter. At the age of 30, being acquainted with "the chiefest captaines at sea, the greatest merchants, and the best mariners of our nation",[11] he was selected as chaplain and secretary to accompany Stafford, now English ambassador at the French court, to Paris in In accordance with the instructions of Secretary Francis Walsingham , he occupied himself chiefly in collecting information of the Spanish and French movements, and "making diligent inquirie of such things as might yield any light unto our westerne discoveries in America". The manuscript, lost for almost years, was published for the first time in These latter writings, together with a few letters, are the only extant material out of which a biography of him can be framed. In he published the first edition of his chief work, The Principall Navigations, Voiages and Discoveries of the English Nation, using eyewitness accounts as far as possible. In the preface to this he announced the intended publication of the first terrestrial globe made in England by Emery Molyneux. Between and appeared the final, reconstructed and greatly enlarged edition of The Principal Navigations, Voiages, Traffiques and Discoueries of the English Nation in three volumes. In the dedication of the second volume to his patron, Robert Cecil, 1st Earl of Salisbury , Hakluyt strongly urged the minister as to the expediency of colonizing Virginia. He held this position until his death, and resided in Wetheringsett through the s and frequently thereafter. His will refers to chambers occupied by him there up to the time of his death, and in another official document he is styled Doctor of Divinity D. When the colony was at last established in , he supplied this benefice with its chaplain, Robert Hunt. In he appears as the chief promoter of the petition to James I for letters patent to colonize Virginia, which were granted on 10 April This work was intended to encourage the young colony of Virginia; Scottish historian William Robertson wrote of Hakluyt, "England is more indebted for its American possessions than to any man of that age. In that year, Hakluyt was a consultant to the Company when it was renewing its charter. Instead, he stressed the importance of occupation, which was favourable to the English as they and not the Spanish had occupied Virginia. Grotius also argued that the seas should be freely navigable by all, which was useful since the England to Virginia route crossed seas which the Portuguese claimed. In Hakluyt became a charter member of the North-west Passage Company. Unfortunately, his wealth was squandered by his only son. These works were a fertile source of material for William Shakespeare [4] and other authors. Hakluyt also encouraged the production of geographical and historical writings by others. With Two Mappes Annexed Hereunto.

Chapter 8 : Ravenscroft Dog Farm:

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This reserve should be trained in the general organization of shelter, food and clothing, in the shaping of a policy of general rehabilitation, in medical social service, in children's work and in the use of volunteers.

Chapter 9 : German addresses are blocked - calendrierdelascience.com

I, pt. IV); and that the soul is "a bundle of conceptions in a perpetual flux and movement". For Kant substance is a category of thought which applies only to phenomena, i.e. it is the idea of something that persists amid all changes.