AMERICAN LAW PROGRAM
The Catholic University of America, Columbus School of Law
Jagiellonian University, Faculty of Law and Administration
20th year, 2019-2020

ENTRANCE EXAM 2 – ESSAY PART

Dear American Law Program Candidate!

In order to let the American Law Program staff assess your English language skills and abilities to actively participate and benefit from the regular courses, we kindly ask you to take our Entrance Exam. As the amount of students willing to join the program exceeds the amount of students who can be admitted, it serves also the selection of the best candidates in an objective manner.

To make the assessment and competition both fair and reasonable, we kindly ask you to obey the following rules:

During the exam **you are not allowed** to:
- consult anyone nor any materials, except for the texts that we distribute;
- look at other candidate's work;
- leave the room without permission;
- possess turned on cell phones or similar devices.

During the exam **you are supposed** to:
- write in a readable way, so that we are able to read your answers and grade them;
- mark your papers with your PESEL only.

The exam contains of two parts and **altogether lasts 100 minutes.**

The **first part**, is an **essay** part. Your task is to write an essay on the separate sheet of paper, on the assigned topic, which is based on the text attached in order to inspire you. You are supposed to show us that you can discuss a general legal topic in an interesting manner and proper English. Your essay must not exceed one sheet of the given paper. You have **60 minutes** to complete this part. After this time you must turn in your essay. This part is graded for 0-30 points.

The **second part**, which you are supposed to take later, is a **reading** part. You should read the text provided carefully. You may take notes on the separate sheet of paper. After **30 minutes** you must turn in the texts, but you may still keep the notes. Then you receive the questions and answers sheet. You are supposed to mark T for True and F for False on the given questions, for which you have **another 10 minutes**. This part is graded for 0-20 points.

The **results** should be available by July 17th, 2019. The results will be sent to you via e-mail and published on our website: http://www.okspo.wpia.uj.edu.pl/spa/ogloszenia as well as on our Facebook: http://www.facebook.com/szkolaprawaamerykanskiego

Good luck!

Essay Question

The article by C. Thomas (www.lawpracticetoday.org in association with American Bar Association): *Legal Keys to Become a Successful Lawyer* refers to the desired activeness that should be undertaken by a lawyer to make him/her successful.

Behind every successful law firm is a successful lawyer or lawyers. Yet, what makes a lawyer successful? Is it the number of trials he or she has won? Or perhaps it is a certain amount of revenue generated in one year. To determine what makes a lawyer/law firm successful, you must first define success. Success may be defined several ways. According to Merriam Webster success is a favorable or desired outcome. Winning a case is always the desired outcome, especially if you are the winner. However, does winning just one case make an attorney successful? Or do you need to win two, three or 10 cases before you can be qualified as successful? […] Before writing this article, I did a quick Google search for the "the most successful attorney in America." The top hits on the first page yielded a listing of the richest attorneys and law firms generating the largest revenue. The results were similar when I googled "most successful business people in America." This is perhaps why so many individuals, including lawyers, believe that success and wealth go hand in hand.

However, when you look at some philosophies of some wealthy business leaders, they do not equate wealth with success. Sir Richard Branson, the founder of the Virgin Group believes […]"True success should be measured by how happy you are. […]

As a young attorney, it is important that you attend CLE and legal workshops within your area of practice. Never stop learning. That applies to learning how to be successful, too.

Here are a few basic keys to becoming a successful attorney.

Establish a Professional and Personal Network. *It is important to cultivate relationships both professional and personal relationships. Create a diverse network of professional colleagues and mentors who can give you advice and guidance (and who you can advise as well). Cultivate relationships with former college and law school classmates, members of your national and local bar associations and members of social organizations that interest you. These individuals can be instrumental in providing clients, as well as helping you promote your key attributes and skills within the community.* ***Develop Good Communication Skills****. Lawyers need excellent verbal and written skills. You not only need to communicate concisely but to actively listen during conversations, and avoid multitasking.* ***Maintain Your Integrity at all Times.*** *Integrity is the foundation of your character. It enhances all other values and beliefs in which you hold. This goes way beyond your ethical duties prescribed by your bar association. It is about being honest and taking responsibility.* ***Be Innovative.*** *Put your ego aside and remain open to creative and reasonable solutions. The legal industry is changing; be willing to create and adopt effective and cost-efficient processes in servicing your clients.* ***Be Persistent.*** *Perseverance and determination will help you forge through the most difficult cases and obtain a positive result for the client.* ***Attitude is Everything.*** *Being enthusiastic and energized demonstrates a real interest in your firm and your clients. Although challenging, having a positive attitude in difficult situations is necessary. You should not allow doubt and fear of failure take control.* ***Accept Failure.*** *Accepting failure is a part of success. As Winston Churchill said, "Success is stumbling from failure to failure with no loss of enthusiasm."*

Which feature/activeness would actually make, in your opinion, a lawyer the most successful? Choose one and justify your choice. Moreover, discuss how would you define the role of university and bar association in such consideration. Also, analyze various perspectives, i.e. of a lawyer job being the dream one, of a lawyer serving the society (or its particularly affected members), or of a lawyer being a spouse and/or a parent.

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ENTRANCE EXAM 2 – READING PART (TEXT)

Read the text of the U.S. Supreme Court judgment in: *Johnson & Graham's Lessee v. McIntosh*, 21 U.S. 543 (1823), in which the Court elaborated against the admissibility of Native Americans to alienate their rights regarding the U.S. land. Otherwise, the rights of those who acquired land from the government, are confirmed.

When reading you may take notes. After 30 minutes you will have to turn in the text and answer the questions with a use of your notes as well as your understanding only.

"MR. CHIEF JUSTICE MARSHALL delivered the opinion of the Court.

The plaintiffs in this cause claim the land in their declaration mentioned under two grants purporting to be made, the first in 1773 and the last in 1775, by the chiefs of certain Indian tribes constituting the Illinois and the Piankeshaw nations, and the question is whether this title can be recognized in the courts of the United States?

The facts, as stated in the case agreed, show the authority of the chiefs who executed this conveyance so far as it could be given by their own people, and likewise show that the particular tribes for whom these chiefs acted were in rightful possession of the land they sold. The inquiry, therefore, is in a great measure confined to the power of Indians to give, and of private individuals to receive, a title which can be sustained in the courts of this country.

As the right of society to prescribe those rules by which property may be acquired and preserved is not and cannot be drawn into question, as the title to lands especially is and must be admitted to depend entirely on the law of the nation in which they lie, it will be necessary in pursuing this inquiry to examine not singly those principles of abstract justice which the Creator of all things has impressed on the mind of his creature man and which are admitted to regulate in a great degree the rights of civilized nations, whose perfect independence is acknowledged, but those principles also which our own government has adopted in the particular case and given us as the rule for our decision.

On the discovery of this immense continent, the great nations of Europe were eager to appropriate to themselves so much of it as they could respectively acquire. Its vast extent offered an ample field to the ambition and enterprise of all, and the character and religion of its inhabitants afforded an apology for considering them as a people over whom the superior genius of Europe might claim an ascendency. The potentates of the old world found no difficulty in convincing themselves that they made ample compensation to the inhabitants of the new by bestowing on them civilization and Christianity in exchange for unlimited independence. But as they were all in pursuit of nearly the same object, it was necessary, in order to avoid conflicting settlements and consequent war with each other, to establish a principle which all should acknowledge as the law by which the right of acquisition, which they all asserted should be regulated as between themselves. This principle was that discovery gave title to the government by whose subjects or by whose authority it was made against all other European governments, which title might be consummated by possession.

The exclusion of all other Europeans necessarily gave to the nation making the discovery the sole right of acquiring the soil from the natives and establishing settlements upon it. It was a right with which no Europeans could interfere. It was a right which all asserted for themselves, and to the assertion of which by others all assented.

Those relations which were to exist between the discoverer and the natives were to be regulated by themselves. The rights thus acquired being exclusive, no other power could interpose between them. In the establishment of these relations, the rights of the original inhabitants were in no instance entirely disregarded, but were necessarily to a considerable extent impaired. They were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own discretion; but their rights to complete sovereignty as independent nations were necessarily diminished, and their power to dispose of the soil at their own will to whomsoever they pleased was denied by the original fundamental principle that discovery gave exclusive title to those who made it.

While the different nations of Europe respected the right of the natives as occupants, they asserted the ultimate dominion to be in themselves, and claimed and exercised, as a consequence of this ultimate dominion, a power to grant the soil while yet in possession of the natives. These grants have been understood by all to convey a title to the grantees, subject only to the Indian right of occupancy.

The history of America from its discovery to the present day proves, we think, the universal recognition of these principles.

Spain did not rest her title solely on the grant of the Pope. Her discussions respecting boundary, with France, with Great Britain, and with the United States all show that she placed in on the rights given by discovery. […] France also founded her title to the vast territories she claimed in America on discovery. […] The states of Holland also made acquisitions in America and sustained their right on the common principle adopted by all Europe. […] The claim of the Dutch was always contested by the English -- not because they questioned the title given by discovery, but because they insisted on being themselves the rightful claimants under that title. Their pretensions were finally decided by the sword.

No one of the powers of Europe gave its full assent to this principle more unequivocally than England. The documents upon this subject are ample and complete. So early as the year 1496, her monarch granted a commission to the Cabots to discover countries then unknown to Christian people and to take possession of them in the name of the King of England. Two years afterwards, Cabot proceeded on this voyage and discovered the continent of North America, along which he sailed as far south as Virginia. To this discovery the English trace their title.

In this first effort made by the English government to acquire territory on this continent we perceive a complete recognition of the principle which has been mentioned. The right of discovery given by this commission is confined to countries "then unknown to all Christian people," and of these countries Cabot was empowered to take possession in the name of the King of England. Thus asserting a right to take possession notwithstanding the occupancy of the natives, who were heathens, and at the same time admitting the prior title of any Christian people who may have made a previous discovery.

The same principle continued to be recognized. [...] In 1609, after some expensive and not very successful attempts at settlement had been made, a new and more enlarged charter was given by the Crown to the first colony, in which the King granted to the "Treasurer and Company of Adventurers of the City of London for the first colony in Virginia," in absolute property, the lands extending along the seacoast four hundred miles, and into the land throughout from sea to sea.

[…] These various patents cannot be considered as nullities, nor can they be limited to a mere grant of the powers of government. A charter intended to convey political power only would never contain words expressly granting the land, the soil, and the waters. Some of them purport to convey the soil alone, and in those cases in which the powers of government as well as the soil are conveyed to individuals, the Crown has always acknowledged itself to be bound by the grant. Though the power to dismember regal governments was asserted and exercised, the power to dismember proprietary governments was not claimed, and in some instances, even after the powers of government were revested in the Crown, the title of the proprietors to the soil was respected.

[…] Between France and Great Britain, whose discoveries as well as settlements were nearly contemporaneous, contests for the country actually covered by the Indians began as soon as their settlements approached each other, and were continued until finally settled in the year 1763 by the Treaty of Paris. […] Thus all the nations of Europe who have acquired territory on this continent have asserted in themselves and have recognized in others the exclusive right of the discoverer to appropriate the lands occupied by the Indians. Have the American states rejected or adopted this principle?

By the treaty which concluded the war of our revolution, Great Britain relinquished all claim not only to the government, but to the "propriety and territorial rights of the United States" whose boundaries were fixed in the second article. By this treaty the powers of government and the right to soil which had previously been in Great Britain passed definitively to these states. We had before taken possession of them by declaring independence, but neither the declaration of independence nor the treaty confirming it could give us more than that which we before possessed or to which Great Britain was before entitled. It has never been doubted that either the United States or the several states had a clear title to all the lands within the boundary lines described in the treaty, subject only to the Indian right of occupancy, and that the exclusive power to extinguish that right was vested in that government which might constitutionally exercise it.

Virginia, particularly, within whose chartered limits the land in controversy lay, passed an act in the year 1779 declaring her "exclusive right of preemption from the Indians of all the lands within the limits of her own chartered territory, and that no person or persons whatsoever have or ever had a right to purchase any lands within the same from any Indian nation except only persons duly authorized to make such purchase, formerly for the use and benefit of the colony and lately for the Commonwealth." The act then proceeds to annul all deeds made by Indians to individuals for the private use of the purchasers.

[…] The magnificent purchase of Louisiana was the purchase from France of a country almost entirely occupied by numerous tribes of Indians who are in fact independent. Yet any attempt of others to intrude into that country would be considered as an aggression which would justify war.

[…] The United States, then, has unequivocally acceded to that great and broad rule by which its civilized inhabitants now hold this country. They hold and assert in themselves the title by which it was acquired. They maintain, as all others have maintained, that discovery gave an exclusive right to extinguish the Indian title of occupancy either by purchase or by conquest, and gave also a right to such a degree of sovereignty as the circumstances of the people would allow them to exercise.

The power now possessed by the government of the United States to grant lands, resided, while we were colonies, in the Crown, or its grantees. The validity of the titles given by either has never been questioned in our courts. It has been exercised uniformly over territory in possession of the Indians. The existence of this power must negative the existence of any right which may conflict with and control it. An absolute title to lands cannot exist at the same time in different persons or in different governments. An absolute must be an exclusive title, or at least a title which excludes all others not compatible with it. All our institutions recognize the absolute title of the Crown, subject only to the Indian right of occupancy, and recognize the absolute title of the Crown to extinguish that right. This is incompatible with an absolute and complete title in the Indians.

We will not enter into the controversy whether agriculturists, merchants, and manufacturers have a right on abstract principles to expel hunters from the territory they possess or to contract their limits. Conquest gives a title which the courts of the conqueror cannot deny, whatever the private and speculative opinions of individuals may be, respecting the original justice of the claim which has been successfully asserted. The British government, which was then our government and whose rights have passed to the United States, asserted title to all the lands occupied by Indians within the chartered

limits of the British colonies. It asserted also a limited sovereignty over them and the exclusive right of extinguishing the title which occupancy gave to them. These claims have been maintained and established as far west as the River Mississippi by the sword. The title to a vast portion of the lands we now hold originates in them. It is not for the courts of this country to question the validity of this title or to sustain one which is incompatible with it.

Although we do not mean to engage in the defense of those principles which Europeans have applied to Indian title, they may, we think, find some excuse, if not justification, in the character and habits of the people whose rights have been wrested from them.

The title by conquest is acquired and maintained by force. The conqueror prescribes its limits. Humanity, however, acting on public opinion, has established, as a general rule, that the conquered shall not be wantonly oppressed, and that their condition shall remain as eligible as is compatible with the objects of the conquest. Most usually, they are incorporated with the victorious nation, and become subjects or citizens of the government with which they are connected. The new and old members of the society mingle with each other; the distinction between them is gradually lost, and they make one people. Where this incorporation is practicable, humanity demands and a wise policy requires that the rights of the conquered to property should remain unimpaired; that the new subjects should be governed as equitably as the old, and that confidence in their security should gradually banish the painful sense of being separated from their ancient connections, and united by force to strangers.

When the conquest is complete and the conquered inhabitants can be blended with the conquerors or safely governed as a distinct people, public opinion, which not even the conqueror can disregard, imposes these restraints upon him, and he cannot neglect them without injury to his fame and hazard to his power.

But the tribes of Indians inhabiting this country were fierce savages whose occupation was war and whose subsistence was drawn chiefly from the forest. To leave them in possession of their country was to leave the country a wilderness; to govern them as a distinct people was impossible because they were as brave and as high spirited as they were fierce, and were ready to repel by arms every attempt on their independence.

What was the inevitable consequence of this state of things? The Europeans were under the necessity either of abandoning the country and relinquishing their pompous claims to it or of enforcing those claims by the sword, and by the adoption of principles adapted to the condition of a people with whom it was impossible to mix and who could not be governed as a distinct society, or of remaining in their neighborhood, and exposing themselves and their families to the perpetual hazard of being massacred.

Frequent and bloody wars, in which the whites were not always the aggressors, unavoidably ensued. European policy, numbers, and skill prevailed. As the white population advanced, that of the Indians necessarily receded. The country in the immediate neighborhood of agriculturists became unfit for them. The game fled into thicker and more unbroken forests, and the Indians followed. The soil to which the Crown originally claimed title, being no longer occupied by its ancient inhabitants, was parceled out according to the will of the sovereign power and taken possession of by persons who claimed immediately from the Crown or mediately through its grantees or deputies.

That law which regulates and ought to regulate in general the relations between the conqueror and conquered was incapable of application to a people under such circumstances. The resort to some new and different rule better adapted to the actual state of things was unavoidable. Every rule which can be suggested will be found to be attended with great difficulty.

However extravagant the pretension of converting the discovery of an inhabited country into conquest may appear; if the principle has been asserted in the first instance, and afterwards sustained; if a country has been acquired and held under it; if the property of the great mass of the community originates in it, it becomes the law of the land and cannot be questioned. So, too, with respect to the

concomitant principle that the Indian inhabitants are to be considered merely as occupants, to be protected, indeed, while in peace, in the possession of their lands, but to be deemed incapable of transferring the absolute title to others. However this restriction may be opposed to natural right, and to the usages of civilized nations, yet if it be indispensable to that system under which the country has been settled, and be adapted to the actual condition of the two people, it may perhaps be supported by reason, and certainly cannot be rejected by courts of justice.

[…] Another view has been taken of this question which deserves to be considered. The title of the Crown, whatever it might be, could be acquired only by a conveyance from the Crown. If an individual might extinguish the Indian title for his own benefit, or in other words might purchase it, still he could acquire only that title. Admitting their power to change their laws or usages so far as to allow an individual to separate a portion of their lands from the common stock and hold it in severalty, still it is a part of their territory and is held under them by a title dependent on their laws. The grant derives its efficacy from their will, and if they choose to resume it and make a different disposition of the land, the courts of the United States cannot interpose for the protection of the title. The person who purchases lands from the Indians within their territory incorporates himself with them so far as respects the property purchased; holds their title under their protection and subject to their laws. If they annul the grant, we know of no tribunal which can revise and set aside the proceeding. We know of no principle which can distinguish this case from a grant made to a native Indian, authorizing him to hold a particular tract of land in severalty.

As such a grant could not separate the Indian from his nation, nor give a title which our courts could distinguish from the title of his tribe, as it might still be conquered from, or ceded by his tribe, we can perceive no legal principle which will authorize a court to say that different consequences are attached to this purchase because it was made by a stranger. By the treaties concluded between the United States and the Indian nations whose title the plaintiffs claim, the country comprehending the lands in controversy has been ceded to the United States without any reservation of their title. These nations had been at war with the United States, and had an unquestionable right to annul any grant they had made to American citizens. Their cession of the country without a reservation of this land affords a fair presumption that they considered it as of no validity. They ceded to the United States this very property, after having used it in common with other lands as their own, from the date of their deeds to the time of cession, and the attempt now made, is to set up their title against that of the United States.

[…] It is supposed to be a principle of universal law that if an uninhabited country be discovered by a number of individuals who acknowledge no connection with and owe no allegiance to any government whatever, the country becomes the property of the discoverers, so far at least as they can use it. They acquire a title in common. The title of the whole land is in the whole society. It is to be divided and parceled out according to the will of the society, expressed by the whole body or by that organ which is authorized by the whole to express it.

If the discovery be made and possession of the country be taken under the authority of an existing government, which is acknowledged by the emigrants, it is supposed to be equally well settled, that the discovery is made for the whole nation, that the country becomes a part of the nation, and that the vacant soil is to be disposed of by that organ of the government which has the constitutional power to dispose of the national domains, by that organ in which all vacant territory is vested by law.

According to the theory of the British Constitution, all vacant lands are vested in the Crown, as representing the nation, and the exclusive power to grant them is admitted to reside in the Crown as a branch of the royal prerogative . […] So far as respected the authority of the Crown, no distinction was taken between vacant lands and lands occupied by the Indians. The title, subject only to the right of occupancy by the Indians, was admitted to be in the King, as was his right to grant that title. The lands,

then, to which this proclamation referred were lands which the King had a right to grant, or to reserve for the Indians.

According to the theory of the British Constitution, the royal prerogative is very extensive so far as respects the political relations between Great Britain and foreign nations. The peculiar situation of the Indians, necessarily considered in some respects as a dependent and in some respects as a distinct people occupying a country claimed by Great Britain, and yet too powerful and brave not to be dreaded as formidable enemies, required that means should be adopted for the preservation of peace, and that their friendship should be secured by quieting their alarms for their property. This was to be effected by restraining the encroachments of the whites, and the power to do this was never, we believe, denied by the colonies to the Crown.

[…] Much reliance has also been placed on a recital contained in the charter of Rhode Island, and on a letter addressed to the governors of the neighboring colonies, by the King's command, in which some expressions are inserted, indicating the royal approbation of titles acquired from the Indians.

[…] the religious dissentions of Massachusetts expelled from that colony several societies of individuals, one of which settled in Rhode Island, on lands purchased from the Indians. They were not within the chartered limits of Massachusetts, and the English government was too much occupied at home to bestow its attention on this subject. There existed no authority to arrest their settlement of the country. If they obtained the Indian title, there were none to assert the title of the Crown. Under these circumstances, the settlement became considerable. Individuals acquired separate property in lands which they cultivated and improved; a government was established among themselves, and no power existed in America which could rightfully interfere with it.

On the restoration of Charles II, this small society hastened to acknowledge his authority, and to solicit his confirmation of their title to the soil, and to jurisdiction over the country. Their solicitations were successful, and a charter was granted to them, containing the recital which has been mentioned. It is obvious that this transaction can amount to no acknowledgment that the Indian grant could convey a title paramount to that of the Crown, or could in itself constitute a complete title. On the contrary, the charter of the Crown was considered as indispensable to its completion.

It has never been contended that the Indian title amounted to nothing. Their right of possession has never been questioned. The claim of government extends to the complete ultimate title, charged with this right of possession and to the exclusive power of acquiring that right. The object of the Crown was to settle the seacoast of America, and when a portion of it was settled, without violating the rights of others, by persons professing their loyalty, and soliciting the royal sanction of an act, the consequences of which were ascertained to be beneficial, it would have been as unwise as ungracious to expel them from their habitations, because they had obtained the Indian title otherwise than through the agency of government. The very grant of a charter is an assertion of the title of the Crown, and its words convey the same idea. The country granted is said to be "our island called Rhode Island," and the charter contains an actual grant of the soil as well as of the powers of government.

[…] This charter and this letter certainly sanction a previous unauthorized purchase from Indians under the circumstances attending that particular purchase, but are far from supporting the general proposition, that a title acquired from the Indians would be valid against a title acquired from the Crown, or without the confirmation of the Crown.

The acts of the several colonial assemblies prohibiting purchases from the Indians have also been relied on as proving that, independent of such prohibitions, Indian deeds would be valid. But we think […] the fact that such acts have been generally passed, is strong evidence of the general opinion, that such purchases are opposed by the soundest principles of wisdom and national policy.

[…] the plaintiffs do not exhibit a title which can be sustained in the courts of the United States, and that there is no error in the judgment which was rendered against them in the District Court of Illinois.

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ENTRANCE EXAM 2 – READING PART (QUESTIONS)

Based on the read texts of the U.S. Supreme Court judgment in: *Johnson & Graham's Lessee v. McIntosh*, 21 U.S. 543 (1823) – in particular your notes as well as your understanding to it, decide whether the statements below are True (T) or False (F). You have 10 minutes to complete this part of the exam.

PESEL:

		True	**False**
1.	The opinion of the Court was written by its single member we know from name.		
2.	The case refers to whether the chiefs of Indian tribes were owners of the land occupied by such tribes.		
3.	The rights of Indian tribes are agreed – by the Court – as being against the Creator's justice, as Indians did not share Christian faith.		
4.	The principle which governed acquisition of land by the Europeans was the one of discovery that gave title to the government by the subjects of which the land was discovered.		
5.	The Indian tribes could have possessed lands but their complete sovereignty as independent nations was diminished upon arrival of the Europeans.		
6.	Only states of Holland did not agree with the principle on which land in the America was allocated but eventually the Dutch position was challenged in a military action.		
7.	Declaration of independence and treaty of the U.S. with Great Britain based the U.S. rights on those previously held by the Great Britain.		
8.	U.S. institutions recognize neither the absolute title to the land on the side of Indians, nor their right of occupancy as long as this right may be unequivocally challenged by the U.S.		
9.	The judgment is justified with the actual activeness of the Indians who kept rebelling against the Europeans.		
10.	The power of Crown in the America could have been executed by its grantees, e.g. a company.		

11.	Lacking the undertaken attitude of Europeans against the Indians, it would be necessary for the conquerors to abandon the country, which is an unlikely result as claimed by the Court.		
12.	The restriction of Indian alienation of rights is deemed consistent with the natural right as long as natural right – according to the Court – favors only civilized nations.		
13.	The charters granted by the Crown to the companies or societies of settlers might have contained proprietary rights only, or extend to the public rights as well.		
14.	The U.S. courts cannot protect the title acquired according to the Indian laws only.		
15.	The Court refers to the principle of universal law to challenge claims of the acquirer of rights to the subject land from Indians.		
16.	The Court argues that rights for Indians were secured in order to ensure peace with Indians and limit their potential claims for property.		
17.	There is an example invoked of an acquisition of rights from Indians confirmed by the Crown. It is, however, not an exception as long as it transferred the title only upon Crown's grant.		
18.	The Court deals with acts often, but no always, prohibiting purchases from the Indians – meaning that they express general opinion and even lacking such prohibition such purchases are still invalid.		
19.	The Court analyses the worthiness of the title presented by either party considering individual circumstances of this case.		
20.	The Court claimed that the judgment of the previous instance court was erroneous.		