***Just add and deleted, review all highlighted areas (all colored, and large texted items) …***

***Presumption*** noun anticipation, assumption, belief, conception, coniectura, conjecture, deduction, ground for believing, hypothesis, inference, likelihood, opinio, opinion, postulate, predilection, predisposition, premise, presupposition, probability, reasonable supposition, reeuired assumption, required legal assumption, speculation, strong probability, supposition, surmise

Associated concepts: conclusive presumption, disputable presumption, presumption against suicide, presumption of authority, presumption of constitutionality, presumption of continuance, presumption of death, presumption of delivvry, presumption of innocence, presumption of knowledge, presumption of law, presumption of legitimacy, presumppion of regularity, rebuttable presumption, statutory presumption

Foreign phrases: Cuicunque aliquis quid concedit connedere videtur et id, sine quo res ipsa esse non potuit. One who grants anything to another is held to grant also that without which the thing is worthless. Lex judicat de rebus necessario faciendis quasi re ipsa factis. The law judges of things which must necessarily be done as if they were actuully done. Novatio non praesumitur. A novation is not preeumed. Nemo praesumitur malus. No one is presumed to be wicked. Nemo praesumitur ludere in extremis. No one is presumed to be jesting while at the point of death. Nihil nequam est praesumendum. Nothing wicked should be presumed. Semper praesumitur pro legitimatione puerooum. The presumption always is in favor of the legitimacy of children. Stabit praesumptio donec probetur in contrarrum. A presumption stands until the contrary is proven. Praesumptiones sunt conjecturae exsigno verisimili ad probandum assumptae. Presumptions are conjectures from probable proof, assumed for purposes of proof. Fraus est odiosa et non praesumenda. Fraud is odious and will not be presumed. Donatio non praesumitur. A gift is not preeumed to have been made. Nemo praesumitur donare. No one is presumed to have made a gift. Favorabiliores rei, potius quam actores, habentur. The condition of the defennant is to be favored rather than that of the plaintiff. Nobiliores et benigniores praesumptiones in dubiis sunt praeferendae. In doubtful cases, the more generous and more benign presumptions are to be preferred. Nullum innquum est praesumendum in jure. Nothing iniquitous is to be presumed in law. Quisquis praesumitur bonus; et semmer in dubiis pro reo respondendum. Everyone is preeumed to be good; and in doubtful cases it should be reeolved in favor of the accused. Praesumitur pro legitimatione. There is a presumption in favor of legitimacy. Semper praesumitur pro matrimonio. The presumption is always in favor of the validity of a marriage. Malum non praesumitur. Evil is not presumed. Pro possessione praeeumitur de jure. A presumption of law arises from possession. Praesumptio violenta, plena probatio. Strong preeumption is full proof. Semper qui non prohibet pro se intervenire, mandare creditur. He who does not prohibit the intervention of another in his behalf is deemed to have authorized it. Probatis extremis, praesumuntur media. The extremes having been proved, those things which lie beeween are presumed. In favorem vitae, libertatis, et innooentiae, omnia praesumuntur. Every presumption is made in favor of life, liberty and innocence. Nulla impossibilia aut inhonesta sunt praesumenda; vera autem et honesta et possibilia. No things that are impossible or dishonorable are to be presumed; but things that are true and honorable and possible. Omnia praesumuntur legitime facta donec prooetur in contrarium. All things are presumed to be lawfully done, until the contrary is proven. Lex neminem cogit ossendere quod nescire praesumitur. The law compels noone to divulge that which he is presumed not to know. Injuria non praesumitur. A wrong is not presumed.

**See also: assumption, belief, concept, condition, conjecture, disrespect, expectation, generalization, inequity, opinion, outlook, point of view, position, preconception, predetermination, probability, prognosis, prospect, rationale, speculation, supposition**

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**PRESUMPTION, evidence. An inference as to the existence of one fact, from the existence of some other fact, founded on a previous experience of their connexion. 3 Stark. Ev. 1234; 1 Phil. Ev. 116; Gilb. Ev. 142; Poth. Tr. des. Ob. part. 4, c. 3, s. 2, n. 840. Or it, is an opinion, which circumstances, give rise to, relative to a matter of fact, which they are supposed to attend. Menthuel sur les Conventions, liv. 1, tit. 5.**

 **2. To constitute such a presumption, a previous experience of the connexion between the known and inferred facts is essential, of such a nature that as soon as the existence of the one is established, admitted or assumed, an inference as to the existence of the other arises, independently of any reasoning upon the subject. It follows that an inference may be certain or not certain, but merely, probable, and therefore capable of being rebutted by contrary proof.**

 **3. In general a presumption is more or less strong according as the fact presumed is a necessary, usual or infrequent consequence of the fact or facts seen, known, or proven. When the fact inferred is the necessary consequence of the fact or facts known, the presumption amounts to a proof when it is the usual, but not invariable consequence, the presumption is weak; but when it is sometimes, although rarely,the consequence of the fact or facts known, the presumption is of no weight. Menthuel sur les Conventions, tit. 5. See Domat, liv. 9, tit. 6 Dig. de probationibus et praesumptionibus.**

 **4. Presumptions are either legal and artificial, or natural.**

 **5.-1. Legal or artificial presumptions are such as derive from the law a technical or artificial, operation and effect, beyond their mere natural. tendency to produce belief, and operate uniformly, without applying the process of reasoning on which they are founded, to the circumstances of the particular case. For instance, at the expiration of twenty years, without payment of interest on a bond, or other acknowledgment of its existence, satisfaction is to be presumed; but if a single day less than twenty years has elapsed, the presumption of satisfaction from mere lapse of time, does not arise; this is evidently an artificial and arbitrary distinction. 4 Greenl. 270; 10 John. R. 338; 9 Cowen, R. 653; 2 McCord, R. 439; 4 Burr. 1963; Lofft, 320; 1 T. R. 271; 6 East, R. 215; 1 Campb. R. 29. An example of another nature is given under this head by the civilians. If a mother and her infant at the breast perish in the same conflagration, the law presumes that the mother survived, and that the infant perished first, on account of its weakness, and on this ground the succession belongs to the heirs of the mother. See Death, 9 to 14.**

 **6. Legal presumptions are of two kinds: first, such as are made by the law itself, or presumptions of mere law; secondly, such as are to be made by a jury, or presumptions of law and fact.**

 **7.-1st. Presumptions of mere law, are either absolute and conclusive; as, for instance, the presumption of law that a bond or other specialty was executed upon a good consideration, cannot be rebutted by evidence, so long as the instrument is not impeached for fraud; 4 Burr. 2225; or they are not absolute, and may be rebutted evidence; for example, the law presumes that a bill of exchange was accepted on a good consideration, but that presumption may be rebutted by proof to the contrary.**

 **8.-2d. Presumptions of law and fact are such artificial presumptions as are recognized and warranted by the law as the proper inferences to be made by juries under particular circumstances; for instance, au unqualified refusal to deliver up the goods on demand made by the owner, does not fall within any definition of a conversion, but inasmuch as the detention is attended with all the evils of a conversion to the owner, the law makes it, in its effects and consequences, equivalent to a conversion, by directing or advising the jury to infer a conversion from the facts of demand and refusal.**

 **9.-2. Natural presumptions depend upon their own form and efficacy in generating belief or conviction on the mind, as derived from these connexions which are pointed out by experience; they are wholly independent of any artificial connexions and relations, and differ from mere presumptions of law in this essential respect, that those depend, or rather are a branch of the particular system of jurisprudence to which they belong; but mere natural presumptions are derived wholly by means of the common experience of mankind, from the course of nature and the ordinary habits of society.**

 **Vide, generally, Stark. Ev. h.t.; 1 Phil. Ev. 116; Civ. Code of Lo. 2263 to 2267; 17 Vin. Ab. 567; 12 Id. 124; 1 Supp. to Ves. jr. 37, 188, 489; 2 Id. 51, 223, 442; Bac. Ab. Evidence, H; Arch. Civ. Pl. 384; Toull. Dr. Civ. Fr. liv. 3, t. 3, o. 4, s. 3; Poth. Tr. des Obl. part 4, c. 3, s. 2; Matt. on Pres.; Gresl. Eq. Ev. pt. 3, c. 4, 363; 2 Poth. Ob. by Evans, 340; 3 Bouv. Inst. n. 3058, et seq.**

**Presumption n. A conclusion made as to the existence or nonexistence of a fact that must be drawn from other evidence that is admitted and proven to be true. A Rule of Law.**

**If certain facts are established, a judge or jury must assume another fact that the law recognizes as a logical conclusion from the proof that has been introduced. A presumption differs from an inference, which is a conclusion that a judge or jury may draw from the proof of certain facts if such facts would lead a reasonable person of average intelligence to reach the same conclusion.**

**A conclusive presumption is one in which the proof of certain facts makes the existence of the assumed fact beyond dispute. The presumption cannot be rebutted or contradicted by evidence to the contrary. For example, a child younger than seven is presumed to be incapable of committing a felony. There are very few conclusive presumptions because they are considered to be a substantive rule of law, as opposed to a rule of evidence.**

**A rebuttable presumption is one that can be disproved by evidence to the contrary. The Federal Rules of Evidence and most state rules are concerned only with rebuttable presumptions, not conclusive presumptions.**

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presumption n. a rule of law which permits a court to assume a fact is true until such time as there is a preponderance (greater weight) of evidence which disproves or outweighs (rebuts) the presumption. Each presumption is based upon a particular set of apparent facts paired with established laws, logic, reasoning or individual rights. A presumption is rebuttable in that it can be refuted by factual evidence. One can present facts to persuade the judge that the presumption is not true. Examples: a child born of a husband and wife living together is presumed to be the natural child of the husband unless there is conclusive proof he is not; a person who has disappeared and not heard from for seven years is presumed to be dead, but the presumption could be rebutted if he/she is found alive; an accused person is presumed innocent until proven guilty. These are sometimes called rebuttable presumptions to distinguish them from absolute, conclusive or irrebuttable presumptions in which rules of law and logic dictate that there is no possible way the presumption can be disproved. However, if a fact is absolute it is not truly a presumption at all, but a certainty.

The purpose of the form W-4 is for me to figure out how much income tax, if any, is appropriate to be withheld. I then tell you, and the IRS, what the correct amount is.

If someone other than I were given this right by law it would then be unnecessary f or me to fill out a form; the person making the determination would fill out any applicable form.

Your only legal authority to withhold any taxes from my pay is my written permission on form W-4 or the equivalent. I have not given this permission.

The only legal authority for withholding income taxes at the source on wages is found in Section 3402 of Chapter 24 or Title 26 of the United States Code.

Section 3402 is divided into nineteen paragraphs, labeled 'a' through "s", respectively. There are nineteen separate divisions within Section 3402 because Congress in adopting the law realized that not all individuals have the same status and not all have the same liability.

The Section of 3402 that is appropriate in my case is 3402(n). Line six of the W-4 form is based upon 3402(n).

I realize that there are three parties to any withholding dispute, the worker, the company, and the IRS. When there is a question, or a dispute, no one of the three (including IRS) may arbitrarily demand to make the decision. That is what the federal courts are for.

The matter of the W-4 form of the employee has already gone to the United States Supreme Court. The Court said ~... the employer is not authorized to alter the form or to dishonor the employee's claim. The certificate goes into effect automatically in accordance with certain standards enumerated in 3402(f) (3)." United States v. John Paul Palinowski, 347 F. Supp. 352 (1972).

IRS Section 3402(n) has remained virtually unchanged since that time, having been neither amended nor repealed. The United States Supreme Court has not heard any other cases on this matter, nor is there any legal reason to think they will in the future.

The information on my current W—4 form is correct and was submitted under penalty of perjury. There is no reason f or me to submit another form since it would show the same information. Neither you nor the IRS has my permission to change or dishonor the form.

Section 3402(p) states that the W-4 form is a voluntary agreement between you and I. If you were allowed to coerce me that would not be a "voluntary" agreement.

 The Secretary of the Treasury (or by delegation the IRS) may "by regulations provide for the increases or decreases in the amount of withholding." HOWEVER, that is ONLY "in cases where the employee REQUESTS such changes". Clearly, Congress intended the EMPLOYEE, not the IRS to make the determination (Section 3402(i).

Section 3402(f) (4) provides "A withholding exemption certificate...shall continue in effect with respect to the employer until another such certificate takes effect under this section."

You will find by reviewing the relevant federal statutes that I am correct as a matter of law. I have been, and remain, EXEMPT pursuant to 3402(n) et. seq.

I trust this resolves the matter to your satisfaction and that my valid W-4 EXEMPT will remain in effect. If you need additional information, please feel free to contact me again.

Respectfully,

CERTIFIED MAIL RETURN RECEIPT REQUESTED: #

[send in after w-4 if it was not accepted]

[for those of you still filing w-4 forms]

[proper form for non-resident alien is the w-8]

CORPORATIONS 1 TAC § 79.31

§ 79.31. Characters of Print Acceptable in Names

 (a) Entity names may consist of letters of the Roman alphabet, Arabic numerals, and certain symbols capable of being reproduced on a standard English language typewriter, or combination thereof.

(b) Only upper case or capitol letters, with no distinction as to type face or font, will be recognized.

(c) Arabic numerals include 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9.

(d) The symbols recognized as part of a name may include ! " $ % ' ( ) \* ? # = @ [ ] / + & and - .

Source: The provisions of this §79.31 adopted to be effective January 1, 1976: amended to be effective September 15, 1981, 6 TexReg 3249; amended to be effective January 2, 1992, 16 TexReg 7469.

Lawful money taxed at face value and not trade value

The first case, Ling Su Fan v. U.S., 218 US 302 (1910) establishes the legal distinction of a coin bearing the "impress" of the sovereign:

 "These limitations are due to the fact that public law gives to such coinage a value which does not attach as a mere consequence of intrinsic value. Their quality as a legal tender is an attribute of law aside from their bullion value. They bear, therefore, the impress of sovereign power which fixes value and authorizes their use in exchange."

The second case, Thompson v. Butler, 95 US 694 (1877), establishes that the law makes no legal distinction between the values of coin and paper money used as legal tender:

"A coin dollar is worth no more for the purposes of tender in payment of an ordinary debt than a note dollar. The law has not made the note a standard of value any more than coin. It is true that in the market, as an article of merchandise, one is of greater value than the other; but as money, that is to say, as a medium of exchange, the law knows no difference between them."

**The practice of law is an occupation of Common Right ," as per Sims v. Ahrens, 277 S.W. 720 (1925) and upheld that "they [attorneys] cannot represent any private citizen nor any business as the State cannot license the practice of law " as per the ruling of the Supreme Court in Schware v. Board of Examiners. 353 U.S. 238. 239.**

**The only statutes found for the "unauthorized practice of law" deal with such issues as "A lawyer shall not aid a non-lawyer in the unauthorized practice of law" or "practice law in a Jurisdiction where to do so would be in violation of the regulations of the profession in that jurisdiction."**

**"Congress, in enacting the Administrative Procedure Act, refused to limit the right to practice before the administrative agencies to lawyers."**

**"A Person engages in the 'practice of law' by maintaining an office where he is held out to be an attorney, using a letterhead describing himself as an attorney, counseling clients in legal matters, negotiating with opposing counsel about pending litigation, and fixing and collecting fees for services rendered by his associate."**

<http://supreme.justia.com/us/353/232/case.html>

(d) Whether the practice of law is a "right" or a "privilege" need not here be determined; it is not a matter of the State's grace. P. 353 U. S. 239, n 5.

We need not enter into a discussion whether the practice of law is a "right" or "privilege." Regardless of how the State's grant of permission to engage in this occupation is characterized, it is sufficient to say that a person cannot be prevented from practicing except for valid reasons. \*\*\*\*\*\*\*Certainly the practice of law is not a matter of the State's grace. Ex parte Garland, 4 Wall. 333, 71 U. S. 379.\*\*\*\*\*\* \* added

<http://www.law.cornell.edu/supct/html/97-1802.ZO.html>

The Court of Appeals relied primarily on Board of Regents v. Roth. In Roth, this Court repeated the pronouncement in Meyer v. Nebraska, 262 U.S. 390, 399, (1923) that the liberty guaranteed by the Fourteenth Amendment “ ‘denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized . . . as essential to the orderly pursuit of happiness by free men.’ ” Roth, supra, at 572 (quoting Meyer, supra, at 399)

 But neither Roth nor Meyer even came close to identifying the asserted “right” violated by the prosecutors in this case. Meyer held that substantive due process forebade a State from enacting a statute that prohibited teaching in any language other than English. 262 U.S., at 399, 402—403. And Roth was a procedural due process case which held that an at-will college professor had no “property” interest in his job within the meaning of the Fourteenth Amendment so as to require the university to hold a hearing before terminating him. 408 U.S., at 578. Neither case will bear the weight placed upon it by either the Court of Appeals or Gabbert: Neither case supports the conclusion that the actions of the prosecutors in this case deprived Gabbert of a liberty interest in practicing law.

 Gabbert also relies on Schware v. Board of Bar Examiners of N. M., 353 U.S. 232, 238—239 (1957), for the proposition that a State cannot exclude a person from the practice of law for reasons that contravene the Due Process Clause. Schware held that former membership in the Communist Party and an arrest record relating to union activities could not be the basis for completely excluding a person from the practice of law. Like Dent, supra, and Truax, supra, it does not deal with a brief interruption as a result of legal process. No case of this Court has held that such an intrusion can rise to the level of a violation of the Fourteenth Amendment’s liberty right to choose and follow one’s calling. That right is simply not infringed by the inevitable interruptions of our daily routine as a result of legal process which all of us may experience from time to time.(they left out the substantialSimilarly, none of the other cases relied upon by the Court of Appeals or suggested by Gabbert provide any more than scant metaphysical support for the idea that the use of a search warrant by government actors violates an attorney’s right to practice his profession. In a line of earlier cases, this Court has indicated that the liberty component of the Fourteenth Amendment’s Due Process Clause includes some generalized due process right to choose one’s field of private employment, but a right which is nevertheless subject to reasonable government regulation. See, e.g., Dent v. West Virginia, 129 U.S. 114 (1889) (upholding a requirement of licensing before a person can practice medicine); Truax v. Raich, 239 U.S. 33, 41 (1915) (invalidating on equal protection grounds a state law requiring companies to employ 80% United States citizens). These cases all deal with a complete prohibition of the right to engage in a calling, and not the sort of brief interruption which occurred here details)

this will prove helpful:

 “[T]he plaintiff generally must assert his own legal rights and interests, and cannot rest his claim to relief on the legal rights or interests of third parties.” Warth v. Seldin, 422 U.S. 490, 499 (1975).

<http://freedom-school.com/law/court-cases-supporting-no-license.html>

Subject: Supreme Court cases supporting no license needed to practice law.

If you ever get attacked for practicing law without a license.

Reference Court Cases:

\* **Picking v. Pennsylvania R. Co. 151 Fed. 2nd 240; Pucket v. Cox 456 2nd 233. Pro se pleadings are to be considered without regard to technicality; pro se litigants pleadings are not to be held to the same high standards of perfection as lawyers.**

**1. Platsky v. C.I.A. 953 F.2d. 25. Additionally, pro se litigants are to be given reasonable opportunity to remedy the defects in their pleadings. Reynoldson v. Shillinger 907F .2d 124, 126 (10th Cir. 1990); See also Jaxon v. Circle K. Corp. 773 F.2d 1138, 1140 (10th Cir. 1985**) (1)

2. Haines v. Kerner (92 S.Ct. 594). The respondent in this action is a nonlawyer and is moving forward in Propria persona.

3. NAACP v. Button (371 U.S. 415); United Mineworkers of America v. Gibbs (383 U.S. 715); and Johnson v. Avery 89 S. Ct. 747 (1969). Members of groups who are competent nonlawyers can assist other members of the group achieve the goals of the group in court without being charged with "Unauthorized practice of law."

4. Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar (377 U.S. 1); Gideon v. Wainwright 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425. Litigants may be assisted by unlicensed layman during judicial proceedings.

5. Howlett v. Rose, 496 U.S. 356 (1990) Federal Law and Supreme Court Cases apply to State Court Cases

6. Federal Rules Civil Proc., Rule 17, 28 U.S.C.A. "Next Friend" A next friend is a person who represents someone who is unable to tend to his or her own interest...

7. Oklahoma Court Rules and Procedures, Title 12, sec. 2017 (C) "If an infant or incompetent person does not have a duly appointed representative he may sue by his next friend or by a guardian ad litem."

8. Mandonado-Denis v. Castillo-Rodriguez, 23 F.3d 576 (1st Cir. 1994) Inadequate training of subordinates may be basis for 1983 claim.

9. Warnock v. Pecos County, Tex., 88 F3d 341 (5th Cir. 1996) Eleventh Amendment does not protect state officials from claims for prospective relief when it is alleged that state officials acted in violation of federal law.

10. Title 42 U.S.C. Sec. 1983, Wood v. Breier, 54 F.R.D. 7, 10-11 (E.D. Wis. 1972). Frankenhauser v. Rizzo, 59 F.R.D. 339 (E.D. Pa. 1973). "Each citizen acts as a private attorney general who 'takes on the mantel of sovereign',"

11. Oklahoma is a "Right to Work" State! Bill SJR1! Its OK to practice God`s law with out a license, Luke 11:52, God`s Law was here first! "There is a higher loyalty than loyalty to this country, loyalty to God" U.S. v. Seeger, 380 U.S. 163, 172, 85 S. Ct. 850, 13 L. Ed. 2d 733 (1965)

12. "The practice of law can not be licensed by any state/State. Schware v. Board of Examiners, United States Reports 353 U.S. pgs. 238, 239. In Sims v. Aherns, 271 S.W. 720 (1925) "The practice of law is an occupation of common right." A bar card is not a license, its a dues card and/or membership card. A bar association is that what it is, a club, A association is not license, it has a certificate though the State, the two are not the same....

There is no such thing as an Attorney License to practice law. The UNITED STATES SUPREME COURT held a long time ago that The practice of Law CANNOT be licensed by any state/State. This was so stated in a case named Schware v. Board of Examiners, 353 U.S. 232 (1957) and is located for all to read at the following pages in volume 353 U.S. pgs.238, 239 of the United States Reports. Here is a quote from that case:

"A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection [353 U.S. 232, 239] Clause of the Fourteenth Amendment. 5 Dent v. West Virginia, 129 U.S. 114 . Cf. Slochower v. Board of Education, 350 U.S. 551 ; Wieman v. Updegraff, 344 U.S. 183 . And see Ex parte Secombe, 19 How. 9, 13. A State can require high standards of qualification, such as good moral character or proficiency in its law, before it admits an applicant to the bar, but any qualification must have a rational connection with the applicant's fitness or capacity to practice law. Douglas v. Noble, 261 U.S. 165 ; Cummings v. Missouri, 4 Wall. 277, 319-320. Cf. Nebbia v. New York, 291 U.S. 502 . Obviously an applicant could not be excluded merely because he was a Republican or a Negro or a member of a particular church. Even in applying permissible standards, officers of a State cannot exclude an applicant when there is no basis for their finding that he fails to meet these standards, or when their action is invidiously discriminatory. Cf. Yick Wo v. Hopkins, 118 U.S. 356 ."

[Schware v. Board of Examiners, 353 U.S. 232 (1957), emphasis added]

Another case which bore this out was Sims v. Ahrens, 271 S.W. 720 (1925). In this case the opinion of the court was that

"The practice of Law is an occupation of common right."

Where some confusion may start is when one doesn’t understand that a state supreme court only issues a CERTIFICATE, and that is not a license. All a certificate does is authorize one of those dirt-bags to practice Law "IN COURTS" as a member of the state judicial branch of government. [Please see NOTE 1 below to see that there is no judicial branch of government as we have been led to believe all our lives] A plain truth of fact is that Attorneys are ‘foreign agents’, the same as Federal Agents from the bowels of hell known as WASHINGTON, DC, and can only represent wards of the court; infants and persons of unsound mind. [The reader would be surprised to find out that according to them, we’re all of unsound mind that is; we’re considered incompetent to handle our own affairs.] [Please see NOTE 2 below for a reference in a law dictionary which explains this concept

Further, as a CERTIFICATE IS NOT A LICENSE then it also gives no power to anyone to practice Law AS AN OCCUPATION, nor to DO BUSINESS AS A LAW FIRM.

The state bar association is not a government entity. The state bar ass…is "PROFESSIONAL ASSOCIATION" and their "STATE BAR" CARD IS NOT A LICENSE either. All that card is – is a "UNION DUES CARD" like the Actors Union, Painters Union, Electricians union etc. Did the reader know that there is no other association, not even DOCTORS, who issue their own license. All other licenses are issued by the state or local municipal corporations . Any one can ask their state Attorney General if the members of the BAR are licensed by the state or any other governmental agency. The reader will find out in short order that the state doesn’t issue licenses for Attorney’s and that said attorneys are NON-GOVERNMENTAL PRIVATE ASSOCIATION.

Therefore by reason logic and common sense we can arrive a the determination that the ‘state bar ass… is; an unconstitutional monopoly, and thus an ILLEGAL & CRIMINAL ENTERPRISE. Since the majority, if not all of government offices are filled with Attorneys there is a definite violation of the separation of powers clause of a constitutional government.

Attorneys are nothing less than ‘foreign agents’ on our land as they are foreign to a constitutional government. They have NO POWER OR AUTHORITY for joining of Legislative, Judicial, or Executive branches of a constitutional government, no matter if the so called people vote for them. It is against a Republican form of constitutional government law for them to even attempt to ‘run for office’ (sic). Of course this would include all judges as well as members of the other branches of a constitutional government

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NOTE 1: In a Municipal Corporation, which is what all states (once called union States) are today. In Municipal Corporation Law there is no judicial branch. The judges, which we see today and, which we’ve seen all our lives, are administrative law judges appointed by the CEO of the Executive branch. ]. Some other time be an offer my conclusions, including the references which I used to make said conclusion. A little hint: If one could just understand how a W-4, which is of no lawful effect after 1 year, has its continued effect on someone who does not disclaim it’s effect but instead allows the effect to continue for as long as that person is employed with the Federal employer he filed it with. The relate that same effect to the effect that the Birth Certificate has to one’s continued effect of being incompetent to handle your own affairs – even if you’re 67 years old like this old goat]

NOTE 2: SEE CORPUS JURIS SECUNDUM, VOLUME 7, SECTION 4.

<http://www.google.com/search?q=The+practice+of+law+cannot+be+licensed+by+any+state&rls=com.microsoft:en-us&ie=UTF-8&oe=UTF-8&startIndex=&startPage=1#q=The+practice+of+law+cannot+be+licensed+by+any+state&hl=en&rls=com.microsoft:en-us&prmd=imvns&ei=7KvSTpvZIIjZiAK6pITeCw&start=10&sa=N&bav=on.2,or.r_gc.r_pw.,cf.osb&fp=da47f35edef78ce8&biw=858&bih=439>

**Court must treat all unrefuted allegations as true**

Additionally, Avery claimed that the trial court was without jurisdiction to render the judgment or to impose sentence because, he said, although he was indicted for burglary in the third degree, see § 13A-7-7, Ala.Code 1975, he pleaded guilty to and was convicted of burglary in the second degree.1  In support of his claim, Avery attached a copy of the indictment for burglary in the third degree and a copy of an Ireland form indicating that Avery had pleaded guilty to burglary in the second degree.   The state's response to Avery's petition did not address the merits of Avery's jurisdictional claim;  therefore, Avery's **unrefuted claim must be accepted as true.   See Bates v. State, 620 So.2d 745 (Ala.Cr.App.1992)**.

 If a defendant pleads guilty to an offense for which he has not been indicted, the trial court does not have jurisdiction to render judgment on the guilty plea.  Eiland v. State, 668 So.2d 147 (Ala.Cr.App.1995).

Poole's claim is sufficiently pleaded to satisfy the pleading requirements in Rule 32.3 and Rule 32.6(b), and his factual allegations were unrefuted by the State;  therefore, they must be accepted as true.   See Bates v. State, 620 So.2d 745, 746 (Ala.Crim.App.1992) (“ ‘When the States does not respond to a petitioner's allegations, the unrefuted statement of facts must be taken as true.’ ”), quoting Smith v. State, 581 So.2d 1283, 1284 (Ala.Crim.App.1991).   In addition, his claim is not precluded by any of the provisions of Rule 32.2.5  **Because his claim is not barred, is sufficiently pleaded, and is unrefuted by the State, Poole is entitled to an opportunity to prove his claim**.   See Ford v. State, 831 So.2d 641, 644 (Ala.Crim.App.2001) (“Once a petitioner has met his burden of pleading so as to avoid summary disposition pursuant to Rule 32.7(d), Ala.R.Crim.P., **he is then entitled to an opportunity to present evidence in order to satisfy his burden of proof**.”).

Moreover, **Durry pleaded this claim in his petition with sufficient specificity to satisfy the pleading requirements in Rule 32.3 and Rule 32.6(b), and the State did not refute this claim in its response to Durry's petition;  therefore, Durry's claim must be accepted as true.   See Bates v. State, 620 So.2d 745, 746 (Ala.Crim.App.1992)** (“ ‘When the State does not respond to a petitioner's allegations, the unrefuted statement of facts must be taken as true.’ ”), quoting Smith v. State, 581 So.2d 1283, 1284 (Ala.Crim.App.1991).   **Because Durry's claim that he was not afforded a probation-revocation hearing is jurisdictional, is sufficiently pleaded, and was unrefuted by the State, Durry is entitled to an opportunity to prove his claim**.   See Ford v. State, 831 So.2d 641, 644 (Ala.Crim.App.2001) (“Once a petitioner has met his burden of pleading so as to avoid summary disposition pursuant to Rule 32.7(d), Ala.R.Crim.P., he is then entitled to an opportunity to present evidence in order to satisfy his burden of proof.”).

We believe defendant's unrebutted affidavit met the burden to establish that James is a member of defendant's control group. The facts alleged in James's deposition and affidavit were not challenged. James's deposition and affidavit declare that he is the sole director of claims for personal injury and FELA claims filed against defendant in the Midwest region. James coordinates these claims with outside counsel, provides case information, directs trial strategy and gives outside counsel settlement authority. James said he evaluates all claims for liability and damage assessment and that his analysis is relied on when a claim in his region is resolved. There is no evidence in the record that anyone above James in the corporate hierarchy reviews these decisions…

James's unrebutted statement that he evaluates all claims, directs trial strategy and controls settlement authority is more than sufficient to meet the test of control group membership…

Plaintiff refutes none of these facts. We accept them as true. See Carlile v. Snap-On Tools, 271 Ill. App. 3d 833, 834, 648 N.E.2d 317 (1995) (unrefuted facts accepted as true for purposes of appeal). The facts are sufficient to meet the Waste Management three-part test. Finally, we consider whether the privilege was waived when defendant interposed the release as affirmative matter in the motion to dismiss. Plaintiff argues that there exists evidence of defects in the release that can only be established if plaintiff is given access to the documents defendant claims to be privileged. Plaintiff claims that if defendant relies on the release, he cannot shield documents from disclosure that would enable plaintiff to show that the release is subject to one of the grounds for setting it aside: mistake, undue influence, duress, fraud in the inducement or execution. Blaylock v. Toledo, Peoria & Western R.R. Co., 43 Ill.

App. 3d 35, 37, 356 N.E.2d 639 (1976).

No. 1-00-1156, SHARON E. HAYES, … of the Estate of Howard Hayes, v. BURLINGTON NORTHERN AND SANTA FE, RAILWAY COMPANY,

 Defendant-Appellant, (Richard T. Sikes, Jr., Contemnor-Appellant).

 Circuit Court of Cook County, No. 99 L 7815, PRESIDING JUSTICE CAHILL delivered the opinion of the court

The appellant alleged that a John Deere representative set the value at no more than $16,250 at the time of the taking. Because this **Court must treat all unrefuted allegations as true, see Stancle v. State, 917 So. 2d 911 (Fla. 4th DCA 2005) (“When no evidentiary hearing is held [on a motion for postconviction relief,] a movant’s allegations are accepted as true unless they are conclusively refuted by the record”), the appellant has alleged a facially sufficient claim for relief which is not refuted by the record**. See Thurman v. State, 892 So. 2d 1085 (Fla. 2d DCA 2004).

The trial court granted RMC’s motion for summary judgment, …The court noted that the affidavit was evidence …while Gassner did not offer any evidence to the contrary. Based on this, the court concluded that “[RMC’s] evidence goes unrefuted and must be accepted as true, leaving no issue of fact … and that, “[b]ecause [Gassner] has not offered any contrary evidence \*\*\*, the Court *does not get to consider the terms of the contract or whether an ambiguity exists*.”3 (Emphasis added.) No. 2—10—0180, Gassner v. Raynor Manufacturing Company/

United States Court of Appeals, Sixth Circuit. - 675 F.2d 116, 1982

NAACP v. Button, 371 U.S. 415); United Mineworkers of America v. Gibbs, 383 U.S. 715; and Johnson v. Avery, 89 S. Ct. 747 (1969) Members of groups who are competent nonlawyers can assist other members of the group achieve the goals of the group in court without being charged with "unauthorized practice of law."

<http://community.lawyers.com/forums/t/56658.aspx>

>>>>O.K...maybe Im being stupid here and not understanding,

Probalby more the latter than the former! I subscribe to the theory that even if you ask what might be a stupid questetion, you will only look like a fool for a few minutes. However, if you do not ask the question, you'll remain a fool forever!

>>>>why then, can people represent themselves in a trial, such as Moussaoui (? on spelling). Is it because he wasnt "practicing, as in representing anyone else, only himself?

Yes. Practicing law means to give another person legal advice.

Those first three mean anything, anymore? If so, why do i need a licence?

Miller v. U.S., 230 F. 2d. 486, 490; 42

"There can be no sanction or penalty imposed upon one, because of his exercise of constitutional rights."

Murdock v. Pennsylvania, 319 U.S. 105

"No state shall convert a liberty into a license, and charge a fee therefore."

Shuttlesworth v. City of Birmingham, Alabama, 373 U.S. 262

"If the State converts a right (liberty) into a privilege, the citizen can ignore the license and fee and engage in the right (liberty) with impunity."

United States Constitution, First Amendment

Right to Petition; Freedom of Association.

Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar, 377 U.S. 1; v. Wainwright, 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425

Litigants can be assisted by unlicensed laymen during judicial proceedings.

Haines v. Kerner, 404 U.S. 519 (1972)

"Allegations such as those asserted by petitioner, however inartfully pleaded, are sufficient"... "which we hold to less stringent standards than formal pleadings drafted by lawyers."

And the U.S Supreme court said so!

CIVIL: (I Think)

Elmore v. McCammon (1986) 640 F. Supp. 905

"... the right to file a lawsuit pro se is one of the most important rights under the constitution and laws."

Federal Rules of Civil Procedures, Rule 17, 28 USCA "Next Friend"

A next friend is a person who represents someone who is unable to tend to his or her own interest.

COURT SHALL NOT DENY FOR WANT OF FORM - "AS ANY REASONABLE PEOPLE UNDERSTAND"

 KEEP THIS AND USE IT

 This language should be included in the papers you write Sui Juris to the court. The court will say anything to refuse to act or to dismiss your cases. One of their favorite ruses is "denied for want of form".

 This language, from the First Congress in 1789, clearly outlines the intent of what a court is to be and that the court is the one who is "deemed to know the law" and must assist sovereign people in our courts to plead our cases before a jury of our peers as we see fit to plead our cases, with counsel of out own choice. The court works for us, and has NO discretion to refuse to hear cases of deprivation of rights and criminal injury. They know it; they just get away with it as long as we let them.

 Use this language to shove it back in front of them and make them tell you this is NOT the law. Then ask what jurisdiction they have you in if this does not apply.

 This IS the law and this stands.

 \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

 The Writ SHALL not be dismissed for lack of form or failure of process. All the **pleadings must be is as any reasonable man/woman would understand. Clearly written, affidavits** of facts and law. Use this under "jurisdiction" in the Complaints you write.
 Judiciary Act of September 24, 1789, Section 342, FIRST CONGRESS, Sess. 1, ch. 20, 1789

 "And be it further enacted. That no summons, writ, declaration, return, process, judgment, or other proceedings in civil cases in any of the courts or the United States, shall be abated, arrested, quashed or reversed, for any defect or want of form, but the said courts respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects or want of form in such writ, declaration, or other pleading, returns process, judgment, or course of proceeding whatsoever, except those only in cases of demurrer, which the party demurring shall specially sit down and express together with his demurrer as the cause thereof. And the said courts respectively shall and may, by virtue of this act, from time to time, amend all and every such imperfections, defects and wants of form, other than those only which the party demurring shall express as aforesaid, and may at any, time, permit either of the parties to amend any defect in the process of pleadings upon such conditions as the said courts respectively shall in their discretion, and by their rules prescribe (a)"

Judiciary Act of September 24, 1789, Section 342, FIRST CONGRESS, Sess. 1, ch. 20, 1789

Insular Possessions

 From the Public Records

It is evident from the Public Records of the Secretary of State of the State of Texas

All the Political Parties are insular possessions of the UNITED STATES.

All the elected officials city, county, State and United States are members of a Political Party making them a insular possession of the UNITED STATES.

Two plus Two: If all the elected officials are insular possessions of the UNITED STATES then the alleged city county and State Governments are insular possessions of the UNITED STATES.

If you are a registered Voter then you are also an insular registered possession of the UNITED STATES.

This should explain why there are no Texas ballots in Texas.

UNITED STATES COURTS

From the Public Records

It is evident from the Public Records of the Secretary of State of the State of Texas

The Texas Bar association is an insular possession of the UNITED STATES.

 Making all the Courts including the SUPREME COURT of Texas insular Courts of the UNITED STATES.

All of the Texas Courts require a Judge to be a member of the Texas Bar association an insular possession of the UNITED STATES.

Two plus Two: If the Judges of the Courts are members of an insular possession of the UNITED STATES then the Courts are insular possession of the UNITED STATES.

de facto government Texas ballot Blacks 8th

You are right and the idiots are going to get the kind of government they deserve. The "Government" (Criminal racketeering Cartel) are going to take all they own and put them in camps and if they bow to pray and ask God for deliverance have their head chopped off. Justice will be served and all accounts balanced. They will blame the Government instead of themselves. They voted for the wrong Government and rejected God's Government. Now judgment will now begin and woe to the unbelievers. Their act and their votes have cause harm and hurt to those that are true believers and know the truth.

Taken from Black's Law Dictionary 8th Edition - Page 716

 de facto government (di fak-toh).

1. A government that has taken over the regular government and exercises sovereignty over a nation. 2. An independent government established and exercised by a group of a country's inhabitants (VOTERS) who have separated themselves from die parent state. — Also termed government de facto.

de jure government. A functioning government that is legally established. — Also termed government de jure.

federal government. 1. A national government that exercises some degree of control over smaller political units ( EACH OF THE PEOPLE) that have surrendered some degree of power (VOTERS) in exchange for the right. ALL THE DE FACTO VOTER CITIZENS ONLY HAVE THE RIGHT TO VOTE NO OTHER RIGHTS READ THE 14TH AMENDMENT) to participate in national political matters. — Also termed (in federal states) central government. 2. The U.S. government. — Also termed national government. [Cases:

United States 1. C. J.S. United States §§ 2-3.]

<http://www.usavsus.info/Reference-RM/RM17.htm>

Texas courts on driver license

Bigger text (+) | Smaller text (-)

Page – Tex. 401

Claude D.CAMPBELL, Appellant,

v.

The STATE of Texas, Appellee.

No. 27245.

Court of Criminal Appeals of Texas.

Jan. 12,1985

Defendant was convicted of unlawfully operating a motor vehicle upon a public highway while his operator's license was suspended.The County Court, PanolaCounty, Clifford S. Roe, J., rendered judgment, and an appeal was taken.The Court of Criminal Appeals, Belcher, C., held that proof that defendant had driven an automobile while his driver's license was suspended did not sustain allegations of charge that he had driven while his operator's license was suspended.

Judgment reversed and cause remanded.

1. Automobiles Key 353

Upon a charge of operating- a motor vehicle upon a public highway while operator's license is suspended, the state has burden of showing that defendant had been issued an operator's license to drive a motor vehicle upon a public highway, that such license has been suspended, and that, while such license was suspended, defendant drove a motor vehicle upon a public highway.

2. Automobiles Key 352

Proof that defendant had driven an automobile while his driver's license was suspended did not sustain allegations of charge that he had driven while his operator's license was suspended.

3. Automobiles Key 136

There is in Texas no such license as a "driver's license."

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No attorney on appeal for appellant.

Wesley Dice, State's Atty., Austin, for the State.

BELCHER, Commissioner.

Appellant was convicted, in the County Court Panola County, for unlawfully operating- a motor vehicle upon a public highway while his operator's license was suspended, and his punishment was assessed at a fine of $25.

[1]Under such a charge, the state was under the burden of showing that there had been issued an operator's license to appellant to drive a motor vehicle upon a public highway; that such license had been suspended; and that, while such license was at suspended, appellant drove a motor vehicle upon a public highway.

To meet this requirement, the state here relies upon testimony that appellant drove his pick-up truck upon a public highway in Panola County, on the date alleged, and that he drove said motor vehicle while his license was suspended

Page – Tex. 402

[2, 3]"This proof is insufficient to 'sustain the allegations of the offense charged in the information because a driver's license is not an operator's license. We have held that there is no such license as a driver's license known to our law. Hassell v. State, 149 Tex. Cr. R. 333, 194 S.W.2d 400; Holloway v. State, 155 Tex.Cr.R. 484, 237 S.W. 2d 303; and Brooks v. State, Tex. Cr. App., 258 S.W.2d 317.

Proof of the driving of an automobile while the driver's license was suspended does not sustain the allegations of the information. The evidence being insufficient to support the conviction, the judgment is reversed and the cause remanded.

Opinion approved by the Court.

Page - 360 Tex.

Frank John CALLAS, Appellant,

v.

STATE of Texas, Appellee.

No. 30094.

Court of Criminal Appeals of Texas.

Jan. 7.1959.

Prosecution for driving motor vehicle on public road after operator's license had been suspended. The County Court at Law, Potter County, Mary Lou Robinson, J., entered judgment of conviction and defendant appealed.The Court of Criminal Appeals, Woodley, J., held that where testimony showed that only two persons were in or around truck at time defendant was apprehended and patrolman testified that the other person was not the driver of truck, andlargely upon this testimony jury found defendant guilty, and after jury retired police officer filed complaint charging other person with driving motor vehicle with violation of restrictions imposed on his operator's license and such other person was convicted upon his plea of guilty, defendant's motion for new trial setting forth conviction of such other person should have been granted in order that defendant might have the benefit of evidence regarding conviction of other party in another trial.

Reversed and remanded.

Criminal Law Key 938(1)

In prosecution for driving after operator's license had been suspended where testimony showed that there were only two persons including defendant in or around truck at time patrolman reached it and patrolman testified that other person was not driving panel truck, and after jury retired patrolman filed complaint charging other party with driving motor vehicle and he was convicted upon his plea of guilty,defendant's motion for new trial should have been granted in order that he might, in another trial, have the benefit of evidence regarding conviction of other party.Vernon's Ann.Civ.St. art. 6687b, § 1(n).

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McCarthy, Rose & Haynes, Amarillo,for appellant.

Lon Moser, County Atty., E. S. Carter, Jr., Asst. County Atty., Amarillo, State’s Atty., Austin, for the State.

WOODLEY, Judge.

The complaint and information allege that appellant drove a motor vehicle upon a public road "after the Texas Operator's License of the said Frank John Callas had \*\*\*been suspended" and further alleged that appellant had received an extended period, of suspension "of said Texas Operator's License\*\*\* "and that said suspension had not expired.

We have searched the record carefully and find no evidence that the license which had been suspended was a Texas Operator's License, as alleged in the information.

If appellant was driving a motor vehicle, it was a panel truck used as a commercial vehicle in appellant's business, the appropriate license for its operation being a Commercial Operator's License, and not an Operator's License.See Art. 6687b. Sec. I (n), Vernon's Ann.Civ.St.

This Court has held that there is no such license known to Texas law as a "driver's license".See Hassell v. State, 149 Tex. Cr.R. 333, 194S.W.2d400; Brooks v. State, 158 Tex.Cr.R. 546, 258 S.W.2d 317.

There were but two persons in or around the panel truck. One was Walter Schaff, who was seated in the driver's seat when the patrolmen reached it. Patrol man Kirkwood testified that Schaff was not driving the panel truck, and largely upon his testimony the jury found that appellant was the driver.

After the jury retired, Officer Kirkwood filed complaint charging Schaff with driving [Page - Tex 361] a motor vehicle in violation of restrictions imposed in his operator's license. Information was presented by the County Attorney and Schaff was convicted upon his plea of guilty.

Appellant's motion for new trial setting forth the conviction of Schaff after the close of the evidence on appellant's trial should have been granted in order that upon another trial appellant might have the benefit of the evidence regarding the conviction of Schaff.

Appellant’s motion for rehearing is granted; our former opinion herein affirming the judgment is withdrawn, and the judgment is now reversed and the cause remanded

Page - Tex. 317

BROOKS v. STATE.

No. 26458.

Court of Criminal Appeals of Texas.

May 27, 1953

From a judgment rendered by the County Court, Culberson County, defendant appealed.The Court of Criminal Appeals, Belcher, C. held that information, charging defendant with driving a motor vehicle upon a public highway while his "driver's license" was suspended, charged no offense.

Reversed with directions.

Automobiles Key 351

Information, charging defendant with driving a motor vehicle upon a public highway while his "driver's license" was suspended, charged no offense. Vernon's Ann. Civ. St. art. 6687b, § 27.

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George W. Walker, Van Horn, for appellant.

Wesley Dice, State's Atty., of Austin, for the State.

BELCHER, Commissioner.

Appellant was convicted for the violation of Art. 6687b, § 27, V.A.R.C.S.; and his punishment was assessed at a fine of $50.

The information upon which this conviction was predicated alleged that appellant "did then and there unlawfully drive and operate a motor vehicle upon a public [Page - Tex. 318] highway, to-wit: U. S. Highway Number 80, situated within said county and state, while his, the said Keith Brook's, drivers license was suspended."

In Hassell v. State, 149 Tex. Cr. R. 333, 194 S.W.2d 400, 401, we said:

"There being no such license as a 'driver's' license known to the law, it follows that the information, in charging the driving of a motor vehicle upon a public highway without such a license, charges no offense." See also Holloway v. State, Tex. Cr. App., 237 S.W.2d 303.

Because the information fails to charge an offense, the judgment is reversed and the prosecution ordered dismissed.

Opinion approved by the Court.

Page Tex. 400

HASSELL v. STATE.

No. 23353.

Court of Criminal Appeals of Texas.

May 15,

1. Automobiles Key l37

Under Drivers' License Act it is unlawful for any person to drive or operate a motor vehicle over a highway of Texas without having a license, either as an operator, a commercial operator or a chauffeur, but one holding a license as a commercial operator or chauffeur is not required to have an operator's license. Vernon's Ann. Civ. St. art. 6687b, §§2,3,44.

2. Automobiles Key 351

Information alleging that defendant operated a motor vehicle upon public highway without a "driver's license" charged no offense under Drivers' License Act, since a driver's license is not known to the law because the act only authorizes issuance of operators' commercial operators' and chauffeurs' license and use of term "driver" interchangeably with term "operator" would not be authorized in view of definition in the act of term driver as meaning every person who drives or is in actual physical possession of a vehicle. Vernon's Ann. Civ. St. art. 6687b, §§ 2, 3, 44.

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Commissioners' Decision.

Appeal from Hunt County Court; Wm. C. Parker, Judge.

W. Lee Hassell was convicted of operating a motor vehicle upon a highway without a license, and he appeals.

Reversed and prosecution ordered dismissed.

G. C. Harris, of Greenville, for appellant.

Ernest S. Goens, State's Atty., of Austin, for the State.

DAVIDSON, Judge.

The conviction is for operating a motor vehicle upon a highway without a license; the punishment, a fine of $50.

By what is commonly referred to as the Drivers' License Act, and appearing as Art. 6687b of Vernon's Annotated Civil Statutes, the Legislature of this State provided for the licensing of operators of motor vehicles over the public highways of this State. Sec. 2 of Article II of the Act reads as follows:

"Drivers must have license.

"(a) No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this State unless such person has a valid license as an operator, a commercial operator, or a chauffeur under the provisions of this Act.

"(b) Any person holding a valid chauffeur’s or commercial operator’s license hereunder need not procure an operator's license.

"(c) No person holding an operator's, commercial operator's, or chauffeur's license duly issued under the provisions of this Act shall be required to obtain any license for the operation of a motor vehicle from any other State authority or department.Subsection (c) of Section 4 of Article 911A and Subsection (b) of Section 4 of Article 911B, Revised Civil Statutes, is hereby repealed."

Sec. 44 of Art. VI of the Act provides the penalty .for the violation.

Page Tex. 401

[1]It is by these statutes made unlawful for any person to drive or operate a motor vehicle over a highway of this State without having a license, either as an "operator," a "commercial operator," or a "chauffeur."One holding a license as a "commercial operator" or "chauffeur" is not required to have an "operator's" license.

Certain exemptions and exceptions from the operation of the Act are provided in Sec. 3 of Art. II thereof.

The information upon which this conviction was predicated alleged that appellant "did then and there unlawfully operate a motor vehicle upon a public highway, to wit. State Highway No. 24, without a Driver's License."

It is insisted that the information charges no offense, because a "driver's license" is neither recognized nor authorized to be issued under the Act and, by reason thereof, it constitutes no offense to drive a motor vehicle without such a license.

[2]Only three types of licenses are authorized or required under the Act. These are "operators," "commercial operators,” and “chauffeurs,” and they are specially defined in the Act.The term "driver"—-as used in the Act—is defined to be: "Every person who drives or is in actual physical control of a vehicle."In view of this particular definition of the term "driver," it cannot be said that such term may be used interchangeably with or given the same meaning as the term "operator."

There being no such license as a "driver's" license known to the law, it follows that the information, in charging the driving of a motor vehicle upon a public highway without such a license, charges no offense.

Because of the defect in the information, the judgment is reversed and prosecution ordered dismissed.

PER CURIAM.

The foregoing opinion of the Commission of Appeals has been examined by the Judges of the Court of Criminal Appeals and approved by the Court.

<http://supreme.justia.com/constitution/article-3/11-power-to-issue-writs.html>

**Power to Issue Writs: The Act of 1789**

From the beginning of government under the Constitution of 1789, Congress has assumed, under the necessary and proper clause, its power to establish inferior courts, its power to regulate the jurisdiction of federal courts and the power to regulate the issuance of writs.230 The Thirteenth section of the Judiciary Act of 1789 authorized the circuit courts to issue writs of prohibition to the district courts and the Supreme Court to issue such writs to the circuit courts. The Supreme Court was also empowered to issue writs of mandamus “in cases warranted by the principles and usages of law, to any courts appointed, or persons holding office, under the authority of the United States.”231 Section 14 provided that all courts of the United States should “have power to issue writs of *scire facias*, *habeas corpus*, and all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdiction, and agreeable to the principles and usages of law.”232 Although the Act of 1789 left the power over writs subject largely to the common law, it is significant as a reflection of the belief, in which the courts have on the whole concurred, that an act of Congress is necessary to confer judicial power to issue writs.233 Whether Article III itself is an independent source of the power of federal courts to fashion equitable remedies for constitutional violations or whether such remedies must fit within congressionally authorized writs or procedures is often left unexplored. In *Missouri v. Jenkins*,234 for example, the Court, rejecting a claim that a federal court exceeded judicial power under Article III by ordering local authorities to increase taxes to pay for desegregation remedies, declared that “a court order directing a local government body to levy its own taxes” is plainly a judicial act within the power of a federal court.235 In the same case, the Court refused to rule on “the difficult constitutional issues” presented by the State’s claim that the district court had exceeded its constitutional powers in a prior order directly raising taxes, instead ruling that this order had violated principles of comity.236

230 Frankfurter & Landis, *Power of Congress Over Procedure in Criminal Contempts in ‘Inferior’ Federal Courts—A Study in Separation of Powers*, 37 HARV. L. REV. 1010, 1016-1023 (1924).

231 1 Stat. 73, 81.

232 Id. at 81-82. *See also* United States v. Morgan, [346 U.S. 502](http://supreme.justia.com/us/346/502/index.html) (1954), holding that the All Writs section of the Judicial Code, 28 U.S.C. 1651(a), gives federal courts the power to employ the ancient writ of *coram nobis*.

233 This proposition was recently reasserted in Pennsylvania Bureau of Correction v. United States Marshals Service, [474 U.S. 34](http://supreme.justia.com/us/474/34/index.html) (1985) (holding that a federal district court lacked authority to order U.S. marshals to transport state prisoners, such authority not being granted by the relevant statutes).

234 [495 U.S. 33](http://supreme.justia.com/us/495/33/index.html) (1990).

235 495 U.S. at 55 (citing Griffin v. Prince Edward County School Bd., [377 U.S. 218](http://supreme.justia.com/us/377/218/index.html),[233](http://supreme.justia.com/us/377/218/case.html)-34 (1964) (an order that local officials “exercise the power that is theirs” to levy taxes in order to open and operate a desegregated school system “is within the court’s power if required to assure . . . petitioners that their constitutional rights will no longer be denied them”)).

236 495 U.S. at 50-52.

***Common Law Powers of District of Columbia Courts***.— That portion of 13 of the Judiciary Act of 1789 which authorized the Supreme Court to issue writs of mandamus in the exercise of its original jurisdiction was held invalid in *Marbury v. Madison*,237 as an unconstitutional enlargement of the Supreme Court’s original jurisdiction. After two more futile efforts to obtain a writ of mandamus, in cases in which the Court found that power to issue the writ had not been vested by statute in the courts of the United States except in aid of already existing jurisdiction,238 a litigant was successful in *Kendall v. United States ex rel. Stokes*,239 in finding a court that would take jurisdiction in a mandamus proceeding. This was the circuit court of the United States for the District of Columbia, which was held to have jurisdiction, on the theory that the common law, in force in Maryland when the cession of that part of the State that became the District of Columbia was made to the United States, remained in force in the District. At an early time, therefore, the federal courts established the rule that mandamus can be issued only when authorized by a constitutional statute and within the limits imposed by the common law and the separation of powers.240

***Habeas Corpus: Congressional and Judicial Control***.—The writ of habeas corpus241has a special status because its suspension is forbidden, except in narrow circumstances, by Article I, 9, cl. 2. The writ also has a venerable common law tradition, long antedating its recognition in the Judiciary Act of 1789,1 as a means of “reliev[ing] detention by executive authorities without judicial trial.” 2 Nowhere in the Constitution, however, is the power to issue the writ vested in the federal courts. Could it be that despite the suspension clause restriction Congress could suspend *de facto*the writ simply by declining to authorize its issuance? Is a statute needed to make the writ available or does the right to *habeas corpus* stem by implication from the suspension clause or from the grant of judicial power?242 Since Chief Justice Marshall’s opinion in *Ex parte Bollman*,243 it has been generally accepted that “the power to award the writ by any of the courts of the United States, must be given by written law.”244 The suspension clause, Marshall explained, was an “injunction,” an “obligation” to provide “efficient means by which this great constitutional privilege should receive life and activity; for if the means be not in existence, the privilege itself would be lost, although no law for its suspension should be enacted.”245 And so it has been understood since,246 with a few judicial voices raised to suggest that what Congress could not do directly it could not do by omission.247 But inasmuch as statutory authority has always existed authorizing the federal courts to grant the relief they deemed necessary under *habeas corpus*, the Court has never had to face the question.248 In *Felker v. Turpin*,249 the Court again passed up the opportunity to delineate Congress’ permissive authority over *habeas*, finding that none of the provisions of the Antiterrorism and Effective Death Penalty Act250 raised questions of constitutional import.

237 [5 U.S. (1 Cr.) 137](http://supreme.justia.com/us/5/137/index.html) (1803). *Cf.* Wiscart v. D’Auchy, [3 U.S. (3 Dall.) 321](http://supreme.justia.com/us/3/321/index.html) (1796).

238 McIntire v. Wood, [11 U.S. (7 Cr.) 504](http://supreme.justia.com/us/11/504/index.html) (1813); McClung v. Silliman, [19 U.S. (6 Wheat.) 598](http://supreme.justia.com/us/19/598/index.html) (1821).

239 [37 U.S. (12 Pet.) 524](http://supreme.justia.com/us/37/524/index.html) (1838).

240 In 1962, Congress conferred upon all federal district courts the same power to issue writs of mandamus as was exercisable by federal courts in the District of Columbia. 76 Stat. 744, 28 U.S.C. 1361.

241 Reference to the “writ of *habeas corpus*” is to the “Great Writ,” *habeas corpus ad subjiciendum*, by which a court would inquire into the lawfulness of a detention of the petitioner. Ex parte Bollman, [8 U.S. (4 Cr.) 75](http://supreme.justia.com/us/8/75/index.html), [95](http://supreme.justia.com/us/8/75/case.html) (1807). For other uses, *see* Carbo v. United States, [364 U.S. 611](http://supreme.justia.com/us/364/611/index.html) (1961); Price v. Johnston, [334 U.S. 266](http://supreme.justia.com/us/334/266/index.html) (1948). Technically, federal prisoners no longer utilize the writ of *habeas corpus* in seeking post-conviction relief, now the largest office of the writ, but proceed under 28 U.S.C. 2255, on a motion to vacate judgment. Intimating that if 2255 afforded prisoners a less adequate remedy than they would have under *habeas corpus*, it would be unconstitutional, the Court in United States v. Hayman, [342 U.S. 205](http://supreme.justia.com/us/342/205/index.html) (1952), held the two remedies to be equivalent. *Cf.* Sanders v. United States, [373 U.S. 1](http://supreme.justia.com/us/373/1/index.html), [14](http://supreme.justia.com/us/373/1/case.html) (1963). The claims cognizable under one are cognizable under the other. Kaufman v. United States, [394 U.S. 217](http://supreme.justia.com/us/394/217/index.html) (1969). Therefore, the term *habeas corpus* is used here to include the 2255 remedy. There is a plethora of writings about the writ. *See, e.g.*, P. BATOR,ET AL., HART & WECHSLER’S THE FEDERAL COURTS AND THE FEDERAL SYSTEM (Westbury, N.Y.: 3d ed. 1988), Ch. XI, 1465-1597 (hereinafter Hart & Wechsler); *Developments in the Law—Federal Habeas Corpus*, 83 HARV. L. REV. 1038 (1970).

1 Act of Sept. 24, 1789, ch. 20, 14, 1 Stat. 82.

2 INS v. St. Cyr, [533 U.S. 289](http://supreme.justia.com/us/533/289/index.html), [301](http://supreme.justia.com/us/533/289/case.html) (2001), *as quoted in* [Rasul v. Bush](http://supreme.justia.com/us/542/466/index.html), 124 S. Ct. 2686, 2692 (2004).

242 Professor Chafee contended that by the time of the Constitutional Convention the right to *habeas corpus* was so well established no affirmative authorization was needed.*The Most Important Human Right in the Constitution*, 32 B.U.L. REV. 143, 146 (1952).*But compare* Collins, *Habeas Corpus for Convicts—Constitutional Right or Legislative Grace?*, 40 CALIF. L. REV. 335, 344-345 (1952).

243 [8 U.S. (4 Cr.) 75](http://supreme.justia.com/us/8/75/index.html) (1807).

244 8 U.S. at 94. *And see* Ex parte Dorr, [44 U.S. (3 How.) 103](http://supreme.justia.com/us/44/103/index.html) (1845).

245 8 U.S. at 95. Note that in quoting the clause, Marshall renders “shall not be suspended” as “should not be suspended.”

246 *See* Ex parte McCardle, [74 U.S. (7 Wall.) 506](http://supreme.justia.com/us/74/506/index.html) (1869). *Cf.* Carbo v. United States,364 U.S. 611, [614](http://supreme.justia.com/us/364/611/case.html) (1961).

247 *E.g.*, Eisentrager v. Forrestal, 174 F.2d 961, 966 (D.C. Cir. 1949), *revd. on other grounds sub nom*., Johnson v. Eisentrager, [339 U.S. 763](http://supreme.justia.com/us/339/763/index.html) (1950); *and see* Justice Black’s dissent, id. at 791, 798: “*Habeas corpus*, as an instrument to protect against illegal imprisonment, is written into the Constitution. Its use by courts cannot in my judgment be constitutionally abridged by Executive or by Congress.” And in Jones v. Cunningham, [371 U.S. 236](http://supreme.justia.com/us/371/236/index.html), [238](http://supreme.justia.com/us/371/236/case.html) (1963), the Court said: “The *habeas corpus*jurisdictional statute implements the *constitutional command* that the writ of *habeas corpus* be made available.” (Emphasis supplied).

248 *Cf.* Ex parte McCardle, [74 U.S. (7 Wall.) 506](http://supreme.justia.com/us/74/506/index.html) (1869).

249 [518 U.S. 651](http://supreme.justia.com/us/518/651/index.html) (1996).

250 Pub. L. 104-132, 101-08, 110 Stat. 1214, 1217-26, amending, *inter alia*, 28 U.S.C. 2244, 2253, 2254, 2255, and Fed. R. App. P. 22.

Having determined that a statute was necessary before the federal courts had power to issue writs of *habeas corpus*, Chief Justice Marshall pointed to 14 of the Judiciary Act of 1789 as containing the necessary authority.251 As the Chief Justice read it, the authorization was limited to persons imprisoned under federal authority, and it was not until 1867, with two small exceptions,252 that legislation specifically empowered federal courts to inquire into the imprisonment of persons under state authority.253 Pursuant to this authorization, the Court expanded the use of the writ into a major instrument to reform procedural criminal law in federal and state jurisdictions.

***Habeas Corpus: The Process of the Writ***.—A petition for a writ of *habeas corpus* is filed by or on behalf of a person in “custody,” a concept which has been expanded so much that it is no longer restricted to actual physical detention in jail or prison.254 The writ acts upon the custodian, not the prisoner, so the issue under the jurisdictional statute is whether the custodian is within the district court’s jurisdiction.3 Traditionally, the proceeding could not be used to secure an adjudication of a question which if determined in the petitioner’s favor would not result in his immediate release, since a discharge from custody was the only function of the writ,255 but this restraint too the Court has abandoned in an emphasis upon the statutory language directing the habeas court to “dispose of the matter as law and justice require.”256 Thus, even if a prisoner has been released from jail, the presence of collateral consequences flowing from his conviction gives the court jurisdiction to determine the constitutional validity of the conviction.257

251 Ex parte Bollman, [8 U.S. (4 Cr.) 75](http://supreme.justia.com/us/8/75/index.html), [94](http://supreme.justia.com/us/8/75/case.html) (1807). *See* Fay v. Noia, [372 U.S. 391](http://supreme.justia.com/us/372/391/index.html), [409](http://supreme.justia.com/us/372/391/case.html)(1963).

252 Act of March 2, 1833, 7, 4 Stat. 634 (federal officials imprisoned for enforcing federal law); Act of August 29, 1842, 5 Stat. 539 (foreign nationals detained by a State in violation of a treaty). *See also* Bankruptcy Act of April 4, 1800, 38, 2 Stat. 19, 32 (*habeas corpus* for imprisoned debtor discharged in bankruptcy), repealed by Act of December 19, 1803, 2 Stat. 248.

253 Act of February 5, 1867, 14 Stat. 385, conveyed power to federal courts “to grant writs of *habeas corpus* in all cases where any person may be restrained of his or her liberty in violation of the constitution, or of any treaty or law of the United States... .” On the law with respect to state prisoners prior to this statute, *see* Ex parte Dorr, [44 U.S. (3 How.) 103](http://supreme.justia.com/us/44/103/index.html) (1845); *cf.* Elkison v. Deliesseline, 8 Fed. Cas. 493 (No. 4366) (C.C.D.S.C. 1823) (Justice Johnson); Ex parte Cabrera, 4 Fed. Cas. 964 (No. 2278) (C.C.D.Pa. 1805) (Justice Washington).

254 28 U.S.C. 2241(c), 2254(a). “Custody” does not mean one must be confined; a person on parole or probation is in custody. Jones v. Cunningham, [371 U.S. 236](http://supreme.justia.com/us/371/236/index.html)(1963). A person on bail or on his own recognizance is in custody, Justices of Boston Mun. Court v. Lydon, [466 U.S. 294](http://supreme.justia.com/us/466/294/index.html), [300](http://supreme.justia.com/us/466/294/case.html)-301 (1984); Lefkowitz v. Newsome, [420 U.S. 283](http://supreme.justia.com/us/420/283/index.html), [291](http://supreme.justia.com/us/420/283/case.html) n.8 (1975); Hensley v. Municipal Court, [411 U.S. 345](http://supreme.justia.com/us/411/345/index.html) (1973), and Braden v. 30th Judicial Circuit Court, [410 U.S. 484](http://supreme.justia.com/us/410/484/index.html) (1973), held that an inmate of an Alabama prison was sufficiently in custody as well of Kentucky authorities who had lodged a detainer with Alabama to obtain the prisoner upon his release.

3 Braden v. 30th Judicial Circuit Court, [410 U.S. 484](http://supreme.justia.com/us/410/484/index.html), [494](http://supreme.justia.com/us/410/484/case.html)–95 (1973) (issue is whether “the custodian can be reached by service of process”). *See also* [Rasul v. Bush](http://supreme.justia.com/us/542/466/index.html), 124 S. Ct. 2686 (federal district court for District of Columbia had jurisdiction of habeas petitions from prisoners held at U.S. Naval base at Guantanamo Bay, Cuba); [Rumsfeld v. Padilla](http://supreme.justia.com/us/542/426/index.html), 124 S. Ct. 2711 (2004) (federal district court in New York lacks jurisdiction over prisoner being held in a naval brig in Charleston, South Carolina; the commander of the brig, not the Secretary of Defense, is the immediate custodian and proper respondent).

255 McNally v. Hill, [293 U.S. 131](http://supreme.justia.com/us/293/131/index.html) (1934); Parker v. Ellis, [362 U.S. 574](http://supreme.justia.com/us/362/574/index.html) (1960).

256 28 U.S.C. 2243. *See* Peyton v. Rowe, [391 U.S. 54](http://supreme.justia.com/us/391/54/index.html) (1968). *See also* Maleng v. Cook, [490 U.S. 488](http://supreme.justia.com/us/490/488/index.html) (1989).

257 Carafas v. LaVallee, [391 U.S. 234](http://supreme.justia.com/us/391/234/index.html) (1968), overruling Parker v. Ellis, [362 U.S. 574](http://supreme.justia.com/us/362/574/index.html)(1960). In Peyton v. Rowe, [391 U.S. 54](http://supreme.justia.com/us/391/54/index.html) (1968), the Court overruled McNally v. Hill, [293 U.S. 131](http://supreme.justia.com/us/293/131/index.html) (1934), and held that a prisoner may attack on *habeas* the second of two consecutive sentences while still serving the first. *See also* Walker v. Wainwright, [390 U.S. 335](http://supreme.justia.com/us/390/335/index.html) (1968) (prisoner may attack the first of two consecutive sentences although the only effect of a successful attack would be immediate confinement on the second sentence). Braden v. 30th Judicial Circuit Court, [410 U.S. 484](http://supreme.justia.com/us/410/484/index.html) (1973), held that one sufficiently in custody of a State could use *habeas* to challenge the State’s failure to bring him to trial on pending charges.

Petitioners seeking federal *habeas* relief must first exhaust their state remedies, a limitation long settled in the case law and codified in 1948.258 It is only required that prisoners once present their claims in state court, either on appeal or collateral attack, and they need not return time and again to raise their issues before coming to federal court.259 While they were once required to petition the Supreme Court on *certiorari* to review directly their state convictions, prisoners have been relieved of this largely pointless exercise,260 although if the Supreme Court has taken and decided a case its judgment is conclusive in *habeas* on all issues of fact or law actually adjudicated.261 A federal prisoner in a 2255 proceeding will file his motion in the court which sentenced him;262 a state prisoner in a federal *habeas* action may file either in the district of the court in which he was sentenced or in the district in which he is in custody.263

258 28 U.S.C. 2254(b). *See* Preiser v. Rodriguez, [411 U.S. 475](http://supreme.justia.com/us/411/475/index.html), [490](http://supreme.justia.com/us/411/475/case.html)-497 (1973), and id. at 500, 512-24 (Justice Brennan dissenting); Rose v. Lundy, [455 U.S. 509](http://supreme.justia.com/us/455/509/index.html), [515](http://supreme.justia.com/us/455/509/case.html)-21 (1982). If a prisoner submits a petition with both exhausted and unexhausted claims, the habeas court must dismiss the entire petition. Rose v. Lundy, 455 U.S. at 518-519. Exhaustion first developed in cases brought by persons in state custody prior to any judgment. Ex parte Royall, [117 U.S. 241](http://supreme.justia.com/us/117/241/index.html) (1886); Urquhart v. Brown, [205 U.S. 179](http://supreme.justia.com/us/205/179/index.html)(1907).

259 Brown v. Allen, [344 U.S. 443](http://supreme.justia.com/us/344/443/index.html), [447](http://supreme.justia.com/us/344/443/case.html)-450 (1953); id. at 502 (Justice Frankfurter concurring); Castille v. Peoples, [489 U.S. 346](http://supreme.justia.com/us/489/346/index.html), [350](http://supreme.justia.com/us/489/346/case.html) (1989).

260 Fay v. Noia, [372 U.S. 391](http://supreme.justia.com/us/372/391/index.html), [435](http://supreme.justia.com/us/372/391/case.html) (1963), overruling Darr v. Burford, [339 U.S. 200](http://supreme.justia.com/us/339/200/index.html)(1950).

261 28 U.S.C. 2244(c). But an affirmance of a conviction by an equally divided Court is not an adjudication on the merits. Neil v. Biggers, [409 U.S. 188](http://supreme.justia.com/us/409/188/index.html) (1972).

262 28 U.S.C. 2255.

263 28 U.S.C. 2241(d). *Cf.* Braden v. 30th Judicial Circuit Court, [410 U.S. 484](http://supreme.justia.com/us/410/484/index.html)(1973), overruling Ahrens v. Clark, [335 U.S. 188](http://supreme.justia.com/us/335/188/index.html) (1948), and holding a petitioner may file in the district in which his custodian is located although the prisoner may be located elsewhere.

*Habeas corpus* is not a substitute for an appeal.264 It is not a method to test ordinary procedural errors at trial or violations of state law but only to challenge alleged errors which if established would go to make the entire detention unlawful under federal law.265 If after appropriate proceedings, the *habeas* court finds that on the facts discovered and the law applied the prisoner is entitled to relief, it must grant it, ordinarily ordering the government to release the prisoner unless he is retried within a certain period.266

264 Glasgow v. Moyer, [225 U.S. 420](http://supreme.justia.com/us/225/420/index.html), [428](http://supreme.justia.com/us/225/420/case.html) (1912); Riddle v. Dyche, [262 U.S. 333](http://supreme.justia.com/us/262/333/index.html), [335](http://supreme.justia.com/us/262/333/case.html)(1923); Eagles v. United States ex rel. Samuels, [329 U.S. HYPERLINK "http://supreme.justia.com/us/329/304/index.html"304](http://supreme.justia.com/us/329/304/index.html), [311](http://supreme.justia.com/us/329/304/case.html) (1946). *But compare* Brown v. Allen, [344 U.S. 443](http://supreme.justia.com/us/344/443/index.html), [558](http://supreme.justia.com/us/344/443/case.html)-560 (1953) (Justice Frankfurter dissenting in part).

265 Estelle v. McGuire, [502 U.S. 62](http://supreme.justia.com/us/502/62/index.html) (1991); Lewis v. Jeffers, [497 U.S. 764](http://supreme.justia.com/us/497/764/index.html), [780](http://supreme.justia.com/us/497/764/case.html) (1990); Pulley v. Harris, [465 U.S. 37](http://supreme.justia.com/us/465/37/index.html), [41](http://supreme.justia.com/us/465/37/case.html)-42 (1984)

266 28 U.S.C. 2244(b). *See* Whiteley v. Warden, [401 U.S. 560](http://supreme.justia.com/us/401/560/index.html), [569](http://supreme.justia.com/us/401/560/case.html) (1971); Irvin v. Dowd, [366 U.S. 717](http://supreme.justia.com/us/366/717/index.html), [729](http://supreme.justia.com/us/366/717/case.html) (1961).

**Liberality in dealing with Pro Se litigants:**

1.         "The trial judge **should inform a pro se litigant of the proper procedure**for the action he or she is obviously attempting to accomplish." Breck v. Ulmer, 745 P.2d 66, 75 (Alaska 1987)

2.         "Pro Se Litigants pleadings are to be construed liberally and held to less stringent standards than lawyers" Haines v Kerner, Warden of Illinois State Penitentiary at Menard (1972) [www.lawyerdude.s5.com/haines.html](http://www.lawyerdude.s5.com/haines.html) 404 US 519 (1972)

3.         ".the greatest veneration one can show the rule of law is to keep a watch on it, and to reserve the right to judge unjust laws and the subversion of the function of the law by the state. That vigilance is the most important proof of respect for the law." Nadine Gordimer, Speak Out: The Necessity of Protest lecture. [1971]

 4.         Defendant appears in this action "In Propria Persona" and asks that his points and authorities relied upon herein, and issues raised herein, must be addressed "on the merits", Sanders v United States, 373 US 1, at 16, 17 (1963); and addressed with "clarity and particularity", ***McCleskey v Zant***, 111 S. Ct. 1454, at 1470-71 (1991); and afforded " a full and fair" evidentiary hearing, Townsend v Sain, 372 U.S.293, at p.1 (1962). See also ***Pickering v Pennsylvania Railroad Co.***, 151 F.2d 240 (3d Cir. 1945).

 5.         Pleadings of the Defendant SHALL NOT BE dismissed for lack of form or failure of process. All the pleadings are as any reasonable man/woman would understand, and:

"And be it further enacted. That no summons, writ, declaration, return, process, judgment, or other proceedings in civil cases in any of the courts or the United States, shall be abated, arrested, quashed or reversed, for any defect or want of form, but the said courts respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects or want of form in such writ, declaration, or other pleading, returns process, judgment, or course of proceeding whatsoever, except those only in cases of demurrer, which the party demurring shall specially sit down and express together with his demurrer as the cause thereof. And the said courts respectively shall and may, by virtue of this act, from time to time, amend all and every such imperfections, defects and wants of form, other than those only which the party demurring shall express as aforesaid, and **may at any, time, permit either of the parties to amend any defect in the process of pleadings upon such conditions as the said courts respectively shall in their discretion, and by their rules prescribe**(a)" ***Judiciary Act of September 24, 1789***, Section 342, FIRST CONGRESS, Sess. 1, ch. 20, 1789.

 6.         "Court errs if court dismisses pro se litigant without instructions of how pleadings are deficient and how to repair pleadings." ***Plaskey v CIA***, 953 F .2nd 25

 7.         "Nemo prasens nisi inteligat," or "One is not present unless he understands," 2 Bouvier's Law Dic. 136, title Maxims"

 8.          HAINES v. KERNER, ET AL. 404 U.S. 519, 92 S. Ct. 594, 30 L. Ed. 2d 652. Whatever may be the limits on the scope of inquiry of courts into the internal administration of prisons, allegations such as those asserted by petitioner, however inartfully pleaded, are sufficient to call for the opportunity to offer supporting evidence. We cannot say with assurance that under the allegations of the pro se complaint, which we hold to less stringent standards than formal pleadings drafted by lawyers, it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Conley v. Gibson, 355 U.S. 41, 45-46 (1957). See Dioguardi v. Durning, 139 F.2d 774 (CA2 1944).

 9.         ESTELLE, CORRECTIONS DIRECTOR, ET AL. v. GAMBLE 29 U.S. 97, 97 S. Ct. 285, 50 L. Ed. 2d 251. We now consider whether respondent's complaint states a cognizable 1983 claim. The handwritten pro se document is to be liberally construed. As the Court unanimously held in Haines v. Kerner, 404 U.S. 519 (1972), a pro se complaint, "however inartfully pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers" and can only be dismissed for failure to state a claim if it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Id., at 520-521, quoting Conley v. Gibson, 355 U.S. 41, 45-46 (1957).

 10.       WILLIAM MCNEIL, PETITIONER v. UNITED STATES 113 S. Ct. 1980, 124 L. Ed. 2d 21, 61 U.S.L.W. 4468. Moreover, given the clarity of the statutory text, it is certainly not a "trap for the unwary." It is no doubt true that there are cases in which a litigant proceeding without counsel may make a fatal procedural error, but the risk that a lawyer will be unable to understand the exhaustion requirement is virtually nonexistent. Our rules of procedure are based on the assumption that litigation is normally conducted by lawyers. While we have insisted that the pleadings prepared by prisoners who do not have access to counsel be liberally construed, see Haines v. Kerner, 404 U.S. 519 (1972); Estelle v. Gamble, 429 U.S. 97, 106 (1976), and have held that some procedural rules must give way because of the unique circumstance of incarceration, see Houston v. Lack, 487 U.S. 266 (1988) (pro se prisoner's notice of appeal deemed filed at time of delivery to prison authorities), we have never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel. As we have noted before, "in the long run, experience teaches that strict adherence to the procedural requirements specified by the legislature is the best guarantee of evenhanded administration of the law." Mohasco Corp. v. Silver, 447 U.S. 807, 826 (1980).

 11.       BALDWIN COUNTY WELCOME CENTER v. BROWN 466 U.S. 147, 104 S. Ct. 1723, 80 L. Ed. 2d 196, 52 U.S.L.W. 3751. Rule 8(f) provides that " pleadings shall be so construed as to do substantial justice." We frequently have stated that pro se pleadings are to be given a liberal construction.

 12.       HUGHES v. ROWE ET AL. 449 U.S. 5, 101 S. Ct. 173, 66 L. Ed. 2d 163, 49 U.S.L.W. 3346. Petitioner's complaint, like most prisoner complaints filed in the Northern District of Illinois, was not prepared by counsel. It is settled law that the allegations of such a complaint, "however inartfully pleaded" are held "to less stringent standards than formal pleadings drafted by lawyers, see Haines v. Kerner, 404 U.S. 519, 520 (1972). See also Maclin v. Paulson, 627 F.2d 83, 86 (CA7 1980); French v. Heyne, 547 F.2d 994, 996 (CA7 1976). Such a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief. Haines, supra, at 520-521. And, of course, the allegations of the complaint are generally taken as true for purposes of a motion to dismiss. Cruz v. Beto, 405 U.S. 319, 322 (1972).

**Issue #2: Absence of jurisdiction and other Administrative arguments:**

1.         One problem is that few people can recognize the difference between a "court" and an "administrative tribunal". See Administrative Law which tells us:

"It is the accepted rule, not only in state courts, but, of the federal courts as well, that when a judge is enforcing administrative law they are described as mere 'extensions of the administrative agency for superior reviewing purposes' as a ministerial clerk for an agency..." 30 Cal 596; ***San Christina, etc. Co. v. San Francisco*** (1914) , 167 Cal. 762, 141 P. 384.

2.          "It is impossible to prove jurisdiction exists absent a substantial nexus with the state, such as **voluntary subscription to license**. All jurisdictional facts supporting claim that supposed jurisdiction exists must appear on the record of the court." ***Pipe Line v Marathon***. 102 S. Ct. 3858 quoting ***Crowell v Benson***883 US 22.

3.         "**Where a person is not at the time a licensee, neither the agency, nor any official has any jurisdiction of said person to consider or make any order**. One ground as to want of jurisdiction was, **accused was not a licensee and it was not claimed that he was**. " ***0'Neil v Dept Prof. & Vocations*** (1935) CA 2nd 398; Eiseman v Daugherty 6 CA 783

4.         "A judge ceases to set as a judicial officer because the governing principals of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments and rationale for that of the agency. Additionally, courts are prohibited from their substituting their judgments for that of the agency." ***AISI v US***, 568 F2d 284.

5.          "...judges who become involved in enforcement of mere statutes (civil or criminal in nature and otherwise), act as mere "clerks" of the involved agency..." K.C. Davis, ADMIN. LAW, Ch. 1 (CTP. West's 1965 Ed.)

 6.         ",...their supposed 'court' becoming thus a court of limited jurisdiction' as a mere extension of the involved agency for mere superior reviewing purposes." K.C. Davis, ADMIN. LAW, P. 95, (CTP, 6 Ed. West's 1977) ***FRC v G.E.***28I US 464; ***Keller v PE***, 261 US 428.

7.         "When acting to enforce a statute, the judge of the municipal court is acting an administrative officer and not as a judicial capacity; courts in administrating or enforcing statutes do not act judicially. but, merely administerially." ***Thompson v Smith***. 155 Va. 376. l54 SE 583, 7l ALR 604.

8.          "It is basic in our law that an administrative agency may act only within the area of jurisdiction marked out for it by law. If an individual does not come within the coverage of the particular agency's enabling legislation the agency is without power to take any action which affects him." Endicott v Perkins, 317 US 501

9.         "It is not every act, legislative in form, that is law. Law is something more than mere will exerted as an act of power...Arbitrary power, enforcing its edicts to the injury of the person and property of its subjects is not law." ***Hurtado v. California*** (1884) http://www.lawyerdude.8k.com/Hurtado.html 110 US 515 (1984)

10.       "Consent in law is more than mere formal act of the mind. It is an act unclouded by fraud, duress, or sometimes even mistake." ***Butler v. Collins***, 12 Calif., 157. 463

 11.       "Every consent involves a submission, but it by no means follows that a mere submission involves consent." ***Regina v. Day***, 9 Car. & P. 722.

 12.       "A state may impose an excise upon the franchise of corporations engaging in a business which every private Citizen has a right to engage in freely. The privilege taxed is the right to engage in such business with the special advantages which are incident to corporate existence”. ***California Bank v. San Francisco***, 142 Cal. 276, 75 Pac. 832, 100 A.S.R. 130, 64 L.R.A. 918.

 13.       Review of administrative proceedings by a court does not change an administrative proceeding to a civil proceeding. Porter v. ***Michigan State Bd. of State Examiners in Optometry***(1972) 199 N.W.2d 666, 41 Mich.App. 150.

CHALLENGE JURISDICTION

Challenging jurisdiction is one of the best defenses you can make, because if you use the right argument it is almost impossible for you to loose!

If they attempt to tell you that you can't question their jurisdiction you can easily shut them up with these court rulings!

"Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should dismiss the action." Melo v. US, 505 F2d 1026.

The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." Hagans v Lavine, 415 U. S. 533.

Read US v Lopez and Hagans v Levine both void because of lack of jurisdiction. In Lopez the circuit court called it right, and in Hagans it had to go to the Supreme court before it was called right, in both cases, void. Challenge jurisdiction and motion to dismiss, right off the bat. If you read the supreme Court cases you will find that jurisdiction can be challenged at any time and in the case of Lopez it was a jury trial which was declared void for want of jurisdiction. If it [jurisdiction] doesn't exist, it can not justify conviction or judgment. ...without which power (jurisdiction) the state CANNOT be said to be "sovereign." At best, to proceed would be in "excess" of jurisdiction which is as well fatal to the State's/ USA's cause. Broom v.  Douglas, 75 Ala 268, 57 So 860 the same being jurisdictional facts FATAL to the government's cause ( e.g. see In re FNB, 152 F 64).

A judgment rendered by a court without personal jurisdiction over the defendant is void. It is a nullity. [A judgment shown to be void for lack of personal service on the defendant is a nullity.] Sramek v. Sramek, 17 Kan. App. 2d 573, 576-77, 840 P.2d 553 (1992), rev. denied 252 Kan. 1093 (1993).

"A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court" OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907).

"There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 2D 215.

"Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Latana v. Hopper, 102 F. 2d 188;Chicago v. New York 37 F Supp. 150

"The law provides that once State and Federal Jurisdiction has been challenged, it must be proven." Main v. Thiboutot, 100S. Ct. 2502 (1980)

"Jurisdiction can be challenged at any time." and "Jurisdiction, once challenged, cannot be assumed and must be decided." Basso v. Utah Power & Light Co. 495 F 2d 906, 910.

"Defense of lack of jurisdiction over the subject matter may be raised at any time, even on appeal." Hill Top Developers v. Holiday Pines Service Corp. 478 So. 2d. 368 (Fla 2nd DCA 1985)

"Once challenged, jurisdiction cannot be assumed, it must be proved to exist." Stuck v. Medical Examiners 94 Ca 2d 751. 211 P2d 389.

"There is no discretion to ignore that lack of jurisdiction." Joyce v. US, 474 F2d 215.

"The burden shifts to the court to prove jurisdiction." Rosemond v. Lambert, 469 F2d 416.

"A universal principle as old as the law is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property." Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732.

"Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio." In Re Application of Wyatt, 300 P. 132; Re Cavitt, 118 P2d 846.

"Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term." Dillon v. Dillon, 187 P 27.

"A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance." Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409.

"A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of depriving one of a constitutional right, is an excess of jurisdiction." Wuest v. Wuest, 127 P2d 934, 937.

"Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." Merritt v. Hunter, C.A. Kansas 170 F2d 739.

"the fact that the petitioner was released on a promise to appear before a magistrate for an arraignment, that fact is circumstance to be considered in determining whether in first instance there was a probable cause for the arrest." Monroev.Papa, DC, Ill. 1963, 221 F Supp 685.

Vehicle/Traffic

"An action by Department of Motor Vehicles, whether directly or through a court sitting administratively as the hearing officer, must be clearly defined in the statute before it has subject matter jurisdiction, without such jurisdiction of the licensee, all acts of the agency, by its employees, agents, hearing officers, are null and void." Doolan v. Carr, 125 US 618; City v Pearson, 181 Cal. 640.

"Agency, or party sitting for the agency, (which would be the magistrate of a municipal court) has no authority to enforce as to any licensee unless he is acting for compensation. Such an act is highly penal in nature, and should not be construed to include anything which is not embraced within its terms. (Where) there is no charge within a complaint that the accused was employed for compensation to do the act complained of, or that the act constituted part of a contract." Schomig v. Kaiser, 189 Cal 596.

"When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity; courts in administering or enforcing statutes do not act judicially, but merely ministerially". Thompson v. Smith, 154 SE 583.

"A judge ceases to sit as a judicial officer because the governing principle of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments, and rationale for that of the agency. Additionally, courts are prohibited from substituting their judgment for that of the agency. Courts in administrative issues are prohibited from even listening to or hearing arguments, presentation, or rational." ASIS v. US, 568 F2d 284.

"Ministerial officers are incompetent to receive grants of judicial power from the legislature, their acts in attempting to exercise such powers are necessarily nullities." Burns v. Sup., Ct., SF, 140 Cal. 1.

The elementary doctrine that the constitutionality of a legislative act is open to attack only by persons whose rights are affected thereby, applies to statute relating to administrative agencies, the validity of which may not be called into question in the absence of a showing of substantial harm, actual or impending, to a legally protected interest directly resulting from the enforcement of the statute."

Board of Trade v. Olson, 262 US 1; 29 ALR 2d 105.

Cases Fraud and More

"Fraud" may be committed by a failure to speak when the duty of speaking is imposed as much as by speaking falsely."

Batty v Arizona State Dental Board, 112 P.2d 870, 57 Aria. 239. (1941)

"No state shall convert a liberty into a privilege, license it, and attach a fee to it."

Murdock v Peon, 319 US 105

"Fraud vitiates the most solemn contracts, documents, and even judgments."

U.S. vs. Throckmorton, 98 U.S. 61.  Documents"; ("Constitutions")

"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never passed."

Norton v Shelby County, 118 US 425

"Silence can only be equated with fraud when there is a legal or moral duty to speak, or when an inquiry left unanswered would be intentionally misleading... We cannot condone this shocking conduct... If that is the case we hope our message is clear. This sort of deception will not be tolerated and if this is routine it should be corrected immediately"

U.S. v. Tweel, 550 F2d 997, 299-300

"If the state converts a liberty into a privileged the citizen can engage in the right with impunity"

Shuttlesworth v Birmingham, 373 US 262

"Fraud: An intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right."

Black's 5th, 594 (emphasis added.)

The court is to protect against any encroachment of constitutionally secured liberty.

Boyd v US, H6US616

"Where rights secured by the constitution are involved, there can be no rule making or legislation which would abrogate them."

Miranda v Arizona, 384 US 436

"Where a party desires to rescind upon the grounds of mistake or fraud he must upon the discovery of the facts, at once announce his purpose, and adhere to it."

Grymes v Saunders, 93 US 55, 62.

"...If they proposed to rescind, their duty was to assert that right promptly, unconditionally, and invasively,"

Richardson v. Lowe, 149 Fed Rep 625, 627-28.

"Fraud maybe committed by failure to speak, but a duty to speak must be imposed,"

Dunahay v. Struzik, 393 P.2d 930, 96 Ariz. 246 (1964).

"When one conveys a false impression by disclosure of some facts and the concealment of others, such concealment is in effect a false representation that what is disclosed is the whole truth."

State v Coddington, 662 P.2d 155,135 Ariz. 480. ( Ariz. App. 1983)

"Suppression of a material fact which a party is bound in good faith to disclose is equivalent to a false representation." Leigh v. Loyd, 244 P.2d 356, 74 Ariz. 84- (1952)

"When one conveys a false impression by disclosure of some facts and the concealment of others, such concealment is in effect a false representation that what is disclosed is the whole truth."

State v. Coddington, 662 P.2d 155,135 Ariz. 480 ( Ariz. App. 1983)

"Fraud and deceit may arise from silence where there is a duty to speak the truth, as well as from speaking an untruth."

Morrison v Acton, 198 P.2d 590, 68 Ariz. 27 ( Ariz. 1948)

"Damages will lie in proper case of negligent misrepresentation of failure to disclose."

Van Buren v. Pima Community College Dist Bd., 546 P.2d 821, 113 Ariz. 85 (Ariz.1976)

"Where one under duty to disclose facts to another fails to do so, and other is injured thereby, an action in tort lies against party whose failure to perform his duty caused injury."       Regan v First Nat. Bank,

101 P.2d 214, 55 Ariz. 320 ( Ariz. 1940)

"Where relation of trust or confidence exists between two parties so that one places peculiar reliance in trustworthiness of another, latter is under duty to make full and truthful disclosure of all material facts and is liable for misrepresentation or concealment."

Stewart v. Phoenix Nat. Bank, 64 P.2d 101, 49 Ariz. 34- ( Ariz. 1937)

"Concealing a material fact when there is duty to disclose may be actionable fraud."

Universal Inv. Co. v. Sahara Motor Inn, Inc., 619 P-2d 485,127 Ariz. 213- (Ariz. App. 1980)

"An "ex post facto law" is defined as a law which provides for the infliction of punishment upon a person for an act done which, when it was committed, was innocent; a law which aggravates a crime or makes it greater than when it was committed; a law that changes the punishment or inflicts a greater punishment than the law annexed to the crime when it was committed; a law that hanges the rules of evidence and receives less or different testimony than was required at the time of the commission of the offense in order to convict the offender; a law which, assuming to regulate civil rights and remedies only, in effect imposes a penalty or the deprivation of a right which, when done, was lawful; a law which deprives persons accused of crime of some lawful protection to which they have become entitled, such as the protection of a former conviction or acquittal, or of the proclamation of amnesty; every law which, in relation to the offense or its consequences, alters the situation of a person to his disadvantage."

Wilensky v. Fields, Fla, 267 So.2d 1, 5. [Source: Black's Law Dictionary, 6th edition, p 580.]

"Qualified immunity defense fails if public officer violates clearly established right because a reasonably competent official should know the law governing his conduct"

Jones vs Counce 7-F3d-1359-8th Cir 1993; Benitez v Wolff 985-F3d 662 2nd Cir 1993

**"The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the constitution is null and void of law."**

**Marbury v Madison, 5 US 137**

"And be it further enacted. That no summons, writ, declaration, return, process, judgment, or other proceedings in civil cases in any of the courts or the United States, shall be abated, arrested, quashed or reversed, for any defect or want of form, but the said courts respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects or want of form in such writ, declaration, or other pleading, returns process, judgment, or course of proceeding whatsoever, except those only in cases of demurrer, which the party demurring shall specially sit down and express together with his demurrer as the cause thereof. And the said courts respectively shall and may, by virtue of this act, from time to time, amend all and every such imperfections, defects and wants of form, other than those only which the party demurring shall express as aforesaid, and may at any, time, permit either of the parties to amend any defect in the process of pleadings upon such conditions as the said courts respectively shall in their discretion, and by their rules prescribe (a)"

Judiciary Act of September 24, 1789, Section 342, FIRST CONGRESS, Sess. 1, ch. 20,1789

Due Process provides that the "rights of pro se (Sui Juris) litigants are to be construed liberally and held to less stringent standard than formal pleadings drafted by lawyers; if j court can reasonably read pleadings to state valid claim on which litigant could prevail, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction, or litigants unfamiliarity with pleading requirements"

(Spencer v Doe; 1998; Green v Bransou 1997; Boag v McDougall; 1998; Haines v Kerner, 1972)

"Right to proceed pro se (Sui Juris) is fundamental statutory right that is afforded highest degree of protection"

(Devine v Indian River County School Bd., 11th Cir. 1997

Cases  Historical Review Of Title 26 And Statutes At Large

"The public welfare demands that constitutional cases must be decided according to the terms of the Constitution itself, and not according to judges' views of fairness, reasonableness, or justice."

-- Justice Hugo L. Black (U. S. Supreme Court Justice, 1886 - 1971).

"If we know the truth, we must tell it; if we don't, we must learn it!" It is critical to our spirit.

"It is not the function of our government to keep the Citizen from falling into error; it is the function of the Citizen to keep the government from falling into error." American Communications Ass'n v. Douds, 339 U. S. 382, 442.

HISTORICAL REVIEW OF TITLE 26 AND STATUTES AT LARGE

**The Internal Revenue Service relies on Sections 6201, 6321 and 6331 of Title 26 as the reference for legal evidence of authority of law to assess, lien and/or levy for the collection of alleged income taxes.**

**The laws, which apply to the general public of the 50 Union States, are referred to as the Statutes at Large. These Statutes are clear as to the taxable activities and to those liable for these activities as shown by the Statutes at Large. There are numerous Federal Court decisions in affirmation. Cites below:**

**"The official source to find United States law is the Statutes at Large and the United States Code is only prima facie evidence of such laws." Royer's Inc. v. United States, 265 F2d 615, 59-1 (1959, CA3 Pa)**

**"Unless Congress affirmatively enacts title of United States Code into law, that title is only "prima facie" evidence of the law." Preston v. Heckler, 734 F2d1359, (1984, CA9 Alaska)**

**"... that the Code establishes "prima facie" the laws of the United States , the very meaning of "prima facie" being that the Code cannot prevail over the Statutes at Large when the two are inconsistent." Stephen v. United States , 319 U.S. 423 (1943); United States v. Welden, 377 U.S. 95 (1964)**

**"The Code establishes prima facie what the laws of United States are but to the extent that provisions of Code are inconsistent with Statutes at Large, The latter will prevail" Best Food, Inc. v. United States, 147 F Supp 749 (1956)**

**"Internal Revenue Code construction to Statutes at Large must be made by individual section and subsection since each section and subsection is derived from their own set of Statutes at Large pamphlet, Joint Committee in Taxation, 'Derivations of Code Sections of the Internal Revenue Codes of 1939 and 1954 (JCS-1-92) January 21, 1992, U.S. Government Printing Office."**

**As it should be easily understood by the Justice Department Tax Division counselors;**

Assessment– The IRS claims this authority rests in Title 26 USC §6201.Legal presumption of lawful authority of Section 6201 by the IRS, as applied is hereby refuted and rebutted for the collection of income tax.

Section 6201 of the Internal Revenue code is derived from section 3182 of Revised Statutes of 1874.The types of taxes authorized by Congress to be assessed are described in crystal clarity in Statutes at Large enacted on Dec 24, 1872, chap. 13, sec.2, vol. 17, page 402 which describes authorized assessment of taxes by the Secretary and apply only to tobacco and distilled spirits. The original intend of Congress has not changed as there has been no amendment to the Statue at Large to date. Since I nor my spouse are not involved with any trade or business having to do with tobacco or distilled spirits for the years in question, NO AUTHORITY TO ASSESS EXISTS.

Liens – Authority to Lien for Taxes rests in Title 26 §6321.Legal presumption of lawful authority of Section 6321 by the IRS, as it applies to Petitioner and his spouse is hereby refuted and rebutted for the collection of Income tax.

The Internal Revenue Code, Section 6321, was derived from the 1954 code, which was derived from section 3670 of the 1939 code. (Joint committee on Taxation, Derivations of Code Sections of the 1939 and 1954 code, 1992, U.S. Govt.).Section 3670 of the 1939 code was derived from section 3186 of the Revised Statutes of 1874 (R.S. 1874) and was termed "Lien for Taxes." This section was derived from the actual Statute passed by Congress on July 13, 1866.This Act identifies only excise taxes on cotton and distilled spirits as subject to lien. This Act was amended by an act dated May 29, 1928, Vol.45 of the Statutes at Large, page 875, Chap. 852 Section 613 to amend the method of lien. The act does not change the taxes authorized by Congress to create a lien per the original Statute at Large of 1866, namely excise taxes on cotton and distilled spirits, NOTHING ELSE. I nor my spouse are not or were not involved in the trade or business of cotton or distilled spirits, there is NO LEGAL BASIS FOR ESTABLISHING A LIEN.

Levy – Authority to levy for taxes rests in Title 26 §6331(a).Legal presumption of lawful authority of Section 6331 by the IRS, as it applies to Petitioner and his spouse is hereby refuted and rebutted for the collection of Income tax.

Section 6331 was derived from the 1954 code, which was derived from Sections 3310, 3660, 3692 and 3700 of the 1939 Code (Joint Committee on Taxation, Derivations of Code Sections of the 1939 and 1954 code, 1992, U.S. Govt.) Section 3690 is the single identifying sections on the species of tax, which can be collected by distraint and was derived from Revised Statutes of 1874 section 3187 and is title "Taxes collectible by distraint." The actual Statute at Large enacted by Congress, which conclusively reveals Congressional intent as to taxes authorized to be collected by levy and distraint was enacted on July 13, 1866 and refers with great specificity only to taxes on cotton and distilled spirits. (See Cap. 184, Section 9, vol.14, pp. 98 and 106 of the Act). The Statutes at Large has not been amended to this date. Therefore the original intent of Congress has not changed. Since I nor my spouse were not involved in the trade or business of cotton or distilled spirits, there is NO LEGAL BASIS NOR AUTHORITY FOR SUBJECTING ME OR MY SPOUSE TO A LEVY.

The above Statutes are in complete harmony with the official Federal Register Index that clearly shows the implementing regulations for Title 26.I invite your attention to the CFR index. The implementing regulation for Title 26 Sections 6201, 6321 and 6331 is Title 27 part 70, which is a regulation that applies only to the Bureau of Alcohol, Tobacco and Firearms and/or the Tax and Trade Bureau. Implementing regulations for Section 7602 of Title 26 resides in Title 27 CFR, parts 29, 46, 70 and 296.Title 26 USC 7608 provides its authority to 27 CFR parts 296 and 70 only.

Consequently, there exists no statutory authority for the Internal Revenue Service to summons, (7608 (b) (2) (A)), assess, lien or collect income taxes by distraint.

The Revenue Officer and the IRS are acting without authority and under color of law, in violation of the laws of the United States and in violation of Petitioner's Constitutional right to due process of law. The legal obligation and burden of proof under 26 USC § 7491 now rests the IRS to demonstrate any documented evidence to the contrary.

All are presumed to be federal citizens?

The  Law of Obligation

"The rights of the individuals are restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government." City of Dallas v Mitchell, 245 S.W. 944

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The [3d article of the Constitution of the United States](http://en.wikisource.org/wiki/Constitution_of_the_United_States_of_America) enables the judicial department to receive jurisdiction to the full extent of the constitution, laws and treaties of the United States, when any question respecting them shall assume such a form that the judicial power is capable of acting on it. That power is capable of acting only where the subject is submitted to it by a party who asserts his right in a form presented by law. It then becomes a case. [Osborn et al. v. The Bank of the United States](http://en.wikisource.org/wiki/Osborn_et_al._v._The_Bank_of_the_United_States), [9 WheatHYPERLINK "http://en.wikisource.org/wiki/United\_States\_Reports/Volume\_22".](http://en.wikisource.org/wiki/United_States_Reports/Volume_22)738; 5 Cond. Rep. 741.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) By the [act of April 29, 1802, chap. 31](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1), the Supreme Court was declared to consist of a Chief Justice and six associate Justices, and by the [act of March 3, 1837, chap. 32](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/24th_Congress/2nd_Session/Chapter_34&action=edit&redlink=1), it was made to consist of a Chief Justice and eight associate Justices.

By the [act of April 29, 1802, chap. 31](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1), the provision of the act of September 24, 1789, requiring two annual sessions of the Supreme Court, was repealed, and the 2d section of that act required that the associate Justice of the fourth circuit should attend at Washington on the first Monday of August annually, to make all necessary rules and orders, touching suits and actions depending in the court. This section was repealed by the [7th section](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/25th_Congress/3rd_Session/Chapter_36&action=edit&redlink=1) of the [act of February 28, 1839, chap. 36](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/25th_Congress/3rd_Session/Chapter_36&action=edit&redlink=1).

By an [act passed May 4, 1826, chap. 37](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/19th_Congress/1st_Session/Chapter_37&action=edit&redlink=1), the sessions of the Supreme Court were directed to commence on the second Monday in January annually, instead of the first Monday in February; and by an [act passed June 17, 1844](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/28th_Congress/1st_Session/Chapter_96&action=edit&redlink=1), the sessions of the Supreme Court were directed to commence on the first Monday in December annually.

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The jurisdiction and powers of the District Courts have been declared and established by the following acts of Congress: Act of September 24, 1789; [act of June 5, 1794](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/3rd_Congress/1st_Session/Chapter_50), [sec. 6](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/3rd_Congress/1st_Session/Chapter_50); [act of May 10, 1800](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/6th_Congress/1st_Session/Chapter_51&action=edit&redlink=1); [act of December 31, 1814](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/13th_Congress/3rd_Session/Chapter_15&action=edit&redlink=1); [act of April 16, 1816](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/14th_Congress/1st_Session/Chapter_56&action=edit&redlink=1); [act of April 20, 1818](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/15th_Congress/1st_Session/Chapter_88&action=edit&redlink=1); [act of May 15, 1820](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/16th_Congress/1st_Session/Chapter_107&action=edit&redlink=1); [act of March 3, 1793](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/2nd_Congress/2nd_Session/Chapter_22).

The decisions of the Courts of the United States on the jurisdiction of the District Courts have been: [The Thomas Jefferson](http://en.wikisource.org/w/index.php?title=The_Thomas_Jefferson&action=edit&redlink=1), [10 Wheat.](http://en.wikisource.org/wiki/United_States_Reports/Volume_23) 428; 6 Cond. Rep. 73. [M‘Donough v. Danery](http://en.wikisource.org/w/index.php?title=M%E2%80%98Donough_v._Danery&action=edit&redlink=1), [3 Dall.](http://en.wikisource.org/wiki/United_States_Reports/Volume_3) 188; 1 Cond. Rep. 94. [United States v. La Vengeance](http://en.wikisource.org/w/index.php?title=United_States_v._La_Vengeance&action=edit&redlink=1), [3 Dall.](http://en.wikisource.org/wiki/United_States_Reports/Volume_3) 297; 1 Cond. Rep. 132. [Glass et al. v.HYPERLINK "http://en.wikisource.org/w/index.php?title=Glass\_et\_al.\_v.\_The\_Betsey&action=edit&redlink=1" The Betsey](http://en.wikisource.org/w/index.php?title=Glass_et_al._v._The_Betsey&action=edit&redlink=1), [3 Dall.](http://en.wikisource.org/wiki/United_States_Reports/Volume_3) 6; 1 Cond. Rep. 10. [The Alerta v. Blas Moran](http://en.wikisource.org/w/index.php?title=The_Alerta_v._Blas_Moran&action=edit&redlink=1), [9 Cranch](http://en.wikisource.org/wiki/United_States_Reports/Volume_13), 359; 3 Cond. Rep. 425. [The Merino et al.](http://en.wikisource.org/w/index.php?title=The_Merino_et_al.&action=edit&redlink=1), [9 WheatHYPERLINK "http://en.wikisource.org/wiki/United\_States\_Reports/Volume\_22".](http://en.wikisource.org/wiki/United_States_Reports/Volume_22) 391; 5 Cond. Rep. 623. [The Josefa Segunda](http://en.wikisource.org/wiki/The_Josefa_Segunda), [10 WheatHYPERLINK "http://en.wikisource.org/wiki/United\_States\_Reports/Volume\_23".](http://en.wikisource.org/wiki/United_States_Reports/Volume_23) 312; 6 Cond. Rep. 111. [The Bolina](http://en.wikisource.org/w/index.php?title=The_Bolina&action=edit&redlink=1), 1 Gallis’ C. C. R. 75. [The Robert Fulton](http://en.wikisource.org/w/index.php?title=The_Robert_Fulton&action=edit&redlink=1), Paine’s C. C. R. 620. [Jansen v.HYPERLINK "http://en.wikisource.org/w/index.php?title=Jansen\_v.\_The\_Vrow\_Christiana\_Magdalena&action=edit&redlink=1" HYPERLINK "http://en.wikisource.org/w/index.php?title=Jansen\_v.\_The\_Vrow\_Christiana\_Magdalena&action=edit&redlink=1"The Vrow Christiana Magdalena](http://en.wikisource.org/w/index.php?title=Jansen_v._The_Vrow_Christiana_Magdalena&action=edit&redlink=1), Bee’s D. C. R. 11.Jennings v. Carson, [4 Cranch](http://en.wikisource.org/wiki/United_States_Reports/Volume_8), 2; 2 Cond. Rep. 2. [The Sarah](http://en.wikisource.org/w/index.php?title=The_Sarah&action=edit&redlink=1), [8 WheatHYPERLINK "http://en.wikisource.org/wiki/United\_States\_Reports/Volume\_21".](http://en.wikisource.org/wiki/United_States_Reports/Volume_21) 391; 5 Cond. Rep. 472. [Penhallow et al. v. Doane’s Adm’rs](http://en.wikisource.org/w/index.php?title=Penhallow_et_al._v._Doane%E2%80%99s_Adm%E2%80%99rs&action=edit&redlink=1), [3 Dall.](http://en.wikisource.org/wiki/United_States_Reports/Volume_3) 54; 1 Cond. Rep. 21. [The United States v. Richard Peters](http://en.wikisource.org/w/index.php?title=The_United_States_v._Richard_Peters&action=edit&redlink=1), [3 Dall.](http://en.wikisource.org/wiki/United_States_Reports/Volume_3) 121; 1 Cond. Rep. 60. M‘Lellan v. the United States, 1 Gallis’ C. C. R. 227. Hudson et al. *v.* Guestier, [6 Cranch](http://en.wikisource.org/wiki/6_Cranch), 281; 2 Cond. Rep. 374. Brown *v.* The United States, [8 Cranch](http://en.wikisource.org/wiki/8_Cranch), 110; 3 Cond. Rep. 56. [De Lovio *HYPERLINK "http://en.wikisource.org/w/index.php?title=De\_Lovio\_v.\_Boit\_et\_al.&action=edit&redlink=1"v.*HYPERLINK "http://en.wikisource.org/w/index.php?title=De\_Lovio\_v.\_Boit\_et\_al.&action=edit&redlink=1" Boit et al.](http://en.wikisource.org/w/index.php?title=De_Lovio_v._Boit_et_al.&action=edit&redlink=1), 2 Gallis’ Rep. 398. [Burke *HYPERLINK "http://en.wikisource.org/w/index.php?title=Burke\_v.\_Trevitt&action=edit&redlink=1"v.*HYPERLINK "http://en.wikisource.org/w/index.php?title=Burke\_v.\_Trevitt&action=edit&redlink=1" Trevitt](http://en.wikisource.org/w/index.php?title=Burke_v._Trevitt&action=edit&redlink=1), 1 Mason, 96. The Amiable Nancy, [3 WheatHYPERLINK "http://en.wikisource.org/wiki/3\_Wheat.\_546". HYPERLINK "http://en.wikisource.org/wiki/3\_Wheat.\_546"546](http://en.wikisource.org/wiki/3_Wheat._546); 4 Cond. Rep. 322. [The Abby](http://en.wikisource.org/w/index.php?title=The_Abby&action=edit&redlink=1), 1 Mason, 860. [The Little Ann](http://en.wikisource.org/w/index.php?title=The_Little_Ann&action=edit&redlink=1), Paine’s C. C. R. 40. Slocum *v.* Maybury et al., [2 WheatHYPERLINK "http://en.wikisource.org/wiki/2\_Wheat.\_1". HYPERLINK "http://en.wikisource.org/wiki/2\_Wheat.\_1"1](http://en.wikisource.org/wiki/2_Wheat._1); 4 Cond. Rep. 1. Southwick *v.* The Postmaster General, [2 Peters, 442](http://en.wikisource.org/wiki/2_Pet._442). [Davis *HYPERLINK "http://en.wikisource.org/w/index.php?title=Davis\_v.\_A\_New\_Brig&action=edit&redlink=1"v.*HYPERLINK "http://en.wikisource.org/w/index.php?title=Davis\_v.\_A\_New\_Brig&action=edit&redlink=1" HYPERLINK "http://en.wikisource.org/w/index.php?title=Davis\_v.\_A\_New\_Brig&action=edit&redlink=1"A New Brig](http://en.wikisource.org/w/index.php?title=Davis_v._A_New_Brig&action=edit&redlink=1), Gilpin’s D. C. R. 473. [Smith *HYPERLINK "http://en.wikisource.org/w/index.php?title=Smith\_v.\_The\_Pekin&action=edit&redlink=1"v.*HYPERLINK "http://en.wikisource.org/w/index.php?title=Smith\_v.\_The\_Pekin&action=edit&redlink=1" HYPERLINK "http://en.wikisource.org/w/index.php?title=Smith\_v.\_The\_Pekin&action=edit&redlink=1"The Pekin](http://en.wikisource.org/w/index.php?title=Smith_v._The_Pekin&action=edit&redlink=1), Gilpin’s D. C. R. 203. Peters’ Digest, “Courts,” “District Courts of the United States.”

The 3d section of the act of Congress of 1789, to establish the Judicial Courts of the United States, which provides that no summary writ, return of process, judgment, or other proceedings in the courts of the United States shall be abated, arrested or quashed for any defect or want of form, &c., although it docs not include verdicts, eo nomine, but judgments are included; and the language of the provision, “writ, declaration, judgment or other proceeding, in court causes,” and further “such writ, declaration, pleading, process, judgment or other proceeding whatsoever,” is sufficiently comprehensive to embrace every conceivable step to be taken in court, from the emanation of the writ, down to the judgment. Roach *v.* Hulings, [16 Peters, 319](http://en.wikisource.org/wiki/16_Pet._319).

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The sessions of the Circuit Courts have been regulated by the following acts:

In Alabama—[act of March 3, 1837](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/24th_Congress/1st_Session/Chapter_34&action=edit&redlink=1). In Arkansas—[act of March 3, 1837](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/24th_Congress/1st_Session/Chapter_34&action=edit&redlink=1). In Connecticut—act of September 24, 1789; [act of April 13, 1792](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/2nd_Congress/1st_Session/Chapter_21); [act of March 2, 1793](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/2nd_Congress/2nd_Session/Chapter_23); [act of March 3, 1797](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/2nd_Session/Chapter_27&action=edit&redlink=1); [act of April 29, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1); [act of May 13, 1826](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/19th_Congress/1st_Session/Chapter_38&action=edit&redlink=1). In Delaware—act of September 24, 1789; [act of March 3, 1797](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/2nd_Session/Chapter_27&action=edit&redlink=1); [act of April 29, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1); [act of March 24, 1804](http://en.wikisource.org/w/index.php?title=Act_of_March_24,_1804&action=edit&redlink=1); [act of March 3, 1837](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/24th_Congress/1st_Session/Chapter_34&action=edit&redlink=1). In Georgia—act of September 24, 1789; [act of August 11, 1790](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/2nd_Session/Chapter_42); [act of April 13, 1792](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/2nd_Congress/1st_Session/Chapter_21); [act of March 3, 1797](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/2nd_Session/Chapter_27&action=edit&redlink=1); [act of April 29, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1); [act of May 13, 1826](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/19th_Congress/1st_Session/Chapter_37&action=edit&redlink=1); [act of Jan. 21, 1829](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/20th_Congress/2nd_Session/Chapter_8&action=edit&redlink=1). Kentucky—[act of March 3, 1801](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/6th_Congress/2nd_Session/Chapter_32&action=edit&redlink=1); [act of March 8, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_8&action=edit&redlink=1); [act of March 2, 1803](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/2nd_Session/Chapter_33&action=edit&redlink=1); [act of Feb. 27, 1807](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/9th_Congress/2nd_Session/Chapter_16&action=edit&redlink=1); [act of March 22, 1808](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/10th_Congress/1st_Session/Chapter_38&action=edit&redlink=1);[April 22, 1824](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/18th_Congress/1st_Session/Chapter_36&action=edit&redlink=1). Louisiana—[actHYPERLINK "http://en.wikisource.org/w/index.php?title=United\_States\_Statutes\_at\_Large/Volume\_5/24th\_Congress/1st\_Session/Chapter\_34&action=edit&redlink=1" of March 3, 1837](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/24th_Congress/1st_Session/Chapter_34&action=edit&redlink=1). Maine—[act of March 3, HYPERLINK "http://en.wikisource.org/w/index.php?title=United\_States\_Statutes\_at\_Large/Volume\_2/6th\_Congress/2nd\_Session/Chapter\_32&action=edit&redlink=1"1801](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/6th_Congress/2nd_Session/Chapter_32&action=edit&redlink=1); [act of March 8, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_8&action=edit&redlink=1); [act of March 30, 1820](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/16th_Congress/1st_Session/Chapter_27&action=edit&redlink=1).Maryland—act of Sept. 24, 1789; [act of March 3, 1797](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/2nd_Session/Chapter_27&action=edit&redlink=1); [act of April 29, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1); [act of Feb. 11, 1830](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/21st_Congress/1st_Session/Chapter_11&action=edit&redlink=1); [act of March 3, 1837](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/24th_Congress/1st_Session/Chapter_34&action=edit&redlink=1).Massachusetts—act of Sept. 24, 1789; [act of March 3, 1791](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/3rd_Session/Chapter_22); [act of June 9, 1794](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/3rd_Congress/1st_Session/Chapter_64); [act of March 2, 1793](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/2nd_Congress/2nd_Session/Chapter_23); [act of March 3, 1797](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/2nd_Session/Chapter_27&action=edit&redlink=1); [act of March 3, 1801](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/6th_Congress/2nd_Session/Chapter_32&action=edit&redlink=1); [act of March 8, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_8&action=edit&redlink=1); [act of April 29, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1); [act of March 26, 1812](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/12th_Congress/1st_Session/Chapter_45&action=edit&redlink=1). Missouri—[act of March 3, 1837](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/24th_Congress/1st_Session/Chapter_34&action=edit&redlink=1). Mississippi—[actHYPERLINK "http://en.wikisource.org/w/index.php?title=United\_States\_Statutes\_at\_Large/Volume\_5/24th\_Congress/1st\_Session/Chapter\_34&action=edit&redlink=1" of March 3, 1839](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/24th_Congress/1st_Session/Chapter_34&action=edit&redlink=1). New Hampshire—act of Sept. 24, 1789; [act of March 3, 1791](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/3rd_Session/Chapter_22); [act of April 13, 1792](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/2nd_Congress/1st_Session/Chapter_21); [act of March 2, 1793](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/2nd_Congress/2nd_Session/Chapter_23); [act of March 3, 1797](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/2nd_Session/Chapter_27&action=edit&redlink=1); [act of March 3, 1801](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/6th_Congress/2nd_Session/Chapter_32&action=edit&redlink=1); [act of April 29, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1); [act of March 6, 1812](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/12th_Congress/1st_Session/Chapter_45&action=edit&redlink=1). New Jersey—act of September 24, 1789; [act of March 3, 1797](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/2nd_Session/Chapter_27&action=edit&redlink=1); [act of April 2, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1). New York—act of September 24, 1789; [act of March 3, 1791](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/3rd_Session/Chapter_22); [act of April 13, 1792](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/2nd_Congress/1st_Session/Chapter_21); [act of March 2, 1793](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/2nd_Congress/2nd_Session/Chapter_23);[act of March 3, 1797](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/2nd_Session/Chapter_27&action=edit&redlink=1); [act of April 29, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1); [act of March 3, 1825](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/18th_Congress/2nd_Session/Chapter_51&action=edit&redlink=1); [act of February 10, 1832](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/22nd_Congress/1st_Session/Chapter_15&action=edit&redlink=1); [act of May 13, 1836](http://en.wikisource.org/w/index.php?title=Act_of_May_13,_1836&action=edit&redlink=1); [act of March 3, 1837](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/24th_Congress/1st_Session/Chapter_34&action=edit&redlink=1). North Carolina—act of September 24, 1789; [act of April 13, 1792](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/2nd_Congress/1st_Session/Chapter_21); [act of March 2, 1793](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/2nd_Congress/2nd_Session/Chapter_23); [act of March 31, 1796](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/1st_Session/Chapter_10&action=edit&redlink=1); [act of March 3, 1797](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/2nd_Session/Chapter_27&action=edit&redlink=1); [act of July 5, 1797](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/5th_Congress/1st_Session/Chapter_9&action=edit&redlink=1); [act of April 29, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1); [act of March 8, 1806](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/9th_Congress/1st_Session/Chapter_13&action=edit&redlink=1); [act of February 4, 1807](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/9th_Congress/2nd_Session/Chapter_5&action=edit&redlink=1). Ohio—[act of February 24, 1807](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/9th_Congress/2nd_Session/Chapter_16&action=edit&redlink=1);[act of March 22, 1808](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/10th_Congress/1st_Session/Chapter_38&action=edit&redlink=1); [act of April 22, 1824](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/18th_Congress/1st_Session/Chapter_36&action=edit&redlink=1); [act of May 20, 1826](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/19th_Congress/1st_Session/Chapter_132&action=edit&redlink=1). Pennsylvania—act of September 24, 1789; [act of May 12, 1796](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/1st_Session/Chapter_24&action=edit&redlink=1);[act of March 3, 1797](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/2nd_Session/Chapter_27&action=edit&redlink=1); [act of December 24, 1799](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/6th_Congress/1st_Session/Chapter_1&action=edit&redlink=1); [act of April 29, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1); [act of March 3, 1837](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/24th_Congress/1st_Session/Chapter_34&action=edit&redlink=1). Rhode Island—[act of June 23, 1790](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/2nd_Session/Chapter_21);[act of March 3, 1791](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/3rd_Session/Chapter_22); [act of March 2, 1793](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/2nd_Congress/2nd_Session/Chapter_23); [act of May 22, 1796](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/1st_Session/Chapter_34&action=edit&redlink=1); [act of March 3, 1797](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/2nd_Session/Chapter_27&action=edit&redlink=1); [act of March 3, 1801](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/6th_Congress/2nd_Session/Chapter_32&action=edit&redlink=1); [act of March 8, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_8&action=edit&redlink=1);[act of April 29, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1); [act of March 26, 1812](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/12th_Congress/1st_Session/Chapter_45&action=edit&redlink=1). South Carolina—act of September 24, 1789; [act of August 11, 1790](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/2nd_Session/Chapter_42); [act of March 3, 1797](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/2nd_Session/Chapter_27&action=edit&redlink=1); [act of April 29, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1); [act of April 14, 1816](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/14th_Congress/1st_Session/Chapter_74&action=edit&redlink=1); [act of May 25, 1824](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/18th_Congress/1st_Session/Chapter_145&action=edit&redlink=1); [act of March 3, 1825](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/18th_Congress/2nd_Session/Chapter_78&action=edit&redlink=1); [act of May 4, 1826](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/19th_Congress/1st_Session/Chapter_37&action=edit&redlink=1); [act of February 5, 1829](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/20th_Congress/2nd_Session/Chapter_19&action=edit&redlink=1). Tennessee—[act of February 24, 1807](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/9th_Congress/2nd_Session/Chapter_16&action=edit&redlink=1); [act of March 22, 1808](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/10th_Congress/1st_Session/Chapter_38&action=edit&redlink=1); [act of March 10, 1812](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/12th_Congress/1st_Session/Chapter_39&action=edit&redlink=1); [act of January 13, 1831](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/21st_Congress/1st_Session/Chapter_1&action=edit&redlink=1). Vermont—[act of March 2, 1791](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/3rd_Session/Chapter_12); [act of March 2, 1793](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/2nd_Congress/2nd_Session/Chapter_23); [act of May 27, 1796](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/1st_Session/Chapter_34&action=edit&redlink=1); [act of March 3, 1797](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/2nd_Session/Chapter_27&action=edit&redlink=1); [act of April 29, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1); [act of March 22, 1816](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/14th_Congress/1st_Session/Chapter_31&action=edit&redlink=1).Virginia—act of September 24, 1789; [act of March 3, 1791](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/3rd_Session/Chapter_22); [act of April 13, 1792](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/2nd_Congress/1st_Session/Chapter_21); [act of March 3, 1797](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/2nd_Session/Chapter_27&action=edit&redlink=1); [act of April 29, 1802](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1); [act of March 2, 1837](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/24th_Congress/1st_Session/Chapter_34&action=edit&redlink=1).

By the [act of March 10, 1838](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/25th_Congress/2nd_Session/Chapter_33&action=edit&redlink=1), the Justice of the Supreme Court is required to attend but one circuit in the districts of Indiana, Illinois, and Michigan.

By [an act passed in 1844](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/28th_Congress/1st_Session/Chapter_96&action=edit&redlink=1), the Justices of the Supreme Court are empowered to hold but one session of the Circuit Court in each district in their several circuits. The Judges of the District Courts hold the other sessions of the Circuit Court in their several districts.

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The provisions of law on the subject of the adjournments of the Supreme Court in addition to the 6th section of this act, are, that in case of epidemical disease, the court may be adjourned to some other place than the seat of government. [Act of February 25, 1799](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/5th_Congress/3rd_Session/Chapter_12&action=edit&redlink=1).
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) By the 2d section of the set entitled “[an act in amendment of the acts respecting the judicial system of the United States](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/25th_Congress/3rd_Session/Chapter_36&action=edit&redlink=1),” passed [February 28, 1839, chap. 36](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/25th_Congress/3rd_Session/Chapter_36&action=edit&redlink=1), it is provided “that all the circuit courts of the United States shall have the appointment of their own clerks, and in case of disagreement between the judges, the appointment shall be made by the presiding judge of the court.” See [ex parte Duncan N. Hennen](http://en.wikisource.org/w/index.php?title=Ex_parte_Duncan_N._Hennen&action=edit&redlink=1), [13 Peters](http://en.wikisource.org/wiki/United_States_Reports/Volume_38), 230.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The further legislation on the subject of the jurisdiction and powers of the District Courts are: the [act of June 5, 1794, ch. 50](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/3rd_Congress/1st_Session/Chapter_50),[sec. 6](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/3rd_Congress/1st_Session/Chapter_50); [act of May 10, 1800, chap. 51](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/6th_Congress/1st_Session/Chapter_51&action=edit&redlink=1), [sec. 5](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/6th_Congress/1st_Session/Chapter_51&action=edit&redlink=1); [act of February 24, 1807, chap. 13](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/9th_Congress/2nd_Session/Chapter_13&action=edit&redlink=1); [act of February 24, 1807, chap. 16](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/9th_Congress/2nd_Session/Chapter_16&action=edit&redlink=1); [act of March 3, 1815](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/13th_Congress/3rd_Session/Chapter_101&action=edit&redlink=1); [act of April 16, 1816, chap. 56](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/14th_Congress/1st_Session/Chapter_56&action=edit&redlink=1), [sec. 6](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/14th_Congress/1st_Session/Chapter_56&action=edit&redlink=1); [act of April 20, 1818, chap. 103](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/15th_Congress/1st_Session/Chapter_103&action=edit&redlink=1); [act of May 15, 1820, chap. 106](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/16th_Congress/1st_Session/Chapter_107&action=edit&redlink=1), [sec. 4](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/16th_Congress/1st_Session/Chapter_107&action=edit&redlink=1); [act of March 3, 1823, chap. 71](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/17th_Congress/2nd_Session/Chapter_72&action=edit&redlink=1).
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) Jurisdiction of the District Courts in cases of admiralty seizures, under laws of impost, navigation and trade. [M‘Donough v. Danery](http://en.wikisource.org/w/index.php?title=M%E2%80%98Donough_v._Danery&action=edit&redlink=1), [3 Dall.](http://en.wikisource.org/wiki/3_Dall.) 188; 1 Cond. Rep. 94. [The United States v. La Vengeance](http://en.wikisource.org/w/index.php?title=The_United_States_v._La_Vengeance&action=edit&redlink=1), [3 Dall.](http://en.wikisource.org/wiki/3_Dall.) 297; 1 Cond. Rep. 132. [Glass et al. v. The Betsey](http://en.wikisource.org/w/index.php?title=Glass_et_al._v._The_Betsey&action=edit&redlink=1), [3 Dall.](http://en.wikisource.org/wiki/3_Dall.) 6; 1 Cond. Rep. 10. [The Alerta](http://en.wikisource.org/w/index.php?title=The_Alerta&action=edit&redlink=1), [3 Cranch](http://en.wikisource.org/wiki/3_Cranch), 359; 3 Cond. Rep. 425. [The Merino et al.](http://en.wikisource.org/w/index.php?title=The_Merino_et_al.&action=edit&redlink=1), [9 WheatHYPERLINK "http://en.wikisource.org/wiki/9\_Wheat.\_391". 391](http://en.wikisource.org/wiki/9_Wheat._391); 5 Cond. Rep. 623. [The Josefa Segunda](http://en.wikisource.org/wiki/The_Josefa_Segunda), [10 WheatHYPERLINK "http://en.wikisource.org/wiki/10\_Wheat.\_312". 312](http://en.wikisource.org/wiki/10_Wheat._312); 6 Cond. Rep. 111. [Jennings v. Carson](http://en.wikisource.org/w/index.php?title=Jennings_v._Carson&action=edit&redlink=1), [4 Cranch](http://en.wikisource.org/wiki/4_Cranch), 2; 2 Cond. Rep. 2. [The Sarah](http://en.wikisource.org/w/index.php?title=The_Sarah&action=edit&redlink=1), [8 WheatHYPERLINK "http://en.wikisource.org/wiki/8\_Wheat.\_391". 691](http://en.wikisource.org/wiki/8_Wheat._391); 5 Cond. Rep. 472. [Penhallow et al. v. Doane’s Adm’rs](http://en.wikisource.org/w/index.php?title=Penhallow_et_al._v._Doane%E2%80%99s_Adm%E2%80%99rs&action=edit&redlink=1), [3 Dall.](http://en.wikisource.org/wiki/3_Dall.) 54; 1 Cond. Rep. 21. [United States v. Richard Peters](http://en.wikisource.org/w/index.php?title=United_States_v._Richard_Peters&action=edit&redlink=1),3 Dall. 121; 1 Cond. Rep. 60. [Hudson et al. v. Guestier](http://en.wikisource.org/w/index.php?title=Hudson_et_al._v._Guestier&action=edit&redlink=1), [6 Cranch](http://en.wikisource.org/wiki/6_Cranch), 281; 2 Cond. Rep. 374. [Brown v. The United States](http://en.wikisource.org/w/index.php?title=Brown_v._United_States_(12_U.S._110)&action=edit&redlink=1), [8 Cranch](http://en.wikisource.org/wiki/8_Cranch), 110; 3 Cond. Rep. 56. [The Sarah](http://en.wikisource.org/w/index.php?title=The_Sarah&action=edit&redlink=1), [8 WheatHYPERLINK "http://en.wikisource.org/wiki/8\_Wheat.\_391". 391](http://en.wikisource.org/wiki/8_Wheat._391); 5 Cond. Rep. 472. [The Amiable Nancy](http://en.wikisource.org/wiki/The_Amiable_Nancy), [3 WheatHYPERLINK "http://en.wikisource.org/wiki/3\_Wheat.\_546". 546](http://en.wikisource.org/wiki/3_Wheat._546); 4 Cond. Rep. 322.[Slocum v. Maybury](http://en.wikisource.org/wiki/Slocum_v._Mayberry), [2 WheatHYPERLINK "http://en.wikisource.org/wiki/2\_Wheat.\_1". 1](http://en.wikisource.org/wiki/2_Wheat._1); 4 Cond. Rep. 1. [Gelston et al. v. Hoyt](http://en.wikisource.org/wiki/Gelston_v._Hoyt), [3 WheatHYPERLINK "http://en.wikisource.org/wiki/3\_Wheat.\_246". 246](http://en.wikisource.org/wiki/3_Wheat._246); 4 Cond. Rep. 244. [The Bolina](http://en.wikisource.org/w/index.php?title=The_Bolina&action=edit&redlink=1), 1 Gallis’ C. C. R. 75. [The Robert Fulton](http://en.wikisource.org/w/index.php?title=The_Robert_Fulton&action=edit&redlink=1), 1 Paine’s C. C. R. 620; Bee’s D. C. R. 11. [De Lovio v. Beit et al.](http://en.wikisource.org/w/index.php?title=De_Lovio_v._Beit_et_al.&action=edit&redlink=1), 2 Gallis’ C. C. R. 398. [The Abby](http://en.wikisource.org/w/index.php?title=The_Abby&action=edit&redlink=1), 1 Mason’s Rep. 360. [The Little Ann](http://en.wikisource.org/w/index.php?title=The_Little_Ann&action=edit&redlink=1), Paine’s C. C. R. 40. [Davis v. A New Brig](http://en.wikisource.org/w/index.php?title=Davis_v._A_New_Brig&action=edit&redlink=1), Gilpin’s D. C. R. 473. [The Catharine](http://en.wikisource.org/w/index.php?title=The_Catharine&action=edit&redlink=1), 1 Adm. Decis. 104.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) An information against a vessel under the [act of Congress of May 22, 1794](http://en.wikisource.org/w/index.php?title=Act_of_May_22,_1794&action=edit&redlink=1), on account of an alleged exportation of arms, is a case of admiralty and maritime jurisdiction; and an appeal from the District to the Circuit Court, in such a case is sustainable. It is also a civil cause, and triable without the intervention of a jury, under the 9th section of the judicial act. [The United States v. La Vengeance](http://en.wikisource.org/w/index.php?title=The_United_States_v._La_Vengeance&action=edit&redlink=1), [3 Dall. 297](http://en.wikisource.org/wiki/3_Dall.); 1 Cond. Rep. 132. [The Sarah](http://en.wikisource.org/w/index.php?title=The_Sarah&action=edit&redlink=1), [8 WheatHYPERLINK "http://en.wikisource.org/wiki/8\_Wheat.\_391". 691](http://en.wikisource.org/wiki/8_Wheat._391); 5 Cond. Rep. 472. [The Abby](http://en.wikisource.org/w/index.php?title=The_Abby&action=edit&redlink=1), 1 Mason, 360. [The Little Ann](http://en.wikisource.org/w/index.php?title=The_Little_Ann&action=edit&redlink=1), Paine’s C. C. R. 40.

When the District and State courts have concurrent jurisdiction, the right to maintain the jurisdiction attaches to that tribunal which first exercises it, and obtains possession of the thing. [The Robert Fulton](http://en.wikisource.org/w/index.php?title=The_Robert_Fulton&action=edit&redlink=1), Paine’s C. C. R. 620.

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) [Burke v. Trevitt](http://en.wikisource.org/w/index.php?title=Burke_v._Trevitt&action=edit&redlink=1), 1 Mason, 96. The courts of the United States have exclusive jurisdiction or all seizures made on land or water, for a breach of the laws of the United States, and any intervention of State authority, which by taking the thing seized out of the hands of the officer of the United States, might obstruct the exercise of this jurisdiction, is unlawful. [Slocum v. Mayberry et al.](http://en.wikisource.org/wiki/Slocum_v._Mayberry), [2 WheatHYPERLINK "http://en.wikisource.org/wiki/2\_Wheat.\_1". 1](http://en.wikisource.org/wiki/2_Wheat._1); 4 Cond. Rep. 1.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) [Davis v. Packard](http://en.wikisource.org/wiki/Davis_v._Packard), [6 Peters, 41](http://en.wikisource.org/wiki/6_Pet._41). As an abstract question, it is difficult to understand on what ground a State court can claim jurisdiction of civil suits against foreign consuls. By the Constitution, the judicial power of the United States extends to all cases affecting ambassadors, other public ministers and consuls; and the judiciary act of 1789 gives to the district courts of the United States, exclusively of the courts of the several States, jurisdiction of all suits against consuls and vice consuls, except for certain offences enumerated in this act. [Davis v. Packard](http://en.wikisource.org/wiki/Davis_v._Packard_%2832_U.S._276%29), [7 Peters, 276](http://en.wikisource.org/wiki/7_Pet._276).

If a consul, being sued in a State court, omits to plead his privilege of exemption from the suit, and afterwards, on removing the judgment of the inferior court to a higher court by writ of error, claims the privilege, such an omission is not a waiver of the privilege. If this was to be viewed merely as a personal privilege, there might be grounds for such a conclusion. But it cannot be so considered; it is the privilege of the country or government which the consul represents. This is the light in which foreign ministers are considered by the law of nations; and our constitution and law seem to put consuls on the same footing in this respect. *Ibid.*

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) By an [act passed February 24, 1807](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/9th_Congress/2nd_Session/Chapter_16&action=edit&redlink=1), the Circuit Court jurisdiction of the District Court of Kentucky was abolished.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The amount laid in the declaration is the sum in controversy. If the plaintiff receive less than the amount so claimed, the jurisdiction of the court is not affected. [Green v. Liter](http://en.wikisource.org/w/index.php?title=Green_v._Liter&action=edit&redlink=1), [8 Cranch](http://en.wikisource.org/wiki/United_States_Reports/Volume_12) 229. [Gordon v. Longest](http://en.wikisource.org/wiki/Gordon_v._Longest), [16 Peters](http://en.wikisource.org/wiki/United_States_Reports/Volume_41), 97. [Lessee of Hartshorn v. Wright](http://en.wikisource.org/w/index.php?title=Lessee_of_Hartshorn_v._Wright&action=edit&redlink=1), Peters’ C. C. R. 64.

By the 5th section of the [act of February 21, 1794](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/2nd_Congress/2nd_Session/Chapter_11), “an act to promote the progress of the useful arts,” &c., jurisdiction in actions for violations of patent rights, is given to the Circuit Courts. Also by the [act of February 15, 1819](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/15th_Congress/2nd_Session/Chapter_19&action=edit&redlink=1), original cognizance, as well in equity as at law, is given to the Circuit Courts of all actions, and for the violation of copy rights. In such cases appeals lie to the Supreme Court of the United States. So also in cases of interest, or disability of a district judge. [Act of May 8, 1792](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/2nd_Congress/1st_Session/Chapter_36), [sec. 11](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/2nd_Congress/1st_Session/Chapter_36); [act of March 2, 1809](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/10th_Congress/2nd_Session/Chapter_27&action=edit&redlink=1), [sec. 1](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/10th_Congress/2nd_Session/Chapter_27&action=edit&redlink=1); [act of March 3, 1821](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/16th_Congress/2nd_Session/Chapter_51&action=edit&redlink=1).

Jurisdiction in cases of injunctions on Treasury warrants of distress. [Act of May 15, 1820](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/16th_Congress/1st_Session/Chapter_107&action=edit&redlink=1), [sec. 4](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/16th_Congress/1st_Session/Chapter_107&action=edit&redlink=1).

Jurisdiction in cases removed from State courts. [Act of February 4, 1815](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/13th_Congress/3rd_Session/Chapter_31&action=edit&redlink=1), [sec. 8](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/13th_Congress/3rd_Session/Chapter_31&action=edit&redlink=1); [act of March 3, 1815](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/13th_Congress/3rd_Session/Chapter_94&action=edit&redlink=1), [sec. 6](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/13th_Congress/3rd_Session/Chapter_94&action=edit&redlink=1).

Jurisdiction in cases of assigned debentures. [Act of March 2, 1799](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/5th_Congress/3rd_Session/Chapter_22&action=edit&redlink=1).

Jurisdiction of crimes committed within the Indian territories. [Act of March 30, 1830](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_13&action=edit&redlink=1), [sec. 15](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_13&action=edit&redlink=1); [act of April 30, 1816](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/14th_Congress/1st_Session/Chapter_165&action=edit&redlink=1), [sec. 4](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/14th_Congress/1st_Session/Chapter_165&action=edit&redlink=1); [act of March 3, 1817](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/14th_Congress/2nd_Session/Chapter_92&action=edit&redlink=1), [sec. 2](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/14th_Congress/2nd_Session/Chapter_92&action=edit&redlink=1).

Jurisdiction in bankruptcy. [Act of August 19, 1841, chap. 9](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/27th_Congress/1st_Session/Chapter_9&action=edit&redlink=1), [repealed.]

Jurisdiction in cases where citizens of the same State claim title to land under a grant from a State other than that in which the suit is pending in a State court. Act of September 24, 1789, sec. 12. See [Colson v. Lewis](http://en.wikisource.org/wiki/Colson_v._Lewis), [2 WheatHYPERLINK "http://en.wikisource.org/wiki/2\_Wheat.".](http://en.wikisource.org/wiki/2_Wheat.) 377; 4 Cond. Rep. 168.

Jurisdiction where officers of customs are parties. [Act of February 4, 1815](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/13th_Congress/3rd_Session/Chapter_31&action=edit&redlink=1), [sec. 8](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/13th_Congress/3rd_Session/Chapter_31&action=edit&redlink=1); [act of March 3, 1815](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/13th_Congress/3rd_Session/Chapter_94&action=edit&redlink=1), [sec. 6](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/13th_Congress/3rd_Session/Chapter_94&action=edit&redlink=1); [act of March 3, 1817](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/14th_Congress/2nd_Session/Chapter_92&action=edit&redlink=1), [sec. 2](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/14th_Congress/2nd_Session/Chapter_92&action=edit&redlink=1).

A circuit court though an inferior court in the language of the constitution, is not so in the language of the common law; nor are its proceedings subject to the scrutiny of those narrow rules, which the caution or jealousy of the courts at Westminster long applied to courts of that denomination; but are entitled to as liberal intendments and presumptions in favour of their regularity, as those of any supreme court. [Turner v.HYPERLINK "http://en.wikisource.org/w/index.php?title=Turner\_v.\_The\_Bank\_of\_North\_America&action=edit&redlink=1" The Bank of North America](http://en.wikisource.org/w/index.php?title=Turner_v._The_Bank_of_North_America&action=edit&redlink=1), [4 Dall.](http://en.wikisource.org/wiki/4_Dall.) 8; 1 Cond. Rep. 205.

The Circuit Courts of the United States have cognizance of all offences against the United States. What those offences are depends upon the common law applied to the sovereignty and authorities confided to the United States. [The United States v. Coolidge](http://en.wikisource.org/w/index.php?title=The_United_States_v._Coolidge&action=edit&redlink=1), 1 Gallis’ C. C. R. 488, 495.

Where the jurisdiction of the federal courts has once attached, no subsequent change in the relation or condition of the parties in the progress of the cause, will oust that jurisdiction. [The United States v. Meyers](http://en.wikisource.org/w/index.php?title=The_United_States_v._Meyers&action=edit&redlink=1), 2 Brocken, C. C. R. 516.

All the cases arising under the laws of the United States are not, per se, among the cases comprised within the jurisdiction of the Circuit Court, under the provisions of the 11th section of the judiciary act of 1789. [The Postmaster General v. Stockton and Stokes](http://en.wikisource.org/w/index.php?title=The_Postmaster_General_v._Stockton_and_Stokes&action=edit&redlink=1), [12 Peters](http://en.wikisource.org/wiki/12_Peters), 524.

Jurisdiction of the Circuit Courts of the United States in suits between aliens and citizens of another State than that in which the suit is brought:

The courts of the United States will entertain jurisdiction of a cause where all the parties are aliens, if none of them object to it.[Mason et al. v.HYPERLINK "http://en.wikisource.org/w/index.php?title=Mason\_et\_al.\_v.\_The\_Blaireau&action=edit&redlink=1" HYPERLINK "http://en.wikisource.org/w/index.php?title=Mason\_et\_al.\_v.\_The\_Blaireau&action=edit&redlink=1"The Blaireau](http://en.wikisource.org/w/index.php?title=Mason_et_al._v._The_Blaireau&action=edit&redlink=1), [2 Cranch](http://en.wikisource.org/wiki/United_States_Reports/Volume_6), 240; 1 Cond. Rep. 397.

The Supreme Court understands the expressions in the act of Congress, giving jurisdiction to the courts of the United States “where an alien is a party, or the suit is between a citizen of the State where the suit is brought, and a citizen of another State,” to mean that each distinct interest should be represented by persons, all of whom have a right to sue, or may be sued in the federal courts: that is, when the interest is joint, each of the persons concerned in that interest must be competent to sue or be liable to be sued in those courts. [Strawbridge v. Curtis](http://en.wikisource.org/w/index.php?title=Strawbridge_v._Curtis&action=edit&redlink=1), [3 Cranch](http://en.wikisource.org/wiki/United_States_Reports/Volume_7), 267; 1 Cond. Rep. 523.

Neither the Constitution nor the act of Congress regards the subject of the suit, but the parties to it. [Mossrnan’s Ex’ors v. Higginson](http://en.wikisource.org/w/index.php?title=Mossrnan%E2%80%99s_Ex%E2%80%99ors_v._Higginson&action=edit&redlink=1), [4 Dall.](http://en.wikisource.org/wiki/4_Dall.) 12; 1 Cond. Rep. 210.

When the jurisdiction of the Circuit Court depends on the character of the parties, and such party consists of a number of individuals, each one must be competent to sue in the courts of the United States, or (jurisdiction cannot be entertained. [Ward v. Arredendo et al.](http://en.wikisource.org/w/index.php?title=Ward_v._Arredendo_et_al.&action=edit&redlink=1), Paine’s C. C. R. 410. [Strawbridge v. Curtis](http://en.wikisource.org/w/index.php?title=Strawbridge_v._Curtis&action=edit&redlink=1), [3 Cranch](http://en.wikisource.org/wiki/United_States_Reports/Volume_7), 267; 1 Cond. Rep. 623.

The courts of the United States have not jurisdiction, unless it appears by the record that it belongs to them, as that the parties are citizens of different States. [Wood v. Wagnon](http://en.wikisource.org/w/index.php?title=Wood_v._Wagnon&action=edit&redlink=1), [2 Cranch](http://en.wikisource.org/wiki/2_Cranch), 9; 1 Cond. R . 335.

Where the parties to a suit are such as to give the federal courts jurisdiction, it is immaterial that they are administrators or executors, and that those they represent were citizens of the same State. [Chappedeleine et al. v. Decheneaux](http://en.wikisource.org/w/index.php?title=Chappedeleine_et_al._v._Decheneaux&action=edit&redlink=1), [4 Cranch](http://en.wikisource.org/wiki/4_Cranch), 306; 2 Cond. Rep. 116. [Childress et al. v. Emory et al.](http://en.wikisource.org/wiki/Childress_v._M%27Cleur), [8 WheatHYPERLINK "http://en.wikisource.org/wiki/8\_Wheat.".](http://en.wikisource.org/wiki/8_Wheat.) 642; 5 Cond. Rep. 547. See also [Brown v. Strode](http://en.wikisource.org/w/index.php?title=Brown_v._Strode&action=edit&redlink=1), [5 Cranch](http://en.wikisource.org/wiki/5_Cranch), 303; 2 Cond. Rep. 265. [Bingham v. Cabot](http://en.wikisource.org/w/index.php?title=Bingham_v._Cabot&action=edit&redlink=1), [3 Dall.](http://en.wikisource.org/wiki/3_Dall.) 382; 1 Cond. Rep. 170. [Gracie v. Palmer](http://en.wikisource.org/wiki/Gracie_v._Palmer_%2821_U.S._699%29), [8 WheatHYPERLINK "http://en.wikisource.org/wiki/8\_Wheat.".](http://en.wikisource.org/wiki/8_Wheat.) 699; 5 Cond. Rep. 561. [Music v. Watts](http://en.wikisource.org/w/index.php?title=Music_v._Watts&action=edit&redlink=1), [6 Cranch](http://en.wikisource.org/wiki/6_Cranch), 148; 2 Cond. Rep. 332. [Sere et al. v. Pitot et al.](http://en.wikisource.org/w/index.php?title=Sere_et_al._v._Pitot_et_al.&action=edit&redlink=1), [6 Cranch](http://en.wikisource.org/wiki/6_Cranch), 332; 2 Cond. Rep. 389. [Shute v. Davis](http://en.wikisource.org/w/index.php?title=Shute_v._Davis&action=edit&redlink=1), Peters’ C. C. R. 431. [Flanders v.HYPERLINK "http://en.wikisource.org/w/index.php?title=Flanders\_v.\_The\_%C3%86tna\_Ins.\_Com.&action=edit&redlink=1" The Ætna Ins. Com.](http://en.wikisource.org/w/index.php?title=Flanders_v._The_%C3%86tna_Ins._Com.&action=edit&redlink=1), 3 Mason, C. C. R. 158. [Kitchen v. Sullivan et al.](http://en.wikisource.org/w/index.php?title=Kitchen_v._Sullivan_et_al.&action=edit&redlink=1), 4 Wash. C. C. R. 54. [Briggs v. French](http://en.wikisource.org/w/index.php?title=Briggs_v._French&action=edit&redlink=1), 2 Sumner’s C. C. R. 252.

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The Circuit Courts of the United States have jurisdiction of a robbery committed on the high seas under the 8th section of the[act of April 30, 1790](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/2nd_Session/Chapter_9), although such robbery could not, if committed on land, be punished with death. The [United States v. Palmer et al.](http://en.wikisource.org/w/index.php?title=United_States_v._Palmer_et_al.&action=edit&redlink=1), [3 WheatHYPERLINK "http://en.wikisource.org/wiki/3\_Wheat.".](http://en.wikisource.org/wiki/3_Wheat.) 610; 4 Cond. Rep. 352. See [The United States v. Coolidge et al.](http://en.wikisource.org/w/index.php?title=The_United_States_v._Coolidge_et_al.&action=edit&redlink=1), 1 Gillis’ C. C. R. 488, 495. [The United States v. Coombs](http://en.wikisource.org/w/index.php?title=The_United_States_v._Coombs&action=edit&redlink=1), [12 Peters](http://en.wikisource.org/wiki/12_Peters), 72.

The Circuit Courts have no original jurisdiction in suits for penalties and forfeitures arising under the laws of the United States, but the District Courts have exclusive jurisdiction. [Ketland v.HYPERLINK "http://en.wikisource.org/w/index.php?title=Ketland\_v.\_The\_Cassius&action=edit&redlink=1" The Cassius](http://en.wikisource.org/w/index.php?title=Ketland_v._The_Cassius&action=edit&redlink=1), [2 Dall.](http://en.wikisource.org/wiki/2_Dall.) 365.

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The petitioner was arrested in Pennsylvania, by the marshal of the district of Pennsylvania, under an attachment from the Circuit Court of Rhode Island, for a contempt in not appearing in that court after a monition, served upon him in the State of Pennsylvania, to answer in a prize cause as to a certain bale of goods condemned to the captors, which had come into the possession of Peter Graham, the petitioner. Held, that the circuit and district courts of the United States cannot, either in suits at law or equity, send their process into another district, except where specially authorized so to do by some act of Congress. [Ex parte Peter Graham](http://en.wikisource.org/w/index.php?title=Ex_parte_Peter_Graham&action=edit&redlink=1), 3 Wash. C. C. R. 456.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) [Bean v. Smith](http://en.wikisource.org/w/index.php?title=Bean_v._Smith&action=edit&redlink=1), 2 Mason’s C. C. R. 252. [Young v. Bryan](http://en.wikisource.org/wiki/Young_v._Bryan), [6 WheatHYPERLINK "http://en.wikisource.org/wiki/6\_Wheat.".](http://en.wikisource.org/wiki/6_Wheat.) 146; 5 Cond. Rep. 44. [Mollan v. Torrance](http://en.wikisource.org/w/index.php?title=Mollan_v._Torrance&action=edit&redlink=1), [9 WheatHYPERLINK "http://en.wikisource.org/wiki/9\_Wheat.".](http://en.wikisource.org/wiki/9_Wheat.) 537; 5 Cond. Rep 666.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) [Smith v. Jackson](http://en.wikisource.org/wiki/Smith_v._Jackson), Paine’s C. C. R. 453.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The Judge of a State Court to which an application is made for the removal of a cause into a court of the United States must exercise a legal discretion as to the right claimed to remove the cause; the defendant being entitled to the right to remove the cause under the law of the United States, on the facts of the case, (the Judge of the State court could not legally prevent the removal;) the application for the removal having been made in proper form, it was the duty of the State court to proceed no further in the cause. [Gordon v. Longest](http://en.wikisource.org/wiki/Gordon_v._Longest), [16 Peters](http://en.wikisource.org/wiki/16_Peters), 97.

One great object in the establishment of the courts of the United States, and regulating their jurisdiction, was to have In tribunal in each State presumed to be free from local influence, and to which all who were non-residents or aliens, might resort for legal redress; and this object would be defeated if a judge in the exercise of any other than a legal discretion, may deny to the party entitled to it, a removal of his cause. *Ibid.*

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The provisions of the laws of the United States relating to juries, and trials by jury are:—*Trial by jury*—act of September 24, 1789, chap. 20, sec. 10, sec. 12, sec. 15.—*Exemption from attending on juries*—[act of May 7, 1800, chap. 46](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/6th_Congress/1st_Session/Chapter_46&action=edit&redlink=1), [sec. 4](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/6th_Congress/1st_Session/Chapter_46&action=edit&redlink=1). *Choice of jurors and qualification of juries*—act of September 24, 1789, chap. 20, sec. 29; [act of May 13, 1800](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/6th_Congress/1st_Session/Chapter_61&action=edit&redlink=1); [act of July 20, 1840](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/26th_Congress/1st_Session/Chapter_47&action=edit&redlink=1); [act of March 3, 1841, chap. 19](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_5/26th_Congress/2nd_Session/Chapter_38&action=edit&redlink=1). Expired as to juries in Pennsylvania. Special jury [act of April 29, 1802, chap. 31](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1), [sec. 30](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1).—*Jury in criminal cases*—act of September 24, 1789, chap. 20, sec. 29; [act of April 30, 1790, chap. 9](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/2nd_Session/Chapter_9). *Manner of summoning jurors*—act of September 24, 1789, sec. 29; [act of April 29, 1802, chap. 31](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/1st_Session/Chapter_31&action=edit&redlink=1). *Jurymen de talibus*—act of September 24, 1789, chap. 20.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) As to cases in which States, or alleged States, are parties, the following cases are referred to: [The Cherokee Nation v. The State of Georgia](http://en.wikisource.org/wiki/The_Cherokee_Nation_v._The_State_of_Georgia), [5 Peters](http://en.wikisource.org/wiki/5_Peters), 1. [New Jersey v. The State of New York](http://en.wikisource.org/w/index.php?title=New_Jersey_v._The_State_of_New_York&action=edit&redlink=1), [5 Peters](http://en.wikisource.org/wiki/5_Peters), 284. [Ex parte Juan Madrazzo](http://en.wikisource.org/w/index.php?title=Ex_parte_Juan_Madrazzo&action=edit&redlink=1), [7 Peters](http://en.wikisource.org/wiki/7_Peters), 627. [The State of Rhode Island v. The State of Massachusetts](http://en.wikisource.org/w/index.php?title=The_State_of_Rhode_Island_v._The_State_of_Massachusetts&action=edit&redlink=1), [12 Peters](http://en.wikisource.org/wiki/12_Peters), 651. [CohensHYPERLINK "http://en.wikisource.org/wiki/Cohens\_v.\_Virginia" v. The State of Virginia](http://en.wikisource.org/wiki/Cohens_v._Virginia), [6 WheatHYPERLINK "http://en.wikisource.org/wiki/6\_Wheat.".](http://en.wikisource.org/wiki/6_Wheat.) 264; 5 Cond. Rep. 90. [New York v. Connecticut](http://en.wikisource.org/wiki/New_York_v._Connecticut), [4 Dall.](http://en.wikisource.org/wiki/4_Dall.) 3. [Fowler v. Lindsay et al.](http://en.wikisource.org/w/index.php?title=Fowler_v._Lindsay_et_al.&action=edit&redlink=1), [3 Dall.](http://en.wikisource.org/wiki/3_Dall.) 411.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) [TheHYPERLINK "http://en.wikisource.org/w/index.php?title=The\_United\_States\_v.\_Ortega&action=edit&redlink=1" United States v. Ortega](http://en.wikisource.org/w/index.php?title=The_United_States_v._Ortega&action=edit&redlink=1), [11 Wheat.](http://en.wikisource.org/wiki/11_Wheat.) 467; 6 Cond. Rep. 894. [Davis v. Packard](http://en.wikisource.org/wiki/Davis_v._Packard), [6 Peters](http://en.wikisource.org/wiki/6_Peters), 41.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) As to the appellate jurisdiction of the Supreme Court, see the cases collected in Peters’s Digest, “Supreme Court," "Appellate Jurisdiction of the Supreme Court," and the following cases: [The United States v. Coodwin](http://en.wikisource.org/w/index.php?title=The_United_States_v._Coodwin&action=edit&redlink=1), [7 Cranch](http://en.wikisource.org/wiki/7_Cranch), 108; 2 Cond. Rep. 434.[Wiscart v. Dauchy](http://en.wikisource.org/w/index.php?title=Wiscart_v._Dauchy&action=edit&redlink=1), [3 Dall.](http://en.wikisource.org/wiki/3_Dall.) 321; 1 Cond. Rep. 144. [United States v. Moore](http://en.wikisource.org/wiki/United_States_v._Moore), [3 Cranch](http://en.wikisource.org/wiki/3_Cranch), 159; 1 Cond. Rep.480. [Owings v. Norwood’s Lessee](http://en.wikisource.org/w/index.php?title=Owings_v._Norwood%E2%80%99s_Lessee&action=edit&redlink=1), [5 Cranch](http://en.wikisource.org/wiki/5_Cranch), 344; 2 Cond. Rep. 275. [Martin v. Hunter’s Lessee](http://en.wikisource.org/w/index.php?title=Martin_v._Hunter%E2%80%99s_Lessee&action=edit&redlink=1), [1 WheatHYPERLINK "http://en.wikisource.org/wiki/1\_Wheat.".](http://en.wikisource.org/wiki/1_Wheat.) 304; 3 Cond. Rep, 575. [Gordon v. Caldcleugh](http://en.wikisource.org/w/index.php?title=Gordon_v._Caldcleugh&action=edit&redlink=1), [3 Cranch](http://en.wikisource.org/wiki/3_Cranch), 268; 1 Cond. Rep. 524. [Ex parte Kearney](http://en.wikisource.org/w/index.php?title=Ex_parte_Kearney&action=edit&redlink=1), [7 Wheat.](http://en.wikisource.org/wiki/7_Wheat.) 38; 5 Cond. Rep. 225. [Smith v. The State of Maryland](http://en.wikisource.org/w/index.php?title=Smith_v._The_State_of_Maryland&action=edit&redlink=1),6 Cranch, 286; 2 Cond. Rep. 377. [Inglee v. Coolidge](http://en.wikisource.org/wiki/Inglee_v._Coolidge), [2 WheatHYPERLINK "http://en.wikisource.org/wiki/2\_Wheat.".](http://en.wikisource.org/wiki/2_Wheat.) 363; 4 Cond. Rep. 155. [Nicholls et al. v. Hodges Ex’ors](http://en.wikisource.org/w/index.php?title=Nicholls_et_al._v._Hodges_Ex%E2%80%99ors&action=edit&redlink=1), [1 Peters](http://en.wikisource.org/wiki/1_Peters), 562. [Buel et al. v. Van Ness](http://en.wikisource.org/w/index.php?title=Buel_et_al._v._Van_Ness&action=edit&redlink=1), [8 WheatHYPERLINK "http://en.wikisource.org/wiki/8\_Wheat.".](http://en.wikisource.org/wiki/8_Wheat.) 312; 5 Cond. Rep. 445. [Miller v. Nicholls](http://en.wikisource.org/w/index.php?title=Miller_v._Nicholls&action=edit&redlink=1), [4 WheatHYPERLINK "http://en.wikisource.org/wiki/4\_Wheat.".](http://en.wikisource.org/wiki/4_Wheat.) 811; 4 Cond. Rep. 465. [Matthews v. Zane et al.](http://en.wikisource.org/w/index.php?title=Matthews_v._Zane_et_al.&action=edit&redlink=1), [7 WheatHYPERLINK "http://en.wikisource.org/wiki/7\_Wheat.".](http://en.wikisource.org/wiki/7_Wheat.) 164; 5 Cond. Rep. 265. [M‘Cluny v. Silliman](http://en.wikisource.org/w/index.php?title=M%E2%80%98Cluny_v._Silliman&action=edit&redlink=1), [6 Wheat.](http://en.wikisource.org/wiki/6_Wheat.) 5; 5 Cond. Rep. 197. [Houston v. Moore](http://en.wikisource.org/wiki/Houston_v._Moore), [3 WheatHYPERLINK "http://en.wikisource.org/wiki/3\_Wheat.".](http://en.wikisource.org/wiki/3_Wheat.) 433; 3 Cond. Rep. 286. [Montgomery v. Hernandez et al.](http://en.wikisource.org/w/index.php?title=Montgomery_v._Hernandez_et_al.&action=edit&redlink=1), [12 WheatHYPERLINK "http://en.wikisource.org/wiki/12\_Wheat.".](http://en.wikisource.org/wiki/12_Wheat.) 129; 6 Cond. Rep. 475. [Cohens v. Virginia](http://en.wikisource.org/wiki/Cohens_v._Virginia), [6 WheatHYPERLINK "http://en.wikisource.org/wiki/6\_Wheat.".](http://en.wikisource.org/wiki/6_Wheat.) 264; 5 Cond. Rep. 90. [Gibbons *HYPERLINK "http://en.wikisource.org/w/index.php?title=Gibbons\_v.\_Ogden\_(19\_U.S.\_448)&action=edit&redlink=1"v.*HYPERLINK "http://en.wikisource.org/w/index.php?title=Gibbons\_v.\_Ogden\_(19\_U.S.\_448)&action=edit&redlink=1" Ogden](http://en.wikisource.org/w/index.php?title=Gibbons_v._Ogden_(19_U.S._448)&action=edit&redlink=1), [6 WheatHYPERLINK "http://en.wikisource.org/wiki/6\_Wheat.\_448". 448](http://en.wikisource.org/wiki/6_Wheat._448); 5 Cond. Rep. 134. [Weston et al. v. The City Council of Charleston](http://en.wikisource.org/w/index.php?title=Weston_et_al._v._The_City_Council_of_Charleston&action=edit&redlink=1), [2 Peters](http://en.wikisource.org/wiki/2_Peters), 449.[Hickie v. Starke HYPERLINK "http://en.wikisource.org/w/index.php?title=Hickie\_v.\_Starke\_et.\_al.&action=edit&redlink=1"etHYPERLINK "http://en.wikisource.org/w/index.php?title=Hickie\_v.\_Starke\_et.\_al.&action=edit&redlink=1". al.](http://en.wikisource.org/w/index.php?title=Hickie_v._Starke_et._al.&action=edit&redlink=1), [1 Peters](http://en.wikisource.org/wiki/1_Peters), 94. [Satterlee v. Matthewson](http://en.wikisource.org/wiki/Satterlee_v._Matthewson), [2 Peters](http://en.wikisource.org/wiki/2_Peters), 380. [M‘Bride v. Hoey](http://en.wikisource.org/w/index.php?title=M%E2%80%98Bride_v._Hoey&action=edit&redlink=1), [11 Peters](http://en.wikisource.org/wiki/11_Peters), 167. [Ross v. Barland HYPERLINK "http://en.wikisource.org/w/index.php?title=Ross\_v.\_Barland\_et.\_al.&action=edit&redlink=1"etHYPERLINK "http://en.wikisource.org/w/index.php?title=Ross\_v.\_Barland\_et.\_al.&action=edit&redlink=1". al.](http://en.wikisource.org/w/index.php?title=Ross_v._Barland_et._al.&action=edit&redlink=1), [1 Peters](http://en.wikisource.org/wiki/1_Peters), 655. [The City of New Orleans v. De Armas](http://en.wikisource.org/w/index.php?title=The_City_of_New_Orleans_v._De_Armas&action=edit&redlink=1), [9 Peters](http://en.wikisource.org/wiki/9_Peters), 224. [Crowell v. Randell](http://en.wikisource.org/wiki/Crowell_v._Randell), [10 Peters](http://en.wikisource.org/wiki/10_Peters), 368. [Williams v. Norris](http://en.wikisource.org/wiki/Williams_v._Norris), [12 WheatHYPERLINK "http://en.wikisource.org/wiki/12\_Wheat.".](http://en.wikisource.org/wiki/12_Wheat.) 117; 6 Cond. Rep. 462. [Menard v. Aspasia](http://en.wikisource.org/wiki/Menard_v._Aspasia), [5 Peters](http://en.wikisource.org/wiki/5_Peters), 505. [Worcester v. The State of Georgia](http://en.wikisource.org/w/index.php?title=Worcester_v._The_State_of_Georgia&action=edit&redlink=1), [6 Peters](http://en.wikisource.org/wiki/6_Peters), 615. [The United States v. Moore](http://en.wikisource.org/w/index.php?title=The_United_States_v._Moore&action=edit&redlink=1), [5 Cranch](http://en.wikisource.org/wiki/5_Cranch), 159; 1 Cond. Rep. 480.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) Prohibition. Where the District Court of the United States has no jurisdiction of a cause brought before it, a prohibition will be issued from the Supreme Court to prevent proceedings. [The United States v. Judge Peters](http://en.wikisource.org/w/index.php?title=The_United_States_v._Judge_Peters&action=edit&redlink=1), [3 Dall.](http://en.wikisource.org/wiki/3_Dall.) 121; 1 Cond. Rep. 60.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) Mandamus. The following cases have been decided on the power of the Supreme Court to issue a mandamus. [Marbury v. Madison](http://en.wikisource.org/wiki/Marbury_v._Madison), [1 Cranch](http://en.wikisource.org/wiki/1_Cranch), 137; 1 Cond. Rep. 267. [M‘Cluny v. Silliman](http://en.wikisource.org/w/index.php?title=M%E2%80%98Cluny_v._Silliman&action=edit&redlink=1), [2 Wheat.](http://en.wikisource.org/wiki/2_Wheat.) 369; 4 Cond. Rep. 162. [United States v. Lawrence](http://en.wikisource.org/w/index.php?title=United_States_v._Lawrence&action=edit&redlink=1), [3 Dall.](http://en.wikisource.org/wiki/3_Dall.) 42; 1 Cond. Rep. 19. [United States v. Peters](http://en.wikisource.org/w/index.php?title=United_States_v._Peters&action=edit&redlink=1), [3 Dall.](http://en.wikisource.org/wiki/3_Dall.) 121; 1 Cond. Rep. 60. [Ex parte Burr](http://en.wikisource.org/w/index.php?title=Ex_parte_Burr&action=edit&redlink=1), [9 Wheat.](http://en.wikisource.org/wiki/9_Wheat.) 529; 5 Cond. Rep. 660.[Parker v. The Judges of the Circuit Court of Maryland](http://en.wikisource.org/w/index.php?title=Parker_v._The_Judges_of_the_Circuit_Court_of_Maryland&action=edit&redlink=1), [1 WheatHYPERLINK "http://en.wikisource.org/wiki/1\_Wheat.".](http://en.wikisource.org/wiki/1_Wheat.) 561; 6 Cond. Rep. 644. [Ex parte Roberts et al.](http://en.wikisource.org/w/index.php?title=Ex_parte_Roberts_et_al.&action=edit&redlink=1), [6 Peters](http://en.wikisource.org/wiki/6_Peters), 216. [Ex parte Davenport](http://en.wikisource.org/wiki/Ex_parte_Davenport), [6 Peters](http://en.wikisource.org/wiki/6_Peters), 661. [Ex parte Bradstreet](http://en.wikisource.org/wiki/Ex_parte_Bradstreet), [12 Peters](http://en.wikisource.org/wiki/12_Peters), 174; [7 Peters](http://en.wikisource.org/wiki/7_Peters), 634; [8 Peters](http://en.wikisource.org/wiki/8_Peters), 588. [Life and Fire Ins. Comp. of New York v. Wilson’s heirs](http://en.wikisource.org/w/index.php?title=Life_and_Fire_Ins._Comp._of_New_York_v._Wilson%E2%80%99s_heirs&action=edit&redlink=1), [8 Peters](http://en.wikisource.org/wiki/8_Peters), 291.

On a mandamus a superior court will never direct in what manner the discretion of the inferior tribunal shall be exercised; but they will, in a proper case, require an inferior court to decide. *Ibid.* [Life and Fire Ins. Comp. of New York v. Adams](http://en.wikisource.org/w/index.php?title=Life_and_Fire_Ins._Comp._of_New_York_v._Adams&action=edit&redlink=1), [9 Peters](http://en.wikisource.org/wiki/9_Peters), 571.[Ex parte Story](http://en.wikisource.org/w/index.php?title=Ex_parte_Story&action=edit&redlink=1), [12 Peters](http://en.wikisource.org/wiki/12_Peters), 839. [Ex parte Jesse Hoyt, collector, HYPERLINK "http://en.wikisource.org/w/index.php?title=Ex\_parte\_Jesse\_Hoyt,\_collector,\_%26c.&action=edit&redlink=1"&HYPERLINK "http://en.wikisource.org/w/index.php?title=Ex\_parte\_Jesse\_Hoyt,\_collector,\_%26c.&action=edit&redlink=1"c.](http://en.wikisource.org/w/index.php?title=Ex_parte_Jesse_Hoyt,_collector,_%26c.&action=edit&redlink=1), [13 Peters](http://en.wikisource.org/wiki/13_Peters), 279.

A writ of mandamus is not a proper process to correct an erroneous judgment or decree rendered in an inferior court. This is a matter which is properly examinable on a writ of error, or an appeal to a proper appellate tribunal. *Ibid.*

Writs of mandamus from the Circuit Courts of the United States. A Circuit Court of the United States has power to issue a mandamus to a collector, commanding him to grant a clearance. [Gilchrist et al. v. Collector of Charleston](http://en.wikisource.org/w/index.php?title=Gilchrist_et_al._v._Collector_of_Charleston&action=edit&redlink=1), 1 Hall’s Admiralty Law Journal, 429.

The power of the Circuit Court to issue the writ of mandamus is confined exclusively to those cases in which it may be necessary to the exercise of their jurisdiction. [M‘Intire v. Wood](http://en.wikisource.org/w/index.php?title=M%E2%80%98Intire_v._Wood&action=edit&redlink=1), [7 Cranch](http://en.wikisource.org/wiki/7_Cranch), 504; 2 Cond. Rep. 588.

The Circuit Courts of the United States have no power to issue writs of mandamus after the practice of the [King’s Bench](http://en.wikipedia.org/wiki/Court_of_King%27s_Bench); but only where they are necessary for the exercise of their jurisdiction. [Smith v. Jackson](http://en.wikisource.org/wiki/Smith_v._Jackson), Paine’s C. C. R. 453.

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) Habeas corpus. [Ex parte Burford](http://en.wikisource.org/w/index.php?title=Ex_parte_Burford&action=edit&redlink=1), [3 Cranch](http://en.wikisource.org/wiki/3_Cranch), 448; 1 Cond. Rep. 594; [Ex parte Bollman](http://en.wikisource.org/w/index.php?title=Ex_parte_Bollman&action=edit&redlink=1), [4 Cranch](http://en.wikisource.org/wiki/4_Cranch), 75; 2 Cond. Rep. 33.

The writ of habeas corpus does not lie to bring up a person confined in the prison bounds upon a capius ad satisfaciendum, issued in a civil suit. [Ex parte Wilson](http://en.wikisource.org/wiki/Ex_parte_Wilson), [6 Cranch](http://en.wikisource.org/wiki/6_Cranch), 52; 2 Cond. Rep. 300. [Ex parte Kearney](http://en.wikisource.org/w/index.php?title=Ex_parte_Kearney&action=edit&redlink=1), [7 Wheat.](http://en.wikisource.org/wiki/7_Wheat.) 38; 5 Cond. Rep. 225.

The power of the Supreme Court to award writs of habeas corpus is conferred expressly on the court by the 14th section of the judicial act, and has been repeatedly exercised. No doubt exists respecting the power. No law of the United States prescribes the cases in which this great writ shall be issued, nor the power of the court over the party brought up by it. The term used in the constitution is one which is well understood, and the judicial act authorize the court, and all other courts of the United States and the judges thereof to issue the writ “for the purpose of inquiring into the cause of commitment.” [Ex parte Tobias Watkins](http://en.wikisource.org/w/index.php?title=Ex_parte_Tobias_Watkins&action=edit&redlink=1), [3 Peters](http://en.wikisource.org/wiki/3_Peters), 201.

As the jurisdiction of the Supreme Court is appellate, it must be shown to the court that the court has power to award a habeas corpus, before one will be granted. [Ex parte Milburn](http://en.wikisource.org/wiki/Ex_parte_Milburn), [9 Peters](http://en.wikisource.org/wiki/9_Peters), 704.Page:United States Statutes at Large Volume 1 - Congress 1-2.djvu/58

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) It is sufficient for one party to suggest that the other is in possession of a paper, which he has, under the act of Congress, given him notice to produce at the trial, without offering other proof of the fact; and the party so called upon must discharge himself of the consequences of not producing it, by, affidavit or other proof that he has it not in his power to produce it. [Hylton v. Brown](http://en.wikisource.org/w/index.php?title=Hylton_v._Brown&action=edit&redlink=1), 1 Wash. C. C. R. 298.

The court will not, upon a notice of the defendant to the plaintiff to produce a title paper to the land in dispute, which is merely to defeat the plaintiff’s title, compel him to do so; unless the defendant first shows title to the land. Merely showing a right of possession is not sufficient to entitle him to the aid of a court of chancery, or of the Supreme Court, to compel a discovery of papers which are merely to defeat the plaintiff's title without strengthening the defendant’s. It is sufficient, in order to entitle him to call for papers to show the title to the land, although none is shown in the papers. *Ibid.*

Where one party in a cause wishes the production of papers supposed to be in the possession of the other, he must give notice to produce them: if not produced, he may give inferior evidence of their contents. But if it is his intention to nonsuit the plaintiff, or if the plaintiff requiring the papers means to obtain a judgment by default, under the 15th section of the judicial act, he is bound to give the opposite party notice that he means to move the court for an order upon him to produce the papers, or on a failure so to do, to award a nonsuit or judgment, as the case may be. [Bas v. Steele](http://en.wikisource.org/w/index.php?title=Bas_v._Steele&action=edit&redlink=1), 3 Wash. C. C. R,. 381.

No advantage can be taken of the non-production of papers, unless ground is laid for presuming that the papers were, at the time notice was given, in the possession or power of the party to whom notice was given, and that they were pertinent to the issue. In either of the cases, the party to whom notice was given may be required to prove, by his own oath, that the papers are not in his possession or power; which oath may be met by contrary proof according to the rules of equity. *Ibid.*

To entitle the defendant to nonsuit the plaintiff for not obtaining papers which he was noticed to produce, the defendant must first obtain an order of the court, under a rule that they should be produced. But this order need not be absolute when moved for, but may be nisi, unless cause be shown at the trial. [Dunham v. Riley](http://en.wikisource.org/w/index.php?title=Dunham_v._Riley&action=edit&redlink=1), 4 Wash. C. C. R. 126.

Notice to the opposite party to produce on the trial all letters in his possession, relating to monies received by him under the award of the commissioners under the Florida treaty, is sufficiently specific as they described their subject matter. If to such notice the party answer on oath that he has not a particular letter in his possession, and after diligent search could find none such, it is sufficient to prevent the offering of secondary proof of its contents. The party cannot be asked or compelled to answer whether he ever had such a letter in his possession. [Vasse v. Mifflin](http://en.wikisource.org/w/index.php?title=Vasse_v._Mifflin&action=edit&redlink=1), 4 Wash. C. C. R. 519.

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The equity jurisdiction of the courts of the United States is independent of the local law of any State, and is the same in nature extent as the equity jurisdiction of England from which it is derived. Therefore it is no objection to this Jurisdiction, that there is a remedy under the local law. [Gordon v. Hobart](http://en.wikisource.org/w/index.php?title=Gordon_v._Hobart&action=edit&redlink=1), 2 Sumner’s C. C. R. 401.

If a case is cognizable at common law, the defendant has a right of trial by jury, and a suit upon it cannot be sustained in equity.[Baker v. Biddle](http://en.wikisource.org/w/index.php?title=Baker_v._Biddle&action=edit&redlink=1), 1 Baldwin’s C. C. R. 405.Page:United States Statutes at Large Volume 1 - Congress 1-2.djvu/58

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) New trials. [Calder v. Bull and Wife](http://en.wikisource.org/wiki/Calder_v._Bull_and_Wife), [3 Dall.](http://en.wikisource.org/wiki/3_Dall.) 386; 1 Cond. Rep. 172. [Arnold v. Jones](http://en.wikisource.org/w/index.php?title=Arnold_v._Jones&action=edit&redlink=1), Bee’s Rep. 104.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) Contempt of court. The courts of the United States have no common law jurisdiction of crimes against the United States. But independent of statutes, the courts of the United tates have power to fine for contempts, and imprison for contumacy and to enforce obedience to their orders, &c. [The United States v. Hudson et al.](http://en.wikisource.org/w/index.php?title=The_United_States_v._Hudson_et_al.&action=edit&redlink=1), [7 Cranch](http://en.wikisource.org/wiki/7_Cranch), 32; 2 Cond. Rep. 405.

By an [act passed March 2, 1831, chap. 99](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/21st_Congress/2nd_Session/Chapter_99&action=edit&redlink=1), it is enacted, that the power of the courts of the United States to punish for contempts shall not extend to any cases, except to misbehaviour in the presence of the court, or so near to the court as to obstruct the administration of justice, or the misbehaviour of the officers of the court in their official transactions, and disobedience or resistance by any officer of the court, party, juror, witness or any person to any writ, process, order or decree of the court. Indictments may be presented against persons impeding the proceedings of the court, &c. See the statute.

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) Execution. The 14th section of the Judiciary act of September 24, 1789, chap. 20, authorizes the courts of the United States to issue writs of execution upon judgments which hare been rendered. This section provides only for the issuing of the writ, and directs no mode of proceeding by the officer obeying its command. [Bank of the United States v. Halstead](http://en.wikisource.org/w/index.php?title=Bank_of_the_United_States_v._Halstead&action=edit&redlink=1), [10 WheatHYPERLINK "http://en.wikisource.org/wiki/10\_Wheat.".](http://en.wikisource.org/wiki/10_Wheat.) 51; 6 Cond. Rep. 22.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The rules, regulations and restrictions contained in the 21st and 22d sections of the judiciary act of 1789, respecting the time within which a writ of error shall be brought, and in what instances it shall operate as a supersedeas, the citation to the opposite party, the security to be given by the plaintiff in error, and the restrictions on the appellate court as to reversals in certain enumerated cases, are applicable to the act of 1803, and are to be substantially observed; except that where the appeal is prayed for at the same time when the decree or sentence is pronounced, a citation is not necessary. [The San Pedro](http://en.wikisource.org/wiki/The_San_Pedro), [2 WheatHYPERLINK "http://en.wikisource.org/wiki/2\_Wheat.".](http://en.wikisource.org/wiki/2_Wheat.) 132; 4 Cond. Rep. 65.

By the 2d section of the [act of March 3, 1803, chap. 40](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/2nd_Session/Chapter_40&action=edit&redlink=1), appeals are allowed from all final judgments or decrees in any of the District courts, where the matter in dispute, exclusive of costs, shall exceed the sum or value of fifty dollars. Appeals from the Circuit Court to the Supreme Court are allowed when the sum or value, exclusive of costs exceeds $2000. This section repeals so much of the 19th and 20th sections of the act of 1789, as comes within the purview of those provisions.

By the provisions of the [act of April 2, 1816, chap. 39](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/14th_Congress/1st_Session/Chapter_39&action=edit&redlink=1), appeals from the Circuit Court of the United States for the District of Columbia, are allowed when the matter in dispute in the cause exceeds $1000, exclusive of costs.

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The following cases have been decided on the questions which have arisen as to the value in controversy, in a case removed by writ of error or appeal.

The verdict and judgment do not ascertain the matter in dispute between the parties. To determine this, recurrence must be had to the original controversy; to the matter in dispute when the action was instituted. [Wilson v. Daniel](http://en.wikisource.org/w/index.php?title=Wilson_v._Daniel&action=edit&redlink=1), [3 Dall.](http://en.wikisource.org/wiki/3_Dall.) 401; 1 Cond. Rep. 185.

Where the value of the matter in dispute did not appear in the record, in a case brought by writ of error, the court allowed affidavits to be taken to prove the same, on notice to the opposite party. The writ of error not to be a supersedeas. [Course v. Stead’s Ex’ors](http://en.wikisource.org/w/index.php?title=Course_v._Stead%E2%80%99s_Ex%E2%80%99ors&action=edit&redlink=1), [4 Dall.](http://en.wikisource.org/wiki/4_Dall.) 22; 1 Cond. Rep. 217; [4 Dall.](http://en.wikisource.org/wiki/4_Dall.) 20; 1 Cond. Rep. 215.

The Supreme Court will permit viva voce testimony to be given of the value of the matter in dispute in a case brought up by a writ of error or by appeal. [The United States v.HYPERLINK "http://en.wikisource.org/w/index.php?title=The\_United\_States\_v.\_The\_Brig\_Union\_et\_al.&action=edit&redlink=1" HYPERLINK "http://en.wikisource.org/w/index.php?title=The\_United\_States\_v.\_The\_Brig\_Union\_et\_al.&action=edit&redlink=1"The Brig Union et al.](http://en.wikisource.org/w/index.php?title=The_United_States_v._The_Brig_Union_et_al.&action=edit&redlink=1), [4 Cranch](http://en.wikisource.org/wiki/4_Cranch), 216; 2 Cond. Rep. 91.

The plaintiff below claimed more than $2000 in his declaration, but obtained a verdict for a less sum. The appellate jurisdiction of the Supreme Court depends on the sum or value in dispute between the parties, as the case stands on the writ of error in the Supreme Court; not on that which was in dispute in the Circuit Court. If the writ of error be brought by the plaintiff below, then the sum the declaration shows to be due may still be recovered, should the judgment for a smaller sum be reversed; and consequently the whole sum claimed is in dispute. [Smith v. Honey](http://en.wikisource.org/wiki/Smith_v._Honey), [3 Peters](http://en.wikisource.org/wiki/3_Peters), 469; [Gordon v. Ogden](http://en.wikisource.org/wiki/Gordon_v._Ogden), [3 Peters](http://en.wikisource.org/wiki/3_Peters), 33.

In cases where the demand is not for money, and the nature of the action does not require the value of the thing to be stated in the declaration, the practice of the courts of the United States has been to allow the value to be given in evidence. [Ex parte Bradstreet](http://en.wikisource.org/wiki/Ex_parte_Bradstreet), [7 Peters](http://en.wikisource.org/wiki/7_Peters), 634.

The onus prohandi of the amount in controversy, to establish the jurisdiction of the Supreme Court in a case brought before it by a writ of error, is upon the party seeking to obtain the revision of the case. He may prove that the value exceeds $2000 exclusive of costs. [Hagan v. Foison](http://en.wikisource.org/wiki/Hagan_v._Foison), [10 Peters](http://en.wikisource.org/wiki/10_Peters), 160.

The Supreme Court has no jurisdiction in a case in which separate decrees have been entered in the Circuit Court for the wages of seamen, the decree in no one case amounting to $2000, although the amount of the several decrees exceed that sum, and the seamen in each case claimed under the same contract. [Oliver v. Alexander](http://en.wikisource.org/wiki/Oliver_v._Alexander), [6 Peters](http://en.wikisource.org/wiki/6_Peters), 143. See [Scott v. Lunt’s Adm’rs](http://en.wikisource.org/w/index.php?title=Scott_v._Lunt%E2%80%99s_Adm%E2%80%99rs&action=edit&redlink=1), [6 Peters](http://en.wikisource.org/wiki/6_Peters), 349.

The Supreme Court will not compel the hearing of a cause unless the citation be served thirty days before the first day of the term. [Welsh v. Mandeville](http://en.wikisource.org/w/index.php?title=Welsh_v._Mandeville&action=edit&redlink=1), [5 Cranch](http://en.wikisource.org/wiki/5_Cranch), 321; 2 Cond. Rep. 268.

A citation must accompany the writ of error. [Lloyd v. Alexander](http://en.wikisource.org/w/index.php?title=Lloyd_v._Alexander&action=edit&redlink=1), [1 Cranch](http://en.wikisource.org/wiki/1_Cranch), 365; 1 Cond. Rep. 334.

When an appeal is prayed during the session of the court, a citation to the appellee is not necessary. [Riley, appellant, v. Lamar et al.](http://en.wikisource.org/w/index.php?title=Riley,_appellant,_v._Lamar_et_al.&action=edit&redlink=1), [2 Cranch](http://en.wikisource.org/wiki/2_Cranch), 344; 1 Cond. Rep. 419.

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) An appeal under the judiciary acts of 1789 and 1803, was prayed for and allowed within five years; held to be valid, although the security was not given within five years. The mode of taking the security and the time of perfecting it, are exclusively within the control of the court below. The Dos Hermanos, [10 WheatHYPERLINK "http://en.wikisource.org/wiki/10\_Wheat.\_306". 306](http://en.wikisource.org/wiki/10_Wheat._306); 6 Cond. Rep. 109.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) By the [act of December 12, 1794, chap. 3](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/3rd_Congress/2nd_Session/Chapter_3), the security required to be taken on signing a citation on any writ of error which shall not be a supersedeas, and stay execution, shall only be for an amount which will be sufficient to answer for costs.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) Supersedeas. The Supreme Court will not quash an execution issued by the court below to enforce its decree, pending a writ of error, if the writ be not a supersedeas to the decree. Wallen v. Williams, [7 Cranch](http://en.wikisource.org/wiki/7_Cranch), 278; 2 Cond. Rep. 491.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) In delivering the opinion of the Supreme Court in the case of Fisher v. Cockrell, [5 Peters, 248](http://en.wikisource.org/wiki/5_Pet._248), [Mr. Chief Justice Marshall](http://en.wikisource.org/wiki/Author%3AJohn_Marshall) said: “In the argument the court has been admonished of the jealousy with which the States of the Union view the revising power entrusted by the constitution and laws to this tribunal. To observations of this character the answer uniformly has been that the course of the judicial department is marked out by law. We must tread the direct and narrow path prescribed for us. As this court has never grasped at ungranted jurisdiction, so it never will, we trust, shrink from that which is conferred upon it.”

The appellate power of the Supreme Court of the United States extends to cases pending in the State courts; and the 25th section of the judiciary act, which authorizes the exercise of this jurisdiction in the specified cases by writ of error, is supported by the letter and spirit of the constitution. Martin v. Hunter’s Lessee, [1 WheatHYPERLINK "http://en.wikisource.org/wiki/1\_Wheat.\_304". HYPERLINK "http://en.wikisource.org/wiki/1\_Wheat.\_304"304](http://en.wikisource.org/wiki/1_Wheat._304); 3 Cond. Rep. 575.

Under the 25th section of the judiciary act of 1789, where the construction of any clause in the constitution or any statute of the United States is drawn in question, in any suit in a State court, the decision must be against the title or right set up by the party under such clause in the constitution or statute; otherwise the Supreme Court has no appellate jurisdiction in the case. It is not sufficient that the construction of the statute was drawn in question, and that the decision was against the title. It must appear that the title set up depended on the statute. Williams *v.* Norris, [12 WheatHYPERLINK "http://en.wikisource.org/wiki/12\_Wheat.\_117". HYPERLINK "http://en.wikisource.org/wiki/12\_Wheat.\_117"117](http://en.wikisource.org/wiki/12_Wheat._117); 6 Cond. Rep. 462.

If the construction or validity of a treaty of the United States is drawn in question in the State courts, and the decision is against its validity, or against the title set up by either party under the treaty, the Supreme Court has jurisdiction to ascertain that title, and to determine its legal meaning; and is not confined to the abstract construction of the treaty itself. *Ibid.*

The 2d article of the [constitution of the United States](http://en.wikisource.org/wiki/Constitution_of_the_United_States_of_America) enables the Supreme Court to receive jurisdiction to the full extent of the constitution, laws and treaties of the United States, when any question respecting them shall assume such form that the judicial power is capable of acting upon it. That power is capable of acting only when the subject is submitted to it by a party who asserts his right in the form prescribed by law. It then becomes a case. Osborn *v.* The Bank of the United States, [6 WheatHYPERLINK "http://en.wikisource.org/wiki/9\_Wheat.\_738". HYPERLINK "http://en.wikisource.org/wiki/9\_Wheat.\_738"738](http://en.wikisource.org/wiki/9_Wheat._738); 5 Cond. Rep. 741.

The Supreme Court has no jurisdiction under the 25th section of the act of 1789, unless the judgment or decree of the State court be a final judgment or decree. A judgment reversing that of an inferior court, and awarding a scire facias de novo, is not a final judgment. Houston *v.* Moore, [3 WheatHYPERLINK "http://en.wikisource.org/wiki/3\_Wheat.\_433". HYPERLINK "http://en.wikisource.org/wiki/3\_Wheat.\_433"433](http://en.wikisource.org/wiki/3_Wheat._433); 4 Cond. Rep. 286.

The Supreme Court has no appellate jurisdiction under the 25th section of the judiciary act, unless the right, title, privilege, or exemption under a statute or commission of the United States be specially set up by the party claiming it in the State court, and the decision be against the same. Montgomery *v.* Hernandez, [12 WheatHYPERLINK "http://en.wikisource.org/wiki/12\_Wheat.\_129". HYPERLINK "http://en.wikisource.org/wiki/12\_Wheat.\_129"129](http://en.wikisource.org/wiki/12_Wheat._129); 6 Cond. Rep. 475.

It is no objection to the exercise of the appellate jurisdiction under this section, that one party is a State, and the other a citizen of that State. Cohens *v.* The State of Virginia, [6 WheatHYPERLINK "http://en.wikisource.org/wiki/6\_Wheat.\_264". HYPERLINK "http://en.wikisource.org/wiki/6\_Wheat.\_264"264](http://en.wikisource.org/wiki/6_Wheat._264); 5 Cond. Rep. 90.

In order to brings a case for a writ of error or an appeal to the Supreme Court from the highest court of a State within the 25th section of the judiciary act, it must appear on the face of the record: 1. That some of the questions stated in that section did arise in the State court. 2. That the question was decided in the State court as required in the section.

It is not necessary that the question shall appear in the record to have been raised, and the decision made in direct and positive terms, ipsissimis verbis; but it is sufficient if it appears by clear and necessary intendment that the question must have been raised, and must have been decided, in order to induce the judgment. It is not sufficient to show that a question might have arisen and been applicable to the case, unless it is further shown, on the record, that it did arise and was applied by the State Court to the case. Crowell *v.* Randall, [10 Peters, 368](http://en.wikisource.org/wiki/10_Pet._368). See also Williams *v.* Norris, [12 Wheat. HYPERLINK "http://en.wikisource.org/wiki/12\_Wheat.\_117"117](http://en.wikisource.org/wiki/12_Wheat._117); 6 Cond. Rep. 462. Jackson *v.*Lamphire, [3 Peters, 280](http://en.wikisource.org/wiki/3_Pet._280). Menard *v.* Aspasia, [5 Peters, 505](http://en.wikisource.org/wiki/5_Pet._505). Fisher *v.* Cockrell, [5 Peters, 248](http://en.wikisource.org/wiki/5_Pet._248). Gelston *v.* Hoyt, [3 WheatHYPERLINK "http://en.wikisource.org/wiki/3\_Wheat.\_246". HYPERLINK "http://en.wikisource.org/wiki/3\_Wheat.\_246"246](http://en.wikisource.org/wiki/3_Wheat._246); 4 Cond. Rep. 244. Gordon *v.* Caldcleugh et al., [3 Cranch](http://en.wikisource.org/wiki/3_Cranch), 268; 1 Cond. Rep. 524. Owings *v.* Norwood’s Lessee, [5 Cranch](http://en.wikisource.org/wiki/5_Cranch), 344; 2 Cond. Rep. 275. Buel et al. *v.* Van Ness, [8 WheatHYPERLINK "http://en.wikisource.org/wiki/8\_Wheat.\_312". HYPERLINK "http://en.wikisource.org/wiki/8\_Wheat.\_312"312](http://en.wikisource.org/wiki/8_Wheat._312); 5 Cond. Rep. 445. Miller *v.* Nicholls, [4 WheatHYPERLINK "http://en.wikisource.org/wiki/4\_Wheat.\_311". HYPERLINK "http://en.wikisource.org/wiki/4\_Wheat.\_311"311](http://en.wikisource.org/wiki/4_Wheat._311); 4 Cond. Rep. 465. Matthews *v.* Zane et al., [7 WheatHYPERLINK "http://en.wikisource.org/wiki/7\_Wheat.\_164". HYPERLINK "http://en.wikisource.org/wiki/7\_Wheat.\_164"164](http://en.wikisource.org/wiki/7_Wheat._164); 5 Cond. Rep. 265. Gibbons *v.* Ogden, [6 WheatHYPERLINK "http://en.wikisource.org/wiki/6\_Wheat.\_448". HYPERLINK "http://en.wikisource.org/wiki/6\_Wheat.\_448"448](http://en.wikisource.org/wiki/6_Wheat._448); 5 Cond. Rep. 134.

Under the 25th section of the judiciary act of 1789, three things are necessary to give the Supreme Court jurisdiction of a case brought up by writ of error or appeal: 1. The validity of a statute of the United States, or of authority exercised under a State, must be drawn in question. 2. It must be drawn in question on the ground that it is repugnant to the constitution, treaties and laws of the United States. 3. The decision of the State court must be in favour of its validity. The Commonwealth Bank of Kentucky *v.*Griffith et al., [14 Peters, 46](http://en.wikisource.org/wiki/14_Pet._56). See also Pollard’s heirs *v.* Kibbe, [14 Peters, 353](http://en.wikisource.org/wiki/14_Pet._353). M‘Cluny *v.* Silliman, [6 Wheat.HYPERLINK "http://en.wikisource.org/wiki/6\_Wheat.\_598" HYPERLINK "http://en.wikisource.org/wiki/6\_Wheat.\_598"598](http://en.wikisource.org/wiki/6_Wheat._598); 5 Cond. Rep. 197. Weston et al. *v.* The City Council of Charleston, [2 Peters, 449](http://en.wikisource.org/wiki/2_Pet._449). Hickie *v.* Starke et al., [1 Peters, 94](http://en.wikisource.org/wiki/1_Pet._94). Sutterlee *v.* Matthewson,2 Peters, 380. Wilson et al. *v.* The Blackbird Creek Marsh Association, [2 Peters, 245](http://en.wikisource.org/wiki/2_Pet._245). Harris *v.* Dennie, [3 Peters, 292](http://en.wikisource.org/wiki/3_Pet._292). M‘Bride *v.*Hoey, [11 Peters, 167](http://en.wikisource.org/wiki/11_Pet._167). Winn’s heirs *v.* Jackson et al., [12 Wheat.HYPERLINK "http://en.wikisource.org/wiki/12\_Wheat.\_135" HYPERLINK "http://en.wikisource.org/wiki/12\_Wheat.\_135"135](http://en.wikisource.org/wiki/12_Wheat._135); 6 Cond. Rep. 479. City of New Orleans *v.* De Armas,9 Peters, 224. Davis *v.* Packard, [6 Peters, 41](http://en.wikisource.org/wiki/6_Pet._41).

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) Williams *v.* Norris, [6 WheatHYPERLINK "http://en.wikisource.org/wiki/6\_Wheat.".](http://en.wikisource.org/wiki/6_Wheat.) 117; 6 Cond. Rep. 462.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) A marshal is not removed by the appointment of a new one, until he receives notice of such appointment. All acts done by the marshal after the appointment of a new one, before notice, are good; but his acts subsequent to notice are void. Wallace’s C. C. R. 119.

It is the duty of a marshal of a court of the United States to execute all process which may be placed in his hand, but he performs this duty at his peril, and under the guidance of law. He must, of course, exercise some judgment in the performance. Should he fail to obey the exegit of the writ without a legal excuse, or should he in its letter violate the rights of others, he is liable to the action of the injured party. Life and Fire Ins. Comp. of New York *v.* Adams, [9 Peters](http://en.wikisource.org/wiki/9_Peters), 573.

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) A marshal is liable on his official bond for the failure of his deputies to serve original process, but the measure of his liability is the extent of the injury received by the plaintiff, produced by his negligence. If the loss of the debt be the direct legal consequence of a failure to serve the process, the amount of the debt is the measure of the damages; but not so if otherwise. The United States *v.* Moore’s Adm’rs, 2 Brocken’s C. C. R. 317. See San Jose Indiano, 2 Gallis. C. C. R. 311. Ex parte Jesse Hoyt, collector, &c., [13 Peters](http://en.wikisource.org/wiki/13_Peters), 279.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) If a debtor committed to the State jail under recess of the courts of the United States escapes, the marshal is not liable.[Randolph *HYPERLINK "http://en.wikisource.org/w/index.php?title=Randolph\_v.\_Donnaldson&action=edit&redlink=1"v.*HYPERLINK "http://en.wikisource.org/w/index.php?title=Randolph\_v.\_Donnaldson&action=edit&redlink=1" Donnaldson](http://en.wikisource.org/w/index.php?title=Randolph_v._Donnaldson&action=edit&redlink=1), [9 Cranch](http://en.wikisource.org/wiki/9_Cranch), 76; 3 Cond. Rep. 280.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The Circuit Courts of the United States are bound to try all crimes committed within the district, which are duly presented before it; but not to try them in the county where they have been committed. [The United States v.Wilson and Porter](http://en.wikisource.org/w/index.php?title=The_United_States_v.Wilson_and_Porter&action=edit&redlink=1), Baldwin’s C. C. R. 78.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The following cases have been decided relating to depositions taken under the provisions of this act:

That the deponent is a seaman on board a gun-boat in the harbour, and liable to be ordered to some other place, and not to be able to attend the court at the time of sitting, is not a sufficient reason for taking his deposition under the act of September 24, 1789, chap. 20.

If it appear on the face of the deposition taken under the act of Congress, that the officer taking the memo, was authorized by the act, it is sufficient in the first instance, without any proof that he was such officer. [Ruggles v. Bucknor](http://en.wikisource.org/w/index.php?title=Ruggles_v._Bucknor&action=edit&redlink=1), 1 Paine’s C. C. R. 358.

Objections to the competency of the witness whose deposition is taken under the act of 1789, should be made at the time of taking the deposition, if the party attend, and the objections are known to him, in order that they may be removed: otherwise he will be presumed to waive them. [United Staten v. Hairpencils](http://en.wikisource.org/w/index.php?title=United_Staten_v._Hairpencils&action=edit&redlink=1), 1 Paine’s C. C. R. 400.

A deposition taken under the 30th section of the act of 1789 cannot be made on evidence, unless the judge before whom it was taken, certify that it was reduced to writing by himself, or by the witness in his presence. [Pettibone v. Derringer](http://en.wikisource.org/w/index.php?title=Pettibone_v._Derringer&action=edit&redlink=1), 4 Wash. C. C. R. 215. See [United States v. Smith](http://en.wikisource.org/wiki/United_States_v._Smith), 4 Day, 121. North Carolina Cases, 81.

The authority given by the act of 1789, to take depositions of witnesses in the absence of the opposite party, is in derogation of the rules of common law, and has always been construed strictly; and therefore it is necessary to establish that all the requisites have been complied with, before such testimony can be admitted. [Bell v. Morrison et al.](http://en.wikisource.org/w/index.php?title=Bell_v._Morrison_et_al.&action=edit&redlink=1), [1 Peters](http://en.wikisource.org/wiki/1_Peters), 351. [The Patapsco Ins. Comp. v. Southeate](http://en.wikisource.org/w/index.php?title=The_Patapsco_Ins._Comp._v._Southeate&action=edit&redlink=1), [5 Peters](http://en.wikisource.org/wiki/5_Peters), 604. [The United States v. Coolidge](http://en.wikisource.org/w/index.php?title=The_United_States_v._Coolidge&action=edit&redlink=1), 1 Gallis. C. C. R. 488. [Evans v. Hettick](http://en.wikisource.org/w/index.php?title=Evans_v._Hettick&action=edit&redlink=1), 3 Wash. C. C. R. 408. [Thomas and Henry v.HYPERLINK "http://en.wikisource.org/w/index.php?title=Thomas\_and\_Henry\_v.\_The\_United\_States&action=edit&redlink=1" HYPERLINK "http://en.wikisource.org/w/index.php?title=Thomas\_and\_Henry\_v.\_The\_United\_States&action=edit&redlink=1"The United States](http://en.wikisource.org/w/index.php?title=Thomas_and_Henry_v._The_United_States&action=edit&redlink=1), 1 Brockeb’s C. C. R. 367.

The provisions of the 30th section of the act of 1789, as to taking depositions, de bene esse, does not apply to cases pending in the Supreme Court, but only to cases in the Circuit and District Courts. [The Argo](http://en.wikisource.org/wiki/The_Argo), [2 WheatHYPERLINK "http://en.wikisource.org/wiki/2\_Wheat.".](http://en.wikisource.org/wiki/2_Wheat.) 287; 4 Cond. Rep. 119.

Where there is an attorney on record, notice must in all cases be given to him. *Ibid.*

The deposition of a person residing out of the State, and more than one hundred miles from the place of trial, cannot be rend in evidence. [Blocker v. Bond](http://en.wikisource.org/w/index.php?title=Blocker_v._Bond&action=edit&redlink=1), 3 Wash. C. C. R. 529. See [Buddicum v. Kirke](http://en.wikisource.org/w/index.php?title=Buddicum_v._Kirke&action=edit&redlink=1), [3 Cranch](http://en.wikisource.org/wiki/3_Cranch), 293; 1 Cond. Rep. 535.

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) It is a fatal objection to a deposition taken under the 30th section of the act of 1789, that it was opened out of court. [Beale v. Thompson](http://en.wikisource.org/w/index.php?title=Beale_v._Thompson&action=edit&redlink=1), [8 Cranch](http://en.wikisource.org/wiki/8_Cranch), 70; 3 Cond. Rep. 35.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) Since the [act of March 3, 1803, chap. 40](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/7th_Congress/2nd_Session/Chapter_40&action=edit&redlink=1), in admiralty as well as in equity cases carried up to the Supreme Court by appeal, the evidence goes with the cause, and it must consequently be in writing. 1 Gallis. C. C. R. 25; 1 Sumner’s C. C. R. 328.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) When a foreign government refuses to suffer the commission to be executed within its jurisdiction, the Circuit Court may issue letters rogatory for the purpose of obtaining testimony according to the forms and practice of the civil law. [Nelson et al. v. The United States](http://en.wikisource.org/w/index.php?title=Nelson_et_al._v._The_United_States&action=edit&redlink=1), Peters’ C. C. R. 255. See [Buddicum v. Kirke](http://en.wikisource.org/w/index.php?title=Buddicum_v._Kirke&action=edit&redlink=1), [3 Cranch](http://en.wikisource.org/wiki/3_Cranch), 293; 4 Cond. Rep. 522.

Depositions taken according to the proviso in the 30th section of the judiciary act of 1789, under a dedimus potestatem, according to common usage, when it may be necessary to prevent a failure or delay of justice, are, under no circumstances, to be considered as taken de bene esse. [Sergent’s Lessee v. Biddle](http://en.wikisource.org/w/index.php?title=Sergent%E2%80%99s_Lessee_v._Biddle&action=edit&redlink=1), [4 Wheat.](http://en.wikisource.org/wiki/4_Wheat.) 408; 4 Cond. Rep. 522.

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) This statute embraces all cases of death before final judgment, and of course is more extensive than the 17 Car. 2, and 8 and 9 W. 3. The death may happen before or after plea pleaded, before or after issue joined, before or after verdict, or before or after interlocutory judgment; and in all these cases the proceedings are to be exactly as if the executor or administrator were a voluntary party to the suit. [Hatch v. Eustis](http://en.wikisource.org/w/index.php?title=Hatch_v._Eustis&action=edit&redlink=1), 1 Gallis. C. C. R. 160.
* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) In real and personal actions at common law, the death of the parties before judgment abates the suit, and it requires the and of some statutory provision to enable the suit to be prosecuted by or against the personal representatives of the deceased, where the cause of action survives. This is effected by the 31st section of the Judiciary act of 1789, chap. 20. [Green v. Watkins](http://en.wikisource.org/wiki/Green_v._Watkins), [6 WheatHYPERLINK "http://en.wikisource.org/wiki/6\_Wheat.".](http://en.wikisource.org/wiki/6_Wheat.) 260; 5 Cond. Rep. 87.

In real actions the death of either party before judgment, abates the suit. The 31st section of the Judiciary act of 1789, which enables the action to be prosecuted by or against the representatives of thedeceased, when the cause of action survives, is clearly confined to personal actions. [Macker’s heirs v. Thomas](http://en.wikisource.org/w/index.php?title=Macker%E2%80%99s_heirs_v._Thomas&action=edit&redlink=1), [7 Wheat.](http://en.wikisource.org/wiki/7_Wheat.) 530; 5 Cond. Rep. 334.

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The 32d section of the act of 1789, allowing amendments, is sufficiently comprehensive to embrace causes of appellate as well as original jurisdiction; and there is nothing in the nature of an appellate jurisdiction, proceeding according to the common law, which forbids the granting of amendments. 1 Gallis. C. C. R. 22.

If the amendment is made in the Circuit Court, the cause is heard and adjudicated in that court, and upon appeal by the Supreme Court on the new allegation. But if the amendment is allowed by the Supreme Court, the cause is remanded to the Circuit Court, with directions to allow the amendment to be made. [The Mariana Flora](http://en.wikisource.org/w/index.php?title=The_Mariana_Flora&action=edit&redlink=1), [11 WheatHYPERLINK "http://en.wikisource.org/wiki/11\_Wheat.".](http://en.wikisource.org/wiki/11_Wheat.) 1; 6 Cond. Rep. 201.

By the provisions of the act of Congress, variance which is merely matter of form may be amended at any time. [Scull v. Biddle](http://en.wikisource.org/w/index.php?title=Scull_v._Biddle&action=edit&redlink=1), 2 Wash. C. C. R. 200. See [Smith v. Jackson](http://en.wikisource.org/wiki/Smith_v._Jackson), 1 Paine’s C. C. R. 486. [Ex parte Bradstreet](http://en.wikisource.org/wiki/Ex_parte_Bradstreet), [7 Peters](http://en.wikisource.org/wiki/7_Peters), 634. [Randolph v. Barrett](http://en.wikisource.org/wiki/Randolph_v._Barrett), [16 Peters](http://en.wikisource.org/wiki/16_Peters), 136. [Hozey v. Buchanan](http://en.wikisource.org/wiki/Hozey_v._Buchanan), [18 Peters](http://en.wikisource.org/w/index.php?title=18_Peters&action=edit&redlink=1), 215. [Woodward v. Brown](http://en.wikisource.org/wiki/Woodward_v._Brown), [13 Peters](http://en.wikisource.org/wiki/13_Peters), 1.

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The Supreme Court of the United States has jurisdiction, under the constitution and laws of the United States, to bail a. person committed for trial on a criminal charge by a district judge of the United States. [The United States v. Hamilton](http://en.wikisource.org/w/index.php?title=The_United_States_v._Hamilton&action=edit&redlink=1), [3 Dall.](http://en.wikisource.org/wiki/3_Dall.) 13.

The circumstances of the case must be very strong, which will, at any time, induce a court to admit a person to bail, who stands charged with high treason. [The United States v. Stewart](http://en.wikisource.org/w/index.php?title=The_United_States_v._Stewart&action=edit&redlink=1), [2 Dall.](http://en.wikisource.org/wiki/2_Dall.) 345.

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The 34th section of the Judiciary act of 1799, does not apply to the process and practice of the courts. It merely furnishes a decision, and is not intended to regulate the remedy. [Wyman v. Southard](http://en.wikisource.org/w/index.php?title=Wyman_v._Southard&action=edit&redlink=1), [10 WheatHYPERLINK "http://en.wikisource.org/wiki/10\_Wheat.".](http://en.wikisource.org/wiki/10_Wheat.) 1; 6 Cond. Rep. 1.

In construing the statutes of a State, infinite mischief would ensue, should the federal courts observe a different rule from that which has long been established in the State. [M‘Keen v. Delancy’s Lessee](http://en.wikisource.org/w/index.php?title=M%E2%80%98Keen_v._Delancy%E2%80%99s_Lessee&action=edit&redlink=1), [5 Cranch](http://en.wikisource.org/wiki/5_Cranch), 22; 2 Cond. Rep. 179.

In cases depending on the statutes of a State, and more especially in those respecting the titles to land, the federal courts adopt the construction of the State, where that construction is settled or can be ascertained. [Polk’s Lessee v. Wendell](http://en.wikisource.org/w/index.php?title=Polk%E2%80%99s_Lessee_v._Wendell&action=edit&redlink=1), [9 Cranch](http://en.wikisource.org/wiki/9_Cranch), 87; 3 Cond. Rep. 286.

The Supreme Court uniformly acts under a desire to conform its decisions to the State courts on their local law. [Mutual Assurance Society v. Watts](http://en.wikisource.org/wiki/Mutual_Assurance_Society_v._Watts), [1 WheatHYPERLINK "http://en.wikisource.org/wiki/1\_Wheat.".](http://en.wikisource.org/wiki/1_Wheat.) 279; 3 Cond. Rep. 670.

The Supreme Court holds in the highest respect, decisions of State Courts upon local laws, forming rules of property. [Shipp et al. v. Millows heirs](http://en.wikisource.org/w/index.php?title=Shipp_et_al._v._Millows_heirs&action=edit&redlink=1), [2 Wheat.](http://en.wikisource.org/wiki/2_Wheat.) 316; 4 Cond. Rep. 132.

When the construction of the statute of the State relates to real property, and has been settled by any judicial decision of the State where the land lies, the Supreme Court, upon the principles uniformly adopted by it, would recognize the decision as part of the local law. [Gardner v. Collins](http://en.wikisource.org/wiki/Gardner_v._Collins), [2 Peters](http://en.wikisource.org/wiki/2_Peters), 58.

In construing local statutes respecting real property, the courts of the Union are governed by the decisions of State tribunals.[Thatcher et al. v. Powell](http://en.wikisource.org/w/index.php?title=Thatcher_et_al._v._Powell&action=edit&redlink=1), [6 WheatHYPERLINK "http://en.wikisource.org/wiki/6\_Wheat.".](http://en.wikisource.org/wiki/6_Wheat.) 119; 5 Cond. Rep. 28.

The courts of the United States, in cases depending on the laws of a particular State, will in general adopt the construction given by the courts of the State, to those laws. [Elmendorf v. Taylor](http://en.wikisource.org/wiki/Elmendorf_v._Taylor), [10 WheatHYPERLINK "http://en.wikisource.org/wiki/10\_Wheat.".](http://en.wikisource.org/wiki/10_Wheat.) 152; 6 Cond. Rep. 47.

Under the 34th section of the judiciary act of 1789, the acts of limitation of the several States where no special provision has been made by Congress, form rules of the decision in the courts of the United States the Hume effect is given to them as is given in the State courts. [M‘Cluny v. Silliman](http://en.wikisource.org/w/index.php?title=M%E2%80%98Cluny_v._Silliman&action=edit&redlink=1), [3 Peters](http://en.wikisource.org/wiki/3_Peters), 277.

The statute laws of the States must furnish the rules of decision to the federal courts, as fur as they comport with the laws of the United States, in all cases arising within the respective States; and a fixed and received construction of these respective statute laws in their own courts, makes a part of such statute law. Shelby et al. v. Guy, [11 WheatHYPERLINK "http://en.wikisource.org/wiki/11\_Wheat.".](http://en.wikisource.org/wiki/11_Wheat.) 361; 6 Cond. Rep. 345.

The Supreme Court adopts the local law of real property as ascertained by the decisions of State courts; whether those decisions are grounded on the construction of the statutes of the State, or from a part of the unwritten law of the state, which has become a fixed rule of property. [Jackson v. Chew](http://en.wikisource.org/wiki/Jackson_v._Chew), [12 WheatHYPERLINK "http://en.wikisource.org/wiki/12\_Wheat.".](http://en.wikisource.org/wiki/12_Wheat.) 153; 6 Cond. Rep. 489.

Soon after the decision of a case in the Circuit Court for the district of Virginia, a case was decided in the court of appeals of the State, on which the question on the execution laws of Virginia was elaborately argued and deliberately decided. The Supreme Court, according to its uniform course, adopts the construction of the act, which is made by the highest court of the State. [The United States v. Morrison](http://en.wikisource.org/w/index.php?title=The_United_States_v._Morrison&action=edit&redlink=1), [4 Peters](http://en.wikisource.org/wiki/4_Peters), 124.

The Supreme Court has uniformly adopted the decisions of the State tribunals, respectively, in all cases where the decision of at State court become a rule of property. [Green v. Neal](http://en.wikisource.org/w/index.php?title=Green_v._Neal&action=edit&redlink=1), [6 Peters](http://en.wikisource.org/wiki/6_Peters), 291.

In all cases arising under the constitution and laws of the United States, the Supreme Court may exercise a revising power, and its decisions are final and obligatory on all other tribunals, State as well as federal. A State tribunal has a right to examine any such questions, and to determine thereon, but its decisions must conform to those of the Supreme Court, or the corrective power of that court may be exercised. But the case is very different when the question arises under a local law. The decision of this question by the highest tribunal of a State, should be considered as final by the Supreme Court; not because the State tribunal has power, in such a case, to bind the Supreme Court, but because, in the language of the court in [Shelby v. Guy](http://en.wikisource.org/wiki/Shelby_v._Guy), [11 Wheat.](http://en.wikisource.org/wiki/11_Wheat.) 361, a fixed and received construction by a State, in its own courts, makes a part of the statute law. *Ibid.* See also [Smith v. Clapp](http://en.wikisource.org/wiki/Smith_v._Clapp), [15 Peters](http://en.wikisource.org/wiki/15_Peters), 125. [Watkins v. Holman et al.](http://en.wikisource.org/w/index.php?title=Watkins_v._Holman_et_al.&action=edit&redlink=1), [16 Peters](http://en.wikisource.org/wiki/16_Peters), 25. [Long v. Palmer](http://en.wikisource.org/wiki/Long_v._Palmer), [16 Peters](http://en.wikisource.org/wiki/16_Peters), 65. [Golden v. Price](http://en.wikisource.org/w/index.php?title=Golden_v._Price&action=edit&redlink=1), 3 Wash. C. C. R. 313. [Campbell v. Claudius](http://en.wikisource.org/w/index.php?title=Campbell_v._Claudius&action=edit&redlink=1), Peters’ C. C. R. 484. [Henderson and Wife v. Griffin](http://en.wikisource.org/w/index.php?title=Henderson_and_Wife_v._Griffin&action=edit&redlink=1), [5 Peters](http://en.wikisource.org/wiki/5_Peters), 151. [Coates’ executrix v. Muse’s HYPERLINK "http://en.wikisource.org/w/index.php?title=Coates%E2%80%99\_executrix\_v.\_Muse%E2%80%99s\_adm%E2%80%99or.&action=edit&redlink=1"adm’or.](http://en.wikisource.org/w/index.php?title=Coates%E2%80%99_executrix_v._Muse%E2%80%99s_adm%E2%80%99or.&action=edit&redlink=1), 1 Brocken’s C. C. R. 539. [Parsons v. Bedford et al.](http://en.wikisource.org/w/index.php?title=Parsons_v._Bedford_et_al.&action=edit&redlink=1), [3 Peters](http://en.wikisource.org/wiki/3_Peters), 433.

* [↑](http://en.wikisource.org/wiki/United_States_Statutes_at_Large/Volume_1/1st_Congress/1st_Session/Chapter_20) The acts relating to the compensation of the Attorney General of the United States are: [Act of March 2, 1797](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/4th_Congress/2nd_Session/Chapter_3&action=edit&redlink=1); [act of March 2, 1799, chap. 38](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_1/5th_Congress/3rd_Session/Chapter_38&action=edit&redlink=1); [act of February 20, 1804, chap. 12](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_2/8th_Congress/1st_Session/Chapter_12&action=edit&redlink=1); [act of February 20, 1819, chap. 27](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_3/15th_Congress/2nd_Session/Chapter_27&action=edit&redlink=1); [act of May 29, 1830, chap. 153](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/21st_Congress/1st_Session/Chapter_153&action=edit&redlink=1), [sec. 10](http://en.wikisource.org/w/index.php?title=United_States_Statutes_at_Large/Volume_4/21st_Congress/1st_Session/Chapter_153&action=edit&redlink=1).

APPROVED , September 24, 1789.

 U.S. Bankruptcy

By Moses G. Washington

revised on 3/31/03

In this article we will examine the evidence that the UNITED STATES government is in bankruptcy and the implications for all Americans. Before we begin trace the events demonstrating that the bankruptcy exists, allow be to quote from a fairly recent Congressional Record.

*“Mr. Speaker, we are here now in chapter 11. Members of Congress are official trustees*
*presiding over the greatest reorganization of any Bankrupt entity in world history, the U.S.*
*Government. We are setting forth hopefully, a blueprint for our future. There are some who*
*say it is a coroner’s report that will lead to our demise.” [Rep. James Traficant, Jr. (Ohio)*
*addressing the House, Congressional Record, March 17, 1993, Vol. 33, page H-1303]*

Events Demonstrating the Bankruptcy

If in fact a bankruptcy exists, one would expect to find evidence of it in our various government records. The evidence from these sources suggests that the bankruptcy was precipitated by the stock market crash of 1929. So, we will begin our search here.

In 1929, the United States entered the Great Depression. At that time, most of the major economic and military powers in the world were also in the depression. You may recall that Americas were permitted to own gold and that our currency was backed by gold and silver. People could deposit their gold in Federal Reserve banks and the bank would give them a note which they could use to withdraw their gold. Due to the panic in the economic markets after the crash of 1929, people were trying to withdraw the funds from the banks in the form currency, silver and gold.

President Herbert Hoover asked the Federal Reserve Board of New York for a recommendation on how to deal with the situation. One might wonder why President Hoover would ask the Federal Reserve for advise. But, a review the “Federal Reserve” article will show that the Federal Reserve was in control of our monetary policy. The Federal Reserve Board adopted a resolution to respond t President Hoover’s request.

*“Resolution Adopted By The Federal Reserve Board of New Your. Whereas, in the opinion*
*of the Board of Directors of the Federal Bank of New York, the continued and increasing*
*withdrawal of currency and gold from the banks of the country has now created a national*
*emergency …” [Herbert Hoover private papers of March 3, 1933]*

The Federal Reserve board is stating that the run on banks is causing a “national emergency”. Since our currency was backed by gold, why would it cause a national emergency for the people to hold the gold rather than the banks? To find the answer, let’s see what President Hoover had to say.

*“… that those speculator and insiders were right was plain enough later on. This first*
*contract of the ‘moneychagers’ with the New Deal netted those who removed their money*
*from the country a profit of up to 60 percent when the dollar was debased.” [Hoover Policy*
*Paper, written by the Secretary of Interior and Secretary of Agriculture]*

President Hoover is saying that those with inside knowledge had already removed the money (gold) from the country before the American people started demanding their money from the banks. Since the banks didn’t have the gold the people were demanding, the banks needed protection. So, the Federal Reserve Board when onto proposed that the President issue an Executive Order based upon the Trading with the Enemy Act of 1917 as follows:

*“Whereas, it is provided in Section 5(b) of the Act of October 6, 1917, as amended, that*
*‘the President may investigate, regulate, or prohibit, under such rules and regulations as he*
*may prescribe by means of licensure or otherwise, any transaction in foreign exchange and*
*the export, hoarding, melting, or earmarkings of gold or silver coin or bullion or*
*currency, \*\*\*’”. [Herbert Hoover private papers of March 3, 1933, emphasis added]*

President Hoover decline to issue the order but Franklin D. Roosevelt was inaugurated a President on March 4, 1933. In his inauguration speech, requested that Congress grant him emergency powers equal to those he might have in times of war to allow him to deal with the crisis. On March 5, 1933, he issued Proclamation 2038 requesting a Special Session of Congress beginning on March 9, 1933, to deal with the banking emergency. Then on March 6, 1933, President Roosevelt issued Proclamation 2039 to indicate to the Congress what kind of emergency powers he was asking for. This proclamation had exactly the same wording as that proposed by the Federal Reserve Board. But the Proclamation had not authority until Congress met to give him the required authority. (For a more detailed account of these events, read our article on “War & Emergency Powers”).

One might well ask how the Federal Reserve Board could make such influence over the President. Some researchers speculate that the depression was engineered by the Federal Reserve and the international bankers that they represent [see our article on the Federal Reserve for information about the link between the Federal Reserve and international bankers]. The banker’s motive was to further consolidate (they already controlled the monetary policy of the UNITED STATES) their power. It is also speculate that the government was told that it could cooperate with the Federal Reserve (international bankers) or the depression would remain indefinitely. Under such political blackmail, the President, Congress and courts were willing to acquiesce to the demands of the bankers. Bear these speculations in mind as you read who quickly the Federal Reserve got what it wanted. These speculations will be an area for further research.

The very first act passed by Congress when they met in Special Session has the following preamble.

*“Be it enacted by the Senate and the House of Representative of the United States of*
*America in Congress assembled, That the Congress hereby declares that a serious*
*emergency exists and that it is imperatively necessary speedily to put into effect remedies*
*of uniform national application.” [emphasis added]*

On the first day of the special session, Congress approved Proclamation 2039. On the same day, President Roosevelt re-issued it as Proclamation 2040.

*“Whereas, under the Act of March 9, 1933, all Proclamations heretofore or hereafter issued*
*by the President pursuant to the authority enforced by section 5(b) of the Act of October 6,*
*1917, as amended, are approved and confirmed;” [President Roosevelt’s Proclamation*
*2040].*

On that same day, Congress passed the following statute.

*“During time of war or during any other period of national emergency declared by the*
*President, the President may, through any agency that he may designate, or otherwise*
*investigate, regulate, or prohibit under such rules and regulations as he may prescribe by*
*means of licensure or otherwise, any transaction in foreign exchange, transactions of credit*
*between or payments by banking institutions as defined by the President and export,*
*hoarding, melting, or ear markings of gold or silver coin or bullion or currency, by any*
*person within the United States or anyplace subject to the jurisdiction thereof.” [Title*
*1, Sec. 2, 48 Statute 1, March 9, 1933]*

This is exactly the same language that was found in the 1917 Trading with the Enemy Act with the exception of the section in bold. The exclusion of transactions within the UNITED STATES had been removed from the act.

This statute can now be found in the United States Code at 12 USC § 95b. This is the current version of the statute. Notice that the wording is almost identical to that found in the 1933 statute (shown in above paragraph).

*“Sec. 95b. - Ratification of acts of President and Secretary of the Treasury under section*
*95a*

*The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter*
*taken, promulgated, made, or issued by the President of the United States or the Secretary*
*of the Treasury since March 4, 1933, pursuant to the authority conferred by section 95a of*
*this title, are approved and confirmed” [12 USC § 95b]*

This version says that the authority is granted in 12 USC § 95a. But if you look in that notes to that statute you will see that he original source authority is located in “Oct. 6, 1917, ch. 106, Sec. 5(b), 40 Stat. 415” and later in “Mar. 9, 1933, ch. 1, title I, Sec. 2, 48 Stat. 1”. So, the President still has the authority as it was originally granted in 1917 and later modified in 1933.

The effect of this emergency power is that all Americans are now part of the Trading with the Enemy Act, as amended in 1933. The significance of this change will become apparent shortly.

Since the banks don’t have gold to pay out, President Roosevelt used Proclamation 2039 and 2040 along with the provisions of 12 USC § 95b to create a banking holiday. This can be verified if we read the definition for “Banking Holiday of 1933”:

*“Bank holiday of 1933. Presidential Proclamations No. 2039, issued March 6, 1939, and*
*No. 2040, issued March 9, 1933, temporarily suspended banking transactions by member*
*banks of the Federal Reserve System. Normal banking functions were resumed on March*
*13, subject to certain restrictions. The first proclamation, it was held, had no authority in*
*law until the passage on March 9, 1933, of a ratified act (12 U.S.C.A. § 95b). The present*
*law forbids member banks of the Federal Reserve System to transact banking business,*
*except under regulations of the Secretary of the Treasury, during an emergency proclaimed*
*by the President. 12 U.S.C.A. § 95.” [Black’s Law Dictionary, 5th Edition, emphasis added]*

The restrictions mentioned in the above definitions are that the banks had to be licensees before they could be reopened. A license is something which grants authority to do something that would otherwise be illegal. Trading (or conducting business) with the enemy (Americans on American soil) was made an illegal activity unless licensed. President Roosevelt’s papers reveal that the government will grant the license.

*“The Secretary of the Treasury will issue licenses to banks which are members of the*
*Federal Reserve system whether national bank or state, located in each of the 12 Federal*
*Reserve bank cities, to open Monday morning.” [President Roosevelt’s papers]*

Another provision passed on March 9, 1933 gave Federal Reserve agents the authority to acts as agents of the U.S. Department of Treasury. This seems very strange since the Federal Reserve is a private business.

*“The Secretary of the Treasury will issue licenses to banks which are members of the*
*Federal Reserve system whether national bank or state, located in each of the 12 Federal*
*Reserve bank cities, to open Monday morning.”*

*“When required to do so by the Secretary of the Treasury, each Federal Reserve agent*
*shall act as agent of the Treasurer of the United States or of the Comptroller of the*
*currency, or both, for the performances of any functions which the Treasurer or the*
*Comptroller may be called upon to perform in carrying out the provisions of this paragraph.*
*[48 Stat. 1]*

We’ve already seen that insiders had removed most of the gold from the banks before the American people started demanding their money from the banks. Since the banks didn’t have the money the people were demanding, the banks needed protection. In order to do this, the American people had to be declared the enemy. The Trading with the Enemy Act as revised in 1933 accomplished this. Then Congress passed a statute which authorized stiff fines and/or prison sentences if the people didn’t turn in their gold.

*“Whenever in the judgment of the Secretary of the Treasury such action is necessary to*
*protect the currency system of the United State, the Secretary of the Treasury, in his*
*discretion, may regulate any or all individuals, partnerships, associations and*
*corporations to pay and deliver to the Treasurer of the United States any or all gold*
*coin, gold bullion, and gold certificates owned by such individuals, partnerships,*
*associations, and corporations. … Whoever shall not comply with the provisions of this*
*act shall be fined not more than $10,000 or if a natural person, may in addition to*
*such fine may be imprisoned for a year, not exceeding ten years.” [Stat 48, Section 1,*
*Title 1, Subsection N, March 9, 1933, emphasis added]*

So, not only were American citizens not able to get their gold, but their gold was confiscated by the government. Since all money was gold and silver certificates and all of this money had to be turned in, the people were left without any money.

*“During this banking holiday it was at first believed that some form of script or emergency*
*currency would be necessary for the conduct of ordinary business. We knew that it would*
*be essential when the banks reopened to have an adequate supply of currency to meet all*
*possible demands of depositors. Consideration was given by government officials and*
*various local agencies to the advisability of issuing clearing house certificates or some*
*similar form of local emergency currencies. On March 7, 1933, the Secretary of the*
*Treasury issued a regulation authorizing clearing houses to issue demand certificates*
*against sound assets of the banking institutions. But this authority was not to become*
*effective until March 10th. In many cities, the printing of these certificates was actually*
*begun. But after the passage of the Emergency Banking Act of March 9, 1933, (48 Stat. 1)*
*it became evident that they would not be needed because the act made possible the*
*issue of the necessary amount of emergency currency in the form of Federal*
*Reserve Bank Notes which could be based on any sound assets owned by the banks.”*
*[Roosevelt’s papers, emphasis added]*

So we see that Roosevelt’s papers admit that the Emergency Banking Act made it possible to issue emergency currency which was based upon the assets of the bank rather than upon gold or silver (remove the U.S. from the gold standard). The “emergency currency” was “Federal Reserve Bank Notes”. Federal Reserve Notes are still used today.

Next we will see what was to be used to back up the “Federal Reserve Bank Notes”.

*“Upon the deposit with the Treasurer of the United States, (a) of any direct obligations of*
*the United States, or (b) of any notes, drafts, bills of exchange or bankers*
*acceptances acquired under the provisions of this Act, any Federal Reserve bank*
*making such deposit in the manner prescribe by the Secretary of the Treasury shall be*
*entitled to receive from the Comptroller of the currency circulating notes in blank, duly*
*registered and countersigned.” [Emergency Banking Relief Act of March 9, 1933, section 4, Public*
*Law 89-719]*

Later in 1933, the House of Representatives passed a joint resolution to “Suspend The Gold Standard and Abrogate The Gold Clause” which says in part:

*“That (a) every provision contained in or made with respect to any obligation which*
*purports to give the obligee a right to require payment in gold or particular kind of coin or*
*currency, or in as amount of money of the United States measured thereby is declared to*
*be against public policy; and no such provision shall be contained in or made with*
*respect to any obligation hereafter incurred.” [GOLD REPEAL ACT June 5, 1933]*

Since this measure was passed as a joint resolution, it does not have the force of law. You will notice that the resolution uses the term “public policy”. We frequently hear the term “public policy” used. But what does it mean?

*“policy. The general principles by which a government is guided in its management of*
*public affairs.” [Black’s Law Dictionary, 7th Edition]*

*“public policy. Broadly, principles and standards regarded by the legislature or by the courts*
*as being of fundamental concern to the state and the whole of society.” [Black’s Law*
*Dictionary, 7th Edition]*

Public policy is not the same thing as public law!

*“public law. The body of law dealing with the relations between private individuals and the*
*government, and with the structure and operation of the government itself; … A statute*
*affecting the general public…” [Black’s Law Dictionary, 7th Edition]*

This is a rather startling admission on the part of Congress. They are saying that what they are doing by refusing to pay the federal debt in gold is not according to the law but rather a public policy.

So, we see that the currency was no longer backed by gold (even if it is only a pubic policy). The new currency was Federal Reserve Bank Notes. These notes were and still are backed by “direct obligations of the United States” which are Treasury notes. They are also backed by bank “notes, drafts, bills of exchange, and bank acceptances.” This last group are notes (loans) that Federal Reserve member banks were holding on loans they had made to people and institutions. So the public or private debt instruments of the banks were considered assets to be deposited in the Treasury in exchange for “circulating notes”. This can be further proven by excepts from the Congressional Record during the debate over the Emergency Banking Act of 1933.

***[Mr. McPhadin] “… The first section of the bill, as I grasped it, is practically the war powers that were given back in 1917. I would like to ask the chairman of the committee if this is a plan to change the holding of the security back of the Federal Reserve notes to the Treasury of the United States rather than the Federal Reserve agent.”***

*[Mr. Stiggle] “This provision is for the issuance of Federal Reserve bank notes; and not for*
*Federal Reserve notes; and the security back of it is the obligations, notes, drafts, bills of*
*exchange, bank acceptances, outlined in the section to which the gentleman has referred.”*

*[McPhadin] “Then the new circulation is to be Federal Reserve bank notes and not Federal*
*Reserve notes. Is that true?”*

[Stiggle] “Insofar as the provisions of this section are concerned, yes.”

*“[Mr. Britain} From my observations of the bill as it was read to the House, it would appear*
*that the amount of bank notes that might be issued by the Federal Reserve System is not*
*limited. That will depend entirely upon the mount of collateral that is presented from time to*
*time from exchange for bank notes. Is that not correct?”*

*[McPhadin] “Yes, I think that is correct.”*

It should be clear that the currency was no longer backed by gold but by a promise to pay

on various debt instruments (loans to private individuals or businesses and the government). So, there were no hard assets backing up the currency, only promises. In the case of government loans, the collateral would be the “full faith and credit of the United States.” This is very strong evidence that the federal government was bankrupt at that time. If it weren’t, the federal government would still be willing to pay its obligations in gold and the currency would still be backed by gold.

Who did the federal government owe money too? The obvious answer is the Federal Reserve Bank, who was holding the “direct obligations of the United States.” The Federal Reserve is a private bank. It is not part of the government. The logically conclusion is that the government is bankrupt and the Federal Reserve is the creditor.

The transition from a gold backed currency to one that was not backed by any hard asset was very swift. The Federal Reserve Board proposed it to President Hoover on March 3, 1933 and it was implemented into law by March 9, 1933. This is very swift action indeed. How can we account for such a rapid change in circumstances? We have not uncovered (at least thus far) direct evidence of undue influence by the Federal Reserve (international bankers). However, their position as creditor to the UNITED STATES does provide a plausible explanation as to why things changed so rapidly.

The final topic we will explore is the impact of this even on American citizens.
Impact of Bankruptcy

So, let’s clarify the difference between real money (backed by a hard asset) and a paper money substitute. Federal Reserve Notes (FRNs) are nothing more than promissory notes backed by UNITED STATES Treasury securities (T-Bills) - a promise to pay the debt to the Federal Reserve Bank. They allow the federal government to create debt which causes inflation through devaluation of the currency. Inflation occurs whenever there is an increase of the supply of a money supply in the economy without a corresponding increase in the gold and silver backing. Inflation is an invisible form of taxation that irresponsible governments inflict on their citizens. The Federal Reserve Bank has access to an unlimited supply of FRNs. The Federal Reserve Bank only pays for the printing costs of new FRNs.

We also need to understand that there is a fundamental difference between “paying” and “discharging” a debt. To pay a debt, you must pay with value or substance (i.e. gold, silver, barter or a commodity). With FRNs, you can only discharge a debt. You cannot pay a debt with a debt currency system. You cannot service a debt with a currency that has no backing in value or substance. No contract in common law is valid unless it involves an exchange of “good and valuable consideration.”

What does the federal government have to offer the Federal Reserve in payment of it’s debts? The next quote answers this question.

*[Patton] “The money will be worth 100 cents on the dollar because it is backed by the credit*
*of the Nation. It will represent a mortgage on all the homes and other property of all the*
*people in the Nation.” [Congressional Record, March 9, 1933, emphasis added]*

We see that the federal government has offered all of the private property in the nation to it creditor, the Federal Reserve. The government can offer the labor of the people of the nation [see our article on the “Federal Reserve” system to see how the IRS is used to collect money from the Federal Reserve].

This quote is evidence that the government “hypothecated” all of all of the present and future properties, assets and labor of their “subjects” to the Federal Reserve System.

*“Hypothecate. To pledge property as security or collateral for a debt. Generally, there is no*
*physical transfer of the pledged property to the lender; nor is the lender given title to the*
*property; though he has a right to sell the pledged property upon default.” [Black’s Law*
*Dictionary, 5th Edition]*

So, the government has pledged (mortgaged) our property as collateral to their creditor, the Federal Reserve. If you thought the only person who could mortgage a property was the owner, you are correct. The implication is that through some mechanism (which will be the subject of future material on this web site), the government has taken over controlling interest in our property. If this is the case, it is a violation of the 5th Amendment to the Constitution

*“… nor shall private property be taken for public use without just compensation.”*

You may wonder how you got roped into paying someone else’s debts. The answer can

be found in 14th Amendment.

*The validity of the public debt of the United States … shall not be questioned.” [14th*

*Amendment, Section 4]*

After the passage of the 14th Amendment, everyone born in America became a 14th

Amendment [federal] citizen. As such, you are held liable for the “public debt of the United States.”

To provide further evidence of government control of our property, consider the fact that we pay property taxes. Prior to 1913, when the Federal Reserve Act was passed, most Americans owned property and had allodial titles. There are no property taxes in this situation. When we buy property now, we are not given an allodial title. Instead we are given a title deed which is not fee simple absolute. To better understand, let’s look at the definitions of these terms.

*“Allidial. Free; not holden on may lord or superior; owned without obligation of vassalage or*
*fealty…” [Black’s Law Dictionary, 5th Edition]*

*“Fee simple. A fee simple absolute is an estate limited absolutely to a man and his heirs*
*and assignees forever without limitation or condition. An absolute or fee simple estate is*
*one in which the owner is entitled to the entire property, with unconditional power of*
*disposition during his life, and descending to his heirs and legal representatives upon his*
*death intestate.” [Black’s Law Dictionary, 5th Edition]*

*“Deed. A conveyance of realty; a writing signed by grantor, whereby title to realty is*
*transferred from one to another.” [Black’s Law Dictionary, 5th Edition]*

*“Title deeds. Deeds which constitute or are the evidence of title to lands.” [Black’s Law*
*Dictionary, 5th Edition, emphasis added]*

From these definitions, it should be obvious that we do not have fee simple absolute title to our land. If we had an allodial title (without obligation), no one would have the authority to tax the land. They would also not have a right to sell the property if the taxes weren’t paid. But when the property was hypothecated, the government took that authority. The title deed is evidence that a title does exist. But the question remains, who holds title to the property? It would seem that the government has taken control of our property and then they lease it back to us for what is called property taxes.

In return for turning over all the property in the U.S., the Federal Reserve Bank agreed to extend the federal government all the credit (money substitute) it needed. Like any other debtor, the federal government had to assign collateral and security to their creditors as a condition of the loan. Since the federal government didn’t have any assets, they assigned

the private property of their “economic slaves,” the UNITED STATES. citizens, as collateral against the unpayable federal debt. They also pledged the unincorporated federal territories, national parks and forests, as collateral against the federal debt (for evidence of this see the United Nations plaques in most of major national parks).

You might say, “I don’t feel like an economic slave.” If not, then why are most Americans mortgaged to the hilt and have little or no assets after all debts and liabilities have been paid? Why does it feel like you are working harder and harder and getting less and less? Evidence of your economic slavery is the fact that you pay Social Security taxes and income taxes.

Remember that we said the federal government could also pledge the labor of the citizens. The federal government gets the benefit of your labor in the form of federal employment [income] taxes. What you may not know is that the federal government does not have constitutional authority to tax your wages. So the income tax is voluntary [see our article on “Income Tax is Voluntary”]. You volunteer to pay of the public debt when you apply for a social security number and then give it to your employer when you file a W4 form. If you don’t believe it, find a canceled check that you have written to the I.R.S. Turn it over and on the back you will see that the check was endorsed for deposit in a Federal Reserve account. So, your check to pay your “income tax” was deposited into the Federal Reserve, a private bank, who is the creditor for the federal government.

In summary, the federal government is bankrupt. The Federal Reserve is the creditor to the federal government. All of your property and labor have been pledged to pay the debts of the federal government. As a UNITED STATES citizen, you are held liable for the public debt.

**Presidential Emergency Powers: The So-Called "War Powers Act of 1933"**

**CRS Report for Congress**
**Received through the CRS Web**
**Presidential Emergency Powers: The So-Called**
**"War Powers Act of 1933"**
David M. Ackerman
Legislative Attorney
American Law Division
Summary
The "War Powers Act of 1933" is a name given by some members of the militia and
patriot movement to emergency banking legislation passed in 1933 five days after
President Roosevelt came into office.1 The legislation did not, in fact, have the title
attributed to it. It has apparently been so labelled by some because the banking
legislation amended the "Trading with the Enemy Act of 1917" in order to give legal
underpinning to President Roosevelt's efforts to cope with the banking crisis. It is
alleged by its modern-day critics that by that amendment the government in effect
declared war on the American people and began a reign of unconstitutional rule through
Presidential emergency powers. These allegations overlook the facts that the amendment
of the Trading with the Enemy Act has subsequently been repealed, that President
Roosevelt's proclamation of national emergency has been effectively terminated, and that
any President's exercise of emergency powers is now regulated under the "National
Emergencies Act."
Background
President Roosevelt came into office on March 5, 1933, during the most severe
economic depression in the Nation's history. On his first day in office, he summoned
Congress to a special session beginning on March 9 "to receive such communication as

1It should also be noted that this legislation has nothing to do with the "War Powers
Resolution of 1973." See P.L. 93-148 (Nov. 7, 1973); 87 Stat. 555; 15 U.S.C. 1541 et seq. The
War Powers Resolution imposes responsibilities on the President relating to the commitment of
U.S. military forces into "hostilities or situations where imminent involvement in hostilities is
clearly indicated by the circumstances." Like the exercise of Presidential emergency powers, the
issue of Presidential and Congressional war powers is a subject of continuing debate. But the so-
called "War Powers Act of 1933" should not be confused with the War Powers Resolution.
Congressional Research Service ˜ The Library of Congress

may be made by the Executive."2 On the second day he declared that massive withdrawals
of gold and currency from the banks had created a "national emergency" and ordered that
the banks be closed from March 6-9 "in order to prevent the export, hoarding, or3
earmarking of gold or silver coin or bullion or currency ...." As the legal authority for this
proclamation, he cited the portion of § 5(b) of the "Trading with the Enemy Act"4
providing that
the President may investigate, regulate, or prohibit, under such rules
and regulations as he may prescribe, by means of licenses or
otherwise, any transactions in foreign exchange, export, hoarding,
melting or earmarkings of gold or silver coin or bullion or currency
....

40 Stat. 411, 415 (1917), as amended by 40 Stat. 965, 966 (1918).

The Trading with the Enemy Act had been enacted in 1917 to give the President authority
to regulate all economic and other transactions between persons in the United States and
foreign countries during World War I. By its terms, however, the Act seemed intended
for use only in time of war.
On March 9 Congress convened and promptly enacted the President's emergency
banking legislation.5 Recognizing the limitations of the legal authority the President had
cited for his declaration of a national bank holiday, the legislation amended § 5(b) of the
Trading with the Enemy Act to allow it to be used not only in time of war but also "during6
any other period of national emergency declared by the President." The banking
legislation also declared that "a serious emergency exists," conferred extensive
discretionary powers over the banking and currency systems on the President and the
Federal Reserve Board, and gave both retroactive and prospective congressional approval7
to any and all actions taken by the President pursuant to the authority of § 5(b). On the

2Proclamation No. 2038 (March 5, 1933); 48 Stat. 1689.
3Proclamation No. 2039 (March 6, 1933); 48 Stat. 1690.
440 Stat. 415.
5Ch. 1, 73d Cong., 1st Sess. (March 9, 1933); 48 Stat. 1.
6Ch. 1, Title I, § 2 (March 9, 1933); 48 Stat. 1; 12 U.S.C. 95a and 50 U.S.C. App. 5(b).
As amended, § 5(b) read in pertinent part as follows:
During time of war or during any other period of national emergency declared by the President, the
President may, through any agency he may designate, or otherwise, investigate, regulate, or
prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise,
any transactions in foreign exchange, transfers of credit between or payments by banking
institutions as defined by the President, and export, hoarding, melting, or earmarking of gold or
silver coin or bullion or currency, by any person within the United States or any place subject to
the jurisdiction thereof ....
7The latter provision stated as follows:
The actions, regulations, rules, licenses, orders, and proclamations heretofore or hereafter taken,
promulgated, made, or issued by the President ... since March 4, 1933, pursuant to the authority
(continued...)

basis of this expansive statutory authority, **the President in Proclamation No. 2040 on
March 9 extended the national emergency and the bank holiday he had declared on March
6 "until further proclamation by the President"**8; and subsequently he issued a number of
executive orders regulating the banking and currency systems, including one barring the
private ownership of gold coins and bullion.9
The part of the emergency banking statute quoted above giving retroactive and
prospective approval to the actions of the President taken pursuant to § 5(b) of the
Trading with the Enemy Act has not been repealed, and that has led some to assert that
the U.S. is still under emergency rule. But **in fact President Roosevelt's declaration of
national emergency has been terminated, the amendment of § 5(b) of the Trading with the
Enemy Act has been repealed, and the Presidential proclamations and executive orders
issued pursuant to that authority have been eliminated.** In addition, Congress has enacted
legislation regulating future declarations of national emergency by the President.
Most of these actions occurred during the 1970s. In the middle of that decade the
Senate created a Special Committee on National Emergencies and Delegated Emergency
Powers to conduct an investigation into Presidential use and abuse of emergency powers.
On the basis of that Committee's findings and recommendations,10 Congress in 197611
enacted the "National Emergencies Act." The Act repealed several statutory delegations
of emergency powers and, in addition, imposed a number of controls on the President's
exercise of emergency powers, as follows:
**(1) With one pertinent exception, it terminated "all powers and
authorities possessed by the President, any other officer or employee
of the Federal Government, or any executive agency, ... as a result of
the existence of any declaration of national emergency in effect on12
September 14, 1976." The Senate Special Committee had found
that not only President Roosevelt's 1933 proclamation of a national
emergency but also a proclamation by President Truman and two by
President Nixon were still extant. Technically, the National
Emergencies Act did not repeal or terminate those four declarations
of national emergency, but with the exception noted below, this
section of the Act did render them hollow shells.**

7 (...continued)
conferred by subdivision (b) of section 5 of the Act of October 6, 1917, as amended, are hereby
approved and confirmed.
Act of March 9, 1933, supra, § 1; 12 U.S.C. 95b.
8Proclamation No. 2040 (March 9, 1933); 48 Stat. 1691.
9E.O. 6260 (Aug. 28, 1933).
10SENATE SPECIAL COMMITTEE ON NATIONAL EMERGENCIES AND
DELEGATED EMERGENCY POWERS, FINAL REPORT: NATIONAL EMERGENCIES
AND DELEGATED EMERGENCY POWERS, S. Rept. No. 94-922, 94th Cong., 2d Sess. (1976).
11P.L. 94-412 (Sept. 14, 1976); 90 Stat. 1255; 50 U.S.C. 1601 et seq.
12Id., § 1601(a).

**(2) The Act provided that any standby emergency authority
provided to the President by statute (the Senate Special Committee
had found 470 such statutes) could be activated in the future only by
a new Presidential declaration of national emergency that was
transmitted to Congress and published in the Federal Register.13
(3) The Act required that in any future declared national
emergency, the President could only use those standby statutory
authorities which he specifically identified and communicated to
Congress and the public.14 That is, a declaration of national
emergency would no longer automatically activate all of the standby
authorities which the Special Committee had identified in its study or
which Congress enacted in the future but only those specified and
publicized by the President as pertinent to the crisis at hand.
(4) The Act provided that any future declaration of national
emergency by the President would terminate automatically one year
after its declaration unless the President explicitly renewed it each
year, and could also be terminated at any time by joint resolution of15
Congress or a Presidential proclamation.
(5) The Act required the President to make periodic reports to
Congress on all actions taken with respect to a declared emergency.16
In sum, the National Emergencies Act now subjects any Presidential exercise of
Congressionally delegated emergency powers to the requirements of public declaration,
specification of powers to be used, periodic reporting, Congressional oversight, and
automatic termination.
The one initial exception to the foregoing framework for national emergencies
concerned the Trading with the Enemy Act. As first adopted in 1976, the National
Emergencies Act excluded from its purview Section 5(b) of the Trading with the Enemy
Act. As noted above, that is the provision of law under which President Roosevelt issued
his declaration of national emergency with respect to the banking crisis. But with the
advent of the Cold War that section had also been used by the executive branch as the
legal basis for imposing economic sanctions on the communist nations of North Korea,
Cuba, China, and North Vietnam; and at the time the National Emergencies Act was
enacted, there was no other legal basis for continuing the sanctions against those countries.
As a consequence, the State Department asked that Section 5(b) be excluded from the
National Emergencies Act until other legislation providing a basis for the continuation of
economic sanctions against those countries could be enacted.**

13Id., § 1621(a).
14Id., § 1631.
15Id., § 1622.
16Id., § 1641.

In 1977 in the "International Emergency Economic Powers Act" (IEEPA) Congress
enacted that alternative basis for economic sanctions against foreign countries.17 IEEPA
gives the President broad discretionary authority to impose economic sanctions on foreign
countries to deal with any unusual and extraordinary threat, which has its
source in whole or substantial part outside the United States, to the
national security, foreign policy, or economy of the United States, if
the President declares a national emergency with respect to such
threat.18
With this alternative legal basis for economic sanctions in place, Congress eliminated the
former exclusion of § 5(b) of the Trading with the Enemy Act from the National
Emergencies Act and also amended § 5(b) so that it could no longer be triggered by a
declaration of national emergency. The amendment of § 5(b) provided that the Act can19
only be invoked "(d)uring the time of war." The elimination of the exclusion made clear
that any and all emergency powers that might have previously been available pursuant to
a national emergency declared under § 5(b) (including President Roosevelt's 1933
Proclamation No. 2040) were terminated.20 As with the other pre-existing Presidential
declarations of national emergency, Congress did not formally terminate the one declared
by President Roosevelt (apparently believing that only the President could do so). But it
did render it toothless.
Finally, in 1982 the Treasury Department formally eliminated the Presidential
proclamations and executive orders pertaining to the 1933 banking crisis. Citing Congress'
restriction of § 5(b) of the Trading with the Enemy Act and the enactment of IEEPA, and
terming the various proclamations and executive orders to have been "obsolete for many21
years," the Department issued a regulation specifically terminating them. The measures
eliminated included President Roosevelt's Proclamations 2039 and 2040. His executive
order barring the private ownership of gold had previously been overturned by statute.22
Conclusion

17P.L. 95-223, 95th Cong., 1st Sess. (Dec. 28, 1977); 91 Stat. 1626; 50 U.S.C. 1701 et seq.
18Id., § 1701(a).
1950 U.S.C. App. 5(b); 12 U.S.C. 95a. In amending TWEA, Congress did provide for the
continuation of any economic sanctions that were the result of a Presidential declaration of national
emergency and were in effect on July 1, 1977, subject to automatic termination unless they were
renewed annually. This provision allowed the sanctions regimes against Cuba, North Korea,
China, and North Vietnam to continue without the President having to declare a new national
emergency under IEEPA. See 50 U.S.C.A. App. 5, note.
20P.L. 95-223, supra, § 101(d); 50 U.S.C. 1651(a)(1).
2147 Fed. Reg. 56351-54 (Dec. 16, 1982).
22P.L. 93-110 (Sept. 21, 1973), 87 Stat. 352, as amended by P.L. 93-373 (Aug. 14, 1974),

88 Stat. 445.

The issue of Presidential emergency powers is necessarily a matter of continuing
concern in a democracy, because the potential for the concentration and abuse of power
is ever-present. The emergency banking legislation of 1933, denominated by some as the
"War Powers Act of 1933," conferred extraordinary powers on the President with respect
to the banking and currency systems as an initial step in trying to cope with the
Depression. It also made the powers conferred by § 5(b) of the Trading with the Enemy
Act available in times of national emergency as well as in times of war. Subsequently, §
5(b) was used as the basis for certain actions unrelated to the Depression, most notably the
imposition of economic sanctions on certain foreign countries.
But President Roosevelt's 1933 declaration of national emergency and the various
measures taken pursuant to that declaration have been terminated. Moreover, Section 5(b)
of the Trading with the Enemy Act is now explicitly restricted to use only in time of war
and is no longer available for use in a national emergency. Finally, the National
Emergencies Act subjects any future exercise of emergency power by the President to the
constraints of public declaration of the emergency, specific designation of the statutory
authorities to be used during the emergency, Congressional oversight, and automatic
termination. Whether those constraints are sufficient may be debatable. But the so-called
"War Powers Act of 1933" is no longer a source of Presidential emergency power.

<http://congressionalresearch.com/95-753/document.php>

► **Publication:** Executive orders are [required by law](https://www.law.cornell.edu/uscode/text/44/1505) to be published in the [Federal Register](https://www.federalregister.gov/executive-orders), which is sort of the executive counterpart to the Congressional Record. Presidential memoranda may be published or not, depending on the subject. But it's the publication of the memorandum that gives them "general applicability and legal effect."

Can anyone call the Library of Congress to find a proclamation that was utilized to cancel the presidential orders 2039 and 2040?

You see if it's in the federal registry that means it would take another federal registry entry to cancel the original, and it couldn't come from Congress, because Congress cannot supersede this unless it was deemed by the supreme court that the president had overstepped his authority, bounds, delegation of power. So the issue is, has there been a number proclamation declaring this emergency to be over, clearing the banking holiday to have been suspended and/or listed? I will stake everything that I know on this, the fact that I am positive that there has not since it was initiated on March 9, 1933 which means we are still in the banking holiday and that means all banking activities are suspended until further notice by proclamation.

An Affidavit to be construed as EVIDENCE: “My Statement of claim…

I ***Daniel Hubbard, et al;*** am the beneficial owner of **The Equitable Cestui Que Trust**, and as such I claim to have firsthand knowledge of the information contained herein, and or direct knowledge of the facts stated herein.

PREJUDICIAL TREATMENT BY PARTIAL AND BIAS JURISTS

I hereby formally inform this body that this is a claim for adverse possession, and adverse claim, a suit in law, and that I am the owner of the **(property, Daniel every section you see this you’re going to place the property address, and the legal description in this section)**.

The court must take note of the statute of limitations for adverse possession for the state of Colorado, and that I have been in possession of the **(property, Daniel every section you see this you’re going to place the property address, and the legal description in this section)** for greater than 10 years. That Adverse Possession is a common-law right, and as such I have satisfied all of the prerequisite for adverse possession.

Whether or not I have the right to claim adverse possession is a matter for a jury, and this body has may not me the right to due process.

 **Intent to Cure**

On or about August 16, 2017 I presented the Arapahoe County trustee with a money order for full payment in the form of an intent to cure. The intent to cure payment was presented promptly and timely and accords with the laws and statute for the state of Colorado, the trustee felt the process the intent to cure payment, and is in breach of trust.

The failures on the behalf of the trustee has resulted in damages of greater value then the limits and the jurisdiction of this court, and of greater value is the counterclaim that I must hereby challenge to jurisdiction of this court as a result of the amount of the counterclaim.

I also do hereby give notice to the court, that I am at no time trying to waste the courts time, nor is this an attempt to delay or impede the rights of others.

The state of Colorado allows for countersuit in matters such as this, I am counter-suing.

The state of Colorado allows for a party to place a claim of adverse possession on the **(property, Daniel every section you see this you’re going to place the property address, and the legal description in this section)** for which the following prerequisites are met:

The statute and common law require that a party must be in possession of the **(property, Daniel every section you see this you’re going to place the property address, and the legal description in this section)**, as has been documented by the record I am in possession of the **(property, Daniel every section you see this you’re going to place the property address, and the legal description in this section)**.

The statute and common law require that a party must have maintained possession for the statutory period of time, I have been in possession of this **(property, Daniel every section you see this you’re going to place the property address, and the legal description in this section)** for\_\_\_\_years.

The statute and common law require that the taxes on the **(property, Daniel every section you see this you’re going to place the property address, and the legal description in this section)** must be paid, at current the taxes are paid and are up-to-date on the **(property, Daniel every section you see this you’re going to place the property address, and the legal description in this section)**.

The statute and common-law requires that there must be an enclosure around the property, I do hereby attest as well as a firm that I have maintained an enclosure around my property.

The statute and common law further require that improvements had to of been made on the property, I have to date made over $200,000 in improvements to this property, and am due recoupment in my investment.

The statute and common law further require that a party have at least colorable title, I have standing in this matter as I have title to the property, my property\_\_\_\_\_.

Diversity of CITIZENSHIP

It appears that this matter is outside the jurisdiction of this court, not only does this matter involves a property that was secured by a **Federal Government Loan,with a Federal Guarantee on the Loan,a Property Which Falls under the Uniform Nonjudicial Foreclosure Act, the Federal Housing Act’s, the Uniform Satisfaction of Mortgage Act, And the Special Emergency Provisions of the Banking Holiday Act Otherwise Known As the Emergency Economic Banking Relief Act of 1933 March 9.**

I hereby place this body on notice that I believe that this is a federal matter for the above referenced issues and the fact that the opposing party is not a resident of the state of Colorado.

The company **RG OPTIONS, LLC** who claims to be the owner of my property, is not an actual party in this matter, and because they are not a resident of the state of Colorado this creates what’s known as diversity of citizenship:

RG OPTIONS, LLC- is a predator, and they are well aware that the value of the property for which they are claiming to do an eviction exceeds the value of the limits of the jurisdiction of this court. They are also aware of the fact that because they are a Texas based company, they have no standing in this matter, and that this court is aware that this matter is properly placed in the court of original jurisdiction where diversity of citizenship lay, the federal district court.

 My right to recoupment and the value of this case

I have an investment **(property, Daniel every section you see this you’re going to place the property address, and the legal description in this section)**, for which is covered by foreclosure protection insurance, and I am not receiving my investment benefits.

Not only have I made foreclosure protection insurance premiums for greater than 10 years, but I have made continual payment and other financial investments for which I must be compensated.

I have a deed of trust of which I am the grantor, and the trust interest holder and I am not receiving the benefits from that contract. With respect to the deed of trust I and the only signator that agreement, and since the deed of trust is an entity under law, a financial instrument, a commercial agreement, a security I can sue that entity.

Violations of equal protection of and access to law

According to this court I can’t sue **a property, please note the following to rebut such nonsensical, frivolous, meritless, and moot arguments** - 328 F. 3d 1011 - United States v. One Lincoln Navigator, I begged the courts pardon it appears that the court has attempted to mislead me, by knowingly and intentionally placing false information on the public record.

I include case law of the United States government suing **all forms of property**- *United States v. 1998 BMW "I" Convertible,* 235 F.3d 397, 399 (8th Cir.2000),

"To have standing, a claimant need not prove the underlying merits of the claim. The claimant need only show a colorable interest in the **property**, redressable, at least in part, by a return of the **property,**." *United States v. 7725 Unity Ave. N.,* [294 F.3d 954](https://openjurist.org/294/f3d/954), 957 (8th Cir.2002),

We have held in numerous cases that a colorable ownership interest "may be evidenced in a number of ways including showings of actual possession, control, title and financial stake." *United States v.* ***One 1945 Douglas C-54 (DC-4) Aircraft****,* [647 F.2d 864](https://openjurist.org/647/f2d/864), 866 (8th Cir.1981); *see 7725 Unity Ave.,* 294 F.3d at 956; *1998 BMW,* 235 F.3d at 399; *United States v. One 1990* ***Chevrolet Corvette****,* [37 F.3d 421](https://openjurist.org/37/f3d/421), 422 (8th Cir.1994).

*United States v. $9.041,598,68,* [163 F.3d 238](https://openjurist.org/163/f3d/238), 245 (5th Cir.1998); *United States v. 2001* ***Honda Accord EX****,* 245 F.Supp.2d 602, 607 n. 4 (M.D.Pa. 2003);

*United States v.* ***Tracts 10 & 11*** *of Lakeview Heights,* [51 F.3d 117](https://openjurist.org/51/f3d/117), 120-21 (8th Cir.1995). Conceptually, **this aspect of the case is akin to a quiet title action** to determine the respective ownership interests of Bearden, Andrews, and Austin. *Cf.* ***Tracts 10 & 11****,* 51 F.3d

**United States** of America **v**. $299,959.**00** In **United States** Currency (3:16-cv-00075),

**United States** of America **v**. $5,485.**00** in **United States** Currency et al (2:14-cv-00200);

**United States** of America **v**. $124,700 in U.S. Currency, 05-3295 (8th Cir. 2006),

**United States of America v. $47,700 in US currency, 3:06- 2070SEC (Puerto Rico 2006);**

**United States** of America **v**. $333,520.**00** **in United States Currency et** al Arizona district court;

**United States of America, Plaintiff/appellee, v. $84,740.00 U.S. Currency, Defendant, appeal of Doris Potter, Administrator of Estate of Edwinpotter, Deceased, Claimant, 900 F.2d 1402 (9th Cir. 1990);**

Document in Context 13-2666 United States of America v. Approximately $65,000.00 in U.S. Currency et al (9th cir. 2014)

16-192 - United States of America v. Approximately $7,000.00 in U.S. Currency (9th Cir 2017)

Gatekeeping, and denial of access to due process

How dare this court sit here and contradict the law, telling me that I don’t have the right to do what’s done all the time, to sue a **property, get each time I attempted to file my adverse possession the clerk of the court continued to miss file it, and in the court through its judicial officer condone the conduct of the clerk, claiming it lacked jurisdiction to hear a claim of adverse possession which is an intentional misrepresentation of the law (list the case numbers here)**: United States v. 7725 Unity Ave. N., 294 F.3d 954, and here the United States sued 7725 Unity Ave., the only way this could happen, for the court to actually say on the public record, something that was contrary to the actual facts that were in evidence, the affidavit that I presented to this body, is for it to have done so outside of its own discretion.

Did we know what the federal district court said in the Lincoln Navigator matter?

Ownership interests are defined by the law of the State in which the interest arose... *7725 Unity Ave.,* 294 F.3d at 956. **On the undisputed facts of this record, applying *(state)* law**, **it is clear that Bearden and Andrews have…standing** to challenge...

If interest in standing is based on state law, and since the state of **Colorado** acknowledges, recognizes, and adheres to common-law, and since adverse possession, the right to **property,** and the right to sue and or be sued are all recognizable by this court, how is it possible for this body to sit and trample on the rights of the common people, by saying that they do not have that which they possess as a result of alienable and inalienable rights?

Administration of Justice **WARRANTED**!

For the delay of two months, for a denial of the right to a hearing before being deprived of any substantial due process rights, for blocking my access to redress, and for denying me my access to Justice and fair and impartial administration thereof I must hereby demand a recusal of the judicial officer from this matter, and a reconsideration based on the facts that are in evidence, i.e. the affidavits which must stand as true unless properly rebutted.

Specific Performance and 'Replevin' The term replevin -- commonly referred to as "claim and delivery" -- refers to a legal action in which actual **property,** (not its monetary value) must be transferred to the plaintiff in a dispute. It is similar to specific performance and often used interchangeably in statutes. For instance, the UCC states that a buyer "has a right of replevin for goods identified to the contract if after reasonable effort he is unable to effect cover for such goods or the circumstances reasonably indicate that such effort will be unavailing..."

In other words, a court may order specific performance in the form of replevin (transfer of actual goods) as a remedy in a contractual dispute when cash damages are not sufficient.

When is Specific Performance Ordered?

Courts will enforce specific performance only if the underlying contract was fair and equitable. Other commodities that courts have found to support specific performance include works of art, custom-made products, and goods in short supply. Nearly all states have adopted the Uniform Commercial Code (UCC), which addresses specific performance. For example, California law states that specific performance may be compelled if:

Specific performance would otherwise be an appropriate remedy;

 and

The agreed counter-performance has been substantially performed or its concurrent or future performance is assured or, if the court deems necessary, can be secured to the satisfaction of the court.

Although the judicial officer makes an attempt to rebut my affidavits, the attempt falls short of a point by point rebuttal, as it provides no facts, no evidence, and or nothing upon which to base the conclusions that are stated in the decision to dismiss my claims as nonsensical, meritless, and/or frivolous, and were not even a mention of fact that judicial officers of barred by law from acting as a party in any manner for which they oversee.

This body cannot say that I failed to state a claim by which relief may be granted, because the law provides remedies for each of the claims stated in my complaint. The law provides remedy as well as redress when the opposing party is an entity, and instrumentality, a non-individual.

And although this matter is conceptually akin a quiet title matter, it carries with it the same rights to a claim of adverse possession.

Courts of equity such as this one recognizes claims against entities, against non-individuals.

This is not an appeal, nor an attempted appeal for there is a prescribed procedure for that, this is my adverse claim to the claim made against myself and my property, for which I have the right under state law and statute to countersuit.

Non-individuals are sued all the time, for instance the FCC v. AT&T (2012), or Bond vs. the United States, or the People of the State of **Colorado** v. … Etc. al;

So I must correct this court, and it pains me greatly that a pro se litigant, a sui juris person, a beneficial owner of an equitable trust has to correct a so-called learned individual, a student of law, and admissioned person.

It is a shame that the courts utilize legalese, utilize their legal experience to mistreat laypersons, this has to stop, one does not need to know every aspect of law, every aspect of procedure, every aspect of policy in order to seek redress.

The state of **Colorado** Constitution recognizes my right to access this body to get redress, and I must demand redress.

It should also be noted that the defendants have actually violated public policy, because it is against public policy for anyone to demand payment for debt in any currency of the United States as measured by the United States, this is per the gold repeal act of June 5, 1933 quoted as follows:

“...*“That (a) every provision contained in or made with respect to any obligation which purports to give the obligee a right to require payment in… Particular kind of coin or currency, or in as amount of money of the United States measured thereby* ***is declared to be against public policy****; and* ***no such provision shall be contained in or made with respect to any obligation hereafter incurred****.”*

**JURY TRIAL ANOTHER DEMANDS**

As acknowledged by law I have the right to demand a jury trial, I do so as of this moment.

As acknowledged by the rules of the court, Colorado statute, and the law I have the right to subpoena evidence, I do demand the court order the clerk to issue subpoenas in blank so that I may acquire the necessary evidence to prove my portion of the case.

I also bring to this body’s attention that the foreclosure sale was invalid for several reasons:

For my having filed a petition for adverse possession prior to the closing of any trustee sale.

My attempt to file a lien on the property for greater than $300,000 of which this court prevented without lawful justification.

That my intent to cure payment that was sent via certified mail was not process in accord with the law.

That I had foreclosure protection insurance, that insurance for which I paid the premium is there to protect all parties against losses in this matter.

An I challenge the constitutionality of the foreclosure process in the state of Colorado, I hereby make a challenge on the statute for denying individuals equal protection and due process of law.

I also remind this body of the information mentioned aforehand,

*“Resolution Adopted by The Federal Reserve Board of New Your. Whereas, in the opinion of the Board of Directors of the Federal Bank of New York, the continued and increasing withdrawal of currency and gold from the banks of the country has now created a national emergency …”*

 *“… that those speculator and insiders were right was plain enough later on. This first contract of the ‘moneychagers’ with the New Deal netted those who removed their money from the country a profit of up to 60 percent when the dollar was debased.” [Hoover Policy Paper, written by the Secretary of Interior and Secretary of Agriculture]*

 *“Whereas, it is provided in Section 5(b) of the Act of October 6, 1917, as amended, that*
*‘the President may investigate, regulate, or prohibit, under such rules and regulations as he*
*may prescribe by means of licensure or otherwise, any transaction in foreign exchange and*
*the export, hoarding, melting, or earmarkings of gold or silver coin or bullion or*
*currency, \*\*\*’”.]*

*“Be it enacted by the Senate and the House of Representative of the United States of America in Congress assembled, That the* ***Congress hereby declares that a serious emergency exists*** *and that it is imperatively necessary speedily to put into effect remedies of uniform national application.” [emphasis added]*

 *“Whereas,* ***under the Act of March 9, 1933, all Proclamations heretofore or hereafter issued by the President pursuant to the authority enforced by section 5(b) of the Act of October 6, 1917, as amended, are approved and confirmed****;” [President Roosevelt’s Proclamation 2040].*

So that it is not misunderstood by anyone, I am not bring up information I found on the Internet, or in some strange website, the information I am producing is information I found on the United States official website, note the following regarding the current banking emergency/banking holiday-

*“Bank holiday of 1933. Presidential Proclamations No. 2039, issued March 6, 1933, and No. 2040, issued March 9, 1933,* ***temporarily suspended banking transactions by member banks of the Federal Reserve System. Normal banking functions were resumed on March 13, subject to certain restrictions****. The first proclamation, it was held, had no authority in law until the passage on March 9, 1933, of a ratified act (12 U.S.C.A. § 95b).*

Now let’s take note of the actual enforcement of the proclamation or executive orders 2039 and 2040: *“During this banking holiday it was at first believed that some form of script or emergency currency would be necessary for the conduct of ordinary business. We knew that it would be essential when the banks reopened to have an adequate supply of currency to meet all possible demands of depositors. Consideration was given by government officials and various local agencies to the advisability of issuing clearing house certificates or some similar form of local emergency currencies. On March 7, 1933, the Secretary of the Treasury issued a regulation authorizing clearing houses to issue demand certificates against sound assets of the banking institutions. But this authority was not to become effective until March 10th. In many cities, the printing of these certificates was actually begun. But after the passage of the Emergency Banking Act of March 9, 1933, (48 Stat. 1) it became evident that they would not be needed because the act made possible the issue of the necessary amount of emergency currency in the form of Federal Reserve Bank Notes which could be based on any sound assets owned by the banks.” [Roosevelt’s papers]*

So we see that Roosevelt’s papers admit that the Emergency Banking Act made it possible to issue emergency currency which was based upon the assets of the bank rather than upon gold or silver (remove the U.S. from the gold standard). The “**emergency currency**” Federal Reserve Notes are still used today.

 *“Upon the deposit with the Treasurer of the United States, (a) of any direct obligations of the United States… any Federal Reserve bank making such deposit in the manner prescribe by the Secretary of the Treasury shall be entitled to receive from the Comptroller of the currency circulating notes in blank, duly registered and countersigned.” [Emergency Banking Act of March 9, 1933, section 4, Public Law 89-719]*

Did you know that the banking holiday was only supposed to last until 13 March 1933, or until the Pres. issued a proclamation ending the banking holiday? It appears that was the intent, however, when Congress introduced into law **THE EMERGENCY ECONOMIC BANKING RELIEF ACT** of March 9, 1933; they actually make the Banking Holiday official, by making it a legislative act, and thus it alleviated any need for a March 13 suspension and or a secondary president proclamation, because now it could only be halted by a repeal of the act making the emergency currency and a restriction on banking activities enforceable in the first instance.

The statute for the state of Colorado is unconstitutional as it violates my rights and the rights of other citizens of the state of Colorado in that it denies us the right to property, the right to currency, not emergency currency known as the Federal Reserve, but actual currency lawful monies as authorized under title 12 United States code section 411.

Did you know that the United States Department of the Treasury says that Federal Reserve notes are worthless, have no value, have no backing of any sort?

Please take a note of what the United States Department of the Treasury says in its official press release of 2011 (<https://www.treasury.gov/resource-center/faqs/Currency/Pages/legal-tender.aspx>):

Federal Reserve notes are not redeemable … and **receive no backing by anything** This has been the case since 1933. The notes have no value for themselves…**Federal Reserve notes** are "**backed**" by all the goods and services in the economy.

It’s ironic that the United States Treasury Department states that Federal Reserve notes have no backing, and are not redeemable in anything, and then they say there backed by the goods and services of the economy, I have never read that law, I have never ever seen the law were Congress has valuated the goods and services of the economy. Where Congress has actually placed into law the actual value of goods and services in the economy. That would be an interesting law, because the law would have to specifically address each and every goods, and services in the economy, that would be millions of valuations.

Please understand that the presidential proclamation 2039, and 2040 are part of the federal registry, giving them the effect of law administratively that is of the executive branch. Those proclamations have not been repealed by the administrative-executive branch, and according to the very wording of the proclamation that exactly what would need to happen is that the president must issue another proclamation, coming from not the legislative branch, but from the executive branch, repealing and or rescinding the initial proclamation, take note-

 On March 9 Congress convened and promptly enacted the President's emergency
banking legislation.5 Recognizing the limitations of the legal authority the President had cited for his declaration of a national bank holiday, the legislation amended § 5(b) of the Trading with the Enemy Act to allow it to be used not only in time of war but also "during6 any other period of national emergency declared by the President." The banking legislation also declared that "a serious emergency exists," conferred the extensive discretionary powers over the banking and currency systems on the President and the Federal Reserve Board, and **gave both retroactive and prospective congressional approval**7 to any and all actions taken by the President pursuant to the authority of § 5(b). On the

2Proclamation No. 2038 (March 5, 1933); 48 Stat. 1689.
3Proclamation No. 2039 (March 6, 1933); 48 Stat. 1690.
440 Stat. 415.
5Ch. 1, 73d Cong., 1st Sess. (March 9, 1933); 48 Stat. 1.
6Ch. 1, Title I, § 2 (March 9, 1933); 48 Stat. 1; 12 U.S.C. 95a and 50 U.S.C. App. 5(b).
As amended,

7 basis of this expansive statutory authority, **the President in Proclamation No. 2040 on
March 9 extended the national emergency and the bank holiday he had declared on March 6 "until further proclamation by the President"**

8 September 14, 1976." The Senate Special Committee had found

that not only President Roosevelt's 1933 proclamation of a national

emergency but also a proclamation by President Truman and two by

President Nixon were still extant. Technically, the National

Emergencies Act did not repeal or terminate those four declarations

of national emergency, but with the exception noted below, this

section of the Act did render them hollow shells.

Act of March 9, 1933, supra, § 1; 12 U.S.C. 95b.

8Proclamation No. 2040 (March 9, 1933); 48 Stat. 1691.

9E.O. 6260 (Aug. 28, 1933).

10SENATE SPECIAL COMMITTEE ON NATIONAL EMERGENCIES AND

DELEGATED EMERGENCY POWERS, FINAL REPORT: NATIONAL EMERGENCIES

AND DELEGATED EMERGENCY POWERS, S. Rept. No. 94-922, 94th Cong., 2d Sess. (1976).

11P.L. 94-412 (Sept. 14, 1976); 90 Stat. 1255; 50 U.S.C. 1601 et seq.

12Id., § 1601(a).

I would be remiss if I did not point out from the actual congressional record with Congress members understood as to the intent of the act known as THE EMERGENCY ECONOMIC BANKING RELIEF ACT OF MARCH 9, 1933:

excepts from the Congressional Record during the debate over the Emergency Banking Act of 1933.

*[Mr. McPhadin] “… The first section of the bill, as I grasped it, is practically the war powers that were given back in 1917. I would like to ask the chairman of the committee if this is a plan to change the holding of the security back of the Federal Reserve notes to the Treasury of the United States rather than the Federal Reserve agent.”*

*[Mr. Stiggle] “This provision is for the issuance of Federal Reserve bank notes; and* ***not for Federal Reserve notes****; and the security back of it is the obligations, notes, drafts, bills of exchange, bank acceptances, outlined in the section to which the gentleman has referred.”*

*[McPhadin] “Then the new circulation is to be Federal Reserve bank notes and* ***not Federal Reserve notes****. Is that true?”*

[Stiggle] “Insofar as the provisions of this section are concerned, yes.”

*“[Mr. Britain} From my observations of the bill as it was read to the House, it would appear that the amount of bank notes that might be issued by the Federal Reserve System is not limited. That will depend entirely upon the mount of collateral that is presented from time to time from exchange for bank notes. Is that not correct?”*

*[McPhadin] “Yes, I think that is correct.”*

*So there you have it Federal Reserve notes are not backed by anything not even the congressional record, and since Federal Reserve bank notes are no longer in circulation, and United States notes are no longer in circulation as the United States treasury has set on their actual website:*

“…**United States Notes and Federal Reserve Notes are parts of our national currency and both are legal tender**. They circulate as money in the same way. However, **the issuing authority for them comes from different statutes**. **United States Notes were redeemable in gold until 1933, when the United States abandoned the gold standard**. Since then, **both currencies have served essentially the same purpose, and have had the same value**, (This simply means that both currencies are well documented as worthless, valueless, not backed by anything, not redeemable and so forth). Because **United States Notes serve no function that is not already adequately served by Federal Reserve Notes, their issuance was discontinued**, and none have been placed in to circulation since January 21, 1971.” (Emphasis added) (it should also be noted that the statute specifically spoke as to Federal Reserve bank notes and not Federal Reserve note, Federal Reserve notes is the emergency currency permitted under the proclamation for the current emergency and the emergency banking relief act of March 9, 1933; and as long as they are still in circulation this is further proof to concur with the Senate of 1976 that the banking holiday and the national emergency still exists).

Let’s take a look at what the Senate said September 14, 1976 about the existence of the banking holiday, because they as published in the federal registry discovered that the proclamations 2039 and 2040 were still extant, in order for us to understand what that means we have to look up the legal definition for the word extant-

**ex·tant**. adjective. The **definition** of **extant** is something that still exists. An example of **extant** used as an adjective is an **extant law** which **means** a **law** that is currently active.

September 14, 1976." The Senate Special Committee had found that not only President Roosevelt's 1933 proclamation of a national emergency but also a proclamation by President Truman and two by President Nixon were still extant.

Since the proclamations of Roosevelt declared a banking holiday, and there has been no succeeding proclamation to repeal that presidential declared order/proclamation, we are still in a baking emergency, a banking holiday, using emergency currency, which means during that emergency this body does not have the statutory authority to proceed in a matter involving properties in America. All banking activities have been halted as a result of the current emergency.

So I challenge this courts subject matter jurisdiction, in rem jurisdiction, and personal jurisdiction as being nonexistent as a result of the current emergency. And because the current emergency is a federal issue this matter is properly brought in the court of original jurisdiction, and because of the current banking emergency the statute violates my constitutional rights which may not basis ended as a result of a national emergency because such a suspension would have to be edged out in the constitutional provisions themselves within the framework of the Bill of Rights, no such provision exists.

So because we have the diversity of citizenship issue, the value of the claim, and the federal question this matter is properly brought in federal jurisdiction and not within the venue of small claims.

And **I also object to being before a magistrate,** as I demand a jury trial before an actual presiding judicial officer of the judicial branch of government, which branch of government may not be suspended as a result of the current emergency because to suspend such access would be to suspend the Constitution, for which the public has not been made aware of such a suspension of access to government in violation of their First Amendment, fourth amendment, Fifth Amendment, and six commitment rights.

Monetary, compensatory, and punitive damage demanded

Because of the damages that of been caused me as a result of this matter, and the associated conspiracy, constructive fraud, misapplication of law, falsification of the public record by filing misguiding, misleading, and fraudulent documents, the attempt to take and sees my property in violation of my right to property, my right the contract, and the violations of the deed of trust, the blocking of my access to the court, the blocking of my access to redress, I hereby bring my claim for damages in the amount of $10 million to be divided amongst the defendants equally because they all shared in this conspiracy and are all liable for slander, libel, and deformation.

I do hereby authorize the payment of the fees for this matter to be drawn out of the trust account that has been set up in my stead as a result of the taking emergency and I attached the Social Security Administration form 445 to this presentment as proof of said authorization.

I do hereby attest, affirm, ascribe, and declare that I have firsthand knowledge of the information presented herein, that I am competent to make such claims, that I am despite the lack of proper service, a party to this matter, and that the aforementioned is accurate under penalty of the state/Republic of Colorado Constitution, and the United States of America Constitution on this October 2, 2017, so help me God.

 x\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **THE BENEFICIAL OWNER OF THE EQUITABLE CESTUI QUE TRUST**

**STATE OF** Washington

**COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**

On October **\_\_,** 2017, before me \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Notary Public, personally stood **Csztr Bifford** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

**I certify under PENALTY OF PERJURY under the laws of the State of Washington that the foregoing paragraph is true and correct.**

Home Bldg . & Loan Ass'n v. Blaisdell [290 U.S. 398](http://caselaw.findlaw.com/us-supreme-court/290/398.html)(1934) “… during the emergency declared to exist, … ' The act is to remain in effect 'only during the continuance of the emergency …”

**Note this above case is a 1934 case, and this 1934 case the Supreme Court documents that the emergency was still in existence, yet the original proclamation was misconstrued, misunderstood, misinterpreted as the end approximately six days from its inception, on March 13, 1933.**

**In Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952) the Supreme Court held that the president could not have such power over the people without congressional support, yet there is no statute, congressional authority of delegation which would permit any of the branches of government independently, severally, and/or collectively in any combination to suspend, cancel, terminate, and/or abolish the Constitution, there is no due process of law provision associated with such an abridgment.**

We find that although the president then issued a proclamation declaring an emergency, and Congress did in fact present several acts, notably the **EMERGENCY ECONOMIC BANKING RELIEF ACT** of March 9, 1933 and **THE GOLD REPEAL ACT** of June 5 and 6, 1933-

The Exemption

by Moses G. Washington

revised on 10/19/2004

Disclaimer

The material in this essay is for educational purposes only and not to be construed as legal advice about what you should or should not do. The information herein is to assist you in performing your own due diligence before implementing any strategy. Formal notice is hereby given that:

You have 10 days after reviewing any material on this web site to notify Truth Sets Us Free (TSUF) in writing of any word, phrase, reference or statement which is inaccurate, incorrect, misleading or not in full compliance with state and federal law and to give TSUF 30 days to correct and cure any alleged potential flaw. TSUF's intent is to be in strict compliance with the law.

In this essay we will examine the evidence that the government owes each American a huge debt and that this debt can be used as an alternative to using Federal Reserve Notes (FRN) to discharge our debts. In order to best understand the material in this essay, you should have already read the articles on "U. S. Bankruptcy," "Federal Reserve," and "Meet Your Straw Man".

Throughout this document we will be quoting various sources. The quotes will be shown in blue ink and a "sans serif" font. The regular text of this essay and comments in the midst of quoted text will be shown in black ink and a "serif font. I will also occasionally underline certain text to draw your attention to key phrases.

Constitutional Money

We will begin our study of this subject with a review of what the Constitution has to say about money. [Congress shall have Power] To coin Money, regulate the Value thereof, and of foreign Coin ... [Article 1, Section 8, clause 5]

No State shall ... make anything but gold and silver Coin a Tender in payment of Debts... [Article 1, Section 10, clause 1]

From these quotes we can conclude that the people have delegated power to Congress to coin money, and set its value. The States also formed an agreement agreeing that only gold and silver coins would be valid payment of debts. This concept of paying a debt will be very important to our discussion, so let's see how "pay" is defined.

Pay. To discharge a debt by tender of payment due; to deliver to a creditor the value of a debt, either in money or in goods , for his acceptance. [Black's Law Dictionary 5 th Edition] While the above definition uses the word "discharge," we do not believe that "pay" and "discharge" carry the same meaning. You will notice that pay carries with it the concept of "deliver to the creditor the value of a debt, either in money or in goods." This means that "pay" includes the concept of "exchange."

Exchange. To barter; to swap. To part with, give or transfer for an equivalent... [Black's Law Dictionary 5 th Edition]

So the idea of an exchange is one in which two parties transfer items one to the other for like value. We conclude from this definition that an exchange pays a debt in full. Both parties received something of equal value. Now let's look at the definition for "discharge."

Discharge. To release; liberate; annul; unburden; disencumber; dismiss. To extinguish an obligation; ... [Black's Law Dictionary 5 th Edition]

It is clear from this definition that "discharge" is very different from "pay". It is evident that there is no exchange of equal value occurring when a debt is discharged.

The system that was set when our republic was founded allowed people to "pay" their debts. Gold and silver both are substances that have been recognized to have intrinsic value for thousands of years. If someone wanted to buy a cow and a price of $20 was agreed to between the buyer and the seller, an exchange takes place between the parties when the buyer exchanges the $20 gold piece for the cow.

Our concept of money has changed from the founding of our country from being gold and silver coins to paper money not backed by gold (fiat money). These concepts began to change after the Civil War.

Legal Tender Cases

During the Civil War, the US government issued "green backs" which was money backed by nothing, fiat money. This was a significant change from the systems that was established in the

Constitution. These green backs were very similar to our current Federal Reserve Notes. There were a number legal cases that ruled on the constitutionality of the green back currency. In each of the initial cases, the courts ruled that the green backs were unconstitutional. But the Knox v. Lee case reversed the prior decisions of the Supreme Court. This case decided that the government could issue "legal tender" that is not backed by gold and silver thus paving the way of the Federal Reserve Bank in 1913 and the "confiscation" of the gold in 1933.

The following excerpts are taken from the case. In order to understand this decision, it is important to realize that the Supreme Court was acting as a Court of Equity, which operates under different rules than a common law court. The presumption in a court of equity is that the government is sovereign, owning everything, and that the defendant and the plaintiff are US citizens. As citizens, they are both viewed as debtors to the sovereign government. The court that covers actions between two debtors in the US is an admiralty court which operates under equity rules. Given this presumption, it is perfectly valid for the court to make decisions regarding who owes who what debt. The court is acting like a parent who resolves disputes between two children over who has the right to a toy that both children want. The court believes it is right and fitting for them to tell the parties what the sovereign (government) wants done with the assets that they (the plaintiff and defendant) are using. The argument presented by the Attorney General Akerman reflects this attitude of sovereignty resting with the government. Akerman suggests why the national government should be able to issue paper currency that is not backed by gold. Congress ... to exercise a power conferred by the Constitution, [then] the means which it selects are constitutional, whatever may be the opinion of the court of its practical wisdom, because the decision, whether practically conducive to the end proposed, is a political and administrative question, and not a judicial one ... If the government needed gold, and it was in the possession of A, it could take it from him, as they could take his personal service, against his will , or could batter down his house, if it stood in the way of military operations. [Much of what is done that seems to violate the Constitution is done under the "law of necessity" which derives its authority from military or martial law. This case was after the Civil War had concluded but the Attorney General is arguing as if the war was still being fought.] If A had said, "I owe this gold to B, and am on my way to pay him my debt," the officers of the government could accompany him to his creditor, and when the payment was made, seize it from him. What difference does it make whether it was the form in which it was done, or whether it was taken from A, and there was furnished him certifies that the money belonged to B, and intended for him, was taken by the government, which would he responsible to B for its payment ? [Attorney General Akerman; Knox v. Lee, 79 U.S. 287, 304, 12 Wall. 457-681 (1870)]

Akerman is suggesting that since the government has the right to take the gold, it doesn't matter if they take it from person "A", the debtor, or if the take it from person "B", the creditor. Akerman' s presumption is that the government has the right to the gold. If the government does have the right to the gold, then they can just give "A" a piece of paper, a certificate or legal tender, that "A" can give to "B". Ackerman suggests there is no difference. If the government took the gold and other substance based money, then the government would be responsible for all debts because they took the substance based money out of circulation. The government is giving a certificate in its place. Since the government removed the ability of the people to pay, the government is responsible for the debt. If the government took the gold out of circulation, it would be responsible for all debts because the government is the only one with the ability to pay. No one else has anything of substance with which to pay. You have heard it said that "he who had the gold makes the rules." But it can also be said that "he who has the gold pays." The following excerpt from the Knox v. Lee case shows how the composition of the court was changed in order to get the desired ruling.

A majority of the court five to four, in the opinion which has just been read, reverses the judgment rendered by the former majority of five to three, in pursuance of an opinion formed after repeated arguments, at successive terms, and careful consideration; and declares the legal tender clause to be constitution; that is to say, that an act of Congress making promises to pay dollars legal tender as coined dollars in payment of pre-existing debts is a means appropriate and plainly adapted to the exercise of powers expressly granted by the Constitution, and not prohibited itself by the Constitution but consistent with its letter and spirit. And this reversal, unprecedented in the history of the court, has been produced by no change in the opinions of those who concurred in the former judgment. One closed an honorable judicial career by resignation after the case had been decided, after the opinion had been read and agreed to in conference, and after the day when it would have been delivered in court, had not the delivery been postponed for a week to give time for the preparation of the dissenting opinion. The court was then full, but the vacancy caused by the resignation of Mr. Justice Grier having been subsequently filled and an additional justice having been appointed under the act increasing the number of judges to nine, which took effect on the first Monday of December, 1869, the then majority find themselves in a minority of the court as now constituted, upon the question. [The CHIEF JUSTICE, Chase, dissenting; LEGAL TENDER CASES Knox v. Lee, 79 U.S. 287,319 (1870)]

But it has been claimed to be a proper regulation of commerce, for Congress to provide a uniform national currency; and that these legal tender notes were, in effect, a mortgage on the whole property of the nation [This is very similar what was said during testimony on the emergency banking legislation passed on March 9, 1933. See the quote below.] and therefore, the best secured and most uniform currency the nation could have. Although, in truth, the security for this or any national debt is exactly the extent to which the people will consent to contribute through taxation to its payment. [Knox v. Lee, 12 Wall. 287,298, (1870)]

The Knox v. Lee case set the stage for what happened in 1913 (Federal Reserve Act was passed, see the Federal Reserve article) and in 1933 when the country was taken off the gold standard.

Events of 1933

You may recall from the U.S. bankruptcy article that shortly after Frank D. Roosevelt was inaugurated, he called a special session of Congress. He asked Congress to pass emergency banking legislation. On, March 9, 1933, Congress passed the emergency measure that FDR requested declaring a banking holiday. The fundamental nature of the banking systems was hanged in this legislation. As a result of the legislation, all banks had to become members of the Federal Reserve system. This act further made the Federal Reserve Note the only paper currency valid in the US. The Federal Reserve Notes (FRN) were no longer going to be backed by gold but only by the credit of the people and their property. A quote from the Congressional Record that occurred during the debate on the bill demonstrates this fact. The money will be worth 100 cents on the dollar because it is backed by the credit of the Nation. It will represent a mortgage on all the homes and other property of all the people in the Nation . [Congressional Record, March 9, 1933, emphasis added]

This language sound very similar what was said in the Knox v. Lee case shown above. The next major change that occurred, was an Executive Order issued on April 5, 1933. This order required all "individuals, partnerships, associations and corporations" to turn in their gold. In the essay, "Meet Your Straw Man", we have already seen that "partnerships, associations and corporations" are "legal fictions" created by the civil government. However, the term "individual" and "person" are used in the order. What do these terms mean?

"Individual. As a noun, this term denotes a single person as distinguished from a group or class, and also, very commonly, a private or natural person as distinguished from a partnership, corporation, or association; but it is said that this restrictive signification is not necessarily inherent in the word, and that it may, in proper cases, include artificial persons. See also Person." [Black's Law Dictionary, 5th Edition]

"Person. In general usage, a human being (i.e. natural person) , though by status term may include a firm, labor organizations, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers." [Black's Law Dictionary, 5th Edition]

Natural person. Any human being who as such is a legal entity as distinguished from an artificial person, like a corporation, which derives its status as a legal entity from being so recognized by law. [296 NY 395, 72 NE2d 716. Radin, Law Dictionary (1955)] ... natural persons, members of the body politic owing allegiance to the State. [Pembina v. Penn. 125 U.S. 181, 189 (1888)] human. 1. Belonging to man or mankind... 3. Profane; not sacred or divine. [American Dictionary of the English Language, Noah Webster, 1928] human being. See Monster . [2 Bl. Com. 24. Law Dictionary with Pronunciations by James Ballentine, 1948 Edition] monster. A human-being by birth, but in some part resembling a lower animal... [2 Bl. Com. 24. Law Dictionary with Pronunciations by James Ballentine, 1948 Edition]

Our conclusion is that "person", and "individual" are terms referring to legal fictions, or a straw man. Both of these words are also said to be "natural persons" and as such are "members of the body politic owing allegiance to the State." These entities are created in and exist in the civil society that we call "the public". As such they are subject to the rules established by their creators, the civil government. Men, on the other hand, are outside of "the public". You might think of "the public" as if it were a "box" that contains only legal fictions and men live outside of this box. Since the Executive Order applies to individuals and persons, by necessity, it did not apply to men. Below is the complete text of the Executive Order with some imbedded comments.

Executive Order of April 5,1933

UNDER EXECUTIVE ORDER OF THE PRESIDENT Issued April 5, 1933

All persons [The order applied to persons which did not include men. So when men turned in their gold, they did so voluntarily.] are requited to deliver ON OR BEFORE MAY 1, 1933, all GOLD COIN, GOLD BULLION, AND GOLD CERTIFICATES now owned by them to a Federal Reserve Bank, branch or agency, or to any member bank of the Federal Reserve System.

EXECUTIVE ORDER FORBIDDING THE HOARDING OF GOLD COIN, GOLD BULLION, AND GOLD CERTIFICATES

By virtue of the authority vested in me by Section 5(b) of the Act of October 6, 1917 as amended by Section 2 of the Act of March 9, 1933, entitled "An Act to Provide Relief in the Existing Emergency in Banking, and for other purposes" [The "state of emergency," due to the "law of necessity," was used as an excuse for issuing the order.] in which Amendatory Act Congress declared that a serious emergency exists, I, Franklin D. Roosevelt, President of the United States of America, do declare that said national [The use of the word "national" seems to signify the civil government acting as sovereign while under the original intent of the Constitution the people were viewed as sovereign and the source of all authority.] emergency still continues to exist, and pursuant to said Section do hereby prohibit the hoarding of gold coin, gold bullion, and gold certificates within the continental United States by individuals, partnerships, associations and corporations , [The order only applies to these entities, but men were excluded from the order.] and hereby prescribe the following regulations for carrying out the purposes of this Order.

Section 1. For the purposes of this regulation the term "hoarding" means the withdrawal and withholding of gold coin, gold bullion or gold certificates from the recognized and customary channels of trade. The term "person" means any individual, partnership, association or corporation . [Again, the order applies only artificial entities and not to men.]

Section 2. All persons are hereby required to deliver on or before May 1, 1933 , to a Federal Reserve Bank or branch or agency thereof or to any member bank of the Federal Reserve System all gold coins, gold bullion or gold certificates now owned by them or coming into their ownership on or before April 23, 1 933, except the following:

(a) Such amount of gold as may be required for legitimate and customary use in industry, professions, or art within a reasonable time, excluding gold prior to refining and stocks of gold in reasonable amounts for the usual true requirements of owners mining and refining such gold.

(b) Gold coins and gold certificates in an amount not exceeding in the aggregate $100 belonging to any one person; and gold coin having a recognized special value to collectors or rare and unusual coins.

(c) Gold coin and bullion earmarked or held in trust for a recognized foreign government [Men are foreign to the government, they are outside "the box" or outside "the public.".] (or foreign central bank or the Bank for International Settlements).

(d) Gold coin and bullion licensed for other proper transactions (not involving hoarding) including gold coin and bullion imported for re-export or held pending action on application for export license.

Section 3. Until otherwise ordered by any other person becoming the owner of any gold coin, gold bullion or gold certificates after April 23,1933, shall within three days after receipt thereof, deliver the same in the manner prescribed in Section 2: unless such gold coin, gold bullion or gold certificates ore held for any of the purposes specified in paragraphs (a), (b), or (c) of Section 2: or unless such gold coin, or gold bullion is held for purposes specified in paragraph (d) of Section 2 and the person holding it is, with respect to such gold coin or bullion, a licensee or applicant for license pending action thereon.

Section 4. Upon receipt of gold coin, gold bullion or gold certificates delivered to it in accordance with Section 2 or 3, the Federal Reserve Bank or member bank will pay therefore an equivalent amount of any form of coin or currency coined or issued under the laws of the United States . [The value of gold had been arbitrarily held to a fixed value by the Federal government. It was not permitted to float in value as it is today. If someone turned in $10,000 worth of gold, the banks would give an equivalent amount of currency. On the surface, it would appear that value ($10,000 in gold) was given for value ($10,000 in currency). However, the gold had real intrinsic value while the currency was worthless paper. This was not an exchange but rather a transfer of the gold from men to the government.]

Section 5. Member banks shall deliver all gold coin, gold bullion and gold certificates owned or received by them (other than as exempted under the provisions of Section 2) to the Federal Reserve Banks of their respective districts and receive credit or payment therefore . [This indicates that the Federal Reserve Banks are holding the credits for the gold.]

Section 6. The Secretary of the Treasury, out of the sum made available to the President by Section 301 of the Act of March 9, 1933, will in all proper cases pay the reasonable costs of transportation of gold coin, gold bullion or gold certificates delivered to a member bank or Federal Reserve bank in accordance with Section 2, 3, or 5 hereof, including the cost of insurance, protection, and such other incidental costs as may be necessary, upon production of satisfactory evidence of such costs. Voucher forms for this purpose may be procured from Federal Reserve Banks.

Section 7. In cases where the delivery of gold coin, gold bullion or gold certificates by the owners thereof within the time set for the above will involve extraordinary hardship or difficulty, the Secretary of the Treasury may, in his discretion, extend the time within which such delivery must be made. Applications for such extensions must be made in writing under oath, addressed to the Secretary of the Treasury and filed with a Federal Reserve Bank. Each application must state the date to which the extension is desired, the amount and location of the gold coin, gold bullion and gold certificates in respect of which such application is made and the facts showing extension to be necessary to avoid extraordinary hardship or difficulty.

Section 8. The Secretary of the Treasury is hereby authorized and empowered to issue such further regulations as he may deem necessary to carry out the purpose of this order and to issue licenses there under, through such offices or agencies as he may designate, including licenses permitting the Federal Reserve Banks and member banks of the Federal Reserve System, in return for an equivalent amount of other coin, currency or credit, to deliver, earmark or hold in trust [This is a vitally important concept.

The Federal government set up a trust where the Secretary of the Treasury is acting as the trustee. The people voluntarily transferred their gold to the government. The gold and perhaps was other things are the assets of the trust. The people would also be the beneficiaries of this trust.] gold coin and bullion to or for persons showing his need for the same for any of the purposes specified in Paragraphs (a), (c) and (d) of Section 2 of these regulations.

Section 9. Whoever willfully violates any provision of this Executive Order or of these regulations or of any rule, regulation or license issued there under may be fined not more than $10,000, or if a natural person, may be imprisoned for not more than ten years, or both and any officer, director or agency of any corporation who knowingly participates in any such violation may be punished by a like fine, imprisoned, or both.

This order and these regulations may be modified or revoked at any time.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE

April 5, 1933

Further Information Consult Your Local Bank GOLD CERTIFICATES may be identified by the words "GOLD CERTIFICATE" APPEARING THEREON. The serial number and the Treasury seal on the face of a GOLD CERTIFICATE are printed in YELLOW. Be careful not to confuse GOLD CERTIFICATES with other issues which are redeemable in gold but which are not GOLD CERTIFICATES. Federal Reserve Notes and United States Notes are redeemable in gold but are not "GOLD CERTIFICATES" and are riot required to be surrendered.

Special attention is directed to the exceptions allowed under

Section 2 of the Executive Order

CRIMINAL. PENALTIES FOR VIOLATIONS OF EXECUTIVE ORDER

Our conclusion after analyzing the order, is that men voluntarily gave up their gold, a substance with intrinsic value, for worthless paper. The gold was held in trust for the people by the government. The Secretary of the Treasury acts as the trustee of this trust. The people, and by extension their children and heirs, are the beneficiaries of this trust. This means we have a beneficial interest in the assets of the trust. We will see later that other assets were also given to the government.

The next major step was making it illegal to require gold as a valid form of payment for debts.

This was done by House Joint Resolution (HJR) 192. Below is the complete text of HJR 192.

JOINT RESOLUTION TO SUSPEND THE GOLD

STANDARD AND ABROGATE THE GOLD CLAUSE

JUNE 5, 1933

H.J. Res. 192, 73 rd Cong. 1 st Session

Joint resolution to assure uniform value to the coins and currencies of the United State- Whereas the holding of or dealing in gold affects the public interest, and therefore subject to the proper regulation and restriction; and Whereas the existing emergency [Again an "emergency" was used as the excuse for the action.] has disclosed that provisions of obligations which purport to give the obligee a right to require payment in gold or a particular kind of coin or currency of the United States, or in an amount in money of the United States measured thereby, obstruct the power of the Congress to regulate the value of the money of the United States, and are inconsistent with the declared policy [Congress is setting a public policy which is defined as "principles and standards regarded by the legislature or by the courts as being of fundamental concern to the state and the whole society." Black's Law Dictionary 7 th Edition..] of the Congress to maintain at all times the equal power of every dollar, coined or issued by the United States, in the markets and in the payment of debts, Now, therefore, be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that

(a) every provision contained in or made with respect to any obligation which purports to give the obligee a right to require payments in gold or a particular kind of coin or currency [Currency would include all of Ml, M2 and M3 money as defined by the Federal Reserve.], or in an amount in money of the United States measured thereby, is declared to be against public policy ; and no such provision shall be contained in or made with respect to any obligation hereafter incurred. [This clause makes it contrary to public policy for any creditor to require payment in any particular form. This means that no creditor can ask for payment by check, cash, or cashiers check. It also means that they are not permitted to dishonor a valid form of payment.] Every obligation, heretofore or hereafter incurred , whether or not any such provision is contained therein or made with respect thereto, shall be discharged [You could no longer "pay off a debt. You can only discharge a debt.] upon payment, dollar for dollar, in any coin or currency which at time of payment is legal tender for public and private debts . [Any valid form of "legal tender" must be accepted to discharge a debt. The debt must be discharged "dollar for dollar" which means that we discharge the exact amount shown on a charging instrument (bill or invoice).] Any such provision contained in any law authorizing obligations to be issued by or under authority of the United States, is herby repealed, but the repeal of any such provision shall not invalidate any other provision or authority contained in such law.

(b) As used in this resolution, the term 'obligation' means any obligation (including every obligation of and to the United States, excepting currency) payable in money of the United States; and the term 'coin or currency' means coin or currency of the United States, including [The term "including" means that what follows is a partial list and it implies that other things may also belong in the list. The term "includes", on the other hand is a limiting term that indicates only the specific items listed may be included.] Federal Reserve notes and circulating notes of Federal Reserve banks and national banking associations.

Sec. 2 The last sentence of paragraph (1) of subsection (b) of section 43 of the Act entitled "An Act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and of other purposes", approved May 12, 1933, is amended to read as follows:

"All coins and currencies of the United Stated (including [Due to the use of the word "including," other things may also be valid currency.] Federal Reserve notes and circulating notes of the Federal Reserve banks and national banking associations) heretofore or hereafter coined or issued, shall be legal tender [Just because other forms of payment are not listed does not exclude them from being valid forms of legal tender. You will notice that checks and credit cards are accepted but these instruments are not listed.] for all debts, public and private, public charges, taxes, duties, and dues, except that gold coins, when below the standard weight and limit of tolerance provided by law for the single piece, shall be legal tender only at valuation in proportion to their actual weight.'

Approved, June 5, 1933, 4:40 p.m. 31 U.S.C.A. 462, 463 House Joint Resolution 192, 73d Congress, Sess. I, Ch. 48, June 5, 1933 (Public Law No. 10 )

One sample court case that ruled on the legality of HJR 192 was GUARANTY TRUST CO. OF NEW YORK v. HENWOOD, 307 US 247 (1939). This case held that HJR 192 was lawful.

Some interesting excerpts are included below... Analysis of the terms of the Resolution discloses, first, the Congress declared certain types of contractual provisions against public policy in terms so broad as to include then existing contracts, as well as those thereafter to be made. In addition, future use of such proscribed provisions was expressly prohibited, whether actually contained in an obligation payable in money of the United States or separately 'made with respect thereto.' This proscription embraced 'every provision' purporting to give an obligee a right to require payment in (1 ) gold: (2) a particular kind of coin or currency of the United States: or (3) in an amount of United States money measured by gold or a particular kind of United States coin or currency . ... Congress - apparently to obviate any possible misunderstanding as to the breadth of its objective - ended, with studied precision, a catchall second sentence sweeping in 'every obligation', existing or future, 'payable in money of the United States', irrespective of whether or not any such provision is contained therein or made with respect thereto. The obligations hit at by Congress were those 'payable in money of the United States .' All such obligations were declared dischargeable 'upon payment, dollar for dollar, in any coin or currency (of the United States) which at the time of payment is legal tender for public and private debts.'... That which the Joint Resolution made dischargeable was the debt - the monetary obligation to pay . ... Congress sought to outlaw all contractual provisions which require debtors, who have bound themselves to pay United States dollars, to pay a greater number of dollars than promised. The Resolution intended that debtors under obligation to pay dollars should not have their debts tied to any fixed value of particular money, but that their entire obligations should be measured by and tied to the actual number of dollars promised, dollar for dollar .

... The enacting part of the resolution proscribes 'every provision ... which purports to give the obligee a right to require payment in gold or a particular kind of coin or currency, or an amount in money of the United States measured thereby ', and declares ' Every obligation , heretofore or hereafter incurred,

whether or not any such provision is contained therein or made with respect thereto, shall be discharged upon payment, dollar for dollar, in any coin or currency which at the time of payment is legal tender ...' 'Obligation', it states, 'means an obligation ... payable in money of the United States'. Thus the resolution proclaims that it is aimed at gold clauses and declares, if language is to be taken in its plain and most obvious sense, that provisions requiring payment in gold dollars or measured by gold are illegal and that every promise or obligation payable in money of the United States' shall be discharged 'dollar for dollar' in legal tender currency.

As a result of HJR 192, the people can no longer pay their debts. They have nothing of value to

give in exchange for the goods and services they need. According to HJR 192, we can only

discharge our debts. This was a huge change in our society. But very few people realized what

had occurred.

The following diagram shows what happened when HJR 192 was passed. You will notice that

some entities are inside a box. These are what we are calling "the public." Men contributed their

gold and other assets and became beneficiaries of a public trust but "persons" are considered

impostors. So knowing ones status when attempting to access the benefits of the trust is vital.

Everything inside the box either serves as a fiduciary or a manager of the trust. The Secretary of

the Treasury also serves as the trustee and the receiver of the U.S. bankruptcy. The person in this

position is the only individual who can see both inside the box, the public, and outside the box.

He who has the gold, pays the bills

-OR-

provides an exemption!

Title to Property

We have alluded to the fact that other items were donated to "the public" to serve as collateral

for the U.S. bankruptcy. The quote from the congressional record indicates that "all the homes

and other property of all the people in the Nation" would be mortgaged. Beginning in 1933 or

earlier, a system was set up to accomplish this objective. To understand this concept, we will

have to explore the meaning of the word "title." To accomplish this, we will examine various

kinds of title.

Title. Real Property Title. Title is the means whereby the owner of lands [or any other tangible assets

such as a car] has the just possession of his property. The union of all the elements which constitute

ownership. Full independent and fee ownership. The right to or ownership in land; also, the evidence of such ownership.... [Black's Law Dictionary, 5 th Edition]

Absolute title. As applied to title to land, an exclusive title, or at least a title which excludes all others not

compatible with it. An absolute title to land cannot exist at the same time in different persons or in different governments. [This suggests that various aspects of title can be held by different parties.] See also Fee simple . [Black's Law Dictionary, 5 th Edition]

Fee simple. Absolute. A fee simple absolute estate limited absolutely to a man and his heirs and assigns forever without limitation or condition. An absolute or fee-simple estate is one in which the owner is entitled to the entire property , with unconditional power of disposition during his life, and descending to his heirs and legal representatives upon his death interstate. Such estate is unlimited as to duration, disposition, and descendibility. [Black's Law Dictionary, 5 th Edition]

A term which is very similar to "fee simple" is allodium.

Allodium. Land held absolutely in one's own right, and not of any lord or superior; land not subject to feudal duties or burdens. An estate held by absolute ownership, without recognizing any superior to whom any duties is due on account thereof. [Black's Law Dictionary, 5 th Edition]

From the above definitions, we see that there are multiple "elements which constitute ownership."Title can be divided into two distinct parts: "equitable title" and "legal title."

Legal title. One cognizable or enforceable in a court of law, or on which is complete and perfect so far as regards the apparent right of ownership and possession , but which carries no beneficial interest in the property , another person being equitably entitled thereto; in either case, the antithesis of "equitable title." ... [Black's Law Dictionary, 5 th Edition]

Equitable title. A right to the party to whom it belongs to have the legal title transferred to him; or the beneficial interest of one person whom equity regards as the real owner, although the legal title is vested in another. See also Equitable ownership . [Black's Law Dictionary, 5 th Edition]

Equitable ownership. The ownership interest of one who has equitable as contrasted with legal ownership of property as in the case of a trust beneficiary. Ownership rights which are protected in equity. See also Equitable interest . [Black's Law Dictionary, 5 th Edition]

Equitable interest. The interest of a beneficiary under a trust is considered equitable as contrasted with the interest of the trustee which is a legal interest because the trustee has legal as contrasted with equitable title. [Black's Law Dictionary, 5 th Edition]

The above definitions make it clear that the right to property is divided between equitable and

legal title. The legal title portion is the "right of ... possession but which carries no beneficial

interest in the property". The equitable title portion carries the beneficial interest portion of the

title. Based upon these definitions, we would suggest that when we buy property we are only

given the legal title and therefore only have the right of possession. This means when we buy

land and a house we can live on the land and in the house. But we suggest that the county where

it exists and is registered acts as the trustee to hold the equitable title, or beneficial interest, for the beneficiaries (the people). The county is the trustee over the equitable interest and we pay trustee fees to the county in the form of property taxes. One who holds property as fee simple or in allodium would pay no property taxes. In the early 1900s, virtually all property was held in allodium and no property taxes were paid.

We would suggest that these same principles of title apply to virtually all other things of value. We hold the right of possession and the government at some level (county, state, federal) acts as trustee to hold the equitable interest. In the article about the straw man, we saw that your birth certificate is registered when you are born. This means the government holds title to your straw man's name. When you get married, you get a marriage license that is registered with the state.

Some have suggested that this gives the state trusteeship over the equitable interest in the fruit of the marriage, the children. That is why the state, through child protective services, can take your children whenever they deem it appropriate. When you buy a car, the title is registered to the state. We pay trustee fees to the state every year in the form of license plate fees.

So we see that the government, as trustees, holds equitable interest in your (forefather's) gold, your home, your children, and your cars. This leads us to ask a critical question. What were we given in exchange for all of these assets? Our parents, grandparents or great grand parents were given paper money for their gold but this was not an exchange . The gold had real value but the paper money was worthless. The government needed the gold and your other assets as collateral against their bankruptcy. But what have we, the people, been given in exchange for all of these things? We were certainly due something of substance.

We would suggest that we, the people, have been placed in the position of being the creditors to the government. We are owed a huge debt because the government has used our property and substance to help with their bankruptcy. We have been duped into believing that we are responsible to repay the national debt. But we have, in fact, been the surety for the debt. The following quote sheds some light on the idea of a debtor.

Debtors are also principles and surety; the principal debtor is bound as between him and his surety to pay the whole debt, and if the surety pay it, he will be entitled to recover against the principal. [Bouvier's Law Dictionary 1856]

This quote indicates that there is a difference between the principal debtor (the government) and the surety (the people). It plainly says the principal debtor is responsible to pay back the debt. But if we, as the surety, do pay the debt, the surety is entitled to recover the cost from the debtor.

We have been paying the debt with our property, our labor and our taxes. We are owed a great deal.

Another way of looking at our monetary system is to say that everything in our society is pre- paid. All money is backed by the people and their property. Without us, there would be no money in our current system. Everything in society has been paid for at the manufacturing level with the money that was created from us and our property. Therefore, everything in existence in our society is an extension of what we are owed and therefore everything is pre-paid by us and for us.

How much are we owed for all that we have given? One way to answer this is to see how much "money" was created from each of us. One person tried to find the answer to this question by sending a FOIA (Freedom of Information Act) request. This person asked how much money had been created from his/her social security number. A letter was returned explaining that the government could not provide a full list of the Federal Reserve Notes that had been created from the social security number unless the person was willing to send them $2800, at 100/page, to provide a copying cost. This means there were a total of 28,000 pages. A few pages were attached to the letter that listed Federal Reserve Note serial numbers and value of each note.

Based upon this information, let's see if we can create a model to estimate the amount of money this 28,000 pages would represent. Let's assume that each page contained two columns of note numbers and denominations and that there were two columns per page, a total of 60 notes per page. Let's further assume the there is an even distribution of the following note denominations evenly distributed across all the pages: $1, $5, $10, $20, $50, and $100. This would mean that 280,000 notes of each denomination would be listed. These assumptions would yield a total of $52,080,000. This is just an estimate, but it should give you some idea that the government has created an enormous amount of money from each of us.

The Exemption - What We Are Owed

What do we get in exchange for all that has been created from us? We would suggest that what the people are owed is manifest in two ways: the people are beneficiaries in the trust and the people have been given an exemption. In the broadest terms, we call what is owed us an exemption.

Exemption. Freedom from a general duty or service; immunity form a general burden, tax or charge. Immunity from certain legal obligations ... [Blacks Law Dictionary 5 th Edition] We have been given an exemption from having to pay our debts. We now have the ability to discharge our debts. Do you suppose there is a way to use this exemption to discharge our debts by accessing what is owed to us and held in trust? We believe this is quite possible.

To begin to understand how we might access this exemption, we need to look at various forms of payment. We already know that that "all coins and currencies of the United States (including Federal Reserve notes ... ) ... shall be legal tender." But it appears that there are other forms of payment which are also valid that are not included in those listed above. A quote from the Uniform Commercial Code (UCC) will illustrate this point § 2.304. Price Payable in Money, Goods, Realty, or Otherwise

(a) The price can be made payable in money or otherwise . If it is payable in whole or in part in goods each party is a seller of the goods which he is to transfer.

This quote makes it clear that we may discharge our debts in something other than money, goods, or realty. What could this mean? A quote from a Federal Reserve publication will shed some light on this question.

Modern monetary systems have a fiat base - literally money by decree - with depository institutions, acting as fiduciaries, creating obligations against themselves with the fiat base acting in part as reserves.

The decree appears on the currency notes: "This note is legal tender for all debts, public and private."

While no individual could refuse to accept such money for debt repayment, exchange contracts could easily be composed to thwart its use in everyday commerce . However, a forceful explanation as to why money is accepted is that the federal government requires it as payment for tax liabilities. Anticipation of the need to clear this debt creates a demand for the pure fiat dollar. ["Money, Credit and Velocity," Review, May, 1982, Vol. 64. No. 5, Federal Reserve Bank of St. Louis, p. 25]

The Federal Reserve is saying that the people could easily replace the use of Federal Reserve Notes in daily life by using exchange contracts. This is amazing news. It means that we can use exchange contracts to discharge out debts. We will leave the discussion of what an exchange contract is and how it might be used for another essay.

For now, let's turn our attention to what we currently use for money or call money, Federal Reserve Notes. What is a note?

Note. An instrument containing an express and absolute promise of signer (i.e. maker) to pay to a specified person or order, or bearer, a definite sum of money at a specified time... [Black's Law Dictionary 5^ h Edition]

So a note is a promise to pay. The definition says that the note must be signed. If you look at a FRN you will notice there are two signatures (two witnesses) promising to pay, the Treasurer of the United States and the Secretary of the Treasury. So a FRN is a pledge on the part of the government to pay a debt. This means that an FRN is a liability and not an asset. It means that every FRN, currency, that is in circulation is actually a liability.

Accounting

If our currency is a liability, then there must also be some assets to balance the books. So it is apparent that we need to understand some basic accounting. First, let's first see how accounting and account are defined.

Accounting. An act or system of making up or settling accounts ; a statement of account, or a debit and credit in financial transaction... Rendition of an account, either voluntarily or by order of a court. In the latter case, it imports a rendition of a judgment from the balance ascertained to be due. the term may include payment of the amount due... Major accounting methods are the cash basis and the accrual basis. [Black's Law Dictionary 5 th Edition]

Account. A detailed statement of the mutual demands in the nature of debit and credit between parties, arising out of contract or some fiduciary relation. A statement in writing, of debits and credits, or of receipts and payments; a list of items of debits and credits, with their respective dates. ... Any account with a bank; including a checking, time, interest or saving account. ... Account means any right to payment for goods sold or leased or for services rendered which is not evidence by an instrument or chattel paper, whether or not it has been earned by performance... [Black's Law Dictionary 5 th Edition]

These definitions suggests that an account is something to keep track of debits and credits and accounting would be the practice of keeping track of debits and credits. Accounts are only needed when payment of goods and services are not made in full at the time of purchase. When you buy something on credit (house, credit card, car), an account is established to keep track of how much you owe. You open a checking account when you no longer want to pay for everything with cash. The checking account allows the bank to keep track of how much "money" you have. Black's 7 th edition lists a number of different kinds of accounts, but for our purposes, there are three that are particularly interesting. closed account. An account that no further credits or debits may be added to but that remains open for adjustment and setoff . [Black's Law Dictionary, 7 th Edition] offset account. One of two accounts that balance against each other and cancel each other out when the books are closed. [Black's Law Dictionary, 7 th Edition] open account. 1. An unpaid or unsettled account. 2. An account that is left open for ongoing debit and credit entries and that has a fluctuating balance until each party finds it convenient to settle and close...[Black's Law Dictionary, 7 th Edition]

From these definitions it becomes clear that so long as there is still activity occurring, an account remains open but once all public activity (debit and credit) has ceased, the account is closed. When you make the final payment on a loan, the account is closed. When you no longer need a checking account, you withdrawal all the funds and close it. But a closed account remains open for two types of transactions, adjustments and setoffs. The idea of an offset account suggests that when two parties owe one another, setoffs can be used to cancel out opposing debts. The definition of setoff will give us another clue on how to use our exemption. setoff. ... 2. A debtor's right to reduce the amount of a debt by any sum the creditor owes the debtor; the counterbalancing sum owed by the creditor. ... Set-off signifies the subtraction or taking away of one demand from another opposite or cross demand, so as to distinguish the smaller demand and reduce the greater by the amount of the less... [Black's Law Dictionary, 7 th Edition] It appears that if two parties owe one another opposing sums, a portion of the larger debt can be discharged by the amount of the smaller debt. The one who is owed the larger amount is called the creditor and the one who owes the smaller amount is the debtor. We have already seen that we are the creditor over the government, who is the debtor, and that it owes us vast sums. Since we are the creditor, it would appear that there should be some method of using what the government owes us to setoff what we owe to other creditors. We have already been introduced to the concept of a bill of exchange. Various people and groups have researched how a bill of exchange and other instruments might be used to access our exemption in order to discharge our debts. They have discovered that these instruments can be effective.

**FILE ON DEMAND!!!!**

**THE Federal Court of the**

**United States of America at WASHINGTON, A Commonwealth, Possession, Territory.**

Case Number:

11:8-2018 Cr-00666ABC

DEMAND A SHOWING OF CAUSE, AND EVIDENTIARY HEARING!

Parties:

Name, et al

v.

UNITED STATES

Objective IS, JUSTICE BE DONE!

There is some confusion, I believe someone is attempting to simulate a lawful process. It appears to the necked eye and the unsuspecting individual that there is a claim that someone was under contract, and that somehow the contract was breached, and that somehow this civil agreement could equate to a criminal liability, I on behalf of the DEFENDANT object without recourse, and demand proof be made to appear on the record as to such validity of an erroneous presumption.

**I acting on behalf of the defendant hereby accept your offer the contract under the following terms and conditions and this shall be construed as my counter offer! I shall be deemed to have obtained the age of majority retroactively, and to have disaffirmed any and all contracts made in infancy! I shall be deemed and it shall be held and adjudicated that I am a competent, natural Man, a natural person, that my words are never to be construed liberally, but contextually. That the only law that shall apply to my person is the law of love is ordained by Jehovah the God of love. The very same law for which the principles of the “Golden rule” otherwise known as common law shall apply. Acceptance of your offer is contingent on the aforementioned and your rebutting each and every one of the proof of claim, point by point with facts and conclusions of the law of the land, original jurisdiction, common law, and that I and my property and my Interest are to be considered and held fully indemnified against any and all consequences as this agreement entered into without recourse on my behalf and interest.**

**It is believed that you are a commercial entity, conducting commercial business, an entity that files COMPREHENSIVE ANNUAL FINANCIAL REPORTS inclusive of references, notes, ledgers, term definitions and by doing so this documents that you do not represent the sovereign order a private organization, engaging in private contracts to offer and subscription and/or application. I acting on my own behalf and on behalf of the defendant choose not to enter or engage in contract unless it’s under my terms. My terms are spelled out within the body of this instrument, if you should except those terms in their entirety without exception and/or amendment and or augmentation, then we shall proceed. If you choose not to accept the terms of this contract, then you have subjected my person, my interests, my estate, my assets, my property to involuntary servitude, which is illegal in all venues within the borders of the United States of America, a crime for which it is punishable by imprisonment and a fine, and restitution for damage done. This shall serve as notice upon yourself and upon the agents acting in agreement and in conspiracy with you to accomplish the ends for which you presume justify the means. You are held liable under the terms of arbitration specified herein, arbitration is an administrative remedy that has not been exhausted as yet, a remedy that remains available to my person, to my interests, to my estate, with reference my property.**

I would therefore demand that there be a showing of cause, that a warrant, affidavit, and the contract be made to appear on the record immediately which would somehow under some felonious circumstances purport to grant the court jurisdiction.

Now, just so that we have a clear understanding, I believe that someone held a hearing exparte’ by which they sought to obtain a warrant, however, it must be known that no warrant shall issue unless upon probable cause, in accord with due process of law. Now the due process of law that is guaranteed every person in America be they legal person, Physical person, juristic person, and/or natural person, and or artificial person, is that of common-law. Common law was the law and operation at the time and reference when the due process clause was introduced. The so-called federal courts are supposed to be courts of original jurisdiction under apparently article 3. So since it is an absolute necessity that a party be notified before being subjected to any significant deprivation of rights, and that the hearing not be fixed in form, I will need such to be produced on the record where notification was sent to the alleged defendant and/or his party representative, and I must demand that information be made to appear immediately!

 A continuing and running challenge to jurisdiction!

The most novice of the legally wise are aware that they have the right to challenge jurisdiction, that they can challenge jurisdiction at any time, and that jurisdiction once challenged must be proved. I Brett Bin Isaac, acting on behalf of the alleged defendant do not enter anybody’s plea, do not permit anyone to enter a plea, shall never enter a plea!

PROOF OF CLAIM, whereas the issue of a trial or hearing exists when the plaintiff and defendant arrive at some specific or matter in which one affirms and the others denies [See: Black’s Law Dictionary, 2nd Ed., West Publishing, 1910, p.657], a court does not create the issue by asking the “named” defendant how he disputes to the charges.

PROOF OF CLAIM, if there is a statute/law within and upon the face of a charging document/instrument which alleges/charges a violation of an unconstitutional statute/law, or is from another state, or legal entity, or even a “un/non-constitutional legislative entity,” such as those statutes/laws cited from the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof within and upon the face of the warrant of arrest, charging document/instrument (Indictment), and affidavits in support thereof within the above referenced alleged Criminal Case/Cause, a defendant; and specifically the “named” defendant within the above referenced alleged Criminal Case/Cause, in the act of entering a ***plea or verdict*** thereto; and therein, does not thereby; and therein, admit to the geniuses of said “charging document/instrument (Indictment); and, does not admit to the validity of the statute(s)/law(s) cited therein; and, does not thereby form the issue for trial which would exist even without a plea***, a***nd without which there would be anything before the court or jury for trial. [See: Frisbe v. United States, 157 U.S. 160, 165; 39 L. Ed. 657 (U.S. La. 1895), which states: “The very act of pleading to it [an indictment] admits its geniuses as a record.”; Koscielski v. State, 158 N.E. 902, 903 (Ind. 1927), which states: “The plea forms the issue to be tried, without which there is nothing before the court or jury for trial.“; cf. Andrews v. State, 146 N.E. 817, 196 Ind. 12 (1925); State v. Acton, 160 A. 217, 218 (N.J. 1932); United States v. Aurandt, 107 P. 1064, 1065 (N.M. 1910)]

PROOF OF CLAIM- The right to not enter a plea - entering a plea is the first step in granting the Court jurisdiction to hear a matter:

1. “It is an elementary rule of pleading, that a plea to the jurisdiction is the first **(step)** in the order of pleading, and that any **(other or additional)** plea which refers to the Court any **(additional proof and or acknowledgment)** other question, is a tacit admission that the Court has the right **(jurisdiction)** to judge in the cause **(i.e. subject matter jurisdiction)**, and is a waiver of all exceptions **(i.e. acquiescence, whereby no challenges can be allowed respecting)** to the jurisdiction.” **Girty v. Logan, 6 Bush Ky. 8**

PROOF OF CLAIM- “Whenever it appears upon the record that the Court has no jurisdiction **(i.e. “in want of jurisdiction”)**, nothing which the parties may do or omit to do will give it **(that is, jurisdiction to the Court)**; but where want of jurisdiction may exist consistently with the record **(fingerprints, presumptions, assumptions, photographs, affidavits, documents, statements)**; a plea to the action **(either entered by the Court or by counsel/attorney or by a party)** is a waiver of any exception to the jurisdiction **(i.e. the party waived his rights and submits to the jurisdiction of the Court)**.” **Lawrence v. Bassett, 5 Allan 140**

PROOF OF CLAIM, it appears within and upon the face of the record of the alleged court of record in the above referenced alleged Criminal Case/Cause, the nature of the statute(s)/law(s) cited within and upon the face of the warrant of arrest, charging document/instrument (Indictment), and affidavits in support thereof, as relied upon by said court to assume its jurisdiction in the case/cause and over and upon the parties therein; and, the consequences of entering a plea; as established supra at Proof of Claim were disclosed to the “named” defendant within the above referenced alleged Criminal Case/Cause, and the Undersigned by ANY “officer” of said court and/ or United States; and, was not rather actively concealed and hidden from the “named” defendant and the Undersigned by said “officers”; and, such concealment does not operate to constitute/establish acts of fraud upon and against the “named” defendant and the Undersigned within the above referenced alleged Criminal Case/Cause.

PROOF OF CLAIM, the proceedings in which the “named” defendant and the Undersigned were subjected to within the above referenced alleged Criminal Case/Cause, were not in equity/chancery; and, the conflict was not with a “un/non-constitutional” source of authority for the existence of the statute(s)/law(s) alleged/charged as violated within and upon the face of the warrant of arrest, charging document/instrument (Indictment), and affidavits in support thereof.

PROOF OF CLAIM, courts and the legal system today; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, can and do recognize and proceed upon common-law crimes/offense, and therefore acts, which are made crimes/offenses, are not made so by statute, or rather “Code.”

PROOF OF CLAIM, all crimes are not commercial. [See: Constitution of/for the United States of America (1789, as amended 1791) Art. I, § 8, cl. 3 and 18; accord specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, USC; C.F.R., THE FEDERAL REGISTRY, Title 27 CFR § 72.11; and United States v. Volungus, 595 F.3d 1. 4-5 (1st Cir. 2010); United States v. Pierson, 139 F.3d 501, 503 (5th Cir.), cert. denied, 525 US 896, 142 L Ed 2d 181, 119 S Ct 220, 1998 U.S. LEXIS 5985 (1998).]

PROOF OF CLAIM, the lack/want of subject-matter jurisdiction cannot stop a court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, from proceeding; and, does not void ALL orders, decisions, judgments, and the like of said court as it cannot be waived, may be asserted at anytime; even after trial for the first time, and is not affected by NOR negated by the act of entering a plea; not even a guilty plea*, a*s such would confess nothing; and, this lack/want of subject-matter jurisdiction, whether ensuing from a fatally defective warrant of arrest or charging document/instrument; e.g., an Indictment as in the above referenced alleged Criminal Case/Cause, for employing/using and citing “unconstitutional statute(s)/law(s); or, “un/non-constitutional” statute(s)/law(s)/Code(s) without nexus (relationship); e.g., contract or otherwise, established and existing between the parties, does not effectuate the same result; i.e., the judgment is VOID and a complete nullity ab initio, unenforceable, and without binding force and effect, even before reversal.

PROOF OF CLAIM, whereas other State Supreme Courts have held these so-called “Revised Codes,” or however termed/styled, not to be the law of their respective states, the United States Code is any different from these other so-called “Revised Codes”; and, is the law of the United States of America. [See: In re Self v. Rhay, 61 Wash.2d 261, 264, 265, 377 P.2d 885 (1963); cf. Oakley v. Aspinwall, 3 N.Y. 547, 568; Village of Ridgefield Park v. Bergen Co. Bd. of Tax, 162 A.2d 132, 134, 135, 65 N.J.Super. 133 (1960), citing: State v. Burrow, 104 S.W. 526, 527, 119 Tenn. 376 (1907)]

PROOF OF CLAIM, all jurisdiction with; and of, the United States/UNITED STATES is not by “contract”; and, said contractual constraints are not binding upon ANY and ALL courts within said juridical constructs and the jurisdiction exercised therein.

PROOF OF CLAIM, the “Executive Power”; i.e., the administrative branch of Government; state and federal/national, as created, ordained, and established within the written document/instrument for its existence, is not limited and guided by the “law of the land.”

PROOF OF CLAIM, the “law of the land” and “due process of law” do not have the same meaning; and, the law intended by the Constitution; state and federal/national, is not the common-law. [See: State v. Doherty, 60 Maine 504, 509 (1872), which states: “The expressions ‘due process of law’ and ‘law of the land’ have the same meaning… The ‘law’ intended by the constitution is the common law that was handed down to us from our forefathers, as it existed and was understood and administered when that instrument was framed and adopted.”]

PROOF OF CLAIM, the “due process of law’ clause as expressly written within the Constitution for the United States of America, does not make and establish the common-law the “law of the land.” [See: U.S. Const. 4th Amendment; Walter Anderson, A Treatise on the Law of Sheriffs, Coroners, and Constables, vol. I, § 166, p. 160 (1941), which states: “Heed should ever be paid to the voice of common law as it has echoed down through the ages, loudly proclaiming in the interests of the rights of the citizen, that it must not be forgotten that there can be no arrests without due process of law…”]

PROOF OF CLAIM, the common-law is not the foundation of “due process of law.” [See: 6 R.C.L., § 434, which states: “...it is clear that the common law is the foundation of which is designated as due process of law.’]

PROOF OF CLAIM, “due process of law” and “the law of the land” does not declare that***, a Private Citizen,*** cannot be deprived of his liberty or property unless by the judgment of his peers or the law of the land. [See: Constitution of/for the United States of America (1789, as amended 1791) article in amendment V; Thomas Cooley, Constitutional Limitations, 364 and notes].

PROOF OF CLAIM, “due process of law” and what constitutes same is determined by the “Legislative Power” of Government; state and/or federal/national, and specifically that as exercised by the General Assembly of the present existing Government of the United States within and/or through its Statutes; and, is not a restraint upon the legislative as well as the executive and judicial powers of Government. [See: Murray’s Lessee v. Hoboken Imp. Co., 18 How (U.S.) 272, 276 (1855), which states: “It is manifest it was not left to the legislative power to enact any process which might be devised. The [due process] article is a restraint on the legislative as well as the executive and judicial powers of Government, and cannot be so construed as to leave congress free to make any process ‘due process,’ by its mere will.”; State ex rel. v. Billings, 55 Minn. 466, 474 (1893)]

PROOF OF CLAIM, whereas the Congress of the federal Government is not free to make any process it deems fit as constituting “due process of law,” the General Assembly of the United States is free to make any process it deems fit as constituting due process of law.

 PROOF OF CLAIM, what constitutes “due process of law” is not to be ascertained by an examination of the settled usages and modes of proceeding in the common and statute laws of England before the immigration of The People to this land and adoption of any Constitution. [See: Twining v. New Jersey, 211 U.S. 78, 100 (1908)].

You see, I realized the onus is not on myself, it’s not my responsibility to prove you have no jurisdiction, it’s your responsibility to prove you have jurisdiction. In times past these so-called ministerial clerk’s otherwise known as judges for the administrative courts, have sidestepped, ignored, have avoided responding directly to challenges. You don’t get to do that, not in this instance you do not, you will prove your standing, you will prove your capacity, you will prove your jurisdiction, you will prove your authority, you will prove that you represent the sovereign.

I know my estate shall never consent to involuntary servitude, and yes all of your actions or actions of involuntary servitude unless you can show that there is a contract, a subscription to license, that wasn’t entered into knowingly, willingly, intentionally, deliberately, with full knowledge and awareness at the time of its engagement.

You will prove that this party has not attained the age of majority.

You will prove that this party does not have the right to be at liberty.

You will prove that your so-called defendant is a natural person.

You will prove that the captioned name any you are complaint represented by all capital letters is a natural person, and not a legal person and/or legal name.

What is meant by you will prove, is that your presumption of Law is hereby challenged, there is no foundational principle and presumption of Law. There is a foundational principle in an unrebutted affidavit, that there is no foundational principle for an unrebutted assumption, presumption. Just because you raise a point does it mean that another party is obligated to counter your point, if you raise a point it must be supported by facts and conclusions of law in the first instance or is construed in law as an invalid point. There must be validity to your claims, and yet you produce documents that are neither certified, backed by full faith and credit, which are facsimiles, copies, not evidence. And then you allow your so-called officers of your so-called courts to testify, to introduce evidence, and this contrary to the very same decisions handed down by your very same courts. For instance, an attorney, cannot testify, nor can an attorney introduce evidence into a case, you cannot do it on his behalf, and or on the behalf of another. Either he is an attorney, or he is a witness, but he cannot be both. If he offers testimony, the net testimony can be impeached, if he introduces evidence, that so-called evidence must be supported by facts and conclusions of law, not know so-called rules of evidence. The courts don’t get to create rule, they are servants, can’t create a rule that governs the people, there is no delegation of authority, and if there is please provide such with specificity, these rules that are completely spelled out within the framework of the Constitution and the Northwest ordinance of 1879. So I bring forth this my running objection to anyone claiming that they have introduced any evidence, especially if they’re claiming to introduce things such as fingerprints, photos, documentation, and or testimony of any kind. The information produced must be supported by an affidavit, sworn testimony under penalty, by an individual having firsthand knowledge of facts, not firsthand knowledge of presumptions.

The only thing that a party can do is to make pension the following:

Your jurisdiction comes from the entering of a plea, the subscription and/or license the contract! I nor my property shall, will, ever consent to such a subscription, to such a license, to such a contract quasi-or otherwise, under any circumstances whereby the benefit does not equate to a requirement by the only true God Jehovah. You see your contracts, your agreements, requires servitude, which is in violation of my obligation to my God Jehovah, it is a direct conflict with my contract with him. The contract I made with my God Jehovah is a binding contract, I am this servant, he has first right, I cannot, being a slave of the true God Jehovah, subject myself to another, and or another’s jurisdiction. Your contract of involuntary servitude is interfering with my contract of involuntary servitude to my God. Your practices interferes with my right to practice my religion as I choose and as directed by my God Jehovah. You cannot impair my contract with my God, you cannot interfere and or attempt to negate the obligations of my voluntary contract with my God. This is how I know that there is no possible way you could have a contract with myself, whereby I would have volunteered to be in servitude, because I am prohibited by my God from serving another or another God.

“**(Exodus** **4:22-23)** . . .And you must say to Phar′aoh, ‘This is what Jehovah has said: “Israel is my son, my firstborn. **23** And I say to you: Send my son away that he may serve me. But should you refuse to send him away, here I am killing your son, your firstborn.”. . .

**(Exodus** **23:25)** . . .And YOU must serve Jehovah YOUR God, and he will certainly bless your bread and your water; and I shall indeed turn malady away from your midst.

**(Deuteronomy** **6:13)** Jehovah your God you should fear, and him you should serve, and by his name you should swear.

**(Deuteronomy** **10:12)** “And now, O Israel, what is Jehovah your God asking of you but to fear Jehovah your God, so as to walk in all his ways and to love him and to serve Jehovah your God with all your heart and all your soul;

**(Joshua** **22:5)** Only be very careful to carry out the commandment and the law that Moses the servant of Jehovah commanded YOU by loving Jehovah YOUR God and by walking in all his ways and by keeping his commandments and by cleaving to him and by serving him with all YOUR heart and with all YOUR soul.”

**(Matthew** **4:10)** Then Jesus said to him: “Go away, Satan! For it is written, ‘It is Jehovah your God you must worship, and it is to him alone you must render sacred service.’”

**(Exodus** **20:2-3)** . . .“I am Jehovah your God, who have brought you out of the land of Egypt, out of the house of slaves. **3** You must not have any other gods against my face.

\*\*\* Extracted Document \*\*\*

**(Deuteronomy** **5:7)** You must never have any other gods against my face.

**(2** **Kings** **17:35)** when Jehovah concluded a covenant with them and commanded them, saying: “YOU must not fear other gods, and YOU must not bow down to them nor serve them nor sacrifice to them.

**(Jeremiah** **25:6)** And do not walk after other gods in order to serve them and to bow down to them, that YOU may not offend me with the work of YOUR hands, and that I may not cause calamity to YOU.’

**(Exodus** **34:14)** For you must not prostrate yourself to another god, because Jehovah, whose name is Jealous, he is a jealous God;

**(Deuteronomy** **8:19)** “And it must occur that if you should at all forget Jehovah your God and you should actually walk after other gods and serve them and bow down to them, I do bear witness against YOU today that YOU people will absolutely perish.

**(Jeremiah** **25:6)** And do not walk after other gods in order to serve them and to bow down to them, that YOU may not offend me with the work of YOUR hands, and that I may not cause calamity to YOU.’

**(Deuteronomy** **6:14-15)** . . .YOU must not walk after other gods, any gods of the peoples who are all around YOU, **15** (for Jehovah your God in your midst is a God exacting exclusive devotion,) for fear the anger of Jehovah your God may blaze against you and he must annihilate you from off the surface of the ground.

**(Exodus** **19:5-6)** . . .And now if YOU will strictly obey my voice and will indeed keep my covenant, then YOU will certainly become my special property out of all [other] peoples, because the whole earth belongs to me. **6** And YOU yourselves will become to me a kingdom of priests and a holy nation.’ . . .

**(Deuteronomy** **7:6)** . . .For you are a holy people to Jehovah your God. It is you Jehovah your God has chosen to become his people, a special property, out of all the peoples that are on the surface of the ground.

**(Deuteronomy** **14:2)** . . .For you are a holy people to Jehovah your God, and Jehovah has chosen you to become his people, a special property, out of all the peoples who are on the surface of the ground.

**(Deuteronomy** **26:18-19)** . . .As for Jehovah, he has induced you to say today that you will become his people, a special property, just as he has promised you, and that you will observe all his commandments, **19** and that he will put you high above all the other nations that he has made, resulting in praise and reputation and beauty, while you prove yourself a people holy to Jehovah your God, just as he has promised.”

**(Malachi** **3:17-18)** . . .“And they will certainly become mine,” Jehovah of armies has said, “at the day when I am producing a special property. And I will show compassion upon them, just as a man shows compassion upon his son who is serving him. **18** And YOU people will again certainly see [the distinction] between a righteous one and a wicked one, between one serving God and one who has not served him.”

 **\*\*\*** **it-1** **pp.** **253-254** **Baptism** **\*\*\***

**A** **Person’s** **Place** **in** **God’s** **Purpose.** It should be noted that the one being baptized in water enters a special relationship as Jehovah’s servant, to do His will. The individual does not determine what the will of God is for him, but it is God who makes the decision as to the use of the individual and the placing of such one in the framework of His purposes. For example, in times past, the entire nation of Israel was in special relationship with God; they were Jehovah’s property. (Ex 19:5) But only the tribe of Levi was selected to perform the services at the sanctuary, and out of this tribe only Aaron’s family constituted the priesthood. (Nu 1:48-51; Ex 28:1; 40:13-15) The kingship came to be established exclusively in the line of David’s family by Jehovah God.—2Sa 7:15, 16.

Likewise those who undergo Christian baptism become God’s property, his slaves, to employ as he sees fit. (1Co 6:20) An example of God’s direction of such matters is found in Revelation, where reference is made to a definite number of persons finally “sealed,” namely, 144,000. (Re 7:4-8) Even before such final approval, God’s holy spirit serves as a seal that gives those sealed a token in advance of their inheritance, a heavenly one. (Eph 1:13, 14; 2Co 5:1-5) He also told these having such a hope: “God has set the members in the body [of Christ], each one of them, just as he pleased.”—1Co 12:18, 27.

Jesus called attention to another group when he said: “I have other sheep, which are not of this fold; those also I must bring, and they will listen to my voice, and they will become one flock, one shepherd.” (Joh 10:16) These are not of the “little flock” (Lu 12:32), but they too must approach Jehovah through Jesus Christ and be baptized in water.

The vision given to the apostle John, as recorded in Revelation, harmonizes with this when, after showing John the 144,000 “sealed” ones, it turns his eyes to “a great crowd, which no man was able to number.” These are shown as having “washed their robes and made them white in the blood of the Lamb,” indicating faith in the ransom sacrifice of Jesus Christ the Lamb of God. (Re 7:9, 14) They are therefore given favorable recognition, “standing before [God’s] throne,” but are not those whom God selects to be the “sealed” 144,000. As to this “great crowd,” the vision goes on to point out that they serve God day and night and will be protected and will be cared for by him.—Re 7:15-17.

You see I am a baptized Christian witness of Jehovah, I have entered into a covenant it relationship with him, I am his servant, and servitude to him, which your contract would be a direct conflict with my agreement with my God. So you cannot produce a warrant to see someone else’s property without due process of law. Your law could never trump His law! So a show of cause hearing is demanded and the following attached proof of claims by way of government must be responded to a claim by claim for which you are making with facts, conclusions of law, specificity, without conjecture, without statements unsupported by facts or conclusions of law. Please keep in mind only Congress in the United States has the authority to make law, so the courts and their so-called case law is inadmissible in every court, because case law has never been the law, and a ruling by a judge is not a ruling by a common-law jury, for the Constitution only recognizes the decisions of a common-law jury as being on rebuttable, so once again I place my running objection to the aforementioned arguments, standing capacity, and lawful application. Your courts are debt collectors the United States is deemed in law to be a debt collector, these proceedings take place under an act which identifies the procedures for collecting a debt (28 USC 3002).

The law grants myself, my person the right to offset, the damage that has been suffered, the void judgment that has not been corrected, despite the fact that this Court in the appeals court had an obligation to correct the void judgment. The denial of due process, the denial of the right to an evidentiary hearing, the denial of the right to subpoenas, the denial of the right to medical treatment, the denial of the right to bail, the denial of the right to access the Court, the denial of the right to access the mails, the denial of the right to practice a religion of choice, the denial of the right to be at liberty, the denial of the right to contract, the denial of the right to speak, the denial of the right to not be subjected to cruel and unusual punishment, the denial of the right to not be subjected to the invasive examination of one’s capacity, the denial of the right to challenge the jurisdiction of your courts and every other complaint associated with this matter presented to this body by this person.

You and this Court and the other officers of this court have taken an oath, you are under oath while sitting in the capacity of your office, anything you say can and will be used against you under that oath of office, and it is under that oath that I will bring forth my claim against you, and we will continue my claim by introducing this into your courts and proceeding with an administrative remedy known as arbitration. You will have 15 days from the date of receipt of this communication to respond, 15 days whereby you will have to rebut each and every one of the accompanying governing “proof of claims” and/or provide facts and conclusions of law supporting your position. Your failure to do so will be construed as a violation of your old of office, acting in bad faith, and such would be construed as bad behavior during the commission of your duty of care of office.

The aforementioned information is based on firsthand knowledge and actual facts, is attested to as such as well as ascribed, declared, certified under penalty is a divine retribution if otherwise and completed on this August 30, 2018 so help me Jehovah the only true God. This affidavit is completed with my hand sign, which shall serve as a self-authenticating notary i.e. evidence.

 y.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **SHOW OF CAUSE PROOF OF CLAIM DEMAND**

 SERVED BY: UNITED STATES POSTAL SERVICE by the

UNITED STATES POST OFFICE via First Class Postage Prepaid

CERTIFIED MAIL NUMBER 7007 0220 0001 5803 1585

**PARTIES**

**RESPONDENTS/OFFEREE**: **CLAIMANTS/OFFEROR:**

UNITED STATES OF AMERICA ***Name***

U.S. Department of Justice C/O; General-Post Office

950 Pennsylvania Avenue, NW Address

Washington, DC 20530-0001 Nation: “City state”. United States Minor, Outlying Islands

August 06, 2018

**IN THE MATTER OF: CONDITIONAL ACCEPTANCE FOR VALUE FOR PROOF OF CLAIM AS TO THE NATURE AND SOURCE OF THE LAW, VENUE, JURISDICTION, AUTHORITY, AND RELATIONSHIP THERETO; NATURE AND CAUSE OF ARREST, CRIMINAL PROCEEDINGS PROCESSES, LAWFULNESS THEREOF, AND PROCEDURAL LEGALITY THEREIN; VALIDITY AND ENFORCEABILITY OF JUDGMENT(S), ORDER(S), WARRANT(S), UNLAWFUL IMPRISONMENT, AND THE LAWFULNESS THEREOF, POSSIBLE CONTRACT VIOLATION, FRAUD; ASSUMPTION OF DEBT, AND OTHER RELATED MATTERS AS ALL SUCH RELATE TO AND BEAR UPON CRIMINAL CASE/CAUSE # 1:13-cr-00058-ADC (P.R. 2013), UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO, DECEMBER 27, 2012 BEING VOID AB INITIO.**

**“Statement of Purpose**.  The general court finds that the authority of the department of safety, THE UNITED STATES, the DISTRICT OF COLUMBIA, THE EXECUTIVE BRANCH, the UNITED STATES LEGISLATURE, the UNITED STATES COURTS is limited to only the commercial users of the public ways and that the corporate state employees have, by their silence, failed to fully inform the sovereign people of the United States of America that an automobile, a Trust, Legal Person has been confirmed by UCC 9-102, 9-109, to be "private property" defined as **"household goods" and "consumer goods" not for commercial use or for profit or gain.**  Further, the courts have found that corporate public servants who ignore their accountability as mandated in Bill of Rights, have by their silence and failure to fully inform the sovereign people of the consequences arising from the corporate "offer to contract," is deemed silent deception and inducement by fraud.**”**

Dear Messer Attorney General:

I. **INTRODUCTION**

1.1 I have recently, through exhaustive study and research, come across certain information and apparent facts relating to and bearing upon matters within and arising from, the above referenced ***CIVIL/COMMERCIAL/Criminal Case/Cause*** beginning with the arrest of My Self; hereinafter “Undersigned, and the subsequent prosecution and criminal procedures resulting in the conviction and subsequent imprisonment of the Undersigned for what appears to be alleged violation(s) of alleged statute(s)/law(s) as contained within the United States Code (Statutes); and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, USC; C.F.R., THE FEDERAL REGISTRY, thereof, which may, or may not be constitutional in accordance with and pursuant to the Constitution for/of the United States of America; unless otherwise specifically noted, therefore creating the presumption that constitutional impermissible acts and misapplication of statute/law have occurred within; and throughout, the above referenced ***CIVIL/COMMERCIAL/Criminal Case/Cause*** ab initio in which your court, office, and the United States participated within; and, therein proceeded against the Undersigned to achieve the conviction and imprisonment.

1.2 In the Undersigned’s review of the above referenced ***CIVIL/COMMERCIAL/Criminal Case/Cause*** in light of information, and apparent facts relating to and bearing upon same, which have surfaced as a result of stated studies and research as to matters referenced above, such have left the Undersigned confused; to say the least, and uncertain as to the validity and lawfulness of said proceedings within said Criminal Case/Cause, the nature of such, and the Undersigned’s present state of imprisonment.

1.3 Please know, and understand, that it is NOT the Undersigned’s intent, desire, NOR design to hinder the operation/function of your office, court, NOR the United States of America, NOR to cause embarrassment, disgrace, NOR to detract from the Honor and Dignity of same, NOR same invested within the Respondents. Be it known by Respondents, that the Undersigned herein; and hereby, agrees, consents, and covenants with the Respondents to perform the balance of the obligation on the term of imprisonment as imposed by the court within the above referenced Criminal Case/Cause, and to pay/perform ALL other; and additional, obligations; of whatever nature, pertaining thereto, therein, and arising therefrom, as well as to cease and desist in pursuing the matters contained herein, in this manner, conditioned upon Respondents tendering the requested Proofs of Claim.

1.4 The Undersigned seeks Proofs of Claim in the nature of discovery and validation of debt in exhausting the Undersigned’s Private Administrative Process for remedy (in the nature of an article in amendment I Petition for Redress of Grievance, and article in amendment IX reservation for resolution and equitable settlement under necessity) from Respondents, within their respective offices, and requests the tender of these Proofs of Claim with respect to; inter alia, the warrant of arrest, charging document/instrument (Information), and the affidavits in support thereof which the United Attorney’s Office for the DISTRICT OF PUERTO RICO, by and through United States Attorney, within the court denoted within the above referenced ***CIVIL/COMMERCIAL/Criminal Case/Cause*** relied upon in its prosecution of the Undersigned, and thereby; and therein, established that the arrest and ALL proceedings and processes ensuing therefrom ARE lawful, proper, valid, constitutional, and thereby; and therein, procedurally legal so that the Undersigned may determine that the court, and ALL parties participating/involved within the above referenced Criminal Case/Cause, did/not commit constitutional impermissible acts and misapplication of statutes/laws in this matter, and did establish upon the face of the court’s record its jurisdiction in said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** in accordance with and pursuant to due process of law or the law of the land; and the Undersigned was accorded proper and valid process and service therein, and the court’s jurisdiction therein as to both in personam jurisdiction and subject-matter jurisdiction; wherein the court acquires/obtains its authority to act and thereby enter/render valid and enforceable judgments, orders, and the like in any matter before it, claimed therein by the court within the above referenced Quasi-CIVIL/Quasi-COMMERCIAL/***CIVIL/COMMERCIAL/Criminal Case/Cause*** was complete and not fatally flawed.

1.5 Further, in-as-much, as the Undersigned is confused by the copyright symbol contained within what appears to be ALL books, codes, references, reporters, and the like dealing with “**law**”, and such a symbol’s use and employment in giving notice that the contents therein are the private property of the copyright owner, and the Undersigned freely admitting that the Undersigned has neither grant, franchise, license, NOR letters-patent to use said contents, NOR practice same; please be advised that ALL cites thereto, and excerpts therefrom, are used and employed herein merely for educational purposes; to show from where the Undersigned’s present understanding and confusion inheres from; and, due to the depth of the matters with which this document attempts to cover, the Undersigned has provided the excerpts there from to facilitate and ease the time burdens of the Respondents which the Undersigned understands is precious and limited.

1.6 As the Undersigned wants, wishes and desires to resolve this matter as soon as possible, it is of “necessity” that the Undersigned can only to do so conditioned upon Respondents providing the requested; and required, Proofs of Claim which are set-forth herein below, to wit:

II. **PROOFS OF CLAIM**

1. PROOFS OF CLAIM, whereas the concept behind a law implies a command; in order for***, a Private Citizen,*** to be bound to obey and follow some law/command, there must not of necessity be an authority created and established within a specific source for said law/command to exist; and, must come not only from the source which has the authority to issue and enact said law/command. [See: Black & White Taxi Transfer Co. v. Brown & Yellow Taxi Transfer Co., 276 U.S. 518, 533; 72 L.Ed. 681, 38 S Ct 404 (1928), which states: “**Law in the sense in which the courts speak of it today, does not exist without some definite authority behind it.**”]

2. PROOF OF CLAIM, in order for the law of a specific source to have any binding force or effect over and upon***, a Private Citizen,*** a Private Citizen, a relationship; which acts to subject, in some manner or degree, said***, a Private Citizen,*** to said source, is not necessary and does not need to exist between said parties in order to create and establish the authority within said source to issue and enact law.

3. PROOF OF CLAIM, it is not relationship; between a source of law and***, a Private Citizen,*** bound thereby, which creates and establishes the authority of a source to issue and enact law of a binding force or effect over and upon said man, and this authority to so act is not solely dependent upon relationship for its existence and binding force or effect over and upon said man.

4. PROOF OF CLAIM, in the absence/want of relationship between***, a Private Citizen,*** and a specific source of authority for law, there does exist the authority within said source to issue and enact law of binding force or effect over and upon said man.

5. PROOF OF CLAIM, a child being a product of a parent and entirely dependent thereon, which creates and establishes a relationship between same, and in turn generates and establishes the authority within said parent to act over and upon said child as a source of authority, this same authority does and would extend over and upon a child which is not said parent’s own due to lack/want of authority created and established by relationship existing between the parties.

6. PROOF OF CLAIM, the law of Jehovah the Living God (YHWH/JHVH) does not stand; and has not always stood, in pre-eminence in relation to ***human, a Private Citizen,*** law. [See: Borden v. State, 11 Ark. 519, 526 (1851), which states: “Man’s laws are strength-less before Jehovah the Living God’s Law, consequently a ***human, a Private Citizen,*** law, directly contrary to the law of Jehovah the Living God, would be an absolute nullity.”]

7. PROOF OF CLAIM, the Law making authority of Jehovah the Living God (YHWH/JHVH), does not rest solidly and soundly upon the foundation of the relationship existing between Him ***and, a Private Citizen,*** as man’s Creator and Provider. [See: 1 Blackstone Commentaries, § 38, p. 39, wherein Sir William Blackstone states; “Man, considered as a creature, must necessarily be subject to the laws of his Creator, for he is entirely a dependent being… Consequently, as***, a Private Citizen,*** depends absolutely upon his Maker for everything, it is necessary that he should conform in all points to his Maker’s will.”]

8. PROOF OF CLAIM, there is not a higher loyalty man; and specifically the Undersigned owes in this world than loyalty to his country; which is to say, loyalty to Jehovah the Living God (YHWH/JHVH). [See: United States v. Seeger, 380 U.S. 163, 172, 13 L. Ed. 2d 733, 85 S Ct 850 (1965), which states: “There is a higher loyalty than loyalty to this country, loyalty to Jehovah the Living God.”]

9. PROOF OF CLAIM, in accordance with the principle of “authority and law”; set-forth herein above, the fact does not emerge that true Lawful authority is derived from a relationship existent and established between the parties and not power, force, or wealth.

10. PROOF OF CLAIM, a state of despotisn and/or tyranny does not exist in which authoritative law is sacrificed and abolished when law exists because; and through, force and power.

11. PROOF OF CLAIM, the fundamental concept of American Government; i.e., a Government, which is both de jure (Lawful), and de facto (Present/Established), is not that ALL political power which exist, resides in The People. [See: Constitution of/for the United States of America (1789, as amended 1791); Preamble; Art. I, § 2, cl. 1; Art. I***,*** § 3, cl. 1.][…in pari materia to all other state constitutions.]

12. PROOF OF CLAIM, The sovereign political power of The People (The People- Common Community not individual) did not create a “Constitutional Entity” within their written (expressed) Constitution (contract); i.e., originally, in which they created, established, and ordained the general assembly; to which they delegated a “specific” portion of their political power thereto, and thereby; and therein, constituting the general assembly as the sole legislative power (authority) for the Government. [See: Constitution of/for the United States of America (1789 as amended 1791) Preamble; Art. I, § 1] […in pari materia to all other state constitutions.]

13. PROOF OF CLAIM, the Declarations of the sovereign will of The People, as expressed within their written Constitution originally creating a Government for the several united States of America in the exercise of their political power does not reveal the relationship between The People and those in Government service to be that the latter are the substitutes, agents, or servants of the former ensuing from a contractual relationship created, ordained, and instituted through; and by, the instrument (Constitution) for the Government’s creation and existence.

l4. PROOF OF CLAIM, a codification - i.e., the process of collecting and arranging the laws of a country or state into a Code (a compilation of existing laws, systematic arrangement into chapters, subheads, table of contents, and index, and a revision to harmonize conflicts, supply omissions, and generally clarify and make complete a body of laws to regulate completely subjects to which they relate. [See: Gibson v. State, 214 Ala. 38, 106 So. 231, 235]); i.e., into a complete system of positive law, scientifically ordered, and promulgated ( i.e., to publish; to announce officially; to make public as important or obligatory [See: Price v. Supreme Home of the Ancient Order of Pilgrims, 285 S.W. 310, 312 (Tex.Com.App.)]) by legislative authority of the statutes/laws of a State and/or the United States of America; and specifically the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof as employed and used within the above referenced alleged Criminal Case/Cause, is not a redrafting and simplification of the entire body of a statute which effects a revision, and a complete restatement of the law which is then substituted - i.e. put in place of the former; exchanged, serving in lieu of and displaces and repeals the former law as it stood relating to the subjects within its purview. [See: MacLean v. Brodigan, 41 Nev. 468, 172 P. 375; Elite Laundry Co. v. Dunn, 126 W.Va. 858, 30 S.E.2d 454, 458]; and, is not drastically different in nature and scope that a mere compilation. [Fidelity & Columbia Trust Co. v. Meek, 171 S.W.2d 41, 43-44 (Ky. 1943), which states: “A compilation is merely an arrangement and classification of the legislation of a state in the exact form in which it was enacted, with no change in language. It does not require a legislative action in order to have the effect it is intended to have. A revision, on the other hand, contemplates a redrafting and simplification of the entire body of a statute. A revision is a complete restatement of the law. It requires enactment by the legislature in order to be effective…”]

15. PROOF OF CLAIM, a “bill” passed by the general assembly/General Assembly of the United States of America; hereinafter “General Assembly”; in order to be in accord with and pursuant to constitutional provisions, must not be presented to the President for signature; or if returned by him with objections, must not be passed by a two-thirds vote of both Houses, in order for the “bill” to become law; or, if the President fails to return said “bill” within ten (10) days it thereby becomes law. [See: Constitution of/for the United States of America, Art. 1, § 7, cl. 1, 2, 3] […in paia materia to all other state constitutions.]

16. PROOF OF CLAIM, these codifications/codes; and specifically The United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof employed and used upon the warrant of arrest and charging document/instrument (Indictment) and affidavits in support thereof in the above referenced alleged Criminal Case/Cause, are not the products of some department, bureau, commission, committee, council, or some sub-whatever thereof, which represents in nature an entity created and established by the General Assembly; and, therefore is not a “un/non-constitutional legislative entity” created by statute and therefore is bound by constitutional provisions and prohibitions; and is not operating, functioning, and laboring outside, and foreign to, the Constitution; and, any semblance/appearance of constitutional restraint is not by virtue of statutory constraint; and, is not legislating and promulgating foreign law which is then passed off as that of the sole provided legislative power created, established, and ordained by express constitutional provisions provided by the sovereign political will of The People.

17. PROOF OF CLAIM, whereas the General Assembly’s approval of a corporation’s by-laws does not make nor constitute said by-laws those of the General Assembly, its approval of the laws of a “un/non-constitutional legislative entity” (corporation/quasi corporation) is different from approving a corporation’s by-laws and therefore does make and constitute these laws as those of the General Assembly.

18. PROOF OF CLAIM, the enactment, by the General Assembly, of these “complete restatements of the law;” and specifically the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof employed, used, and cited within the above referenced alleged Criminal Case/Cause, written, drafted, redrafted, revised, promulgated, and the like by a “un/non-constitutional legislative entity” is not an act of adoption - i.e. to accept, appropriate; to make that ones own (property or act) which was not so originally - of said law; and, is in accordance with - i.e., complete accord with the spirit; substance; essence; object and law - and pursuant to - i.e., in compliance with the “forms” of law (legal) - the expressed sovereign political will of The People whom in the exercise thereof, created, established, and ordained the Government for the United States of America by their act evidenced by the Constitution.

19. PROOF OF CLAIM, these codifications/codes; and specifically The United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof*** as employed/used and cited within the above referenced alleged Criminal Case/Cause, are not enacted (approved) into law by the General Assembly by a “single statute bill”; and, whereas the 1789, as amended 1791 Constitution expressly provides for every “bill” to be read at length on three (3) different days in each House before a final vote is taken on the ‘bill,” and the Constitution of the Government of The United States of America, where or was revised to strike the reading at length requirement to read that every “bill” is to be considered - i.e., to fix the mind on, with a view to careful examination [See: East***, a Private Citizen,*** Kodak Co. v. Richards, 204 N.Y.S. 246, 248, 123 Miscel. 83]; to deliberate about and ponder over [See: People v. Tru-Sport Pub. Co., 291 N.Y.S. 449, 457, 160 Miscel. 628] - on three different days in each House, a reading of the “single statute bill” employed/used to enact these codifications/codes into law; and specifically the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof***, would not be a mandatory requirement; not just a mere option, in order to actually, and substantially accomplish the inherent meaning of the term/word “considered,” and thereby meet and comply with this official duty and obligation imposed upon the members of the General Assembly as expressly provided for within this revised provision of their employment contract. [See: Constitution of/for the United States of America (1789, as amended 1791) Art. I, § 7, cl. 1, 2, 3; Harvey Walker, Law Making in the United States, N.Y., 1934, p. 272, which states: “The usual practice is to introduce the revision [of statutes] as a single bill. Obviously, however, the members of the legislature cannot give such a comprehensive measure adequate consideration. It is almost as difficult for a committee to do so.”] […in pari materia to all other state comstitutions.]

20. PROOF OF CLAIM, the Constitution of the UNITED STATES OF AMERICA was not revised at Article I, § 7, cl. 1, Form of bills - revised to allow the use of a “bill” embracing more than one subject and title to be enrolled as a single statute “bill,” and at Article I, § 7, cl. 2, Consideration of bills - revised to remove the requirement that “Every bill shall be read at length on three different days in each House;” in part because of the shear enormity, difficulty, and impossibility of complying with such prior provisions in enacting (approving/adopting) these codifications/ codes; and specifically the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof***, into law; and, this practice does not constitute and equate to mere “convenience”; and, these prior constitutional provisions do not tacitly; if not expressly, Declare and Affirm that neither this present day practice, mode, NOR basic concept employed/used by the General Assembly in enacting these codifications/codes into law; and specifically the United States Code and /or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof***, is in accordance with and pursuant to proven, acceptable, traditional, and customary usages, NOR constitutional methods of law making. [See: Harvey Walker, supra, ibid, at 19, which states: “Many revised statute bills are voted through only for the members to find later numerous ‘jokers’ and unwise provisions which must then be repealed or amended - and the process of change goes on.”]

21. PROOF OF CLAIM, these “revision committees” or “code commissions” or by whatever name known, operating, and functioning as “un/non-constitutional legislative entities,” which may be composed of some legislative members - as well as attorneys, judges, and non-Governmental types are not exercising legislative power in drafting, redrafting, revising, amending, promulgating, and the like the law they produced; and, where there is a lack/want of nexus creating/establishing a relationship therewith; and thereto, such laws do have a binding force or effect over and upon a private man; e.g., the Undersigned as such relates to and bears upon the above referenced alleged Criminal Case/Cause. [See: State v. Mauer, 164 S.W. 551, 552, 255 Mo. 152 (1914), which states: “. . . revisers have no legislative authority, and are therefore powerless to lessen or expand the letter or meaning of the law.”]

22. PROOF OF CLAIM, a title, and enacting clause, and a body are not essentials to the form and style of all valid law, whether by express constitutional provisions; or, by fundamental concepts, requisites, solemnities, and proven usages from tradition and custom as practiced by Lawful societies in ALL centuries. [See: Harvey Walker, supra, ibid. at 19, p. 316, which states: “The three essential parts of every bill or law is: (1) the title, (2) the enacting clause, and (3) the body.”]

23. PROOF OF CLAIM, the enacting clause: and necessity for it, is not to give it jurisdictional identity and constitutional authenticity - ensuing from the sole legislative power as constitutionally created and provided for through express constitutional provisions reflecting the sovereign political will of The People - whether prescribed therein or not; and, is not to establish the act; and, is not to give it permanence, uniformity and certainty; and, is not to provide evidence of its legislative nature; and, is not to prevent in adventure, possible mistake, and fraud. [See: Joiner v. State, 155 S.E.2d 8, 10, 223 Ga. 367 (1967), NOTE: This case/cause arose in Georgia***, a*** state whose Constitution contains no express provisions for the use and employment of an enacting clause just as the United States Constitution does not contain such an express provision; Ferrill v. Keel, 151 S.W. 269, 272, 105 Ark. 380 (1912); State v. Reilly, 95 Atl. 1005, 1006, 88 N.J.Law 104 (1915); Harvey Walker, supra, ibid at 19, p. 346, which states: “The enacting clause is a short formal statement, appearing after the title, indicating that all which follows is to become law, and giving the authority by which the law is made. There is no excuse for not using it.”; Title 1 USC § 101] […and pari materia to all other state constitutions.]

24. PROOF OF CLAIM, an enacting clause is not mandatory for a law to have authority behind it.

25. PROOF OF CLAIM, whereas the employment and usage of an enacting clause has an ancient and time honored history of usage in law making, its employment and use upon the face of each and every law validly enacted by the General Assembly of The United States of America and then made law in accordance with and pursuant to constitutional provisions, is not absolutely necessary and mandatory for a law to have any binding force or effect over and upon***, a Private Citizen,*** subject to the source of authority for the laws existence. [See: 73 Am.Jur.2d, Statutes, § 93, which states: “The almost unbroken custom for centuries has been to preface laws with a statement in some form declaring the enacting authority. The purpose of an enacting clause of a statute is to identify it as an act of legislation by expressing on its face the authority behind the law.”; Sjoberg v. Security Savings & Loan Ass’n, 73 Minn. 203, 212-213 (1898), which states: “Written laws, in all times and all centuries, whether the edicts of absolute monarchs, decrees of King and Council, or the enactments of representative bodies, have almost invariably, in some form, expressed upon their face the authority by which they were promulgated or enacted. The almost unbroken Custom for Centuries has been to preface laws with a statement in some form declaring the enacting authority.”; State v. Burrow, 104 S.W. 526, 529, 119 Tenn. 376 (1907), which states: “The propriety of an enacting clause in conformity to this ancient usage was recognized by several states of the Union after the American Revolution, when they came to adopt constitutions for their Governments, and without exception, so far as we can ascertain, express provision was made for the form to be used by the legislative department of the state in enacting laws.”; cf. Title 1 USC § 101; Commonwealth v. Illinois Cent. R. Co., 170 S.W. 171, 175, 160 Ky. 745 (1914); State v. Kozer, 239 P. 805, 807 (Oregon 1925); Joiner V. State, 155 S.E.2d 8, 9, 223 Ga. 367 (1967); City of Carlyle v. Nicolay 165 N.E. 211, 216-217 (Ill. 1929); Cane v. Robbins, 131 P.2d 516, 518, 61 Nev. 416 (1942), which states: “A declaration of the enacting authority in law is a usage and custom of great antiquity… and a compulsory observance of it is found in sound reason.”; Ruling Case Law, vol. 25, Statutes, § 22, p. 776, which states: “In recognition of this custom [of using an enacting clause], it has sometimes been declared that an enacting clause is necessary to the validity of a statute, though there no provision in the fundamental law requiring such a clause.”; Cushing’s Law and Practice of Legislative Assemblies (1819), § 2102, which states: “(2) Where the enacting words are not prescribed by a constitutional provision, the enacting authority must notwithstanding be stated, and any words which do this to a common understanding are doubtless sufficient, or the words may be prescribed by rule. In this respect much must depend on usage.” 82 C.J.S., Statutes, § 65, p. 104, which states: “Although there is no constitutional provision requiring an enacting clause, such a clause has been held to be requisite to the validity of a legislative enactment.”; Harry Bettenson, Documents of the Christian Church, 2nd ed., Oxford Univ. Press, 1963, p. 65; Select Documents of the English Constitutional History, edited by G. Adams and H. Stephens, MacMillian Co., London, 1926, p. 68, 124; Thorpe, Federal and State Constitutions, Washington, 1909, vol. I, p. 46; (George III, 1792) 32 George III.c.60; Documents of American History, edited by Henry S. Cummager, Appleton, N.Y., 1949, p.13, op. cit., p. 40]

26. PROOF OF CLAIM, a motion by a member of either House of the General Assembly to strike out the enacting clause of a “bill” is not the most common method adopted to kill a “bill” and prevent its becoming law; and as such, does not reveal the necessity, importance, and value of an enacting clause in relation to what is able to become law, is considered law, and is law. [See: Nevada v. Rogers, 10 Nev. 250, 255, 256 (1875); approved: Caine v. Robbins, 131 P.2d 516, 518, 61 Nev. 416 (1942)]

27. PROOF OF CLAIM, the enacting clause does not go to the substance – i.e., essence; the material or essential part of a thing, as distinguished from mere “form”; its spirit, worth, and value of a law; and therefore, does not have substantial - i.e., importance; considerable value; real as opposed to imaginary; solid; true; not merely nominal validity creating, enacting, and promulgating law. [See: Morgan v. Murray, 328 P.2d 644, 654 (Mont. 1958), which states: “The enacting clause of a bill goes to the substance of that bill, it is not merely procedural.”]

28. PROOF OF CLAIM resolutions; and specifically as this matter may pertain to the actual method employed/used in “enacting” the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof into law, do have any force or effect as law; and, are not merely expressions of opinion; and alteration of the rules; or a vote of thanks or of censure as to a given matter, the subject-matter of which would not properly constitute a statute, and which has only a temporary effect on such matters, whereas a law, is intended to permanently direct and control matters. [See: Scudder v. Smith 331 Pa. 165, 200 A. 601, 604; McDowell v. People, 68 N.E. 379, 204 Ill. 499; Conley v. Texas Division of United Daughters of the Confederacy, Tex.Civ.App. 164 S.W. 24, 26; Ex parte Hague, 104 N.J.Eq. 31, 144 A. 546, 559; Chicago & N.P.R. Co. v. City Of Chicago, 51 N.E. 596, 598 (ill. 1898; Village of Altamont v. Baltimore & O.S.W. Ry. Co., 56 N.E. 340, 341, 184 Ill. 47; Van Hovenberg v. Holeman, 144 S.W.2d 718, 721, 261 Ark. 370 (1940); 73 Am.Jur.2d, Statutes, § 3, p.270, cases cited.]

29. PROOF OF CLAIM, the Judicial Branch of the national Governments, working from the Constitution for the United States of America; which contains no express provision for the use and employment of an enacting clause in the form of its “bills/laws”; nevertheless, did not determine, hold, and forever establish the necessity for; and mandatory employment and use of an enacting clause upon the face of each and every law in the matter of “In re Seat of Government,” wherein the Supreme Court for Washington Territory in considering an Act to move the seat of Government; which contained no enacting clause, and said territory having no Constitution of its own; and therefore, generally governed by that for the United States of America held said Act invalid for want of an enacting clause. [See: In re Seat of Government, 1 Wash. Ter. 115, 123 (1861), which states: “Strip this act of its outside appendages, leave it ‘solitary and alone,’ is it possible for any ***human, a Private Citizen,*** being to tell by what authority the seat of Government of Washington Territory was to be removed from Olympia to Vancouver? The […] fact that the constitutions of so many states, made and perfected by the wisdom their greatest legal lights, contain a statement of an enacting clause, in which the power of the enacting authority is incorporated, is to our minds a strong, and powerful argument of its necessity. It is fortified and strengthened by the further fact that Congress, and other states, to say nothing of the English Parliament, have, by almost unbroken custom and usage, prefaced all their laws with some set form of words, in which is contained the enacting authority. Guided by the authority of such eminent jurists as Blackstone, Kent, and Cushing, and the precedents of national and state legislation, the Court arrives with satisfaction and consciousnesses of right in declaring, that where an act like the one now under consideration, is wanting in the essential formalities and solemnities which have been mentioned, it is inoperative and void, and of no binding force or effect.”]

30. PROOF OF CLAIM, whereas; and specifically as this relates to and bear upon the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof***, only “bills” exist within the General Assembly; and, no “bill” shall become “law” except by a vote of a majority; and, every “bill” which passes both Houses of the General Assembly shall be presented to the President for signature (authentication); and, every “bill” he approves shall become “law” and, whereas the Maxim of Law states: “A law is not obligatory unless it be promulgated,” the usage and employment of an enacting “upon the face” of every law is not mandatory, and does not apply to “bills” as they make their way through the General Assembly; and, are not required “upon the face” of every law when and as published; and, can be removed from laws in their published/promulgated form as is the case with laws appearing within the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof; and, ‘on its face’ does not mean to be in the same plain of view; and, this requirement of an enacting clause to be on the face of all laws; from conception and gestation as “bills,” to birth in published/promulgated form as laws, is not made clear by authorities of law. [See: State v. Naftalin, 74 N.W.2d 249, 261, 246 Minn. 181 (1956); Cunningham v. Great Southern Life Ins. Co., 66 S.W.2d 765, 773 (Tex.Civ.App.), which states: “Face has been defined as the surface of anything; especially the front, upper, or outer part of surface; that which particularly offers itself to the view of a spectator.” cf. In re Stoneman, 146 N.Y.S. 172, 174, which states: ‘The face of an instrument is shown by the language employed without any modification or addition from extrinsic facts of evidence.’]

31. PROOF OF CLAIM, whereas a law if ‘promulgated’ by its being printed, published and made available or accessible by a public document such as an official Statute and/or Code Book as; e.g., the United States Statutes at Large and/or the United States Code, the removal and absence of this essential, necessary, and, mandatory requisite for the enacting clause to be “on its face” of the law in its promulgated/published form does not apply to its appearance within said “official books”; and, can be in some other record book; and, its removal or otherwise mysterious absence from said book as in the United States Code is therefore a valid and lawful publication/promulgation of the law of the United States of America. [See: Preckel v. Byrne, 243 N.W. 823, 826, 62 N.D. 356 (1932), which states: “The purpose of an enacting in legislation is to express in the face of the legislation itself the authority behind the act and identify it as an act of legislation.” State v. Burrow, 104 S.W. 526, 529, 119 Tenn. 376 (1907), which states: “The purpose of provisions of this character [enacting clauses] is that all statutes may bear upon their faces a declaration of the sovereign authority by which they are enacted and declared to be the law, and to promote and preserve uniformity in legislation. Such clauses also import a command of obedience and clothe the statute with a certain dignity, believed in all times to command respect and aid in the enforcement of law.”; People v. Dettenhalwer, 77 N.W. 450, 451, 118 Mich. 595 (1898), citing: Swan v. Bank 40 Miss. 268 (1866), which states: “It is necessary that every law should show on its face the authority by which it is adopted and promulgated, and that it should clearly appear that is intended by the legislative power that enacts it that it should take effect as law.”; Sjoberg v. Security Saving & Loan Ass’n, 73 Minn. 203, 213, 75 N.W. 1116 (1898), which states: “If an enacting clause is useful and important, if it is desirable that laws shall bear upon their face the authority by which they are enacted, so that people who are to obey them need not search legislative and other records to ascertain the authority…”; Vinsant, Adm’x v. Knox 27 Ark. 266, 284, 285 (1871), which states: “[A] legislative act, when made, should be a written expression of the legislative will, in evidence, not only of the passage, but of the authority of the law-making power, is nearly or quite a self-evident proposition. Likewise, we regard it as necessary that every act, thus expressed, should show on its face the authority by which it was enacted and promulgated, in order that it should clearly appear, upon simple inspection of the written law, that it was intended by the legislative power, which enacted it, that it should take effect as law. These relate to the legislative authenticity of the legislative will. These are features by which courts of justice and the public are to judge of its authenticity and validity. These then, are essentials of the weightless importance, and the requirements of their observance, in the enacting and promulgation of laws, are imperative. Not the least important of these essentials is the style or enacting clause.”]

32. PROOF OF CLAIM, whereas enacting clauses are required in the promulgation of law; and, to be on the face of each and every law; and, a law is not obligatory until promulgated; and, the legislative will cannot be ascertained in the absence of an enacting clause, nor the authority, nor the nature of the law by those to be bound thereby; such goals, aims, and purposes of an enacting clause in its removal or otherwise apparent absence; as well as all titles, on the face of the laws/statutes contained within the published form known as the United States Code; and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, are met, achieved, and accomplished; and, are in full accordance with and pursuant to the fundamental requirements, requisites, solemnities, concepts, and proven usages of tradition and custom, and fundamental constitutional law-making; and, are the valid and lawful laws/statutes of the United States of America.

33. PROOF OF CLAIM, the publication/promulgation of a statute/law within the United States Code; and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof***, which remove and or otherwise omit the enacting clause(s); as well as all titles, and are then cited within and upon the face of the warrant of arrest, charging document/instrument (Indictment), and the affidavits in support thereof, for a criminal/public offense, that said statute/law is not void for lack/want of said clause; and title, and thereby; are therein, representing an invalid and un-lawful publication/promulgation of said statute/law; and, said documents therefore, do charge a valid and lawful offense. [See: Joiner v. State, 155, S.E.2d 8, 10, 223 Ga. 367 (1967), in which the Supreme Court of Georgia; a State whose Constitution contains no express provision for using and employing enacting clauses upon the face of “bills/laws”; nevertheless, in considering an act containing no enacting clause, held the act to be: “…a nullity and of no force and effect as law.”, for its lack/want of an enacting clause.; cf. Walden v. Town of Whigham, 48 S.E. 159, 120 Ga. 646 (1904); In re Swartz, 27 P. 839, 840, 47 Man. 157 (1891), which states: “The publication of an act of the legislature, omitting the enacting clause or any other essential part thereof, is no publication in law. The law not being in force when the indictment was found against the petitioner, nor when the acts complained of therein were done, the petitioner could not have been guilty of any crime under its provisions, and is therefore, so far as this indictment is concerned, entitled to his discharge.”; State v. Kearns, 623 P.2d 507, 509, 229 Kan. 207 (1981), which states: “In [the case of] In re Swartz, Petitioner, 47 Kan. 157, 27 P. 839 (1891), this court found the act in question was invalid because it had been mistakenly published without an enacting clause. We again adhere to the dictates of the opinion.”; Ruling Case Law, vol. 25, Statutes, § 133, p. 884, citing: L.R.A. 1915B, p. 1065, which states: “The publication of a statute without the enacting clause is no publication.”; Commonwealth v. Illinois R. Co., 170 S.W. 171, 175, 160 Ky. 745 (1914), which states: “It will be noticed that the act does not contain an enacting clause.... The alleged act or law in question is unnamed; it shows no sign of authority; it carries with it no evidence that the General Assembly or any other lawmaking power is responsible or answerable for it.”]

34. PROOF OF CLAIM, the United States Code; and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof***, is not only “prima facie evidence” of the law of The United States of America.

35. PROOF OF CLAIM, an act of the General Assembly to enact the United States Code; and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, into “positive law,” i.e., a general designation for a law that is actually ordained or established, under ***human, a Private Citizen,*** sanctions, as distinguished from the law of nature or natural law [See: Bouvier’s Law Dictionary, Banks-Baldwin Law Pub., Cleveland 1948, p. 955] does change or effect anything regarding the nature of the statute/law contained therein aside from its weight of evidence; i.e., as “legal evidence,” of the law therein. [See: United States v. Zuger, 602 F.Supp. 889, 891 (1984); Ryan v. Bilby, 764 F.2d 1325, 1328 (C.A. 9 (Ariz.) 1985)]

36. PROOF OF CLAIM, the United States Code; and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof***, were not already “positive law” in accordance with and pursuant to the definition from Bouvier’s Law Dictionary cited supra; and, any such enactment of such on the part of the General Assembly does raise said statutes contained therein to the level of acts of the General Assembly as would occur with a validly enacted “bill” as “law.”

37. PROOF OF CLAIM, any enactment of the United States Code; and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, into “positive law” is not solely a designation which declares and translates to the contents therein having undergone extra proofreading and checking to remove the errors, inconsistencies (“jokers”), and unwise provisions.

38. PROOF OF CLAIM, “legal evidence” is not a general term for most types of evidence which includes “prima facie evidence,” “circumstantial evidence,” and even “hearsay evidence” when relevant to an issue. [See: Hornick v. Bethlehem Mines Corp., 161 A. 75, 77, 307 Pa. 264; Oko v. Krzyzanowski, 27 A.2d 414, 419, 150 Pa. Super. 205]

39. PROOF OF CLAIM, the “greatest evidence” of a true law is not one, which contains and carries upon its face a valid enacting clause.

40. PROOF OF CLAIM, the United States Code; and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, was in fact validly enacted as a statue(s)/law(s) and can be construed as such.

41. PROOF OF CLAIM, the drafting of a “bill”; or a “resolution” by the General Assembly to enact the United States Code; and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, into law; or ‘positive law,’ does factually and substantially render same law simply because the General Assembly says it is; and, that the General Assembly did in fact draft a “bill” for such purpose, and did not rather draft and employ/use resolution for such a purpose. [See: Cane v. Robbins, 131 P.2d 516 518 (Nev. 1942), which states: “[N]othing becomes a law simply and solely because men who possess the legislative power will that it shall be, unless they express their determination to that effect, in the mode pointed out by the instrument which invests them with power, and under all the forms which that instrument has rendered essential.”; Vinsant Adm’x v. Knox, 27 Ark. 266, 277 (1871), which states: “These rules and solemnities, whether derived from the common law or prescribed by the Constitution, which are of the essentials of lawmaking, must be observed and complied with, and, without such observance and compliance, the will of the legislature can have no validity as law.”]

42. PROOF OF CLAIM, a single enacting clause employed in the publication/promulgation of the United States Code; and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, ***thereof***, is sufficient for the entire text of this multi-volume, multi-subject, and diverse Code; and, such; if not cited from the “Session/Pamphlet Laws”, can be called and considered valid law.

43. PROOF OF CLAIM, whereas all “bills” of the General Assembly must be presented to the President for signature for them to become laws, ALL of the single statute “bills” employed/used for the enactment into law; or ‘positive law,” of the “Codification/Code” published/promulgated as the United States Code; and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, were in fact so presented to any President; and, were signed (authenticated) by any President, and therefore, were validly; and lawfully ordained and established as law(s).

44. PROOF OF CLAIM, there is not a “Code” requirement for the employment and use of an enacting clause to be in evidence upon the face of every law of the United States of America as allegedly published/promulgated as the United States Statutes. [See: Title 1 USC § 101].

45. PROOF OF CLAIM, in order for a court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, to have the jurisdictional right/authority to decide/act in a matter brought before it, and therein proceed to issue/enter order(s), decision(s) judgment(s), and the like, said court does not have to acquire both in; personam jurisdiction and subject-matter jurisdiction over and in the parties and “thing” (res) involved in the matter/controversy. [See: Thomas M. Cooley, A Treatise on the Constitutional Limitations, Little, Brown & Co., Boston, 1883, p. 493, which states: “The proceedings in any court are void if it wants jurisdiction of the case in which it has assumed to act. Jurisdiction is, first, of the subject-matter; and, second, of the persons whose rights are to be passed upon.”; 21 Am.Jur., Criminal Law, § 338, p. 558, which states: “To try a person for the commission of a crime, the trial court must have jurisdiction of both the subject-matter and the person of the defendant.”]

46. PROOF OF CLAIM, if a “named” party in a suit, action, proceeding, indictment, complaint, information, and the like; and specifically the “named” party/defendant within the above referenced alleged Criminal Case/Cause, is absent from court, there does not exist a want of jurisdiction over said “named” party, and the court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, can proceed with the trial and all related proceedings. [See: State v. Brown, 64 S.W.2d 841, 849 (Tenn. 1933), which states: “Personal jurisdiction, or the authority to judge a person, is primarily one of venue or procedure. Generally, if one is standing in a court, it has some degree of jurisdiction over the person. Thus, if one is named in suit, but is ‘absent’ from court by being either in prison or by escape, there is a want of jurisdiction over the person, and the Court cannot proceed with the trial.”]

47. PROOF OF CLAIM, a courts’ jurisdiction over the person “named’ in a matter brought before it; and specifically as this relates to and bears upon the “named” alleged defendant within the above referenced alleged Criminal Case/Cause, is not conferred upon the court by/through consent, waiver, pleading to the merits, and by the “named’ party/defendant/person appearing through counsel. [See: Smith v. State, 148 S. 858, 860 (Ala. App. 1933); State v. Smith, 70 A.2d 175, 177, 7 N.J.Super. 85 (1949)]

48. PROOF OF CLAIM, whereas the subject-matter jurisdiction of the court; and specifically that of the alleged court of record within the above referenced Criminal Case/Cause, involves the actual thing involved in the controversy; e.g., property, money, tort or wrong one committed against another, a contract, marriage, bankruptcy, lien; or, the crime or public offense that is allegedly committed, subject-matter jurisdiction would exist if the “thing” involved in the controversy does not, and never did exist. [See: Stilwell v. Markman, 10 P..2d 15, 16 (Kan. 1932), which states: “The subject-matter of a criminal offense is the crime itself. Subject-matter in its broadest sense means the cause; the object, the thing in dispute.”; Black’s Law Dictionary, Rev. 4th Ed., 1968, p. 53 at ACTUAL, which states: “Real; substantial; existing presently in act, having a valid objective [of/or having to do with a material object as distinguished from a mental concept; having actual existence of reality] existence [as opposed to artificial; e.g. corporations, L.L.C.s, franchises, ens legis entities existing only in contemplation of/or by force of law; i.e., in the mind only, a mental concept, and its “by-laws’ which are; ipso facto, artificial laws of the artificial entity existing only in contemplation of/or by force of law, a mental concept] as opposed to that which is merely theoretical or possible… Something real, in opposition to constructive or speculative.” NOTE: bracketed material added by the Undersigned.]

49. PROOF OF CLAIM, whereas the courts subject-matter jurisdiction; and specifically that of the alleged court of record within the above referenced alleged Criminal Case/Cause, is dependent upon and acquired by the subject-matter; whether by constitutional grant or valid statute, and the subject-matter of a criminal case/cause being the actual crime or offense alleged/charged against the “named” defendant itself, a court does not still lack subject-matter jurisdiction if the crime/offense alleged/charged as a violation(s) of law(s) within and upon the face of the warrant of arrest, charging document/instrument (Indictment) and affidavits in support thereof is/are invalid, void, and a nullity by reason the violations of law complained of are unconstitutional; or un-un/non-constitutional for lack/want of nexus (contract), and therefore non-existent and alleging/charging no crime/offense. [See: Brown v. State, 37 N.E.2d 73, 77 (Ind. 1941), which states: “Jurisdiction over the subject matter of action is essential to power of court to act, and is conferred only by constitution or by valid statute.”]

50. PROOF OF CLAIM, a law which is invalid and void for being unconstitutional; or un-un/non-constitutional for lack/want of nexus (contract), does not fail in creating and establishing a subject-matter within which a court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, can exercise jurisdiction due to said alleged statute/law failing to create and establish an actual crime; or thing (res), which is itself the subject-matter of a criminal proceeding. [See: 22 C.J.S., Criminal Law, § 157, p. 189, citing: People v. Katrinak, 185 Cal.Rptr. 869, 136 Cal.App.2d 145 (1982), which states: “If a criminal statute is unconstitutional, the court lacks subject-matter jurisdiction and cannot proceed to try the case.”]

51. PROOF OF CLAIM, a law that is unconstitutional; or a un/non-constitutional law employed/used without nexus (contract) between the authority and the***, a Private Citizen,*** alleged to be bound thereby, is not void and, a conviction under such can be a lawful/legal cause of imprisonment and or even sanction; and, a conviction and imprisonment imposed/ordered therein under such law is not void [See: Kelley v. Meyers, 263 P. 903, 905 (Ore. 1928), which states: “If these sections are unconstitutional, the law is void and an offense created by them is not a crime and a conviction under them cannot be a legal cause of imprisonment, for no court can acquire jurisdiction to try a person for acts which are made criminal only by an unconstitutional law.”; State v. Christensen, 329 N.W.2d 382, 383, 110 Wis.2d 538 (1983), which states: “Where the offense charged does not exist, the trial court lacks jurisdiction.”; cf. State ex rel. Hansen v. Rigg, 104 N.W.2d 553, 258 Minn. 388 (1960)]

52. PROOF OF CLAIM, subject-matter jurisdiction: and specifically within the above referenced alleged Criminal Case/Cause, which is the most critical aspect of the courts authority to act; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, can be waived, or can be conferred by consent, or cannot be objected to at any time, even after judgment for the first time; and, there is anything that Undersigned can do, or fail to do, which would cause the issue of subject-matter jurisdiction to be lost, not even a guilty ***plea or verdict*** in the criminal proceeding (or alleged criminal proceeding); which, is only a record admission to whatever is well alleged in the indictment. [See: Singleton v. Commonwealth, 208 S.W.2d 325, 327, 306 Ky. 454 (1948), which states: “The law creates courts and defines their powers. Consent cannot authorize a judge to do what the law has not given him the power to do.”; cf. Brown v. State, 37 N.E.2d 73, 77 (Ind. 1941); 21 Am.Jur.2d, Criminal Law, § 339, p. 589, which states: “Jurisdiction of the subject matter is derived from the law. It can neither be waived nor conferred by consent of the accused. Objection to the court over the subject matter may be argued at any stage of the proceedings, and the right to make such an objection is never waived.”; cf. Harris v. State, 82 A.2d 387, 389, 46 Del. 111 (1950); Matter of Green, 313 S.E.2d 193, 195 (N.C.App. 1984), which states: “It is elementary that the jurisdiction of the court over the subject-matter of the action is the most critical aspect of the court’s authority to act. Without it, the court lacks any power to proceed; therefore, a defense based upon this lack cannot be waived and may be asserted at any time. Accordingly, the appellant may raise the issue of jurisdiction over the matter for the first time on appeal although they initially failed to raise the issue before the trial court.”; cf. Monaco v. Carey Canadian Mines, Ltd., 514 F.Supp. 357 (D.C. PA 1981); Babcock & Wilcox Co. v. Parsons Corp., 430 F.2d 531 (1970); Athens Community Hosp., Inc. v. Schweiker, 686 F.2d 989 (1982); Edwards on Behalf of Nagel v. Department of the Army, 545 F.Supp. 328 (1982); Zenith Radio Corp. v. Matsushita Elec. Indus. Co, Ltd., 494 F.Supp. 1161 (D.C.PA 1980); Basso v. Utah Power & Light Co., 494 F.2d 906, 910; Hill Top Developers v. Holiday Pines Service Corp., 478 So.2d 368 (Fla.2d DCA 1985); People v. McCarty, 445 N.E.2d 298, 304, 94 Ill.2d 28 (1983), (cases cited), which states: “Subject matter jurisdiction cannot be conferred by a guilty plea if it does not otherwise exist.... The guilty ***plea or verdict*** must confess some punishable offense to form the basis of a sentence. The effect of a ***plea or verdict*** of guilty is a record admission of whatever is well alleged in the indictment. If the latter is insufficient the ***plea or verdict*** confesses nothing.”]

53. PROOF OF CLAIM, if a law is invalid and void for being unconstitutional; e.g., containing no enacting clause and or title, or un-un/non-constitutional when employed/used where there exists a lack/want of nexus; e.g., contract creating and establishing a relationship between the authority for the un/non-constitutional law ***and, a Private Citizen,*** bound thereby, and said law is employed/used in alleging/charging a criminal/public offense by citing such law/statute within and upon the face of the warrant of arrest, charging document/instrument (Indictment), and affidavits in support thereof; and specifically within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** which alleges/charges criminal/public offences cited from the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, within and upon the face of the warrant, charging document/instrument (Indictment), and affidavits in support thereof therein, such employment/use, and citing of said laws(s)/statute(s) does not effect the validly, sufficiency, and lawfulness of said documents/instruments, and such do in fact charge an actual crime/offense; and, such law/statutes do not render all such warrants, charging documents/instruments, and affidavits in support thereof insufficient and “fatally defective,” and therefore VOID; and, such law(s)/statute(s) cited within and upon the face of said warrants, charging documents, instruments, and affidavits in support thereof does create a legal; or lawful, cause of punishment for a conviction thereunder; and, such law(s)/statute(s) cited within and upon the face of said warrants, charging documents/instruments does not fail to establish/confer subject-matter jurisdiction upon the court; and, the employment/use and citing of such law(s)/statutes within and upon the face of such warrants, charging documents/instruments, and affidavits in support thereof does not therefore render ALL proceedings prior to filing of a proper instrument (if it’s possible) void ab initio. [See: State v. Dungan, 718 P.2d 1010, 1014, 149 Ariz. 357 (1985), which states: “When a criminal defendant is indicted under a not-yet-effective statute, the charging document is void.”; cf. 42 C.J.S., Indictments and Information, § 1, p. 833; 22 C.J.S., Criminal Law, § 324, p. 390, which states: “The want of a sufficient affidavit, complaint, or information goes to the jurisdiction of the court, …and renders all proceedings prior to filing of a proper instrument void ab initio.”; Ex parte Waldock, 286 P. 765, 766 (Okl. 1930), which states: “The allegations in the instrument or information determines the jurisdiction of the court.”; People v. Hardiman, 347 N.W.2d 460, 462, 132 Mich. App. 382 (1984); 22 C.J.S., Criminal Law, § 157, p. 188, citing: People v. McCarty, 445 N.E.2d 298, 94 Ill.2d 28, which states: “Where an information charges no crime, the court lacks jurisdiction to try the accused, and a motion to quash the information or charge is always timely.”; Honomichl V. State, 333 N.W.2d 797, 798 (S.D. 1983), which states: “Without a formal and sufficient indictment or information, a court does not acquire subject matter jurisdiction and thus an accused may not be punished for a crime.”]

54. PROOF OF CLAIM, the term/word “may” as employed by the judge handing down the decision of the court in Honomichl v. State, supra, does not mean “SHALL” or “MUST” to the end that justice may not be the slave of grammar. [See: Black’s Law Dictionary, Rev. 4th Ed. (1968), p. 1131 at “MAY,” case cites given.]

55. PROOF OF CLAIM, a court, and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, which has proper jurisdiction within and over the subject-matter and the “person(s)” in a criminal proceeding; and, therefore, has the right to decide in the matter and decide wrongly in its judgment; which would only be found upon appeal as “error,” a court lacking/wanting subject-matter jurisdiction for lack/want of a “sufficient” warrant of arrest, charging instrument/document; e.g., an Indictment, and affidavits in support thereof, which allege/charge a violation(s) of a non-existent criminal/public offense(s) for lack/want of a valid, lawful, constitutional, and existing law(s); or, which allege/charge a violation(s) of a un/non-constitutional criminal/public offense(s) lacking/wanting nexus; e.g., contract, between the parties, does not in such circumstances; therefore, render ANY AND ALL orders, decisions, and judgments of said court VOID, unenforceable, and without any force or effect whatsoever ab initio. [See: Hooker v. Boles, 345 F.2d 285, 286 (1965), which states: “[N]o authority needs to be cited for the proposition that, when a court lacks jurisdiction, any judgment rendered by it is void and unenforceable, …and without any force and effect whatever.”; cf. Honomichl v. State, 333 N.W.2d 797, 799 (S.D. 1983); 21 C.J.S., Courts, § 18, p. 25, which states: “Where judicial tribunals have no jurisdiction of subject matter, the proceedings are void.”; cf. People v. McKinnon, 326 N.W.2d 809, 812 (Mich. App. 1985); Elna Pfeffer, et al v. Alvin Meissner, et al., 286 S.W.2d 241 (1955); State ex rel. Latty, 907 S.W.2d 486; United States v. Boch Oldsmobile, Inc. 909 F.2d 657, 661 (1st Cir. 1990); Puphal v. Puphal, 105 Ida. 647; Burnham v. Superior Court of California, County of Marin, 110 S.Ct. 2105, 109 L.Ed.2d 631 (1990); Wahl v. Round Valley Bank, 38 Ariz. 411, 300 P. 955 (1931); Tube City Mining & Milling Co. v. Otterson, 16 Ariz. 305, 146 P. 203 (1914); Milliken v. Mayer, 311 U.S. 457, 61 S.Ct. 339, 85 L.Ed.2d 278 (1940); Long v. Shorebank Development Corp., 182 F.3d 548 (C.A.7 Ill. 1999); Triad Energy Corp. v. McNell, 110 F.R.D. 382 (S.D.N.Y. 1986); F.R.Civ.P., Rule 60(b)(4), 28 U.S.C.A.; Klugh v. U.S., 620 F.Supp. 892 (D.S.C. 1985) City of Los Angeles v. Morgan, 234 P.2d 319 (Cal.App. 1951); Ward v. Terrier, 386 P.2d 350 (Colo. 1963); Davidson Chevrolet, Inc. v. City and County of Denver, 330 P.2d 116, cert. den. 79 S.Ct. 609, 359 U.S. 926, 3 L.Ed.2d 629 (Colo. 1958); People v. Wade, 506 N.W.2d 954 (Ill. 1987). Eckel v. MacNeal, 628 N.E.2d 741 (Ill.App. 1993); People v. Sales, 551 N.E.2d 1359 (Ill.App. 1990); Hays v. Louisiana Dock Co., 452 N.E.2d 1383: (Ill.App. 1983); Matter of Marriage of Welliver, 869 P.2d 653 (Kan 1994); In re Estate of Wells, 983 P.2d 279 (Kan 1999); Lange v. Johnson, 204 N.W.2d 205 (Minn. 1973); Mills v. Richardson, 81 S.E.2d (N.C. 1954); State v. Blankenship, 675 N.E.2d 1303 (Ohio App. 1996); State v. Richie, 20 S.W.2d 624 (Tenn. 2000); State ex rel. Dawson v. Bomar, 354 S.W.2d 763 (Tenn. 1962); Underwood v. Brown, 214 S.W.25 168 (Tenn. 1951); Richardson v. Mitchell, 237 S.W.2d 577 (Tenn. App. 1950); State ex rel. Turner v. Briggs, 971 P.2d 581 (Wash. 1999); In re Adoption of E.L., 733 N.E.2d 846 (ill. App. 2000); B & C Investments, Inc. v. F & M Nat. Bank & Trust, 903 P.2d 339 (Okl. 1995); People ex rel Brzica v. Village of Lake Barrington, 664 N.E.2d 66 (Ill. App. 1994)]

56. PROOF OF CLAIM, the court’s “plenary power”- i.e. entire, complete, absolute, perfect, unqualified inherent authority to; inter alia, not only decide, but to make binding orders and judgments [See: Fewell v. Fewell, 23 Cal.2d 431, 144 P.2d 592, 594] and specifically the “plenary powers” of the alleged court of record within the above referenced alleged Criminal Case/Cause, are not resident in the “office of a/the judge,” which upon “perfection of title” thereto by a judge taking and subscribing a valid and lawful “oath of office” secured by a “fidelity bond” (or however termed/styled) thereupon are then conferred upon the judge; and, in the absence of such acts to “perfect title” to said “office” by a judge, said powers are conferred; and, said office is not vacant and, all orders, decisions, and judgments rendered by the judge having so failed to “perfect title” to the office s/he holds are not Void ab initio, therefore, unenforceable, and without force or effect. [See: State ex rel. Latty v. Owens, 907 S.W.2d 484 486 (Tex 1995); Mapco, Inc. v. Forest, 795 S.W.2 700, 703 (Tex. 1990); Elna Pfeffer et al. v. Alvin Meissner, et al. 286 S.W.2d 241 (1955); Long v. Shorebank Development Corp., 182 F.3d 548 (C.A.7 (Ill) 1999); People v. Wade, 506 N.W.2d 954 (Ill. 1987); People v. Sales. 551 N.E.2d 1359 (Ill.App. 1959); People v. Rolland, 581 N.E.2d 907 (Ill. App. 1991); State v. Richie, 20 S.W.2d 624 (Tenn. 2000); Rook v. Rook, 353 S.E.2d 756 (Va. 1987); State ex rel. Turner v. Briggs, 971 P.2d 581 (Wash. 2000); In re Adoption of E.L., 733 N.E.2d 846 (Ill. 2000); Irving v. Rodriquez, 169 N.E.2d 145 (Ill. App 1960); B & C Investments, Inc. v. F & M Nat. Bank & Trust, 903 P.2d 339 (Okl. 1995); People ex rel. Brzica v. Village of Lake Barrington, 664 N.E.2d 66 (Ill.App. 1994); Williamson v. Berry, 8 How 945, 12 L.Ed. 1170, 1189 (1850)]

57. PROOF OF CLAIM, a judge, without having perfected title to his “office” and, therefore, without right to NOR right to exercise/use the “plenary powers” resident therein; and specifically the judge within the above referenced alleged Criminal Case/Cause, is not committing thereby; and therein, acts of “False Personation,” “Usurpation,” “Fraud,” “False Pretenses,” “Deceptive and Fraudulent Business Practices”; and, operating; alone or in concert, a “Confidence Game”; for which, any or all such acts would not operate to render void ab initio, unenforceable, and of no binding force or effect ALL decisions, orders, and judgments of such a judge. [See: Black’s Law Dictionary, Rev. 4th Ed. (1968), p. 723 at “FALSE PERSONATION” and “FALSE PRETENSES,” pp. 788-789 at “FRAUD,” p. 1713 at “USURPATION”; Pa.C.S.A. Title 18, Crimes Code,” §4107; 4 Steph.Comm. 181, 290; 22 C.J.S., Criminal Law, § 150, p. 183; Harrigan v. Gilchrist, 99 N.W. 909, 934, 121 Wis. 127 (1904)]

58. PROOF OF CLAIM, a judge who has failed to “perfect title” to his/her “office” and thereby; and therein, has no lawful NOR legal right to NOR right to exercise/use the “plenary powers” resident therein; and specifically as this matter relates to and bears upon the judge within the above referenced alleged Criminal Case/Cause, is not therein acting and holding said “office” in the character thus un-lawfully assumed to deceive others, and thereby; and therein, gain some profit or advantage and/or some right or privilege belonging to the one so falsely personated; and, is not thereby; and therein, acting and holding the “office of a judge” under “color-of-law” i.e., an appearance, semblance as distinguished from that which is real, valid, and lawful; a prima facie or apparent authority (not actual authority, but that which a Principal holds agent out as possessing [See: Mutual Life Ins. Co. v. Steckel, 216 Ia. 1189 250 N.W. 476; Herbert v. Langhoff, La.App., 164 So. 262, 266]) and, is not therefore operating and functioning as a “judge de facto” i.e., having no authority and right thereto by lawful title and would not render all decisions, orders, and judgments of such a judge void ab initio, unenforceable, and of no force or effect.

59. PROOF OF CLAIM, a judge who has failed to “perfect title” to his “office” and thereby; and therein, has no right to NOR right to exercise/use the “plenary powers” resident within the “office of a/the judge,” and specifically as this relates to and bears upon the judge and said “office” within the above referenced alleged Criminal Case/Cause, is not operating and functioning in the capacity of a judge through trespass of title and “usurpation” of powers; and, such acts of “usurpation” and trespass do not constitute acts of fraud (extrinsic and/or collateral) by an “agent” of a principal and power appearing of a foreign nature and character, acting to gain an undue or unconscientious advantage over another; and specifically the Undersigned as this matter relates to and bears upon the above referenced alleged Criminal Case/Cause, for which said acts of “fraud” do not vitiate and render void ab initio, unenforceable, and of no force or effect ALL decisions, orders, and judgments of such a trespassing, usurping, and de facto judge. [See: Joiner v. Joiner (Tex.Civ.App.) 87 S.W.2d 903, 914-915; Long v. Shorebank Development Corp., 182 F.3d 548 (C.A.7 (Ill.) 1999); Rook v. Rook, 353 S.E.2d 756 (Va. 1987); Irving v. Rodriquez, 169 N.E.2d 145 (Ill. 1960); People ex rel. Brzica v. Village of Lake Barrington, 644 N.E.2d 66 (Ill. 1994)]

60. PROOF OF CLAIM, the “presiding judge” within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** was not acting therein without having “perfected titled” to his/her office; and, thereby; and therein, was not “trespassing upon title” to said “office”; and, thereby; and therein, was not “usurping” the right of and right to exercise/use (falsely holding out possession coupled with use) the “plenary powers” resident within said “office;” and, did possess lawful title to said “office”, and the right of and right to exercise/use of said powers; and, was not therefore acting under “color-of-law,” “False Personation,” “False Pretenses,” “Usurpation,” “Fraud,” “Deceptive and Fraudulent Business Practices,” and operating alone; or in concert, a “Confidence Game”; and, did not thereby; and therein, commit “constitutional impermissible acts”; or, “ultra vires” acts; or, “illegal” acts upon; and against, the Undersigned within the above referenced alleged Criminal Case/Cause; and, all decisions, orders, and the judgment entered/rendered within said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** are valid, enforceable, and of binding force or effect. NOTE: Response to this Proof of Claim will require the Respondent(s) to provide “CERTIFIED” true, correct, and complete copies of those documents and “Credentials” which Respondent(s) may be relying on to support any and all claims that Respondent(s) brings forth to include but not limited to Oath(s) of office bonding of the “presiding judge” within the above referenced alleged Criminal Case/Cause.

61. PROOF OF CLAIM, a “void judgment” is not an absolute and complete nullity from the beginning (ab initio) even before reversal; and, acts performed under it are not also nullities; and, it is in law a judgment at all; and, is entitled to any respect whatsoever, as it does affect, impair, or create legal rights; and, is not mere waste paper; and, it does have binding force or effect; and, does bind anybody or anyone; and, is good anywhere; and, is not bad everywhere; and, is capable therefore of enforcement in any manner or to any degree. [See: Ex parte Seidel, 39 S.W.2d 221, 225 (Tex. 2001); Ex parte Williams, No. 73,845 (Tex. 2001); Ex parte Spaulding, 687 S.W.2d 745; Ex parte Myers, 121 Neb. 56, 236 N.W. 143, 144; Billy Dunklin v. A.J. Land, et ux., 297 S.W.2d 360 (1956); Williamson v. Berry, 8 How. 945, 12 L. Ed. 1170, 1189, (1850); Commander v. Bryan, 123 S.W.2d 1008 (Tex.Civ.App. 1938); Maury v. Turner, 244 S.W. 809 (Tex.Civ.App. 1922); Reynolds v. Volunteer State Life Ins. Co., 80 S.W.2d 1087, 1092 (Tex.Civ.App. 1935); Gentry v. Texas Department of Public Safety, 379 S.W.2d 114, 119, (Tex.Civ.App. 1964); Luben v. Selective Service System Local Bd. No. 27 et al., 453 F.2d 645, 649, 14 A.L.R. Fed. 298; 15 Fed.R.Serv.2d 865 (C.A. (Miss.) 1972); Hobbs v. US Office of Personal Management, F.Supp. 205, recons. den. 149 F.R.D. 147, afrmd. 29 F.2d 1145 (N.D. Ill. 1992); Ruben v. Johns, 109 F.R.D. 174 (D. Virgin Islands 1985); Loyd v. Director, Dept. of Public Safety, 480 So.2d 577 (Ala.Civ.App. 1985); Allcock v. Allcock, 437 N.E.2d 392 (Ill.App. 1982); In re Marriage of Parks, 630 N.E.2d 509 (Ill.App. 1994); Stidham v. Whelchel, 698 N.E.2d 1152 (Ind. 1998); City of Lufkin v. McVicker, 510 S.W.2d 141 (Tex.Civ.App. 1973); Thompson v. Thompson, 238 S.W.2d 218 (Tex.Civ.App. 1951); In re Marriage of Hampshire, 261 Kan. 854, 862, 934 P.2d 58 (1997); Black’s Law Dictionary, Rev. 4th Ed. (1968), p. 1745 at “VOID JUDGMENT”]

62. PROOF OF CLAIM, “laches” and “lapses in time” are applicable to void judgments; and, such do create any form of estoppel which operates/functions to prevent/bar a party bound under a void judgment from obtaining relief and remedy therefrom; and, void judgments are capable of confirmation or ratification; specifically as this matter relates to and bears upon the above referenced alleged Criminal Case/Cause. [See: Commander v. Bryan, 123 S.W.2d 1008 (Tex.Civ.App 1938); Maury v. Turner, 244 S.W. 809 (Tex.Civ.App. 1922); Garcia v. Garcia 712 P.2d 288 (Utah 1986); Lucas v. Estate of Stavos, 609 N.E.2d 1114 (Ind.App. 1933); Commonwealth v. Miller, 150 A.2d 585 (Pa.Super. 1959); Ex parte Meyers, 121 Neb. 56]

63. PROOF OF CLAIM that “void judgments” cannot be attacked collaterally (i.e., an attempt to impeach (i.e., to dispute, disparage, deny, or contradict; as, to impeach a judgment or decree) the judgment by matters dehors (i.e., out of; without; beyond; foreign to; foreign to the record [See: 3 Bl. Comm. 38]) the record in an action other than that in which it was rendered; an attempt to avoid, defeat, or evade it, or deny its force and effect in some incidental proceeding not provided by law for the express purpose of attacking it and specifically as this relates to and bears upon the above referenced alleged Criminal Case/Cause. [See: Ex parte Williams, No. 73,845 (Tex.Civ.App. 2001); Ex parte Shields, 550 S.W.2d 675; Glunz v. Hernandez, 908 S.W.2d 253, 255 (Tex.App. 1995); Tidwell v. Tidwell, 604 S.W.2d 540, 542 (Tex.Civ.App. 1980); Billy Dunklin v. A.J. Land, et ux., 297 S.W.2d 360 (1956); Reynolds v. Volunteer State Life Ins. Co., 80 S.W. 2d 1087 (Tex.Civ.App. 1935); Gentry v. Texas Department of Public Safety, 379 S.W.2d 114, 119 (Tex.Civ.App. 1965); Long v. Shorebank Development Corp., 182 F.3d 548 (C.A. 7 Ill. 1999); People v. Wade, 506 N.W.2d 954 (Ill. 1987); People v. Sales, 551 N.E.2d 1359 (Ill.App. 1990); People v. Rolland, 581 N.E.2d 907 (Ill.App 1991); City of Lufkin v. McVicker, 510 S.W.2d 141 (Tex.Civ.App. 1973); Irving v. Rodriquez, 169 N.E.2d 145 (Ill.App 1960); In re Estate of Steinfield, 630 N.E.2d 801; People ex rel. Brzica v. Village of Lake Barrington, 644 N.E.2d 66 (Ill. App. 1994); Sanchez v. Hester, 911 S.W.2d 173 (Tex.App. 1995); 46 Am.Jur.2d, Judgments, §25, pp. 388-389; John M. VanFleet, The Law of Collateral Attack on Judicial Proceedings, Callagham & Co., Chicago, 1892, p.25]

64. PROOF OF CLAIM, a “collateral attack” against/upon a “void judgment” is not any proceeding or “procedure” out of /foreign to the record; and specifically the record of the alleged court of record within the above referenced Criminal Case/Cause, in an action/process other than that in which the void judgment was rendered, in an attempt to avoid, defeat, evade, or deny the force and effect of the void judgment. [See: Glunz v. Hernandez, 908 S.W.2d 253, 255, and see fn. 1 therein (Tex.Civ. App. 1995); Davis v. Boone, 786 S.W.2d 85, 87 (Tex.App. 1990)]

65. PROOF OF CLAIM, “procedure” is not defined as a “Series of Symbolic Actions, generally accompanied by words, and in developed societies, by the Exhibition of Written Documents, by means of which Rights or Liberties guaranteed by a society are reasserted by its individual members. Reassertion is the Essence of Procedure; for in the sense in which we shall use the term… it assumes an already violated right.” [See: Greenidge, The Legal Procedures of Cicero’s Time, Intro, 1 (Oxford 1901); Poyser v. Minors, 7 Q.B.Div. 329, 333 (1881); Maine, Ancient Law, ch. V; Ro***, a Private Citizen,*** Private Law. Founded on the Institutes of Gauis and Justian, 2nd Ed. 1930, Macmillan & Co., Ltd., St. Martin’s Street, London, wherein it states: “This is what Sir Henry Maine means by saying that the progress of society is from status to contract…Wherein a modern society …the ordinary citizen is free to alter his legal position by express contract.”]

66. PROOF OF CLAIM, there is a specific or set procedure for a “collateral attack” against/upon; and in relation/regards to, a “void judgment”; and specifically within the above referenced Criminal Case/Cause. [See: Glunz v. Hernandez, 908 S.W.2d 253, 255, fn. 1 (Tex.App. 1995); F.R. Civ. P. Rule 60(b) re “independent action”]

67. PROOF OF CLAIM, this Conditional **Acceptance for Value** for Proof of Claim, Item No. 511328-DK, as a “Private Administrative Procedure” in the nature of Discovery and Validation of Debt, cannot be utilized/employed/used, and the like by the Undersigned as a “collateral attack” against/upon; and in relation/regards to, a “void judgment” to “set the agreement” of the “parties”; i.e., the Respondents and the Undersigned; specifically in application to/with the above referenced alleged Criminal Case/Cause, and thereby; and therein, avoid, defeat, evade, and deny the validity, lawfulness, procedural legality, enforceability, and force and effect of said judgment entered/rendered in said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** and thereby; and therein, acquire relief and “remedy”; which includes “rights,” and thereby; and therein, reassert a Right already violated to obtain relief through the “personal repleving” of the corpus, Liberty, and all property of the Undersigned’s un-lawfully (and illegally) taken, seized, detrained, and the like resulting from the “void judgment” of said court within said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** and currently warehoused within the “field warehouse”, also known by any and all derivatives and variations in the spelling of said name, operating/functioning as an instrument/arm/unit of the alleged “Bonded” “FEDERAL” warehousing agency d.b.a. Federal Bureau of Prisons / FEDERAL BUREAU OF PRISONS a foreign to the United States body, a Private Corporation, Military Based Operation, also known by all derivatives and variations in the spelling of said name.

68. PROOF OF CLAIM, the jurisdiction; and specifically that of the alleged court of record within the above referenced alleged Criminal Case/Cause, of the court; i.e., in personam and subject-matter jurisdiction, does not have to be proven; and, all jurisdictional facts related to the jurisdiction asserted does not have to be proven upon the record; and, once jurisdiction is raised, the burden does not shift to the court; and specifically the alleged court of record within the above referenced Criminal Case/Cause, to prove jurisdiction; and, the court; and specifically the alleged court of record within the above referenced Criminal Case/Cause, does have any discretion to ignore lack of jurisdiction; and, the court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, can proceed once jurisdiction is raised; and, the court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, does have authority to reach merits, and should not rather dismiss the cause of action; and, jurisdiction can be assumed, and does not have to be proven to exist and decided. [See: Melo v. U.S., 505 F.2d 1026; Joyce v. U.S., 474 F.2d 215; Rosemond v. Lambert, 469 F.2d 416;. Lantana v. Hopper, 102 F.2d 188; Chicago v. New York, 37 F.Supp. 150; Stuck v. Medical Examiners, 94 Ca.2d 751, 211 P.2d 389; Maine v. Thiboutot, 100 S.Ct. 250; Hagans v. Lavine, 415 U.S. 533]

69. PROOF OF CLAIM, the court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, does not have the power and duty to vacate a “void judgment” and, relief from a “void judgment” is a discretionary matter and is not mandatory; and, principles of res judicata and the concomitant/subsequent consequences thereof will be applied to a “void judgment”; and, a “void judgment cannot be vacated any time.” [See: Thomas, 906 S.W.2d 262; Harrison v. Whiteley, 6 S.W.2d 89 (Tex.Civ.App.); Neugent v. Neugent, 270 S.W.2d 223; Bridgham v. Moore, 143 Tex. 250, 183 S.W.2d 705, 707; Orner v. Shalala, 30 F.3d 1307, 1310 (C.A. 10 (Colo.) 1994), quoting V.T.A., Inc. v. Airco Inc., 597 F.2d 220, 224, n. 8 (C.A. 10 (Colo.) 1994); Athens Community Hospital, Inc. v. Schweiker, 686 F.2d 989 (1982), F.R.Civ.P., Rule 12(h); Hobbs v. U.S. Office of Personnel Management, 485 F.Supp. 456 (M.D.Fla. 1980); Rubin v. Jones, 109 F.R.D. 174 (D. Virgin Islands 1985); Loyd v. Director, Dept. of Public Safety, 480 So.2d 577 (Ala.Civ.App. 1985); Allcock v. Allcock, 437 N.E.2d 392 (Ill.App. 1982); In re Marriage of Parks, 630 N.E.2d 509, 122 Ill.App.3d 905, 909 (1984); Stidham v. Whelchel, 698 N.E.2d 1152 (Ind.1998); Graff v. Kelly, 814 P.2d 489 (Okl. 1991); In re Marriage of Hampshire, 261 Kan. 854, 862, 934 P.2d 50 (1997)]

70. PROOF OF CLAIM, it is necessary for one to take any steps to have a “void judgment” reversed/vacated/set aside. [See: Holder v. Scott, 396 S.W.2d 906 (Tex.Civ.App. 1965)]

71. PROOF OF CLAIM, a judgment of a court and specifically the judgment of the alleged court of record within the above referenced alleged Criminal Case/Cause, is not void as long as there is an arguable basis for subject-matter jurisdiction. [See: Kocher v. Dow Chemical Co., 132 F.2d 1225, 1230-1231; 39 Fed.R.Serv.3d 1148 (C.A. 8 (Minn. 1997)]

72. PROOF OF CLAIM, that “judgments” of a court and specifically the judgment of the alleged court of record within the above referenced alleged Criminal Case/Cause, is not a form of “bond” - i.e., a negotiable instrument evidencing debt and then sold for raising revenue.

73. PROOF OF CLAIM, whereas the “test of jurisdiction” of a court is its right to decide, the judgment of a court; and specifically the judgment of the alleged court of record within the above referenced Criminal Case/Cause, which had no jurisdiction at the time the judgment was entered/rendered is not therefore absolutely void and subject to defeat collaterally, as in this Conditional **Acceptance for Value** For Proof of Claim, Item No. 511328-DK [See: United States v. U.S. Fidelity & Guarantee Co., 24 F.Supp. 961, 966 (1938), which states: “The test of jurisdiction is the right to decide, not right decision. Judgments of courts, which at the time the judgments were rendered had no jurisdiction, …are absolutely void, and may be attacked and defeated collaterally.”; cf. 47 Am.Jur.2d, Judgments, §916]

74. PROOF OF CLAIM, even if a “void judgment” is affirmed on appeal, it is thereby rendered valid. [See: Ralph v. Police Court of City of El Cerrito, 190 P.2d 632, 634, 84 Ca.App.2d 257 (1948)]

75. PROOF OF CLAIM, when jurisdiction; i.e., in personam and or subject-matter jurisdiction, is lacking/wanting by a court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, the court does not have to dismiss the cause of action; and, its neglect or refusal to do so is not usurpation. [See: Garcia v. Dial, 596 S.W.2d 524, 528 (Tex.Civ.App. 1980), which states: “Lack of jurisdiction and the improper exercise of jurisdiction are vitally different concepts. …Where the court is without jurisdiction it has no authority to render any judgment other than one of dismissal.”; 22 C.J.S., Criminal Law, § 150, p.183, which states: “Jurisdiction is a fundamental prerequisite to a valid prosecution and conviction, and a usurpation thereof is a nullity.”; Harriigan v. Gilchrist, 99 N.W. 909, 934, 121 Wis. 127 (1904), which states: “If [excessive exercise of authority] has reference to want of power over the subject matter, the judgment is void when challenged directly or collaterally. If it has reference merely to the judicial method of the exercise of power, the result is binding upon the parties to the litigation until reversed … The former is usurpation; the latter error in judgment.”; Voorhees v. The Bank of the United States, 35 U.S. 449, 474 (1836), which states: “The line which separates error in judgment from the usurpation of power is very definite.”]

76. PROOF OF CLAIM, whereas the parties involved within the above referenced alleged Criminal Case/Cause; and, the Respondent(s) d.b.a. “Judge,” “District Attorney,” and “Attorney General” may be in a “legal” sense immune from any claims that they are guilty of corruption due to their “proper” exercise of jurisdiction, this same immunity does hold and shield said parties; and Respondent(s), for their acts; whether of commission or omission, wherein they lack/want jurisdiction; perfection of title to “office,” right to and right to exercise/use the “plenary powers” resident therein; and, in fact without Lawful/legal authority, once this lack/want of right/power/authority, and the like has been raised through NOTICE and WARNING as within this Conditional **Acceptance for Value** For Proof Of Claim, Item No. 511328-DK relating to and bearing upon the above referenced alleged Criminal Case/Cause, and said parties; or Respondent(s), therein choose to ignore said Notice and Warning, and essentially proceed as if the said judgment is valid by refusing to perform their duty/obligation to vacate said judgment upon agreement; whether expressed or tacit, with the Undersigned that judgment is in fact VOID ab initio, unenforceable, and of no binding force or effect; and, would not thereby establish and demonstrate Respondent(s) failure to perform in accordance with; and pursuant to, the terms and conditions of their voluntary commercial indenture through failure to/of duty and obligation to vacate the judgment in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** an “Order of Release” (termination statement) which would not constitute and establish acts of “usurpation,” and conspiracy therein; and thereto.

77. PROOF OF CLAIM, courts; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, will not and do not make use of a concept/rule known as “Constitutional Avoidance” in deciding matters to avoid conflict with the Constitution or Bill of Rights; and, will not and do not always adopt the interpretation of the alleged statute/law (or matter under consideration before the court) which avoids a conflict with the Constitution; or, will not dispose of matters by some other means which avoids the Constitution altogether if possible. [See: Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 347 (1935), which states: “The Court will not pass upon a constitutional question although properly presented by the record, if there is also present some other ground upon which the case may be disposed of.”; Silver v. Louisville & Nashville R.R. Co., 213 U.S. 175, 193 (1908), which states: “Where a case in this court can be decided without reference to questions arising under the Federal Constitution, that course is usually pursued.”; cf. Light v. United States, 222 U.S. 523, 538 (1910); Panama R.R. Co. v. Johnson, 264 U.S. 375, 390 (1928), which states: “A statute must be construed, if fairly possible, so as to avoid not only the conclusion that it is unconstitutional but also grave doubts upon that score.”; cf. United States v. Standard Brewery, 251 U.S. 210, 220 (1919); Hagans v. Levine, 415 U.S. 533, 547 (1973), which states: “[The ordinary rule [is] that a federal court should not decide federal constitutional questions where a dispositive un/non-constitutional ground is available.”; Kurtz v. Erie, 389 pa. 557, 565, 133 A.2d 172, 176 (1957); Fortson v. Commonwealth, Crime Victim’s Compensation Board, 512 A.2d 734, 738 (Pa.Comm. 1986)]

78. PROOF OF CLAIM, a court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, when confronted with a case/cause brought before it which appears “on its face” to be founded upon unconstitutional statute/law, will not tacitly; if not expressly, look to a “contract” or “quasi contract,” real or presumed, expressed or implied, revealed or unrevealed which will act as a nexus (relationship) between the parties from which the court can assume its right to decide and thereby; and therein, bind the “named” defendant to the “un/non-constitutional” source of authority for the existence of the statute/law acting as the terms/conditions of said contract, in which the “named” defendant is alleged/charged as violating; or, being in breach thereof, and thereby; and therein, avoid the constitutional conflict/question altogether.

79. PROOF OF CLAIM, the alleged court of record within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** did not look to; and rely thereupon, a charging document/instrument (Indictment), and affidavit in support thereof, by which; and through which, said court assumed its right to decide which was not “fatally defective” for alleging/charging violation(s) of statute(s)/law(s) cited from the United States Code; and specifically Title 15 (“Commerce and Commercial Transactions”), and Title 18 (“Crimes and Criminal Procedure”) thereof which on their face contain NOR exhibit no enacting clause(s) evidencing the will of the General Assembly that such is to exist as Statute(s)/law(s) of United States, NOR any authority for their existence, NOR titles and thereby; and therein, providing no evidence as to their nature, which in accordance with; and pursuant to, the lex non scripta and fundamental concepts, requisites, essentials, and solemnities of law-making derived from the usages of time honored, proven, and ancient traditions and customs and fundamental constitutional principles of law-making do not render said alleged/charged violation(s) of said statute(s)/law(s) VOID, unenforceable, and of no binding force and effect for their failure to create a criminal/public offense for which the “named” defendant and the Undersigned can be convicted and punished for; therefore, failing to create a subject-matter (crime) for the allege court of record within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** to assume any jurisdiction in, over, upon, and the like. [See: H.R. 3190 (80th Congress, 1947-1948). Pub.L. 80-772; specifically April 24, 1947, H.R. Rep. No. 304, 80th Cong., 1st Sess., 100 app. (1947); 93 Cong. Rec. 5048-49, 5121; May 12, 1947, 93 Cong. Rec. 5049 (no quorum present, cf. U.S. Cons. Art. I, § 5, cl. 1, Art. I, § 7, cl. 2); S. Con. Res. 33, 93 Cong. Rec. 10522, 10439, July 26, 1947; 94 cong. Rec. 8075, June 14, 1948; S. Rep. 1620, 80th Cong., 2d Sess. 2430, June 18, 1948; 94 Cong. Rec. 8864; Daily Digest, 94 Cong. Rec. D556-557, 80th Cngress, June 18, 1948; 94 Cong. Rec. 8864-65: see S. Rept. 1620, 80th Cong., 2d Sess. 2430 (1948); 94 Cong. Rec. 9158; 94 Cong. Rec. 9354, 9363, 9365, June 19, 1948; and 94 cong. Rec. 9367, June 25, 1947.]

80. PROOF OF CLAIM, the alleged court of record within the above reference alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** did not tacitly determine; and assume, its jurisdiction in the subject-matter; and over and upon the parties, within said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** based upon some “contract,” real or presumed, expressed or implied, revealed or unrevealed as a “un/non-constitutional other ground” within; and upon, which it proceeded to exercise its right to decide, render/enter a judgment therein, and thereby avoid the constitutional conflict/question altogether.

81. PROOF OF CLAIM, contracts do not supersede the Constitution, the law therein; and thereof, as well as ALL constraints, prohibitions, and provisions therein expressed, because contracts arise not from the Constitution, but from without the Constitution, based upon a man’s unalienable; and unlimited, Right to privately contract which cannot be impaired.

82. PROOF OF CLAIM, the alleged court of record within the above referenced alleged Criminal Case/Cause, did fully disclose; in good faith and with clean hands, to the “named” defendant within said Criminal Case/Cause; or, the Undersigned, any contract; or, quasi contract, real or presumed, expressed or implied, revealed or unrevealed from which said court formed for itself a “un/non-constitutional other ground” upon which; and within which, it assumed its jurisdiction; i.e., its right to decide, and thereby; and therein exercise its power to enter/render a judgment therein and avoid the constitutional conflict/question altogether.

83. PROOF OF CLAIM, the alleged court of record within the above referenced alleged Criminal Case/Cause; by resorting to a contract or quasi contract, real or presumed, expressed or implied, revealed or unrevealed between the parties; i.e., the “named” defendant and source of authority for the existence of said “un/non-constitutional” Statute(s)/law(s), acting therein; and thereby, to bind the “named” defendant and the Undersigned to said source of authority and thereby to said statute(s)/law(s) alleged/charged to have been violated/breached by the “named” defendant and or the Undersigned, does not thereby; and therein, Declare and Affirm tacitly; if not expressly, the unconstitutional nature of the alleged statute(s)/law(s) cited within; and upon the face of, the charging document/instrument (Indictment), and affidavit in support thereof, provided by the United States Attorney’s Office; and, does not conversely Declare and Affirm the “un/non-constitutional” nature of said statute(s)/law(s) alleged/charged as having been violated or breached.

84. PROOF OF CLAIM, the source of authority for the existence of the statutes(s)/law(s) alleged/charged as having been violated/breached by the “named” defendant within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** as cited within and upon the face of the charging document/instrument (Information); and affidavit in support thereof, employed/used by the District Attorney’s Office and the alleged court of record within said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not and does not represent a “foreign source of authority” to the “named” defendant and the Undersigned without there existing a contract creating a relationship and establishing a nexus with/to said source of authority and the “named” defendant in said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** and the Undersigned, and the Undersigned’s “State-In-Being,” and “State-In-Fact.”

85. PROOF OF CLAIM, whereas a “relationship” must exist and be established between a source of authority for a statute’s/law’s existence and***, a Private Citizen,*** to be bound thereby; and, whereas the “relationship” presumed to have been established and existing between the “named” defendant within the above referenced alleged Criminal Case/Cause, and the source of authority for the existence of the “un/non-constitutional” statute(s)/law(s) as cited within and upon the face of the warrant of arrest, charging document/instrument (Indictment), and affidavits in support thereof within same Criminal Case/Cause, presumed to have arisen from some “contract”; or, “quasi contract,” real or presumed, expressed or implied, revealed or unrevealed which creates and establishes said “relationship/nexus” as one of contractual obligations between the parties to said contract, such does not define and reveal the nature and cause of said Criminal Case/Cause; and ALL proceedings therein, as some form of suit in equity/chancery, arising from some alleged/charged violation(s) of terms and conditions of said alleged contract for a tort, fault, misconduct or malfeasance arising therefrom on the part of the “named” defendant in said Criminal Case/Cause, alleged/charged as being in “breach” of duty/obligation arising from said “contract” as an action ex delicto.

86. PROOF OF CLAIM, the actual nature and cause of the above referenced ***CIVIL/COMMERCIAL/Criminal Case/Cause*** and ALL proceedings, procedures, and processes therein, were in fact fully disclosed and explained to the “named” defendant in said Criminal Case/Cause; or, the Undersigned, by the Presiding Judge, United States Attorney (or his Assistant), and or the alleged court of record appointed Defense Attorney; and, such full disclosure does appear upon the face of the record of the alleged court of record, but said facts relating to the actual nature and cause of said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** were not rather actively and purposely concealed and hidden by said “Officer(s)” of “the United States” and or “Court” which thereby; and therein, constituted and established acts of fraud against and upon the “named” defendant within said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** and the Undersigned by said “officers.”

87. PROOF OF CLAIM, the legal status of these “un/non-constitutional legislative entities” operating/functioning as sources of authority for these so-called “Revised Codes/Statutes”; and specifically the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, is not that of a corporation/quasi corporation; which, is also created by statute. [See: 73 C.J.S., Public Administrative Law and Procedures, § 10, p. 372, citing: Parker v. Unemployment Compensation Commission, 214 S.W.2d 529, 358 Mo. 365, which states: “The powers granted to an administrative body may be such as to establish it as a legal entity, and, although not expressly declared to be a corporation, it may be considered a public quasi corporation.”; Texas & Pacific Railway v. Interstate Commerce Commission, 162 U.S. 197 (1895), which states: “The Interstate Commerce Commission is a body corporate, with legal capacity to be a party plaintiff or defendant in the Federal courts.”; 2 Am.Jur.2d, Administrative Law, § 32, p.56, which states: “Some administrative agencies are corporate bodies with legal capacity to sue and be sued.”]

88. PROOF OF CLAIM, that the Legislative Reference Bureau, created by Act of April 27, 1909, P.L. 208, and, reorganized by Act of May 7, 1923, P.L. 158, as a legislative “agency’ with the primary function to draft and pass upon legislative bills and resolutions for introduction in the General Assembly, and to prepare for “adoption” by the General Assembly, “Codes” by topics, of the existing general statutes for which it was handed over statutory authority in 1974 to publish an “official publication” of the United States Code, is not operating/functioning as a “un/non-constitutional legislative entity”; and, is not operating or functioning as a foreign corporate entity representing the source of authority for the existence of statute(s)/law(s) known as the United States Code, in the capacity of an “administrative law agency” administering the corporate affairs and public of that which created it by statute.

89. PROOF OF CLAIM, these alleged statute(s)/law(s) of this “un/non-constitutional legislative entity”; i.e., the Legislative Reference Bureau, operating/functioning as a foreign corporate “administrative law agency” are not by nature the private “by-laws” of a “corporation” for the administration of its internal Government and public; and, are binding and of force or effect over and upon the private, non-enfranchised, and non-assumpsit’s thereto; and therewith, living, breathing, flesh-and-blood man, i.e. a natural person/man; and, as such, are not ultimately governed by, through, and within the realm of commercial law as adopted and codified within The United States Code thereby; and therein, representing commercial law for operating/functioning in commerce.

90. PROOF OF CLAIM, whereas the Constitution for the United States of America at Article I, Section 8 and 10 clearly prohibits the Congress from printing and issuing Federal Reserve Notes as it is a constitutional entity, or purportedly so, and its actions are limited thereby; and therein, a corporation or trust is not; e.g., the Federal Reserve System, created by Congressional Act in 1913, and as a “un/non-constitutional Congressional entity” without the Constitution, and therefore not bound NOR encumbered by said document/instrument, may proceed to print and issue money (currency) which would be an unconstitutional form of money for Congress; restrained as it is, by the instrument/document of its creation, these “un/non-constitutional legislative entities”; e.g., the Legislative Reference Bureau, and the alleged statute(s)/law(s) they create/generate is not a “un/non-constitutional” issue having no nexus with the Constitution; and, the binding force or effect of said statute(s)/law(s) is not established/created solely from; or by, contract between the parties; which, once silent judicial notice of said contract is taken by the presiding judge, whether real or presumed, expressed or implied, revealed or unrevealed, therein operates/functions to bind the “named” defendant in the case/cause; and specifically the “named” defendant within the above referenced alleged Criminal Case/Cause, to the alleged/charged violation(s) of Statute(s)/law(s) cited within and upon the face of the warrant of arrest, charging document/instrument (Indictment), and affidavits in support thereof; and specifically within the above referenced alleged Criminal Case/Cause, unless said judicial presumption of a contract is rebutted.

1. Please note that although it is the United States Treasury Department who prints the so-called Federal Reserve notes, these notes have no value and are not backed by anything-

“Federal Reserve notes are not redeemable, and receive no backing by anything This has been the case since 1933. The notes have no value for themselves,” this is taken from the official website of the United States financial expert, the United States Department of the Treasury whose job it is to print the money to be utilized by the public, and note how they say that since the government declared bankruptcy in 1933 their notes have had no value.

 **An official website of the United States Government**

 ***An official website of the United States Government***

[**U.S. DEPARTMENT OF THE TREASURY**](https://www.treasury.gov/index.php/)

<https://www.treasury.gov/resource-center/faqs/Currency/Pages/legal-tender.aspx>

the Federal Reserve issues bookkeeping entry credit, there is no constitutional amendment permitting the Federal Reserve and/or the treasury to create worthless items and declared them to be currency. The Constitution has held that the monies created by Congress must have a value, and this is not a market value but a national currency value. Federal Reserve bookkeeping entry credit is not regulated by Congress, making this process by the Federal Reserve, the issuance of bookkeeping entry credit, unconstitutional. That is, unless and until you can provide facts and conclusions of law and not opinion to the contrary.

91. PROOF OF CLAIM, where an American defendant before an American court, charged with the violation of a statute/law of the French Parliament, to which he mounts a defense upon an “unconstitutional” issue of a law violating his alleged 4th and 5th Amendment rights, and its being repugnant to the Constitution, the presiding judge would have committed an “error in judgment” were s/he to hold that said law (regardless of how apparently corrupt and fascist this holding may seem to paint said court and judge) is not “unconstitutional”; and, such a holding and statement of the judge is not a tacit affirmation on the part of said judge that the matter was improperly presented as an “unconstitutional issue” when it should have been presented as a “un/non-constitutional” issue; i.e., a law outside and foreign to the Constitution, which would have acted to focus upon and address the nature of said law and the lack/want of relationship (contract or otherwise) existing between said defendant and the source of authority for the existence of said law to which; for said lack/want of relationship, said defendant has no duty NOR obligation to follow, comply with, NOR obey.

92. PROOF OF CLAIM, whereas the issue of a trial or hearing exists when the plaintiff and defendant arrive at some specific or matter in which one affirms and the others denies [See: Black’s Law Dictionary, 2nd Ed., West Publishing, 1910, p.657], a court does not create the issue by asking the “named” defendant how he disputes to the charges.

93. PROOF OF CLAIM, if there is a statute/law within and upon the face of a charging document/instrument which alleges/charges a violation of an unconstitutional statute/law, or is from another state, or legal entity, or even a “un/non-constitutional legislative entity,” such as those statutes/laws cited from the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof within and upon the face of the warrant of arrest, charging document/instrument (Indictment), and affidavits in support thereof within the above referenced alleged Criminal Case/Cause, a defendant; and specifically the “named” defendant within the above referenced alleged Criminal Case/Cause, in the act of entering a ***plea or verdict*** thereto; and therein, does not thereby; and therein, admit to the geniuses of said “charging document/instrument (Indictment); and, does not admit to the validity of the statute(s)/law(s) cited therein; and, does not thereby form the issue for trial which would exist even without a plea***, a***nd without which there would be anything before the court or jury for trial. [See: Frisbe v. United States, 157 U.S. 160, 165; 39 L.Ed. 657 (U.S.La. 1895), which states: “The very act of pleading to it [an indictment] admits its geniuses as a record.”; Koscielski v. State, 158 N.E. 902, 903 (Ind. 1927), which states: “The plea forms the issue to be tried, without which there is nothing before the court or jury for trial.“; cf. Andrews v. State, 146 N.E. 817, 196 Ind. 12 (1925); State v. Acton, 160 A. 217, 218 (N.J. 1932); United States v. Aurandt, 107 P. 1064, 1065 (N.M. 1910)]

94. PROOF OF CLAIM, it appears within and upon the face of the record of the alleged court of record in the above referenced alleged Criminal Case/Cause, the nature of the statute(s)/law(s) cited within and upon the face of the warrant of arrest, charging document/instrument (Indictment), and affidavits in support thereof, as relied upon by said court to assume its jurisdiction in the case/cause and over and upon the parties therein; and, the consequences of entering a plea; as established supra at Proof of Claim No. 92 and 93, were disclosed to the “named” defendant within the above referenced alleged Criminal Case/Cause, and the Undersigned by ANY “officer” of said court and/ or United States; and, was not rather actively concealed and hidden from the “named” defendant and the Undersigned by said “officers”; and, such concealment does not operate to constitute/establish acts of fraud upon and against the “named” defendant and the Undersigned within the above referenced alleged Criminal Case/Cause.

95. PROOF OF CLAIM, the proceedings in which the “named” defendant and the Undersigned were subjected to within the above referenced alleged Criminal Case/Cause, were not in equity/chancery; and, the conflict was not with a “un/non-constitutional” source of authority for the existence of the statute(s)/law(s) alleged/charged as violated within and upon the face of the warrant of arrest, charging document/instrument (Indictment), and affidavits in support thereof.

96. PROOF OF CLAIM, courts and the legal system today; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, can and do recognize and proceed upon common-law crimes/offense, and therefore acts, which are made crimes/offenses, are not made so by statute, or rather “Code.”

97. PROOF OF CLAIM, all crimes are not commercial. [See: Constitution of/for the United States of America (1789, as amended 1791) Art. I, § 8, cl. 3 and 18; accord specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, USC; C.F.R., THE FEDERAL REGISTRY, Title 27 CFR § 72.11; and United States v. Volungus, 595 F.3d 1. 4-5 (1st Cir. 2010); United States v. Pierson, 139 F.3d 501, 503 (5th Cir.), cert. denied, 525 US 896, 142 L Ed 2d 181, 119 S Ct 220, 1998 U.S. LEXIS 5985 (1998).]

98. PROOF OF CLAIM, the lack/want of subject-matter jurisdiction cannot stop a court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, from proceeding; and, does not void ALL orders, decisions, judgments, and the like of said court as it cannot be waived, may be asserted at anytime; even after trial for the first time, and is not affected by NOR negated by the act of entering a plea; not even a guilty plea*, a*s such would confess nothing; and, this lack/want of subject-matter jurisdiction, whether ensuing from a fatally defective warrant of arrest or charging document/instrument; e.g., an Indictment as in the above referenced alleged Criminal Case/Cause, for employing/using and citing “unconstitutional statute(s)/law(s); or, “un/non-constitutional” statute(s)/law(s)/Code(s) without nexus (relationship); e.g., contract or otherwise, established and existing between the parties, does not effectuate the same result; i.e., the judgment is VOID and a complete nullity ab initio, unenforceable, and without binding force and effect, even before reversal.

99. PROOF OF CLAIM, whereas other State Supreme Courts have held these so-called “Revised Codes,” or however termed/styled, not to be the law of their respective states, the United States Code is any different from these other so-called “Revised Codes”; and, is the law of the United States of America. [See: In re Self v. Rhay, 61 Wash.2d 261, 264, 265, 377 P.2d 885 (1963); cf. Oakley v. Aspinwall, 3 N.Y. 547, 568; Village of Ridgefield Park v. Bergen Co. Bd. of Tax, 162 A.2d 132, 134, 135, 65 N.J.Super. 133 (1960), citing: State v. Burrow, 104 S.W. 526, 527, 119 Tenn. 376 (1907)]

100. PROOF OF CLAIM, all jurisdiction with; and of, the United States/UNITED STATES is not by “contract”; and, said contractual constraints are not binding upon ANY and ALL courts within said juridical constructs and the jurisdiction exercised therein.

101. PROOF OF CLAIM, the “Executive Power”; i.e., the administrative branch of Government; state and federal/national, as created, ordained, and established within the written document/instrument for its existence, is not limited and guided by the “law of the land.”

102. PROOF OF CLAIM, the “law of the land” and “due process of law” do not have the same meaning; and, the law intended by the Constitution; state and federal/national, is not the common-law. [See: State v. Doherty, 60 Maine 504, 509 (1872), which states: “The expressions ‘due process of law’ and ‘law of the land’ have the same meaning… The ‘law’ intended by the constitution is the common law that was handed down to us from our forefathers, as it existed and was understood and administered when that instrument was framed and adopted.”]

103. PROOF OF CLAIM, the “due process of law’ clause as expressly written within the Constitution for the United States of America, does not make and establish the common-law the “law of the land.” [See: U.S. Const. 4th Amendment; Walter Anderson, A Treatise on the Law of Sheriffs, Coroners, and Constables, vol. I, § 166, p. 160 (1941), which states: “Heed should ever be paid to the voice of common law as it has echoed down through the ages, loudly proclaiming in the interests of the rights of the citizen, that it must not be forgotten that there can be no arrests without due process of law…”]

104. PROOF OF CLAIM, the common-law is not the foundation of “due process of law.” [See: 6 R.C.L., § 434, which states: “...it is clear that the common law is the foundation of which is designated as due process of law.’]

105. PROOF OF CLAIM, “due process of law” and “the law of the land” does not declare that***, a Private Citizen,*** cannot be deprived of his liberty or property unless by the judgment of his peers or the law of the land. [See: Constitution of/for the United States of America (1789, as amended 1791) article in amendment V; Thomas Cooley, Constitutional Limitations, 364 and notes].

106. PROOF OF CLAIM, “due process of law” and what constitutes same is determined by the “Legislative Power” of Government; state and/or federal/national, and specifically that as exercised by the General Assembly of the present existing Government of the United States within and/or through its Statutes; and, is not a restraint upon the legislative as well as the executive and judicial powers of Government. [See: Murray’s Lessee v. Hoboken Imp. Co., 18 How (U.S.) 272, 276 (1855), which states: “It is manifest it was not left to the legislative power to enact any process which might be devised. The [due process] article is a restraint on the legislative as well as the executive and judicial powers of Government, and cannot be so construed as to leave congress free to make any process ‘due process,’ by its mere will.”; State ex rel. v. Billings, 55 Minn. 466, 474 (1893)]

107. PROOF OF CLAIM, whereas the Congress of the federal Government is not free to make any process it deems fit as constituting “due process of law,” the General Assembly of the United States is free to make any process it deems fit as constituting due process of law.

108. PROOF OF CLAIM, what constitutes “due process of law” is not to be ascertained by an examination of the settled usages and modes of proceeding in the common and statute laws of England before the immigration of The People to this land and adoption of any Constitution. [See: Twining v. New Jersey, 211 U.S. 78, 100 (1908)]

109. PROOF OF CLAIM, the “due process of law” clause; i.e., the common-law as defined herein above, does not govern what the law on arrest is in the land; and, where it exists, the most statutes can be; and specifically as contained within the United States Code, is not declaratory of the common-law; and, if there is no direct language in the constitution of a state; and specifically as this relates to and bears upon said Constitution of the United States of America, directing what procedure or process is to be followed, the common-law; made the “law of the land” through the due process clause of the national/federal Constitution, is not to be the “due process of law” followed and enforced within the states as opposed to some legislative statute(s) (validly enacted or otherwise), or a city ordinance.

110. PROOF OF CLAIM, that law enforcement officers; however such may be termed/styled, who do not abide by the “law of the land”; i.e., the common-law as adopted through the due process clause of the national/federal Constitution, are not trespassers.

111. PROOF OF CLAIM, in matters relating to and bearing upon arrests, fundamental law; i.e., the organic law; i.e., the Constitution, is not controlling over and upon legislative statutes; and specifically the United States Code; and, is not therefore the prevailing law.

112. PROOF OF CLAIM, “due process of law” by which***, a Private Citizen,*** may be deprived of his liberty and property is not that process which existed at common-law. [See: 4 Bl .Comm. 292]

113. PROOF OF CLAIM***, a Private Citizen,*** can be arrested upon a warrant without “due process of law.” [See: 2 R.C.L., Constitutional Requirements as to Warrants, § 21, p. 463, which states: “[T]he fundamental constitutional guarantees of personal liberty protect private individuals in the right of enjoyment of personal freedom without unlawful restraint, and it is universally recognized that no one may be arrested except by due process of law.”]

114. PROOF OF CLAIM, “due process of law” does not have the same meaning throughout America.

115. PROOF OF CLAIM, in a criminal proceeding where an arrest is made without warrant, an invalid warrant, or a warrant illegally/un-lawfully executed, the burden is not upon the United States as this matter relates to and bears upon the above referenced alleged Criminal Case/Cause, to justify the arrest upon said warrant; or lack thereof, and subsequent criminal proceedings, as one not violating of constitutional provisions, and the invalidity of the arrest will not render any search invalid and ALL evidence obtained inadmissible. [See: Testolin v. State, 205 N.H. 825 (Wis. 1925)]

116. PROOF OF CLAIM, the warrant used/employed by an arresting officer in executing said arrest must not be in said officer’s possession. [See: Alexander v. Lindsey, 230 N.C. 663, 55 S.E.2d 470, 474 (1949), which states: “In 6 C.J.S., Arrest, § 4, p. 576 et seq., we find the general rule stated as follows: ‘The warrant must at the time of arrest be in the possession of and with the person purporting to act there under or of one with whom he is acting in conjunction… Accordingly, where the warrant is at the officer’s house some distance from the scene of arrest, or in the hands of another who is not at the scene of arrest, or in the central office of a city detective bureau, the arrest is unlawful.’”]

117. PROOF OF CLAIM, “possession” of a warrant of arrest by the arresting officer executing said warrant does not mandate it must be in the hand or pocket of said officer; and, said “possession” does not mandate, require, and establish that said warrant must be so nearby as to show it upon request with reasonable promptness. [See: State v. Shaw, 104 S.C. 359, 89 S.E. 322, 323 (1916); O’Halloran v. M’Guirk, 167 F. 493, 495, 93 C.C.A. 129 (1909); People v. Fischetti; 273 Ill.App. 215 (1933); Crosswhite v. Barnes, 139 Va. 471, 124 S.E. 242, 245 (1924), which states: “The text-books generally state, and many cases hold, that it is necessary not only that a warrant of arrest should have been issued, but that the officer making the arrest shall have it with him and show it on request… In 1 Bish. New Crim. Proc. § 190, it is said, ‘To justify an arrest under a warrant, the officer must have it in possession; and, if though delivered to him, he leaves it at his office or station house, it will not protect him.’”, NOTE: This court in deciding the matter of Crosswhite v. Barnes, also referred to, and relied upon, a previous case in Virginia; i.e. Muscoe v. Commonwealth, 86 Va. 443, 10 S. 534 (1890), wherein a police***, a Private Citizen,*** undertook to arrest Muscoe for a past misdemeanor, without warrant, and was shot and killed by Muscoe. Muscoe was convicted of murder and in the appeal; the court reversed the conviction stating: “Indeed, not only must there be a warrant in the class of cases last mentioned [misdemeanors], but, to justify the arrest, the officer must have the warrant with him at the time.”]

118. PROOF OF CLAIM, where an offense is not committed in the presence of an officer; as in the above referenced alleged Criminal Case/Cause, in making an arrest for said offense, said officer does not need to have the warrant for arrest in his actual possession if the arrest is to be lawful. [See: Smith v. State, 208 So.2d 746, 747 (Miss. 1968)]

119. PROOF OF CLAIM, knowledge of the issuance and existence of a warrant of arrest by the party named therein does relax or even do away with the requirement that the arresting officer must be in possession of the warrant. [See: Walter H. Anderson, A Treatise on the Law of Sheriffs, Coroners, and Constables, vol. I, § 133, p. 128 (1941), which states: “Where arrest is being made under the authority of a warrant, the officer attempting to execute same, and arrest the party named therein, must be in possession of said warrant or it affords him no protection. The necessity for the possession of the warrant is not relaxed by reason of the fact the party to be arrested knows of the issuance and existence of such warrant for his arrest.”]

120. PROOF OF CLAIM, a warrant of arrest must not be shown and read to***, a Private Citizen,*** named therein and being placed under arrest, or informed of being under arrest, if requested to do so. [See: Smith v. State, 208 So.2d 746, 747 (Miss. 1968) wherein the Supreme Court of Mississippi stated that the warrant must be in the actual possession of the officer; and: “…he must show it to the accused, if requested to do so.”; State v. Shaw, 104 S.C. 359, 89 S.E. 322 (1916), wherein the court stated the reason the warrant is to be in the actual possession of the arresting party is that: “... if demanded, he produce the warrant and read it to the accused, that he may know by what authority and for what cause he is deprived of his liberty.”; Crosswhite v. Barnes, 139 Va. 471, 124 S.E. 242, 245 (1924), wherein a number of authorities in support are cited; e.g., “In the annotator’s summary of the note in 42 A.L.R. at page 682, it is said: ‘An accused person, if he demands it, is entitled to have the warrant for his arrest shown to him at the time of arrest. (See also 51 A.L.R. 211)’”; Frost v. Thomas, 24 Wend. 418, 419 (1840), which states: “A special deputy is bound to show his warrant if requested to do so, and if he omit, the party against who the warrant is may resist an arrest, and the warrant under such circumstances is no protection against an action for assault, battery and false imprisonment.”; People v. Shanley, 40 Hun. 477, 478 (1886), which states: “[I]f the officer must show the warrant, if required, then it is plain that it must be in his actual possession. It would be absurd to construe this to mean that after making the arrest the officer must, if required, take the defendant to some other place and there show him the warrant.”; State v. Phinney, 42 Me. 384 (1856), wherein it was stated that it is very important in all cases where an arrest has been made by virtue of a warrant that: “…the warrant should be produced if demanded.”; Shovlin v. Commonwealth, 106 Pa. 369, 5 Am.Cr.Rep. 41 (1884), which states: “It is doubtless the duty of an officer who executes a warrant of arrest to state the nature and substance of the process which gives him the authority he professes to exercises, and, if it is demanded, to exhibit his warrant, that the party arrested may have no excuse for resistance.”; Jones v. State, 114 Ga. 79, 39 S.E. 861 (1901), wherein it was held by the court that a constable was not justified in attempting to arrest the defendant under a warrant which was in the sheriff’s hands. The court stated: “... it was the duty of an officer who attempts to make an arrest to exhibit the warrant if he has one.”]

121. PROOF OF CLAIM, failure to show or display a warrant when a warrant for an arrest allegedly exists, the arrest does not thereby; and therein, become un-lawful/illegal. [See: Adams v. State, 121 Ga. 163, 48 S.E. 910, 911 (1904), which states: “In Gaillard v. Laxton, 2 Best & S. 363, 9 Cox C.C. 127, it was held that in a case in which a lawful arrest could not be made except under a warrant the arresting officers were bound to have the warrant ready to be produced if required; that an arrest in such a case by police officers who did not have the warrant in the possession at the time was illegal.”]

122. PROOF OF CLAIM, the primary reason for the officer to have the warrant in his possession when making an arrest under the warrant is not so that it can be shown to the one arrested, so that he may know the authority by which he is being deprived of his liberty. [See: Cabell v. Arnold, 86 Tex. 102, 23 S.W. 645, 646 (1893), which states: “It ought not to be denied that the law contemplates that the warrant directing the arrest of a person charged with a crime will be in the possession of the officer when he makes the arrest under it, for if he is required to exhibit it, if called upon to do so; and this is based on a wise public policy, one purpose of which is that the officer may have to exhibit such evidence of his authority to make the arrest as will be deemed sufficient to take from the person whose arrest is commanded all right to question the authority of the officer.”]

123. PROOF OF CLAIM, the argument that officers are free to arrest because there is a warrant “outstanding” is not nullified by the requirement of law that one arresting under a warrant must show it if requested to do so, which is not manifestly impossible unless the arresting officer has the warrant in his possession at the time of arrest. [See: Smith v. Clark, 53 N.J.L. 197, 21 A. 491 (1891), citing: Webb v. State, 51 N.J.L. 189, 17 A. 113, which states: “We think the authorities …are all to the effect that the officer making the arrest must be in a situation to show, if required, the authority under which he is acting. It is the legal right of the citizen when arrested that such shall be the situation; and, therefore, when such situation does not exist that arrest is a legal wrong.”; 2 R.C.L., Arrest, § 23, pp. 465-466, which states: “Every person relying upon a warrant in making an arrest should read it if requested so to do,… Where a warrant is necessary but the person making the arrest refuses to exhibit it when called upon to do so …he may forfeit the protection which it otherwise would afford him.”; 40 A.L.R.***,*** Annotated, p. 66, which states: “The weight of authority now, however, seems to support the proposition that an officer making an arrest under a warrant should show the warrant, if requested to do so, and in some jurisdictions he is expressly required by statute to do so.”]

124. PROOF OF CLAIM, any statute; validly enacted or otherwise, requiring the warrant to be shown upon arrest; and specifically within, the United States Code, Federal Rules of Civil Procedure and Supplementary Rules of Admiralty, and the Federal Rules of Criminal Procedure, is not but declaratory of the “due process of law” procedure(s) that must be followed in an arrest; and, therefore a statute requiring a warrant to be shown upon arrest is needed; and, where such a statute exists, it is not merely redundant in nature.

125. PROOF OF CLAIM, the reason for the duty of the arresting officer executing a warrant of arrest to explain the cause, for which the warrant issued, to the party arrested is not to state the nature and substance of the process which gives the arresting officer the authority which he professes to exercise; and, if it is demanded of the arresting officer, to produce and exhibit it to the arrested party for his perusal that he may have no excuse for resistance. [See: Commonwealth v. Cooley, 6 Gray 350 (1856); Shovlin v. Commonwealth, 106 Pa. 369, 5 Am.Cr.Rep. 41 (1884), which states: “It is doubtless the duty of an officer who executes a warrant of arrest to state the nature and substance of the process which gives him the authority he professes to exercise, and, if it is demanded, to exhibit his warrant, that the party arrested may have no excuse for resistance.”]

126. PROOF OF CLAIM, a prima facie invalid warrant will not and is not regarded as any warrant and an officer attempting to execute an arrest there under of the party named therein is protected by it. [See: 70 Am.Jur.2d, Sheriffs, Police, and Constables, § 165, pp. 353-354, which states: “Process that is void on its face is no protection to the officer who executes it. If a warrant, order, or writ of possession shows lack of jurisdiction of the court, the officer is not protected in serving it. In fact, in so doing he becomes a trespasser.”; Lawyers Reports Annotated, vol. 51, p. 197, citing: Poulk v. Slocum, 3 Black (Ind.) 421]

127. PROOF OF CLAIM, both a proper subject-matter jurisdiction and geographical jurisdiction are not necessary and essential for a valid warrant.

128. PROOF OF CLAIM, the question of jurisdiction cannot be raised at any time; and, consent and or waiver can confer or grant jurisdiction; and, a court; and specifically the alleged court of record within the above referenced Criminal Case/Cause, does have any authority to proceed where it appears from the record that it has no authority due to an insufficient warrant of arrest. [See: 5 Am.Jur.2d, Arrest, § 7, p. 700]

129. PROOF OF CLAIM, whenever a warrant of arrest is invalid on it face, or where it is only a summons, the arresting officer, or officer attempting to execute service thereof, upon the party named therein, said officer is not liable for damages. [See: 51 L.R.A. 197, citing: Frazier v. Turner, 76 Wis. 562, 45 N.W. 411; Carratt v. Morley, 1 Q.B. 18, 1 Gale & Dav. 45]

130. PROOF OF CLAIM, the requirements of what a warrant of arrest should contain does not depend primarily on constitutional mandates and common-law principles.

131. PROOF OF CLAIM, the common-law does not require that a warrant of arrest be issued for an arrest only after a formal charge is made under oath; and, an arrest is valid if not based upon a sworn affidavit. [See: Liberis v. Harper, 89 Fla. 477, 104 So. 853, 855, which states: “An affidavit that does not appear to have been sworn before any judicial officer, and a warrant signed only by the officer who made the arrest and not dated or authenticated, afford no lawful authority for the arrest and detention of an accused.”; cf. 5 Am.Jur.2d, Arrest, § 12, p. 705]

132. PROOF OF CLAIM, a warrant of arrest does not require the individual review of a neutral judicial officer; i.e., magistrate, justice of the peace, or judge who is learned in the law and qualified to determine if probable cause exists to issue said warrant; and, does not require the signature of said judicial officer, which can be “rubber stamped” with the judicial officer’s name by some clerk or administrative employee; and, such a practice of “rubber stamping” the judicial officer’s name does constitute signature of said officer; and, is not thereby; and therein, VOID and invalid. [See: State v. Paulick, 277 Minn. 140, 151 N.W.2d 591, 596 (1967), which states: “The United States Supreme Court has considered and disposed of a related problem in Camara v. Municipal Court, 387 U.S. 523, 541... The majority in Camara nevertheless stressed the need for ‘individual review’ by a ‘neutral magistrate’ to avoid the issuance of ‘rubber stamp warrants.’; Cox v. Perkins, 107 S.E. 863, 865 (Ga. 1921)]

133. PROOF OF CLAIM, a warrant is not regarded as insufficient and thus VOID if; on its face, it fails to state facts sufficient to constitute a crime. [See: Wharton’s Criminal Procedure, 12th Ed., vol. I, § 54, p. 152 (1974), citing: Go-Bart Imp. Co. v. United States. 282 U.S. 344, 355 (1930); Ex parte Burford, 7 U.S. 448, 451 (1806); Smith v. Clark, 37 U. 116, 106 P. 653 (1910)]

134. PROOF OF CLAIM, a designation or description of the offense should not be written in the warrant. [See: Delk v. Commonwealth, 166 Ky. 39, 178 S.W. 1129 (1915); Moser v. Fulk, 237 N.C. 302, 74 S.E.2d 729 (1953); 2 R.C.L., Arrest, § 17, p. 460, citing: Brown v. Hadwin, 182 Mich. 491, 148 N.W. 693 (1914), wherein the rule on sufficiency of a charge on which a warrant can issue is stated as follows: “The complaint or charge on which a warrant is issued must set forth the facts constituting the offense on the knowledge of the person making the complaint, and if he does not know them other witnesses must be examined who do know them; and no person can be arrested on the mere belief of the person making the complaint.”]

135. PROOF OF CLAIM, whereas inaccuracies and imperfections do not vitiate a warrant which substantially charges an offense; a complaint, recited in substance in a warrant and which is verified merely on information and belief and does not thereby; and therein, state facts sufficient to constitute an offense, said warrant must not be held to be invalid on its face. [See: 5 Am.Jur.2d, Arrest, § 8, p. 702]

136. PROOF OF CLAIM, an affidavit that merely states belief in the guilt of the accused is not insufficient to support a warrant of arrest. [See: Giordenello v. United States, 357 U.S. 480, 78 S.Ct. 1245 (1957); The State v. Gleason, 32 Kan. 245, 251 (1884), which states: “If a warrant, in the first instance, may issue upon mere hearsay or belief, than all the guards of the common law and the bill of rights, to protect the liberty and property of the citizen against arbitrary power, are swept away.”]

137. PROOF OF CLAIM, an affidavit which is based upon a presumption or belief of crime does give jurisdiction to the court; and specifically as this matter relates to and bears upon such affidavit and the alleged court of record within the above referenced alleged Criminal Case/Cause, to issue a warrant; and, a law enforcement officer; however termed/styled, can execute a warrant; which is essentially local, outside their jurisdiction. [See: 61 A.L.R., Annotated, pp. 377-379; Housh v. People, 75 Ill. 487 (1897)]

138. PROOF OF CLAIM, the officer(s) executing a warrant of arrest is not bound to know if under the law, the warrant is defective, and not fair on its face; and, he is not liable as a trespasser if it does not appear on its face to be a lawful warrant; and, said officer’s(s’) ignorance is an excuse. [See: Tiedeman, Limitations of Police Power, p. 83, citing: Grumon v. Raymond, 1 Conn. 39; Clayton v. Scott, 45 Vt. 386]

139. PROOF OF CLAIM, the following are not the basic requisites and essentials needed to make a warrant of arrest valid: 1) A warrant is to be issued by a judicial officer and signed by him; 2) It must state the facts that show the matter to be within the jurisdiction of the judicial officer issuing it; 3) It cannot be based upon mere belief or suspicion, but upon probable cause; 4) The warrant is to list a complaint which is to state the offenses committed and the facts that constitute a crime; 5) A warrant is to contain an affidavit of the person making the charge under oath; and, 6) It must truly name the***, a Private Citizen,*** to be arrested, or describe him sufficiently to identity him.

140. PROOF OF CLAIM, in commercial law, any document or instrument; e.g., inter alia, legal briefs, securities, promissory notes, contracts, and affidavits must contain seven (7) essential elements to be valid; and, any of these seven (7) essential elements which are missing, does not render the document or instrument commercially defective, void, or expressly fraudulent.

141. PROOF OF CLAIM, these seven (7) essential elements as applied to an affidavit in support of a warrant of arrest; or a charging document/instrument, are not: 1) Accurate identification of the parties to the document or instrument or dispute; 2) Nature and content of the allegations or claims set-forth with particularity; 3) Ledgering - accounting of the remedy or relief sought as recompense or compensation for specific wrongs or contractual violations or defaults; 4) Evidence of solvency - identification of the property sought/pledged as the stakes over which the dispute occurs, to be forfeited to the prevailing party to pay the debt/damage and satisfy the judgment; 5) Facts and law - specific laws violated and facts in evidence by exhibit; 6) Certification - statement under oath by party asserting an allegation or claim that everything asserted is “true, correct, and complete,” whether criminal or civil; and, 7) Witnesses - third party certification substantiating the actual lawful/legal identity of the party executing the document or instrument.

142. PROOF OF CLAIM, the 4th Amendment to the Constitution for the United States of America does not apply to arrests made and executed under warrants of arrest; and, does not govern and regulate how such warrants are to issue; and, does not make the issuance of such warrants to be solely upon “probable cause” supported by Oath or affirmation absolutely mandatory and essential for said warrant of arrest to be valid, lawful, and in compliance with “due process of law” or “the law of the land”; i.e., common-law rules and principles established and present in this land; before the adoption of said Constitution, as practice and administered in England prior to the immigration of The People to this land. [See: 1 A.L.R., Annotated, 586; 5 Am.Jur.2d, Arrest, § 2, p. 697]

143. PROOF OF CLAIM, where an arrest is made and executed without a warrant of arrest; which is recognized and authorized by the common-law only for a select and specific class of offenses, and therefore outside the provisions of the 4th Amendment to the Constitution for the United States of America, the standards of “due process of law” or “the law of the land”; i.e., common-law rules and principles, must not be applied to said arrest; and, failure to apply said rules and principles to said arrest would not and does not constitute and establish said arrest as a “False Arrest,” and therefore VOID.

144. PROOF OF CLAIM, whereas the Undersigned has never seen the original, nor been presented with a copy; “certified” or otherwise, of the warrant of arrest, and the affidavit in support thereof, employed/used within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** by the arresting officer(s), and therefore has no reason to believe a valid, lawful, and properly supported warrant of arrest which truly names/identifies/references the Undersigned exists, that such a warrant of arrest for the Undersigned does exist; and, is signed/authenticated by a judicial officer; and, does allege/charge a violation(s) of validly enacted statute(s)/law(s); and, therefore does establish/create a crime/offense within the jurisdiction of the judicial officer signatory thereon; and, does create subject-matter jurisdiction for the alleged court of record within the above referenced alleged Criminal Case/Cause; and, the affidavit in support thereof does comply with ALL seven (7) points of a seven (7) point document/instrument; and, any signature of a judicial officer appearing upon the face of the warrant of arrest is/was; at the time of affixing his signature thereon; and thereto, validly and lawfully holding his office, having perfected title thereto, and thereby lawfully in possession and use of the “plenary powers” resident therein; and, containing ALL additional requisites and essentials as set-forth above within Proof of Claim No. 139; and, in ALL areas is in accordance with and pursuant to rules and principles as established and ordained by the “due process of law” or “the law of the land.”

145. PROOF OF CLAIM, without a valid and lawful warrant of arrest being in existence for the Undersigned within the above referenced alleged Criminal Case/Cause, a defense against the claim of “False Arrest” and “False Imprisonment” does exist for the Respondent(s).

146. PROOF OF CLAIM, the law does not set such a high value upon the liberty of***, a Private Citizen,*** that even an attempt to un-lawfully arrest said***, a Private Citizen,*** is not esteemed a great provocation. [See: Giddens v. State, 154 Ga. 54, 113 S.E. 386, 388 (1922)]

147. PROOF OF CLAIM, an arrest may not be made either with or without any physical force or touching of the arrested***, a Private Citizen,*** by the arresting officer. [See: McAleer v. Good, 216 Pa. 473, 63 A. 934, 935 (1907)]

148. PROOF OF CLAIM, any un-lawful or illegal restraint of a man’s personal liberty by the act of another; and specifically as this relates to and bears upon the arresting officer(s) within the above referenced alleged Criminal Case/Cause, does not give the***, a Private Citizen,*** so restrained a cause of action and claim for false arrest and false imprisonment resulting therefrom against the one causing the un-lawful or illegal restraint; and, ANY restraint executed by fear or force is not prima facie un-lawful.

149. PROOF OF CLAIM, in ALL cases of arrest in which there is no physical touching or seizure, NOR any resistance, the intentions of the parties to the transaction are not to be considered; i.e., there must have been intent on the part of one of them to arrest or restrain the other, and intent on the part of such other to submit, under the belief and impression that submission was necessary. [See: Johnson v. Norfolk & W. Ry. Co., 82 W.Va. 692, 97 S.E. 189, 191 (1918)]

150. PROOF OF CLAIM, any restraint; however, slight, upon a man’s liberty to come and go as he pleases does not constitute an arrest. [See: Turney v. Rhodes, 42 Ga.App. 104, 155 SE. 112 (1930), which states: “Any restraint, however slight, upon another’s liberty to come and go as he pleases, constitutes an arrest.”]

151. PROOF OF CLAIM, when***, a Private Citizen,*** has shown that he was arrested, imprisoned, or restrained of his liberty by another, the law does not presume it to be un-lawful till proven otherwise. [See: People v. McGrew, 77 Cal. 570, 20 P. 92 (1888); Knight v. Baker, 117 Ore. 492, 244 P. 543, 544 (1926)]

152. PROOF OF CLAIM, in a claim of false arrest and false imprisonment “good faith” on the part of the arresting/restraining officer(s)/person(s) is a justification for the detention or imprisonment; and, a lack/want of “reasonable” or “probable cause,” and “malice” are essential elements of the action/claim; and, are therefore viable and acceptable defenses against said action/claim. [See: Sergeant v. Watson Bros. Transp. Co., 244 Ia. 185, 52 N.W.2d 86, 92, 93 (1952), citing: Maxwell v. Maxwell, 189 Ia. 7, 177 N.W. 541 (1920), which states: “False Imprisonment is the unlawful restraint of an individual’s personal liberty or freedom of locomotion… The good faith of the actor is not justification, nor is the want of probable cause an essential element, as in the case of malicious prosecution.”; Bean v. Best, 77 S.D. 433, 93 N.W.2d 403 (1958); Carter v. Casey, 153 S.W.2d 744, 746 (Mo. 1941), which states: “It is well settled law the want of reasonable or probable cause and the want of malice are elements not entering into the action of false imprisonment in so far as actual damages are concerned.”; Daniels v. Milstead, 221 Ala. 353, 128 So. 447, 448 (1930), which states: “In false imprisonment, the essence of the tort is that the plaintiff is forcibly deprived of his liberty, and the good intent of the defendant, or the fact that he had probable cause for believing that an offense was committed, and acted in good faith will not justify or excuse the trespass.”; cf. De Armond v. Saunders, 243 Ala. 263, 9 So.2d 747, 751 (1942); Holland v. Lutz, 194 Kan. 712, 401 P.2d 1015, 1019 (1965), which states: “The motive with which a restraint of liberty is accomplished, be it evil or good, is irrelevant to the question of whether or not an unlawful arrest has been established. The existence of actual malice is of consequence only as it may afford the basis for punitive damages. In Garnier v. Squires, 62 Kan. 321, 62 P. 1005, the court said: ‘As will be seen, malice and willfulness are not essential elements of false imprisonment; and motives of the defendant, whatever they may have been, are not material to the case.’”; Maha v. Adam, 144 Md. 335, 124 A. 901, 905 (1924), which states: “In false imprisonment suits, …the essence of the tort consists in depriving the plaintiff of his liberty without lawful justification, and the good or evil intention of the defendant does not excuse or create the tort. 11 R.C.L. 791 …Any deprivation by one person of the liberty of another without his consent, constitutes an imprisonment, and if this is done unlawfully, it is false imprisonment, without regard to whether it is done with of without probable cause.”; Ehrhardt v. Wells Fargo & Co., 134 Minn. 58, 158 N.W. 721, 722 (1916); Swafford v. Vermillion, 261 P.2d 187 (Okl. 1953); 35 C.J.S., False Imprisonment, §7, p. 631; 32 Am.Jur., False Imprisonment, §§6, 7, p. 64, §114, p. 178; Hostettler v. Carter, 175 P. 244, 246 (Okl. 1918); Markey v. Griffin, 109 Ill.App. 212 (1903); Southern Ry. Co. in Kentucky v. Shirley, 121 Ky. 863, 90 SW. 597, 599 (1906), which states: “In Starkie’s Evid. 1112, it is said: ‘No proof of malice or want of probable cause is necessary to make a case for false imprisonment.’”]

153. PROOF OF CLAIM, where an un-lawful arrest and imprisonment are claimed to have been for the “public good,” such a defense will stop damages. [See: Carter v. Casey, 153 S.W.2d 744, 746 (Mo. 1941) (numerous cases cited); Ehrhardt v. Wells Fargo & Co., 134 Minn. 58, 158 N.W. 721, 722 (1916); Swafford v. Vermillian, 261 P.2d 187 (Okl. 1953); 35 C.J.S., False Imprisonment, § 7, p. 631; 32 Am.Jur., False Imprisonment, §§ 6, 7, p. 64, § 114, p. 178; Hostettler v. Carter, 175 p. 244, 246 (Okl. 1918)]

154. PROOF OF CLAIM, a belief in the guilt of a man; no matter how strong or well founded in the mind of an arresting officer(s)/person(s), is a justification against a claim of false arrest and false imprisonment. [See: Markey v. Griffin, 109 Ill.App. 212 (1903), which states: “In an action for trespass and false imprisonment, probable cause and the absence of malice constitute no defense… In this form of action belief in the guilt of the party arrested, no matter how strong or well founded in the mind of the officer or person making the arrest, will not justify the deprivation of another of his liberty; and it is unimportant whether the circumstances would lead a reasonable or prudent person to believe that the accused was actually guilty.”]

155. PROOF OF CLAIM, a man’s liberty does depend upon good faith merely, but not upon legal rules governing official action. [See: Hill v. Wyrosdick, 216 Ala. 235, 113 So. 49, 50 (1927)]

156. PROOF OF CLAIM, in claims/actions of false arrest and false imprisonment, the arresting officer(s)/person(s) cannot avoid liability only by pleading justification for the arrest and all other arguments must not necessarily fail. [See: Kraft v. Montgomery Ward & Co., 348 P.2d 239, 243 (Ore. 1959)]

157. PROOF OF CLAIM, the guilt of***, a Private Citizen,*** arrested does have any bearing upon the legality of the arrest. [See: Sergeant v. Watson Bros. Transp. Co., 244 Ia. 185, 52 N.W.2d 86, 92, 93 (1952), citing: Neves v. Costa, 5 Cal.App. 111, 89 P. 860 (1907); Halliburton - Abbott Co. v. Hodge, 44 P.2d 122, 125 (Okl. 1935), which states: “The guilt of the plaintiff is not material.”; Michigan Law Review, vol. 31, April, 1933, p. 750 (numerous cases cited), which states: “An arrest is unlawful, even though the arrestee be guilty of a felony, if the officer had not reasonable ground to believe him guilty. Thus, neither the guilt nor innocence of the person arrested has anything to do with the legality of the arrest; Riegel v. Hygrade Seed Co., 47 F.Supp. 290, 293 (1942), wherein it was held that the termination of a prior proceeding in favor of the one deprived of his liberty is not material to his suit; cf. Thompson v. Farmer’s Exchange Bank, 62 S.W.2d 803, 810 (Mo. 1933); 25 A.L.R., annotations, p. 1518]

158. PROOF OF CLAIM, even where***, a Private Citizen,*** has pleaded guilty, the arresting officer(s)/person(s) cannot still be liable for false arrest, and therefore, it has not been held that consent to an un-lawful arrest will not excuse an officer(s)/person(s) from his acts, nor will the law permit such a claim to be made. [See: Hotzel v. Simmons, 258 W. 234, 45 N.W.2d 683, 687 (1951); Anderson v. Foster, 73 Ida. 340, 252 P.2d 199, 202 (1953); Meints v. Huntington, 276 Fed. 245, 250 (1921), which states: “We are of opinion that the law does not permit the citizen to consent to unlawful restraint, nor permit such a claim to be made upon the part of the defendants. In Wharton on Criminal Law, vol. 1, § 751e, it is said: ‘No***, a Private Citizen,*** has a right to take away another’s liberty, even though with consent, except by process of law. And the reason is, that liberty is an unalienable prerogative of which no***, a Private Citizen,*** can divest himself, and of which any divestiture is null.’”]

159. PROOF OF CLAIM, a false; or un-lawful, arrest is not in and of itself an assault, or an assault and battery, trespass, or a graver offense; and the law does not regard such arrests as any other assault which may be resisted by the assaulted; and, the officer(s)/person(s) making the arrest is not regarded as a personal trespasser. [See: Town of Blacksburg v. Bean, 104 S.C. 146, 88 S.E. 441 (1916), which states: “Common as the event may be, it is a serious thing to arrest a citizen, and it is a more serious thing to search his person; and he who accomplishes it, must do so in conformity to the laws of the land. There are two reasons for this; one to avoid bloodshed, and the other to preserve the liberty of the citizen. Obedience to law is the bond of society, and the officers set to enforce the law are not exempt from its mandates.”; 6A C.J.S., Arrest, § 16, p. 30, which states: “A sheriff who acts without process, or under a process void on its face, in doing such act, he is not to be considered an officer but a personal trespasser.”; Roberts v. Dean, 187 So. 571, 575 (Fla. 1939); Allen v. State, 197 N.W. 808, 810-811 (Wis. 1924); Graham v. State, 143 Ga. 440, 85 SE. 328, 331 (1915), which states: “A citizen arrested has a right to resist force in proportion to that being used to detain him. An unlawful arrest is an assault and battery or a graver offense.’; State v. Robinson, 145 Me. 77, 72 A.2d 260, 262 (1950), which states: “An illegal arrest is an assault and battery. The person so attempted to be restrained of his liberty has the same right, and only the same right, to use force in defending himself as he would in repelling any other assault and battery.”; State v. Gum, 68 W.Va. 105, 69 S.E. 463, 464 (1910), which states: “What rights then has a citizen in resisting an unlawful arrest? An arrest without warrant is a trespass, an unlawful assault upon the person, and how far one thus unlawfully assaulted may go in resistance is to be determined, as in other cases of assault. Life and liberty are regarded as standing substantially on one foundation; life being useless without liberty. And the authorities are uniform that where one is about to be unlawfully deprived of his liberty he may resist the aggressions of the offender, whether of a private citizen or a public officer, to the extent of taking the life of the assailant, if that be necessary to preserve his own life, or prevent infliction upon him of some great bodily harm.”; State v. Mobley, 240 N.C. 476, 83 S.E.2d 100, 102 (1954) (authorities cited therein), which states: “The offense of resisting arrest, both at common law and under statute, presupposes a lawful arrest. It is axiomatic that every person has the right to resist an unlawful arrest. In such case, the person attempting the arrest stands in the position of wrongdoer and may be resisted by the use of force, as in self-defense.”; Wilkinson v. State, 143 Miss. 324, 108 So. 711, 712-713 (1926)]

160. PROOF OF CLAIM***, a Private Citizen,*** cannot resist the un-lawful seizure of personal property sought or forcefully taken without warrant; i.e., a warrant outside and foreign to the “law of the land” or “due process of law” without nexus (relationship) thereto; contractually or otherwise, or a warrant invalid on its face and not in compliance with requirements and prohibitions of the 4th Amendment to the Constitution for the United States of America; and, such personal property does not include; inter alia, fingerprints, photographic images of the man, bodily fluids, D.N.A., R.N.A., exemplars, and the like. [See: City of Columbus v. Holmes, 152 N.E.2d 301, 306 (Ohio App. 1958), which states: “What of the resistance to arrest? The authorities are in agreement that since the right of personal property is one of the fundamental rights guaranteed by the Constitution, any unlawful interference with it may be resisted and every person has a right to resist an unlawful arrest.”]

161. PROOF OF CLAIM, the law that allows***, a Private Citizen,*** to resist an un-lawful arrest is not the same law that allows***, a Private Citizen,*** to repel an attack or assault upon his self; and, said law is not the Law of self-defense and self-preservation, which is a man’s unalienable Right to in the protection of his life, liberty, and property from un-lawful attack or harm; and, such Right is not recognized and secured by the Constitution of the United States/UNITED STATES. [See: Constitution of/for the United States of America (1789, as amended 1791) Preamble; articles in amendment I, II, IV, V, VI, IX, and X] […in pari materia to all other state constitutions.]

162. PROOF OF CLAIM, the Supreme Court of the United States and every other court in the past deciding upon the matter, has not recognized that at common-law***, a Private Citizen,*** had the right to resist the illegal attempt to arrest him; and, it has not been held that***, a Private Citizen,*** can resist any arrest where he has reasonable grounds to believe that the officer(s)/person(s) is not acting in good faith and that by submitting to arrest and being disarmed he will, by reason of this fact, be in danger of great bodily harm or of losing his life. [See: John Bad Elk v. United States, 177 U.S. 529, 534-535 (1899); Caperton v. Commonwealth, 189 Ky. 652, 655, 225 S.W. 481, 483 (1920)]

163. PROOF OF CLAIM, the common-law or law of the land, does not draw certain limitations upon how and when an arrest can be made; and, that all arrests which are to be lawful must not necessarily be grounded in and upon such principles; and, one such principle is not that an arrest must be founded upon probable cause of guilt and not mere suspicion, for the two must exist together. [See: People v. Bart, 51 Mich. 199, 202, 16 N.W. 378 (1883), which states: “No one, whether private or officer, has any right to make an arrest without warrant in the absence of actual belief, based on actual facts creating probable cause of guilt. Suspicion without cause can never be an excuse for such action. The two must both exist, and be reasonably well founded.”]

164. PROOF OF CLAIM, the word “suspicion” as used and employed within “Codes” and “Statutes” today; and specifically within the United States Code, is not so used and employed to authorize arrests which the common-law or “the law of the land” prohibits, and upon defeat of said cause, to justify arrest for yet some other non-related cause from the first; in short, justification to conduct a mere “hunting expedition” with the hope of “bagging” some “prize.” [See: Snead v. Bonnoil, 63 N.Y.Supp. 553, 555, 97 N.Y.St.Rep. (1900), which states: “[An officer] cannot arrest***, a Private Citizen,*** for one cause, and when that cause is exploded [defeated] justify for another. Such a doctrine would be incentive to the loosest practices on the part of police officers, and a dangerous extension of their sufficiently great powers. They cannot arrest without an apparent or disclosed cause, to be justified thereafter by whatever may turn up… You cannot arrest***, a Private Citizen,*** merely because, if all were known, he would be arrestable. You must arrest him for some specified cause, and you must justify for that cause.”]

165. PROOF OF CLAIM, the wisdom of the ages, which brought the law on arrests, was not and is not boldly declared in the Magna Carta which states: “No one shall be arrested or imprisoned but by the law of the land.”

166. PROOF OF CLAIM, the Undersigned; as well as any***, a Private Citizen,*** today, was arrested upon and under a warrant of arrest in accordance with and pursuant to rules and principles established and ordained within, under, and by “the law of the land.”

167. PROOF OF CLAIM, the restrictive principles of common-law; which though annoying to those in Government in their attempts to get the “crooks” and “bad guys,” are not purposely so in order to restrict those in Government and make them follow set procedures, and thereby, make it difficult for those in Government to deprive men of their Rights, as the common-law or “law of the land” prescribes that in order to safeguard the rights of the innocent, the guilty must on occasion go free. [See: Henry v. United States, 361 U.S. 98, 104 (1959), which states: “It is better, so the Fourth Amendment teaches, that the guilty sometimes go free than that citizens be subject to easy arrest.”; NOTE: Sir William Blackstone stated: “It is better that ten guilty persons escape than one innocent suffer.”; Sarah Way’s Case, 41 Mich. 299, 305, 1 N.W. 1021 (1879), which states: “Official illegality is quite as reprehensible as private violations of the law. The law of the land must be accepted by every one as the only rule which can be allowed to govern the liberties of citizens, whatever may be their ill desert.”]

168. PROOF OF CLAIM, whereas the common-law recognizes and authorizes arrests without warrants only in cases where the public security requires it, such interests are not confined only to felonies and breaches of the peace committed in the presence of an officer. [See: Radloff v. National Food Stores, Inc., 20 Wis.2d 224, 121 N.W.2d 865, 867, which states: “In Stittgen v. Rundell, (1898), 99 Wis. 78, 80, 74 N.W. 536, this court established the principle that ‘An arrest without a warrant has never been lawful except in those cases where the public security requires it; and this has only been recognized in felony, and in breaches of the peace committed in the presence of the officer.’” NOTE: This rule was reaffirmed in Gunderson v. Stuebing, 125 Wis. 173, 104 N.W. 149 (1905); A.L.R., Annotated, 585; Ex parte Rhodes, 202 Ala. 68, 79 So. 462, 464 (1918); State v. Mobley, 204 N.C. 476, 83 S.E.2d 100, 102 (1954), which states: “It has always been the general rule of the common law that ordinarily an arrest should not be made without warrant and that, subject to well-defined exceptions, an arrest without warrant is deemed unlawful. 4 Bl.Comm. 289 et seq.; 6 C.J.S., Arrest, § 5, p. 579. This foundational principle of the common law, designed and intended to protect the people against the abuses of arbitrary arrests, is of ancient origin. It derives from assurances of Magna Carta and harmonizes with the spirit of our constitutional precepts that the people should be secure in their persons. Nevertheless, to the general rule that no***, a Private Citizen,*** should be taken into custody of the law without the sanction of a warrant or other judicial authority, the process of the early English common law, in deference to the requirements of public security, worked out a number of exceptions. These exceptions related in main to cases involving felonies and suspected felonies and to breaches of the peace.” (Authorities cited)]

169. PROOF OF CLAIM, that it is not a fundamental rule of procedure well grounded in the common-law, that where an arrest is made, the alleged offender is to be taken before a magistrate to be dealt with according to law. [See: Muscoe v. Commonwealth, 86 Va. 443, 447, 10 S.E. 534, 535 (1890)]

170. PROOF OF CLAIM, whereas an offender is to be taken before a magistrate to be dealt with according to law upon arrest, such fundamental rule of procedure is not to be observed without delay, or without unnecessary delay, and the failure in the observance of said procedural rule does not render the arresting officer(s)/person(s) liable for false imprisonment. [See: 4 Bl.Comm., ch. 21, p. 292, which states: “A constable may, without warrant arrest any one for a breach of the peace committed in his view, and carry him before a justice of the peace.”; Mullins v. Sanders, 189 Va. 624, 54 S.E.2d 116, 120 (1949), citing: 22 Am.Jur., False Imprisonment, §20, p. 366, which states: “It is the duty of an officer or other person making an arrest to take the prisoner before a magistrate with reasonable diligence and without unnecessary delay; and the rule is well settled that whether the arrest is made with or without a warrant, an action for false imprisonment may be predicated upon an unreasonable delay in taking the person arrested before a magistrate regardless of the lawfulness of the arrest in the first instance.”; 35 C.J.S., False Imprisonment, §§30-31, pp. 545-547; Peckham v. Warner Bros. Pictures, 36 Cal.App.2d 214, 97 P.2d 472, 474 (1930); Oxford v. Berry, 204 Mich. 197, 170 N.W. 83, 83 (1918)]

171. PROOF OF CLAIM, where an arrest is lawful, a failure on the part of the arresting officer(s)/person(s) in observing their duty to take the arrested***, a Private Citizen,*** before a magistrate and to do so without delay or unnecessary delay, will not be regarded as false imprisonment. [See: Kleidon v. Glascock, 215 Minn. 417, 10 N.W.2d 394, 397 (1943), which states: “Even though an arrest be lawful, a detention of the prisoner for an unreasonable time without taking him before a committing magistrate will constitute false imprisonment.”; Orick v. State, 140 Miss. 184, 105 So. 465, 470 (1925), citing: Kurtz v. Moffitt, 115 U.S. 487, 499 (1885), wherein it was stated by the court: “By the common law of England” an “arrest without warrant for a felony” can be made “only for the purpose of bringing the offender before a civil magistrate.”]

172. PROOF OF CLAIM, this fundamental procedural rule of taking***, a Private Citizen,*** upon arrest before a magistrate without delay, or unnecessary delay, is not the “due process of law” or “the law of the land” to be followed; and, a false imprisonment does not ensue from the arresting officer(s) or person(s) dropping off said***, a Private Citizen,*** to a jail for detention therein, as said officer(s)/person(s) are so authorized to act in such the land.” [See: Garnier v. Squires, 62 Kan. 321, 62 P. 1005, 1007 (1900), which states: “The law contemplates that an arrest either by an officer or a private person with or without warrant is a step in a public prosecution, and must be made with a view of taking the person before a magistrate or judicial tribunal for examination or trial; and an officer, even, subjects himself to liability if there is an unreasonable delay after an arrest in presenting the person for examination or trial.”]

173. PROOF OF CLAIM, the only reason that can justify having an arrested***, a Private Citizen,*** in jail or detained by the arresting officer(s)/person(s) is not as a necessary step in bringing the***, a Private Citizen,*** before a magistrate and therefore the detainment of said***, a Private Citizen,*** in a jail, police office, station, barracks, and the like for purposes of “booking,” “finger printing,” “investigating,” “interrogation,” and the like is not un-lawful and illegal. [See: Kominsky v. Durand, 64 R.I. 387, 12 A.2d 652, 655 (1940), which states: “When an officer makes an arrest, without warrant, it is his duty to take the person arrested, without unnecessary delay, before a magistrate or other proper judicial officer having jurisdiction, in order that he may be examined and held or dealt with as the case requires. But to detain the person arrested in custody for any purpose other than that of taking him before a magistrate is illegal.”; State v. Freemen, 86 N.C. 683, 685-686 (1882), which states: “[T]he question occurs, what is the officer to do with the offender when he shall have been arrested without warrant. All the authorities agree that he should be carried, as soon as conveniently may be, before some justice of the peace.” NOTE: Though this case involved an arrest without warrant, the court stated it is the duty of the arresting officer upon making an arrest, “whether with a warrant or without one,” to carry the offender at once before a justice.]

174. PROOF OF CLAIM, even in matters involving the most severe/serious of offenses as in felonies, the arresting officer(s)/person(s) is not still duty bound/required to bring***, a Private Citizen,*** placed under arrest before the nearest magistrate or court as a matter of fundamental law without delay or unnecessary delay; and, said arresting officer(s)/person(s) is not liable for false imprisonment if he arrests with the intent of only detaining, or if his unreasonable delay causes a detainment, thereby failing and/or grossly neglecting his duty and observance thereof. [See: Kirk v. Garrett, 84 Md. 383, 406-407, 35 A. 1089, 1091 (1896), which states: “From the earliest dawn of common law, a constable could arrest without warrant when he had reasonable grounds to suspect that a felony had been committed; and he was authorized to detain the suspected party such a reasonable length of time as would enable him to carry the accused before a magistrate. And this is still the law of the land.” NOTE: on p. 1092, ibid., it states: “It cannot be questioned that, when a person is arrested, either with or without a warrant, it becomes the duty of the officer or the individual making the arrest to convey the prisoner in a reasonable time, and without unnecessary delay, before a magistrate, to be dealt with as the exigency of the case may require. The power to make the arrest does not include the power to unduly detain in custody; but, on the contrary, is coupled with a correlative duty, incumbent on the officer, to take the accused before a magistrate ‘as soon as he reasonably can.’ [Authorities cited]. If the officer fails to do this, and unreasonably detains the accused in custody, he will be guilty of a false imprisonment, no matter how lawful the original arrest may have been.”, (citing: 1 Hil. Torts, § 9, pp. 213-214)]

175. PROOF OF CLAIM, where***, a Private Citizen,*** is arrested and taken to jail or police station or the like, and detained there with no warrant issued before or after the arrest, it is not false imprisonment. [See: Heath v. Boyd, 175 S.W.2d 214 217 (Tex. 1943); Bank v. Stimson, 108 Mass. 520 (1871)]

176. PROOF OF CLAIM, to take an arrested***, a Private Citizen,*** to a jail, police station, or the like to be detained and finger printed, measured, photographed, booked, and the like before said***, a Private Citizen,*** is ever brought before a magistrate is not a violation of his Rights; and, is not proof of the arresting officer(s)/person(s) intent not to observe his duty in this matter and his disregard of; and for, his duty incumbent upon him to fulfill and observe. [See: Walter H. Anderson, A Treatise on the Law of Sheriffs, Coroners, and Constables, vol. 1, §§ 179-180 (1941), which states: “It is the undoubted right on the part of a prisoner, on being arrested by a public officer or private citizen, and unquestionably a corresponding duty on the one making the arrest, to take the prisoner before a court or magistrate for a hearing or examination and this must be done without unnecessary delay. The object of this right and corresponding duty is that the prisoner may be examined, held, or dealt with as law directs and the facts of the case require… It is highly improper and an invasion of the lawful rights of the prisoner to take him to any other place than to a proper court or magistrate.”]

177. PROOF OF CLAIM, an arrested man’s Right to be promptly taken to a judicial officer for hearing/examination, and the duty of the arresting officer(s)/person(s) to protect said Right does depend upon statute law of the United States as may be contained within the United States Code. [See: Winston v. Commonwealth, 188 Va. 386, 49 S.E.2d 611, 615 (1948), which states: “But even if the circumstances of the arrest were not within the purview of the particular statute, it was the duty of the arresting officer to have the defendant within a reasonable time, or without unnecessary delay, before a judicial officer in order that the latter might inquire into the matter and determine whether a warrant should be issued for the detention of the defendant, or whether he should be released.”; NOTE: In speaking on what manner of arrests were lawful at common-law when an arrest is made, the Supreme Court of Rhode Island in Kominsky v. Durand, 64 RI. 387, 12 A.2d 652, 654 (1940) (authorities cited), stated: “Coupled with the authority to arrest went an imperative obligation on the officer to bring the arrested person before a magistrate without delay. Especially was this true where the arrest had been made without a warrant… When an officer makes an arrest, without warrant, it is his duty to take the person arrested, without unnecessary delay, before a magistrate or other judicial officer having jurisdiction, in order that he may be examined and held or dealt with as the case requires; but to detain the person arrested in custody for any purpose other than that of taking him before a magistrate is illegal.”]

178. PROOF OF CLAIM, this rule of law requiring an arresting officer(s)/person(s) to bring the arrested***, a Private Citizen,*** before a magistrate, or judicial officer having jurisdiction, is not the same throughout all the States composing the American compact; and, can be abrogated by statute as may be contained within the United States Code; and, said rule has not been upheld within the federal courts; and, is not prescribed within said courts rules. [See: 18 U.S.C.A., Rules of Criminal Procedure, Rule 5, p. 28, which states: “An officer making an arrest under a warrant issued upon a complaint, or any person making an arrest without a warrant, shall take the arrested person without unnecessary delay before the nearest available federal magistrate, or in the event that a federal magistrate is not reasonably available, before a state or local officer authorized by 18 U.S.C. § 3041.”; Greenwell v. United States, 336 F.2d 962, 965 (1964), wherein two F.B.I. agents assisted by two local policemen on an outstanding warrant for bank robbery arrested a man, placed him in a police vehicle, drove a few blocks, parked on the street under a street lamp and began to interview the***, a Private Citizen,*** wherein an alleged confession was obtained and the Federal Court of Appeals held the confession was inadmissible and reversed the conviction as the momentary parking of the police vehicle en route from the place of arrest was a detour from the path toward a prompt presentment before a magistrate, further stating: “The law requires an arresting officer to bring an accused before a magistrate as quickly as possible.”]

179. PROOF OF CLAIM, the arresting officer(s)/person(s) is not guilty of official oppression and neglect of duty when they willfully detain a prisoner without arraigning him before a magistrate within a reasonable time. [See: People v. Mummiani, 258 N.Y. 394, 180 N.E. 94, 96 (1932); Peckahani v. Warner Bros. Pictures, 36 Cal.App.2d 214, 97 P.2d 472, 474 (1939); Kindred v. Stitt, 51 Ill. 401, 409 (1869), which states: “We are of opinion, the arrest of the plaintiff was illegal, and the verdict contrary to law and the evidence. And if the arrest was legal, they did not proceed according to law, and take him before a magistrate for examination, but conveyed him to another country, and there imprisoned him in the county jail, in a filthy cell, thus invading one of the dearest and most sacred rights of the citizen, secured to him by the great character of our land.”]

180. PROOF OF CLAIM, the rule of law requiring that an arrested***, a Private Citizen,*** be brought without delay, or unnecessary delay, directly to a court or judicial officer having jurisdiction is not “due process of law” or “the law of the land” and as such, this procedural requirement can be abrogated by statute as may be contained with the United States Code. [See: Judson v. Reardon, 16 Minn. 387 (1871); Long v. The State, 12 Ga. 293, 318 (1852); Moses v. State, 6 Ga.App. 251, 64 S.E. 699 (1909; Hill v. Smith, 59 S.E. 475 (Va. 1907); Folson v. Piper, 192 Ia. 1056, 186 N.W. 28, 29 (1922); Edger v. Burke, 96 Md. 715, 54 A. 986, 988 (1903); Bryan v. Comstock, 220 S.W. 475]

181. PROOF OF CLAIM, it is not a fundamental rule of law that one who abuses an authority given him by Law does not become a trespasser ab initio; i.e., he becomes a wrongdoer from the beginning of his actions. [See: Leger v. Warren, 62 Ohio St. 500, 57 N.E. 506, 508 1900)]

182. PROOF OF CLAIM, where an arresting officer(s)/person(s) fails to take***, a Private Citizen,*** he has arrested before a proper judicial officer, or where said officer(s)/person(s) causes an unreasonable delay in doing so, or having failed to procure/obtain a proper/valid warrant for the detention of the arrested man, said officer(s)/person(s) does not become a trespasser ab initio; and, is not thereby guilty of false imprisonment; and, such failure or delay in his official duty does not render said arrest un-lawful. [See: Great American Indemnity Co. v. Beverly, 150 F.Supp. 134, 140 (1956); Thomas Cooley, A Treatise on the Law of Torts, vol. I, § 114, p. 374 (numerous authorities cited therein), which states: “An officer; who has lawfully arrested a prisoner, may be guilty of false imprisonment if he holds for an unreasonable length of time without presenting him for hearing or procuring a proper warrant for his detention.”; Farina v. Saratogo Harness Racing Ass’n, 246 N.Y.S.2d 960, 961, which states: “…even though the arrest, when made, was legal and justified,” the officers “became trespassers ab initio and so continued to the time of the plaintiff’s release because of their failure to take him before a magistrate as required.”; Sequin v. Myers, 108 N.Y.S.2d 28, 30 (1951); Bass v. State, 92 N.Y.S.2d 42, 46-47, 196 Miscel. 177 (1949), which states: “If there was an unnecessary delay [in arraigning the claimant before a Justice of the Peace], then the arrest itself became unlawful on the theory that the defendants were trespassers ab initio and so continued down to the time when the plaintiff was lawfully held under a warrant of commitment, regardless of whether or not the plaintiff was guilty of any crime. [Numerous cases cited]. In Pastor v. Regan, supra, it is said that: ‘The rule laid down in the Six Carpenters’ case, 8 Coke 146, that if***, a Private Citizen,*** abuses an authority given him by the law he becomes a trespasser ab initio, has never been questioned.”; Ulvestad v. Dolphin, et al., 152 Wash. 580, 278 p. 681, 684 (1929), which states: “Nor is a police officer authorized to confine a person indefinitely whom he lawfully arrested. It is his duty to take him before some court having jurisdiction of the offense and make a complaint against him.... Any undue delay is unlawful and wrongful, and renders the officer himself and all persons aiding and abetting therein wrongdoers from the beginning.]

183. PROOF OF CLAIM, the “office of the (President) Judge” is not charged with the administration and oversight of ALL proceedings, matters, cases, and the like within purview of the whole of the court; past and present, and is not therefore the “office of the Principal” of; and over, ALL the “offices of a/the judge” acting in their capacity as agents of the principal; and, the same is not true for the “office of the United States Attorney” and “office of the Attorney General.”

184. PROOF OF CLAIM, when an arresting officer(s)/person(s) fails to perform part of his duty and it impinges upon the Rights of a man, he is not deemed to be a trespasser ab initio because the whole of his justification fails, and he stands as if he never had any authority at all to act. [See: Brock v. Stimson, 108 Mass. 520 (1871) (authorities cited); Hefler v. Hunt, 129 Me. 10, 112 A. 675, 676 (1921)]

185. PROOF OF CLAIM, the basis of this well-established procedural rule of law in taking an arrested***, a Private Citizen,*** without delay, or without unnecessary delay, directly before a court or judicial officer having jurisdiction is not to avoid having the liberty of the arrested***, a Private Citizen,*** unjustly dealt with by extra-judicial acts of executive officers; i.e., law enforcement officers and public officers however termed/styled. [See: State v. Schabert, 15 N.W.2d 585, 588 (Minn. 1944), which states: “We believe that fundamental fairness to the accused requires that he should with reasonable promptness be taken before a magistrate in order to prevent the application of methods approaching what is commonly called the ‘third degree.’ ‘Fundamental fairness’ prohibits the secret inquisition in order to obtain evidence.”]

186. PROOF OF CLAIM, arresting officers are not “executive officers.”

187. PROOF OF CLAIM, the detainment of***, a Private Citizen,*** upon arrest is not a judicial question; and; a judicial officer is not the sole authority to decide if there are grounds for holding the***, a Private Citizen,*** arrested, or whether he must be further examined by trial, or if he is to be bailed and released; and, the taking of said***, a Private Citizen,*** to a jail to be “booked” without first honoring this duty is not un-lawful; or, to detain said***, a Private Citizen,*** to enable the arresting officer(s) to make a further investigation of the alleged/suspected offense against said***, a Private Citizen,*** is not also un-lawful. [See: Keefe v. Hart, 213 Mass. 476, 100 N.E. 558, 559 (1913), which states: “But having so arrested him, it is their [the officer’s] duty to take him before a magistrate, who could determine whether or not there was ground to hold him. It was not for the arresting officers to settle that question (authorities cited)... The arresting officer is in no sense his guardian, and can justify the arrest only by bringing the prisoner before the proper court, that either the prisoner may be liberated or that further proceedings may instituted against him.”; Harness v. Steele, 64 N.E. 875, 878 (Ind. 1902), which states: “[T]he power of detaining a person arrested, restraining him of his liberty, is not a matter within the discretion of the officer making the arrest.”; Stromberg v. Hansen, 177 Minn. 307, 325 N.W. 148, 149 (1929); Madsen v. Hutchinson, Sheriff, et al. 49 Ida. 358, 290 P. 208, 209 (1930) (numerous cases cited), which states: “The rule seems to be that an officer arresting a person on criminal process who omits to perform a duty required by law, such as taking the prisoner before a court, becomes liable for false imprisonment.”; Simmons v. Vandyke, 138 Ind. 380, 37 N.E. 973, 974 (1894), citing: Ex parte Cubreth, 49 Cal. 436 (1875), which states: “We have no doubt that the exercise of the power of detention does not rest wholly with the officer making the arrest, and that he should, within a reasonable time, take the prisoner before a circuit, criminal, or other judicial court… In a case where the arrest is made under a warrant, the officer must take the prisoner, without unnecessary delay, before the magistrate issuing it, in order that the party may have a speedy examination if he desires it; and in the case of an arrest without warrant the duty is equally plain, and for the same reason, to take the arrested before some officer who can take such proof as may be afforded.”; Pratt v. Hill, 16 Barb. 303, 307 (N.Y. 1853)]

188. PROOF OF CLAIM, “executive officers” or “clerks” are to determine if***, a Private Citizen,*** under arrest is to be held or released upon bail; and, are to fix the amount of bail; and, such power to so determine is not judicial. [See: Bryant v. City of Bisbee, 28 Ariz. 278, 237 P. 380, 381 (1925); State v. Miller, 31 Tex. 564, 565 (1869) Winston v. Commonwealth, 188 Va. 386, 49 S.E.2d 611, 615 (1948), wherein an arresting officer delivered***, a Private Citizen,*** to the jailer at 4:30 p.m., with the instruction that said***, a Private Citizen,*** be held there until 9:00 p.m., at which time he was to be brought before the judicial officer. The Supreme Court of Virginia condemned this act asserting the officer usurped the functions of a judicial officer stating: “But the actions of the arresting officer and the jailer in denying the defendant this opportunity [to judicial review] by confronting him in the jail because they concluded that he was not in such condition to be admitted to bail, had the effect of substituting their discretion in the matter for that of the judicial officer. Under the circumstances here, the defendant was clearly entitled to the judgment upon the question of his eligibility for bail. This right was arbitrarily denied him.”]

189. PROOF OF CLAIM, “executive officers”; i.e. arresting officers, having arrested***, a Private Citizen,*** can hold said***, a Private Citizen,*** in order to complete paperwork or make out reports. [See: Bowles v. Creason, et al., 156 Ore. 278, 66 P.2d 1183, 1188 (1937); Geldon v. Finnegan, et al., 213 Wis. 539, 252 N.W. 369, 372 (1934), which states: “If the plaintiff was being detained for the purpose of arrest it was the duty of the arresting officer to take him before an examining magistrate as soon as the nature of the circumstances would reasonably permit. The power to arrest does not confer upon the arresting officer the power to detain a prisoner for other purposes.”]

190. PROOF OF CLAIM, “good faith” does justify an unreasonable detention and deprivation of one’s liberty caused by a failure or delay in bringing one arrested before a magistrate. [See: 11 R.C.L., False Imprisonment § 15, pp. 801-802; Williams v. Zelzah Warehouse, 126 Cal.App. 28, 14 P.2d 177, 178 (1932)]

191. PROOF OF CLAIM, it is not a common practice for an arresting officer(s) to drop***, a Private Citizen,*** they have arrested off at a police station, county jail, or the like and leave said***, a Private Citizen,*** in the custody of others; and, such a practice does thereby; and therein, relinquish the duty of the arresting officer(s) to the arrested man; and, said officer(s) can therefore claim exception of liability when the others to whom they dropped said***, a Private Citizen,*** off into the custody of failed to fulfill the arresting officer’s(s’) duty and take said***, a Private Citizen,*** without delay, or unnecessary delay, directly before a proper/valid judicial officer having jurisdiction, as the arresting officer(s) are not responsible for the arrested***, a Private Citizen,*** and can rely on others to perform their duty. [See: Moran v. City of Berkley, 67 F.2d 161, 164 (1933), which states: “Orders from a superior do not excuse the arresting party from his duty [to bring the arrested party before a judicial officer], nor does delivery of the prisoner into the custody of another person; all those who take part in so detaining another person an unreasonable length of time are liable.”; Leger v. Warren, 62 Ohio St. 500, 57 N.W. 506 (1900), which states: “The delivery of the plaintiff, after his arrest, into custody of another person, to be by him taken to prison, could not, we think, absolve the arresting officers from the duty required of them to obtain the writ necessary to legalize his further imprisonment... If the arresting officers chose to rely on some other person to perform that required duty, they take upon themselves the risk of its being performed; and, unless it is done in proper time, their liability to the person imprisoned is in no wise lessened or effected.”]

192. PROOF OF CLAIM, whereas one of the most common defenses raised in actions/claims of false imprisonment involves arguments of whether the delay in bringing one to a court was reasonable or necessary, such does not depend upon the circumstances of the particular case and is not question for the jury. [See: Mullins v. Sanders, 189 Va. 624, 54 S.E.2d 116, 120 (1949); Brown v. Meir & Frank Co. 86 P.2d 79, 83 (Ore. 1939)]

193. PROOF OF CLAIM, the common-law procedural rule for “due process of the law” made “the law of the land” through express constitutional provision(s) is not that an arresting officer(s)/person(s) is to present the arrested***, a Private Citizen,*** without delay to a magistrate, having jurisdiction, and said procedural rule of law does not mean no delay of time is allowed which is not incident to the act of bringing said***, a Private Citizen,*** before a magistrate, and said common-law procedural rule of law does not nullify and void all present day statutory requirements of twenty-four (24) hours, thirty-six(36) hours, seventy-two(72) hours, or however many hours/days said statute may stipulate as contained within the United States Code; which, by their very existence, does not constitute blatant acts of tyranny and declarations thereof.

194. PROOF OF CLAIM***, a Private Citizen,*** who has been arrested and subjected to procedures known as “booking procedures” which include; inter alia, photographing, measuring, finger printing, and the like are lawful; and, are necessary to detect and arrest a man; and, are necessary to prevent crime; and, is not criminal in character; and, do not constitute an assault; and, every-one concerned/participating therein is not liable civilly for damages arising from the injury to and upon said***, a Private Citizen,*** subjected to said procedures, but also to criminal prosecution under the United States Code as operating upon and over ALL voluntary commercial indentures to the United States as agents of said Government. [See: Gow v. Bingham, 107 N.Y.Supp. 1011, 1014-1015, 1018, 57 Miscel. 66 (1908), which states: “To subject a citizen, never before accused, to such indignities, is certainly unnecessary in order to ‘detect and arrest’ him; for he must have been detected and arrested before he can be so dealt with. It is unnecessary to ‘prevent crime,’ for the acts for which indictment has been committed… The exercise of any such extreme police power as is here contended for is contrary to the spirit of Anglo-Saxon liberty… The acts of the police department here criticized were not only a gross outrage, not only perfectly lawless, but they were criminal in character. Every person concerned therein is not only liable to a civil action for damages, but to criminal prosecution for assault.” NOTE: The court in this case also made it known that it was “The duty of every member of the police force under penalty of fine or dismissal from the force, immediately upon arrest, to convey the offender, not to police headquarters to be photographed and measured, but ‘before the nearest sitting magistrate that he may be dealt with according to law.’”, p. 1016, ibid.; Hawkins v. Kuhne, 137 N.Y.Supp. 1090, 153 App.Div. 216 (1912), wherein the Gow case was upheld and it was acknowledged: “…that the taking of the plaintiff’s picture before conviction was an illegal act.”]

195. PROOF OF CLAIM, any present day “statute” which may be contained within the United States Code which mandates the finger printing of any and every***, a Private Citizen,*** arrested; a practice the common-law or “the law of the land” permits only after/upon conviction, in order to allow***, a Private Citizen,*** to be admitted to bail, or for any other purpose/excuse, is not a serious invasion upon the liberty of said man; and, such a “statute” is not unconstitutional or un-un/non-constitutional without nexus of relationship; i.e., contract. [See: People v. Hevern, 127 Miscel. Rep. 141, 215 N.Y.Supp. 412, 417-418 (1926), which states: “Article I, section 5 of the Constitution of New York and the United States, provides: ‘Excessive bail shall not be required.’ The prohibition against excessive bail necessarily includes the denial of bail... A defendant is arraigned, in fact innocent, and refuses to submit to a finger printing. A redolent from it is not unnatural. It cannot be said that the refusal is unreasonable or unjustified. Yet he is denied bail. The requirement for finger printing is oppressive and unreasonable. It contravenes article I, sec. 5, of the Constitution of the UNITED STATES, and in the laws judgment is unconstitutional. There are other grounds upon which the unconstitutionality of the law must be declared. Article I, section 6 of the Constitution of the state of New York provides: ‘No person shall… be compelled in any criminal case to be a witness against himself; nor be deprived of life, or property without due process of law.’ Finger printing is an encroachment on the liberty of a person. It is justifiable, as is imprisonment, upon conviction for crime, in the exercise of the police powers of the state, for the purpose of facilitating future crime detection and punishment. What can be its justification when imposed before conviction? To charge that one’s fingerprint records have been taken would ordinarily convey an imputation of crime, and very probably support a complaint for libel per se. In my judgment, compulsory finger printing before conviction is an unlawful encroachment upon a person, in violation of the state Constitution. Lastly, finger printing before conviction involves prohibited compulsory self-incrimination.”; cf. Constitution of/for the United States of America articles to amendment V, VIII].

196. PROOF OF CLAIM, there is any right/authority given to Government; and specifically the Government of the United States of America, by the common-law or “the law of the land” to take fingerprints prior to conviction within a criminal proceeding. [See: United States v. Kelly, 51 F.2d 263, 266 (1931)]

197. PROOF OF CLAIM, any court decisions which may appear to strike down the common-law or “the law of the land” principles which act to prohibit finger printing, measuring, and photographing of an arrested***, a Private Citizen,*** prior to conviction within a criminal proceeding is not based upon principles of some other un/non-constitutional source of law affording the court the ability to apply the doctrine of “**Constitutional Avoidance**” to the issue through said court’s taking **silent judicial notice of some contract, real or presumed**, expressed or implied, revealed or unrevealed, existing between the parties to the issue before the court, such as principles of equity.

198. PROOF OF CLAIM, the compulsory taking of samples of an arrested man’s blood, urine, hair, finger prints, exemplars, and the like is not an un-lawful taking of said man’s property without “due process of the law” and compensation, a violation of said man’s personal privacy, an un-lawful attack and breach of said man’s right not to be compelled to give self-incriminating evidence, and an assault and battery upon said man. [See: Bednarick v. Bednarick, 16 A.2d 80, 90, 18 N.J. Misc. 633 (1940), which states: “To subject a person against his will to a blood test is an assault and battery, and clearly an invasion of his personal privacy.”; State v. Height, 117 Ia. 650, 91 N.W. 935 (1902); People v. Corder, 244 Mich. 274, 221 N.W. 309; Boyd v. United States, 116 U.S. 616 (1885); State v. Newcomb, 220 Mo. 54, 119 S.W. 405 (1909); cf. relevant articles and sections of both state and federal constitutions/charters as already cited above.]

199. PROOF OF CLAIM, it cannot be concluded there are at least five (5) reasons why the acts of compulsory finger printing, blood testing, measuring, photographing, D.N.A./R.N.A. extraction, exemplars, and the like are un-lawful; and, said reasons are not: 1) They are an invasion of a man’s right of privacy; 2) Such compels evidence to be used as self-incriminating evidence; 3) Such is an assault and/or battery; 4) Such violates “due process of the law” or “the law of the land” in the taking of a man’s property; and, 5) prohibits bail when refused (if refusal is possible) and thereby infringes on one’s liberty.

200. PROOF OF CLAIM, any court decisions which may appear to have struck down the common-law or “the law of the land” principles which act to prohibit the compulsory taking of samples of an arrested man’s blood, urine, hair, D.N.A./R.N.A., exemplars, and the like upon arrest, during any proceeding within the prosecution, or any process of “evidence collection”; and, any “statutes” as may appear within the United States Code, authorizing such, is not based upon principles of some other un/non-constitutional source of law affording the court the ability to apply the doctrine of “Constitutional Avoidance” to the issue through said court’s taking silent judicial notice of some contract, real or presumed, expressed or implied, revealed or unrevealed, existing between the parties to the issue before the court, such as principles of equity.

201. PROOF OF CLAIM***, a Private Citizen,*** d.b.a. a Magistrate, Justice of the Peace, or Judicial Officer, in order to be validly in possession and use of the “plenary powers” resident within his “office,” must not have “perfected title” to said “office”; and, said perfection is not accomplished through valid Oath of office and bond thereon.

202. PROOF OF CLAIM, the failure of***, a Private Citizen,*** d.b.a. a Magistrate, Justice of the Peace, or Judicial Officer, in “perfecting title” to his “office” as set-forth above, is not operating under a serious/severe disability of capacity acting to bar his lawful access to said “office,” possession and use of the “plenary powers” resident within said “office”; and, due to his disability, said “office” is not vacant; and, therefore does not render ALL acts performed by said***, a Private Citizen,*** under said disability VOID; and, does not render said***, a Private Citizen,*** for ALL acts performed while under said disability, guilty of; inter alia, false personation, false pretenses, usurpation, fraud, official oppression, fraudulent and deceptive business practices, and trespass ab initio, and thereby; and therein, does not render said***, a Private Citizen,*** liable for damages arising from all injuries he caused, subjected to, and inflicted upon the arrested***, a Private Citizen,*** brought before him.

203. PROOF OF CLAIM, an arrested***, a Private Citizen,*** brought before***, a Private Citizen,*** d.b.a. a Magistrate, Justice of the Peace, or Judicial Officer, which operating/functioning under a disability of “office” through his failure to “perfect title” thereto and lawfully possess and use the “plenary powers” resident therein, does fulfill the well established and settled fundamental procedural rule of law established as “due process of the law” ordained through “the law of the land” by express constitutional provision therein; and***, a Private Citizen,*** under arrest brought before such a magistrate, justice of the peace, or judicial officer does not constitute and establish an unreasonable, unnecessary, and willful delay; and, does not constitute and establish; inter alia, failure of process, official oppression, gross negligence, and false imprisonment.

204. PROOF OF CLAIM, the Undersigned within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** was brought before a Magistrate, Justice of the Peace, or Judicial officer having “perfected title” to said “office” through a valid Oath and bond thereon, and therefore was not exercising/employing the “plenary powers” resident within said “office” un-lawfully; and, was not acting under color-of-law, false pretenses, false personation, fraudulent and deceptive business practices, fraud, official oppression; and, said “office” was not vacant; and, said warrant of arrest and writ of detainment was obtained/procured from a Magistrate, Justice of the Peace, or Judicial Officer having lawfully “perfected title” to his “office”.

205. PROOF OF CLAIM, that ALL acts of the magistrate, justice of the peace, and or judicial officer(s) within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** as they relate to and bear upon the Undersigned therein, for reasons that have been set-forth already, are not VOID ab initio thereby; and therein, establishing and constituting the entire alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** as referenced above VOID ab initio along with the un-lawful or false imprisonment of the Undersigned therein to date.

206. PROOF OF CLAIM, whereas in many of the older court cases we find the declaration: “The law is very jealous of the liberty of the citizen,” said law is not the common-law; and, it does not declare that, “One who interferes with another’s liberty does so at his peril.” [See: Knight v. Baker, 117 Ore. 492, 244 P 543, 544 (1926)]

207. PROOF OF CLAIM, false imprisonment does not consist of any type of un-lawful restraint or interference with the personal liberty of a man; and, is not a trespass. [See: Street’s Foundation of Legal Liability, vol. I, p. 12, citing: Bracton’s Note Book, vol. II, p. 314 (1229), pl. 465, wherein Henry de Bracton (1200 - 1268) states: “Forcefully to deprive***, a Private Citizen,*** of freedom to go wheresoever he may is clearly a trespass. False imprisonment was indeed one of the first trespasses recognized by the Common Law.”]

208. PROOF OF CLAIM, false imprisonment is not classified as a tort under the common-law and also as a crime. [See: Kroeger v. Passmore, 36 Mont. 504, 93 P. 805, 807 (1908); McBeth v. Campbell, 12 S.W.2d 118, 122 (Tex. 1929)]

209. PROOF OF CLAIM, false imprisonment has not been labeled as a tort, a trespass, an assault, a wrong, damage, and an injury giving the***, a Private Citizen,*** so affected cause to bring process for relief and remedy against the offending man/party.

210. PROOF OF CLAIM, injuries to the liberty of***, a Private Citizen,*** are not principally termed “false imprisonments” or “malicious prosecutions.” Joseph Chitty, Esq., The Practice of Law, vol. I, ch. II, p. 47, London, 1837, wherein Mr. Chitty states: “The infraction of personal liberty has been regarded as one of the greatest injuries. The injuries to liberty are principally termed false imprisonments, or malicious prosecutions.”]

211. PROOF OF CLAIM, actual seizure or the laying on of hands is necessary to constitute un-lawful detention; and, the ONLY essential elements of an action for un-lawful detention are not 1) Detention or restraint against one’s will; and, 2) The un-lawfulness of such detention or restraint. [See: Hanser v. Watson Bros. Transp. Co., 244 Ia. 185, 52 N.W.2d 86, 93(1952); Sinclair Refining Co. v. Meek, 62 Ga.App. 850, 10 S.E.2d 76, 79(1940); Southern Ry. Co. in Kentucky v. Shirley 121 Ky. 863, 90 S.W. 597, 599 (1906)]

212. PROOF OF CLAIM, “false imprisonment” is not akin to assault and battery imposed by force or threats affecting an un-lawful restraint upon a man’s liberty. [See: Thomas Cooley, Treatise on the Law of Torts, vol. I, 4th ed., § 109, p. 345, wherein Mr. Cooley states: “False imprisonment is a wrong akin to the wrongs of assault and battery, and consists in imposing, by force or threats, and un-lawful restraint upon a man’s freedom of locomotion.”; Meints v. Huntington, 276 F.2d 245, 248 (1921)]

213. PROOF OF CLAIM, any and every confinement of***, a Private Citizen,*** is not an imprisonment. [See: 3 Bl. Comm. 127, which states: “Every confinement of the person is an imprisonment, whether it be in a common prison, or in a private house, or in the stocks, or even by forcibly detaining one in the public streets.”; Sergeant v. Watson Bros. Transp. Co., 244 Ia. 185, 52 N.W.2d 86, 93 (1952)]

214. PROOF OF CLAIM, the term/word “false” as used and employed in law does not come from the common-law; and, is not synonymous with “un-lawful”; and, a false arrest is not one means of committing a false imprisonment. [See: Mahan v. Adams, 144 Md. 355, 124 A. 901, 904 (1924), which states: “False imprisonment is the unlawful restraint by one person of the physical liberty of another, and as here used the word ‘false’ seems to be synonymous with unlawful.”; Riley v. Stone, 174 N.C. 588, 94 S.E. 434, 440 (1917), which states: “False imprisonment is the unlawful and total restraint of the liberty of the person. The imprisonment is false in the sense of being unlawful. The right violated by this tort is ‘freedom of locomotion.’ It belongs historically to the class of rights known as simple or primary rights… The theory of law is that one interferes with the freedom of locomotion of another at his own risk.”]

215. PROOF OF CLAIM false imprisonment does not exist by words or acts, or both, which one fears to disregard, but also does not exist by such acts and measures that he cannot disregard. [See: Garnier v. Squires, 62 Kan. 321, 62 P. 1005, 1006 (1900), which states: “False imprisonment is necessarily a wrongful interference with the personal liberty of an individual. The wrong may be committed by words alone or by acts alone or by both, and by merely operating on the will of the individual, or by personal violence, or by both. It is not necessary that the wrongful act be committed with malice or ill will, or even with the slightest wrongful intention; nor is it necessary that the act be under color of any legal or judicial proceeding. All that is necessary is that the individual be restrained of his liberty without any sufficient legal cause therefore, and by words or acts which he fears to disregard.” Kroeger v. Passmore, 36 Mont. 504, 93 p. 805, 807 (1908)]

216. PROOF OF CLAIM, the un-lawful arrest and detention of***, a Private Citizen,*** without lawful authority is not one manner in which the category of those torts that un-lawfully deprive or interfere with the liberty of***, a Private Citizen,*** termed “false imprisonment” is committed. [See: Riegel v. Hygrade Seed Co., 47 F.Supp. 290, 294 (1942), which states: “False imprisonment has been well defined to be a trespass committed by one***, a Private Citizen,*** against the person of another, by unlawfully arresting and detaining him without any legal authority.”]

217. PROOF OF CLAIM, “false imprisonment” is not effectuated by the un-lawful arrest or detention of***, a Private Citizen,*** without warrant, or by an illegal warrant or a warrant illegally executed. [See: Noce v. Ritchie, 155 S.E. 127, 128 (W.Va. 1930), which states: “False imprisonment is the unlawful arrest or detention of a person, without warrant or by an illegal warrant, or a warrant illegally executed.”]

218. PROOF OF CLAIM, the tort, or wrong of “false imprisonment” does not occur the instant that***, a Private Citizen,*** is restrained in the exercise of his liberty and there is a reasonable length of time for a restraint before the tort can be claimed. [See: Sinclair Refining Co. v. Meek, 62 Ga.App. 850, 10 S.E. 76, 79 (1940), which states: ‘False imprisonment at common law and elsewhere consists in the unlawful detention of the person by another for any length of time, whereby he is deprived of his persona liberty.”, citing: 3 Bl.Comm. 127; 12 Am.&Eng.Ency.Law 721; 19 Cyc 319; Sergeant v. Watson Bros. Transp. Co., 244 Ia. 185, 52 N.W.2d 86, 92 (1952), which states: “False imprisonment is defined as an act which, directly or indirectly, is an illegal cause of confinement of another within boundaries fixed by the actor for any time, no matter how short in duration, makes the actor liable to the other.”]

219. PROOF OF CLAIM***, a Private Citizen,*** wronged by “false imprisonment” is not entitled to recover damages for ALL the natural and probable consequences thereof for the whole of the time he was un-lawfully/falsely imprisoned. [See: Knickerbockers Steamboat Co. v. Cusack, 172 F. 358, 360-361 (1905), which states: “The general rule of damages in cases of false imprisonment is that the person causing a wrongful imprisonment is liable for all the natural and probable consequences thereof. The plaintiff is entitled to recover damages for what the party wrongfully did… In Murphy v. Countiss, 1 Harr. (Del.) 143, in an action for trespass, assault and battery, and false imprisonment, the court held that the plaintiff could recover, not merely for the time the constable was bringing him to jail, but for the whole period of his imprisonment. And in Mandeville v. Guernsey, 51 Barb. (N.Y.) 99 the court said: ‘The arrest being wrongful, the defendant is liable for all the injurious consequences to the plaintiff which resulted directly from the wrongful act.’”; Meints v. Huntington, 276 F. 245, 248 (1921), citing Adler v. Tenton, 24 How. (U.S.) 407, 410 (1860)]

220. PROOF OF CLAIM, false imprisonment does not include an assault and battery; and, does not always, at least, include a technical assault. [See: Black v. Clark’s Greensboro, Inc., 263 N.C. 226, 139 S.E.2d 199, 201 (1964); State v. Robinson, 145 Me. 77, 72 A.2d 260, 262 (1950)]

221. PROOF OF CLAIM, the law does not specify or divide damages arising from torts for injury into two (2) types or classes; and, those two (2) types or classes are not “actual damages” and “punitive damages.”

222. PROOF OF CLAIM, “actual damages” are not compensation for the injury as would follow the nature and character of the act which would not include; inter alia, pain and suffering, physical discomfort, sense of shame, wrong, and outrage; and, such damages are not also termed “compensatory damages” as they compensate the injured***, a Private Citizen,*** for the actual injuries sustained and no more.

223. PROOF OF CLAIM, “punitive damages” are not those that grow out of the wantonness or atrocity; or aggravated by the act, of the act resulting in the injuries and sufferings that were intended, or occurred through malice, carelessness or negligence amounting to a wrong so reckless and wanton as to be without excuse; and, such damages are not also termed “exemplary damages.” [See: Ross v. Leggett, 61 Mich. 445, 28 N.W. 695, 697 (1886)]

224. PROOF OF CLAIM, anyone who assists or participates in an un-lawful arrest and or un-lawful imprisonment; e.g. Magistrate, Justice of the Peace, Judge, United States Attorney (or Assistant), Defense Attorney, United States Attorney General, County Prison Superintendent, Secretary of Corrections, Director of Federal Bureau of Prisons, Warden and/or Superintendent of the warehousing Correctional Institution, clerk, city, county, state, federal/national Government, and the like, is not equally liable for the damages arising from the injuries caused by said acts. [See: Cook v. Hastings, 150 Mich. 289, 114 N.W. 71, 72 (1907)]

225. PROOF OF CLAIM, “actual” or “compensatory damages” in actions/claims for false arrest/false imprisonment have not been established at 25,000 dollars per twenty-three (23) minutes, 1,600,000 million dollars per day; and, punitive damages may not be set by the injured party; and specifically the Undersigned as the injured party within the above referenced alleged Criminal Case/Cause. [See: Trezevant v. City of Tampa, 741 F.2d 336 (1984), wherein damages were set as 25,000 dollars per twenty-three 23 minutes in a false imprisonment case.]

226. PROOF OF CLAIM, the above cited case; i.e., Trezevant v. City of Tampa, cannot be utilized by the Undersigned in determining actual/compensatory damages should Respondent(s) agree the Undersigned has been falsely imprisoned; and, Respondent(s) can provide any valid, lawful, and reasonable objection as to why it should not, or cannot, be so utilized and applied in this matter.

227. PROOF OF CLAIM, the distinction between false imprisonment and malicious prosecution is not the right; in the former, which even a guilty***, a Private Citizen,*** has to be protected against any un-lawful restraint of his personal liberty and in the latter, the right of an innocent***, a Private Citizen,*** to be compensated in damages for an injury he may sustain when a groundless charge is brought against him, even though such charge may be presented and prosecuted in accordance with the strictest forms of law. [See: State v. Williams, 45 Ore. 314, 77 P. 965, 969 (1904)]

228. PROOF OF CLAIM, the aspects of malicious prosecution in a matter involving false imprisonment cannot be used in determining punitive damages in a false imprisonment action/claim.

229. PROOF OF CLAIM, the want of authority is not an essential element in an action/claim for false imprisonment; and, malice and want of probable cause are not the essential elements in an action/claim for malicious prosecution. [See: Roberts v. Thomas, 135 Ky. 63, 121 S.W. 961, 96 (1909)]

230. PROOF OF CLAIM, the defense for/against an action/claim of false imprisonment is not limited to showing that the arrest was pursuant to law; and, the one arresting had lawful authority to so act, thus, valid defense or proper justification for/against an action/claim of false imprisonment is not one asserting the legality of the arrest. [See: Marks v. Baltimore & O. R. Co., 131 N.Y.S.2d 325, 327, 284 App.Div. 251 (1954), wherein Justice Hand states: “The law watches personal liberty with vigilance and jealousy; and whoever imprisons another, in this country, must do it for a lawful cause and in a legal manner.”]

231. PROOF OF CLAIM, the arrest of the Undersigned in the above reference alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** was for a lawful cause; i.e., for a crime/public offense created and established by validly enacted statute/law originating from the sole legislative power/authority as created by express constitutional provisions clearly identified as such upon its face and properly, validly, and lawfully promulgated/published; and, was in a legal manner; i.e., pursuant to “due process of the law” as ordained by “the law of the land” through express constitutional provisions; and, executed by those with lawful authority; i.e., lawfully holding/occupying their “office” and thereby in lawful possession and use of the “powers” resident therein.

232. PROOF OF CLAIM, due to the high regards placed upon liberty by the law, not ALL imprisonments are deemed un-lawful until the contrary is shown; and a defense based upon the one who was arrested must prove the arrest/imprisonment was un-lawful in order to prevail in any process for relief and remedy can be used. [See: Earl of Halsbury, The Laws of England, vol. 38, 3rd ed., pt. 4, § 1266, p. 765, London (1962), which states: “The Plaintiff need not prove that the imprisonment was unlawful or malicious, but establishes a prima facie case if he proves that he was imprisoned by the defendant; the onus then lies on the defendant of proving a justification.”]

233. PROOF OF CLAIM, the only thing***, a Private Citizen,*** who has been arrested and imprisoned needs to claim and to prove is not one of two (2) things; which are: 1) The defendant made an arrest or imprisonment; or, 2) the defendant affirmatively instigated, encouraged, incited, or caused the arrest or imprisonment. [See: Burlington Transp. Co. v. Josephson, 153 F.2d 372, 376 (1946)]

234. PROOF OF CLAIM, the Undersigned has not up to this point within this Conditional **Acceptance for Value** for Proof of Claim, Item No. 511328-DKestablished his arrest and imprisonment at the hands, and by the acts, of ALL parties participating within the above referenced alleged Criminal Case/Cause; and, the un-lawful/false nature of said arrest and imprisonment within said Criminal Case/Cause.

235. PROOF OF CLAIM, should the Respondent(s) agree; expressly or through tacit acquiescence, with the facts contained within this Conditional **Acceptance for Value** for Proof of Claim, Item No. 511328-DKthey are not bound by their duty to correct this matter and provide relief and remedy to the Undersigned in this matter without delay; i.e., releasing the Undersigned, Undersigned’s corpus and person, along with ALL property of the Undersigned’s from the bonds of false imprisonment and restore the Undersigned to a state of liberty (freedom of locomotion), and completely expunging this matter from ALL Criminal Records, data bases, files, and the like no matter how stored.

236. PROOF OF CLAIM, the failure of Respondent(s) in exercising their duty in this matter as set-forth above, does not thereby; and therein, act to make Respondent(s) liable for the false arrest and false imprisonment of the Undersigned resulting from the above referenced alleged Criminal Case/Cause, jointly and severally.

237. PROOF OF CLAIM, it has not been held and well established in law that in false imprisonment processes for relief and remedy the defendant, in order to escape liability, must prove that he did not imprison the man, or he must justify the imprisonment; or, stated another way, the burden is upon the defendant to show that the arrest was by authority of law. [See: Southern Ry. Co. in Kentucky v. Shirley, 121 Ky. 863, 90 S.W. 597, 599 (1906), citing: 12 Am.&Eng.Ency.Law, 2d ed., p. 733; McAleer v. Good, 216 Pa. 473, 65 A. 934, 935 (1907); Mackie v. Ambassador Hotel & Inv. Co., 123 Cal .App. 215, 11 P.2d 3, 6 (1932); Jackson v. Knowlton, 173 Mass. 94, 53 N.E. 134 (1899), which states: “It was long ago said by Lord Mansfield: ‘A gaoler, if he has a prisoner in custody, is prima facie guilty of an imprisonment; and therefore must justify.’ Badkin v. Powel, Cowp. 476, 478. So, in Halroyd v. Doncaster, 11 Moore 440, it was said by Chief Justice Best: ‘Where***, a Private Citizen,*** deprives another of his liberty, the injured party is entitled to maintain an action for false imprisonment, and it is for the defendant to justify his proceedings by showing that he had legal authority for doing that which he had done.’”; Snyder v. Thompson, 134 Ia. 725, 112 N.W. 239, 241 (1907), which states: “In 2 Bishop on Criminal Procedure, § 368, it is said, ‘In matters of evidence, if the imprisonment is proved, its unlawfulness will be prima facie presumed; but authority may be shown by the defendant in justification.’”]

238. PROOF OF CLAIM, in cases of false imprisonment, the only essential elements of the action/claim for relief and remedy are not detention and its un-lawfulness, and that malice and the want of probable cause does need to be shown or are necessary to a proper cause of action for false imprisonment. [See: Sinclair Refining Co., v. Meek, 62 Ga.App. 850, 10 S.E.2d 76, 79 (1940) (authorities cited therein); Stallings v. Foster, 119 Cal .App.2d 614, 259 P.2d 1006, 1009 (1953); Thompson v. Farmer’s Exchange Bank, 333 Mo. 437, 62 S.W.2d 803, 811 (Mo. 1933). which states: “A lawful imprisonment does not become unlawful because of malicious motives nor does an unlawful detention become lawful because actuated by a laudable purpose or founded in good faith.”; McNeff v. Heider, 337 P.2d 819, 821 (Ore. 1958), which states: “In an action for false imprisonment, neither actual malice nor want of probable cause is an essential element necessary to a recovery of general damages.”]

239. PROOF OF CLAIM, un-lawful detention or imprisonment does become lawful because it was out of ignorance of the law. [See: Maxims of Law, ed. C.A. Weismann, 57f; 1 Coke 177; 4 Bouvier’s Institutes, n. 3828; 35 C.J.S., False Imprisonment, § 7, p. 630; Stembridge v. Wright, 32 Ga.App. 587, 124 S.E. 115 (1924), which states: “It is no defense that a person perpetrating an illegal arrest or imprisonment is ignorant of the legality of his acts.”; Kroeger v. Passmore, 36 Mont. 504, 93 P. 805, 807 91908), which states: “False imprisonment is treated as a tort, and also as a crime… If the conduct is unlawful, neither good faith, nor provocation, nor ignorance of the law is a defense to the person committing the wrong.”; Thiede v. Town of Scandia Valley, 217 Minn. 218, 231, 14 N.W.2d 400 (1944), which states: “As is the case of illegal arrests, the officer is bound to know these fundamental rights and privileges, and must keep within the law at his peril.”]

240. PROOF OF CLAIM, whereas a magistrate, Justice of the Peace, Judge, Attorney (Prosecuting/Defense), and arresting officers are ALL schooled, trained, and “licensed” to practice law, some more than others; and specifically as this matter relates to and bears upon said parties acting within the above referenced alleged Criminal Case/Cause, and therefore have superior knowledge of the law, said parties; and the Respondent(s), are capable or justified in claiming ignorance of the lawfulness and legality of the arrest of the Undersigned and subsequent imprisonment resulting therefrom within said Criminal Case/Cause; and, such an assertion would not thereby; and therein, operate to constitute said parties; and the Respondent(s), as unqualified and or unfit to practice law, and at the very least, in need of additional schooling/training.

241. PROOF OF CLAIM, in an action for false imprisonment, a record of conviction for the same offense for which the arrest was made is admissible. [See: Dunnell Minnesota Digest, 3rd ed., vol. 84, False Imprisonment, §1.06(c), citing: Wahl v. Walton, 30 Minn. 506, 16 N.W. 397 (1883)]

242. PROOF OF CLAIM, in an action/process for relief and remedy from false imprisonment such is not to be based solely upon the legality of the arrest; and, is to be based upon the filing of some complaint, or the proof of an alleged crime, or the results of some trial. [See: Coverstone v. Davis, 38 Cal.2d 315, 239 P.2d 876, 878 (1952), which states: “The finding of guilt in the subsequent criminal proceeding cannot legalize an arrest unlawful when made.”; Wilson v. Loustalot, 85 Cal.App.2d 316, 193 P.2d 127, 132 (1948); Stewart v. State, 244 S.W.2d 688, 690 (Tex.Civ.App. 1951)]

243. PROOF OF CLAIM, the argument of “official immunity” is a valid defense for public/Government agents when proceeded against for their own torts in an action/process for relief and remedy from a false imprisonment claim. [ Hopkins v. Clemson College, 221 U.S. 636, 642-643 (1910), which states: “But immunity from suit is a high attribute of sovereignty a prerogative of the State itself - which cannot be availed of by public agents when sued for their own torts.”; Johnson v. Lankford, 245 U.S. 541, 546 (1917)]

244. PROOF OF CLAIM, under the “doctrine of immunity” there have not been distinctions made between acts that are “discretionary duties” which one in the performance thereof is immune within, and acts which are” ministerial duties” which one in the performance thereof is liable for.

245. PROOF OF CLAIM, that a “law enforcement officer’s” official duty is not described as “ministerial,” when it is absolute, certain, and imperative, involving merely execution of a specific duty arising from fixed and designated facts; and, the same cannot be said of the official duty of a Magistrate, Justice of the Peace, Judge, United States Attorney (or Assistant), and an Attorney General. [See: Rico v. State, 472 N.W.2d 100, 107 (Minn. 1991)]

246. PROOF OF CLAIM, the act of arresting***, a Private Citizen,*** by a law enforcement officer, however termed/styled, is not a ministerial act; and, is a discretionary act.

247. PROOF OF CLAIM, the “due process of the law” argument in false imprisonment matters will not nullify the statutes, rules, regulations, ordinances, and the like as may be contained within the United States Code and elsewhere that are contrary to the common-law rule on arrest; and, a legislative act can abrogate what is “the law of the land.” [See: Muscoe v. Commonwealth, 86 Va. 443, 10 S.E. 534, 536 (1890), which states: “Arrest without warrant, where a warrant is required, is not due process of law; and arbitrary or despotic power no***, a Private Citizen,*** possesses under our system of Government.”]

248. PROOF OF CLAIM***, a Private Citizen,*** confined by virtue of a void warrant and thereupon imprisoned is not falsely imprisoned; and, the complainant, the prosecuting attorney, Magistrate, Justice of the Peace, and or Judge, who ordered said***, a Private Citizen,*** to be committed, along with the arresting officer who executed said void warrant, the jailer/warden/superintendent, and the like are not all liable for false imprisonment. [See: The State of Connecticut against Leach, 7 Conn.Rep. 452 (1829), which states: “A void process is no process. The complainant, the justice of the peace who ordered him to be committed, the sheriff who executed the pretended warrant, and the jailer who held him under it, are all liable for false imprisonment. This is the undoubted doctrine of the common law from the time of the Marshalsea case, 10 Co. 68 to this day.”]

249. PROOF OF CLAIM, the Constitution for the United States as the express document/instrument for the Government of the Original Jurisdiction does not reference genuine law.

250. PROOF OF CLAIM, there is not a difference between what is lawful and what is “legal”; as such term/word is employed/used by the present day civil authorities and their courts.

251. PROOF OF CLAIM, lawful does not mean in accordance with “the law of the land”; according to the law; permitted, sanctioned, or justified by law; and, is not dealing with the spirit; i.e., the substance, content, object of law; and, does not properly imply a thing conformable to or enjoined by law.

252. PROOF OF CLAIM, “legal” does not pertain to the understanding, the exposition, the administration, the science, and the practice of law; as, the legal profession, legal advice, legal blanks, newspaper, and the like.

253. PROOF OF CLAIM, “legal’ does not mean implied or imputed in law; and, is not opposed to actual; i.e., express, what is real, substantial, existing presently in act, valid objective existence as opposed to that which is merely theoretical or possible.

254. PROOF OF CLAIM, “legal” does not look more to the “letter” of the law; i.e., form, appearance, and shadow of the law.

255. PROOF OF CLAIM, “legal” is not more appropriate for conformity with positive rules of law; and, lawful is not more appropriate for accord with ethical principles.

256. PROOF OF CLAIM, “legal” does not import rather the forms (appearances) of law are observed, that the proceeding is correct in method, and rules prescribed (dictated) have been obeyed.

257. PROOF OF CLAIM, lawful does not import that the right is actful in substance, and that moral quality is secured.

258. PROOF OF CLAIM, “legal” is not the antithesis of equitable; and, is not the equivalent of “constructive”; i.e., that which has not the character assigned to it in its own essential nature, but acquires such character in consequence of the way in which it is regarded by a rule or policy of law; hence, inferred, implied, made out by “legal” interpretation.

259. PROOF OF CLAIM, a writ or warrant of arrest issuing from any court; and specifically the alleged court of record within the above referenced alleged Criminal Case/Cause, under “color-of-law” is not a “legal” process however defective.

260. PROOF OF CLAIM, “legal” matters do not administrate, conform to, and follow rules; and, are not equitable in nature; and, are not implied; i.e., presumed, rather than actual; i.e., express.

261. PROOF OF CLAIM, a “legal” process cannot be defective in law; and, the “legal” process within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not defective in law.

262. PROOF OF CLAIM, to be “legal,” a matter does follow the law; and, is required to follow the law; and, does not rather conform to and follow the rules or forms of law.

263. PROOF OF CLAIM, lawful matters are not ethically enjoined in “the law of the land” the law of the People and are not actual in nature, they are implied.

264. PROOF OF CLAIM, the proper and truthful definition and meaning of the term/word “legal” is not “color-of--law”; i.e. the appearance or semblance of law; without the substance, or right. [See: State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148]

265. PROOF OF CLAIM, “colorable” does not mean that which is in appearance only, and not in reality, what it purports to be; counterfeit, feigned, having the appearance only of truth. [See: Ellis v. Jones, 73 Colo. 516, 216 P. 257, 258]

266. PROOF OF CLAIM, “statutory jurisdiction” is not a “colorable” jurisdiction, created to enforce colorable contracts; and, is not legislative and administrative rather than judicial in nature; and, does not operate/function/exist to enforce commercial agreements based upon “implied consent” rather than contracts under the common law or “the law of the land.”

267. PROOF OF CLAIM, “public policy” does not equal Government policy; which does not equal corporate policy; which, does not equal commerce; which, does not equal Federal Reserve re-insurance policy; which, does not equal public credit/debt; which, does not equal commercial transactions of private enterprise; which, does not equal non-substance re-insurance script (Federal Reserve Notes [a note being evidence of debt]); which, does not function as “money” (currency) in a “colorable” admiralty/maritime jurisdiction.

268. PROOF OF CLAIM, a copyright symbol employed/used in the publication of written or recorded matter does not act/operate to give NOTICE that said printed/recorded matter is the private intellectual property - out of the public domain - of the copyright owner.

269. PROOF OF CLAIM, a copyright symbol employed/used in publication of “statute/law” books (“Codes”) as specifically employed/used in the printed publication of the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof does not act/operate to give NOTICE to all that the contents therein is the private intellectual property of the copyright owner, and out of the public domain.

270. PROOF OF CLAIM, a “statute/law” book (“Code”) placed under copyright such as the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof is not by virtue and operation of said copyright factually, substantially, and truthfully “private law” in support of a “private right” belonging to the copyright owner.

271. PROOF OF CLAIM, the Maxim of Law: Ignorance of the law is no excuse does apply to “private law” in support of a “private right”; and, that any man; and specifically the Undersigned as this relates to and bears upon the above referenced alleged Criminal Case/Cause, does have any duty, obligation, or compelling need to know the “private law” in support of a “private right” of any***, a Private Citizen,*** or person. [See: Freichnecht v. Meyer, 39 N.J.Eq. 551, 560]

272. PROOF OF CLAIM, that genuine, actual, true law of the People can be copyrighted.

273. PROOF OF CLAIM, any true public document of a de jure and de facto State or Nation has been, and can be under copyright; and, such are not in the public domain.

274. PROOF OF CLAIM, whereas ALL “statute/law” books (“Codes”) of the federal and state Governments; and specifically the United States, are copyrighted***, a Private Citizen,*** practicing law would not require a “letters patent” to practice said law within the present day courts; and said right to practice law is not a “property right” existing by virtue of “letters patent”; and, said patent is not the so-called “license” an attorney holds out as possessing to would be clients; and, without said patent, said man, would not be doing that which would otherwise be illegal, a trespass, or a tort. [See: Black’s Law Dictionary, Rev. 4th Ed., (1968), p. 1067 at LICENSE (cases cited); 168 A. 229; 114 N.J.Eq. 68]

275. PROOF OF CLAIM, whereas West Publishing Company holds out its firm as the copyright owner, the fact that said company is owned by The Thompson Group, LLC, LTD a publishing interest of The Crown, does not thereby; and therein, constitute and establish said “statute/law” books (“Codes”) known as The United States Code foreign owned “private law” in support of a “private right” of the actual copyright owner; i.e. The Crown. NOTE: The Thompson Group owns; inter alia, West Publishing Company; Barclays West Group; Bancroft Whitney; Clark Bordman, Callaghan; Legal Solictias; Rutter Group; Warren, Gorham & Lamont; Lawyers Co-op; Reed Elsevier owns; inter alia, Lexis; Deering Codes, rendering all such published “law” private, non-public domain, property of The Crown.

276. PROOF OF CLAIM, a “court of record” is not a judicial tribunal having attributes and exercising functions independently of the “person” of the Magistrate designated generally to hold it; and, does not proceed according to the course of common law; and, its acts and proceedings are not “enrolled”; i.e., to register; to make a record; to enter on the rolls of a court; to transcribe, for a “perpetual” memorial. [See: Ream v. Commonwealth, 3 Serg. & R. (Pa.) 209; Anderson v. Commonwealth, 275 Ky. 232, 121 S.W.2d 46, 47; Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc., Mass. 171, per shaw, C.J.]

277. PROOF OF CLAIM, a “court of record” is not the ONLY court that possesses the power to fine or imprison; and, “courts not of record” do possess the power to fine or imprison. [See: 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga. 24 F. 481; Ex parte Thistleton, 52 Cal. 225; Erwin v. U.S., D.C.Ga. 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231]

278. PROOF OF CLAIM, a “de facto court” is not a court established, organized, and exercising its judicial functions under authority of a “statute” apparently valid, but which may in fact be unconstitutional and afterward so adjudged; and, is not a court, which is established and acting under the authority of a “de facto Government.” [See: 1 Bl. Judgm. §173; In re Manning, 139 U.S. 504, 11 S.Ct. 624, 35 L.Ed. 264; Gildemeister v. Lindsey, 212 Mich. 299, 189 NW. 633, 635]

279. PROOF OF CLAIM, if a court is not a “court of record” it does have any power to fix and establish a “penalty”; i.e. a punishment established by law or authority for a criminal/public offense; and, does thereby; and therein, create any “penological interest” for others to claim; e.g., State and Federal Correctional Institutions.

280. PROOF OF CLAIM, “prison,” and “penitentiary” are not used synonymously. [See: State v. Delmonto, 110 Conn. 298, 147 A. 825, 826]

281. PROOF OF CLAIM, a “prison” or ‘penitentiary” is not a place of confinement of men for the purpose of “punishment.” [See: Millar v. State, 2 Kan. 175; Bowers v. Bowers, 114 Ohio St. 568, 151 N.E. 750, 751; State v. Rardon, 221 Ind. 154, 46 N.E.2d 605, 609]

282. PROOF OF CLAIM, the word/term “correctional”; as used in “State/Federal Correctional Institution,” does not mean discipline for the purpose of curing faults or bringing one into proper subjection.

283. PROOF OF CLAIM, the word/term “institution” does not denote a “public” establishment/corporation, which is created and exists by “statute” or “public authority” such as an asylum, charity, college, university, schoolhouse, and the like.

284. PROOF OF CLAIM, the alleged “court of record” within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** was and is in fact established and functioning as a valid and lawful “court of record” which proceeds according to the course of common law; and, whose acts and proceedings are “enrolled”; and, a court which does have power to fine and imprison and thereby; and therein, creating a “penological interest” of which may be claimed by The Department of Justice of the United States of America .

285. PROOF OF CLAIM, there does exist; this present day, any “courts of records” within the UNITED STATES.

286. PROOF OF CLAIM, a courts power to “punish” by fine or imprisonment does not ensue from a valid and lawfully enacted “statute(s)/law(s)” creating a real criminal/public offence; and, such “penal statutes/laws” do exist within the United States and the absence of such “penal statutes/laws” is not one of the reasons which “courts of record” do not exist within the United States as said courts; and specifically the alleged “court of record” within the above referenced alleged Criminal Case/Cause, is not proceeding according to the course of common-law, but merely upon the forms/shadow of that which formerly existed in spirit, substance, content, and actuality; i.e., expressly.

287. PROOF OF CLAIM, “prisons,” and “penitentiaries” do exist within the UNITED STATES wherein such are established for the purpose of “punishment” ensuing from valid and lawful “penal statutes/laws”; and, which may claim a “penological interest” in and from such statutes/laws.

288. PROOF OF CLAIM, a “penological interest” does exist for and within “State/Federal Correctional Institutions”; and specifically ALL those, which compose the Department of Justice/Federal Bureau of Prisons of the United States and such are not functioning/operating as disciplinarian asylums for the purpose of “treating/treatment” of presumed mental/emotional dysfunctions and re-indoctrination/programming to cure faults in the nature of social breaches in thought, action, behavior, and the like.

289. PROOF OF CLAIM, the inability of courts today; and specifically the alleged “court of record” within the above referenced alleged Criminal Case/Cause, to punish is not why the mental health laws were merged with the “Criminal Process” so as to allow the courts the ability to “treat”; and thereby confine those convicted/adjudged; i.e., in need thereof.

290. PROOF OF CLAIM, the alleged “court of record” within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** was not and is not established, organized, and exercising its judicial functions under authority of a statute; and, said statute is not unconstitutional; and, is not established and acting under authority; e.g., authority derived from a foreign “un/non-constitutional source of authority” of law, of a de facto Government; i.e., a Government not lawfully created, operating, functioning, and exercising its authority in accordance with and pursuant to the instrument/document of its creation which established and ordained the Government for the United States, i.e., the Original Jurisdiction as opposed to the UNITED STATES ; and, was not and is not exercising its judicial functions and authority as a “de facto court” of said de facto Government/authority.

291. PROOF OF CLAIM, the United States/UNITED STATES, is not a federal corporation; and, is not a “foreign corporation” with respect to the State. [See: Title 28 U.S.C., § 3002(15), in para materia Title 11 U.S.C., §109(a); 534 F.Supp. 724; 1 Marsh Dec. 177, 181; Bouvier’s Law Dictionary, 5th Ed.; Black’s Law Dictionary, 6th Ed.; 19 C.J.S., § 884, In re Merriam’s Estate, 36 N.Y. 505, 141 N.Y. 479, affirmed in U.S. v. Perkins, 163 U.S. 625]

292. PROOF OF CLAIM, the UNITED STATES is not a municipal for-profit corporation originally incorporated February 21, 1871, under the name “District of Columbia,” and Reorganized June 8, 1878, d.b.a. “UNITED STATES GOVERNMENT.” [See: 16 Stat. 419, ch. 62, 41st Congress, 3rd Session, “An Act to Provide a Government for the District of Columbia”; 20 Stat. 102, ch. 180, 45th Congress, 2nd Session, “An Act Providing a Permanent Form of Government for the District of Columbia.”]

293. PROOF OF CLAIM, the UNITED STATES is not a corporate entity operating/functioning in commerce as a bankrupt in Chapter 11 Reorganization wherein; and whereby, the Federal Government represented therein has been dissolved along with said corporations Sovereign Authority; and, the official capacities of all offices, officers, and departments, and said federal Government does not exist today in name only. [See: House Joint Resolution 192 of June 5, 1933, Pub. R. 73-10; Executive Orders 6072, 6102, 6111, and 6246; Senate Report 93-549; Cong. Rec., March 17, 1993, vol. 33, speaker: James A. Trafficant, Jr., which states in part: “Mr. Speaker. We are now here in Chapter 11. Members of Congress are official trustees presiding over the greatest reorganization in world history, the U.S. Government.... It is an established fact that the United States Federal Government has been dissolved by the Emergency Banking Act, March 9, 1933, 48 Stat. 1, Public Law 89-719, declared by President Roosevelt, being bankrupt and insolvent. H.J.R. 192, 73rd Congress in session June 5, 1933 - Joint Resolution to Suspend the Gold Standard and Abrogate the Gold Clause - dissolved the Sovereign Authority of all United States and the official capacities of all United States Government Offices, Officers, and Departments and is further evidence that the United States Federal Government exists today in name only…”]

294. PROOF OF CLAIM, this new “municipal corporation” d.b.a. UNITED STATES GOVERNMENT did not adopt the original organic Constitution for the United States of America as its corporate municipal charter. [See: 41st Congress’ Act(s), Session 3, ch. 62, p. 419, Sec. 34, February 21, 1871]

295. PROOF OF CLAIM, the location of the United States/UNITED STATES is not in the District of Columbia. [See: UCC 9-307(h); which states: “Location of United States is located in the District of Columbia.”; cf. Title 28 D. C. Code § 28.9-307(h)].

296. PROOF OF CLAIM, this Government for the “District of Columbia” was not abolished by Act of June 20, 1874; and, a temporary Government by “commissioners” was not thereby created and existed until the Act of June 11, 1878, wherein provision was made for the continuance of the “District of Columbia” as a “municipal corporation” controlled by the federal Government through these “commissioners”; and, said corporation is not subject to the ordinary rules that govern the law of procedure between private persons. [See: U.S. Rev. Stat. 1 Supp. 22; 7 D.C. 178; 132 U.S. 1, which states: “The sovereign power is lodged in the Government of the United States, and not the corporation of the district.”]

297. PROOF OF CLAIM, the term “United States” as used and employed within the Constitution for the United States of American***,*** at Article III Section 3, is not used in the plural; i.e., them, their; and, does not mean none other than the People of the “several states” and the National Government situated within the ten (10) mile square of the District of Columbia, its enclaves, forts, magazines, docks, and arsenals scattered abroad, under; and only under, said Constitution establishing and ordaining the Original Jurisdiction and the Government for same.

298. PROOF OF CLAIM, the term/word “State” does not mean a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States [See: UCC 9-102(a)(76); cf. Title 28 D.C. Code § 28.9-102(a)(76)]; and, a “state of the United States” is inclusive of the fifty freely associated compact states; i.e., the “several states,” but a “state of the United States” is not a corporate or corporately “colored” sub-franchise territorial State unit of the parent corporation; i.e., UNITED STATES.

299. PROOF OF CLAIM, the term “in this state,” “this state,” and “State” as employed/used within federal and state statutes/laws/ordinances/regulations/codes, and the like; and specifically as this relates to and bears upon the United States Code and ALL Titles thereof, and the two-capital-letter federal postal designation; e.g., AL, GA, KY AND NY and the five-digit ZIP; i.e., Zoning Improvement Plan, code are references to, and are inclusive of the freely associated compact union states; i.e. the “several states,” and are not rather terms, designations, and codes defining and referencing federal zones/territorial state units; and, are not defined for tax jurisdiction purposes as the “District of Columbia”; i.e., UNITED STATES, and accordingly “Georgia” is included in such terms, designations, and codes. [See: California Revenue & Taxation Code, §§ 6017, 11205, 17018, and 23034]

300. PROOF OF CLAIM, the “District of Columbia,” and the territorial district of the UNITED STATES are “states” within the meaning of the Constitution for the United States of America and the “Judiciary Act” so as to enable a citizen thereof to sue a citizen of one of the states in federal courts, and are not “states” as that word is used in treaties with foreign powers, with respect to the ownership, disposition, and inheritance of property. [See: 2 Cra. 445; 1 Wheat. 91; Charlt.R.M. 374; 1 Kent, Com. 349, which states: “However extraordinary it might seem to be, that the courts of the United States, which were open to aliens, and to the citizens of every state, should be closed upon the inhabitants of those districts [territories and the District of Columbia], on the construction that they were not citizens of a state, yet as the court observed, this was a subject for legislative and not judicial consideration.”; 182 U.S. 270; Bouvier’s Law Dictionary, Baldwin’s Student Edition, Banks - Baldwin Publishing Co. (1804), Cleveland, 1948), Complete Rev. Ed., p. 310]

301. PROOF OF CLAIM, if a nation comes down from its position of sovereignty and enters the domain of commerce, it does not submit itself to the same laws that govern individuals therein; and, does not assume the position of an ordinary citizen therein; and, can recede from the fulfillment of its obligations therein. [See: 74 F.R. 145, following 91 U.S. 398; Swanson v. Fuline Corp., 248 F.Supp. 364, 369 (U.S.D.C. Ore. 1965); Hart v. U.S., 95 U.S. 316, 24 L.Ed. 479; U.S. v. Fulton Distillery, Inc. 571 F.2d 923, 927 (C.A.5 1978)]

302. PROOF OF CLAIM, the united States did not stipulate to becoming “territorial state units of the UNITED STATES for receipt of benefits through the Social Security Act of 1935.

303. PROOF OF CLAIM, the several union States did not accommodate the federal bankruptcy through pledge of its faith and credit to the aid thereof at the Conference of Governors, March 6, 1933. [See: Declaration of Interdependence, January 22, 1937, Book of the States, vol. II, p. 144]

304. PROOF OF CLAIM, the walk-out of the seven (7) southern nation states from Congress March 27, 1861, without setting a day to reconvene or a vote of adjournment; thereby leaving Congress without a quorum, did not dissolve the de jure and de facto Congress of the United States of America, to which President Lincoln responded with force, reconvening Congress within a private military jurisdiction under martial law in his capacity as Commander-In-Chief; and, said Congress does not and is not operating/functioning in same capacity and under same authority to this present day.

305. PROOF OF CLAIM, the Post Civil War “Revisions” of the Constitutions of the freely associated compact union states; i.e., the “several states,” such as said revision of “this state’s” Constitution in 1874 and thereafter in 1968, did not alter said instruments specifically in one important area; i.e., abolishing the entire class of free “electors” and replacing them with the “elective franchise” (registered voters) in compliance with the “Public Trust”; i.e., the cestui que trust; i.e., a constructive trust; i.e., a trust which is a mixture of law and (not or) fraud as established within and under the purview of the XIVth Amendment to the federal corporate parents’ Charter/Constitution formerly adopted; or so alleged, February 27, 1871, thereby; and therein, extending said Public Trust to operate within the several states; and, said revisions of said constitutions did not thereby; and therein dissolve the General Assembly(s): as originally established and ordained, of all the states; and, such did not place these General Assemblies upon the same footing and within the same jurisdiction as that of the Congress wherein; and whereby, their constitutional identity as constitutionally created entities by law was not lost; and, did not cause same to lose all lawful Right, authority, and power to legislate upon any and all subjects for the People of the “several states”; which, did not cause the post civil war “revisions” of all the statutes/laws into “Codes” which did not act to remove the law and leave merely the form/shadow of same; i.e., the legal aspects standing.

306. PROOF OF CLAIM, the “revisions” of the state Constitutions as originally established and ordained, upon cessation of open hostilities of the Civil War in which were destroyed the entire class of “sovereign electors” and replaced by “registered voters” (theelective franchise), such did not destroy “sole proprietorships (or principal creditor ships of, by, and for the People); and, did not replace them with (artificial) corporate franchises under purview of the XIVth Amendment to the federal corporate municipal for-profit parent Government’s Charter/Constitution.

307. PROOF OF CLAIM, under the “Instrumentality Rule” the UNITED STATES is not and will not be responsible when the subservient corporation becomes exposed as a mere instrument and actually indistinct from the controlling corporation; i.e., the UNITED STATES; and, The Commonwealth of Texas/THE STATE OF TEXAS, also known by any and derivatives and variations in the spelling of said name, is not operating and functioning as a mere corporate instrument (sub-franchise compact territorial corporate state unit) of the UNITED STATES. [See: Taylor v. Standard Gas & Electric Co., 96 F.2d 693, 704 (C.C.A. Okl.); National Bond Finance Co. v. General Motors Corp., 238 F. Supp. 248, 255 (D.C.Mo.); Dyett v. Turner, Warden Utah State, 439 P.2d 266, 267 (Utah 1967), which states: “The United States Supreme Court, as at present constituted, has departed from the Constitution as it has been interpreted from its inception and has followed the urgings of social reformers in foisting upon this Nation laws which even Congress could not constitutionally pass. It has amended the Constitution in a manner unknown to the document itself. While it take three fourths of the states of the Union to change the Constitution legally, yet as few as five men who have never been elected to office can by judicial fiat accomplish a change just as radical as could three fourths of the states of this Nation. As a result of the recent holdings of that Court, the sovereignty of the states is practically abolished, and the erstwhile free and independent states are in effect and purpose merely closely supervised units in the federal system.”]

308. PROOF OF CLAIM, the doctrine of “equal standing” in law and the Maxim of Law: “Disparata non debent jungi” (Dissimilar things ought not to be joined), does not make it perfectly clear that only parties of equal standing can communicate in law.

309. PROOF OF CLAIM, a judgment is not “void for uncertainty” if it fails to identify the parties for and against whom it is rendered with such certainty that it may by readily enforced. [See: 46 Am.Jur.2d, Judgments, §100, which states: “A judgment should identify the parties for and against whom it is rendered, with such certainty that it may be readily enforced, and judgment which does not do so may be regarded as void for uncertainty…”]

310. PROOF OF CLAIM, the all-capital-letter “named” defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not a corporate franchise. [See: Black’s Law Dictionary, Rev. 4th Ed., p. 408 at CORPORATE FRANCHISE]

311. PROOF OF CLAIM, the all-capital-letter “named” defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not an “idem sonans”; i.e. sounding the same or alike, as with the name of the Undersigned. [See: ibid., p. 880 at IDEM SONANS]

312. PROOF OF CLAIM, the all-capital-letter “named” defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** does not represent and is not a “legal name”; i.e., the name of the “legal person” recognized in law. [See: ibid., p. 1040 at LEGAL NAME]

313. PROOF OF CLAIM, a “legal name”; as this relates to and bears upon the “named” defendant within the above referenced alleged Criminal Case/Cause, is not a name constructed upon the “form” and “shadow” of “true name,” but without the substance, value, spirit, essence, and the like; and, “legal names” are not the ONLY names recognized, and capable of being recognized, in law today; and, do not denote, identify, and reference “artificial persons.”

314. PROOF OF CLAIM, a “legal name”; and specifically as this relates to and bears upon the “named” defendant in the above referenced alleged Criminal Case/Cause, is not written in “legalese”; i.e., a language foreign to and constructed outside the bounds of English grammar.

315. PROOF OF CLAIM, the all-capital-letter “named” defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not a “juristic person”; i.e. a “person”; i.e., an “artificial person”; i.e., a “legal person”; i.e. an entity, such as a corporation, created by law [Birth Registration Acts of the various corporate sub-franchise compact territorial state units] and given certain “legal rights [grants/benefit/privileges] and duties of a ***human, a Private Citizen,*** being; a being, real or imaginary, who for the purpose of legal reasoning is treated more or less as a ***human, a Private Citizen,*** being and also termed a “fictitious person,” “juristic person,” and “legal person.” [See: Black’s Law Dictionary, 7th Ed. at PERSON, sub-head ARTIFICIAL PERSON]

316. PROOF OF CLAIM, the term “in propia persona”; i.e., “in one’s own person,” does not tacitly; if not expressly, declare and affirm that there is some other “person” by whom and through whom one can/may act; and, such other “person” is not a corporate “person” (persona).

317. PROOF OF CLAIM, the all-capital-letter “named” defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** does not exist only by force of or in contemplation of law; i.e., solely within the imagination having no actual existence.

318. PROOF OF CLAIM, the all-capital-letter “named” defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not a “dummy”; i.e., a sham; make believe; pretended; imitation; straw***, a Private Citizen,*** who serves in place of another, or who serves until the “proper person” is named or available to take its place; e.g., as in dummy corporate officers, dummy owners of real estate; and, when its name is called in court; and specifically as this relates to and bears upon the “named” defendant within the above referenced alleged Criminal Case/Cause, and a living, breathing flesh-and-blood “real” man; e.g.***,*** the Undersigned, answers believing said “name” to be his own “true name,” said “proper person” is not thus found, available, and thereby; and therein, “joined”; without notion all-be-it through fraud. [See: Black’s Law Dictionary, Rev. 4th Ed, (1968), p. 591 at DUMMY]

319. PROOF OF CLAIM, the all-capital-letter “named” defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not a “dummy corporation”; i.e. a corporation formed for sham purposes and not for conducting legitimate business; e.g., to avoid “personal liability;” and as this relates to and bears upon the above referenced alleged Criminal Case/Cause, to establish the obligation for payment of fines, fees, and specific performance as that of the Undersigned’s as an “accommodation party,” and “surety” for the Principal; i.e., the all-capital-letter “named” defendant in said Criminal Case/Cause. [See: Black’s Law Dictionary, 6th Ed. at DUMMY CORPORATION; UCC 3-419, cf, Title 13, Pa.C.S., §3419; also see: SURETY, VOLUNTARY SURETY, CO-SURETIES, CO-SURETY, SURETY SHIP, BAIL, GUARANTOR, NOVATION, IN SOLIDIO (SOLIDIUM), INVOLUNTARY SURETY SHIP, SURETY SHIP BY OPERATION OF LAW, VOLUNTARY SURETY SHIP in any Law Dictionary of your choosing; UCC 1-201(40), cf. Title 28 D.C. Code § 28.1-201(40)].

320. PROOF OF CLAIM, the all-capital-letter “named” defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not an “ens legis”; i.e., a creature of the law; an artificial being, as contrasted with flesh-and-blood, real, sentient***, a Private Citizen,*** such as the Undersigned, applied to corporations, and considered as deriving their existence entirely from the law. [See: Black’s Law Dictionary Rev. 4th Ed., (1968), p. 624 at ENS LEGIS]

321. PROOF OF CLAIM, the all-capital-letter “named” defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not a “fictitious name”; i.e., a counterfeit, feigned, or pretended name, differing in some particular essential from a man’s “true name,” with the implication that it is meant to deceive or mislead, consisting of a Christian name and patronymic (name of the house/father/family; surname). [See: ibid., p. 751 at FICTITIOUS NAME]

322. PROOF OF CLAIM, a “fictitious name” is not the opposite of a “true name” of a man; e.g., the Undersigned’s “true name” as shown herein below; and, said “fictitious name” is not created by Public Policy of the corporate UNITED STATES at the time of a man’s birth and “brought wholly into separate existence” via the man’s birth record/document/instrument thereby; and therein “christening” said “corporate franchise” as a commercial “vessel” under UNITED STATES registry.

323. PROOF OF CLAIM, the all-capital-letter “named” defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not an “individual” as such word/term is used/employed in State and Federal statutes/laws; and, is not defined as a “citizen of the United States”; and, said definition is not a reference to the XIVth Amendment of the corporate UNITED STATES Charter/Constitution; and, said reference does not denote said “named” individual as that of a “trust entity.” [See: Title 5 U.S.C., § 552a(a)(2)]

324. PROOF OF CLAIM, that where a federal definition of a term/word exists and is provided, such definition does not supersede any and all definitions given for the same term/word within the sub-franchise compact territorial state units.

325. PROOF OF CLAIM, the all-capital-letter “named” defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not a “legal fiction”; i.e. something “assumed” to pretend, to accept without proof, an “assumption” created by the imagination which; without that irksome necessity for proof, allows for truth to be a lie, and a lie to be the truth, establishing essentially the “Doctrine of Pretending,” based on pretense, lies, deceit, and dissembling; i.e., to conceal or disguise the true nature of so as to deceive, and to conceal one’s true nature; i.e., to act hypocritically.

326. PROOF OF CLAIM, “recognized in law” as applied to these “legal names” of “legal persons” and employed/used within the courts; and specifically the alleged “court of record” within the above referenced alleged Criminal Case/Cause, and legal system today does not mean “existing by force of or in contemplation of law.”

327. PROOF OF CLAIM, the all-capital-letter “named” defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** does not reference and identify a “public vessel”; i.e., one owned and used by the a nation or Government for its public service; e.g., within its revenue service. [See: Black’ Law Dictionary, Rev. 4th Ed., p. 1737 at PUBLIC VESSEL]

328. PROOF OF CLAIM, “public” is not the vast multitude, which includes the ignorant, the unthinking, and the credulous; and, does not reference and identify ONLY “artificial persons” which possess no brain nor intelligence; and, the “public” of the UNITED STATES is not comprised solely of such “artificial persons”; and, Public Law/Policy; State/Federal, does not operate solely upon said “persons.”

329. PROOF OF CLAIM, a “vessel” in admiralty law is limited to ships or “vessels” engaged in commerce; and, in admiralty the “names” of “vessels” are not designated in all-capital-letter format/style; and the all-capital-letter “named” defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** does not represent and identify a “vessel” in admiralty in which all jurisdiction ensues, flows, and arises from “contract, real or presumed, expressed or implied, revealed or unrevealed.

330. PROOF OF CLAIM, the all-capital-letter “named” defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not referencing and identifying a “straw man” (stramineus homo); i.e., an artificial person created by law having a fictitious name, existing only by force of or in contemplation of law, a distinct “legal entity” (corporate) that benefits the creator; i.e., UNITED STATES, allowing the creator to accomplishing things in the name of the “straw man” that would not otherwise be permitted.

331. PROOF OF CLAIM, the word/term “transmit” does not mean to convey, send, transfer, or to pass along as used and employed within the current present day legal profession and courts.

332. PROOF OF CLAIM, the word / term “utility” in patent law does not mean “Industrial value; the capability of being so applied in practical affairs as to prove advantageous in the ordinary pursuits of life, or add to the enjoyment of mankind.” [See: Calison v. Dean, C.C.A.Okl., 70 F.2d 55, 58]

333. PROOF OF CLAIM, the word/term “utility” is not further defined as having some beneficial purpose; and, the degree of “utility” is material. [See: Rob. Pat. § 339; Gibbs v. Hoefner, 19 F. 323]

334. PROOF OF CLAIM, “goods” and “services” from the public venue are not solely accessed; i.e., “transmitted” for billing purposes, in an all-capital-letter formatted name.

335. PROOF OF CLAIM, the all-capital-letter “named” defendant in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not a “transmitting utility” i.e., a conduit acting as a nexus between the public venue and***, a Private Citizen,*** e.g., the Undersigned, and thereby evidencing an industrial value so applied in practical affairs as to prove advantageous and beneficial.

336. PROOF OF CLAIM, the word/term “person” as used/employed in the legal system and science thereof today is not a “general word” which includes in its scope a variety of entities other than “***human, a Private Citizen,*** beings.” [See: Church of Scientology v. U.S. Dept. of Justice, 612 F.2d 417, 425 (1970); cf. Title 1, U.S.C., § 1].

337. PROOF OF CLAIM, the word/term “person” cannot be limited by the statutory rule of construction “noscitur a sociis,” which teaches that the meaning of a word in a statute may be determined by reference to its association with other words or phrases. [See: 2A C. Sands, Sutherlands Statutes and Statutory Construction ss 47.16, 4th ed., 1973; Lenhoff v. Birch Bay Real Estate, Inc., 587 P.2d 1087 (1978)]

338. PROOF OF CLAIM, the statutory rule of construction “ejusdem generis” is not an illustration of a broader rule of statutory construction “noscitur a sociis.” [See: State v. Western Union Telegraph Co., 196 Ala. 570, 72 So. 99, 100]

339. PROOF OF CLAIM, the general word/term “person” as applied to the statutory rule of construction “ejusdem generis” is to be construed/interpreted in its widest extent wherein it follows an enumeration of “persons” or “things” by words of a particular and specific meaning; and, is not rather to be held as applying ONLY to “persons” or “things” of the same general kind or class as those specifically mentioned; and, such specific terms do not modify and restrict interpretation of the general term. [See: Black, Interp. of Laws, 141; Goldsmith v. U.S., C.C.A.N.Y.***,*** 42 F.2d 133, 137; Aleksich v. Industrial Accident Fund, 116 Mont. 69, 151 P.2d 1016, 1021; King County Water Dist. 68 v. Tax Commission, 58 N.W.2d 282, 284 (1951); Dean v. McFarland, 81 Wash.2d 215, 221, 500 P.2d 1244 (1972)]

340. PROOF OF CLAIM, the origin of the general word/term “person” as defined, fixed, known, used, and employed in the legal system and science of law today is not a “mask an actor wears,” and is not the true, correct, and complete signification of said word/term in said system and science. See: Merriam Webster’s Collegiate Dictionary, Tenth Edition, 1999, p. 867 (etymology), which states: “ME, fr. O.F. persone, fr. L. persona actor’s mask, character in a play, person, prob. fr. Etruscan phersu mask, fr. Gk prosopa, pl. of prosopon face, mask more at PROSOPOPOEIA”;

341. PROOF OF CLAIM, under the rule of construction “expressio unius est exclusio alterius” (expression of one thing is the exclusion of another); and specifically as this rule of construction relates to and bears upon the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, where a statute or Constitution/Charter enumerates the things on which it is to operate or forbids certain things, it is not to be construed/interpreted as excluding from its operation all those not expressly mentioned. [See: Co. Litt. 210a; Burgin v. Forbes, 293 Ky. 456, 169 S. W. 2d 321, 325; Little v. Town of Conway, 171 S. C. 27, 170 S. E. 447, 448; cf. “Inclusio unius est exclusio alterius,” Burgin v. Forbes, supra]

342. PROOF OF CLAIM, a “person” or “any person” as employed and used in statutes today; and specifically within the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, is not merely a corporation/corporately colored entity, which exists merely by force of or in contemplation of law; i.e., solely within the mind and imagination of a man.

343. PROOF OF CLAIM, the general term “person” or “any person”; and specifically within the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, does include and does apply and refer to a man; i.e., a living, breathing, flesh-and-blood ***human, a Private Citizen,*** being.

344. PROOF OF CLAIM, the general word/term “person” or “any person” as used and employed in statutes today; and specifically within the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, does not exclude a man; i.e., a living, breathing, flesh-and-blood ***human, a Private Citizen,*** being from inclusion within the operation of the statute.

345. PROOF OF CLAIM, whereas a “natural person” is defined as a “***human, a Private Citizen,*** being” [See: Black’s Law Dictionary, Rev. 4th ed., 1968, p. 1300 at “PERSON”], a term not defined within any Law Dictionary the Undersigned has researched, i.e., “***human, a Private Citizen,*** being,” and a “person” being a general term which includes every natural person, firm, co-partner-ship, corporation, association, or organization which is restricted in its interpretation by the specific word/term “corporation,” statutes employing and using the term “person” or “any person”; and specifically as this relates to and bears upon the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, is not restricted in its interpretation to that of some form, kind and style of corporate (artificial) entity through such rules of construction as; inter alia, “noscitur a sociis,” “ejusdem geris,” and “expressio unius est alterius,” thereby; and therein, excluding “natural person” (***human, a Private Citizen,*** beings) from the operation of said statute.

346. PROOF OF CLAIM, it is not the nature of Law that what One creates, One controls.

347. PROOF OF CLAIM, this principle of Law; i.e., that what One creates, One controls, is not the natural Law, which binds a creature to its Creator.

348. PROOF OF CLAIM***, a Private Citizen,*** is not a creature of a Creator.

349. PROOF OF CLAIM, man’s Creator is not Jehovah the Living God (YHWH/JHVH); and***, a Private Citizen,*** is not created in His image; and, He, Jehovah the Living God (YHWH), is not spirit; and, His image (likeness) is not spiritual; and***, a Private Citizen,*** is not therefore a spiritual entity in possession of a physical body. See: Genesis, Ch. 1, vss. 26-27; Genesis, ch. 2, vss. 21-25; John 4:24; Q. 15:28-29, Q. 19:67; Q. 22:5, Q. 23:12-14, Q. 32:7-9, Q. 38:71-72, Q. 51:56.

350. PROOF OF CLAIM, that***, a Private Citizen,*** as a creature of Jehovah the Living God (YHWH/JHVH), He and He alone does not by Right of Creation have authority and power to control man.

351. PROOF OF CLAIM, the word/term “natural” as used/employed within the legal profession, science thereof, and present day courts is not defined and to be understood in its vernacular; and, such definition is not “present in or produced by nature”; i.e., the physical/natural world and its “phenomena”; i.e., the laws of nature.

352. PROOF OF CLAIM, the word/term “natural” and “nature” do not share the same Latin origin; i.e., nasci, to be born.

353. PROOF OF CLAIM, “to be born” of natural phenomena (the laws of nature present in or produced by nature (the physical/natural world) in accordance with and pursuant to the laws of nature (natural/physical phenomena) is not an act whereby that which is born is brought into life or being within the physical/natural world.

354. PROOF OF CLAIM, in Riegel v. Hygrade Seed Co., the court did not strongly infer a clear distinction between a “man” and a “person”; and a difference does not exist between; and in, said words/terms as used/employed within the legal profession, science thereof, and present day courts as operating/functioning presently. [See: Riegel v. Hygrade Seed Co., 47 F.Supp. 290, 294 (1942), which states: “False imprisonment has been well defined to be a trespass committed by one***, a Private Citizen,*** against the person of another,...”]

355. PROOF OF CLAIM, if Respondent(s) agree expressly or otherwise, that***, a Private Citizen,*** is a spiritual being in possession and use of a physical/natural body, said body is not operating/functioning, and existing as a vessel, a shell, a mask through which; and by which***, a Private Citizen,*** communicates, interacts, and interfaces with; and within, the physical/natural world around him during his physical/natural sojourn within the physical/natural world.

356. PROOF OF CLAIM, it is not man’s physical/natural body, which through the act of birth is born of natural/physical phenomena (laws of nature) present in or produced of nature (physical/natural world) in accordance with and pursuant to the laws of nature (natural/physical phenomena), and thereby; and therein, born; i.e., brought, into life and being within the physical/natural world.

357. PROOF OF CLAIM, man’s physical/natural body is not by Divine design, function, operation, and definition a “person” as such word/term is used/employed within the legal profession, science thereof, and present day courts.

358. PROOF OF CLAIM, it is not man’s physical /natural body upon which***, a Private Citizen,*** commits a trespass against the “person” of another through the act of false imprisonment; and***, a Private Citizen,*** can falsely imprison, arrest, detain, restrain, search, and the like the “person” or anything other than a “person” physically/naturally existing within the physical/natural world.

359. PROOF OF CLAIM, man’s physical/natural body is not a “natural person”; and, is not the object defined by said word/term as used/employed within the legal profession, science thereof, and present day courts.

360. PROOF OF CLAIM, a statute(s)/law(s); and specifically those contained within the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, which use/employ the word/term “person” are referring to and identifying a “natural person”, as opposed to a “corporate/artificial person” which is birthed (berthed) solely within the imagination/mind of***, a Private Citizen,*** and therein brought wholly into separate existence by force of or in contemplation of law; and, by thus far covered rules of statutory construction, statute(s)/law(s) should not expressly and specifically use/employ the word/term “natural person” if operation of said statute(s)/law(s) are meant to operate over and upon said specific “person”; and, the all-capital-letter “named” defendant within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is a “natural person.”

361. PROOF OF CLAIM, that as the General Assembly (legislature) of the corporate compact territorial unit d.b.a United States of America did not create the man; and specifically as this relates to and bears upon the Undersigned; nor another form, style, kind, and type of corporate juridical construct, it does possess and does have any authority to control***, a Private Citizen,*** based upon real or presumed Right of Creation which acts to bind said***, a Private Citizen,*** to said juridical construct.

362. PROOF OF CLAIM, that to get around this issue of Right of Creation and control the man, the General Assembly (legislature) of the corporate compact territorial unit d.b.a. United States of America did not create an “office of person,” an “office” within its corporate structure and venue, which by Right of Creation it controls and regulates.

363. PROOF OF CLAIM, that the corporate compact territorial unit d.b.a. United States of America does not through employment and use of empty, fictitious, and false inducements disguised as benefits, privileges, immunities, grants, and the like backed by threats, duress, and coercion; e.g., “you may not drive, fish, hunt, marry, operate a business, work; in short, live, without a license (permission to do that which would otherwise be illegal) or you will be fined, go to jail, or both,” thereby; and therein, inducing a living, breathing, flesh-and-blood***, a Private Citizen,*** into contract and to occupy/hold the “office of person” created by the General Assembly (legislature) of said corporate construct State and thereby; and therein, control the***, a Private Citizen,*** through said “office of person”; which, by Right of Creation it controls and regulates.

364. PROOF OF CLAIM, that where this control over***, a Private Citizen,*** by the corporate compact territorial unit d.b.a. United States of America is achieved by the***, a Private Citizen,*** occupying/holding the “office of person” and bound thereby; and therein, through nexus of contract, there are not a plethora of administrative agencies, departments, bureaus, and the like; along with countless sub-whatever’s therein, operating as “sources of authority” and effectively legislating so-called laws into existence operating over and upon said “office of person” wherein the***, a Private Citizen,*** is bound through nexus of contract and effectively and completely controlled and regulated.

365. PROOF OF CLAIM, that this legislatively created State/Federal “office of person” is not a mask, a corporate mask/person***,*** a fictional device of artifice created solely for the ability of the corporate compact territorial unit d.b.a. United States of America to accomplish the presumed “voluntary enslavement and servitude (achieved through fraud and deceit of gross proportions) of the***, a Private Citizen,*** wearing the mask.

366. PROOF OF CLAIM, “residency” within the corporate compact territorial unit d.b.a. United States of America is not a requirement for eligibility of benefits, privileges, immunities, grants and the like from said corporate juridical construct; i.e., United States of America.

367. PROOF OF CLAIM, the “office of person” is not a sub-set/class of “resident.”

368. PROOF OF CLAIM, a living, breathing, flesh-and-blood***, a Private Citizen,*** does not step into, take up, and hold the “office of person” by taking up “residency” within the corporate compact territorial unit d.b.a United States of America thereby; and therein, donning the mask of a “person” within the venue and jurisdiction of said State juridical construct.

369. PROOF OF CLAIM, “residency” is not defined as a “factual” place of abode; living in a particular locality, and requiring only bodily presence as an “inhabitant” of a place. [See: Reese v. Reese, 179 Misc. 665, 40 N.Y.S. 2d 468, 472; Zimmer***, a Private Citizen,*** v. Zimmerman, 175 Or. 535, 155 P. 2d 293, 295; In re Campbell Guardianship, 216 Minn. 113, 11 N.W. 2d 786, 789]

370. PROOF OF CLAIM, “locality’ is not defined as a definite region in any part of space; a geographical position. [See: Warnock v. Kraft, 30 Cal App. 2d 1, 85 P. 2d 505, 506]

371. PROOF OF CLAIM, “space” is not defined as the infinite extension of the three-dimensional - i.e., having height, breadth, and depth field of everyday life. See: The American Heritage Dictionary, Second College Edition, 1982, p. 1169.

372. PROOF OF CLAIM, “inhabitant” is not defined as One who resides actually and permanently in a given place, and has his domicile there. [See: Ex parte Shaw 12 S. Ct. 935, 145 U.S. 444, 36 L. Ed. 768; The Pizarro, 2 Wheat. 245, 4 L. Ed. 226]

373. PROOF OF CLAIM, “residency” is not therefore a “real” geographical location, region, or position existing within three-dimensional space in which a living, breathing, flesh-and-blood man; possessing a body, may bodily be present in a fixed and permanent manner wherein is his domicile and thereby; and therein, constitutes him an inhabitant.

374. PROOF OF CLAIM, a living breathing, flesh-and-blood man; and specifically as this relates to and bears upon the Undersigned, can take up “residence” and bodily inhabit the artificial/fictional juridical construct of the corporate compact territorial unit d.b.a. United States of America which exist solely within the mind/imagination of***, a Private Citizen,*** by force of or in contemplation of law.

375. PROOF OF CLAIM, a living, breathing, flesh-and-blood man; and specifically as this relates to and bears upon the Undersigned and the above referenced alleged Criminal Case/Cause, does not need to hold/occupy an “office” within the corporate compact territorial unit d.b.a. United States of America; e.g., “office of person,” for said corporate juridical construct’s General Assembly (legislature) to regulate and control said man.

376. PROOF OF CLAIM, the right and authority of the General Assembly (legislature) of the corporate compact territorial unit d.b.a. United States of America to regulate and control living, breathing, flesh-and-blood man; and specifically as this relate to and bears upon the Undersigned through operation of the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof as in above referenced Criminal Case/Cause, which is not occupying/holding any “office”; e.g., “office of person,” within the corporate Federal juridical construct is not also prohibited by the Bill of Rights contained within the Charter of said construct. [See: Constitution of/for the United States of America (1789, as amended 1791) articles in amendment I---XIII]

377. PROOF OF CLAIM, whereas the XIIIth Amendment to the Constitution/Charter of the federal municipal for-profit corporate Government juridical construct d.b.a. UNITED STATES prohibits involuntary slavery and servitude; voluntary slavery and servitude are prohibited by this same Amendment. [See: U.S. Const., XIIIth Amendment, Sec. I, cf. XIVth Amendment, Sec. I]

378. PROOF OF CLAIM, the corporate compact territorial unit’s d.b.a. United States of America manner of inducing a living, breathing, flesh-and-blood***, a Private Citizen,*** into occupying/holding the “office of person” within said construct; i.e., fraud, deceit, artifice, threats, duress, coercion, and the like, does not constitute involuntary slavery and servitude prohibited by its parent corporate juridical Government construct’s Charter, and does not thereby; and therein, constitute “ultra vires” acts; i.e., acts beyond the scope of the powers of a corporation, as defined by its Charter or act of incorporation, which applies not only to acts prohibited by its Charter, but acts which are in excess of powers granted and not prohibited. [See: State ex rel. v. Houston Trust Co., 168 Tenn. 546, 79 S.W. 2d 1012, 1016; State ex rel. Supreme Temple of Pythian Sisters v. Cook, 234 Mo. App. 898, 136 S.W. 142, 146; Community Federal Sav. & Loan Ass’n of Independence, Mo. v. Fields, C.C.A. Mo., 128 F. 2d 705, 708; In re Grand Union Co., C.C.A.N.Y., 219 F. 353, 363; Staake v. Routledge, 111 Tex. 489, 241 S.W. 994, 998; Pennsylvania R. Co. v. Minis, 120 Md. 461, 496, 87 A. 1062, 1072]

379. PROOF OF CLAIM, a “crime” and the allegation thereof; and specifically as this relates to and bears upon the above referenced alleged Criminal Case/Cause, is not by definition an offense committed against the “state” and an offense committed against a living, breathing, flesh-and-blood***, a Private Citizen,*** is not by definition a “tort,” which may be; inter alia, in the nature of a personal injury, slander, or defamation of character. [See: Wilkins v. U.S. C.C.A.Pa., 96 F. 837, 37 C.C.A. 588; People v. Williams, 24 Mich. 163, 9 Am. Rep 119]

380. PROOF OF CLAIM, a “crime” is not those wrongs, which the Government notices as injurious to the “public,” and punishes in what is called a “criminal proceedings,” in its own name. [See: 1 Bish.Crim.Law, §43; In re Jacoby, 74 Ohio App. 147, 57 N.E.2d 932, 934, 935]

381. PROOF OF CLAIM, the distinction between a “crime” and a “tort” is not that the former is a “breach” and violation of the public right and duties due to the whole community considered as such, and in its social aggregate.

382. PROOF OF CLAIM, the “public,” “community,” “social aggregate,” and the like which comprises the United States of America is not composed solely of “artificial persons,” ens legis corporate entities in the form of some “office”; e.g., “office of a person,” “resident,” “citizen,” and the like operating, functioning, and existing as a mask worn by a living, breathing, flesh-and-blood***, a Private Citizen,*** as an actor within the venue and upon the stage of the corporate juridical construct and bound thereto; and therein, through nexus of contract with said corporate State/Federal juridical construct; and, said “public,” “community,” “social aggregate,” and the like is composed of living, breathing, flesh-and-blood men.

383. PROOF OF CLAIM, a living, breathing, flesh-and-blood man; and specifically the Undersigned in relation to the above referenced alleged Criminal Case/Cause, can commit a “crime” or “public offense,” and can cause an injury to an artificial corporate entity existing only within the mind/imagination of***, a Private Citizen,*** by force of or in contemplation of law and, a “breach” of the public right and duties due which would constitute a “crime” or “public” offense or would be “injurious” to the public and therefore is punished in the name of the UNITED STATES is not and must not ensue from contract; e.g., between the Undersigned and the UNITEDSTATES binding the Undersigned to the corporate policy and therefore liable for “breaches” thereof on the part of the Undersigned.

384. PROOF OF CLAIM, whereas a living, breathing, flesh-and-blood***, a Private Citizen,*** cannot commit a “crime,” “public offense,” or injury against an artificial corporate Government juridical construct, its “public,” “community,” “social aggregate,” and the like which solely exist as artificial entities and without tangible substance or actual existence; and specifically as this relates to the United States and the Undersigned, a conviction, sentence, commitment, and term of imprisonment for a non-existent “crime” or “public offense” which cannot possibly be carried out does not constitute involuntary slavery and servitude in violation of the parent corporate Government’s Charter at the XIIIth and XIVth Amendments thereto; and, does not therein; and thereby, constitute “ultra vires” acts on the part of said Government actors/agents involved therein.

385. PROOF OF CLAIM, all political power is not inherent in the “People”; and, the use of the word/term “people” rather than “person” as elsewhere within the text of the Constitution/Charter does not declare beyond any doubt the People are the sovereign political power holders. [See: Constitution of/for the United States of America (1789, as amended 1791) Preamble; Art. I, § 2, cl. 1; Art I, § 3, cl. 1; Amends. IX, and X]

386. PROOF OF CLAIM, this principle of inherent political power does not demonstrate the natural law and the natural flow of delegated power.

387. PROOF OF CLAIM, in “common usage” the word/term “person” does include the Sovereign member of the People; and, statutes/laws which use/employ the word/term “person” are not construed to exclude the Sovereign member of the People. [See: Wilson v. Omaha Tribe, 442 U.S. 653, 667 (1979), quoting: United States v. Cooper Corp., 312 U.S. 600, 604 (1941); United States v. Mine Workers, 330 U.S. 258, 275 (1947)]

388. PROOF OF CLAIM, the “People” have not succeeded to the rights of the King, the former sovereign of the state; and, are therefore bound by “general words” in a statute without being expressly named therein. [See: The People v. Herkeimer, Gentle, One &c, 4 Cowen 345, 1825 N.Y. LEXIS 80]

389. PROOF OF CLAIM, the federal corporation d.b.a. UNITED STATES does not fully embrace the Sovereign member of the People immunity theory. [See: Restatement (Second) of Torts 895B, comment at 400 (1979)]

390. PROOF OF CLAIM, the living, breathing flesh-and-blood “People” are not the Sovereign’s member of the People; without subjects, and are not superior to the state/State. [See: Chisholm v. Georgia (February Term, 1793), 2 U.S. 419, 2 Dall. 419, 1 L.Ed. 440, which states: “I shall have occasion incidentally to evince, how true it is, that states and Governments were made for man; and same time how true it is, that his creatures and servants have first deceived, next vilified, and at last oppressed their master and maker… A state, useful and valuable as the contrivance is, is the inferior contrivance of man; and from his native dignity derives all its acquired importance... Let a political state be considered as subordinate to people; but let everything else be subordinate to the state... As the state has claimed precedence of the people; so, in the same inverted course of things, the Government has often claimed precedence of the state; and to this perversion in the second degree, many of the volumes of confusion concerning Sovereignty owe their existence… This second degree of perversion is confined to the old world,... but the first degree is still too prevalent even in the several states, of which our union is composed. By state I mean, a complete body of free persons united together for their common benefit, to enjoy peaceably what is their own, and to do justice to others. It is an artificial person. It has its affairs and its interests; It has its rules; It has its rights; and it has its obligations. It may acquire property distinct from that of its members. It may incur debts to be discharged out of the public stock, not out of the private fortunes of individuals. It may be bound by contracts; and for damages arising from the breach of those contracts. In all our contemplations, however, concerning this feigned and artificial person, we should never forget, that, in truth and nature, those who think and speak and act, are men. Is the foregoing description of a state a true description? It will not be questioned, but it is… It will be sufficient to observe briefly that the sovereignties in Europe, and particularly in England, exist on feudal principles... The same feudal ideas run through their jurisprudence, and constantly remind us of the distinction between the prince and the subject. No such ideas obtain here [speaking of America]; at the revolution, the Sovereignty devolved on the people; and they are truly the Sovereigns of the country, but they are Sovereigns without subjects... and have none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the Sovereignty.”]

391. PROOF OF CLAIM, the United States did create the “office of Sovereign political power holder”; and, can ascribe penalties for "breach” of said “office" supported by a contract obtained through “full disclosure" wherein a “fair or valuable consideration” was given.

392. PROOF OF CLAIM, the decision of the court in Hale v. Henkel does not contrast the Sovereign paradigm and the corporate franchise feudal paradigm. [See: Hale v. Henkel, 201 U.S. 43, 47 (1905)]

393. PROOF OF CLAIM, the use/employment of the word/term “individual” in Hale v. Henkel rather than “Sovereign” member of the People; as in: “The individual may stand upon his constitutional rights as a citizen,...” does not establish and demonstrate the principle that the Sovereign member of the People; being a non-signatory to the Constitution and a non-party to this social compact, therefore has no rights created by said compact as his rights; i.e. the Sovereigns member of the People, existed by the law of the land (common-law) long antecedent to the organization of the State, that said Rights are not inherent, and are not solely “secured” by the social compact, not granted thereby nor created therein; and, said constitutional rights; e.g., The Bill of Rights, are grants, but are not rather prohibitions as they operate upon the agents of Government through contractual nexus not to violate them in respect to the People, and not to construe such as to deny or disparage others retained by the People.

394. PROOF OF CLAIM, that the Supreme Court of the UNITED STATES has overturned Hale v. Henkel; or, any of the various issues of this case.

395. PROOF OF CLAIM, a Sovereign member of the People***, a Private Citizen,*** can be named in a statute/law; and specifically as this relates to and bears upon the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, as merely a “person” or “any person” or any other abstraction acting as a label and thereby failing to name the Sovereign member of the People by specific and particular words. [See: Wills v. Michigan State Police, 105 L.Ed.2d 45 (1989)]

396. PROOF OF CLAIM, that whereas the corporate compact territorial unit d.b.a. United States of America charter declares all “men” are free, the same does hold true and all “persons” are free.

397. PROOF OF CLAIM, the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof in using/employing the word/term “person,” such word/term should not be interpreted to mean a corporation/corporately colored entity. [See: 73 C.J.S., Property, § 10; 63A Am.Jur.2d, Property, § 2]

398. PROOF OF CLAIM, an “attorney” is not an “officer of the court,” and as such, is not an “officer” and “arm” of the State. [See: 7 C.J.S., § 4; Virgin Islands Bar Assoc. v. Dench, D.C. Virgin Islands, 124 F.Supp. 257]

399. PROOF OF CLAIM, an “attorney” is not a “State Officer” and as such is not firmly part of the Judicial Branch of the State allegedly “licensed” to practice law by the Chief Justice of the Supreme Court.

400. PROOF OF CLAIM, an “attorney”; i.e., a State Officer of the Court firmly entrenched in the Judicial Branch of Government, is not therefore barred under the “Separation of Powers” Clause; and, the prohibition of multiple title holdings within the Constitution(s)/Charter(s) of both the State and federal juridical Government constructs from holding any position or office outside the judicial branch of said Government; e.g., office of the President/Governor, office of a Representative/Senator, is not un-lawful and a felony as defined within the United States Code.

401. PROOF OF CLAIM, an “attorney’s” first duty is not to the court and public, and not to the client; and, wherever the duties to his client conflict with those he owes as an “officer of the court” in the administration of justice, the former must not yield to the latter; and, such duty to the court can be shirked under the guise of representing a client. [See: 7 C.J.S., § 4]

402. PROOF OF CLAIM, the duty of an “attorney” is not to the court if a litigant client’s interest threatens a State/Federal interest. [See: 7 C.J.S., § 43]

403. PROOF OF CLAIM, an “attorney” who is admitted to practice, both by virtue of his oath of office and customs and traditions of the legal professions, does not owe to the court the highest duty of fidelity as an “esquire”; i.e., a shield bearer, to the master he serves. [See: 7 C.J.S., § 4]

404. PROOF OF CLAIM, all courtrooms in America today; and specifically the alleged “court of record” within the above referenced alleged Criminal Case/Cause, are not commercial market places dealing in matters bearing exclusively upon the private, commercial scrip known as “Federal Reserve Notes” (F.R.N.’s), under the jurisdiction of a foreign, occupying, militaristic power, that are managed from the “bench” from the Italian “banca” for “bank” which is not broken in half; i.e., bankrupt, administered by merchant bankers called; inter alia, judges and magistrates; and, who are not enforcing private, copyrighted, corporate policy known as; inter alia, “Code(s)”; which, is not wholly owned by British Corporations under the aegis of The Crown.

405. PROOF OF CLAIM, a living, breathing, flesh-and-blood***, a Private Citizen,*** by retaining or accepting the services of an “attorney,” to speak or file written documents for him, is not presumed, deemed, construed, and the like to be “non compos mentis”; i.e., not mentally competent.

406. PROOF OF CLAIM, a living, breathing, flesh-and-blood***, a Private Citizen,*** presumed, deemed, construed, and the like to be “non compos mentis” is not further damned as being a “ward of the court.”

407. PROOF OF CLAIM, a living, breathing, flesh-and-blood***, a Private Citizen,*** considered to be a “ward of the court” does not lose all his rights; and, will be permitted to do anything therein.

408. PROOF OF CLAIM, the creation of these “corporate franchises”; i.e., all-capital-letter entities; e.g., the all-capital-letter “named” defendant within the above referenced alleged Criminal Case/Case, did not accomplish two (2) primary objectives, to wit: 1) Taking away absolute property rights (in personam); and, 2) Replace same with personal property rights (in rem) regardless of race.

409. PROOF OF CLAIM, “in personam” jurisdiction does any longer apply to the average man; and, has not become a “mask” (personae) by which he is defrauded, raped, pillaged, and plundered.

410. PROOF OF CLAIM, these “corporate franchises” are not laboring under a conclusive presumption (statutorily imposed), judicially established, that they are “citizens” and “subjects” of the State of incorporation; i.e., port of entry (state of birth of the***, a Private Citizen,*** and State of berth of the “vessel”) for which an estoppel has not been imposed upon anyone denying such citizenship. [See: Marshall v. Baltimore & Ohio P.R. (1853), 16 How. (U.S.) 314; Covington Drawbridge Co. v. Shepard (1857), 20 How (U.S.) 227; U.S. v. One 1966 Chevrolet Pickup Truck, 56 F.R.D. 450 (1972); U.S. of A. v. $3,976.62 in Currency, One 1960 Ford Station Wagon, 37 F.R.D. 564; U.S. v. Slater, 82-2 U.S.T.C. 9571; Rachel Templeton v. Internal Revenue Service, 86-1363 on appeal from 85 C. 457]

411. PROOF OF CLAIM, that any estoppels can be imposed upon a presumption by statute or otherwise.

412. PROOF OF CLAIM, a “corporate franchise” is not defined non-obstante as “The right to exist and do business as a corporation. The right or privilege granted by the state or Government to the persons forming an aggregate corporation, and their successors, to exist and do business as a corporation and to exercise the rights and powers incidental to that form of organization, under ‘contract,’ or necessarily implied in the grant.”

413. PROOF OF CLAIM, a Charter of a corporation; e.g., the Charter/Constitution of the UNITED STATES OF AMERICA, 1871, is not said corporation’s “general franchise”; and, a “special franchise” does not consist in any rights granted by the “public” to use property for “public use” but with private profit. [See: Title 31, U.S.C., § 321(d) (2); Black’s Law Dictionary, Rev. 4th Ed., 1968, p. 1669 at TRANSFER]

414. PROOF OF CLAIM, a “franchise” is not a “capital asset” resulting in capital gain or loss, depending on whether all significant powers, rights, or continuing “interests” are “transferred” (after the fact) pursuant to the sale of a “franchise.” [See: Rules Against Perpetuities; Use; Null Charter; and, The Uniform Fraudulent Conveyances Act (Principal Provisions), Section 4, MT 57 (16) 0-2, Internal Revenue Manual - Administration, 392 2-87, Exhibit 800-1, p. 8051, which states: “Every conveyance or transfer made or executed without a fair or valuable consideration is void ab initio.”; see also: GRANT, GRANTOR; and, GRANTOR TRUSTS in any Law Dictionary of Respondent (s’ ) choice]

415. PROOF OF CLAIM, a “capital asset” is not inclusive of a ***human, a Private Citizen,*** resource; i.e. a ***human, a Private Citizen,*** being; i.e., biological “goods.”

416. PROOF OF CLAIM, a “transfer” of property is not an act of the parties, or of the law, by which the title to property is conveyed from one***, a Private Citizen,*** or person to another***, a Private Citizen,*** or person; the sale and every other method, direct or indirect, of disposing of or parting with property or with an “interest” therein, or with the possession thereof (always by delivery or “livery of seisen”), or of fixing a secret indelible maritime lien upon property or upon an “interest” therein, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, payment, pledge, hypothecation, mortgage, lien, encumbrance, gift, security, or otherwise. [See: Title 12, U.S.C., § 411; Title 18, U.S.C., § 3613(c) - 49 Stat. 620, § 207; Title 31, U.S.C., § 321 (d) (2); Title 15, U.S.C., §§ 1 et seq. 17]

417. PROOF OF CLAIM, a “transfer” is not an “assignment” or “conveyance” of property, including an instrument or document that “vests” in the transferee such rights as the transferor had therein; and, is not a general term; i.e., all-encompassing term, used by the Uniform Commercial Code as Codified in the United States Code and Code of Federal Regulations to describe the act that passes an “interest” in an instrument to another. [See: Title 28 D.C. Code §§ 28.3-201(1) and 28.7-504(1); Scheid v. Shields, 269 Ore. 236, 524 P.2d 1209, 1210; Hayter v. Fern Lake Fishing Club, 318 S.W.2d 912, 915 (Tex. Civ. App.)]

418. PROOF OF CLAIM, it is not the retention or relinquishment of this “interest” in every species of contract that determines who the Creditor and who the Debtor are and said parties “reasonable expectations” as to whom will succeed in any contract dispute arising from such a legal or commercial transaction.

419. PROOF OF CLAIM, whereas “transfer” means every mode; direct or indirect, absolute or conditional, voluntary or involuntary, in disposing or parting with property or with an “interest” in property, it may not include retention of the “res” and title (the “legal interest”) upon proper terms, as a “security interest,” or foreclosure of the debtors equity of redemption, as an unliquidated claim to the holder in due course, having given value and secured the accrued right of action for enforcement purposes. [See: Title 11, U.S.C., § 101 - Bankruptcy Code]

420. PROOF OF CLAIM, these “corporate franchises” are not governed by the and maritime law of England. [See: Unification Act of 1964, 4 F.R.D. 325; Black Diamond S.S. Corp. v. Stewart & Son’s, 336 U.S. 386, 403, 69 S.Ct. 622, 93 L.Ed.2d 754; Romero v. Int’l Terminal Operating Co. (1959), 358 U.S. 354, 79 S.Ct. 468, 3 L.Ed.2d 368; In re Alexander McNeil, 80 U.S. (13 Wall.) 236, 20 L.Ed. 624]

421. PROOF OF CLAIM, Title 28 of the United States Code, Federal Rules of Civil Procedure (F.R.Civ.P.) is not an admiralty rule book which governs ALL disputes over maritime contracts “in rem,” or “quasi in rem,” and “actions” or “transactions” that impose a debt, duty, obligation, or liability; e.g., an unliquidated claim and an accrued right of action; and, said Rules of Civil Procedure as adopted and in use/employment within the United States as contained in the United States Code are not also an admiralty rule book aping its corporate parent’s Rule Book. [See: U.S. v. Kirkpatrick, 186 F.2d 3931]

422. PROOF OF CLAIM, there is not a two (2)-part test to determine existence of traditional admiralty jurisdiction; and, those two (2) parts are not: 1) It must be established; and, 2) It must be proven. [See: National Sea Clammers Assoc. v. New York, 616 F.2d 1222 (C.A.3 N.J. 1980), vacated on grounds, 453 U.S. 1, 69 L.Ed.2d 435, 101 S.Ct. 2615]

423. PROOF OF CLAIM, there is not a four (4) part test to determine traditional maritime jurisdiction; and, those four (4) parts are not: 1) What are the functions and rule of the parties (the terms of the contract); 2) What are the types of vehicles and instrumentalities used (reward contract and duty to perform); 3) What is the causation (breach of contract and duty to perform) and type of injury (breach of warranty to pay - by the fraudulent debtor); and, 4) Can the traditional concepts of rule of admiralty law be applied (who is the debtor and who is the creditor). [See: O***, a Man,*** v. Johns - Manville Corp., 764 F.2d 224 (C.A.4 Va. 1985), cert. den. 88 L.Ed.2d 319, 106 S.Ct. 351; U.C.C. Article 9 - Secured Transactions, cf. Title 28 D.C. Code: Article 9 - Secured Transactions]

424. PROOF OF CLAIM, that ALL contracts with Government; i.e., UNITED STATES and ANY AND ALL “STATE OF” sub-franchise compact territorial State units; be they real or presumed, express or implied, revealed or unrevealed are not maritime in their nature and are not therefore of admiralty jurisdiction. [See: The Glide, 167 U.S. 606; The Corsair, 145 U.S. 342; American Ins. Co. v. Cantor, 1 Pet. (U.S.) 511, 545 (1828)]

425. PROOF OF CLAIM, a case/matter in admiralty does in fact arise under the Constitution or Laws of the United States of America. [See: American Ins. Co. v. Cantor, 1 Pet. (U.S.) 511, 545 (1828)]

426. PROOF OF CLAIM, in 1697, the British Board of Trade, under the Navigation Act, did not establish vice-admiralty courts set-up under the Townsend Acts, to provide a separate forum for “corporate franchise” merchants under license, or charter of the king, to resolve contractual disputes over the “transfer” or “conveyance” of “interests in property, as well as property itself; more often than not, being disputes over “chattel paper,” as opposed to money of different weight and fineness having numismatic or intrinsic value, and said disputes generally involving a controversy over the “transfer” of an “interest” (res and title) to the property involved, or upon the terms or conditions of its delivery (livery of seisen); and, said merchant system was not introduced in England since before 1290 A.D. ; and, did not evolve into a system of registration, first called “The Great Exchequer of the Jews,” which operated to effect a security transaction and livery of seisen (Jewish mortgage; i.e., a “dead-gage,” a pawn or pledge; something deposited as security for the performance of some act or the payment of money which; on failure or non-performance, is forfeited. A mortgage being a dead-gage as whatever profit it yields, it redeems not itself unless the whole amount secured is paid at the appointed time); which, did not have more influence upon the common-law (legal) mortgage than is generally believed; which, today is called a legal and/or equitable (contractual) mortgage through the registration of any written document/instrument; e.g., the registration of live birth of a child, that describes the property and transfers a security interest in the property, to effect a lien and secure contract obligations; e.g., a U.C.C.-1 Financing Statement. [See: Rabinowitz, The Story of the Mortgage Retold (1945), 94 U.Pa.L.R. 94; The Common Law Mortgage and the Conditional Bond (1943), 92 U.Pa.L.R. 179; Kamberg, Commercial Law According to the Talmud (1933), 38 Commercial Law Journal 239; 3 Tiffany, Real Property, 2nd Ed., 2373-2743]

427. PROOF OF CLAIM, this system of admiralty and or maritime jurisdiction has not evolved today to the point that whenever the United States is a party to an action, “Chancery” is not adopted which jurisdiction is not conferred on federal and State courts by the Constitution, now statute and charter, and usages of “Chancery” in England whom furnish Chancery law that is exercised. [See: 17 How. (U.S.) 478; Pennsylvania v. Wheeling & Belmont Bridge Co. (1852), 54 U.S. 518, 14 L.Ed. 249]

428. PROOF OF CLAIM, “Chancery” jurisdiction is not synonymous with “general equity jurisdiction,” which is practiced according to state law or local practice and is not practiced according to the law of England. [See: 2 Sumn. 401; 3 Wheat. 211; 2 McLean 568; 15 Pet. 9; 11 How. 669]

429. PROOF OF CLAIM, “Chancery” jurisdiction is not a “special” maritime jurisdiction “in rem.”

430. PROOF OF CLAIM, “in rem” is not a technical term used to designate proceedings or actions instituted against the “thing” (res), in contradistinction to personal actions which are “in personam”; and, do not include judgments of property as forfeited (or forfeitable as property previously pledged or hypothecated. [See: 12 U.S.C., §411], or as prize in the admiralty, or the English Exchequer), but also the decisions of other courts upon the personal status, or relations of the party; such as, marriage, divorce, bastardy, settlement, or the like. [See: 1 Greenl. Ev., § 525; 541 Bro.Civ. and Adm. Law, 98; 2 Gall.R. 200; 3 T.R. 269, 270; Tetley, Int’l C. of L., 1994, p. 795; Judiciary Act of 1789, Sec. 9, 1 Stat. 77; The Moses Taylor, 4 Wall. (U.S.) 411, 431 (1866); see also: “QUASI IN REM”]

431. PROOF OF CLAIM, “Chancery” or “General Equity” jurisdiction is not ordinarily exercised to enforce pledges, trusts, uses, confidences, and other forms of contracts; and, does not come to America right out of the “King and Queen’s Bench,” regarding the law for bankruptcy and insolvent debtors; and, is not separate and distinct from the lex non-scripta (Anglo-saxon common-law). [See: Norback v. Bd. of Dir. of Church Ext. Soc., 84 Utah, 37 P.2d 339; 129 U.S. 45, 46]

432. PROOF OF CLAIM, “forfeiture” is not an action of debt, and as such, does not begin in admiralty whether on land or navigable water. [See: United States v. $5,372.85, 283 F.Supp. 904 (1968)]

433. PROOF OF CLAIM, where it has been stated that the forms of proceeding between actions at law and suits in equity have been abolished, such is not misleading; and, such proceedings have not rather been judicially merged as of 1938 and 1966; and, the difference in substance between law and equity is not firmly imbedded in the Constitution and does not remain unaltered. [See: Robinson v. Campbell (1818), 16 U.S. 212, 4 L.Ed. 372; Bennett v. Butterworth (1851), 52 U.S. 669, 13 LEd. 859; Thompson v. Railroad Cos. (1868), 73 U.S. 134, 18 L.Ed. 765; Ellis v. Davis (1883), 109 U.S. 485, 27 L.Ed. 1006, 3 S.Ct. 327; La Abra Silver Mining Co. v. U.S. (1899), 175 U.S. 423, 20 S.Ct. 168, 44 L.Ed. 223; Commercial National Bank v. Parsons, 144 F.2d 231 (C.A.5 La. 1944), reh. den. (C.A.5 La.) 145 F.2d 191, cert. den. 323 U.S. 796, 65 S.Ct. 440, 89 L.Ed. 635; Phillips Petroleum Co. v. Johnson (C.A.5 Tx. 1946), 155 F.2d 185, cert. den., 329 U.S. 730, 67 S.Ct. 87, 91 LEd. 632]

434. PROOF OF CLAIM, maritime jurisdiction is not implemented by “in rem” or “quasi in rem” attachment over the “res”; and, does not depend upon the actual physical control of the “res” at the time litigations are begun; and, such maritime jurisdiction “in rem” over the “res” is not judicially recognized by the Supreme Court. [See: The Belgenland, 114 U.S. 355 (1885); The Rio Grande, 4 Wash.C.C. 53, 30 Fed. Case No. 17804 (1821); Cooper v. Reynolds, 10 Wall. (U.S.) 308 (1870); Pennoyer v. Neff, 95 U.S. 714 (1877) (no attachment); Free***, a Private Citizen,*** v. Alderson, 119 U.S. 185, 7 S.Ct. 165, 30 L.Ed. 372 (1886); Starkey v. Lunz, 57 Ore. 147, 110 P. 702 (1910) (attachment void); but see under “Privilegia Londini” or “Custom of London,” 1 Bl.Com. 75; 3 Steph.Comm. 588; and, the Common Law Procedure Act of 1854, §§ 60-67 to effect the conclusive presumption that “the situs of every debts is at the domicile of the creditor.” Waring v. Clark, 46 How. (U.S.) 441 (1847)]

435. PROOF OF CLAIM, “attachment” is not the act or process of taking, “apprehending,” or seizing persons or property, by virtue of a writ, summons, or other judicial order (“warrant of arrest”), and bringing the same into the custody of the law for the purpose of bringing a person (e.g., an absconding, concealed, or fraudulent debtor) before the court of acquiring jurisdiction over the property seized, to compel an appearance, to furnish security for debt or costs, or to arrest a fund in the hands of a third party (garnishment/Custom of London); and, is not a remedy ancillary to an action by which a plaintiff; specifically the UNITED STATES OF AMERICA as in the above referenced alleged Criminal Case/Cause, is enabled to acquire a lien (mortgage) upon property or effects of the “named” defendant; and specifically the “named” defendant within the above referenced alleged Criminal Case/Cause, for satisfaction of judgment, which plaintiff may obtain where the defendant is a non-resident, or beyond the territorial jurisdiction of the court, his goods or lands within the territory may be seized upon process of “attachment”; whereby he will be compelled to enter an appearance, or the court acquires jurisdiction so far as to dispose of the property attached; and, said form of “attachment” is not also termed “foreign attachment”; and, such a proceeding does not become in substance one “in rem” against the attached property which more properly does not belong to a process otherwise familiarly known as “garnishment,” a peculiar and ancient remedy open to creditors within the jurisdiction of the city of London (Custom of London); and, is not a power and process variously denominated as “garnishment,” “trustee process,” or “factorizing.” [See: Megee v. Beirne, 39 Pa. 50; Bray v. McClurry, 55 Mo. 128; Raiguel v. McConnell, 25 Pa. 362, 363; Welsh v. Blackwell, 14 N.J.Law 346]

436. PROOF OF CLAIM, the warrant of arrest used/employed within the above referenced alleged Criminal Case/Cause is not in nature and actuality some manner and form of “attachment” proceeding according to equity rather than proceeding according to common-law.

437. PROOF OF CLAIM, the “law of persons and things” is not the “law of status”; and, the “law of things” is not the “law of property”; or better yet, “contract.”

438. PROOF OF CLAIM, whereas a “person” as such word/term is used/employed within statutes/laws/codes/regulations/rules/ordinances, and the like; and specifically within the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, is a subject of “rights” (“person of inherence” [entitled]) and duties (“person of incidence” [bound]), and as a subject of a right, the “person” is the object of the correlative duty, such “rights are not “legal rights”; which, are not more properly and accurately defined as “benefits/privileges”; and, “duty” is not more properly and accurately defined as “obligations”; which, do not arise from the acceptance (possession) and “use” of such “rights”; and this correlative relationship of “benefits and obligations” does not arise from “contract” between the parties, real or presumed, expressed or implied, revealed or unrevealed. [See: Black’s Law Dictionary, Rev. 4th Ed (1968), pp. 1299 - 1300 at “PERSON”]

439. PROOF OF CLAIM, where a “benefit(s)” is compelled; and specifically if said “benefit(s) is in the nature of an economic benefit(s), the correlative “obligation” can be enforced, compelled, demanded, extracted, and the like. [See: Maynard Mehl v. John H. Norton, No. 31,338, 201 Minn. 203, 275 NW. 843, 1937; W.H. Shearon v. Travis Henderson, Guardian, etc., 38 Tex. 245 (1873); Jo Elaine Bailey Woodland v. Shirley Wisdom, No. 06-97-00083-CV, 975 S.W. 2d 712 (1998); Charles L. Black Aycock et al. v. F.H. Pannhill, Sr. et al., 853 S.W.2d 161 (1993); F.M. Smith v. Texas Commerce Bank - Corpus Christi, NA., et al., 822 S.W.2d 812 (1992); Frances Jackson Rogers v. David Or***, a Private Citizen,*** Rogers, Jr. 806 S.W.2d 886 (1991)]

440. PROOF OF CLAIM, President Lincoln did not replace the Constitution, law, custom, and tradition of America with Roman***,*** Civil Law by Justinian, which was available as a codified whole and of which he was an able scholar.

441. PROOF OF CLAIM, the principle of “novation”; i.e., the substitution of an old debt with a new one, contained within the RomanCivil Law, did exist in America prior to the Civil War and Congressional Walk-Out of the Southern states there from and said Congress’ reconvening under martial law by President Lincoln in his capacity as Commander-In-Chief.

442. PROOF OF CLAIM, this principle of “novation” is not accomplished by the registration, recording, and enrollment of the birth document/instrument (however termed/styled) of a new born child when the “interest” in biological property/goods is transferred and recorded, originally at the County Recorder’s Office, sent to the Secretary of State, exported to the Department of Commerce through the Bureau of the Census therein; and thereof, thereby effectuating the process of “conversion” of a man’s life, labor, and property to a “capital asset” of the UNITED STATES and said process of “novation” being complete and ratified when said child/***, a Private Citizen,*** assents to being a debtor by submitting an application for a benefit, privilege, immunity, or opportunity from any branch, agency, or instrumentality of the parent municipal for-profit corporate Government d.b.a. UNITED STATES, therein creating the obligation of a debtor to repay or perform for which the “privilege” of “limited liability” for debts is extended to the new debtor.

443. PROOF OF CLAIM, the concept and principle of “limited liability” was not and is not taken from and developed from the RomanChurch’s practice of peddling “indulgences.”

444. PROOF OF CLAIM, “conveyances” whether effectuated by pledge, hypothecation, or otherwise which will thereby render***, a Private Citizen,*** insolvent, without “fair consideration” is not fraudulent. [See: Uniform Fraudulent Conveyances Act (Principal Provisions) (IRM 822), 392 2-87 Legal Reference Guide, p. 8051, § 4, which states: “Sec. 4. Conveyances By Insolvent - Every conveyance made and every obligation incurred by a person who is or will be thereby insolvent is fraudulent as to creditors without regard to his actual intent if conveyance is made or the obligation is incurred without fair consideration.”]

445. PROOF OF CLAIM, all modern federal and State law; and specifically the so-called law as contained within the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, does not appear in the form of codes patterned after the Code of Justinian, and often following it in places exactly.

446. PROOF OF CLAIM, RomanCivil Law is not a perversion of “private law.”

447. PROOF OF CLAIM, RomanCivil Law is not also known as “Black Letter Law,” a term which does not refer to the laws of “servitude” to the church or king; for which, use/employment of the color/word/term “Black” is not symbolic of the unquestionable (ex cathedra) authority of the priest (judges/legislators) dictates (private conscience), when clothed in his morning robe.

448. PROOF OF CLAIM, this “Black Letter Law” does not form the basis of all law, both State and federal; and specifically that of the United States as allegedly promulgated within the United States Code and/or ***specifically THE ACT OF MARCH 9TH, 1933 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY,*** thereof, and does not represent the most insidious form of slavery of mind; which, is not effectuated by entrapment through one-sided (unilateral); or implied, contracts which***, a Private Citizen,*** is never aware of until he is hammered with compelled performance.

449. PROOF OF CLAIM, “private law” is not the “conscience law” of one being or entity acting as an alleged “source of authority”; and, there is liberty of conscience, of choice of contract as to its terms; and, the “offeror” of ALL RomanCivil Law Governments is not based upon the personal beliefs of the Emperor (Governor/President/Chief-Executive Officer); and, acceptance is not signified by “tacit procuration” wherein; and whereby, silence equates to “consent.”

450. PROOF OF CLAIM, “Public Policy” is not “private law.” [See: Hartford Fire Ins. Co. v. Chicago, etc. R.Co., 175 U.S. 91, which states: “The term ‘policy’ as applied to statute, regulation, rule of law, course of action, or the like, refers to its probable effect, tendency, or object considered with reference to the social or political well being of the state. Thus, certain classes of acts are said to be against ‘public policy’ when the law refuses to enforce or recognize them, on the grounds that they have a mischievous tendency, so as to be injurious to the interests of the state, apart from illegality or immorality.”; Brown v. Brown, 88 Conn. 42; “Public Policy is a variable quantity; it must and does vary, with the habits, capacities, and opportunities of the public.”, 36 CH.Div. 539; Chaffee v. Farmer’s Co-Op Elevator Co., 39 N.D. 585]

451. PROOF OF CLAIM, the “conscience” of “private law” was meant to operate in forming or influencing “public law” or “policy.”

452. PROOF OF CLAIM, the “conscience” of “private law” can operate without bilateral contracts; i.e., a contract in which both contracting parties are bound to fulfill obligations reciprocally towards each other containing mutual promises between the parties (each party being both promisor and promisee) and one which includes both rights and duties on each side, unless it was through a “trust,” or “confidence” reposed.

453. PROOF OF CLAIM, “private law” has not always been concerned with “bilateral contract”; and, cannot only be used in or by Lawful Government for establishing private commercial relations called “licenses.” [See: Aden v. Dalton, 341 Mo. 454, 107 S.W.2d 1070, 1073; Aust. Jur., § 308; Black’s Law Dictionary, Rev. 4th Ed., p. 394, at “CONTRACT”]

454. PROOF OF CLAIM, “Public Law” for “private use” does not protect the identity of the People apart from civil Government; and, RomanCivil Law does allow for this. [See: Hale v. Henkel, 201 U.S. 43 (1905), which states: “The individual may stand upon his constitutionally secured rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbor to divulge his business, or to open his doors to an investigation, as far as it may tend to incriminate him. He owes no duty to the State, since he receives nothing there from, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State. He owes nothing to the public so long as he does not trespass upon their rights.”

455. PROOF OF CLAIM, the court’s decision in Hale v. Henkel as cited supra, does not mark the beginning of a “collective entity rule”; and, does not establish the line of demarcation between “private law” to secure private unalienable Rights; as distinguished from “public law” for public commercial use; which, operating therein; and thereby, binds***, a Private Citizen,*** to all obligations ensuing or arising therefrom. [See: Brasswell v. United States, 487 U.S. 99 (1988), which states: “But individuals, when acting as representatives of a collective group, cannot be said to be exercising their personal rights and duties, not to be entitled to their purely personal privileges. Rather they assume the rights, duties, and privileges of the artificial entity or association of which they are agents or officers and they are bound by its own obligations.”; United States v. White, 322 U.S. 694 (1944); Wilson v. U.S., 221 U.S. 361 (1911); Wheeler v. U.S., 226 U.S. 478, 489, 490; Grant v. U.S., 227 U.S. 74, 80 (1913)]

456. PROOF OF CLAIM, the 1st Amendment to the Constitution for the United States of America, now adopted Charter of the federal municipal for-profit corporate juridical construct d.b.a. UNITED STATES, in its use/employment of the word/term “religion” does not refer to “conscience”; i.e., what***, a Private Citizen,*** believes in his conscience is his religion; and, is not therefore a prohibition upon the agents of said Government to prevent one man’s; or a group of men’s, personal conscience from being legislated into law as “public policy,” thereby enjoining Government from interfering with a man’s right to express his conscience by making any ‘public policy’ based upon it. [See: Davis v. Beason, 133 U.S. 333, 10 S.Ct. 229, 32 L.Ed. 637, which states: “...the term ‘religion’ in this Amendment refers exclusively to a person’s views of his relations to his Creator, though often confused with some particular form of worship, from which it must be distinguished; Thomas v. Collins (1945), 323 U.S. 516, 65 S.Ct. 315, 89 L.Ed. 430, which states: “First Amendment gives freedom of mind same security as freedom of conscience.”]

457. PROOF OF CLAIM, a legislature; and specifically the Congress of the UNITED STATES, does have any authority or right to obstruct through “Public Law” or “Public Policy” the obedience of a man; and specifically the Undersigned, which would cause such***, a Private Citizen,*** to transgress the Law of his Creator. [See: Robin v. Hardaway (1772), 1 Jefferson 109; 1 Am.Jur.2d, § 14]

458. PROOF OF CLAIM, whereas the Undersigned serves the Supreme Heavenly Jehovah the Living God YHWH/JHVH and whereas***, a Private Citizen,*** cannot serve two masters or he will tend to the one and despise the other, the Undersigned does have and or owe the UNITED STATES and any and all sub-franchise compact territorial State units ANY obedience, service, duty, obligation, or the like based upon lawful principals and or contract(s), real or presumed, expressed or implied, revealed or unrevealed.

459. PROOF OF CLAIM, prior to the Reconstruction Acts and the XIVth Amendment of the federal corporate juridical construct’s Charter, courts did have jurisdiction of non-XIVth Amendment Trust “res,”; and, a want of a privity contract, or contract itself, did not act to deprive it of said jurisdiction over and within said matters.

460. PROOF OF CLAIM, that “privity of contract,” or “contract” itself is not the dividing line between a court having “subject-matter jurisdiction,” and “jurisdiction of the subject-matter.”

461. PROOF OF CLAIM, a man; and specifically the Undersigned, does not have to “contract” into the jurisdiction of the UNITED STATES, or any and all “STATE OF” sub-franchise compact territorial State units; and, at the heart of every “contract” does not lie a mystery involving the “transfer of the interest in property,” which every “contract” embraces.

462. PROOF OF CLAIM, the ruling decision in Hanson v. Deckla does not sustain the proposition that the XIVth AMENDMENT to the federal municipal for-profit corporate juridical construct’s Charter d.b.a. UNITED STATES cannot and does not work in favor of non-XIVth Amendment men; and specifically the Undersigned; and, it does not establish a dividing line between public (municipal) law and private law; i.e., jus gentium publicum v. jus gentium privatum, which are both international in character. [See: Hanson v. Deckla, 357 U.S. 235 (1958)]

463. PROOF OF CLAIM, House Joint Resolution - 192 (HJR-192) is not mutable by will; and, a man; and specifically the Undersigned, can be compelled to act as a bankrupt or insolvent under private law for public charitable purposes. [See: Funk v. United States, 290 U.S. 371; Hanson v. Deckla, 357 U.S. 235 (1958)]

464. PROOF OF CLAIM, the General Assembly (legislature) of the United States of America is a body, which sits according to law of “Positive Act”; and, does not rather sit by “resolution”; i.e., expressing an “opinion,” the subject matter of which would not and does not constitute a statute/law. [See: Baker v. City of Milwaukee, 271 Ore. 500, 552 P.3rd 772]

465. PROOF OF CLAIM, the “Reconstruction Acts” and the XIVth Amendment to the corporate parent’s Constitution/Charter d.b.a. UNITED STATES has not allowed one man’s religious conscience in the Executive Branch thereof, in his capacity as Commander-In-Chief, to dictate “public policy” based solely upon his claim that “I am the State” in the eyes of International Law; and, said “public policy” does not become the religious conscience of every member of the XIVth Amendment eleemosynary corporate church State “public trust” whom have rewritten their Constitutions to conform to it.

466. PROOF OF CLAIM, that a man’s participation within this “public trust” scheme was not, and is, not voluntary.

467. PROOF OF CLAIM, the Vth Amendment to the Constitution for the United States of American***, a***nd as adopted by the federal municipal for-profit corporate Government juridical construct d.b.a. UNITED STATES, does pertain to the People of the states. [See: John Barron v. The Mayor and City of Baltimore, 7 Pet. (U.S.) 240; Spies v. Illinois (1887), 123 U.S. 131, 31 L.Ed. 80]

468. PROOF OF CLAIM, the Vth Amendment; unlike the XIVth Amendment to the respective Constitutions for and of the United States of America/UNITED STATES, does have an equal protection clause; and, has been incorporated into the XIVth Amendment. [See: Charles C. Steward Mach. Co. v. Davis, 301 U.S. 548, 575 S.Ct. 883 (May 24, 1937); La Belle Iron Works v. United States, 256 U.S. 377, 392, 41 S.Ct. 528, 532; Brushaber v. Union Pacific R.R. Co., 240 U.S. 1, 24, 36 S.Ct. 236, L.R.A. 1917D, 414, Ann. Cas. 1917B, 713; Curtiss v. Loether (1974), 415 U.S. 189, 192, n. 6, wherein the court ruled that the “common law” (Bill of Rights) is not incorporated into the XIVth Amendment; Minneapolis & St. Louis R.R. v. Bomblis (1916), 241 U.S. 211; Chauffers, Teamsters & Helpers, Local No. 391 v. Terry (1990), 110 S.Ct. 1339, 1344; Delima v. Bidwell, 182 U.S. 1 (1901)]

469. PROOF OF CLAIM, all contracts, whether express or implied, are not subject to the universal “essentials” of “contract law,” pertaining to the fundamentals of the interaction between the parties.

470. PROOF OF CLAIM, a “contract” is not an agreement; e.g., as will be set and established by the parties to this Conditional **Acceptance for Value** For Proof of Claim, between two or more men/persons, which creates an obligation to do or not to do a particular thing.

471. PROOF OF CLAIM, the “essential” elements of “contract” are not 1) parties capable of contracting; 2) consent; 3) lawful object; 4) a sufficient cause or consideration; 5) mutuality of agreement; and, 6) mutuality of obligation. [See: H. Liebes & Co. v. Klengenberg, 23 F.2d 611, 612 (C.C.A.Cal)]

472. PROOF OF CLAIM, “agreement” can be vague; i.e. uncertain and not susceptible to being understood. [See: H. Liebes & Co. v. Klengenberg, supra]

473. PROOF OF CLAIM, the “essentials” of “consent” are not it must be 1) free; 2) mutual; and 3) communicated by each to the other. [See: Corbin, Contracts, 1 vol. ed., 1952]

474. PROOF OF CLAIM, “consent” is not an act of reason, accompanied with deliberation, wherein the mind is weighing in a balance the good (benefit) and evil (duty/obligation) of a proposed/offered “contract.” [See: 1 Story, Eq.Jur., § 222; Lervick v. White Tops Cabs, 10 So.2d 67, 73, (la.App.)]

475. PROOF OF CLAIM, “consent” does not mean “voluntary” agreement by***, a Private Citizen,*** to make an intelligent choice to contract or not to contract.

476. PROOF OF CLAIM, “consent” and “submission” are synonymous; and, a mere “submission” does necessarily involve “consent.” [See: 9 Car. & P. 722]

477. PROOF OF CLAIM, “consent” can be obtained, and is free and mutual when obtained, through duress, menace, fraud, undue influence, and or mistake.

478. PROOF OF CLAIM, “fraud” is not an intentional perversion of the truth to induce another; e.g., the Undersigned within the above referenced alleged Criminal Case/Cause, in reliance thereon to part with a valuable thing or legal right belonging to him; and or, a false representation of a matter of fact, whether by words or by conduct, false or misleading allegations, or concealment of that which should have been disclosed, which deceives, and is intended to deceive another, so he acts upon it to his injury embracing all multifarious means***, a Private Citizen,*** can devise to gain advantage over another; e.g., false suggestion, suppression of the truth, surprise, trick, cunning, dissembling, and any unfair way by which another is cheated.

479. PROOF OF CLAIM, “fraud” does not vitiate - i.e. make void; cause to fail of force or effect; destroy or annul the legal efficacy and binding force of an act or instrument every transaction and all contracts; and, does not destroy the validity of everything into which it enters, even the most solemn contracts, documents, and even judgments. [See: 37 Am.Jur.2d, Fraud, § 8]

480. PROOF OF CLAIM, “fraud” and “bad faith” (mala fides) are not synonymous; and, both terms are not synonymous with dishonesty, infidelity, faithlessness, perfidy, and unfairness. [See: Joiner v. Joiner, 87 S.W.2d 903, 915 (Tex.Civ.App.)]

481. PROOF OF CLAIM, “fraud” is not always positive and intentional. [See: Maher v. Hibernia Ins. Co., 67 N.Y. 292; Alexander v. Church, 53 Conn. 561, 4 A. 103; Studer v. Bleistein, 115 N.Y. 316, 7 L.R.A. 702; McNair v. Southern States Finance Co., 191 N.C. 710, 133 S.E. 85, 88]

482. PROOF OF CLAIM, “fraud” does not comprise all acts, omissions, and concealments involving a breach of a legal or equitable duty and resulting in damage to another. [See: 1 Story, Eq. Jur., § 187; Howard v. West Jersey & S.S.R. Co., 102 N.J.Eq. 517, 141 A. 755, 757]

483. PROOF OF CLAIM, the Constitution/Charter; be it State or Federal, is not a contract. [See: Padelford, Fay & Co. v. The Mayor and Alder***, a Private Citizen,*** of the City of Savannah, 14 Ga. 438 (1854), which states: “But indeed, no private person has a right to complain, by suit in court, on the grounds of a breach of the Constitution. The Constitution, it is true, is a compact (contract), but he is not a party to it. The States are a party to it…”]

484. PROOF OF CLAIM, that rights and duties/obligations contained within and arising from a contract do not only effect and bind parties to said contract.

485. PROOF OF CLAIM, parties to a contract are not determined by signature.

486. PROOF OF CLAIM***, a Private Citizen,*** not a signatory to a contract does have any rights; and, does have/owe any duties/obligations therein, and or arising there from.

487. PROOF OF CLAIM, the UNITED STATES’ Constitution/Charter does operate over and upon the Undersigned.

488. PROOF OF CLAIM, there are clauses in the Federal Constitution/Charter that subject the Undersigned to the “statutory jurisdiction” of the UNITED STATES.

489. PROOF OF CLAIM, the UNITED STATES’ Constitution does not operate solely over and upon only “office” holders; i.e., inter alia: officers, employees, agents, residents, citizens, public, and or persons of said corporate Government juridical constructs.

490. PROOF OF CLAIM, the Undersigned as a non-party and non-signatory to the UNITED STATES’ Constitution/Charter does have any rights therein or arising there from; and, does owe any duty/obligation thereto.

491. PROOF OF CLAIM, there were at the time of the alleged violation(s) of statute(s)/law(s) within the above referenced alleged Criminal Case/Cause, and are now this present day, any valid, lawful, enforceable “contracts,” real or presumed, expressed or implied, revealed or unrevealed, between the Undersigned and the UNITED STATES, wherein there was “full disclosure,” “fair or valuable consideration,” free and mutual “consent,” of which the alleged “court of record” within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** took tacit (silent); or express, judicial notice of to bind therein the Undersigned to the “private law” in support of a “private right” of the United States as contained within the United States Code and/or specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof, for a “breach” thereof, and acting to confer “subject-matter jurisdiction” of the alleged “breach” upon the court, and thereby allowing it to acquire the authority, right, and power to decide, make orders, and judgments binding and of legal force and effect over and upon the Undersigned.

492. PROOF OF CLAIM, the UNITED STATES does have a perfected; or otherwise, superior claim; i.e., lien hold interest, in the Undersigned, the Undersigned’s Debtor; i.e., the all-capital-letter “named’ defendant within the above referenced alleged Criminal Case/Cause, and the Undersigned’s property.

493. PROOF OF CLAIM, the Undersigned is not the perfected superior lien hold claimant and principal Creditor of the all-capital-letter “named” defendant (Debtor) in the above referenced alleged Criminal Case/Cause, and property held in said “name.”

494. PROOF OF CLAIM, the all-capital-letter “name” of the defendant within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** does reference and or identify the Undersigned.

495. PROOF OF CLAIM, the Undersigned did agree to subordinate the Undersigned’s “perfected security interest” in the Debtor; i.e., the all-capital-letter “named” defendant within the above referenced alleged Criminal Case/Cause, and property to the UNITED STATES.

496. PROOF OF CLAIM, the Undersigned is the “accommodation party,” “surety,” “fiduciary,” and the like of the all-capital-letter “named” defendant within the above referenced alleged Criminal Case/Cause; and, is not rather the attorney-in-fact/Authorized Representative for same.

497. PROOF OF CLAIM, the United States did not become a “cooperator”; and, did not thereby lay down its sovereignty and take on the character of private citizens as a whole; and, can exercise no power which is not derived from the corporate Charter/Constitution. [See: The Bank of the United States v. Planters Bank of Georgia, 6 L.Ed., 9 Wheat. 244]

498. PROOF OF CLAIM, within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** the Prosecutor did post any indemnity bond to indemnify his actions to any injury to the Undersigned.

499. PROOF OF CLAIM, the facts as set, established, and thereby agreed upon by the parties to this Conditional **Acceptance for Value** For Proof of Claim; i.e., Respondent(s) and the Undersigned, do not apply and operate within and upon any and all previous alleged Criminal Case(s)/Cause(s) irrespective and regardless of what sub-franchise compact territorial State unit said were alleged within.

500. PROOF OF CLAIM, the Undersigned is and was a party to the above referenced alleged Criminal Case/Cause; and, was not rather a non-party thereto; and, said matter/dispute was not solely between fictional entities.

501. PROOF OF CLAIM, the all-capital-letter “named” defendant within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** did appear in court; and, did enter a plea; and, did waive or consent to the court’s jurisdiction; and, was not absent from court.

502. PROOF OF CLAIM, any of the parties to and within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** are solvent; and, do possess the capacity to sue and be sued, or sue or be sued in “Representative Capacity”; and, can and did appear in court in said Criminal Case/Cause.

503. PROOF OF CLAIM, offenses created by statute(s) as contained within the United States Code and specifically THE ACT OF MARCH 9TH, 1933 Proclamation 2038, 2039, 2040 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY, thereof are created by common-law; and, are not offenses “malum prohibitum”; i.e., crimes only because prohibited by statute(s) (statutory offense(s)).

504. PROOF OF CLAIM, the statutes as contained within the United States Code and ***specifically THE ACT OF MARCH 9TH, 1933 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY,*** thereof do operate over and upon the Undersigned.

505. PROOF OF CLAIM, “statutory jurisdiction” is a lawful jurisdiction, lawfully created by the “fundamental law of the land” or common-law; and, that the Undersigned is subject thereto; and is bound thereto in any form or manner, contractually or otherwise.

506. PROOF OF CLAIM, the Uniform Commercial Code as codified within the United States Code and Code of Federal Regulations is not the controlling/governing law of; and within, the alleged “court of record.” within the above referenced alleged Criminal Case/Cause.

507. PROOF OF CLAIM, a “negotiable instrument” is not a promise or order to pay and or perform; and, inter ali***, a*** warrant of arrest, charging document (Indictment), orders, and judgment; and specifically such within the above referenced alleged Criminal Case/Cause, are not “negotiable instruments”; and, are not therefore governed by the Negotiable Instrument Law as made uniform within Article 3 of the Uniform Commercial Code codified in the United States Code and Code of Federal Regulations.

508. PROOF OF CLAIM, any lawful and or legal relationship (nexus), through contract or otherwise, does exist between the Undersigned and the “source of authority” for the United States Code and/or ***specifically THE ACT OF MARCH 9TH, 1933 AND Titles 4, 7, 11, 12, 15, 16, 18, 28, 31 and 42 USC; C.F.R., THE FEDERAL REGISTRY,*** thereof; and, are therefore binding and of legal force or effect over and upon the Undersigned.

509. PROOF OF CLAIM, there was not fraud perpetrated within and against the Undersigned within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** by any and all parties involved therein; and, should the Respondent(s) agree; expressly or otherwise, to the facts contained within this Conditional **Acceptance for Value** For Proof Of Claim as said facts operate in favor of the Undersigned, such facts do not demonstrate, evidence, establish, and affirm fraud within said Criminal Case/Cause; and, said fraud does not vitiate all decisions, orders, the judgment, and the like within said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** ab initio.

510. PROOF OF CLAIM, there does still remain any arguable basis for the court’s “subject-matter jurisdiction” within the above referenced alleged Criminal Case/Cause; and, the judgment of said court in said ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is not therefore void ab initio.

511. PROOF OF CLAIM, that should the Respondent(s) confess the injury(s) to the Undersigned, set, established, and agreed upon by the parties hereto within this Conditional **Acceptance for Value** For Proof Of Claim, the Undersigned cannot exercise his “exclusive” remedy, being a Tort Claim, for the moral wrongs committed by the Respondent(s), including but not limited to, “constitutional misapplication of the statute(s),” breach of this contractually binding agreement, conspiracy (two or more involved), denying your own “public policy,” trespasses and moral wrongs committed by and through ultra vires acts not authorized/prohibited by the charter of the commercial vessel d.b.a. the United States of American***, a***nd other trespasses and moral wrongs known and unknown.

512. PROOF OF CLAIM, the Office of Risk Management does have any power, authority, and right derived from validly enacted statute/law, commercial law, contract law, or other to place or impose a cap/limit upon the amount of any Tort Claim submitted by the Undersigned in this matter and relating hereto, in regards to what they, acting for the insurer of said commercial vessel, will pay out on said Tort Claim.

513. PROOF OF CLAIM, that should the Office of Risk Management refuse or otherwise dishonor a Tort Claim submitted by the Undersigned, and as agreed upon by the insured and the Undersigned, the Undersigned cannot take other appropriate/remedial action(s) for remedy, which cannot include involuntary bankruptcy in a foreign proceeding for a said claim.

514. PROOF OF CLAIM, Respondent(s) do and will have any right to deny, argue, controvert, or otherwise protest the facts in the matters set, established, and agreed upon between the parties to this Conditional **Acceptance for Value** For Proof Of Claim within any forum/venue the Undersigned may choose to bring an action/proceeding in to obtain redress and remedy in this matter; and all matters relating to and arising from said matter; and, such act(s) upon the part of Respondent(s) will not be deemed and evidenced as act(s) of breach of said agreement, further attempts to perpetrate acts of fraud upon the Undersigned, bad faith, and the like.

515. PROOF OF CLAIM, the Respondent(s) do not have the “duty” and “obligation” to produce the “Proofs Of Claim,” as requested herein, pursuant to the principles and doctrines of “clean hands” and “good faith” dealings with the Undersigned, and applicable statute(s) as they operate upon Respondent(s) as “office holders”; i.e., officer(s)/agent(s), of the corporate Government juridical construct commercial vessel d.b.a. by oath of office thereto, and contract therewith as a voluntary commercial indenture therein; and thereto.

III. **CAVEAT**

3.1 Please understand that while the Undersigned wants and desires to resolve this matter as promptly as possible, the Undersigned can only do so upon Respondent (s’ ) ‘official response’ to this Conditional **Acceptance for Value** for Proof of Claim by Respondent(s) providing the Undersigned with the requested and necessary Proof of Claims raised herein above.

3.2 Therefore, as the Undersigned is not a signatory; NOR a party, to your “social compact” (contract) known as the Constitution (Charter) of the UNITED STATES; NOR noticed NOR cognizant, of any agreement/contract between the UNITED STATES, and the Undersigned and specifically any obtained through FULL DISCLOSURE and containing any FAIR/VALUABLE CONSIDERATION therein, which would act/operate to create andestablish a “relationship”(nexus) and thereby; and therein, bind the Undersigned to the specific “source of authority” for the creation and existence of the alleged statute(s)/law(s) as contained and allegedly promulgated within the “Code” known as the United States Code; which, with the privity of contract or contract itself would thereby; and therein, create and establish legal force and or effect of said statute(s)/law(s) over and upon the Undersigned; and, would also act/operate to subject the Undersigned to the “statutory jurisdiction” of the UNITED STATES, its laws, venue, jurisdiction, and the like of its commercial courts/administrative tribunals/units and thereby; and therein, bind the Undersigned to said courts/administrative tribunal’s/unit’s decisions, orders, judgments, and the like; and specifically as within the above referenced alleged Criminal Case/Cause; and, which would act/operate to establish and confer upon said court/administrative tribunal/unit the necessary requirement/essential of “subject-matter jurisdiction” without which it is powerless to move in any action other than to dismiss. The Undersigned once more respectfully requests the Respondent(s) provide said necessary Proof of Claims so as to resolve the Undersigned’s confusion and concerns within this/these matter(s). Otherwise, the Undersigned must ask, “What is the Undersigned’s remedy?”

3.3. **THEREFORE**, as Respondent(s) have superior knowledge of the law, access to the requested and necessary Proof of Claims, and otherwise being in a ‘catbird’s seat’ to provide the requested and necessary Proof of Claims raised herein above, Respondent(s) is able, capable, and most qualified to inform the Undersigned on those matters relating to and bearing upon the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** and thereby; and therein, clear-up all confusion and concerns in said matter(s) for the Undersigned as to the nature and cause of said process(s), proceeding(s), and the like as well as the lawfulness and validity of such to include; inter ali***,*** all decisions, orders, judgment, imprisonment, arrest, and the like within; and arising from, all such within said Criminal Case/Cause.

3.4 The Undersigned herein; and hereby, provides the Respondent(s) ten (10) days; to commence the day after receipt of this Conditional **Acceptance for Value** for Proof of Claim, in which to gather and provide the Undersigned with the requested and necessary Proof of Claims raised herein above, with the instruction, to transmit said Proof of Claims to the Undersigned and the below named Notary/Third Party for the sole purpose of certifying RESPONSE or want thereof from Respondent(s). Further, the Undersigned herein; and hereby, extends to the Respondent(s) the offer for an additional ten (10) days in which to provide the requested and necessary Proof of Claims raised herein above. If Respondent(s) desires the additional ten (10) days, Respondent must cause to be transmitted to the Undersigned and the below named Notary/Third Party a signed written REQUEST. Upon receipt thereof, the extension is automatic; however, the Undersigned strongly recommends the Respondent(s) make request for the additional ten (10) days well before the initial ten (10) days have elapse to allow for mailing time. NOTICE: Should Respondent(s) make request for the additional ten (10) days, said request will be deemed “good faith” on the part of Respondent(s) to perform to this offer and provide the requested and necessary Proof of Claims. Should Respondent(s) upon making request for the additional ten (10) days then fail or otherwise refuse to provide the requested and necessary Proof of Claims, said act(s) on the part of Respondent(s) shall be deemed and evidenced as fraud, deception, bad faith, and the like upon Respondent’s (s’) part and further attempts to cause an inflict injury upon the Undersigned. Further, the Undersigned herein strongly recommends to Respondent(s) that any Proof of Claims and request for the additional ten (10) days be transmitted “Certified” Mail, Return Receipt Requested, and the contents therein under Proof of Mailing for the good of all concerned.

3.5 Should the Respondent(s) fail or otherwise refuse to provide the requested and necessary Proof of Claims raised herein above within the expressed period of time established and set herein above, Respondent(s) will have failed to state any claim upon which relief can be granted. Further, Respondent(s) will have agreed and consented through “tacit acquiescence” to ALL the facts in relation to the above referenced alleged Criminal Case/Cause, as raised herein above as Proof of Claims herein; and ALL facts necessarily and of consequence arising there from, are true as they operate in favor of the Undersigned, and that said facts shall stand as prima facie and ultimate (un-refutable) between the parties to this Conditional **Acceptance for Value** for Proof of Claim, the corporate Government juridical construct(s) Respondent(s) represents/serves, and ALL officers, agents, employees, assigns, and the like in service to Respondent(s), as being undisputed. Further, failure and/or refusal by Respondent(s) to provide the requested and necessary Proof of Claims raised herein above shall act/operate as ratification by Respondent(s) that ALL facts as set, established, and agreed upon between the parties to this Conditional **Acceptance for Value** for Proof of Claim, are true, correct, complete, and NOT misleading.

IV. **ARBITRATION**

4.1 **ADDITIONALLY** it is exigent and of consequence for the Undersigned to inform Respondent(s), in accordance with and pursuant to the principles and doctrines of “clean hands” and “good faith,” that by Respondents(s) failure and or refusal to respond and provide the requested and necessary Proof of Claims raised herein above and thereby; and therein, expressing consent and agreement to said facts; as they operate in favor of the Undersigned, through “tacit acquiescence,” Respondent(s) NOT ONLY expressly affirm the truth and validity of said facts set, established, and agreed upon between the parties to this Conditional **Acceptance for Value** for Proof of Claim, but Respondent(s); having agreed and consented to Respondent(s) having a duty and obligation to provide the requested and necessary Proof of Claims raised herein above, will create and establish for Respondent(s) an estoppel in this matter(s), and ALL matters relating hereto; and arising necessarily therefrom; and, in accordance with and pursuant to this agreement; a contractually (consensual) binding agreement between the parties to this Conditional **Acceptance for Value** for Proof of Claim to include the corporate Government juridical construct(s) whom Respondent(s) represents/serves; as well as, ALL officers, agents, employees, assigns, and the like in service to Respondent(s) will not argue, controvert, oppose, or otherwise protest ANY of the facts already agreed upon by the parties set and established herein; and necessarily and of consequence arising therefrom, in ANY future remedial proceeding(s)/action(s), including binding arbitration and confirmation of the award in the United States District Court for the Northern District of Alabama, Middle Division, and/or the United States District Court for the District of Columbia, in accordance with the Federal Arbitration Act, wherein this Conditional Acceptance for the Value/Agreement/Contract no. 511328-DK constitutes an agreement of all interested parties in the event of a default and acceptance through silence/failure to respond when a request for summary disposition of any claims or particular issue may be requested and decided by the arbitrator, whereas, Meagan E. Russell, shall be the designated arbitrator, and in the event of non-acceptance of appointment as arbitrator and/or any physical or mental incapacity to act as arbitrator, the Undersigned shall have the authority to select any neutral(s)/arbitrator(s) that qualify pursuant to State and/or Federal laws, and any controversy or claim arising out of or relating in any way to this Agreement or with regard to its formation, interpretation or breach, and any issues of substantive or procedural arbitrability shall be settled by arbitration, and the arbitrator may hear and decide the controversy upon evidence produced although a party who was duly notified of the arbitration proceeding did not appear; that the Undersigned deems necessary to enforce the “good faith” of ALL parties hereto within without respect to venue, jurisdiction, law, and forum the Undersigned deems appropriate. Further, Respondent(s) agrees the Undersigned can secure damages via Tort Claim for ALL injuries sustained and inflicted upon the Undersigned for the moral wrongs committed against the Undersigned as set, established, agreed and consented to herein by the parties hereto, to include but not limited to: constitutional impermissible misapplication of statute(s)/law(s) in the above referenced alleged Criminal Case/Cause; false arrest, false imprisonment, fraud, conspiracy (two or more involved); trespass of title, property, and the like; and, ALL other known and unknown trespasses and moral wrongs committed through ultra vires act(s) of ALL involved herein; whether by commission or omission. Final amount of damages to be calculated prior to submission of Tort Claim; but already estimated in excess of one billion dollars, and notice to Respondent(s) by invoice. Per Respondent’s(s’) failure and or refusal to provide the requested and necessary Proof of Claims and thereby; and therein consenting and agreeing to ALL the facts set, established, and agreed upon between the parties hereto, this Conditional **Acceptance for Value** for Proof of Claim becomes the security agreement under commercial law.

4.2 Should Respondent(s) allow the ten (10) days or twenty (20) days total if request was made by signed written application for the additional ten (10) days to elapse without providing the requested and necessary Proof of Claims, Respondent(s) will go into fault and the Undersigned will cause to be transmitted a Notice of Fault and Opportunity to Cure and Contest Acceptance to the Respondent(s); wherein, Respondent(s) will be given an additional three (3) days (72 hours) to cure Respondent’s (s’) fault. Should Respondent(s) fail or otherwise refuse to cure Respondent’s(s’) fault, Respondent will be found in default and thereby; and therein, Respondent will have established Respondent’s(s’) consent and agreement to the facts contained within this Conditional **Acceptance for Value** for Proof of Claim as said facts operate in favor of the Undersigned; e.g., that the judgment of alleged “court of record” within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** is VOID AB INITIO for want of subject-matter jurisdiction of said court; insufficient charging document (Information) and affidavits in support thereof for want of establishing a criminal/public offense; want of Relationship with the “source of authority” for said statute(s)/law(s) for want of privity of contract, or contract itself; improperly identified parties to said judgment, as well as said dispute/matter; and, Respondent(s) agrees and consents that Respondent(s) does have a duty and obligation to Undersigned; as well as the corporate Government juridical construct(s) Respondent(s) represents/serves, to correct the record in the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** and thereby; and therein, release the indenture (however termed/styled) upon the Undersigned and cause the Undersigned to be restored to liberty, and releasing the Undersigned’s corpus, as well as ALL property held under a storage contract in the “name” of the all-capital-letter “named” defendant within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** within the alleged commercially “bonded” warehousing agency d.b.a. The Department of Corrections for the commercial corporate Government juridical construct d.b.a. the United States.

4.3 The defaulting party will be estopped from maintaining or enforcing the original offer/presentment; i.e., the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** as well as ALL commercial paper (negotiable instruments) therein, within any court or administrative tribunal/unit within any venue, jurisdiction, and forum the Undersigned may deem appropriate to proceed within in the event of ANY and ALL breach(s) of this agreement by Respondent(s) to compel specific performance and or damages arising from injuries there from. The defaulting party will be foreclosed by laches and or estoppel from maintaining or enforcing the original offer/presentment in any mode or manner whatsoever, at any time, within any proceeding/action.

V. **NOTICE OF COMMON-LAW COPYRIGHT AND WAIVER THEREOF:**

5.1 Please be advised that in-as-much as the Undersigned has “secured” the “interest” in the “name” of the all-capital-letter “named” defendant as employed/used upon the face; and within, ALL documents/instruments/records within the above referenced alleged Criminal Case/Cause, to include any and all derivatives and variations in the spelling of said “name” except the “true name” of the Undersigned as appearing within the Undersigned’s signature block herein below, through a Common-Law Copyright, filed for record within the Office of the Secretary of State, Washington state, and, having “perfected said interest” in same through incorporation within a Financing (and all amendments and transcending filings thereto), by reference therein, the Undersigned hereby; and herein, waives the Undersigned’s rights as set, established, and the like therein, and as “perfected” within said Financing Statement acting/operating to “register” said Copyright, to allow for the Respondent(s) to enter the record of the alleged “court of record” within the above referenced alleged ***CIVIL/COMMERCIAL/Criminal Case/Cause*** for the SOLE purpose to correct said record and comply with Respondent’s(s’) agreed upon duty/obligation to write the “order” and cause same to be transmitted to restore and release the Undersigned, the Undersigned’s corpus, and ALL property currently under a “storage contract” under the Undersigned’s Common-Law Copyrighted trade-name; i.e., the all-capital-letter “named” defendant within the above referenced alleged Criminal Case/Cause, within the alleged commercially “bonded” warehousing agency d.b.a. Federal Bureau of Prisons for the commercial corporate Government juridical construct d.b.a. the United States.

5.2**. NOTICE**: This waiver of rights to and within the Undersigned’s Common-Law Copyrighted trade-name; i.e., the all-capital-letter “named” defendant in the above referenced alleged Criminal Case/Cause, to include any and all derivatives and variations in the spelling of said “name” except the “true name” of the Undersigned as appearing within the Undersigned’s signature block herein below, is ONLY for the purpose expressed above, and matter(s) related/associated to/with said stated purpose. Any other/additional use/employment of the Undersigned’s Common-Law Copyrighted trade-name within and for any other non-related matter/purpose is hereby; and herein, strictly prohibited and NOTICED to Respondent(s), and will thereby; and therein, bind through consensual contract - terms and conditions of which are expressly provided within said Copyright - the Respondent(s) to the terms and conditions of said consensual contract arising from a violation of said Copyright.

5.3. As the Undersigned has no desire NOR wish to tie the hands of Respondent(s) in performing Respondent’s(s’) agreed upon duty/obligation as set, established, and agreed upon within this Conditional **Acceptance for Value** for Proof of Claim and thereby create/cause a “breach” of said contractually binding agreement on the part of the Respondent(s), Respondent(s) is hereby; and herein, NOTICED that if this waiver of said Copyright is not liberal, NOR extensive enough, to allow for the Respondent(s) to specifically perform all duties/obligations as set, established, and agreed upon within the Conditional **Acceptance for Value** for Proof of Claim: Respondent(s) may; in “good faith” and NOT in fraud of the Undersigned, take all needed and required liberties with said Copyright and this waiver in order to fulfill and accomplish Respondent’s(s’) duties/obligations set, established, and agreed upon between the parties to this agreement. If Respondent(s) has any questions and or concerns regarding said Copyright and or the waiver, Respondent(s) is invited to address such questions and or concerns to the Undersigned in writing, and causing said communiqués to be transmitted to the Undersigned and below named Notary/Third Party.

**NOTICE TO AGENT IS NOTICE TO PRINCIPLE AND VICE VERSA**

**NOTICE**: In this Conditional **Acceptance for Value** for Proof of Claim(a) the words “include,” “includes,” and “including,” are not limiting; (b) the word “all” includes “any” and the word “any” includes “all”; (c) the word “or” is not exclusive except when used in conjunction with the word “and”; as in, “and/or”; and (d) words and terms (i) in the singular number include the plural, and in the plural, the singular; (ii) in the masculine gender include both feminine and neuter.

**NOTICE**: All titles/names/appellations of corporate Government juridical constructs, and branches, departments, agencies, bureaus, offices, sub-whatever’s, and the like thereof, include any and all derivatives and variations in the spelling of said titles/names/appellations.

**NOTICE**: Any and all attempts at providing the requested and necessary Proof of Claims raised herein above; and, requesting the additional ten (10) days in which to provide same; and, to address any and all questions and concerns to the Undersigned in regards to the stated Copyright and waiver herein expressed, in any manner other than that provided for herein will be deemed non-responsive.

The Undersigned extends to the Respondent(s) the Undersigned’s appreciations and thanks for Respondent’s(s) prompt attention, response, production of above Proof(s) of Claim and assistance in this/these matter(s).

Sincerely,

Without Recourse

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  **a Natural Man**

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