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Comprehensive Study of "The Law of the Land"
Article 4 — Part IV & V

Sunday, - April 20, 2014 / 1 p.m. — 3 p.m.

Blog Talk: *Mhhs—Eyes Wide Open*

Chat Room OR Call In: 347 945-5899

Definitions For Review:

Full Faith & Credit

- "Full faith and credit" clause of Const. U. S. art. 4, § 1, requires that foreign judgment be given such faith and credit as it had by law or usage of state of its origin. *First Nat. Bank v. Terry*, 103 Cal.App. 501, 285 P. 336, 337. That foreign statutes are to have force and effect to which they are entitled in home state. *Flahive v. Missouri, K. & T. R. Co.*, 131 Misc. 586, 227 N.Y.S. 587, 588. And that a judgment or record shall have the same faith, credit, conclusive effect, and obligatory force in other states as it has by law or usage in the state from whence taken. *Christmas v. Russell*, 5 Wall. 302, 18 L.Ed. 475; *McElmoyle v. Cohen*, 13 Pet. 326, 10 L.Ed. 177; *Pennsylvania Fire Ins. Co. of Philadelphia v. Gold Issue Min. & Mill. Co.*, 243 U.S. 93, 37 S.Ct. 344, 61 L.Ed. 610.

Credit

— A sum credited on the books of a company to person who appears to be entitled to it. *Coons v. Home Life Ins. Co. of New York*, 291 Ill.App. 313, 9 N.E.2d 419, 421. The credit of an individual is the trust reposed in him by those who deal with him that he is of ability to meet his engagements; and he is trusted because through the tribunals of the country he may be made to pay. **The credit of a government is founded on a belief of its ability to comply with its engagements, and a confidence in its honor, that it will do that voluntarily which it cannot be compelled to do.** *Owen v. Branch Bank*, 3 Ala. 258.

Judicial Proceedings

- Any proceeding wherein judicial action is invoked and taken. *Mannix v. Portland Telegram*, 144 Or. 172, 23 P.2d 138, 90 A.L.R. 55. Any pro-

ceeding to obtain such remedy as the law allows. *Treloar v. Harris*, 66 986 Ind.App. 59, 117 N.E. 975, 978. Any step taken in a court of justice in the prosecution or defense of an action. *National Homestead Ass'n v. Graham*, 176 La. 1062, 147 So. 348, 352.

A general term for proceedings relating to, practiced in, or proceeding from, a court of justice; or the course prescribed to be taken in various cases for the determination of a controversy or for legal redress or relief. See *Martin v. Simpkins*, 20 Colo. 438, 38 P. 1092; *Mullen v. Reed*, 64 Conn. 240, 29 A. 478, 24 L.R.A. 664, 42 Am.St.Rep. 174; *Aldrich v. Kinney*, 4 Conn. 386, 10 Am. Dec. 151. A proceeding in a legally constituted court. *Garrett v. State*, 18 Ga.App. 360, 89 S.E. 380. A proceeding wherein there are parties, who have opportunity to be heard, and wherein the tribunal proceeds either to a determination of facts upon evidence or of law upon proved or conceded facts. *Mitchel v. Cropsey*, 177 App.Div. 663, 164 N.Y.S. 336, 339.

General Law

—A law that affects the community at large. A general law as contradistinguished from one that is special or local, is a law that embraces a class of subjects . or places, and does not omit any subject or place naturally belonging to such class. *Van Riper v. Parsons*, 40 N.J.Law, 1; *Mathis v. Jones*, 84 Ga. 804, 11 S.E. 1018; *Brooks v. Hyde*, 37 Cal. 376; *Arms v. Ayer*, 192 Ill. 601, 61 N.E. 851, 58 L.R.A. 277, 85 Am.St. Rep. 357.

A law, framed in general terms, restricted to no locality, and operating equally upon all of a group of objects,

which, having regard to the purposes of the legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves, is not a special or local law, but a general law. *Jones v. Power County*, 27 Idaho, 656, 150 P. 35, 37; *Scarborough v. Wooten*, 23 N.M. 616, 170 P. 743; *Toombs v. Sharkey*, 140 Miss. 676, 106 So. 273, 275; *Van Riper v. Parsons*, 40 N.J.L. 123, 29 Am. Rep. 210.

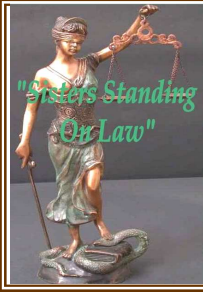
Entitled

— In its usual sense, to entitle is to give a right or title. *Felter v. McClure*, 135 Wash. 410, 237 P. 1010, 1011. To qualify for; to furnish with proper grounds for seeking or claiming. *Fitts v. Terminal Warehousing Corporation*, 170 Tenn. 198, 93 S.W.2d 1265, 1267. *In re Graves*, 325 Mo. 888, 30 S.W.2d 149, 151. In ecclesiastical law. To entitle is to give a title or ordination as a minister.

Privileges

— A particular and peculiar benefit or advantage enjoyed by a person, company, or class, beyond the common advantages of other citizens. An exceptional or extraordinary power or exemption. A right, power, franchise, or immunity held by a person or class, against or beyond the course of the law. *Waterloo Water Co. v. Village of Waterloo*, 193 N.Y.S. 360, 362, 200 App.Div. 718; *Colonial Motor Coach Corporation v. City of Oswego*, 215 N.Y.S. 159, 163, 126 Misc. 829; *Cope v. Flanery*, 234 P. 845, 849, 70 Cal.App. 738; *Bank of Commerce & Trust Co. v. Senter*, 260 S.W. 144, 147, 149 Tenn. 569; *State v. Betts*, 24 N.J.L. 557.

An exemption from some burden or attendance, with which certain persons are indulged, from a supposition of law that the stations they fill, or the offices they are engaged in, are such as require all their time and care, and that, therefore, without this indulgence, it would be impracticable to execute such offices to that advantage which the public good requires. *Dike v. State*, 38 Minn. 366, 38 N.W. 95;



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International Trust Co. v. American L. & T. Co., 62 Minn. 501, 65 N.W. 78. **State v. Gilman**, 33 W.Va. 146, 10 S.E. 283, 6 L.R.A. 847. That which releases one from the performance of a duty or obligation, or exempts one from a liability which he would otherwise be required to perform, or sustain in common with all other persons. **State v. Grosnickle**, 189 Wis. 17, 206 N.W. 895, 896. A peculiar advantage, exemption, or immunity. **Sacramento Orphanage & Children's Home v. Chambers**, 25 Cal.App. 536, 144 P. 317, 319.

General

Privilege from arrest. A privilege extended to certain classes of persons, either by the rules of international law, the policy of the law, or the necessities of justice or of the administration of government, whereby they are exempted from arrest on civil process, and, in some cases, on criminal charges, either permanently, as in the case of a foreign minister and his suite, or temporarily, as in the case of members of the legislature, parties and witnesses engaged in a particular suit, etc. 1 Kent 243; 8 R. I. 43; 2 Stra. 985; 1 M. & W. 488; **Parker v. Marco**, 136 N.Y. 585, 32 N.E. 989, 20 L.R.A. 45, 32 Am.St.Rep. 770.

Immunity (ies) — Exemption, as from serving in an office, or performing duties which the law generally requires other citizens to perform. **Ex parte Levy**, 43 Ark. 54, 51 Am.Rep. 550. Freedom from duty or penalty. **Leatherwood v. Hill**, 10 Ariz. 243, 89 P. 521, 523. The term aptly describes an exemption from taxation. **Buchanan v. Knoxville & O. R. Co.**, C.C.A.Tenn., 71 F. 324, 334, 18 C.C.A. 122. A particular privilege. **Webster, Dict.; Sacramento Orphanage, etc., Home v. Chambers**, 25 Cal.App. 536, 144 P. 317, 319.

Treason — The offense of attempting by overt acts to overthrow the government of the state to which the offender owes allegiance; or of betraying the state into the hands of a foreign power. **Webster.**

"Treason" consists of two elements: Adherence to the enemy, and rendering him aid and comfort. **Cramer v. U. S.**, U.S.N.Y., 65 S.Ct. 918, 932, 325 U.S. 1, 89 L.Ed. 1441.

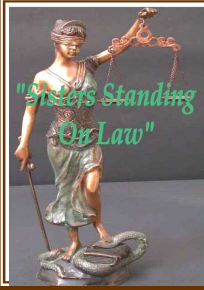
Felony — A crime of a graver or more atrocious nature than those designated as misdemeanors. **Ex parte Ramirez**, 49 Cal.App.2d 709, 122 P. 2d 361, 362. Generally an offense punishable by death or imprisonment in penitentiary. **People v. Pointer**, 348 Ill. 277, 180 N.E. 796, 797, or state prison. **State v. Harwood**, 206 N.C. 87, 173 S.E. 24, 25. And at common law, an offense occasioning total forfeiture of either land or goods to which capital or other punishment might be superadded according to degree of guilt. **Bell v. Commonwealth**, 167 Va. 526, 189 S.E. 441, 443.

Jurisdiction — The word is a term of large and comprehensive import, and embraces every kind of judicial action. **Federal Land Bank of Louisville, Ky., v. Crombie**, 258 Ky. 383, 80 S.W.2d 39, 40; **McGowin v. McGowin**, 122 Fla. 394, 165 So. 274, 275, 276. It is the authority by which courts and judicial officers take cognizance of and decide cases. **Board of Trustees of Firemen's Relief and Pension Fund of City of Marietta v. Brooks**, 179 Okl. 600, 67 P.2d 4, 6; **Morrow v. Corbin**, 122 Tex. 553, 62 S.W.2d 641; **State v. Barnett**, 110 Vt. 221, 3 A.2d 521, 526; the legal right by which judges exercise their authority. **Max Ams, Inc. v. Barker**, 293 Ky. 698, 170 S.W.2d 45, 48; It exists when court has cognizance of class of cases involved, proper parties are present, and point to be decided is

within issues. **Noxon Chemical Products Co. v. Leckie**, C.C.A.N.J., 39 F.2d 318, 319; **United Cemeteries Co. v. Strother**, 342 Mo. 1155, 119 S.W.2d 762, 765; **Harder v. Johnson**, 147 Kan. 440, 76 P.2d 763, 764.

It is the authority, capacity, power or right to act, **Campbell v. City of Plymouth**, 293 Mich. 84, 291 N.W. 231, 232; **Industrial Addition Ass'n v.**

Commissioner of Internal Revenue, Tenn., 323 U.S. 310, 65 S.Ct. 289, 291, 292, 89 L.Ed. 260; adjudicate, **Morrow v. Corbin**, 122 Tex. 553, 62 S.W. 2d 641; **Iselin v. La Coste**, C.C.A.La., 147 F.2d 791, 795; **Sheldon v. Powell**, 99 Fla. 782, 128 So. 258, 263; **Broduer v. Broduer**, 53 R.I. 450, 167 A. 104, 106; carry into execution or enforce sentence, judgment or decree, **Morrow v. Corbin**, 122 Tex. 553, 62 S.W.2d 641; **U. S. v. Arredondo**, 6 Pet. 691, 8 L.Ed. 547; **Johnson v. Jones**, 2 Neb. 135; **Federal Land Bank of Louisville, Ky. v. Crombie**, 258 Ky. 383, 80 S.W.2d 39, 40;- compel parties to come before court or body, **Great Lakes Stages v. Public Utilities Commission of Ohio**, 120 Ohio St. 491, 166 N.E. 404, 406; deal with general abstract question, **Thompson v. Terminal Shares**, C.C.A.Mo., 89 F.2d 652, 655; deal with subject matter, **U. S. v. Sanders**, D.C.Tex., 42 F.Supp. 436, 439, 440; decide, **Gossett v. Hensley**, Tex.Civ.App., 94 S.W.2d 903, 906; **Klancher v. Anderson**, 113 Colo. 478, 158 P.2d 923, 925; **Mattice v. Kingston Trust Co.**, 33 N.Y.S.2d 799, 801, 178 Misc. 256; including questions of law as well as of fact, **Schlosser v. Welsh**, D.C.S.D., 5 F.Supp. 993, 996; **Atwood v. Cox**, 88 Utah 437, 55 P.2d 377, 381; **May Coal & Grain Co. v. Kansas City, Mo.**, C.C.A.Mo., 73 F.2d 345, 348; declare, expound, administer or apply the law, **Long Flame Coal Co. v. State Compensation Com'r**, 111 W.Va. 409, 163 S.E. 16, 19; **Svitojus v. Kurant**, 293 Mich. 291, 292 N.W. 637, 645; **Johnson v. Harvey**, 261 Ky. 522, 88 S.W.2d 42, 46; **Max Ams, Inc. v. Barker**, 293 Ky. 698, 170 S.W.2d 45, 48; **Rasmusson v. Schmalenberger**, 60 N.D. 527, 235 N.W. 496, 499; State ex rel. **Moser v. District Court of Ninth Judicial Dist. in and for Pondera County, Mont.**, 116 Mont. 305, 151 P.2d 1002, 1006;



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Territory – TERRA. Lat. Earth; soil; arable land. Kennett, Gloss. **TER-RITORY**. A part of a country separated from the rest, and subject to a particular jurisdiction.

American Law

A portion of the United States, not within the limits of any state, which has not yet been admitted as a state of the Union, but is organized, with a separate legislature, and with executive and judicial officers appointed by the president. See *Ex parte Morgan*, D.C.Ark., 20 F. 298, 304; *People v. Daniels*, 6 Utah, 288, 22 P. 159, 5 L.R.A. 444; *Ex parte Heikich Terui*, 187 Cal. 20, 200 P. 954, 956, 17 A.L.R. 630.

Suffrage – A vote; the act of voting; the right or privilege of casting a vote at public elections. The last is the meaning of the term in such phrases as “the extension of the suffrage,” “universal suffrage,” etc. *Spitzer v. Fulton*, 33 Misc. 257, 68 N.Y.S. 660; *Coneld v. Farrell*, 38 Okl. 608, 134 P. 407, 409.

Participation in the suffrage is not of right, but is granted by the state on a consideration of what is most for the interest of the state, *Cooley, Const.*, 2d Ed. 752; *Spencer v. Board of Registration*, 8 D.C. 169, 29 Am.Rep. 582; *U. S. v. Anthony*, 11 Blatchf. 200, Fed.Cas.No.14,459. The grant of suffrage makes it a legal right until it is recalled, and it is protected by the law as property is.

Reminder Notes for Future Classes:

State - A People permanently occupying a fixed territory, bound together by common-law, habits, and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe. Black’s Law Dictionary 4th Edition

Parties to the Constitution – United States:

1. **Moors** – Supreme Authority, and
2. **Union [United] States of America** – Europeans, the People adopted into the Nation.

Status – The etymology of the word **state** comes from the latin “Status” – stare – to stand; Status – manner of standing, attitude, position, carriage, manner, dress, apparel; and other senses.

All **legislative powers** herein granted shall be vested in a **Congress of the United States** - Moors, which shall **consist-[stands together with]** of a **Senate and House of Representatives** – [members elected from the Union States]

The 3 Great Departments of Government:

♦ **Legislative** – pass law – this is appropriate if you comprehend that the Moors make up the United States and only the sovereign of the land can make any laws.

♦ **Executive** – approve and execute the laws that have been passed.

♦ **Judicial** – expound and enforce the laws that have been passed.

12 Lawful Questions:

1. What will full faith and credit be given to? *Explain what that means.*
2. Who determines how the acts, records, and proceedings shall be proved, and the effect if any? Identify the party.
3. What are the citizens entitled to?
4. What do you think it means when they say “entitled to all privileges and immunities of “citizens” in the several states?

“No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.” Who do you think this is referring to, why, and where is it referenced?

5. How are new states admitted into the union? *Who is the Congress?*

6. “but no new states shall be formed or erected within the jurisdiction of any other state;”

Please explain what this means.

Is there a possible example of this violation today? .

7. “nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.”

• *What does this reference today?*

8. Even if the legislatures of the states consent, who has final say so and must also consent? • *Who is the Congress?*

9. Who has the power to dispose of and make all needful rules and regulations as to the territory or other property belonging to the United States?

• *What is territory?*

• *What does this tell you about the territory and other property?*

10. What is guaranteed to every state in the union?

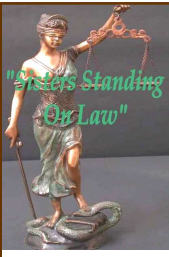
11. What shall the states be protected from? • *Who is obligated to provide this protection?* • *How is the United States defined in this reference?*

• *Where is this defined?*

12. How can the Constitution be amended?

Group Discussion Question

13. “provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses of the ninth section of the first article” What does the first and **fourth clauses of the ninth section of the first article state?** Can you give a brief explanation of what this is saying?



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Supreme Law for Review:

Section 1.1 Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state.

3.1 New states may be admitted by the Congress into this union; but no new states shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

3.2 The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

4.1 The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

Concluding Lawful Perspective:

It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgment in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution." **Downs v. Bidwell, 182 U.S. 244 (1901)**

Next Class:

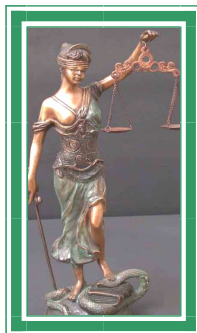
An Analysis of "The Spirit of the Supreme Law of the Land" Part VI – Article VI & VII of the American Constitution 1791.

Hint:

A Case Law Support: Supreme Court Justice Field, "There is no such thing as a power of inherent sovereignty in the government of the United States... In this country, sovereignty resides in the people, and Congress can exercise power which they have not, by their Constitution, entrusted to it. All else is withheld." **Juliard v. Greeman, 110 U.S. 421 (1884)**

Sistars Standing On Law

Syllabus Topics for next Thirteen Months



Part 1 —Preamble	Part 7 — Bill of Right I
Part 2 —Article I	Part 8— Bill of Right II & III
Part 3 —Article II	Part 9 — Bill of Right IV
Part 4 —Article III	Part 10 — Bill Right V
Part 5 — Article IV & V	Part 11 — Bill of Right VI
Part 6 —Article VI & VII	Part 12 — Bill of Right VII & VIII
	Part 13 — Bill of Right IX & X

This Series contains a total of 13 Classes and the first class began on December 15th, 2013, our 7th overall broadcast on Mhhs-Eyes Wides Open Blog Talk "Sistars Standing On Law" .