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Comprehensive Study of "The Law of the Land"

Part XIV: Amendment 11 & 12

Sunday, January 25th, 2014 / 1 p.m. — 3 p.m.

Blog Talk: *Mhhs—Eyes Wide Open*

Chat Room OR Call In: 347 945-5899

Definitions For Review:

Extend - Lends itself to .great variety of meanings, which must in each case be gathered from context. **Blouch v. Stevens**, 106 N.J.L. 488, 150 A. 581, 583. It may mean to broaden the application or action of, **Meyering v. Miller**, 30 Mo. 885, 51 S.W.2d 65, 66; to carry forward, **Loeffier v. Federal Supply Co.**, 187 Okl. 373, 102 P.2d 862, 864; to cause to reach or continue as from point to point, **Henderson Development Co. v. United Fuel Gas Co.**, 121 W.Va. 284, 3 S.E.2d 217, 219; to expand, enlarge, prolong, lengthen, widen, carry out, further than the original limit; as, to extend the time for filing an answer, to extend a lease, term of office, charter, railroad track, etc., **State v. Armstrong**, 31 N.M. 220, 243 P. 333, 345; **Lesser-Goldman Cotton Co. v. Cache River Drainage Dist.**, 174 Ark. 160, 294 S.W. 711, 713; **State v. Scott**, 113 Mo. 559, 20 S.W. 1076; **Moers v. Reading**, 21 Pa. 201; **Keetch v. Cordner**, 90 Utah 423, 62 P.2d 273, 277, 108 A.L.R. 52; to give as a privilege, **Tantum v. Keller**, 95 N.J.Eq. 466, 123 A. 299, 300, 301, 302; to give wider range, **State ex rel. Berthot v. Gallatin County High School Dist.**, 102 Mont. 356, 58 P.2d 264, 266; to make more comprehensive or capricious, **Meyering v. Miller**, 33 Mo. 885, 51 S.W.2d 65, 66; **Keetch v. Cordner**, 90 Utah 423, 62 P.2d 273, 277, 108 A.L.R. 52; to stretch out or to draw out; **Crane Enamelware Co. v. Smith**, 168 Tenn. 203, 76 S.W.2d 644; **Loeffier v. Federal Supply Co.**, 187 Okl. 373, 102 P.2d 862, 864.

Statute authorizing Interstate Commerce Commission to require carriers to "extend" lines is confined to extensions within undertaking of carriers to serve, and does not embrace new lines reaching new territory. Interstate **Commerce Commission v. Oregon-Washington R. & Nay. Co.**, Or., 288 U.S. 14, 53 S.Ct. 266, 77 L.Ed. 588.

To extend a charter is to give one which now exists greater or longer time to operate in than that to which it was originally limited. **Fidelity & Columbia Trust Co. v. Louisville Ry. Co.**, 258 Ky. 817, 81 S.W.2d 896, 900. To "extend" a lease or contract is not necessarily the same as "renew," for a stipulation to renew requires the making of a new lease, while one to extend does not. **Sanders v. Wender**, 205 Ky. 422, 265 S.W. 939, 941. See, also, **Nenzel v. Rochester Silver Corporation**, 48 Nev. 41, 226 P. 1102, 1105; **Livingston Waterworks v. City of Livingston**, 53 Mont. 1, 162 P. 381, 383, L.R.A.1917D, 1074; **Buckland v. Tarble**, 95 Vt. 87, 112 A. 217, 218. But whether a clause in a lease is a covenant of renewal or an agreement for an extension depends on the parties' intention and the use of the word "renewal"; **Freiheit v. Broch**, 98 Conn. 166, 118 A. 828, 829; and the two terms may be used practically synonymously; **American Press v. City of St. Louis**, 314 Mo. 288, 284 S.W. 482, 486; **Orr v. Doubleday, Page & Co.**, 157 N.Y.S. 1009, 1012, 172 App.Div. 96. The word "extend" as used in a lease does not necessarily mean the same, as "renew," but context may show intent that the words be given a similar meaning. **Candler v. Smyth**, 168 Ga. 276, 147 S.E. 552, 554.

To extend a street means to prolong and continue it in the direction in which it already points, but does not include deflecting it from the course of the existing portion. **In re Charlotte St.**, 23 Pa. 288; **Seattle & M. Ry. Co. v. State**, 7 Wash. 150, 34 P. 551, 22 L.R.A. 217.

English Practice

To value the lands or tenements of a person bound by a statute or recognition which has become forfeited, to their full *extended* value. 3 **Bl.Comm. 420**; **Fitzh.Nat.Brev. 131**. To execute the writ of *extent* or *extendi facias (q. v.)*. 2 **Tidd, Pr. 1043, 1044**.

Taxation

Extending a tax consists in adding to the assessment roll the precise amount due from each person whose name appears thereon. "The subjects for taxation having been properly listed, and a basis for apportionment established, nothing will remain to fix a definite liability but to *extend* upon the list or roll the several proportionate amounts, as a charge against the several taxables." **Cooley, Tax'n, 2d Ed., 423**.

EXTENDED. A lengthening out of time previously fixed and not the arbitrary setting of a new date. **In re Parent, D.C.N.H.**, 30 **F.Supp. 943, 945**, Stretched, spread, or drawn out. **Rathbone v. State Board of Land Com'rs of Montana**, 100 **Mont. 109, 47 P.2d 47, 49**.

As used in constitutional inhibition against extending provisions of statute by reference to its title only, has reference to an attempt to add something to text of pre-existing law. **Hollis & Co. v. McCarroll**, 200 **Ark. 523, 140 S. W.2d 420, 422**.

Commence(d) - To perform the first act of. **Robinson v. Gordon Oil Co.**, 258 **Mich. 643, 242 N.W. 795, 796**. To institute. **State v. Murphy**, 120 **Kan. 350, 243 P. 288, 289**. To demand something by the institution of process in a court of justice. **Ledonne v. Commerce Ins. Co. of Glen Falls, N.Y.**, 307 **Pa. 1, 160 A. 612**.

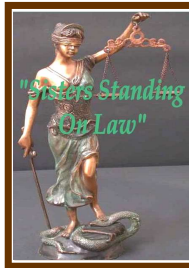
To commence an action or suit is to demand something by the institution of process in a court of justice. **Cohens v. Virginia, 6 Wheat. 408, 5 L.Ed. 257.**

To "bring" a suit is an equivalent term; an action is "commenced" when it is "brought," and vice versa. **Goldenberg v. Murphy, 108 U.S. 162, 2 S. Ct. 388, 27 L.Ed. 686 ; Hannaman v. Gordon, Tex.Com.App., 261 S.W. 1006, 1007.**

An action is "commenced" within the meaning of the statute of limitations as soon as the summons is signed and sealed in good faith, for the purpose of immediate service, and that purpose is not afterwards abandoned. **Wilson v. Clear, 85 N.J.L. 474, 89 A. 1031. Compare Glenn v. Payne, 153 Tenn. 240, 280 S.W. 1019, 1021. Owen v. City of Eastland, 124 Tex. 419, 78 S.W.2d 178, 179.** A suit in a court of record is "commenced", so as to save suit from bar of statute of limitations, when the petition is filed, even though process is not issued until the period of limitation has run, since plaintiff has done all he can toward commencement of the suit. **Mo.St. Ann. § 724, p. 940. City of St. Louis v. Miller, 235 Mo.App. 987, 145 S. W.2d 504, 505.**

A suit in equity is not commenced until the issuance of a subpoena followed by a bona fide effort to serve it. **U. S. v. Scheurman, D.C.Idaho, 218 F. 915, 919.**

To commence drilling operations within the meaning of an oil and gas lease has reference to the first movement of the drill in penetrating the ground. **Solberg v. Sunburst Oil & Gas Co., 73 Mont. 94, 235 P. 761, 763.** But see **Terry v. Texas Co., Tex.Civ.App., 228 S.W. 1019,** holding that a lessee, by placing timbers for the erection of a derrick, together with machinery, including a boiler, on the ground where an oil well was to be drilled, complied with a provision requiring him to "commence to drill." But com-



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pare **Lauderdale Power Co. v. Perry, 202 Ala. 394, 80 So. 476, 480.**

Criminal prosecution is "commenced" within statute of limitations when complaint is filed with magistrate in good faith and warrant issued. **Hicks v. State, 54 Okl.Cr. 431, 23 P.2d 219.**

Commencement of building or improvement, within the meaning of Lien Law, is the visible commencement of actual operations on the ground for the erection of the building, which every one can readily recognize as commencement of a building, and which is done with intention to continue the work until building is completed. **Security Stove & Mfg. Co. v. Sellards, 133 Kan. 747, 3 P.2d 481, 482, 76 A.L.R. 1397.**

Ballot - BALLOT. Derived from ballotta, a round bullet, a voice or lot, means act of voting, usually in secret, by balls or by written or printed tickets or slips of paper; the system of voting by balls or tickets, or by any device for casting or recording votes, as by voting machine. **Norris v. Mayor and City Council of Baltimore, 192 A. 531, 535, 172 Md. 667.** Also piece of paper on which the voter gives expression to his choice. **Sawyer Stores v. Mitchell, 103 Mont. 148, 62 P.2d 342, 348.**

A slip of paper bearing the names of the offices to be filled at the particular election and the names of the candidates for whom the elector desires to vote, or containing a particular question of administration or public policy on which the voter is asked to express his views. It may be printed, or written, or partly printed and partly written, and is

deposited by the voter in a "ballot box" which is in the custody of the officers holding the election. **Denny v. Pratt, 104 Conn. 396, 133 A. 107, 108.** Used as a symbol of secrecy, while "viva voce" is used as a symbol of publicity. **Day v. Walker, 124 Neb. 500, 247 N.W. 350, 351.** The whole amount of votes cast.

Joint Ballot

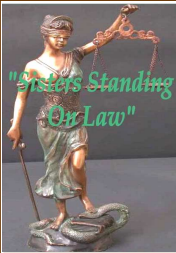
In parliamentary practice, an election or vote by ballot participated in by the members of both houses of a legislative assembly sitting together as one body, the result being determined by a majority of the votes cast by the joint assembly thus constituted, instead of by concurrent majorities of the two houses. **See State v. Shaw, 9 S.C. 144.**

Official Ballot

Depending on its use in local statutes, this term has a varied meaning. It may refer to a ballot which has been furnished by the clerk; **Cain v. Garvey, Tex.Civ.App., 187 S.W. 1111, 1116;** or it may contemplate that a ballot must have been printed under the supervision of a designated member of the electoral board, sealed by the board, and by resolution declared to be one of the official ballots for the election to be held; **Xippas v. Commonwealth, 141 Va. 497, 126 S.E. 207, 209.**

Mutilated Ballot

One from which the name of the candidate is cut out. **Murray v. Waite, 113 Me. 485, 94 A. 943, 945, Ann.Cas.1918A, 1128.** One which is destitute or deprived of some essential or valuable part; greatly shortened. **Stubbs v. Moursund, Tex.Civ. App., 222 S.W. 632, 634.**



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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.

7 Lawful Questions:

1. Where is the Judicial Powers specified in the American Constitution 1791?
2. Pursuant to Article III Section I, where does the Judicial Powers reside?
3. Who is the United States?
4. What does the XII Bill of Right clarify?
 - What does it pertain to?
5. Are any of the Presidents qualified to be the president of the United States of America?
 - Why?
6. Does the XII Bill of Right replace?

Group Discussion Question:

7. In the XI Bill of Right where it says “The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, of by citizens or subjects of any foreign states.” Who are they referring to and why?

Supreme Laws for Review:

Justice Douglas, in his dissenting opinion at page 140 said, "If (federal judges) break the law, they can be prosecuted." Justice Black, in his dissenting opinion (at page 141) said, "Judges, like other people, can be tried, convicted and punished for crimes... The judicial power shall extend to all cases, in law and equity, arising under this Constitution". **Chandler v. Judicial Council of the 10th Circuit, 398 U.S. 74, 90 S. Ct. 1648, 26 L. Ed. 2d 100**

Note: Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason. **Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)**

Constitutionally and in fact of law and judicial rulings, state-federal "magistrates-judges" or any government actors, state or federal, may now be held liable, if they violate any Citizen's Constitutional rights, privileges, or immunities, or guarantees; including statutory civil rights. A judge is not immune for tortious acts committed in a purely Administrative, non-judicial capacity. **United States v. Lanier (March 1997) Forrester v. White, 484 U.S. at 227-229, 108 S. Ct. at 544-545 (1987). Westfall v. Erwin, 108 S. Ct. 580 (1987)**

psychological and physical hardships of two trials, nor the potential of a harsher sentence on the second trial impermissibly burdened the right to a jury trial.



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Concluding Lawful Perspective:

Pulliam v. Allen, 466 U.S. 522 (1984); 104 S. Ct. 1781, 1980, 1981, and 1985:

In 1996, Congress passed a law to overcome this ruling which stated that judicial immunity doesn't exist; citizens can sue judges for prospective injunctive relief.

"Our own experience is fully consistent with the common law's rejection of a rule of judicial immunity. We never have had a rule of absolute judicial immunity. At least seven circuits have indicated affirmatively that there is no immunity... to prevent irreparable injury to a citizen's constitutional rights..."

"Subsequent interpretations of the Civil Rights Act by this Court acknowledge Congress' intent to reach unconstitutional actions by all state and federal actors, including judges... The Fourteenth Amendment prohibits a state [federal] from denying any person [citizen] within its jurisdiction the equal protection under the laws. Since a State [or federal] acts only by its legislative, executive or judicial authorities, the constitutional provisions must be addressed to those authorities, including state and federal judges..."

Next Class:

Open Forum to discuss issues relative to what has been absorbed regarding the LAW.

Hint:

": "The new age calls for liberty – the kind that makes each man a priest; enables him to go alone and lay his offerings on the Shrine of Allah."

Sisters Standing On Law 13 Month Syllabus Topics

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

Notes