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Comprehensive Study of "The Law of the Land" Article 3 — Part IV

Sunday, March 10, 2014 / 1 p.m. — 3 p.m.

Blog Talk: *Mhhs—Eyes Wide Open*

Chat Room OR Call In: 347 945-5899

Definitions For Review:

derer's Rest Cemetery Co., 316 Ill. 226, 147 N.E. 104, 106; **Thompson v. U. S.**, C.C.A.N.J., 283 F. 895, 899; **Wells Lamont Corp. v. Bowles**, Emp.App, 149 F.2d 364, 366.

Inferior —

This term may denote any court subordinate to the chief appellate tribunal in the particular judicial system; but it is commonly used as the designation of a court of special,

limited, or statutory jurisdiction, whose record must show the existence and attaching of jurisdiction in any given case, in order to give presumptive validity to its judgment. **In re**

Heard's Guardianship, 174 Miss. 37, 163 So. 685, 687.

Ordain — To institute or establish; to make an ordinance; to enact a constitution or law. **State v. Dallas City**, 72 Or. 337, 143 P. 1127, 1131, Ann. Cas.1916B, 855.

Establish — This word occurs frequently in the constitution of the United States, and it is there used in different meanings: (1) To settle firmly, to fix unalterably; as to establish justice, which is the avowed object of the constitution. (2) To make or form; as to establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, which evidently does not mean that these laws shall be unalterably established as justice. (3) To found, to create, to regulate; as: "Congress shall have power to establish post-roads and post-offices." (4) To found, recognize, confirm, or admit; as: "Congress shall make no law respecting an establishment of religion." (5) To create, to ratify, or confirm; as: "We, the people," etc., "do ordain and establish this constitution." 1 Story, Const. 7 454.

And see **Ware v. U. S.**, 4 Wall. 632, 18 L.Ed. 389; **U. S. v. Smith**, 4 N.J. L. 33.

To settle or fix firmly; place on a permanent footing; found; create; put beyond doubt or dispute; prove; convince. **Smith v. Forrest**, 49 N.H. 230; **Rowley v. Braly**, Tex.Civ.App., 286 S.W. 241, 245; **Village of Villa Park v. Wan-**

To bring into being; to build; to constitute; to create; to erect; to form, to found; to found and regulate, to institute, to locate; to make; to model; to organize; to originate; to prepare; to set up. **Georgia Public Service Commission v. Georgia Power Co.**, 182 Ga. 706, 186 S.E. 839, 844; **Muscatine Lighting Co. v. City of Muscatine**, 205 Iowa 82, 217 N.W. 468, 470; **Ronnow v. City of Las Vegas**, 57 Nev. 332, 65 P.2d 133, 140.

Equity — That portion of remedial justice which is exclusively administered by courts of equity as distinguished from courts of common law. **Jackson v. Nimmo**, 3 Lea (Tenn.) 609. More generally speaking, the science which treats of the rules, principles, and maxims which govern the decisions of a court of equity, the cases and controversies which are considered proper subjects for its cognizance, and the nature and form of the remedies which it grants.

Ambassador — In international law, a public officer, clothed with high diplomatic powers, commissioned by a sovereign prince or state to transact the international business of his government at the court of the country to which he is sent. The commissioner who represents one country in the seat of government of another. He is a public minister, which, usually, a consul is not. A person sent by one sovereign to another, with authority, by letters of credence, to treat on affairs of state. The personal representatives of the head of the state which sends them, entitled to special honors and special privileges and having varied duties; mouthpiece of communications, government informant, and protector of citizens of his country. **Russian Government v. Lehigh Valley R. Co.**, D.C.N.Y., 293 F. 133. See: Letter of Credence; Minister. Blacks Law Dictionary 4th Edition pg.104-105.

Minister— An officer of justice, charged with the execution of the law, and hence termed a "ministerial officer;" such as a sheriff, bailiff, coroner, sheriff's officer. **Britt. c. 21.** An agent; one who acts not by any inherent authority, but under another.

Consul — An officer of a commercial character, appointed by the different states to watch over the mercantile interests of the appointing state and of its subjects in foreign countries. There are usually a number of consuls in every maritime country, and they are usually subject to a chief consul, who is called a "consul general." **Schunior v. Russell**, 18 S.W. 484, 83 Tex. 83. Old English Law - An ancient title of an earl.

The word "consul" has two meanings: (1) It denotes an officer of a particular grade in the consular service; (2) it has a broader generic sense, embracing all consular officers.

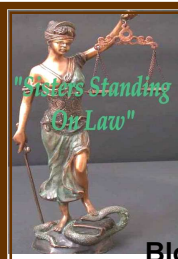
Dainese v. U. S., 15 Ct.Cl. 64. See, also, Foreign Service Act of 1946.

Admiralty — A court which has a very extensive jurisdiction of maritime causes, civil and criminal, controversies arising out of acts done upon or relating to the sea, and questions of prize. It is properly the successor of the consular courts, which were emphatically the courts of merchants and sea-going persons, established in the principal maritime cities on the revival of commerce after the fall of the Western Empire, to supply the want of tribunals that might decide causes arising out of maritime commerce. Also, the system of jurisprudence relating to and growing out of the jurisdiction and practice of the admiralty courts.

Maritime — Pertaining to the sea or ocean or the navigation thereof; or to commerce conducted by navigation of the sea or (in America) of the great lakes and rivers. It is nearly equivalent to "marine" in many connections and uses; in others, the two words are used as quite distinct.; Jurisdiction in maritime causes; such jurisdiction as belongs to a court of admiralty on the instance side.

Controversy — litigated question; adversary proceeding in a court of law; a civil action or suit, either at law or in equity; a justiciable dispute. **Barber v. Kennedy**, 18 Minn. 216 (Gil. 196); **State v. Guinotte**, 156 Mo. 513, 57 S.W. 281, 50 L. R.A. 787.

It differs from "case," which includes all suits, criminal as well as civil; whereas "controversy" is a civil and not a criminal



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proceeding. **Chisholm v. Georgia, 2 Dal1. 419, 431, 432, 1 L.Ed. 440.**

Grants — To bestow; to confer, **Traylor v. State, 117 Tex.Cr.R. 323, 36 S.W.2d 506, 507**; upon some one other than the person or entity which makes the grant. **Porto Rico Ry., Light & Power Co. v. Colom, C.C.A.Puerto Rico, 106 F.2d 345, 354.**

An act evidenced by letters patent under the great seal, granting something from the king to a subject. **Cruise, Dig. tit. 33, 34; Downs v. United States, C.C.A.Md., 113 F. 147, 51 C.C.A. 100.**

Foreign — Belonging to another nation or country; belonging or attached to another jurisdiction; made, done, or rendered in another state or jurisdiction; subject to another jurisdiction; operating or solvable in another territory; extrinsic; outside; extraordinary. Nonresident. **Blanchette v. New England Telephone & Telegraph Co., 90 N.H. 207, 6 A.2d 161, 162.**

Citizen — CITIZEN. A member of a free city or jural society, (*civitas*.) possessing all the rights and privileges which can be enjoyed by any person under its constitution and government, and subject to the corresponding duties. "Citizens" are members of community inspired to common goal, who, in associated relations, submit themselves to rules of conduct for the promotion of general welfare and conservation of individual as well as collective rights. **In re McIntosh, D.C.Wash., 12 F. Supp. 177.**

A member of a nation or body politic of the sovereign state or political society who owes allegiance, **Luria v. U. S., 34 S.Ct. 10, 19, 231 U.S. 9, 58 L.Ed. 101; U. S. v. Polzin, D.C.Md., 48 F.Supp. 476, 479.**

Subjects — One that owes allegiance to a sovereign and is governed by his laws.

bound to obey the laws.

Attainder - That extinction of civil rights and capacities which takes place whenever a person who has committed treason or felony receives sentence of death for his crime. **1 Steph.Com. 408; 1 Bish.Cr.L. § 641; State v. Hastings, 37 Neb. 96, 55 N.W. 781.**

The effect of "attainder" upon such felon is, in general terms, that all his estate, real and personal, is forfeited. **Caldwell v. Hill, 179 Ga. 417, 176 S.E. 381, 386, 98 A.L.R. 1124.** It differs from conviction, in that it is *after* judgment, whereas conviction is upon the verdict of guilty, but *before* judgment pronounced, and may be quashed upon some point of law reserved, or judgment may be arrested. The consequences of attainder are forfeiture of property and corruption of blood. **4 Bl.Comm. 380.** At the common law, attainder resulted in three ways, viz.: *by confession, by verdict, and by process or outlawry.* The first case was where the prisoner pleaded guilty at the bar, or having fled to sanctuary, confessed his guilt and abjured the realm to save his life. The second was where the prisoner pleaded not guilty at the bar, and the jury brought in a verdict against him. The third, when the person accused made his escape and was outlawed. **Coke, Litt. 391. In England, by statute 33 & 34 Vict. c. 23,** attainder upon conviction, with consequent corruption of blood, forfeiture, or escheat, is abolished. In the United States, the doctrine of attainder is now, scarcely known, although during and shortly after the Revolution acts of attainder were passed by several of the states. The passage of such bills is expressly forbidden by the constitution.

Attainted — Attainted, stained, or blackened. In old English practice. A writ which lay to inquire whether a jury

The natives of Great Britain are *subjects* of the British government. Men in free governments are subjects as well as *citizens*; as citizens they enjoy rights and franchises; as subjects they are

of twelve men had given a false verdict, in order that the judgment might be reversed. **3 Bl.Comm. 402; Bract. fol. 288b-292; Fleta, 1, 5, c. 22, § 8.**

This inquiry was made by a grand assise or jury of twenty-four persons, usually knights, and, if they found the verdict a false one, the judgment was that the jurors should become infamous, should forfeit their goods and the profits of their lands, should themselves be imprisoned, and their wives and children thrust out of doors, should have their houses razed, their trees extirpated, and their meadows plowed up, and that the plaintiff should be restored to all that he lost by reason.

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]



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Article 3 — Part IV

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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.

'6' Lawful Questions:

1. What is vested in the United States?
2. What court is vested?; Does it sound like there ought to be or can be other Supreme Courts?
3. How are inferior courts established?; By who?
Note: Do you notice that in the preamble, the United States ordained and established this Constitution for the United States of America. Can they (United States of America) ordain and establish inferior courts?
4. How do Judges hold their offices?
5. What judge(s) does this apply to?; Can any judge be immune?
6. What cases do the Judicial powers extend to?'
7. What cases does the Supreme Court have original jurisdiction over?
8. What cases does the Supreme Court have appellate jurisdiction?
9. How are crimes to be tried?
10. If the trial is not in the State, who determines where the trial will be?
11. How is treason defined?
12. How are persons convicted of treason?

Group Discussion Question:

13. In the last section of Section III, it reads “The Congress shall have power to declare the punishment of treason, **but no attainer of treason shall work corrup-**

tion of blood or forfeiture except during the life of the person attainted” What do you suppose this means?

Supreme Law For Review:

Section 1 The Judicial powers of the United States, shall be vested in one Supreme Court (*The Moors*)

1.2 and in such inferior courts as the Congress – (*The Moors*) may from time to time ordain and establish.

1.3 The Judges, both of the supreme and inferior courts, shall hold their offices during good behavior,...

2.2 In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction.

- a. law and equity
- b. affecting ambassadors
- c. public ministers
- d. consul
- e. United States shall be a party
- f. Two or more states
- g. State and citizen of another state
- h. Between a state, or the citizens thereof
- i. Foreign states

In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make

- a. Admiralty and maritime jurisdiction
- b. Citizens of different states
- c. Citizens of the same state claiming lands under grants of different states
- d. Citizens or subjects

2.3 The trial of all crimes, except in cases of impeachment, shall be by jury; (Does this ever speak of any summary judgment made by the magistrate/judge? There is no authority for this type of judgment)

3.1 Treason against the United States, shall consist only in levying war against

them, or in adhering to their enemies, giving them aid and comfort.

3.1.2 No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. (*Doesn't this let you know that the People can bring charges of treason against any public servant who is actively engaging in acts of war against the People pursuant to the original 13th amendment section 12 – the trafficking in slavery is forever prohibited upon pain of death and forfeiture of everything.*)

3.2 The Congress shall have power to declare the punishment of treason...

“When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason.”

US v Will, 449 US 200,216, 101 S Ct, 471, 66 LEd2nd 392, 406 (1980) Cohens V Virginia, 19 US (6 Wheat) 264, 404, 5LEd 257 (1821)

"No man [or woman] in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it." **United States v. Lee, 106 U.S. at 220, 1 S. Ct. at 261 (1882); BUTZ v. ECONOMOU, 438 U.S. 478 (1978)**

Concluding Perspective:

EQUITY SUFFERS NOT A RIGHT WITHOUT A REMEDY.
4 Bouv.Inst. No. 3726. Graselli Chemical Company v. /Etna Explosives Co., 252 F. 456, 164 C.C.A. 380. (Black's Law Dictionary 4th Edition pg.636

Next Class:

An Analysis of “The Spirit of the Supreme Law of the Land” Part V – Article IV & V of the American Constitution 1791.

Hint: A Case Law Support:
“Officers of the court have no immunity, when violating a Constitutional right, from liability. For they are deemed to know the law.” **Owen v. Independence, 100 S.C.T. 1398, 445 US 622**