

Lee Brobst's



OF
THE



THY WILL BE DONE IN ASSOCIATION

NEWSLETTER

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EXPATRIATION

There is a lot of misunderstanding about expatriation that has appeared in the July 1989 issue of "Eye of the Eagle" newsletter and also the article that appeared in the September 1989 issue of the newsletter "Behold" by Randy Geisgler.

First of all I want to thank Mr. Geisgler for bringing to light the following and is quoted from page 2 of September 1989 issue of "Behold."

"First of all, the list of Public Acts and Resolutions of Congress, appearing in the front of Volume 15 of the United States Statutes at Large, where the above act is officially recorded, cites the act under Public Acts of Congress, not under the section which indexes "resolutions." If you refer to Volume 15, United States Statutes at Large, you will find that "Acts" and "Resolutions", public and private, are treated separately, under their respective

classifications, in the listing. Notice that the title to the above act treats the same as "An Act" & etc., not a "Resolution". Also notice that the act, in its enacting clauses, states that it "enacts" rather than "resolves" the text following such clause. While Representative Van Trump said that "it may partake more of the nature of a resolution than a law; a declaration of opinion more than a rule of action for both the Government and the citizen."

(Congressional Globe, March 10, 1868, p. 1801) during debate of the above act in the House, congress treated the legislation as an act, with the support of Mr. Van Trump.

In a later discussion of H.R. 768, which became the above act, it is clear that the "act" was intended to be more than a "resolution."

and further we read on page 3, "Considering the fact that the first civil rights act (Act of April 9, 1866, Ch. 31, s.

1, 14 Stat. 27) was already passed by congress under the thirteenth amendment, and considering that congress therein purported to make all persons born or naturalized in the United States, not subject to any foreign power, citizens, the word "citizen" as used in the above act (15 Statute 223-224) would have included other than white persons within its meaning. This caused me to question the accuracy of Mr. Brobst's assertion further". end of quote.

Before we get into a discussion on this most confusing subject, this editor did not publish the Act of Congress as mentioned in the July 1989 issue of the "Eye of the Eagle" and is printed below, because this editor wants people to understand what they are looking for. I have had numerous phone calls concerning that Act and people do not understand what that act is all about; to this I will explain.

Chapter CCXLIX.- An Act Concerning the Rights of American Citizens in foreign States.

"Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendents, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore;

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any declaration, instruction, opinion, order, or

decision of any officers of this government which denies, restricts, impairs, or questions the right of expatriation, is hereby declared inconsistent with the fundamental principles of this government.

Sec. 2 And be it further enacted, That all naturalized citizens of the United States, while in foreign states, shall be entitled to, and shall receive from this government, the same protection of persons and property that is accorded to native-born citizens in like situations and circumstances.

Sec. 3 And be it further enacted, That it shall be made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons for such imprisonment, and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, it shall be the duty of the President to sue such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate such release, and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress."

Approved, July 27, 1868

The following is an exact quote from Black's Law Dictionary, 5th Ed. (1979).

"Act, noun. Denotes external manifestation of actor's will. Restatement, Second, Torts @2. Expression of will or purpose; carries idea of performance; primarily that which is done or doing; exercise of power, or effect of which power exerted is cause; a performance; a deed. In its most general sense, this noun signifies something done

voluntarily by a person; the exercise of an individual's power; an effect produced in the external world by an exercise of the power of a person objectively, prompted by intention, and proximately caused by a motion of the will. In a more technical sense, it means something done voluntarily by a person, and of such a nature that certain legal consequences attach to it. Thus a grantor acknowledges the conveyance to be his "act and deed," the terms being synonymous. It may denote something done by an individual, as a private citizen, or as an officer; or by a body of men, as a legislature, a council, or a court of justice; including not merely physical acts, but also decrees, edicts, laws, judgments, resolves, awards, and determinations. Some general laws made by the Congress of the United States are styled joint resolutions, and these have the same force and effect as those styled acts.

Acts under private signature are those which have been made by private individuals under their hands.

Criminal Act. External manifestation of one's will which is prerequisite to criminal responsibility. There can be no crime without some act, affirmative or negative. An omission or failure to act may constitute an act for purpose of criminal law.

Legislative act. An alternative name for statutory law. When introduced into the first house of the legislature, a piece of proposed legislation is known as a bill. When passed to the next house, it may then be referred to as a act. **After enactment the terms "law" and "act" may be used interchangeable. An act has the same legislative force as a joint resolution but is technically distinguishable, being of a different form and introduced with the words "Be it enacted" instead of "Be it resolved."** Bold print added for emphasis.

Acts are either public or private. Public acts (also called general acts, or general statutes, or statutes at large) are those which relate to the community generally, or establish a universal rule for the governance of the whole body politic. Private acts (formerly called special), are those which relate either to particular persons (personal acts) or to particular places (local acts), or which operate only upon specified individuals or their private concerns. *Unity v. Burrage*, 103 U.S. 447, 454, 26 L.Ed. 465. Public Acts are those which concern the whole community and of which courts of law are bound to take judicial notice.

A "special" or "private" act is one operating only on particular persons and private concerns. A "local act" is one applicable only to a particular part of the legislative jurisdiction". The above is quoted from Black's Law Dictionary, 5th Ed. (1979) page 24.

Legislative act. A written law, formally ordained or passed by the legislative power of a state, called in England an "act of parliament," and in the United States an "act of congress," or of the legislature;" a statute. *Black's Law Dictionary*, 2nd edition, (1910) page 22.

Private act. A statute operating only upon particular persons and private concerns, and of which the courts are not bound to take notice. *Unity v Burrage* 103 U.S. 454 26 L. Ed. 405. *Black's Law Dictionary* 2nd Ed.(1910) page 22. In other words you have to plead it.

Public act. A universal law or rule that regards the whole community, and of which the courts are bound to take notice judicially and ex officio without its being particularly pleaded. 1 BI Comm. 86, Black's Law Dictionary 2nd Ed. (1910) Page 22.

Act in the Law. An expression of the will or intention of a legal person directed to the creation, transfer, or extinction of a legal right and effective for that purpose, such as the making of a contract or will, or the execution of a conveyance. The main elements of an act in the law are the legal power of the actor to bring about the desired legal result, the direction by the actor of his will to the end on question, the expression or manifestation of that will, sometimes in a prescribed manner, and the absence of any factor, such as its being illegal or contrary to public policy, which violates or affects the essential validity of the transaction in question. **An act in the law may be unilateral, such as making a will,** or bilateral, where the wills of at least two parties are involved, each reacting on the other, as in the making of an agreement between two parties. The Oxford Companion to Law. (1980) page 12

Bouviere's Law Dictionary 1914 Ed. quotes almost what Black's Law Dict. 2nd Ed. (1910) quotes on definition of legislative act.

In review, you will notice that today an act has the same legislative force as a joint resolution. In other words, "Acts" and "Resolutions" public and private are no longer treated separately. In the older dictionaries, they don't even mention resolutions in legislative acts, why? Because there was no foreign power to enter into the people's individual lives but since the Agriculture Adjustment Act, H.J.R. 192 and, the Erie Railroad v. Tompkins, 304 U.S. 64, (1938). Public policy has changed from "IN" Law to "AT" law. In other words, when the money changed the law changed as to your standing in that law and now, silence on your part by agreeing to public policy binds you. But Let us continue for a more in depth view.

First of all we must realize that "We the People" entered into a CONTRACT with

government to set up a government of limited powers which are spelled out in that document called the Constitution of United States of America and its Bill of Rights. This original form of government was called a Republic. In the beginning of our Republican form of government there was no mechanism for the government to compel its citizens to perform to the government. The government was public franchised by the people by the way of public money (the people's money) for the "PAYMENT" of private debt. The government had no means of which to compel the people to perform to its demands. In other words, there was no equity powers in the money; meaning the equity of compelled performance. Thus no foreign power in the money. Our Constitutional Republic was truly a free enterprise system.

Despite this free system of government, there were people who did not wish to remain here and therefore, they could expatriate themselves by physically removing themselves from the country by a BILATERAL contractual act and moving to a jurisdiction to their liking. In other words, you would notify the government of your intentions and the government would give you permission to expatriate yourself. It was a TWO party contract.

Prior to the revolution, there was three ways to compel people to perform, one is by control of the land, second is by control of the money and third by treating people as property as was the case with the slaves.

THE RES and THE BLACK LAW

Our constitution in the beginning was crystal clear, meaning no foreign power to compel its citizens to perform. "The land was allodial and the money was allodial. In other words, the land and the money being things. In the law, a thing that forms a object of rights, and includes objects,

subject-matter, or creates a status is called the RES, which at that time was in the control of the people. Thus by operation of law, no compelled performance by a foreign power thru the RES or IN PERSONUM upon its citizens. This was public policy.

The slaves that were brought over to this country were not citizens but were the property of the merchant banking families of Europe. These banking families were detested by freedom loving people because of their exploitation of people in the slave trade; which according to Robert Owen; the banking families monies must be diverted into other more humane channels. The slaves represented the black law¹. It was the black law that the black man represented that was hated among the freedom loving people, meaning compelled performance as property. This is what troubled Jefferson, he favored freedom in the law meaning the allodial land titles and public money for "PAYMENT" of private debt. The two being the res for services rendered by its citizens but yet the slaves represented that foreign property law of compelled performance by treating people as the res. In other words, the slave was not free to think and decide for himself because he was considered a piece of property and not a human being. The hatred of the black slave law spilled over onto the black people themselves and thus the prejudice. Slaves were not considered citizens but chattel property, the res of the plantation owner thus, not paid "IN" law for their services.

13th & 14th AMENDMENTS

The 13th amendment abolished the black law from making people chattel property as the res. Robert Owen along with Albert

¹ Not to be confused with the racial color black. Technicality, black is not a color but a combination of all colors as is white, only on the opposite end of the spectrum.

Brisbane, who was Charles Fourier's understudy in America along with the influence of George Rapp, managed to divert the European banking families money into more humane channels; thus to become the driving force to enact the 13th and 14th amendments. The 13th amendment abolished the black law from making people chattel property as the res. The 14th amendment re-introduced the means by which this foreign power or black law, could re-enter into the peoples individual lives as citizens by tacit consent and by the means of a UNILATERAL contract. **Only this time, the foreign power of the black law did not act upon people as the res but in personam upon its U.S. citizens. The res is now the contract that you executed upon, which is in control of the legislature, thus producing the "AT" Law jurisdiction.** There had to be a more subtle way of controlling the masses and that was to devise a means whereby the people were controlled by something they could not see, touch or feel. Something that was beyond the physical world. This is where Immanuel Kant, George Hegel and John Fitch fits into the picture. As a result of their meta physics, man devised the concept to fit the res. There is no life, truth, intelligence nor substance in matter. The system today does not deal with you directly but with the res that attaches to you, thus producing the in personum jurisdiction. Thou shall not kill unless you wear a uniform. The uniform is the res whereby you have been taken out of one sphere of the law and put into another. The subject matter becomes the uniform and not what is in the uniform. In other words, you kill the uniform, the res. With these new found concepts of these philosophers, it was inevitable that we were going to loose our Public National Money System, (money being the res,) to a foreign power under black law. In order to fulfill the 13th amendment and declare the 14th amendment to be voluntarily, congress passed the Expatriation Act on

July 27, 1868, just one day before the 14th amendment was declared ratified which is reflected in the United States Statutes at Large, Volume XV pages 223-224. This Act reflected what the founders had fought a revolution over and that is, the freedom of choice to choose the law of your choice. In our system of law there was to be no foreign power in the the allodial land titles or the money and therefore no compelled performance in personam. Remember, at that time, expatriation was a physical act done BIALATERALLY whereby you left the country physically. There was no foreign jurisdiction via the District of Columbia. In those times, public policy was for the people to issue their own money. In reality, the Public Act of that period of time reflected the "IN LAW" jurisdiction and its private two party contractual obligations and, the meeting of the minds. That is, a two party transactions of public money for private debt and should the need arise, in courts of justice under Article III Section 2 of the U.S. Constitution.

Under the 14th amendment and its unilateral contract there is no meeting of the minds. In other words, the government benefits are offered to you on a take it or leave it basis called an adhesion contract. All that is needed is the evidence that you executed upon the offer.

This foreign jurisdiction thru the 14th amendment started to become a reality when it offered corporations limited liability for the payment of their debts. In other words, the stock holders are not liable for the debts of the corporation over and above the stock holders original investment. The corporate limited liability for the payment of debt was a spin off from the Limited Liability Act of 1851 whereby ship owners engaged in admiralty-maritime were not liable for goods or ships lost due to ravages of the sea.

The Federal Reserve Act of 1913 introduced private money into our republic and public policy began to change. This private money in the law is viewed as commercial money that derived its authority historically from the Hanseatic League thru treaties. Said private commercial money offers benefits that are not available in a public money system. The quasi republic came to a end in 1933 when Congress suspended our Public National Money Standard in "PAYMENT" of debt. As of the Agriculture Adjustment Act and H.J.R. 192 in 1933, we are now forced to accept the private money and its quasi admiralty-maritime jurisdiction but, we do not have to accept to be a part of public policy therefore, by a UNILATERAL act on your part, sever your ties to public policy. You have to read the act of expatriation in conjunction with the Agriculture Adjustment Act and H.J.R. 192. Everytime there is a change in the money there is a change in the law as to your standing in that law. The Act of 1868 is now viewed as a Resolution because of public policy. As of 1933 the "IN" LAW jurisdiction is now the "AT" LAW jurisdiction. "AT" Law means a mixture of admiralty-maritime, equity, and public law, if you are subject to the 14th amendment. This is why the Federal Reserve Notes say, "This note is legal tender for all debt, public and private". Have you contracted to accept the benefits offered by the private enterprise we now call government thereby, becoming part of the public debt? You execute the 14th amendment UNILATERALLY by voting and signing W-4 that you want to be part of the benevolent or charitable benefits of the posterity of this private system. When this is established by evidence, the courts automatically shift to the Article I legislative or if you will, commission courts acting out side courts of justice to enforce your will by the way of the legislature. Thy will be done in association and, in this case, a professional association for public debt which is public policy.

COLOR OF LAW

If you will look at a Federal Reserve Note, you will see on the face side, two seals. To the left is the seal of the Federal Reserve which is black, This is called the black law or the black letter law which is the basic principles of law accepted by the courts in a particular jurisdiction and in the case of public policy as we have today, it means the law merchant or admiralty-maritime. In fact the original law books of admiralty-maritime were called "The Black Book of the Admiralty". The seal to the right is the seal of the United States Treasury which is green. This is called the green law. The Federal Reserve note is a dual jurisdiction note, that is, a jurisdiction that has added color of law to the constitution. According to Black's Law Dictionary 5th edition, "*color of law is the appearance or semblance, without the substance, of legal right.*" Congress declared in 1933, you cannot "PAY" your debts "IN" Law regardless of whether you use gold, silver, FRN's or junk coins or anything else. Gold and silver today is a commodity meaning, no fixed standard where the government affixes its seal to guarantee its weight and fineness at \$42.22 per troy ounce for gold as per Title 31 of United States Code. Gold and silver is bid on the stock market in which its value fluctuates every day. Congress can compel you to use the FRN consequently, the black law cannot act upon the commercial money as the res but in personum thru the 14th amendment via the res. If the black law is not to your liking, you can contract yourself out of the black law into the green law, or if your desires are silver, then you can convert the green law into the white law which silver in ancient times was called, white law. The FRN in the past has represented the blue law, and the red law. The Great Seal of the United States of America has all colors in its seal meaning, it takes cognizance of all colors of law. While we are on the subject

of FRN's; They are gold notes to those who will qualify when the proper time comes. Our problem in the past has been to quote a series of law when in fact, it is totally out of context as to what we are trying to do as to our position in the law. The issue is CONTRACT as to how you view things as to whether or not you want to be a citizen for commercial purposes under the black law which is a POLITICAL DECISION on your part. The courts will never question your choice but will enforce that choice. If all the evidence points to you contracting into the black law which is public policy, and you go to court arguing green law, you are asking the court to make a political decision. Put another way; the plaintiff sets the jurisdiction of the court with the evidence. For example, if the IRS moves against you in court, the IRS sets the jurisdiction with the evidence being your contract for the benevolent benefits of government programs; social security being one of them which would be in the Article I legislative court. You as a defendant go in court and argue for a Article III court of justice which is asking the court to make a political decision to go against your contract; your contract being to partake of the government programs. In a Republic there is no big brother to take care of your pension and health care programs.

Put another way, you are UNILATERALLY expatriating yourself from the parliamentary democracy of the District of Columbia that was offered to you at birth and, its "AT" law jurisdiction and, re-entering the Democratic Republic and its "IN" Law jurisdiction. The result being you are now in control of the res and the courts as article I courts of commissioners have no subject matter jurisdiction.

A federal judge in Denver a few years back, told a couple of litigants fighting a FHA foreclosure that they were bound by adhesion contracts. "Adhesion Contract; Standardized 'take it or leave it' basis

without affording consumer realistic opportunity to bargain and under such conditions that consumer cannot obtain desired product or services except by acquiescing in form contract. Distinctive feature of adhesion contract is that weaker party has no realistic choice as to its terms". Blacks Law Dictionary 5th Ed. page 38. Adhesion contract fits government programs to a tee. If you haven't noticed, government signs nothing. You are the only one to sign on the dotted line and in consequence, you have bound yourself by faith to perform to the public credit; in hopes that the credit will be there when you need it. This will be determined by the will of the congress and the state legislatures. There are no guarantees it will be there. The public credit is the consideration in the contract. In other words, you are on a joint venture gambling that the credit will be there when you need it. In dealing with government, you have bound yourself with third party adhesion contracts in credit that came about since 1933 which are UNILATERAL contracts. In other words, there is no meeting of the minds of offer, acceptance, and consideration as in the terms of private two party contracts which are called BIALATERAL contracts.

"Adhesion. Agreement to join; adherence. The entrance of another nation into an existing treaty with respect only to a part of the principles laid down or the stipulations agreed to. Properly speaking, by adhesion the third nation becomes a party only on such parts as are specifically agreed to, and by accession it accepts and is bound by the whole treaty". Blacks Law Dictionary, 5th Ed. page 38.

We must learn that our whole world from the time we get up in the morning till we go to bed at night is governed by contracts. The cup of coffee you buy at the restaurant, the phone you use, the fuel you buy, your job, yes and even the taxes you

pay is governed by the contract YOU signed.

This editor has been asked, if I worked for someone else, how would I handle not being liable for the public debt?

First of all, I would publish a Declaration of Independence in the Legal Notice of your local newspaper. Check your states laws concerning "Legal Notices". Remember you are declaring your independence from the commercial aspects of the District of Columbia. You are contracting your self UNILATERALLY away from the 14th amendment and its adhesion contracts.

Second, I would notify the IRS of the Declaration of Independence and inform them that of say, January 1, 1990 that I am no longer on a joint venture with public policy and for them to notify my employer that I am no longer a 'person' liable for the tax. The answer is simple but the question is, do you UNDERSTAND what you have done so that in the event you run into problems; do you know what to do????? This editor is trying to prepare you for your trip on down the road for new horizons that are there for those who prepare for it. We can't go back, we only go back so we can go foreword.

Where we get into trouble is we just quit paying taxes and then use a constitutional defense and it doesn't work because we did not understand that we are dealing in CONTRACT LAW based on a political matter. Contract law meaning the 14th amendment that was offered to you UNILATERALLY for your own benefit.

Writing in 1792, Thomas Payne suggested a series of economic reforms, including the abolition of the poor rates and their replacement by a system of graduated taxation, the inception of an old age pension scheme, the construction of workhouses to employ the poor, and education at public expense for the children of the unemployed

poor. Isn't it about time we started to face reality as to what this whole system is all about and stop chasing rabbits?

ACCOUNTING PERIODS AND METHODS

The following is a quote from page 14 of the 1988 manual from the IRS titled "Your Federal Income Tax". *"Most individual tax returns cover a calendar year-the 12 months from January 1 through December 31. This is one accounting period. Another is the fiscal year-a 12 month period that ends on the last day of any month except December"*.

"You must choose your accounting period when you file your first income tax return. It may never be longer than 12 months. To change your accounting period, you must get permission from the Internal Revenue Service. If you want to change your accounting period, get Form 1128, Application for Change in Accounting Period."

From the above it is quite evident that when you first signed up to go on a joint venture that the venture would last for a period of 12 months. That period to be determined by you. For most people that means from January 1, to December 31. Silence on your part continues the venture from one year to the next. This is why people get into trouble when they just stop paying income taxes. In other words, there is a systematic manner by way of contract not to become that 'person' liable for the tax. In the event you just stopped paying taxes, there is a defense outside the unilateral contract.

"A joint venture, although terminated from the standpoint of further prosecution of the venture, remains in force nevertheless for the purposes of accounting and settlement". McIver v Norman 187 Ore 516, 213 P2d 144, 13 ALR 2d 749. For those people who have left the venture and the taxing

authorities or whatever is still pursuing your compelled performance; now you know why. For more information on Joint Ventures see August 1989 issue of "Eye of the Eagle" newsletter.

There is absolutely no reason why you should ever see the inside of a court room as a defendant in a government action if you do your homework. This same federal judge in Denver mentioned earlier told a couple of questioning citizens in the judges chamber the following:

Citizens: is there a way out of this system?

Judge: You can walk away from this any time you are ready.

Citizens: Is the U.S. constitution still here for us?

Judge: It most certainly is and when you come to this court in the proper way, I will reach up and pull the U.S. Constitution off the shelf and dust it off and apply it with its full force and effect.

A party contacted this editor and asked if I could help him with his IRS problems. He told me he had not filed tax returns for twenty-seven 27 years and the IRS caught up with him. He was very successful independent contractor and needless to say he was scared. The IRS wanted his books and records which he refused. The IRS then filed a legal action in the Federal District Court for his records. The judge who handled the case was a pioneer in handling tax cases. The following is from the proceedings:

Judge: You know its a criminal offence that could land you in prison so why didn't you file income tax returns?

Mr. X: I felt I wasn't liable for the tax because I want nothing from government. I

want to take care of myself and my family without government intervention.

Judge: Are you a tax protester?

Mr. X : I don't know what you mean?

Judge: There are a lot of people protesting the income tax who are liable for the tax.

Mr. X: Well I feel if you want the government programs then you must be willing to pay for them.

Judge: Do you vote?

Mr. X: No.

Judge; Did you ever vote?

Mr. X: No.

Judge: Were you ever in the military service?

Mr X: No:

Judge: Well Mr. X, I am going to order you to turn over your books and records and if you are not liable for the tax; I am going to order the IRS to protect your 5th amendment rights.

Mr. X gave all his bank and personal records to the IRS. end of case. That was over four (4) years ago.

The IRS could not find evidence to make him subject to the 14th amendment. In other words, he didn't execute on the benefits offered him.

This editor personally knows of dozens upon dozens of people who expatriated themselves out of the 14th amendment in the proper order and have been removed from the tax roles.

EVIDENCE

According to Blackstone, "evidence signifies that which demonstrates, makes clear, or ascertains the truth of the very fact or point in issue, either on the one side or on the other side." 3 Blackstone Commentaries.

The following will be a quote verbatim from Am Jur 2d on Evidence. Please note that the annotations will be left out in order to facilitate the authors comments:

"In the determination of the matters of law of which the court will take judicial notice, the basic principal is the same as in other instances-namely, that the court will judicially notice those matters which are known, or ought to be generally known, within the limits of the courts jurisdiction. In general, courts will take notice of the law prevailing within the forum, whether the law in question is written or unwritten.² All courts, whether state or federal, take judicial notice of the Federal Constitution and its amendments, of the public general acts of Congress, and of the treaties of the United States. Likewise, the laws of a state, whether written or unwritten, are judicially noticed by the courts of such state and by the federal courts³. However laws of other states and foreign nations, municipal ordinances and bylaws, and private statutes, in the absence of some statute requiring or permitting the court to do so, are not as a general rule, judicially noticed.

International Law is the subject of universal judicial notice. Similarly, maritime laws are universally recognized insofar as they are part of the law of nations. However, in order to entitle a maritime law to judicial notice, it is not necessary that it be recognized by all nations; where the rules of navigation are accepted by the leading commercial states

² Erie Railroad v Tompkins 304 U.S. 64, law merchant and admiralty-maritime.

³ same as no. one.

of the world, they may be regarded as laws of the sea, and will be judicially noticed.⁴

All courts, federal and state alike, take judicial notice of the provisions of the United States Constitution, and the amendments and the ratification of amendments thereto. Moreover, all courts, federal and state alike, take judicial notice of the public and general acts of Congress. Judicial notice in regard to congressional enactments is not limited to their existence, wording, and interpretation, but extends to all matters connected therewith. The state courts will not, however, take judicial notice of private or special acts of Congress.

All courts, state and federal take judicial notice of treaties between the United States and other countries. The courts, when considering a treaty, must take judicial notice of all facts connected therewith which may be necessary for its interpretation or enforcement, as, for instance, the historical data leading up to the making of the treaty.⁵ The courts will take judicial notice of the interpretation of the treaty by the administrative or legislative branch of the government, as well as the interpretation placed on it by any other country that may be a party to it.

The conduct of an individual may give rise to an inference or presumption that he has consented to a particular state of affairs. In particular, the assent or acquiescence of a party to an act done for his benefit ordinarily will be presumed, even though he is not sui juris.⁶

⁴ Federal Reserve System, admiralty-maritime or law merchant

⁵ The Hanseatic League as the beginning of the Law Merchant and the Federal Reserve System.

⁶ Voting as a U.S. Citizen.

Assent may be inferred or presumed from silence and acquiescence insofar as no other explanation is equally consistent with silence.⁷ However, no application of assent or presumption of acquiescence can arise from the failure of an incompetent to act.

The law will ordinarily indulge no presumption of knowledge of the law in the instance of the law of a foreign jurisdiction or the law of another state. However, a person who transacts business in a foreign jurisdiction is presumed to know so much of the law of that jurisdiction as is applicable to his business therein.⁸

TWO TYPES OF HABEAS CORPUS

There are two types of Habeas Corpus. One is "at" Law" and the other is "in" Law".

First let us examine the "in Law". If you will read Article III section 2 of the U.S. Constitution which states "The judicial Power shall extend to all cases, in Law etc." "In" Law means "PAYMENT" of debt "in" the Common Law. A discharge of a debt is "at" Law. The "in" Common Law dealt with damages to "TITLED" property. You had "TITLE" to yourself and your property and any issues that arose such as you being imprisoned, and a habeas corpus was issued, you were brought before a jury and a judge and the jury heard and determined the law as well as the facts and the judge was a referee. (This is the way it was before the 14th Amendment, but the 14th Amendment changed the judges position from referee to that of determining law and eventually the jury lost its authority to hear the law). "In" Common Law Habeas Corpus dealt with

⁷ See Accounting Periods and Methods this issue.

⁸ Being a U.S. Citizen in the District of Columbia

non-commercial citizens under Article III Courts of Justice. There must be a injured party to testify under oath. The "in" Law ended in 1933 with the Agriculture Adjustment Act and H.J.R. 192 and finalized by Erie RR v Tompkins 304 U.S. 64 in 1938 which stated there is no general federal common law. In essence, what the court said is, we no longer have non-commercial money and thus no "in" Law jurisdiction and no Article III Courts of Justice for citizens subject to the 14th amendment.

"In" Law dealt with "TITLE" to property. You gained "TITLE" with "PAYMENT". No "PAYMENT" no "TITLE" and no "in" Common Law Habeas Corpus.

AT LAW OR STATUTORY HABEAUS CORPUS

Now let us proceed to the other Habeas Corpus which is "at" Law or more commonly called statutory habeas corpus. This habeas corpus is not under Article III Courts of Justice of the U.S. Constitution but is under Article I courts or more commonly called legislative courts. This type of habeas corpus is determined by the will of the legislature and enforced by the chancellor without a jury because there is no remedy "in" Law as per Agriculture Adjustment Act, and H.J.R. 192. Fourteenth amendment citizens are subject to these Article I courts which is federalism as explained in May-June 1989 issue of newsletter. The injury is upon the public policy or the people in mass because the 14th amendment made communitarians out of everybody. In other words property is held in common with no "TITLE" and no "in" Law jurisdiction thereto.

The common law today is written in the statutes and codes. When a case comes before a judge, he is bound by the statute and the only defense to a statute is another statute and the case law as defined by the appeal courts as to what was the intent of the legislature, state or federal, in their

position as the governing body in the parliamentary democracy.

Consider the following for a moment. Almost the sole jury trials remaining generally at common law cases are not upon substantive law but upon nothing more than the amount of damages to be awarded in civil cases. It is the judge who decides whether there are to be any damages awarded by first deciding whether there are to be any 'controversy' or 'triable issue of fact'. The judge decides the guilt by allowing the trial, and the jury the amount of damages upon the trial. This is essentially true in criminal causes too where the amount of 'damages' or 'penalty' is technically governed by the severity of the punishments. The juries find in 'degrees of guilt' which has already been determined in a prior equitable proceeding, as one for 'failure to file' grounded in an action of account on the debtor/creditor relationship.

You must not forget that as a 14th amendment citizen, the constitution and its first 8 amendments is what the courts determine that document to say.

Today's juries are nothing more than advisory juries. They hear no issues of law, not even "at" Law and now you know why the jury is dismissed from the court room when any issues of law are raised. This is why the judge can overrule the juries decisions. The courts are administrative (determined by the evidence brought forward that you are a 14th amendment citizen). That is unless you can prove otherwise.

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