



# US Filing Fees are for DC Courts

by **Sovereignty International** (a trust)

C/O 6340 Lake Worth Blvd., #437

Fort Worth, Texas

ZIP CODE EXEMPT 18 USC § 1342

engineerwin@gmail.com

Administrating-Your-Public-Servants@GoogleGroups.com

Administrating-Your-Public-Servants@YahooGroups.com

www.sovereigntyinternational.info

# Filing Fees

- ❖ **“The judicial power is the power to hear those matters which affect life, liberty or property of the Citizens of the State.”**  
Sapulpa v Land, 101 Okla. 22, 223 Pac. 640, 35 A.L.R. 872

# 32 Stat. 476

- **"CHAP. 1301 .- An Act Making appropriations for sundry civil expenses of the June 28, 1902. Government for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes."**
- which was Approved on June 28, 1902, at 32 Stat. 419, which goes on to say at 32 Stat. 475
- **"EXPENSES OF THE UNITED STATES COURTS - For defraying the expenses of the Supreme Court; -of the circuit and district courts of the United States, including the district court in the Territory of Hawaii; of the supreme court and court of appeals of the District of Columbia; of the district court of Alaska; of the courts in the Indian Territory; of the circuit courts of appeals; of the Court of Private Land Claims; of suits and preparations for or in defense of suits in which the United States is interested; of the prosecution of offenses committed against the United States; and in the enforcement of the laws of the United States, specifically the expenses stated under the following appropriations, namely..."** [emphasis added]

# 32 Stat. 476

- **"For fees of clerks, two hundred and forty thousand dollars: Provided, That each clerk of the district and circuit courts shall, on the first days of January and July of, each year, or within thirty days thereafter, make to the Attorney-General, in such form as he may prescribe, written returns for the half year ending on said days, respectively, of all fees and emoluments of his office of every name and character, and of all necessary expenses of his office, including necessary clerk hire, together with the vouchers for the payment of the same for such last half year; and the word "emoluments" shall be understood as including all amounts received in connection with the admission of attorneys to practice in the court, all amounts received for services in naturalization proceedings, whether rendered as clerk, as commissioner, or in any other capacity, and all other amounts received for services in any way connected with the clerk's office: Provided further, That no amount in excess of one dollar shall be received from any attorney in connection with his admission to practice in a circuit or district court..." [emphasis added] at 32 Stat. 475 - 476**

# Emolument

- **“emolument, n. (usu. pl.) Any advantage, profit, or gain received as a result of one's employment or one's holding of office. [Cases: Officers and Public Employees 94. C.J.S. Officers and Public Employees §§ 130, 270–274, 286, 313–320.]”** Black’s Law Dictionary 8th Edition, Page 1586

# Appropriations Bills

- District of Columbia and the Territories ONLY
- Temporary – last until the next one
- Congress is operating as a local legislature for the District of Columbia
- Against their Rules to add legislation to an Appropriations Bill

# An Act to provide a Government for the District of Columbia

- 16 Stat. 419, which was Approved on Feb 21, 1871, at Sec. 12
- **“And be it further enacted, that every bill shall be read at large on three different days in each house. No act shall embrace more than one subject, and that shall be expressed in its title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only to so much thereof as shall not be expressed in the title...”** at 16 Stat. 422

# Legislation in an Appropriations Bill

- **“...the traditional distinction which Congress has drawn between "legislation" and "appropriation," the rules of both Houses prohibiting "legislation" from being added to an appropriation bill.” Andrus v Sierra Club 442 U.S. 347 (1979)**

# 43 Stat. 857

- **"CHAP. 204. - An Act To provide fees to be charged by clerks of the district courts of the United States"**
- which was Approved on February 11, 1925 at 43 Stat. 857, where it says;
- **"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fees hereinafter provided for, and no other, shall be charged and collected by clerks of the district courts of the United States for services performed by them or their assistants : Provided, That all laws or parts of laws inconsistent or repugnant to the provisions of the Act of July 20, 1892 (Twenty-seventh United States Statutes at Large, page 252), as amended by the Act of June 25, 1910, (Thirty-sixth United States Statutes at Large, page 866), and the Act of June 27, 1922 (Forty second United States Statutes at Large, page 666)" [emphasis added]**

# 43 Stat. 857

- the Act of July 20, 1892 (27 Stat. 252) says;
- **"CHAP. 209 .-An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court."**
- and it goes on to say;
- **"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any citizen of the United States, entitled to commence any suit or action in any court of the United States, may commence and prosecute to conclusion..."** [emphasis added]

# 43 Stat. 857

- the Act of June 25, 1910 at 36 Stat. 866 says;
- **"CHAP. 435.-An Act To amend section one, chapter two hundred and nine, of the United States Statutes at Large, volume twenty-seven, entitled "An Act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court, and to provide for the prosecution of writs of error and appeals in forma pauperis, and for other purposes."** [emphasis added]
- and it goes on to say;
- **"...and the same is hereby, amended so as to read as follows: That any citizen of the United States entitled to commence or defend any suit or action, civil or criminal, in any court of the United States, may, upon the order of the court, commence and prosecute or defend to conclusion any suit..."** [emphasis added]

# 43 Stat. 857

- the Act of June 27, 1922, at 42 Stat. 666 which says;
- **"CHAP. 246.-An Act To amend an Act entitled "An Act to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled 'An Act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court, and to provide for the prosecution of writs of error and appeals in forma pauperis, and for other purposes," approved June 25, 1910 (Thirty-sixth Statutes, page 866)."**
- which goes on to say;
- **"...and the same is hereby, amended so as to read as follows:  
"That any citizen of the United States entitled to commence any suit or action, civil or criminal, in any court of the United States, may, upon the order of the court, commence and prosecute or defend to conclusion any suit or action,..."** [emphasis added]

# 44 Stat. 1023

- **"CHAP. 50. - An Act To amend the Act of February 11, 1925, entitled" An Act to provide fees to be charged by clerks of the district courts of the United States."**
- which is at 44 Stat. 1022, and it goes on to say;
- ***"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of February 11, 1925 (Forty-third United States Statutes at Large, page 857), be, and the same is hereby, amended to read as follows:"*** [emphasis added]

# 45 Stat. 54

- **"CHAP. 14. - An Act In reference to writs of error."**
- which was Approved on January 31, 1928, and goes on to say;
- **"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the writ of error in cases, civil and criminal, is abolished. All relief which heretofore could be obtained by writ of error shall hereafter be obtainable by appeal.**
- **SEC. 2. That in all cases where an appeal may be taken as of right it shall be taken by serving upon the adverse party or his attorney of record, and by filing in the office of the clerk with whom the order appealed from is entered, a written notice to the effect that the appellant appeals from the judgment or order or from a specified part thereof. No petition of appeal or allowance of an appeal shall be required :  
Provided, however, That the review of judgments of State courts of last resort shall be petitioned for and allowed in the same form as now provided by law for writs of error to such courts."**

# 56 Stat. 122

- **"AN ACT To abolish certain fees charged by clerks of the district courts; and to exempt defendants in condemnation proceedings from the payment of filing fees in certain instances."**
- which was Approved on March 3, 1942 at 56 Stat. 122 and goes on to say;
- **"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to provide fees to be charged by clerks of the district courts of the United States", approved February 11, 1925 (43 Stat. 857, as amended; U. S. C., 1934 edition, title 28, sec. 550), is amended by striking out the period at the end thereof and inserting a colon and the following: "And provided further, That in any proceeding instituted under any law of the United States to acquire property or any interest therein by eminent domain, defendants and other parties adverse to the condemnor shall not be required to pay the fees prescribed by this section ."**
- **SEC. 2 . Paragraph 8 of section 8 of the Act entitled "An Act to provide fees to be charged by clerks of the district courts of the United States", approved February 11, 1925 (43 Stat. 857 ; U. S. C., 1934 edition, title 28, sec. 555), is hereby repealed.**“ [emphasis added]

# 58 Stat. 743

- **"AN ACT To amend the Act entitled "An Act to amend the Act creating the circuit court of appeals in regard to fees and costs, and for other purposes", approved February 19, 1897 (29 Stat. 536; 28 U. S. C. 543)."**

# Information

- **"The use of (information) has a long history, For example, in the reign of Henry VII", ..a very oppressive use was made of them for something more than a century, so as to continually harass and shamefully enrich the crown." Blackstone, 4 BL. Comm 310.**

# Information

- **"The oppressive use of this mode of prosecution by Information occasioned struggles to procure a declaration of its illegality."** People v. Sponsler, 46 N.W. 450,

# Representation

- The right to be represented exists ONLY in a military court room. 10 USC § 838(a)(1)
- **“(1)The accused has the right to be represented in his defense before a general or special court-martial or at an investigation under section 832 of this title (article 32) as provided in this subsection.”**

# Admiralty & Civil Law

- **"And the forms and modes of proceedings in causes of equity, and of admiralty, and maritime jurisdiction, shall be according to the civil law."**  
Wayman and another v. Southard and another, 10 Wall 1, p. 317.

# Admiralty

- **"Brown, Vol. 2, 100, lays down the rule in these terms: 'The general rule, however, at present, is, that the admiralty acts only in rem, and that no person can be subject to that jurisdiction but by his consent, expressed by his entering into a stipulation.'"** Ramsey v. Allegrie, 12 Wall 611, p. 409.

# Admiralty

- **"In Kreble's Reports, p. 500, quoted by Brown, it is expressly said, that without a stipulation, the admiralty has no jurisdiction at all over the person."**  
Ramsey v. Allegrie, 12 Wall 611, p. 410.  
[emphasis added]

# Admiralty

- **"It is well known that in civil cases, in courts of equity and admiralty, juries do not intervene, and that courts of equity use the trial by jury only in extraordinary cases to inform the conscience of the court."** Parsons v. Bedford, et al, 3 Pet 433, 479.

# Admiralty Law

- **“There must be uniformity in maritime law; the principles of maritime laws are applicable to commercial law, and therefore, there must be uniformity in the commercial law.”** Swift v. Tyson, 16 Pet 1, (1842)

# Civil Law

- **“"Civil Law," "Roman Law," and "Roman Civil Law" are convertible phrases, meaning the same system of jurisprudence. That rule of action which every particular nation, commonwealth, or city has established peculiarly for itself; more properly called "municipal" law, to distinguish it from the "law of nature," and from international law. See Bowyer, Mod. Civil Law, 19; Sevier v. Riley, 189 Cal. 170, 244 P. 323, 325” Black's Law Dictionary, Rev. 4th Ed.**

# Martial Law

- **“Admiralty Law. The terms "admiralty" and "maritime" law are virtually synonymous.”**

*Black's Law Dictionary 6th Ed.  
1990*

# Martial Law

- **“Civil Law, that rule of action which every particular nation, commonwealth or city has established peculiarly for itself, more properly distinguished by the name of municipal law.”** The Dictionary of English Law, Sweet and Maxwell Ltd., London, 1959.

# Martial Law Court

- **"The technical niceties of the common law are not regarded. . . .", 1 R.C.L. 31, p. 422. "A jury does not figure, ordinarily, in the trial of an admiralty suit. . . the verdict of the jury merely advisory, and may be disregarded by the court." 1 R.C.L. 40, p. 432. "[The] rules of practice may be altered whenever found to be inconvenient or likely to embarrass the business of the court." 1 R.C.L. 32, p. 423. "A court of admiralty. . . acts upon equitable principles." 1 R.C.L. 17, p. 416. "A libel of information [accusation] does not require all the technical precision of an indictment at common law. If the allegations describe the offense, it is all that is necessary; and if it is founded upon a statute, it is sufficient if it pursues the words of the law." *The Emily v. The Caroline*, 9 Wheat.**

381

# War of Independence

- “**...statutes have been passed for extending the jurisdiction of courts of admiralty and vice-admiralty beyond their ancient limits; for depriving us of the accustomed and inestimable privilege of trial by jury, in cases affecting both life and property;**
- **...and for altering fundamentally the form of government established by charter.**
- **We saw the misery to which such despotism would reduce us.”**
- **Causes and Necessity of Taking Up Arms 1775**  
[emphasis added]

# What happened?

- **“EQUITY. In the early history of the law, the sense affixed to this word was exceedingly vague and uncertain. This was owing, in part, to the fact, that the chancellors of those days were either statesmen or ecclesiastics, perhaps not very scrupulous in the exercise of power. It was then asserted that equity was bounded by no certain limits or rules, and that it was alone controlled by conscience and natural justice. 3 Bl. Com. 43-3, 440, 441.”** Bouvier’s Law Dictionary 1856 Edition

What happened?

- **“EQUITY, COURT OF. A court of equity is one which administers justice, where there are no legal rights, or legal rights, but courts of law do not afford a complete, remedy, and where the complainant has also an equitable right.”** Bouvier’s Law Dictionary 1856 Edition

# What happened?

- **“Equity, 4. The system of law or body of principles originating in the English Court of Chancery and superseding the common and statute law (together called “law” in the narrow sense) when the two conflict <in appealing to the equity of the court, she was appealing to the “King’s conscience”>.” Black’s Law Dictionary 7<sup>th</sup> Edition**

# What happened?

- **“LACHES laches (lach-iz). [Law French “remissness; slackness”]**
  - 1. Unreasonable delay in pursuing a right or claim — almost always an equitable one — in a way that prejudices the party against whom relief is sought. — Also termed sleeping on rights.**
  - 2. The equitable doctrine by which a court denies relief to a claimant who has unreasonably delayed in asserting the claim, when that delay has prejudiced the party against whom relief is sought. Cf. LIMITATION(3). [Cases: Equity 67. C.J.S. Equity §§ 128–132.]“The doctrine of laches ... is an instance of the exercise of the reserved power of equity to withhold relief otherwise regularly given where in the particular case the granting of such relief would be unfair or unjust.” William F. Walsh, A Treatise on Equity 472 (1930).” Black’s Law Dictionary 8<sup>th</sup> Edition, page 2553-2554**

# Administrative Hearings

- **“When enforcing mere statutes, judges of all courts do not act judicially” (and thus are not protected by “qualified” or “limited immunity,” - SEE: Owen v. City, 445 U.S. 662; Bothke v. Terry, 713 F2d 1404)**

# Administrative Hearings

- **“...where any state proceeds against a private individual in a judicial forum it is well settled that the state, county, municipality, etc. waives any immunity to counters, cross claims and complaints, by direct or collateral means regarding the matters involved.”** Luckenback v. The Thekla, 295 F 1020, 226 Us 328; Lyders v. Lund, 32 F2d 308;

# Administrative Hearings

- **“When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity; courts administering or enforcing statutes do not act judicially, but merely ministerially....but merely act as an extension as an agent for the involved agency -- but only in a “ministerial” and not a “discretionary capacity...”** Thompson v. Smith, 154 S.E. 579, 583; Keller v. P.E., 261 US 428; F.R.C. v. G.E., 281 U.S. 464.

# Administrative Hearings

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

# Administrative Hearings

- **“It is a fundamental right of a party to have a neutral and detached judge preside over the judicial proceedings.”**  
Ward v Village of Monroeville, 409 U.S. 57, 61-62, 93 S.Ct 80, 83, 34 L.Ed. 2d 267 (1972); Tumey v Ohio, 273 U.S. 510, 5209, 47 S. Ct. 437, 440, 71 L.Ed. 749 (1927)

# Administrative Hearings

- **Immunity for judges does not extend to acts which are clearly outside of their jurisdiction.**  
Bauers v. Heisel, C.A. N.J. 1966, 361 F.2d 581, Cert. Den. 87 S.Ct. 1367, 386 U.S. 1021, 18 L.Ed. 2d 457 (see also Muller v. Wachtel, D.C.N.Y. 1972, 345 F.Supp. 160; Rhodes v. Houston, D.C. Nebr. 1962, 202 F.Supp. 624 affirmed 309 F.2d 959, Cert. den 83 St. 724, 372 U.S. 909, 9 L.Ed. 719, Cert. Den 83 S.Ct. 1282, 383 U.S. 971, 16 L.Ed. 2nd 311, Motion denied 285 F.Supp. 546).

# Administrative Hearings

- **“Libel, in the Spiritual Court. If upon a Libel for any Ecclesiastical Matter, the Defendant make a Surmise in B. R. to have a Prohibition, and such Surmise be insufficient, the other Party may shew it to the Court, and me Judges will discharge it. 1 Leon 10. 128. This Libel used in Ecclesiastical Proceedings, consists of three Parts. I. The major Proposition, which shews a just Cause of the Petition. 2. The Narration or minor Proposition. 3. The Conclusion, or conclusive Petition, which conjoins both Propositions, &c....”** Jacob A New Law Dictionary, 1750, [emphasis added],

# Administrative Hearings

- **“LIBEL, practice. A libel has been defined to be "the plaintiff's petition or allegation, made and exhibited in a judicial process, with some solemnity of law;" it is also, said to be "a short and well ordered writing, setting forth in a clear manner, as well to the judge as to the defendant, the plaintiff's or accuser's intention in judgment." It is a written statement by a plaintiff, of his cause of action, and of the relief he seeks to obtain in a suit. Law's Eccl. Law, 147; Ayl. Par. 346; Shelf. on M. & D. 506; Dunf Adm. Pr. 111; Betts. Pr. 17; Proct. Pr. h. t.; 2 Chit. Pr. 487, 533.”** Bouvier’s Law Dictionary 1856 Edition, page 686 [emphasis added],

# Administrative Hearings

- **“IMPOSTORS, religious. Those who falsely pretend an extraordinary commission from heaven; or terrify and abuse the people with false denunciations of judgments. The are punishable by the temporal courts with fine, imprisonment, and infamous corporal punishment. 1 *Hawk. P. C. c. 5.*” Tomlin’s Law Dictionary, 1835, Volume 1, [emphasis added],**

# Administrative Hearings

- **“IMPOSTORS, religious. Those who falsely pretend an extraordinary commission from heaven; or terrify and abuse the people with false denunciations of judgments, are punishable by the temporal courts with fine, imprisonment, and infamous corporal punishment. 1 *Hawk. P. C. c. 7. 4 Black 62*”** William’s Law Dictionary, 1816, [emphasis added],

# Administrative Hearings

- **“IMPOSTORS in religion, are such as falsely pretend an extraordinary commission from heaven, or terrify and abuse the people with false denunciations of judgments. They are punishable by fine, imprisonment, and infamous corporal punishment. 1 *Haw.* 7. And by the statute 9 *G.2.c.5.* all persons who pretend to use any kind of witchcraft, forcery, incantment, or conjuration; or undertake to tell fortunes; or pretend, from their skill in the occult sciences, to find out, goods that have been stolen; shall be imprisoned for a year, and once in every quarter of that year be set on the pillory.”** Burn A New Law Dictionary 1792, page 376

# Administrative Hearings

- **“impostor. One who pretends to be someone else to deceive others, esp. to receive the benefits of a negotiable instrument. — Also spelled imposter. [Cases: Banks and Banking 147; Bills and Notes 201, 279. C.J.S. Banks and Banking §§ 415–416; Bills and Notes; Letters of Credit §§ 29, 150–151.]” Black’s Law Dictionary 8th Edition, page 2210 [emphasis added],**

# Pretend Legislation

- **“Fornication, Fornicatio, 1 H. 7. 4. Whoredom, the Aft of incontinency between single persons; for if either Party be married, it is Adultery: The first offense herein was punished with Three Months Imprisonment; the second was made Felony in the late Times of Usurpation, by a pretended Act made 1650. Cap. 10. Scobells Collection.”** Cowells Law Dictionary, 1708 Edition

# Pretend Legislation

- **“Jesuits &c. Born in the Kings Dominions and ordained by the pretended Jurisdiction of Rome remaining in *England* or coming from beyond Sea into this Kingdom, and not submitting to some Bishop or Justice of Peace within three Days, and taking the Oaths, are guilty of High Treason; and Receivers, Aiders and Harbourers of them, are guilty of Felony. *Stat. 27 Eliz. c. 2.* Persons knowing Priests, *Jesuits*, &c. and not discovering them to a Justice of Peace, shall be fined and imprisoned. *22 Car. 22.*”** Jacob A New Law Dictionary 1750 Edition

# Pretend Legislation

- **“FORNICATION, is the act of incontinency in single persons; for if either party is married, it is adultery; the spiritual court hath the proper cognizance of this offence: but formerly, the courts leet had power to inquire of and punish fornication and adultery; in which courts the king had a fine assessed on the offenders, as appears by the book of Domesday. 2 Inst. 488.”**  
Burn a New Law Dictionary, 1792 Edition, page 323

# Pretend Legislation

- “Statute, (*Statutum*) Has divers Significations: *First*, It signifies an Act of Parliament made by the King, and the three Estates of the Realm; and *Secondly*, it is a short Writing called a *Statute-Merchant*, or *Statute-Staple*, which are in the Nature of Bonds, *etc.* and called *Statutes*, as they are made according to the Form expressly provided in certain *Statutes*. *5 H. 4. c. 12. To Statutes enacted in Parliament, there must be the Assent of the King, Lords, and Commons, without which there can be no good Act of Parliament*; but there are many Acts in Force, though these three Assents are not mentioned therein,... *Plowd. 79. 2 Bulst. 186.....A Statute which concerns the King is a public Act and yet the Stat. 23 Hen. 8. concerning Sheriffs, etc., is a Private Act. Plowd. 38. Dyer 119, 'Tis a Rule in Law, that the Courts at Westminster ought to take Notice of a General Statute, without Pleading it; but they are not bound to take Notice of particular or private Statutes unless they are pleaded. 1 Inst. 98.” Jacob A New Law Dictionary, 1750 Edition [emphasis added]*

# Capitis Deminutio

- **“Capitis deminutio is the destruction of the ‘caput’ or legal personality. Capitis deminutio, so to speak, wipes out the former individual and puts a new one in his place, and between the old and the new individual there is, legally speaking, nothing in common. A juristic personality may be thus destroyed in one of three ways: (1) by loss of the status libertatis. This is the capitis deminutio maxima; (2) by loss of the status civitatis. This is the capitis deminutio media (magna); (3) by severance from the agnatic family. This entails capitis deminutio minima.” Rudolph Sohm, *The Institutes: A Textbook of the History and System of Roman Private Law* 178–79 (James Crawford Ledlie trans., 3d ed. 1907).**
- **capitis deminutio maxima (kap-i-tis dem-i-n[y]oo-shee-oh mak-si-m<<schwa>>). [Latin “maximum reduction of status”] Roman law. The diminution of a person's legal status as a result of being reduced to slavery.” Black's Law Dictionary 8th Edition, page 629**

# Capitus Deminutio

- **“CAPITIS DIMINUTIO. In Roman law. A diminishing or abridgment of personality; a loss or curtailment of a man's *status* or aggregate of legal attributes and qualifications.**
- **CAPITIS DIMINUTIO MAXIMA. The highest or most comprehensive loss of *status*. This occurred when a man's condition was changed from one of freedom to one of bondage, when he became a slave. It swept away with it all rights of citizenship and all family rights.” Black’s Law Dictionary 4th Edition, page 264 [emphasis added]**

# Jurisdiction

- There are 2 kinds of jurisdiction
  - in rem
  - in personam
- **“§ 2. In rem.-With regard to their conclusive effect, judgments are of two kinds, *in rem* and *in personam*.”** Rapalje A Dictionary of American & English Law, Volume 1, 1883 Edition, page 694

# in rem Jurisdiction

- “§ 2. In rem.-....A judgment *in Personam* is an adjudication pronounced upon the status of some particular subject-matter by a tribunal having competent authority for that purpose. Such an adjudication being a solemn declaration, from the proper and accredited quarter, that the status of the thing adjudicated upon is as declared, it concludes all persons from saying that the status of the thing or person adjudicated upon was not such as declared by the adjudication.” Rapalje A Dictionary of American & English Law, Volume 1, 1883 Edition, page 694

# in personam jurisdiction

- “§ 3. In personam, or inter partes. A judgment in *personam* is more accurately called a judgment *inter partes*, for an adjudication upon the status of a particular person (as in the cases mentioned above) is as much a judgment *in rem* as an adjudication on the status of a thing. (2 Sm. Lead. Cas. 784 *d seq.*) Judgments in *personam* are those which bind only those who are parties or privies to them; as in an ordinary action of contract or tort, where a judgment given against A, cannot be binding on B, unless he or someone under whom he claims was party to it. *Id.* 788.” Rapalje A Dictionary of American & English Law, Volume 1, 1883 Edition, page 694

# Non-Suit

- **“§ 8. Judgment of non-suit is where the plaintiff fails to appear on the trial, or throws up the action (see NON-SUIT); like a judgment by default, it may be set aside on such terms as the court thinks fit. See also DISCONTINUANCE.”**

Rapalje A Dictionary of American & English Law, Volume 1, 1883 Edition, page 694

# Removal

- **“§ 17. Removal and enforcement of judgments.-A judgment may, in some cases, be enforced in other courts than that in which it was originally given; thus, a judgment of a county court or other inferior court may, in certain cases, be removed (in England) into the High Court of Justice, (and in some States, *e. g.* New York,) such judgment becomes, when docketed, for purposes of enforcement, the judgment of the Supreme Court or Court of Common Pleas. and execution may be issued as if it had been a judgment of the higher court.”** Rapalje A Dictionary of American & English Law, Volume 1, 1883 Edition, page 694

# Divorce Court is Admiralty

- **“IN PERSONAM-IN REM.- § 3. Judgments.-So a judgment or decree is said to be *in rem* when it binds third persons; such is the sentence of a Court of Admiralty on a question of prize, or a decree of nullity or dissolution of marriage, (2 Sm. Lead. Cas. 699 j Castrique fl. Imrie, L. R. 4 H. L. 414; *Bee* JUDGMENT,) or a decree of a court in a foreign country as to the status of a person domiciled there. Doglioni". Crispin, L. R. 1 H. L. 801.”** Rapalje A Dictionary of American & English Law, Volume 1, 1883 Edition, page 639

# Canada Courts

- **“No person is eligible to be appointed a judge of a superior court in any province unless, in addition to any other requirements prescribed by law, that person**
- **(a) is a barrister or advocate of at least ten years standing at the bar of any province; or**
- **(b) has, for an aggregate of at least ten years,**
- **(i) been a barrister or advocate at the bar of any province, and**
- **(ii) after becoming a barrister or advocate at the bar of any province, exercised powers and performed duties and functions of a judicial nature on a full-time basis in respect of a position held pursuant to a law of Canada or a province.”** Canada Judges Act, Part 1, Section 3

# Alberta Courts

- Provincial Court
  - Inferior Court
  - Limited Jurisdiction
  - Statutory Court
  - May be “of Record” and may not

# Alberta Courts

- Queen's Bench
  - Superior Court
  - General Jurisdiction
  - Common Law Court
  - Court of Record

# Kangaroo Court

- “kangaroo court. 1. A self-appointed tribunal or mock court in which the principles of law and justice are disre-garded, perverted, or parodied. • Kangaroo courts may be assembled by various groups, such as prisoners in a jail (to settle disputes between inmates) and players on a baseball team (to “punish” teammates who commit fielding errors).2. A court or tribunal characterized by unauthorized or irregular procedures, esp. so as to render a fair proceeding impossible. 3. A sham legal proceeding. • The term's origin is uncertain, but it appears to be an Americanism. It has been traced to 1853 in the American West. “Kangaroo” might refer to the illogical leaps between “facts” and conclusions, or to the hapless defendant's quick bounce from court to gallows.” Black’s Law Dictionary, 8th Edition, pages 1076-1076

# Kangaroo Court

- **“Kangaroo court. Term descriptive of a sham legal proceeding in which a person's rights are totally disregarded and in which the result is a foregone conclusion because of the bias of the court or other tribunal.” Black’s Law Dictionary, 6th Edition, page 868,**

# Oaths

- **"All vows, obligations, oaths, anthems, whether called Konan, konas, or by any other name, by which we may be bound, from this day of atonement unto the next... we do repent. May they be deemed absolved, forgiven, annulled and void, and made of no effect. They shall not bind us nor have any power over us. The vows shall not be reckoned vows; the obligations shall not be obligatory, nor the oaths be oaths."** Kol Nidra Jewish Encyclopedia Volume 8, on page 539, also "REVISED FESTIVAL PRAYERS," published in 1919 by the Hebrew Publishing Company, New York

# Oaths

- **“Whenever you see any of our signs made by a brother Mason, and especially the grand hailing sign of distress, you must always be sure to obey them, even at the risk of your life. If you're on a jury, and the defendant is a Mason and makes the grand hailing sign, you must obey it; you must disagree with your brother jurors, if necessary, but you must be sure not to bring the Mason guilty, for that would bring disgrace upon our order. You must conceal all crimes of your brother Masons except murder and treason, and these at your own option, and should you be summoned as a witness against a brother Mason, be always sure to shield him. Prevaricate, don't tell the truth in this case, keep his secrets, forget the important points. It may be perjury to do this true, but you are keeping your obligations.”** Page 183 of the Masonic Handbook

# Oaths

- **“Perjury – In municipal law perjury is defined by be willful false swearing to a material matter, when an oath has been administered by lawful authority. The violation of vows or promissory oaths taken before one who is not legally authorized to administer then, that is to say, one who is not a magistrate, does not involve the crime of perjury. Such is the technical definition of the law; but the moral sense of mankind does not assent to such a doctrine, and considers perjury, as the root of the word indicates, the doing of that which one has sworn not to do, or the omitting to do that which he has sworn to do. The old Romans seem to have taken a sensible view of the crime of perjury. Among them oaths were not often administered, and, in general, a promise made under oath had no more binding power in a court of justice than it would have had without the oath. False swearing was with them a matter of conscience, and the person who was guilty of it was responsible to the Diety alone.”** © Common Law Copyright 2011 **An Encyclopedia of Freemasonry, 1916 Edition, Volume II, page 555-556**

# Oaths

- **“OATH....All oaths must be lawful, allowed by the common law, or some statute; if they are administered by persons in a private capacity, or not duly authorized, they are *coram non iudice*, and void; and those administering them are guilty of a high contempt, for doing it without warrant of law, and punishable by fine and imprisonment. 3 *Inst.* 165; 4 *Inst.* 278; 2 *Roll. Abr.* 277.”** Tomlin’s Law Dictionary, 1835 Edition, Volume 2 [emphasis added],

# Summary

- **"When injustice becomes law, then resistance becomes duty."** Thomas Jefferson