Part Three of the British System

The facts that appear relevant to this case cover a sequence of events beginning with the Declaration of Independence on July 4th 1776. We will introduce and discuss these facts in sequence of occurrence. We will show you, by the facts surrounding these events, and by the law, how our courts have been converted to courts of Admiralty that have no jurisdiction to hear Common Law [Bill of Rights] issues brought before them.

These events are:

a. Declaration Of Independence [1776]
b. US Constitution [1787]
c. Judiciary Act [1789]
d. George Rapp Harmony Society [1805]
e. DeLovio v. Boit [1815]
f. Dr. List's Letters [1825]
g. Swift v. Tyson [1842]
h. Limited Liability Act [1851]
i. Tontine Insurance [1868]
j. Federal Reserve Act [1913]
k. House Joint Resolution 192 [1933]
l. Erie Railroad v. Tompkins [1938]
m. Victory Tax Act [1942]
n. US v. South-Eastern Underwriters Association [1944]
o. McCarren Act [1945]

The facts presented in this sequence will show:

1. That the Declaration of Independence and the US Constitution are ordinances within the Law of Nations.

2. That the primary, and compelling reason for the Declaration of Independence was to eliminate Admiralty Law and Admiralty jurisdiction from the Domestic Law of the colonies.

3. That the Judiciary Act of 1789 clearly recognized a distinct, and separate jurisdiction of Admiralty Law from that of Domestic Law{Common Law}.

4. That the formula and blueprint of the Federal Reserve System is identical, in its essential features, to that of the George Rapp Harmony Society; and, to the Tontine Insurance schemes [which are pure wagering policies; and, are specifically forbidden in the constitutions of several States].

5. That the Federal Reserve is a maritime lender and insurance underwriter to the United States; and, as such, has no risk in the maritime venture as a lender, or as insurer, has no vested interest in the subject matter insured.

6. That the subject matter insured by the Federal Reserve is the Public National Credit System, which is a maritime venture for profit under limited liability for payment of debt.

7. That, for the privilege of limited liability for payment of debt, anyone who benefits from the Public National Credit [provided by the Federal Reserve] has an insurable interest in a maritime voyage -- and is, therefore subject to, and can be required to, make premium payments under the Law of Admiralty and Maritime [the income tax] -- as long as the contract is in force.

8. That all the resources of the USA have been hypothecated, or pledged, to the Federal Reserve as a security for the Public National Credit System.

9. That the House Joint Resolution 192, passed by Congress on June 5, 1933, made it impossible for anyone to pay a debt at law; and, this fact makes anyone who benefits from the Public National Credit System a sole merchant, subject to Admiralty Jurisdiction in all controversies involving said credit.

10. That, because of House Joint Resolution 192, we have lost access to substantive Common Law, we have lost our allodial land titles -- and a foreign jurisdiction of Admiralty Law has been imposed upon our domestic law -- just as occurred a bit over 200 years ago. Naturally, we can expect these facts to generate more questions that must be answered. We will be raising some questions ourselves as we proceed.

Editors note: Another mechanism used to entrap the people of the USA into Admiralty jurisdiction was the Social Security Act of 1933. The Social Security Act, a retirement benefit for residents of Washington, D.C. and employees on Federal Property entraps the free people of the States into Admiralty jurisdiction by assumpsit contract. By the act of a free state citizen taking a Social Security number, a supposed contract is made making that person an assumed Federal citizen and therefore under Admiralty jurisdiction.

As we proceed, we will apply the law to these facts and show:

1. That the maritime venture for profit, by way of the Public National Credit System is based on a false and fraudulent premise that this voyage is a lawful one.

2. That this voyage is, in fact, in direct violation of the Positive Law of the Law of Nations; and, therefore, is, and always was void from its inception.

3. That, because of this fact, no agency of government, and no court in this land has lawful jurisdiction to enforce any claim arising out of, or involving the Public National Credit System.

4. That the de facto jurisdiction currently being exercised by our government agencies [and psuedo-agencies such as the IRS, CIA, and FBI] and especially Federal District Courts will continue being exercised until successfully challenged with relevant facts and issues, in a court of proper jurisdiction.

5. Finally, we will show, by way of these facts and law, just what we have to do to regain access to our substantive Common Law -- and regain our allodial land titles.

Now, we are ready to go into more detail of the relevant facts surrounding this sequence of events:

Declaration of Independence -- July 4, 1776

As previously stated, many reasons impelled the American colonists to separate themselves from Great Britain, but the more obvious reasons were given in the Declaration itself. Written in the style of a formal complaint, or action at law, it contains a Declaration, a Common-Law Bill of Particulars or Counts, and a prayer to the Supreme Judge of the world.

The stated purpose of the declaration was to assume among the powers of the Earth, the separate and equal station to which the Laws of Nature and the Laws of God entitle them, and that, out of respect for the opinions of mankind, they should declare the causes which impel them to the separation. For our purposes, we will zero in on the 13th Count where it is stated that: He (King George) has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving assent to their acts of pretended legislation:" The Declaration then goes on to define the foreign jurisdiction referred to as follows:

- For quartering large bodies of armed troops among us
- for protecting, by mock trial, from punishment for any murders which they should commit on the inhabitants of these states:
- For cutting off our trade with all parts of the world:
- For imposing taxes upon us without our consent:
- For depriving us, in many cases, of the benefit of trial by jury:
- For abolishing the free system of English laws in our neighboring province, establishing therein an arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:
- For taking away our charters, abolishing our most valuable laws and altering fundamentally the forms of our governments:
- For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever:

What then, was this jurisdiction foreign to their constitution? Every itemized complaint listed in the 13th count falls under the jurisdiction of Admiralty Law and the Law of Nations. Although the colonists were British subjects, they were being treated as if they were a conquered nation -- such treatment, if such were the actual case, being sanctioned in one jurisdiction only -- and that is the Law of Admiralty.

The Declaration goes on to state that (those United Colonies) "as Free and Independent States, they have the full power to levy War, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do."

Thus, upon the signing of the Declaration, they openly declared to all the nations of the world that they were of equal status -- and that, thereby, they were bound by the Law of Nations when dealing with other nations. The Declaration also clearly expressed the intent to ban the Admiralty jurisdiction from within State borders, or from the domestic law of the states -- the main purpose and reason for separation.

An equally significant event is that it broke the hold of English feudalism over colonial land and instantly converted all land title to allodiums. This fact was clearly analyzed by the Supreme Court of the State of Pennsylvania in the case of Wallace V. Harmstad in 1863, when the court said: "I see no way of solving this question, except by determining whether our Pennsylvania titles are allodial or feudal. --" "I venture to suggest that much of the confusion of ideas that prevails on this subject has come from our retaining, since the American Revolution, the feudal nomenclature of estates and tenures, as fee, freehold, heirs, feoffment, and the like." "

Our question, then, narrows itself down to this: is fealty any part of our land tenures? What Pennsylvanian ever obtained his lands by openly and humbly kneeling before his lord, being ungirt, uncovered, and holding up his hands both together between those of the lord, who sat before him, and there professing that he did become his man from that day forth, for life and limb, and certainly honour, and then receiving a kiss from his lord? This was the oath of fealty which was, according to Sir Martin Wright, the essential feudal bond so necessary to the very notion of a feud. "We are then to regard the Revolution and these Acts of Assembly as emancipating every acre of soil of Pennsylvania from the grand characteristics of the feudal system. Even as to the lands held by the proprietaries (city of Philadelphia) themselves, they held them as other citizens held, under the Commonwealth, and that by a title purely allodial."

US Constitution -- 1787

Admiralty jurisdiction of Congress is defined in Article I, Section 8: "The Congress shall have the power to collect taxes, duties, imposts and excises, to pay the debts . . .of the United States. . ." To borrow money on the credit of the United States. To regulate Commerce with foreign nations, and among the several States, and with the Indian Tribes. To establish an uniform Rule of Naturalization, and uniform laws on the subject of Bankruptcies. To define and punish piracies and felonies committed on the high seas, and offenses against the Law of Nations. To declare War, grant letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water. To raise and support armies. . .

To provide and maintain a Navy. To make rules for. . . Land and Naval forces. To provide for calling forth the militia. . . To provide for organizing, arming, and disciplining the Militia. . .

-- The powers listed here are all within the jurisdiction of Admiralty and Maritime Law and encompass most of the powers granted to Congress.

Admiralty and Maritime jurisdiction of the Supreme Court is defined in Article III, Section 2:

"The judicial power shall extend to all cases in Law and Equity, arising under this Constitution, the laws of the United States, the Treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Minister and Consuls; to all cases of Admiralty and Maritime jurisdiction; . . . "

The full scope and meaning of Article III, Section 2, was addressed by Justice Story in the case of De Lovio v. Boit in 1815: What is the true interpretation of the clause -- all

cases of Admiralty and Maritime jurisdiction?" If we examine the etymology, or received use of the words "Admiralty" and "Maritime jurisdiction," we shall find, that they include jurisdiction of all things done upon and relating to the sea, or, in other words, all transactions and proceedings relative to commerce and navigation, and to damages or injuries upon the sea.

In all the great maritime nations of Europe, the same "Admiralty jurisdiction" is uniformly applied to the courts exercising jurisdiction over maritime contract and concerns. We shall find the terms just as familiarly known among the jurists of Scotland, France, Holland and Spain as of England, and applied to their own courts, possessing substantially the same jurisdiction, as the English Admiralty in the reign of Edward the Third. "The clause however of the constitution not only confers Admiralty jurisdiction, but the word "Maritime" is superadded, seemingly ex-industria to remove every latent doubt. "Cases of Maritime jurisdiction" must include all maritime contracts, torts and injuries, which are in the understanding of the Common Law, as well as of the Admiralty, . ."

In Article VI, it is stated: "All debts contracted and engagements entered into, before the adoption of this constitution, shall be valid against the United States under this constitution, as under the Confederation. This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding."

Clearly, the Admiralty and Maritime jurisdiction granted to the Congress and the Judiciary is very broad and extensive. So, what provisions were made in the Constitution to prevent the encroachment of this Admiralty jurisdiction into our Domestic law -- the substantive Common Law -- pursuant to the Declaration of Independence? The answer is in Article I, Section 8, and Article I, Section 10, Clause 1 -- but, first, a little background may be helpful: Beginning as long ago as 1690, the colonies had periodically experimented with credit and unbacked paper as a form of public money.

The results were always the same -- gold and silver coin disappeared from circulation, commerce stagnated, unemployment grew by leaps and bounds, etc. The war for independence exhibited a new development in the system of credit, by the reckless disregard of its bounds. In the words of John Adams, `promises of money were scattered over the land alike by the States and by the United States, until "bills became as plenty as oak leaves." The results were recorded by Peletiah Webster as follows: "Paper money polluted the equity of our laws, turned them into engines of oppression, corrupted the justice of our public administration, destroyed the fortunes of thousands who had confidence in it, enervated the trade, husbandry, and manufactures of our country, and went far to destroy the morality of our people."

Question: What had happened to the domestic, substantive, Common Law fought for in the War For Independence -- the Law that establishes and preserves free institutions?

Ten years after the Declaration of Independence, shortly before the Constitutional convention, Washington wrote to Madison: "The wheels of government are clogged, and we are descending into the vale of confusion and darkness. No day was ever more clouded than the present." And on February 3, 1787, Washington wrote to Henry Knox:

"If any person had told me that there would have been such a formidable rebellion as exists, I would have thought him fit for a madhouse."

The Constitutional Convention was convened in Philadelphia, May 14, 1787 and George Washington was elected President. Randolph, Governor of Virginia, drew attention to paper money in his opening speech by reminding his hearers that the patriotic authors of the confederation did their work "In the infancy of the science of constitutions and of confederacies, when the havoc of paper money had not been foreseen." The eighth clause of the seventh article, in the first draft of the Constitution, was as follows: "The legislature of the United States shall have the power to borrow money and emit bills on the credit of the United States." By refusing the power of issuing bills of credit, the door was shut, but not barred, on paper money by constitutional law. Although Congress was not authorized to issue notes of the United States, the borrowing clause (thought absolutely necessary for emergencies) left a means of borrowing notes of another entity into circulation. (e.g., a private bank).

On the 28th of August, the convention took steps to remedy that situation and, thereby, guarantee a substance for our domestic Common Law to function on matters involving money. The first draft of the constitution had forbidden the states to emit bills of credit without the consent of Congress.

In convention on the 28th, Mr. Wilson and Mr. Sherman moved to insert after the words "coin money" the words "nor emit bills of credit," nor make anything but gold and silver coin a tender in payment of debts, and in their words, "making these prohibitions absolute." Mr. Sherman went on to say that he "thought this a favorable crises for crushing paper money. If the consent of the legislature could authorize emissions of it, the friends of paper money, would make every exertion to get into the legislature in order to license it." After discussion, Mr. Wilson's and Mr. Sherman's motion was unanimously agreed to by the convention. The result of this action appears in Article I, Section 10, Clause 1. Its most salient feature is "No State shall make any thing but gold and silver coin a tender in payment of debts."

After the constitutional convention, it took nearly a year for the states to ratify the Constitution -- primarily because they insisted on certain substantive Common Law rights and principles being specified in the Constitution. These rights and principles appear as the first ten Amendments, called the Bill of Rights. Common Law, operating on money of substance, brought quick relief as documented by George Washington: In a letter, dated June 13, 1790, he wrote to Marquis de LaFayette: "You have doubtless been informed, from time to time, of the happy progress of our affairs. The principle difficulties seem in a great measure to have been surmounted." In a letter, dated March 19, 1791, he again wrote to LaFayette: "Our country, my dear sir, is fast progressing in its political importance and social happiness." On July 19, 1791, he wrote to Catherine McCauley: "The United States enjoys a sense of prosperity and tranquillity under the new government that could hardly have been hoped for." And on July 20, 1791, he wrote to David Humphrey, "Tranquility reigns among the people with the disposition towards the general government, which is likely to preserve it. Our public credit stands on that high ground which three years ago it would have been considered as a species of madness to have foretold.

Judiciary Act (1789):

On September 24, 1789, Congress passed the Judiciary Act. Section 9 of this Act dealt with equity, admiralty and maritime jurisdictions of our courts. Congress said that "the forms and modes of proceeding in causes of equity and of admiralty and maritime jurisdiction shall be according to the course of Civil Law."

Section 34 dealt exclusively with the Common Law jurisdiction of the Federal courts wherein Congress said: "That the laws of the several States, except where the Constitution, treaties or statutes of the United States shall otherwise require or provide, shall be regarded as rules of decision in trials at Common Law in the courts of the United States in cases where they apply."

By congressional action in 1792, the form and modes of proceeding in such cases were directed to be "according to the principles, rules and usage, which belong to courts of equity and to courts of Admiralty respectively, as contradistinguished from courts of Common Law."

Thus, in 1792, Congress recognized three separate and distinct jurisdictions of the federal courts; Equity, Admiralty and Common Law. By "jurisdiction" we mean lawful authority to act on the subject matter involved in a controversy, a particular thing within that subject matter, and authority to act against a particular person associated with the subject matter. cmlaw3.htm