

**THE UNITED STATES IS STILL A BRITISH COLONY
EXTORTING TAXES FOR THE CROWN!
A DOCUMENTARY REVIEW OF CHARTERS AND TREATIES**

August 17, 1996

PART ONE—*An Exposé*

An introduction by the "Informer"

This is the latest from a man who visits me quite often. He and another man researched my theory that we have never been free from the British Crown. This report shows the results. I have stated that we will never win in their courts. This shows conclusively why. We have the hard copy of the treaties that are the footnotes. This predates Schroder's material, my research of the 1861 stats by Lincoln that put us under the War Powers confiscation acts, and John Nelson's material. All our material supports the conclusion that the real Principal, the King of England, still rules this country through the bankers and why we own no property in allodium. This is why it is so important to start OUR courts of God's natural (common) Law and break away from all the crap they have handed us. This is one reason Virginia had a law to hang all lawyers but was somehow, by someone, (the King) set aside to let them operate again. Some good people put in the original 13th amendment so that without the lawyers the King could not continue his strangle hold on us. James shows how that was quashed by the King. I am happy that James' research of six months bears out my theory, that most people would not listen to me, that we are still citizen/subjects under the kings of England. My article called "Reality" published in the American Bulletin and the article of mine on the "Atocha case," wherein Florida in 1981 used it's sovereignty under the British crown to try to take away the gold from the wreck found in Florida waters supports this premise. James makes mention of the Law dictionaries being England's Law Dictionary. It lists the reigns of all the Kings of England. It never mentions the reign of the Presidents of this country. Ever wonder why? Get this out to as many people as you can.

The Informer.

THE UNITED STATES IS STILL A BRITISH COLONY

The trouble with history is we weren't there when it took place and it can be changed to fit someone's belief and/or traditions, or it can be taught in the public schools to favor a political agenda, and withhold many facts. I know you have been taught that we won the Revolutionary War and defeated the British, but I can prove to the contrary. I want you to read this paper with an open mind, and allow yourself to be instructed with the following verifiable facts. You be the judge and don't let prior conclusions on your part or incorrect teaching keep you from the truth.

I too was always taught in school and in studying our history books that our freedom came from the Declaration of Independence and was secured by our winning the Revolutionary War. I'm going to discuss a few documents that are included at the end of this paper in the footnotes. The first document is the first Charter of Virginia in 1606 (footnote #1). In the first paragraph, the king of England granted our forefathers license to settle and colonize America. The definition for license is as follows.

"In Government Regulation. Authority to do some act or carry on some trade or business, in its nature lawful but prohibited by statute, except with the permission of the civil authority or which would otherwise be unlawful." Bouvier's Law Dictionary, 1914.

Keep in mind those who came to America from England were British subjects. So you can better understand what I'm going to tell you, here are the definitions for subject and citizen.

"In monarchical governments, by subject is meant one who owes permanent allegiance to the monarch." Bouvier's Law Dictionary, 1914.

"Constitutional Law. One that owes allegiance to a sovereign and is governed by his laws. The natives of Great Britain are subjects of the British government. Men in free governments are subjects as well as citizens; as citizens they enjoy rights and franchises; as subjects they are bound to obey the laws. The term is little used, in this sense, in countries enjoying a republican form of government." *Swiss Nat. Ins. Co. v. Miller*, 267 U.S. 42, 45 S. Ct. 213, 214, 69 L.Ed. 504. Blacks fifth Ed.

I chose to give the definition for subject first, so you could better understand what definition of citizen is really being used in American law. Below is the definition of citizen

from Roman law.

"The term citizen was used in Rome to indicate the possession of private civil rights, including those accruing under the Roman family and inheritance law and the Roman contract and property law. All other subjects were peregrines. But in the beginning of the 3d century the distinction was abolished and all subjects were citizens; 1 sel. Essays in Anglo-Amer. L. H. 578." Bouvier's Law Dictionary, 1914.

The king was making a commercial venture when he sent his subjects to America, and used his money and resources to do so. I think you would admit the king had a lawful right to receive gain and prosper from his venture. In the Virginia Charter he declares his sovereignty over the land and his subjects and in paragraph 9 he declares the amount of gold, silver and copper he is to receive if any is found by his subjects. There could have just as easily been none, or his subjects could have been killed by the Indians. This is why this was a valid right of the king (Jure Coronae, "In right of the crown," Black's forth Ed.), the king expended his resources with the risk of total loss.

If you'll notice in paragraph 9 the king declares that all his heirs and successors were to also receive the same amount of gold, silver and copper that he claimed with this Charter. The gold that remained in the colonies was also the kings. He provided the remainder as a benefit for his subjects, which amounted to further use of his capital. You will see in this paper that not only is this valid, but it is still in effect today. If you will read the rest of the Virginia Charter you will see that the king declared the right and exercised the power to regulate every aspect of commerce in his new colony. A license had to be granted for travel connected with transfer of goods (commerce) right down to the furniture they sat on. A great deal of the King's declared property was ceded to America in the Treaty of 1783. I want you to stay focused on the money and the commerce which was not ceded to America.

This brings us to the Declaration of Independence. Our freedom was declared because the king did not fulfill his end of the covenant between king and subject. The main complaint was taxation without representation, which was reaffirmed in the early 1606 Charter granted by the king. It was not a revolt over being subject to the king of England, most wanted the protection and benefits provided by the king. Because of the kings refusal to hear their demands and grant relief, separation from England became the lesser of two evils. The cry of freedom and self determination became the rallying cry for the colonist. The slogan "Don't Tread On Me" was the standard borne by the militias.

The Revolutionary War was fought and concluded when Cornwallis surrendered to Washington at Yorktown. As Americans we have been taught that we defeated the king and won our freedom. The next document I will use is the Treaty of 1783, which will totally contradict our having won the Revolutionary War. (footnote 2).

I want you to notice in the first paragraph that the king refers to himself as prince of the Holy Roman Empire and of the United States. You know from this that the United States did not negotiate this Treaty of peace in a position of strength and victory, but it is obvious that Benjamin Franklin, John Jay and John Adams negotiated a Treaty of further granted privileges from the king of England. Keep this in mind as you study these documents. You also need to understand the players of those that negotiated this Treaty. For the Americans it was Benjamin Franklin Esgr., a great patriot and standard bearer of free-

dom. Or was he? His title includes Esquire.

An Esquire in the above usage was a granted rank and Title of nobility by the king, which is below Knight and above a yeoman, common man. An Esquire is someone that does not do manual labor as signified by this status, see the below definitions.

"Esquires by virtue of their offices; as justices of the peace, and others who bear any office of trust under the crown....for whosever studieth the laws of the realm, who studieth in the universities, who professeth the liberal sciences, and who can live idly, and without manual labor, and will bear the port, charge, and countenance of a gentleman, he shall be called master, and shall be taken for a gentleman." Blackstone Commentaries p. 561-562

"Esquire - In English Law. A title of dignity next above gentleman, and below knight. Also a title of office given to sheriffs, serjeants, and barristers at law, justices of the peace, and others." Blacks Law Dictionary fourth ed. p. 641

Benjamin Franklin, John Adams and John Jay as you can read in the Treaty were all Esquires and were the signers of this Treaty and the only negotiators of the Treaty. The representative of the king was David Hartley Esqr..

Benjamin Franklin was the main negotiator for the terms of the Treaty, he spent most of the War traveling between England and France. The use of Esquire declared his and the others British subjection and loyalty to the crown.

In the first article of the Treaty most of the kings claims to America are relinquished, except for his claim to continue receiving gold, silver and copper as gain for his business venture. Article 3 gives Americans the right to fish the waters around the United States and its rivers. In article 4 the United States agreed to pay all bona fide debts. If you will read my other papers on money you will understand that the financiers were working with the king. Why else would he protect their interest with this Treaty?

I wonder if you have seen the main and obvious point? This Treaty was signed in 1783, the war was over in 1781. If the United States defeated England, how is the king granting rights to America, when we were now his equal in status? We supposedly defeated him in the Revolutionary War! So why would these supposed patriot Americans sign such a Treaty, when they knew that this would void any sovereignty gained by the Declaration of Independence and the Revolutionary War? If we had won the Revolutionary War, the king granting us our land would not be necessary, it would have been ours by his loss of the Revolutionary War. To not dictate the terms of a peace treaty in a position of strength after winning a war; means the war was never won. Think of other wars we have won, such as when we defeated Japan. Did McArthur allow Japan to dictate to him the terms for surrender? No way! All these men did is gain status and privilege granted by the king and insure the subjection of future unaware generations. Worst of all, they sold out those that gave their lives and property for the chance to be free.

When Cornwallis surrendered to Washington he surrendered the battle, not the war. Read the Article of Capitulation signed by Cornwallis at Yorktown (footnote 3)

Jonathan Williams recorded in his book, Legions of Satan, 1781, that Cornwallis revealed to Washington during his surrender that "a holy war will now begin on America, and when it is ended America will be supposedly the citadel of freedom, but her millions will unknowingly be loyal subjects to the Crown."...."in less than two hundred years the whole nation will be working for divine world government. That government that they

believe to be divine will be the British Empire."

All the Treaty did was remove the United States as a liability and obligation of the king. He no longer had to ship material and money to support his subjects and colonies. At the same time he retained financial subjection through debt owed after the Treaty, which is still being created today; millions of dollars a day. And his heirs and successors are still reaping the benefit of the king's original venture. If you will read the following quote from Title 26, you will see just one situation where the king is still collecting a tax from those that receive a benefit from him, on property which is purchased with the money the king supplies, at almost the same percentage:

-CITE-

26 USC Sec. 1491

HEAD-

Sec. 1491. Imposition of tax

-STATUTE-

There is hereby imposed on the transfer of property by a citizen or resident of the United States, or by a domestic corporation or partnership, or by an estate or trust which is not a foreign estate or trust, to a foreign corporation as paid-in surplus or as a contribution to capital, or to a foreign estate or trust, or to a foreign partnership, an excise tax equal to 35 percent of the excess of -

(1) the fair market value of the property so transferred, over

(2) the sum of -

(A) the adjusted basis (for determining gain) of such property in the hands of the transferor, plus

(B) the amount of the gain recognized to the transferor at the time of the transfer.

-SOURCE-

(Aug. 16, 1954, ch. 736, 68A Stat. 365; Oct. 4, 1976, Pub. L. 94-455, title X, Sec. 1015(a), 90 Stat. 1617; Nov. 6, 1978, Pub. L. 95-600, title VII, Sec. 701(u)(14)(A), 92 Stat. 2919.)

-MISC1-

AMENDMENTS

1978 - Pub. L. 95-600 substituted 'estate or trust' for 'trust' wherever appearing.

1976 - Pub. L. 94-455 substituted in provisions preceding par.

(1) 'property' for 'stocks and securities' and '35 percent' for '27 1/2 percent' and in par.

(1) 'fair market value' for 'value' and 'property' for 'stocks and securities' and in par.

(2) designated existing provisions as subpar. (A) and added subpar. (B).

EFFECTIVE DATE OF 1978 AMENDMENT

Section 701(u)(14)(C) of Pub. L. 95-600 provided that: 'The amendments made by this paragraph (amending this section and section 1492 of this title) shall apply to transfers after October 2, 1975.'

EFFECTIVE DATE OF 1976 AMENDMENT

Section 1015(d) of Pub. L. 94-455 provided that: 'The amendments made by this section (enacting section 1057 of this title, amending this section and section 1492 of this title, and renumbering former section 1057 as 1058 of this title) shall apply to transfers of property after October 2, 1975.'

A new war was declared when the Treaty was signed. The king wanted his land back and he knew he would be able to regain his property for his heirs with the help of his

world financiers. Here is a quote from the king speaking to Parliament after the Revolutionary War had concluded.

(Six weeks after) the capitulation of Yorktown, the king of Great Britain, in his speech to Parliament (Nov. 27, 1781), declared "That he should not answer the trust committed to the sovereign of a free people, if he consented to sacrifice either to his own desire of peace, or to their temporary ease and relief, those essential rights and permanent interests, upon the maintenance and preservation of which the future strength and security of the country must forever depend." The determined language of this speech, pointing to the continuance of the American war, was echoed back by a majority of both Lords and Commons.

In a few days after (Dec. 12), it was moved in the House of Commons that a resolution should be adopted declaring it to be their opinion "That all farther attempts to reduce the Americans to obedience by force would be ineffectual, and injurious to the true interests of Great Britain." The rest of the debate can be found in (footnote 4). What were the true interests of the king? The gold, silver and copper.

The new war was to be fought without Americans being aware that a war was even being waged, it was to be fought by subterfuge and key personnel being placed in key positions. The first two parts of "A Country Defeated In Victory," go into detail about how this was done and exposes some of the main players.

Every time you pay a tax you are transferring your labor to the king, and his heirs and successors are still receiving interest from the original American Charters.

The following is the definition of tribute (tax).

"A contribution which is raised by a prince or sovereign from his subjects to sustain the expenses of the state. A sum of money paid by an inferior sovereign or state to a superior potentate, to secure the friendship or protection of the latter." Blacks Law Dictionary forth ed. p. 1677

As further evidence, not that any is needed, a percentage of taxes that are paid are to enrich the king/queen of England. For those that study Title 26 you will recognize IMF, which means Individual Master File, all tax payers have one. To read one you have to be able to break their codes using file 6209, which is about 467 pages. On your IMF you will find a blocking series, which tells you what type of tax you are paying. You will probably find a 300-399 blocking series, which 6209 says is reserved. You then look up the BMF 300-399, which is the Business Master File in 6209. You would have seen prior to 1991, this was U.S.-U.K. Tax Claims, non-refile DLN. Meaning everyone is considered a business and involved in commerce and you are being held liable for a tax via a treaty between the U.S. and the U.K., payable to the U.K.. The form that is supposed to be used for this is form 8288, FIRPTA - Foreign Investment Real Property Tax Account, you won't find many people using this form, just the 1040 form. The 8288 form can be found in the Law Enforcement Manual of the IRS, chapter 3. If you will check the OMB's paper - Office of Management and Budget, in the Department of Treasury, List of Active Information Collections, Approved Under Paperwork Reduction Act, you will find this form under OMB number 1545-0902, which says U.S. withholding tax-return for dispositions by foreign persons of U.S. real property interests-statement of withholding on dispositions, by foreign persons, of U.S. Form #8288 #8288a. These codes have since been changed to read as follows; IMF 300-309, Barred Assessment, CP 55 generated valid for MFT-30, which is

the code for 1040 form. IMF 310-399 reserved, the BMF 300-309 reads the same as IMF 300-309. BMF 390-399 reads U.S./U.K. Tax Treaty Claims. The long and short of it is nothing changed, the government just made it plainer, the 1040 is the payment of a foreign tax to the king/queen of England. We have been in financial servitude since the Treaty of 1783.

Another Treaty between England and the United States was Jay's Treaty of 1794 (footnote 5). If you will remember from the Paris Treaty of 1783, John Jay Esqr. was one of the negotiators of the Treaty. In 1794 he negotiated another Treaty with Britain. There was great controversy among the American people about this Treaty.

In Article 2 you will see the king is still on land that was supposed to be ceded to the United States at the Paris Treaty. This is 13 years after America supposedly won the Revolutionary War. I guess someone forgot to tell the king of England. In Article 6, the king is still dictating terms to the United States concerning the collection of debt and damages, the British government and World Bankers claimed we owe. In Article 12 we find the king dictating terms again, this time concerning where and with who the United States could trade. In Article 18 the United States agrees to a wide variety of material that would be subject to confiscation if Britain found said material going to its enemies ports. Who won the Revolutionary War?

That's right, we were conned by some of our early fore fathers into believing that we are free and sovereign people, when in fact we had the same status as before the Revolutionary War. I say had, because our status is far worse now than then. I'll explain.

Early on in our history the king was satisfied with the interest made by the Bank of the United States. But when the Bank Charter was canceled in 1811 it was time to gain control of the government, in order to shape government policy and public policy. Have you never asked yourself why the British, after burning the White House and all our early records during the War of 1812, left and did not take over the government. The reason they did, was to remove the greatest barrier to their plans for this country. That barrier was the newly adopted 13th Amendment to the United States Constitution. The purpose for this Amendment was to stop anyone from serving in the government who was receiving a Title of nobility or honor. It was and is obvious that these government employees would be loyal to the granter of the Title of nobility or honor.

The War of 1812 served several purposes. It delayed the passage of the 13th Amendment by Virginia, allowed the British to destroy the evidence of the first 12 states ratification of this Amendment, and it increased the national debt, which would coerce the Congress to reestablish the Bank Charter in 1816 after the Treaty of Ghent was ratified by the Senate in 1815.

FORGOTTEN AMENDMENT

The Articles of Confederation, Article VI states: "nor shall the united States in Congress assembled, or any of them, grant any Title of nobility."

The Constitution for the united States, in Article, I Section 9, clause 8 states: "No Title of nobility shall be granted by the united States; and no Person holding any Office or Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State."

Also, Section 10, clause 1 states, "No State shall enter into any Treaty, Alliance, or Con-

federation; grant Letters of Marque or Reprisal; coin Money; emit Bills of Credit; make any Thing but Gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto of Law impairing the Obligation of Contracts, or grant any Title of nobility."

There was however, no measurable penalty for violation of the above Sections, Congress saw this as a great threat to the freedom of Americans, and our Republican form of government. In January 1810 Senator Reed proposed the Thirteenth Amendment, and on April 26, 1810 was passed by the Senate 26 to 1 (1st-2nd session, p. 670) and by the House 87 to 3 on May 1, 1810 (2nd session, p. 2050) and submitted to the seventeen states for ratification. The Amendment reads as follows:

"If any citizen of the United States shall Accept, claim, receive or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them."

From An "American Dictionary of the English Language, 1st Edition," Noah Webster, (1828) defines nobility as: "3. The qualities which constitute distinction of rank in civil society, according to the customs or laws of the country; that eminence or dignity which a man derives from birth or title conferred, and which places him in an order above common men."; and, "4. The persons collectively who enjoy rank above commoners; the peerage."

The fore-mentioned Sections in the Constitution for the united States, and the above proposed Thirteenth Amendment sought to prohibit the above definition, which would give any advantage or privilege to some citizens an unequal opportunity to achieve or exercise political power. Thirteen of the seventeen states listed below understood the importance of this Amendment.

Date admitted Date voted for Date voted against to the Union the Amendment the Amendment

1788 Maryland Dec. 25, 1810
1792 Kentucky Jan. 31, 1811
1803 Ohio Jan. 31, 1811
1787 Delaware Feb. 2, 1811
1787 Pennsylvania Feb. 6, 1811
1787 New Jersey Feb. 13, 1811
1791 Vermont Oct. 24, 1811
1796 Tennessee Nov. 21, 1811
1788 Georgia Dec. 13, 1811
1789 North Carolina Dec. 23, 1811
1788 Massachusetts Feb. 27, 1812
1788 New Hampshire Dec. 10, 1812
1788 Virginia March 12, 1819
1788 New York March 12, 1811
1788 Connecticut May 1813
1788 South Carolina December 7, 1813
1790 Rhode Island September 15, 1814

On March 10, 1819, the Virginia legislature passed Act No. 280 (Virginia Archives of Richmond, "misc." file, p. 299 for micro- film):

"Be it enacted by the General Assembly, that there shall be published an edition of the laws of this Commonwealth in which shall be contained the following matters, that is to say: the Constitution of the united States and the amendments thereto..."

The official day of ratification was March 12, 1819, this was the date of republication of the Virginia Civil Code. Virginia ordered 4,000 copies, almost triple their usual order. Word of Virginia's 1819 ratification spread throughout the states and both Rhode Island and Kentucky published the new Amendment in 1822. Ohio published the new Amendment in 1824. Maine ordered 10,000 copies of the Constitution with the new Amendment to be printed for use in the public schools, and again in 1831 for their Census Edition. Indiana published the new Amendment in the Indiana Revised Laws, of 1831 on P. 20. The Northwest Territories published the new Amendment in 1833; Ohio published the new Amendment again in 1831 and in 1833. Connecticut, one of the states that voted against the new Amendment published the new Amendment in 1835. Wisconsin Territory published the new Amendment in 1839; Iowa Territory published the new Amendment in 1843; Ohio published the new Amendment again, in 1848; Kansas published the new Amendment in 1855; and Nebraska Territory published the new Amendment six years in a row from 1855 to 1860. Colorado Territory published the new Amendment in 1865 and again 1867, in the 1867 printing, the present Thirteenth Amendment (slavery Amendment) was listed as the Fourteenth Amendment. The repeated reprinting of the Amended united States Constitution is conclusive evidence of its passage.

Also, as evidence of the new Thirteenth Amendments impending passage; on December 2, 1817 John Quincy Adams, then Secretary of State, wrote to Buck (an attorney) regarding the position Buck had been assigned. The letter reads:

"...if it should be the opinion of this Government that the acceptance on your part of the Commission under which it was granted did not interfere with your citizenship. It is the opinion of the Executive that under the 13th amendment to the constitution by the acceptance of such an appointment from any foreign Government, a citizen of the United States ceases to enjoy that character, and becomes incapable of holding any office of trust or profit under the United States or either of them... J.Q.A.

By virtue of these titles and honors, and special privileges, lawyers have assumed political and economic advantages over the majority of citizens. A majority may vote, but only a minority (lawyers) may run for political office.

After the War of 1812 was concluded the Treaty of Ghent was signed and ratified (footnote 6). In Article 4 of the Treaty, the United States gained what was already given in the Treaty of Paris 1783, namely islands off the U.S. Coast. Also, two men were to be given the power to decide the borders and disagreements, if they could not, the power was to be given to an outside sovereign power and their decision was final and considered conclusive. In Article 9 it is admitted there are citizens and subjects in America. As you have seen, the two terms are interchangeable, synonymous. In Article 10 you will see where the idea for the overthrow of this country came from and on what issue. The issue raised by England was slavery and it was nurtured by the King's emissaries behind the scenes. This would finally lead to the Civil War, even though the Supreme Court had declared the states and their citizens property rights could not be infringed on by the

United States government or Congress. This was further declared by the following Presidential quotes, where they declared to violate the states rights would violate the U.S. Constitution. Also, history shows that slavery would not have existed much longer in the Southern states, public sentiment was changing and slavery was quickly disappearing. The Civil War was about destroying property rights and the U.S. Constitution which supported these rights. Read the following quotes of Presidents just before the Civil War:

"I believe that involuntary servitude, as it exists in different States of this Confederacy, is recognized by the Constitution. I believe that it stands like any other admitted right, and that the States where it exists are entitled to efficient remedies to enforce the constitutional provisions." Franklin Pierce Inaugural Address, March 4, 1853 - Messages and Papers of the Presidents, vol. 5.

"The whole Territorial question being thus settled upon the principle of popular sovereignty-a principle as ancient as free government itself-everything of a practical nature has been decided. No other question remains for adjustment, because all agree that under the Constitution slavery in the States is beyond the reach of any human power except that of the respective States themselves wherein it exists." James Buchanan Inaugural Address, March 4, 1857 - Messages and Papers of the Presidents, vol. 5.

"I cordially congratulate you upon the final settlement by the Supreme Court of the United States of the question of slavery in the Territories, which had presented an aspect so truly formidable at the commencement of my Administration. The right has been established of every citizen to take his property of any kind, including slaves, into the common Territories belonging equally to all the States of the Confederacy, and to have it protected there under the Federal Constitution. Neither Congress nor a Territorial legislature nor any human power has any authority to annul or impair this vested right. The supreme judicial tribunal of the country, which is a coordinate branch of the Government, has sanctioned and affirmed these principles of constitutional law, so manifestly just in themselves and so well calculated to promote peace and harmony among the States." James Buchanan, Third Annual Message, December 19, 1859 - Messages and Papers of the Presidents, vol. 5.

So there is no misunderstanding I am not rearguing slavery. Slavery is morally wrong and contrary to God Almighty's Law. In this divisive issue, the true attack was on our natural rights and on the Constitution. The core of the attack was on our right to possess allodial property. Our God given right to own property in allodial was taken away by conquest of the Civil War. If you are free this right cannot be taken away. The opposite of free is slave or subject, we were allowed to believe we were free for about 70 years. Then the king said enough, and had the slavery issue pushed to the front by the northern press, which so formed northern public opinion, that they were willing to send their sons to die in the Civil War.

The southern States were not fighting so much for the slave issue, but for the right to own property, any property. These property rights were granted by the king in the Treaty of 1783, knowing they would soon be forfeited by the American people through ignorance. Do you think you own your house? If you were to stop paying taxes, federal or state, you would soon find out that you were just being allowed to live and pay rent for this house. The rent being the taxes to the king, who supplied the benefit of commerce. A free man not under a monarch, democracy, dictatorship or socialist government, but is

under a republican form of government would not and could not have his property taken. Why! The King's tax would not and could not be levied. If the Americans had been paying attention the first 70 years to the subterfuge and corruption of the Constitution and government representatives, instead of chasing the money supplied by the king, the Conquest of this country during the Civil War could have been avoided. George Washington had vision during the Revolutionary War, concerning the Civil War. You need to read it. footnote 7

CIVIL WAR AND THE CONQUEST THAT FOLLOWED

The government and press propaganda that the War was to free the black people from slavery is ridiculous, once you understand the Civil War Thirteenth and Fourteenth Amendments. The black people are just as much slaves today as before the Civil War just as the white people are, and also we find ourselves subjects of the king/queen of England. The only thing that changed for black people is they changed masters and were granted a few rights, which I might add can be taken away anytime the government chooses. Since the 1930's the black people have been paid reparations to buy off their silence, in other words, keep the slaves on the plantation working. I do not say this to shock or come across as prejudiced, because I'm not. Here's what Russell Means said, for those that don't remember who he is, he was the father in the movie called, "Last Of The Mohicans". Russell Means said "until the white man is free we will never be free", the we he is referring to are the Indians. There has never been a truer statement, however the problem is the white people are not aware of their enslavement.

At the risk of being redundant; to set the record straight, because Lord only knows what will be said about what I just said regarding black people, I believe that if you are born in this country you are equal, period. Forget the empty promises of civil rights, what about you unalienable natural rights under God Almighty. All Americans are feudal tenants on the land, allowed to rent the property they live on as long as the king gets his cut. What about self-determination, or being able to own allodial title to property, which means the king cannot take your property for failure to pay a tax. Which means you did not own it to begin with. The king allows you to use the material goods and land. Again this is financial servitude.

"The ultimate ownership of all property is in the state; individual so-called 'ownership' is only by virtue of government, i.e., law, amounting to a mere user; and use must be in accordance with law and subordinate to the necessities of the State." Senate Document No. 43, "Contracts payable in Gold" written in 1933.

The king controlled the government by the time the North won the Civil War, through the use of lawyers that called the shots behind the scenes, just as they do now and well placed subjects in the United States government. This would not have been possible if not for England destroying our documents in 1812 and the covering up of state documents of the original 13th Amendment.

According to International law, what took place when the North conquered the South? First, you have to understand the word "conquest" in international law. When you conquer a state you acquire the land; and those that were subject to the conquered state, then become subject to the conquerors. The laws of the conquered state remain in force until the conquering state wishes to change all or part of them. At the time of conquest

the laws of the conquered state are subject to change or removal, which means the law no longer lies with the American people through the Constitution, but lies with the new sovereign. The Constitution no longer carries any power of its own, but drives its power from the new sovereign, the conqueror. The reason for this is the Constitution derived its power from the people, when they were defeated, so was the Constitution.

The following is the definition of Conquest: "The acquisition of the sovereignty of a country by force of arms, exercised by an independent power which reduces the vanquished to submission to its empire." "The intention of the conqueror to retain the conquered territory is generally manifested by formal proclamation of annexation, and when this is combined with a recognized ability to retain the conquered territory, the transfer of sovereignty is complete. A treaty of peace based upon the principle of *uti possidetis* (q.v.) is formal recognition of conquest." "The effects of conquest are to confer upon the conquering state the public property of the conquered state, and to invest the former with the rights and obligations of the latter; treaties entered into by the conquered state with other states remain binding upon the annexing state, and the debts of the extinct state must be taken over by it. Conquest likewise invests the conquering state with sovereignty over the subjects of the conquered state. Among subjects of the conquered state are to be included persons domiciled in the conquered territory who remain there after the annexation. The people of the conquered state change their allegiance but not their relations to one another." *Leitensdorfer v. Webb*, 20 How. (U.S.) 176, 15 L. Ed. 891. "After the transfer of political jurisdiction to the conqueror the municipal laws of the territory continue in force until abrogated by the new sovereign." *American Ins. Co. v. Canter*, 1 Pet. (U.S.) 511, 7 L. Ed. 242. Conquest, In international Law. -Bouvier's Law Dictionary

What happened after the Civil War? Did not U.S. troops force the southern states to accept the Fourteenth Amendment? The laws of America, the Constitution were changed by the conquering government. Why? The main part I want you to see, as I said at the beginning of this paper, is watch the money and the commerce. The Fourteenth Amendment says the government debt can not be questioned. Why? Because now the king wants all the gold, silver and copper and the land. Which can easily be done by increasing the government debt and making the American people sureties for the debt. This has been done by the sleight of hand of lawyers and the bankers.

The conquering state is known as a Belligerent, read the following quotes.

Belligerency, in International Law "The status of *de facto* statehood attributed to a body of insurgents, by which their hostilities are legalized. Before they can be recognized as belligerents they must have some sort of political organization and be carrying on what is international law is regarded as legal war. There must be an armed struggle between two political bodies, each of which exercises *de facto* authority over persons within a determined territory, and commands an army which is prepared to observe the ordinary laws of war. It is not enough that the insurgents have an army; they must have an organized civil authority directing the army." "The exact point at which revolt or insurrection becomes belligerency is often extremely difficult to determine; and belligerents are not usually recognized by nations unless they have some strong reason or necessity for doing so, either because the territory where the belligerency is supposed to exist is contiguous to their own, or because the conflict is in some way affecting their commerce

or the rights of their citizens...One of the most serious results of recognizing belligerency is that it frees the parent country from all responsibility for what takes place within the insurgent lined; Dana's Wheaton, note 15, page 35." Bouvier's Law Dictionary

Belligerent, In International Law. "As adj. and noun. Engaged in lawful war; a state so engaged. In plural. A body of insurgents who by reason of their temporary organized government are regarded as conducting lawful hostilities. Also, militia, corps of volunteers, and others, who although not part of the regular army of the state, are regarded as lawful combatants provided they observe the laws of war; 4 H. C. 1907, arts, 1, 2." Bouvier's Law Dictionary

According to the International law no law has been broken. Read the following about military occupation, notice the third paragraph. After the Civil War, title to the land had not been completed to the conquerors, but after 1933 it was. I will address this in a moment. In the last paragraph, it says the Commander-in-Chief governs the conquered state. The proof that this is the case today, is the U.S. flies the United States flag with a yellow fringe on three sides. According to the United States Code, Title 4, Sec. 1, the U.S. flag does not have a fringe on it. The difference being one is a Constitutional flag, and the fringed flag is a military flag. The military flag means you are in a military occupation and are governed by the Commander-in-Chief in his executive capacity, not under any Constitutional authority. Read the following.

Military Occupation "This at most gives the invader certain partial and limited rights of sovereignty. Until conquest, the sovereign rights of the original owner remain intact. Conquest gives the conqueror full rights of sovereignty and, retroactively, legalizes all acts done by him during military occupation. Its only essential is actual and exclusive possession, which must be effective." "A conqueror may exercise governmental authority, but only when in actual possession of the enemy's country; and this will be exercised upon principles of international law; MacLeod v. U.S., 229 U.S. 416, 33 Sup. Ct 955, 57 L. Ed. 1260." "The occupant administers the government and may, strictly speaking, change the municipal law, but it is considered the duty of the occupant to make as few changes in the ordinary administration of the laws as possible, though he may proclaim martial law if necessary. He may occupy public land and buildings; he cannot alienate them so as to pass a good title, but a subsequent conquest would probably complete the title..." "Private lands and houses are usually exempt. Private movable property is exempt, though subject to contributions and requisitions. The former are payments of money, to be levied only by the commander-in-chief...Military necessity may require the destruction of private property, and hostile acts of communities or individuals may be punished in the same way. Property may be liable to seizure as booty on the field of battle, or when a town refuses to capitulate and is carried by assault. When military occupation ceases, the state of things which existed previously is restored under the fiction of postliminium (q.v.)" "Territory acquired by war must, necessarily, be governed, in the first instance, by military power under the direction of the president, as commander-in-chief. Civil government can only be put in operation by the action of the appropriate political department of the government, at such time and in such degree as it may determine. It must take effect either by the action of the treaty-making power, or by that of congress. So long as congress has not incorporated the territory into the United States, neither military occupation nor cession by treaty makes it domestic territory, in the sense of the

revenue laws. Congress may establish a temporary government, which is not subject to all the restrictions of the constitution. *Downes v. Bidwell*, 182 U.S. 244, 21 Sup Ct. 770, 45 L. Ed. 1088, per Gray, J., concurring in the opinion of the court." *Bouvier's Law Dictionary*

Paragraph 1-3 of the definition of Military Occupation describes what took place during and after the Civil War. What took place during the Civil War and Post Civil War has been legal under international law. You should notice in paragraph 3, that at the end of the Civil War, title to the land was not complete, but the subsequent Conquest completed the title. When was the next Conquest? 1933, when the American people were alienated by our being declared enemies of the Conquer and by their declaring war against all Americans. Read the following quotes and also (footnote 8).

The following are excerpts from the Senate Report, 93rd Congress, November 19, 1973, Special Committee On The Termination Of The National Emergency United States Senate.

Since March 9, 1933, the United States has been in a state of declared national emergency.... Under the powers delegated by these statutes, the President may: seize property; organize and control the means of production; seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict travel; and, in a plethora of particular ways, control the lives of all American citizens. A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years, freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought into force by states of national emergency....from, at least, the Civil War in important ways shaped the present phenomenon of a permanent state of national emergency.

In Title 12, in section 95b you'll find the following codification of the emergency war powers: The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subsection (b) of section 5 of the Act of October 6, 1917, as amended (12 USCS, 95a), are hereby approved and confirmed. (March 9, 1933, c. 1, Title 1, 1, 48 Stat. 1)

It is clear that the Bankrupt, de facto government of the United States, which is operating under the War Powers Act and Executive Orders; not the Constitution for the united States, has in effect issued under its Admiralty Law, Letters of Marque (piracy) to its private agencies IRS, ATF, FBI and DEA, with further enforcement by its officers in the Courts, local police and sheriffs, waged war against the American People and has classed Americans as enemy aliens.

The following definition is from *BOUVIER'S LAW DICTIONARY* (P. 1934) of Letters of Marque, it says: "A commission granted by the government to a private individual, to take the property of a foreign state, or of the citizens or subjects of such state, as a reparation for an injury committed by such state, its citizens or subjects. The prizes so captured are divided between the owners of the privateer, the captain, and the crew. A vessel to a friendly port, but armed for its own defence in case of attack by an enemy, is also called a letter of marque."

Words and Phrases, Dictionary By the law of nations, an enemy is defined to be "one with whom a nations at open war." When the sovereign ruler of a state declares war against

another sovereign, it is understood the whole nation declares war against that other nation. All the subjects of one are enemies to all the subjects of the other, and during the existence of the war they continue enemies, in whatever country they may happen to be, "and all persons residing within the territory occupied by the belligerents, although they are in fact foreigners, are liable to be treated as enemies." *Grinnan v. Edwards*, 21 W.Va. 347, 357, quoting *Vatt. Law.Nat.bk. 3, c. 69-71*

So we find ourselves enemies in our own country and subjects of a king that has conquered our land, with heavy taxation and no possibility of fair representation.

The government has, through the laws of forfeiture, taken prize and booty for the king; under the Admiralty Law and Executive powers as declared by the Law of the Flag. None of which could have been done with the built in protection contained in the true Thirteenth Amendment, which has been kept from the American People. The fraudulent Amendments and legislation that followed the Civil War, bankrupted the American People and put the privateers (banksters) in power, and enforced by the promise of prize and booty to their partners in crime (government).

The following is the definition of a tyrant. Webster's New Universal Unabridged Dictionary defines tyrant as follows: "1. An absolute ruler; one who seized sovereignty illegally; a usurper. 2. a cruel oppressive ruler; a despot. 3. one who exercises his authority in an oppressive manner, a cruel master."

"When I see that the right and means of absolute command are conferred on a people or upon a king, upon an aristocracy or a democracy, a monarchy or republic, I recognize the germ of tyranny, and I journey onwards to a land of more helpful institutions." Alexis de Tocqueville, 1 *DEMOCRACY IN AMERICA*, at 250 [Arlington House (1965)].

So we pick up with paragraph 4, which describes the taxation under Military Occupation and that you are under Executive control and are bound under admiralty law by the contracts we enter, including silent contracts and by Military Occupation.

Notice the last sentence in paragraph 5, Congress may establish a temporary government, which is not subject to all the restrictions of the Constitution. See also *Harvard Law Review - the Insular Cases*. This means you do not have a Constitutional government, you have a military dictatorship, controlled by the President as Commander-in-Chief. What is another way you can check out what I am telling you? Read the following quotes.

"...[T]he United States may acquire territory by conquest or by treaty, and may govern it through the exercise of the power of Congress conferred by Section 3 of Article IV of the Constitution... In exercising this power, Congress is not subject to the same constitutional limitations, as when it is legislating for the United States. ...And in general the guaranties of the Constitution, save as they are limitations upon the exercise of executive and legislative power when exerted for or over our insular possessions, extend to them only as Congress, in the exercise of its legislative power over territory belonging to the United States, has made those guarantees applicable." [Hooven & Allison & Co. vs Evatt, 324 U.S. 652 (1945)]

"The idea prevails with some indeed, it found expression in arguments at the bar that we have in this country substantially or practically two national governments; one to be maintained under the Constitution, with all its restrictions; the other to be maintained by Congress outside and independently of that instrument, by exercising such powers as other nations of the earth are accustomed to exercise. I take leave to say that if the prin-

principles thus announced should ever receive the sanction of a majority of this court, a radical and mischievous change in our system of government will be the result. We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism.

It will be an evil day for American liberty if the theory of a government outside of the supreme law of the land finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of the principles of the constitution." [Downes vs Bidwell, 182 U.S. 244 (1901)]

A MILITARY FLAG

And to further confirm and understand the significance of what I have told you, you need to understand the fringe on the United States flag. Read the following.

First the appearance of our flag is defined in Title 4 sec. 1. U.S.C.. "The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be forty-eight stars, white in a blue field." (my note - of course when new states are admitted, new stars are added.)

A foot note was added on page 1113 of the same section which says: "Placing of fringe on the national flag, the dimensions of the flag, and arrangement of the stars are matters of detail not controlled by statute, but within the discretion of the President as commander-in-chief of the Army and Navy." 1925, 34 Op.Atty.Gen. 483.

The president, as military commander, can add a yellow fringe to our flag. When would this be done? During time of war. Why? A flag with a fringe is an ensign, a military flag. Read the following.

"Pursuant to U.S.C. Chapter 1, 2, and 3; Executive Order No. 10834, August 21, 1959, 24 F.R. 6865, a military flag is a flag that resembles the regular flag of the United States, except that it has a YELLOW FRINGE, bordered on three sides. The President of the United States designates this deviation from the regular flag, by executive order, and in his capacity as COMMANDER-IN-CHIEF of the Armed forces."

From the National Encyclopedia, Volume 4: "Flag, an emblem of a nation; usually made of cloth and flown from a staff. From a military standpoint flags are of two general classes, those flown from stationary masts over army posts, and those carried by troops in formation. The former are referred to by the general name flags. The latter are called colors when carried by dismounted troops. Colors and Standards are more nearly square than flags and are made of silk with a knotted Fringe of Yellow on three sides...use of the flag. The most general and appropriate use of the flag is as a symbol of authority and power."

"...The agency of the master is devolved upon him by the law of the flag. The same law that confers his authority ascertains its limits, and the flag at the masthead is notice to all the world of the extent of such power to bind the owners or freighters by his act. The foreigner who deals with this agent has notice of that law, and, if he be bound by it, there is not injustice. His notice is the national flag which is hoisted on every sea and under which the master sails into every port, and every circumstance that connects him with the vessel isolates that vessel in the eyes of the world, and demonstrates his relation to the owners and freighters as their agent for a specific purpose and with power well defined under the national maritime law." Bouvier's Law Dictionary, 1914.

Don't be thrown by the fact they are talking about the sea, and that it doesn't apply to

land. Admiralty law came on land in 1845 with the Act of 1845 by Congress. Next a court case:

"Pursuant to the "Law of the Flag", a military flag does result in jurisdictional implication when flown. The Plaintiff cites the following: "Under what is called international law, the law of the flag, a shipowner who sends his vessel into a foreign port gives notice by his flag to all who enter into contracts with the shipmaster that he intends the law of the flag to regulate those contracts with the shipmaster that he either submit to its operation or not contract with him or his agent at all." *Ruhrstrat v. People*, 57 N.E. 41, 45, 185 ILL. 133, 49 LRA 181, 76 AM.

I have had debates with folks that take great issue with what I have said, they dogmatically say the constitution is the law and the government is outside the law. I wish they were right, but they fail to see or understand that the American people have been conquered, unknowingly, but conquered all the same. That is why a judge will tell you not to bring the Constitution into his court, or a law dictionary, because he is the law, not the Constitution. You have only to read the previous Senates report on National Emergency, to understand the Constitution and our Constitutional form of government no longer exists.

FURTHER EVIDENCE SOCIAL SECURITY

I fail to understand how the American people could have been so dumbed down as to not see that the Social Security system is fraudulent and that it is based on socialism, which is the redistribution of wealth, right out of the communist manifesto. The Social Security system first, is fraud, it is insolvent and was never intended to be. It is used for a national identification number, and a requirement to receive benefits from the conquers (king). The Social Security system is made to look and act like insurance, all insurance is governed by admiralty law, which is the kings way of binding those involved with commerce with him.

"The Social Security system may be accurately described as a form of Social Insurance, enacted pursuant to Congress' power to "spend money in aid of the 'general welfare', " *Helvering vs. Davis* [301 U.S., at 640]

"My judgment accordingly is, that policies of insurance are within... the admiralty and maritime jurisdiction of the United States." Federal Judge Story, in *DELOVIO VS. BOIT*, 7 Federal Cases, #3776, at page 444 (1815)

You need to know and understand what contribution means in F.I C. A., Federal Insurance Contribution Act. Read the following definition.

Contribution. Right of one who has discharged a common liability to recover of another also liable, the aliquot portion which he ought to pay or bear. Under principle of "contribution," a tort-feasor against whom a judgement is rendered is entitled to recover proportional shares of judgement from other joint tort- feasor whose negligence contributed to the injury and who were also liable to the plaintiff. (cite omitted) The share of a loss payable by an insure when contracts with two or more insurers cover the same loss. The insurer's share of a loss under a coinsurance or similar provision. The sharing of a loss or payment among several. The act of any one or several of a number of co-debtors, co-sureties, etc., in reimbursing one of their number who has paid the whole

debt or suffered the whole liability, each to the extent of his proportionate share. (Blacks Law Dictionary 6th ed.)

Thereby making you obligated for the national debt. The Social Security system is one of the contractual nexus' between you and the king. Because you are involved in the kings commerce and have asked voluntarily for his protection, you have accomplished the following. You have admitted that you are equally responsible for having caused the national debt and that you are a wrong doer, as defined by the above legal definition. You have admitted to being a Fourteenth Amendment citizen, who only has civil rights granted by the king. By being a Fourteenth Amendment citizen, you have agreed that you do not have standing in court to question the national debt. Keep in mind this is beyond the status of our country and people, which I covered earlier in this paper. We are in this system of law because of the conquest of our country.

Congress has transferred its Constitutional obligation of coining money to the federal reserve, the representatives of the king, this began after the Civil War and the overturning of the U.S. Constitution, as a result of CONGEST. You have used this fiat money without objection, which is a commercial benefit, supplied by the kings bankers. Fiat money has no real value, other than the faith in it, and you CANNOT pay a debt with fiat money, because it is a debt instrument. A federal reserve note is a promise to pay and is only evidence of debt. The benefit you have received is you are allowed to discharge your debt, which means you pass on financial servitude to someone else. The someone else is our children.

When you go to the grocery store and hand the clerk a fifty dollar federal reserve note you have stolen the groceries and passed fifty dollars of debt to the seller. Americans try to acquire as much of this fiat money as they can. If Americans were aware of this; it wouldn't matter to them, because they don't care if the merchandise is stolen as long as it is legal. But what happens if the system fails? Those with the most fiat money or real property, which was obtained with fiat money will be forfeited to the king, everything that was obtained with this fiat money reverts back to the king temporary, I will explain in the conclusion of this paper. Because use of his fiat money is a benefit, supplied by the King's bankers; it all transfers back to the king. The King's claim to the increase in this country comes from the original Charter of 1606. But, it is all hidden, black is white and white is black, wealth is actually debt and financial slavery.

For those that do not have a Social Security number or think they have rescinded it, you are no better off. As far as the king is concerned you are subject to him also. Why? Well, just to list a couple of reasons other than conquest. You use his money and as I said before, this is discharging debt, without prosecution. You use the goods and services that were obtained by this fiat money, to enrich your life style and sustain yourself. You drive or travel, which ever definition you want to use, on the King's highways and roads for pleasure and to earn a living; meaning you are involved in the King's commerce. On top of these reasons which are based on received benefits, this country HAS BEEN CONQUERED!

I know a lot of patriots won't like this. Your (our) argument has been that the government has and is operating outside of the law (United States Constitution). Believe me I don't like sounding like the devils advocate, but as far as international law goes; and the laws that govern War between countries, the king/queen of England rule this country,

first by financial servitude and then by actual Conquest and Military Occupation. The Civil War was the beginning of the Conquest, as evidenced by the Fourteenth Amendment. This Amendment did several things, as already mentioned. It created the only citizenship available to the conquered and declared that these citizens had no standing in any court to challenge the monetary policies of the new government. Why? So the king would always receive his gain from his Commercial venture. The Amendment also eliminated your use of natural rights and gave the Conquered civil rights. The Conquered are governed by public policy, instead of Republic of self-government under God Almighty. Your argument that this can't be, is frivolous and without merit, the evidence is conclusive.

Nothing has changed since before the Revolutionary War.

All persons whose activities in King's Commerce are such that they fall under this marine-like environment, are into an invisible Admiralty Jurisdiction Contract. Admiralty Jurisdiction is the KING'S COMMERCE of the High Seas, and if the King is a party to the sea-based Commerce (such as by the King having financed your ship, or the ship is carrying the King's guns), then that Commerce is properly governed by the special rules applicable to Admiralty Jurisdiction. But as for that slice of Commerce going on out on the High Seas without the King as a party, that Commerce is called Maritime Jurisdiction, and so Maritime is the private Commerce that transpires in a marine environment. At least, that distinction between Admiralty and Maritime is the way things once were, but no more. George Mercier, Invisible Contracts, 1984.

What Lincoln and Jefferson said about the true American danger was very prophetic.

"All the armies of Europe, Asia and Africa combined could not, by force, take a drink from the Ohio, or make a track on the Blue Ridge in a trial of a thousand years. At what point then is the approach of danger to be expected? I answer, if it ever reach us it must spring up amongst us. It cannot come from abroad. If destruction be our lot, we ourselves must be its author and finisher. Abraham Lincoln

"Our rulers will become corrupt, our people careless... the time for fixing every essential right on a legal basis is [now] while our rulers are honest, and ourselves united. From the conclusion of this war we shall be going downhill. It will not then be necessary to resort every moment to the people for support. They will be forgotten, therefore, and their rights disregarded. They will forget themselves, but in the sole faculty of making money, and will never think of uniting to effect a due respect for their rights. The shackles, therefore, which shall not be knocked off at the conclusion of this war, will remain on us long, will be made heavier and heavier, till our rights shall revive or expire in a convulsion. Thomas Jefferson

Below are the political platforms of the Democrats and the Republicans, as you can see there is no difference between the two, plain socialism. They are both leading America to a World government, just as Cornwallis said, and that government will be the British empire or promoted by the British.

"We have built foundations for the security of those who are faced with the hazards of unemployment and old age; for the orphaned, the crippled, and the blind. On the foundation of the Social Security Act we are determined to erect a structure of economic security for all our people, making sure that this benefit shall keep step with the ever increasing capacity of America to provide a high standard of living for all its citizens."

DEMOCRATIC PARTY PLATFORM OF 1936, at page 360, infra.

"Real security will be possible only when our productive capacity is sufficient to furnish a decent standard of living for all American families and to provide a surplus for future needs and contingencies. For the attainment of that ultimate objective, we look to the energy, self-reliance and character of our people, and to our system of free enterprise. "Society has an obligation to promote the security of the people, by affording some measure of protection against involuntary unemployment and dependency in old age. The NEW DEAL policies, while purporting to provide social security, have, in fact, endangered it. "We propose a system of old age security, based upon the following principles:

1. We approve a PAY AS YOU GO policy, which requires of each generation the support of the aged and the determination of what is just and adequate.

2. Every American citizen over 65 should receive a supplemental payment necessary to provide a minimum income sufficient to protect him or her from want.

3. Each state and territory, upon complying with simple and general minimum standards, should receive from the Federal Government a graduated contribution in proportion to its own, up to a fixed maximum.

4. To make this program consistent with sound fiscal policy the Federal revenues for this purpose must be provided from the proceeds of a direct tax widely distributed. All will be benefitted and all should contribute. "We propose to encourage adoption by the states and territories of honest and practical measures for meeting the problems of employment insurance. "The unemployment insurance and old age annuity of the present Social Security Act are unworkable and deny benefits to about two-thirds of our adult population, including professional men and women and all engaged in agriculture and domestic service, and the self-employed, while imposing heavy tax burdens upon all."

- REPUBLICAN PARTY PLATFORM OF 1936, at page 366.

Both PLATFORMS appear in NATIONAL PARTY PLATFORMS 1840 TO 1972; compiled by Ronald Miller [University of Illinois Press, Urbana, Illinois (1973)

CONCLUSION

Jesus gave us the most profound warning and advise of all time, Hosea 4:6 "My people are destroyed by a lack of knowledge." This being our understanding and spiritual development in His Word. When applied to the many facets of life, His Word exposes all of life's pit falls. Jesus Christ's Word covers all aspects of life.

The working class during the 1700's were far more educated than now, but this was still not enough to protect them from the secret subterfuge practiced by the lawyers and bankers. Only with understanding of Jesus Christ's Word, can the evil application of man's law be exposed and understood for what it is. This is why Jesus Christ also warned of the beguilement of the lawyers and the deceit and deception they practice.

Another reason, the working class have been unable to understand their enslavement, is because of the time spent working for a living. At wages supplied by the upper class, sufficient to live and even prosper, but never enough to attain upper class status. This is basic class warfare. This system is protected by the upper class controlling public education, to limit and focus the working class's knowledge, to maintain class separation.

What does this have to do with this paper? Everything! This is the reason our upper

class fore fathers submitted to the king in the Treaty of 1783. After this Treaty and up to the Civil War, the working class were busy making this the greatest Country in the history of the world. You see they believed they were free, a freeman will work much harder than a man that is subject or a slave. As a whole, the working class were not paying attention to what the government was doing, including its Treaties and laws. This allowed time for the banking procedures and laws to be put in place over time, while the nation slept, so the nation could be conquered during the Civil War. The only way to regain this county is with the reeducation of the working class, so they can make informed decisions and vote the mis-managers of our government out of office. We could then reverse the post Civil War socialist laws and the one world government laws, that have been gradually put in place since the Civil War. Until the defeat of America is recognized, victory will never be attainable. Only through reliance by faith on Jesus Christ and the teaching of His Kingdom will we realize our freedom. As I said earlier, just as this Country has been conquered, when Jesus Christ returns he conquers all nations and takes possession of His Kingdom and rules them with a rod of iron (Rev. 11:15-18). His right of ownership is enforced by THE LAW, God Almighty.

The preceding 11214 words are not to be changed or altered in any way, except by permission of the author, James Montgomery. I can be reached through Knowledge is Freedom BBS.

"...And to preserve their independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty or profusion and servitude. If we run into such debts as that we must be taxed in our meat and in our drink, in our necessaries and our comforts, in our labors and our amusements, for our callings and our creeds, as the people of England are, our people, like them, must come to labor sixteen hours in the twenty-four, and give the earnings of fifteen of these to the government for their debts and daily expenses; and the sixteenth being insufficient to afford us bread, we must live, as they now do, on oatmeal and potatoes; have not time to think, no means of calling the mismanager's to account; but be glad to obtain subsistence by hiring ourselves to rivet their chains on the necks of our fellow sufferers..."

(Thomas Jefferson) THE MAKING OF AMERICA, p. 395

FOOTNOTES

Footnote 1

FIRST CHARTER OF VIRGINIA (1606)

[This charter, granted by King James I. on April 10, 1606, to the oldest of the English colonies in America, is a typical example of the documents issued by the British government, authorizing "Adventurers" to establish plantations in the New world. The name "Virginia" was at that time applied to all that part of North America claimed by Great Britain.]

I JAMES, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. WHEREAS our loving and well-disposed Subjects, Sir Thomas Gates, and Sir George Somers, Knights, Richard Hackluit, Prebendary of Westminster, and Edward-Maria Wingfield, Thomas Hanham, and Raleigh Gilbert, Esqrs. William Parker, and George Popham, Gentlemen, and divers others of our loving Subjects, have

been humble Suitors unto us, that We would vouchsafe unto them our License (authors footnote: remember a license granted by the king is a privilege), to make Habitation, Plantation, and to deduce a Colony of sundry of our People into that Part of America, commonly called VIRGINIA, and other Parts and Territories in America, either appertaining unto us, or which are not now actually possessed by any Christian Prince or People, situate, lying, and being all along the Sea Coasts, between four and thirty Degrees of Northerly Latitude from the Equinoctial Line, and five and forty Degrees of the same Latitude, and in the main Land between the same four and thirty and five and forty Degrees, and the Islands thereunto adjacent, or within one hundred Miles of the Coasts thereof;

II. And to that End, and for the more speedy Accomplishment of their said intended Plantation and Habitation there, are desirous to divide themselves into two several Colonies and Companies; The one consisting of certain Knights, Gentlemen, Merchants, and other Adventurers, of our City of London and elsewhere, which are, and from time to time shall be, joined unto them, which do desire to begin their Plantation and Habitation in some fit and convenient Place, between four and thirty and one and forty Degrees of the said Latitude, along the Coasts of Virginia and Coasts of America aforesaid; And the other consisting of sundry Knights, Gentlemen, Merchants, and other Adventurers, of our Cities of Bristol and Exeter, and of our Town of Plimouth, and of other Places, which do join themselves unto that Colony, which do desire to begin their Plantation and Habitation in some fit and convenient Place, between eight and thirty Degrees and five and forty Degrees of the said Latitude, all alongst the said Coast of Virginia and America, as that Coast lyeth:

III. We, greatly commending, and graciously accepting of, their Desires for the Furtherance of so noble a Work, which may, by the Providence of Almighty God, hereafter tend to the Glory of his Divine Majesty, in propagating of Christian Religion to such People, as yet live in Darkness and miserable Ignorance of the true Knowledge and Worship of God, and may in time bring the Infidels and Savages, living in those Parts, to human Civility, and to a settled and quiet Government; DO, by these our Letters Patents, graciously accept of, and agree to, their humble and well-intended Desires;

IV. And do therefore, for Us, our Heirs, and Successors, GRANT and agree, that the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, and Edward-Maria Wingfield, Adventurers of and for our City of London, and all such others, as are, or shall be, joined unto them of that Colony, shall be called the first Colony; And they shall and may begin their said first Plantation and Habitation, at any Place upon the said Coast of Virginia or America, where they shall think fit and convenient, between the said four and thirty and one and forty Degrees of the said Latitude; And that they shall have all the Lands, Woods, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the said first Seat of their Plantation and Habitation by the Space of fifty Miles of English Statute Measure, all along the said Coast of Virginia and America, towards the West and South west, as the Coast lyeth, with all the Islands within one hundred Miles directly over against the same Sea Coast; And also all the Lands, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Waters, Marshes, Fishings, Commodities, and Hereditaments, whatsoever, from the said Place of their first Plantation and Habitation for the space of fifty like English

Miles all amongst the said Coast of Virginia and America, towards the East and Northeast, or towards the North, as the Coast lyeth, together with all the Islands within one hundred Miles, directly over against the said Sea Coast; And also all the Lands, Woods, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the same fifty Miles every way on the Sea Coast, directly into the main Land by the Space of one hundred like English Miles; And shall and may inhabit and remain there; and shall and may also build and fortify within any the same, for their better Safeguard and Defence, according to their best Discretion, and the Discretion of the Council of that Colony; And that no other of our Subjects shall be permitted, or suffered, to plant or inhabit behind, or on the Backside of them, towards the main Land, without the Express License or Consent of the Council of that Colony, thereunto in Writing first had and obtained.

V. And we do likewise, for Us, our Heirs, and Successors, by these Presents, GRANT and agree, that the said Thomas Hanham, and Raleigh Gilbert, William Parker, and George Popham, and all others of the Town of Plimouth in the County of Devon, or else-where, which are, or shall be, joined unto them of that Colony, shall be called the second Colony; And that they shall and may begin their said Plantation and Seat of their first Abode and Habitation, at any Place upon the said Coast of Virginia and America, where they shall think fit and convenient, between eight and thirty Degrees of the said Latitude, and five and forty Degrees of the same Latitude; And that they shall have all the Lands, Soils, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever from the first Seat of their Plantation and Habitation by the Space of fifty like English Miles as is aforesaid, all amongst the said Coast of Virginia and America, towards the West and Southwest, or towards the South, as the Coast lyeth, and all the Islands within one hundred Miles, directly over against the said Sea Coast; And also all the Lands, Soils, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the said Place of their first Plantation and Habitation for the Space of fifty like Miles, all amongst the said Coast of Virginia and America, towards the East and Northeast, or towards the North, as the Coast lyeth, and all the Islands also within one hundred Miles directly over against the same Sea Coast; And also all the Lands, Soils, Grounds, Havens, Ports, Rivers, Woods, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the same fifty Miles every way on the Sea Coast, directly into the main Land, by the Space of one hundred like English Miles; And shall and may inhabit and remain there; and shall and may also build and fortify within any the same for their better Safeguard, according to their best Discretion, and the Discretion of the Council of that Colony; And that none of our Subjects shall be permitted, or suffered, to plant or inhabit behind, or on the back of them, towards the main Land, without the express License of the Council of that Colony, in Writing thereunto first had and obtained.

VI. Provided always, and our Will and Pleasure herein is, that the Plantation and Habitation of such of the said Colonies, as shall last plant themselves, as aforesaid, shall not be made within one hundred like English Miles of the other of them, that first began to make their Plantation, as aforesaid.

VII. And we do also ordain, establish, and agree, for Us, our Heirs, and Successors,

that each of the said Colonies shall have a Council, which shall govern and order all Matters and Causes, which shall arise, grow, or happen, to or within the same several Colonies, according to such Laws, Ordinances, and Instructions, as shall be, in that behalf, given and signed with Our Hand or Sign Manual, and pass under the Privy Seal of our Realm of England; Each of which Councils shall consist of thirteen Persons, to be ordained, made, and removed, from time to time, according as shall be directed, and comprised in the same instructions; And shall have a several Seal, for all Matters that shall pass or concern the same several Councils; Each of which Seals shall have the King's Arms engraven on the one Side thereof, and his Portraiture on the other And that the Seal for the Council of the said first Colony shall have engraven round about, on the one side, these Words; *Sigillum Regis Magnae Britanniae, Franciae, & Hiberniae*; on the other Side this Inscription, round about; *Pro Concilio primae Coloniae Virginiae*. And the seal for the Council of the said second Colony shall also have engraven, round about the one Side thereof, the aforesaid Words; *Sigillum Regis Magnae, Britanniae, Franciae, & Hiberniae*; and on the other Side; *Pro Concilio secundae Coloniae Virginiae*:

VIII. And that also there shall be a Council established here in England, which shall, in like Manner, consist of thirteen Persons, to be, for that Purpose, appointed by Us, our Heirs and Successors, which shall be called our Council of Virginia; And shall, from time to time, have the superior Managing and Direction, only of and for all Matters, that shall or may concern the Government, as well of the said several Colonies, as of and for any other Part or Place, within the aforesaid Precincts of four and thirty and five and forty Degrees, above-mentioned; Which Council shall, in like manner, have a Seal, for Matters concerning the Council of Colonies, with the like Arms and Portraiture, as aforesaid, with this Inscription, engraven round about on the one Side; *Sigillum Regis Magnae Britanniae, Franciae, & Hiberniae*; and round about the other side, *Pro Concilio suo Virginiae*.

IX. And moreover, we do GRANT and agree, for Us, our Heirs and Successors, that the said several Councils, of and for the said several Colonies, shall and lawfully may, by Virtue hereof, from time to time, without any Interruption of Us, our Heirs, or Successors, give and take Order, to dig, mine, and search for all Manner of Mines of Gold, Silver, and Copper, as well within any part of their said several Colonies, as for the said main Lands on the Back-side of the same Colonies; And to Have and enjoy the Gold, Silver, and Copper, to be gotten thereof, to the Use and Behoof of the same Colonies, and the Plantations thereof; YIELDING therefore, to Us, our Heirs and Successors, the fifth Part only of all the same Gold and Silver, and the fifteenth Part of all the same Copper, so to be gotten or had, as is aforesaid, without any other Manner or Profit or Account, to be given or yielded to Us, our Heirs, or Successors, for or in Respect of the same:

X. And that they shall, or lawfully may, establish and cause to be made a Coin, to pass current there between the People of those several Colonies, for the more Ease of Traffick and Bargaining between and amongst them and the Natives there, of such Metal, and in such Manner and Form, as the said several Councils there shall limit and appoint.

XI. And we do likewise, for Us, our Heirs, and Successors, by these Presents, give full Power and Authority to the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and to every of them, and to the said several Companies, Plantations, and Colo-

nies, that they, and every of them, shall and may, at all and every time and times hereafter, have, take, and lead in the said Voyage, and for and towards the said several Plantations and Colonies, and to travel thitherward, and to abide and inhabit there, in every the said Colonies and Plantations, such and so many of our Subjects, as shall willingly accompany them, or any of them, in the said Voyages and Plantations; With sufficient Shipping and Furniture of Armour, Weapons, Ordinance, Powder, Victual, and all other things, necessary for the said Plantations, and for their Use and Defence there: PROVIDED always, that none of the said Persons be such, as shall hereafter be specially restrained by Us, our Heirs, or Successors.

XII. Moreover, we do, by these Presents, for Us, our Heirs, and Successors, GIVE AND GRANT License unto the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and to every of the said Colonies, that they, and every of them, shall and may, from time to time, and at all times for ever hereafter, for their several Defences, encounter, expulse, repel, and resist, as well by Sea as by Land, by all Ways and Means whatsoever, all and every such Person and Persons, as without the especial License of the said several Colonies and Plantations, shall attempt to inhabit within the said several Precincts and Limits of the said several Colonies and Plantations, or any of them, or that shall enterprise or attempt, at any time hereafter, the Hurt, Detriment, or Annoyance, of the said several Colonies or Plantations.

XIII. Giving and granting, by these Presents, unto the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, and their Associates of the said first Colony, and unto the said Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and their Associates of the said second Colony, and to every of them, from time to time, and at all times for ever hereafter, Power and Authority to take and surprise, by all Ways and Means whatsoever, all and every Person and Persons, with their Ships, Vessels, Goods and other Furniture, which shall be found trafficking, into any Harbour or Harbours, Creek or Creeks, or Place, within the Limits or Precincts of the said several Colonies and Plantations, not being of the same Colony, until such time, as they, being of any Realms or Dominions under our Obedience, shall pay, or agree to pay, to the Hands of the Treasurer of that Colony, within whose Limits and Precincts they shall so traffick, two and a half upon every Hundred, of any thing, so by them trafficked, bought, or sold; And being Strangers, and not Subjects under our Obedience, until they shall pay five upon every Hundred, of such Wares and Merchandise, as they shall traffick, buy, or sell, within the Precincts of the said several Colonies, wherein they shall so traffick, buy, or sell, as aforesaid, WHICH Sums of Money, or Benefit, as aforesaid, for and during the Space of one and twenty Years, next ensuing the Date hereof, shall be wholly employed to the Use, Benefit, and Behoof of the said several Plantations, where such Traffick shall be made; And after the said one and twenty Years ended, the same shall be taken to the Use of Us, our Heirs, and Successors, by such Officers and Ministers, as by Us, our Heirs, and Successors, shall be thereunto assigned or appointed.

XIV. And we do further, by these Presents, for Us, our Heirs, and Successors, GIVE AND GRANT unto the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, and Edward-Maria Wingfield, and to their Associates of the said first Colony and Plantation, and to the said Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham,

and their Associates of the said second Colony and Plantation, that they, and every of them, by their Deputies, Ministers and Factors, may transport the Goods, Chattels, Armour, Munition, and Furniture, needful to be used by them, for their said Apparel, Food, Defence, or otherwise in Respect of the said Plantations, out of our Realms of England and Ireland, and all other our Dominions, from time to time, for and during the Time of seven Years, next ensuing the Date hereof, for the better Relief of the said several Colonies and Plantations, without any Custom, Subsidy, or other Duty, unto Us, our Heirs, or Successors, to be yielded or paid for the same.

XV. Also we do, for Us, our Heirs, and Successors, DECLARE, by these Presents, that all and every the Persons, being our Subjects, which shall dwell and inhabit within every or any of the said several Colonies and Plantations, and every of their children, which shall happen to be born within any of the Limits and Precincts of the said several Colonies and Plantations, shall HAVE and enjoy all Liberties, Franchises, and Immunities, within any of our other Dominions, to all Intents and Purposes, as if they had been abiding and born, within this our Realm of England, or any other of our said Dominions.

XVI. Moreover, our gracious Will and Pleasure is, and we do, by these Presents, for Us, our Heirs, and Successors, declare and set forth, that if any Person or Persons, which shall be of any of the said Colonies and Plantations, or any other, which shall traffick to the said Colonies and Plantations, or any of them, shall, at any time or times hereafter, transport any Wares, Merchandises, or Commodities, out of any of our Dominions, with a Pretence to land, sell, or otherwise dispose of the same, within any the Limits and Precincts of any the said Colonies and Plantations, and yet nevertheless, being at Sea, or after he hath landed the same within any of the said Colonies and Plantations, shall carry the same into any other Foreign Country, with a Purpose there to sell or dispose of the same, without the License of Us, our Heirs, and Successors, in that Behalf first had and obtained; That then, all the Goods and Chattels of such Person or Persons, so offending and transporting, together with the said Ship or Vessel, wherein such Transportation was made, shall be forfeited to Us, our Heirs, and Successors.

XVII. Provided always, and our Will and Pleasure is, and we do hereby declare to all Christian Kings, Princes, and States, that if any Person or Persons, which shall hereafter be of any of the said several Colonies and Plantations, or any other, by his, their or any of their License and Appointment, shall, at any time or times hereafter, rob or spoil, by Sea or by Land, or do any Act of unjust and unlawful Hostility, to any the Subjects of Us, our Heirs, or Successors, or any the Subjects of any King, Prince, Ruler, Governor, or State, being then in League or Amity with Us, our Heirs, or Successors, and that upon such Injury, or upon just Complaint of such Prince, Ruler, Governor, or State, or their Subjects, We, our Heirs, or Successors, shall make open Proclamation, within any of the Ports of our Realm of England, commodious for that Purpose, That the said Person or Persons, having committed any such Robbery or Spoil, shall, within the Term to be limited by such Proclamations make full Restitution or Satisfaction of all such Injuries done, so as the said Princes, or others, so complaining, may hold themselves fully satisfied and contented; And that, if the said Person or Persons, having committed such Robbery or Spoil, shall not make, or cause to be made, Satisfaction accordingly, within such Time so to be limited, That then it shall be lawful to Us, our Heirs, and Successors, to put the said Person or Persons, having committed such Robbery or Spoil, and their Procurers, Abettors,

or Comforters, out of our Allegiance and Protection; And that it shall be lawful and free, for all Princes and others, to pursue with Hostility the said Offenders, and every of them, and their and every of their Procurers, Aiders, Abettors, and Comforters, in that Behalf.

XVIII. And finally, we do, for Us, our Heirs, and Successors, GRANT and agree, to and with the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, and Edward-Maria Wingfield, and all others of the said first Colony, that We, our Heirs, and Successors, upon Petition in that Behalf to be made, shall, by Letters-patent under the Great Seal of England, GIVE and GRANT unto such Persons, their Heirs, and Assigns, as the Council of that Colony, or the most Part of them, shall, for that Purpose nominate and assign, all the Lands, Tenements, and Hereditaments, which shall be within the Precincts limited for that Colony, as is aforesaid, TO BE HOLDEN OF US, our Heirs, and Successors, as of our Manor at East-Greenwich in the County of Kent, in free and common Soccage only, and not in Capite:

XIX. And do, in like Manner, Grant and Agree, for Us, our Heirs, and Successors, to and with the said Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and all others of the said second Colony, That We, our Heirs, and Successors, upon Petition in that Behalf to be made, shall, by Letters-patent under the Great Seal of England, GIVE and GRANT unto such Persons, their Heirs, and Assigns, as the Council of that Colony, or the most Part of them, shall, for that Purpose, nominate and assign, all the Lands, Tenements, and Hereditaments, which shall be within the Precincts limited for that Colony, as is aforesaid TO BE HOLDEN OF US, our Heirs, and Successors, as of our Manour of East-Greenwich in the County of Kent, in free and common Soccage only, and not in Capite.

XX. All which Lands, Tenements, and Hereditaments, so to be passed by the said several Letters-patent, shall be sufficient Assurance from the said Patentees, so distributed and divided amongst the Undertakers for the Plantation of the said several Colonies, and such as shall make their Plantations in either of the said several Colonies, in such Manner and Form, and for such Estates, as shall be ordered and set down by the Council of the said Colony, or the most Part of them, respectively, within which the same Lands, Tenements, and Hereditaments shall lye or be; Although express Mention of the true yearly Value or Certainty of the Premises, or any of them, or of any other Gifts or Grants, by Us or any of our Progenitors or Predecessors, to the aforesaid Sir Thomas Gates, Knt. Sir George Somers, Knt. Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, or any of them, heretofore made, in these Presents, is not made; Or any Statute, Act, Ordinance, or Provision, Proclamation, or Restraint, to the contrary hereof had, made, ordained, or any other Thing, Cause, or Matter whatsoever, in any wise notwithstanding. In Witness whereof we have caused these our Letters to be made Patents; Witness Ourselves at Westminster, the tenth Day of April, in the fourth Year of our Reign of England, France, and Ireland, and of Scotland the nine and thirtieth.

Footnote 2

THE PARIS PEACE TREATY (PEACE TREATY of 1783):

In the name of the most holy and undivided Trinity.

It having pleased the Divine Providence to dispose the hearts of the most serene and

most potent Prince George the Third, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith, duke of Brunswick and Lunebourg, arch-treasurer and prince elector of the Holy Roman Empire etc., and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore, and to establish such a beneficial and satisfactory intercourse, between the two countries upon the ground of reciprocal advantages and mutual convenience as may promote and secure to both perpetual peace and harmony; and having for this desirable end already laid the foundation of peace and reconciliation by the Provisional Articles signed at Paris on the 30th of November 1782, by the commissioners empowered on each part, which articles were agreed to be inserted in and constitute the Treaty of Peace proposed to be concluded between the Crown of Great Britain and the said United States, but which Treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France and his Britannic Majesty should be ready to conclude such Treaty accordingly; and the Treaty between Great Britain and France having since been concluded, his Britannic Majesty and the United States of America, in order to carry into full effect the Provisional Articles above mentioned, according to the tenor thereof, have constituted and appointed, that is to say his Britannic Majesty on his part, David Hartley, Esqr., member of the Parliament of Great Britain, and the said United States on their part, John Adams, Esqr., late a commissioner of the United States of America at the court of Versailles, late delegate in Congress from the state of Massachusetts, and chief justice of the said state, and minister plenipotentiary of the said United States to their high mightinesses the States General of the United Netherlands; Benjamin Franklin, Esqr., late delegate in Congress from the state of Pennsylvania, president of the convention of the said state, and minister plenipotentiary from the United States of America at the court of Versailles; John Jay, Esqr., late president of Congress and chief justice of the state of New York, and minister plenipotentiary from the said United States at the court of Madrid; to be plenipotentiaries for the concluding and signing the present definitive Treaty; who after having reciprocally communicated their respective full powers have agreed upon and confirmed the following articles.

Article 1:

His Brittanic Majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be free sovereign and independent states, that he treats with them as such, and for himself, his heirs, and successors, relinquishes all claims to the government, propriety, and territorial rights of the same and every part thereof.

Article 2:

And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz.; from the northwest angle of Nova Scotia, viz., that nagle which is formed by a line drawn due north from the source of St. Croix River to the highlands; along the said highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River; thence down along the middle of that

river to the forty-fifth degree of north latitude; from thence by a line due west on said latitude until it strikes the river Iroquois or Cataraguay; thence along the middle of said river into Lake Ontario; through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into Lake Huron, thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the Isles Royal and Phelipeaux to the Long Lake; thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwesternmost point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude, South, by a line to be drawn due east from the determination of the line last mentioned in the latitude of thirty-one degrees of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River, thence straight to the head of Saint Mary's River; and thence down along the middle of Saint Mary's River to the Atlantic Ocean; east, by a line to be drawn along the middle of the river Saint Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river Saint Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part and East Florida on the other shall, respectively, touch the Bay of Fundy and the Atlantic Ocean, excepting such islands as now are or heretofore have been within the limits of the said province of Nova Scotia.

Article 3:

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all the other banks of Newfoundland, also in the Gulf of Saint Lawrence and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that island) and also on the coasts, bays and creeks of all other of his Brittanic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled, but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

Article 4:

It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts heretofore contracted.

Article 5:

It is agreed that Congress shall earnestly recommend it to the legislatures of the respective states to provide for the restitution of all estates, rights, and properties, which have been confiscated belonging to real British subjects; and also of the estates, rights, and properties of persons resident in districts in the possession on his Majesty's arms and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States and therein to remain twelve months unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties as may have been confiscated; and that Congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent not only with justice and equity but with that spirit of conciliation which on the return of the blessings of peace should universally prevail. And that Congress shall also earnestly recommend to the several states that the estates, rights, and properties, of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, or properties since the confiscation.

And it is agreed that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

Article 6:

That there shall be no future confiscations made nor any prosecutions commenced against any person or persons for, or by reason of, the part which he or they may have taken in the present war, and that no person shall on that account suffer any future loss or damage, either in his person, liberty, or property; and that those who may be in confinement on such charges at the time of the ratification of the Treaty in America shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

Article 7:

There shall be a firm and perpetual peace between his Britannic Majesty and the said states, and between the subjects of the one and the citizens of the other, wherefore all hostilities both by sea and land shall from henceforth cease. All prisoners on both sides shall be set at liberty, and his Britannic Majesty shall with all convenient speed, and without causing any destruction, or carrying away any Negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every post, place, and harbor within the same; leaving in all fortifications, the American artillery that may be therein; and shall also order and cause all archives, records, deeds, and papers belonging to any of the said states, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

Article 8:

The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the United States.

Article 9:

In case it should so happen that any place or territory belonging to Great Britain or to the United States should have been conquered by the arms of either from the other be-

fore the arrival of the said Provisional Articles in America, it is agreed that the same shall be restored without difficulty and without requiring any compensation.

Article 10:

The solemn ratifications of the present Treaty expedited in good and due form shall be exchanged between the contracting parties in the space of six months or sooner, if possible, to be computed from the day of the signatures of the present Treaty. In witness whereof we the undersigned, their ministers plenipotentiary, have in their name and in virtue of our full powers, signed with our hands the present definitive Treaty and caused the seals of our arms to be affixed thereto.

Done at Paris, this third day of September in the year of our Lord, one thousand seven hundred and eighty-three.

D. HARTLEY (SEAL)

JOHN ADAMS (SEAL)

B. FRANKLIN (SEAL)

JOHN JAY (SEAL)

Source: United States, Department of State, "Treaties and Other International Agreements of the United States of America, 1776-1949", vol 12, pp8-12

Footnote 3

ARTICLES OF CAPITULATION (1781)

Settled between his Excellency General Washington, Commander-in-Chief of the combined Forces of America and France; his Excellency the Count de Rochambeau, Lieutenant-General of the Armies of the King of France, Great Cross of the royal and military Order of St. Louis, commanding the auxiliary troops of his Most Christian Majesty in America; and his Excellency the Count de Grasse, Lieutenant-General of the Naval Armies of his Most Christian Majesty, Commander of the Order of St. Louis, Commander-in-Chief of the Naval Army of France in the Chesapeake, on the one Part; and the Right Honorable Earl Cornwallis, Lieutenant-General of his Britannic Majesty's Forces, commanding the Garrisons of York and Gloucester; and Thomas Symonds, Esquire, commanding his Britannic Majesty's Naval Forces in York River in Virginia, on the other Part.

Article I. The garrisons of York and Gloucester, including the officers and seamen of his Britannic Majesty's ships, as well as other mariners, to surrender themselves prisoners of war to the combined forces of America and France. The land troops to remain prisoners to the United States, the navy to the naval army of his Most Christian Majesty.

Article II. The artillery, arms, accoutrements, military chest, and public stores of every denomination, shall be delivered unimpaired to the heads of departments appointed to receive them.

Article III. At twelve o'clock this day the two redoubts on the left flank of York to be delivered, the one to a detachment of American infantry, the other to a detachment of French grenadiers. The garrison of York will march out to a place to be appointed in front of the posts, at two o'clock precisely, with shouldered arms, colors cased, and drums beating a British or German march. They are then to ground their arms, and return to their encampments, where they will remain until they are despatched to the places of their destination. Two works on the Gloucester side will be delivered at one o'clock to a detachment of French and American troops appointed to possess them. The garrison

will march out at three o'clock in the afternoon; the cavalry with their swords drawn, trumpets sounding, and the infantry in the manner prescribed for the garrison of York. They are likewise to return to their encampments until they can be finally marched off.

Article IV. Officers are to retain their side-arms. Both officers and soldiers to keep their private property of every kind; and no part of their baggage or papers to be at any time subject to search or inspection. The baggage and papers of officers and soldiers taken during the siege to be likewise preserved for them. It is understood that any property obviously belonging to the inhabitants of these States, in the possession of the garrison, shall be subject to be reclaimed.

Article V. The soldiers to be kept in Virginia, Maryland, or Pennsylvania, and as much by regiments as possible, and supplied with the same rations of provisions as are allowed to soldiers in the service of America. A field-officer from each nation, to wit, British, Anspach, and Hessian, and other officers on parole, in the proportion of one to fifty men to be allowed to reside near their respective regiments, to visit them frequently, and be witnesses of their treatment; and that their officers may receive and deliver clothing and other necessaries for them, for which passports are to be granted when applied for.

Article VI. The general, staff, and other officers not employed as mentioned in the above articles, and who choose it, to be permitted to go on parole to Europe, to New York, or to any other American maritime posts at present in the possession of the British forces, at their own option; and proper vessels to be granted by the Count de Grasse to carry them under flags of truce to New York within ten days from this date, if possible, and they to reside in a district to be agreed upon hereafter, until they embark. The officers of the civil department of the army and navy to be included in this article. Passports to go by land to be granted to those to whom vessels cannot be furnished.

Article VII. Officers to be allowed to keep soldiers as servants, according to the common practice of the service. Servants not soldiers are not to be considered as prisoners, and are to be allowed to attend their masters.

Article VIII. The Bonetta sloop-of-war to be equipped, and navigated by its present captain and crew, and left entirely at the disposal of Lord Cornwallis from the hour that the capitulation is signed, to receive an aid-de-camp to carry despatches to Sir Henry Clinton; and such soldiers as he may think proper to send to New York, to be permitted to sail without examination. When his despatches are ready, his Lordship engages on his part, that the ship shall be delivered to the order of the Count de Grasse, if she escapes the dangers of the sea. That she shall not carry off any public stores. Any part of the crew that may be deficient on her return, and the soldiers passengers, to be accounted for on her delivery.

Article X. The traders are to preserve their property, and to be allowed three months to dispose of or remove them; and those traders are not to be considered as prisoners of war. The traders will be allowed to dispose of their effects, the allied army having the right of preemption. The traders to be considered as prisoners of war upon parole.

Article X. Natives or inhabitants of different parts of this country, at present in York or Gloucester, are not to be punished on account of having joined the British army. This article cannot be assented to, being altogether of civil resort.

Article XI. Proper hospitals to be furnished for the sick and wounded. They are to be

attended by their own surgeons on parole; and they are to be furnished with medicines and stores from the American hospitals. The hospital stores now at York and Gloucester shall be delivered for the use of the British sick and wounded. Passports will be granted for procuring them further supplies from New York, as occasion may require; and proper hospitals will be furnished for the reception of the sick and wounded of the two garrisons.

Article XII. Wagons to be furnished to carry the baggage of the officers attending the soldiers, and to surgeons when travelling on account of the sick, attending the hospitals at public expense. They are to be furnished if possible.

Article XIII. The shipping and boats in the two harbours, with all their stores, guns, tackling, and apparel, shall be delivered up in their present state to an officer of the navy appointed to take possession of them, previously unloading the private property, part of which had been on board for security during the siege.

Article XIV. No article of capitulation to be infringed on pretence of reprisals; and if there be any doubtful expressions in it, they are to be interpreted according to the common meaning and acceptation of the words.

Done at Yorktown, in Virginia, October 19th, 1781.

Cornwallis, Thomas Symonds.

Done in the Trenches before Yorktown, in Virginia, October 19th, 1781.

George Washington, Le Comte de Rochambeau,

Le Comte de Barras, En mon nom & celui du Comte de Grasse.

FOOTNOTE 4

Though the debate on this subject was continued till two o'clock in the morning, and though the opposition received additional strength, yet the question was not carried. The same ground of argument was soon gone over again, and the American war underwent, for the fourth time since the beginning of the session, a full discussion; but no resolution, disapproving its farther prosecution, could yet obtain the assent of a majority of the members. The advocates for peace becoming daily more numerous, it was moved by Gen. Conway that "a humble address be presented to his Majesty, that he will be pleased to give directions to his ministers not to pursue any longer the impracticable object of reducing his Majesty's revolted colonies by force to their allegiance, by a war on the continent of America." This brought forth a repetition of the former arguments on the subject, and engaged the attention of the house till two o'clock in the morning. On a division, the motion for the address was lost by a single vote...

The ministry as well as the nation began to be sensible of the impolicy of continental operations, but hoped that they might gain their point, by prosecuting hostilities at sea. Every opposition was therefore made by them against the total dereliction (i.e., abandonment) of a war, on the success of which they had so repeatedly pledged themselves, and on the continuance of which they held their places. General Conway in five days after (Feb. 27), brought forward another motion expressed in different words, but to the same effect with that which he had lost by a single vote. This caused a long debate which lasted till two o'clock in the morning. It was then moved to adjourn the debate till the 13th of March. There appeared for the adjournment 215 and against it 234. The original motion, and an address to the King formed upon the resolution were then carried without

division, and the address was ordered to be presented by the whole house. To this his majesty answered, "that in pursuance of their advice, he would take such measures as should appear to him the most conducive to the restoration of harmony, between Great Britain and the revolted colonies." The thanks of the house were voted for this answer. But the guarded language thereof, not inconsistent with farther hostilities against America; together with other suspicious circumstances, induced General Conway to move another resolution, expressed in the most decisive language. This was to the following effect that, "The house would consider as enemies to his majesty and the country, all those who should advise or by any means attempt the further prosecution of offensive war, on the continent of North America, for the purpose of reducing the colonies to obedience by force." This motion after a feeble opposition was carried without a division, and put a period to all that chicanery by which ministers meant to distinguish between a prosecution of offensive war in North America, and a total dereliction of it. This resolution and the preceding address, to which it had reference, may be considered as the closing scene of the American war (emphasis added).

The History of the American Revolution, Vol. 2, Ramsay, 617-9.

FOOTNOTE 5

THE JAY TREATY

Treaty of Amity Commerce and Navigation Concluded November 19, 1794; ratification advised by the senate with amendment June 24, 1795; ratified by the President; ratifications exchanged October 28, 1795; proclaimed February 29, 1796.

- I. Amity. Discrimination on vessels, imports, etc.
- II. Withdrawal of forces; vessels, imports, etc. Consuls.
- III. Commerce and navigation; duties. Capture or detention of neutrals
- IV. Survey of the Mississippi. Contraband.
- V. St. Croix River XIX. Officers passengers
- VI. Indemnification by on neutrals. United States. XX. Pirates.
- VII. Indemnification by Great XXI. Commission from foreign Britain states.
- VIII. Expenses. XXII. Reprisals.
- IX. Land tenures. XXIII. Ships of war.
- X. Private debts, etc. XXIV. Foreign privateers.
- XI. Liberty of navigation XXV. Prizes, and commerce.
- XII. West India trade; duties. of citizens in war.
- XIII. East India trade; duties. XXVII. Extradition.
- XIV. Commerce and Navigation. XXVIII. Limitation of Article XII: ratification.
- XXV. Reciprocal treatment

His Britannic Majesty and the United States of America, being desirous, by a Treaty of amity, commerce and navigation, to terminate their difference in such a manner, as, without reference to the merits of their respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding; and also to regulate the commerce and navigation between their respective countries, territories and people, in such a manner as to render the same reciprocally beneficial and satisfactory; they have, respectively, named their Plenipotentiaries, and given them full powers to treat of, and conclude the said Treaty, that is to say:

His Britannic Majesty has named for his Plenipotentiary, the Right Honorable William Wyndham Baron Grenville of Wotton, one of His Majesty's Privy Council, and His Majesty's Principal Secretary of State for Foreign Affairs; and the President of the said United States, by and with the advice and consent of the Senate thereof, hath appointed for their Plenipotentiary, the Honorable John Jay, Chief Justice of the said United States, and their Envoy Extraordinary to His Majesty;

Who have agreed on and concluded the following articles:

ARTICLE I.

There shall be a firm, inviolable and universal peace, and a true and sincere friendship between His Britannic Majesty, his heirs and successors, and the United States of America; and between their respective countries, territories, cities, towns and people of every degree, without exception of persons or places.

ARTICLE II.

His Majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the Treaty of peace to the United States. This evacuation shall take place on or before the first day of June, one thousand seven hundred and ninety six, and all the proper measures shall in the interval be taken by concert between the Government of the United States and His Majesty's Governor-General in America for settling the previous arrangements which may be necessary respecting the delivery of the said posts: The United States in the mean time, at their discretion, extending their settlements to any part within the said boundary line, except within the precincts or jurisdiction of any of the said posts. All settlers and traders, within the precincts or jurisdiction of the said posts, shall continue to enjoy, unmolested, all their property of every kind, and shall be protected therein. They shall be at full liberty to remain there, or to remove with all or any part of their effects; and it shall also be free to them to sell their lands, houses or effects, or to retain the property thereof, at their discretion; such of them as shall continue to reside within the said boundary lines, shall not be compelled to become citizens of the United States, or to take any oath of allegiance to the Government thereof; but they shall be at full liberty so to do if they think proper, and they shall make and declare their election within one year after the evacuation aforesaid. And all persons who shall continue there after the expiration of the said year, without having declared their intention of remaining subjects of His Britannic Majesty, shall be considered as having elected to become citizens of the United States.

ARTICLE III.

It is agreed that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted.) and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other. But it is understood that this article does not extend to the admission of vessels of the United States into the seaports, harbours, bays or creeks of His Majesty's said territories; nor into such parts of the rivers in His Majesty's said territories as are between the mouth thereof, and the highest port of entry from the sea, except in small vessels trading bona fide between Montreal and Quebec, under such regulations as shall be established to

prevent the possibility of any frauds in this respect. Nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea. The river Mississippi shall, however, according to the Treaty of peace, be entirely open to both parties; and it is further agreed, that all the ports and places on its eastern side, to whichsoever of the parties belonging, may freely be resorted to and used by both parties, in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of His Majesty in Great Britain.

All goods and merchandize whose importation into His Majesty's said territories in America shall not be entirely prohibited, may freely, for the purposes of commerce, be carried into the same in the manner aforesaid, by the citizens of the United States, and such goods and merchandize shall be subject to no higher or other duties than would be payable by His Majesty's subjects on the importation of the same from Europe into the said territories. And in like manner all goods and merchandize whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of commerce, be carried into the same, in the manner aforesaid, by His Majesty's subjects, and such goods and merchandize shall be subject to no higher or other duties than would be payable by the citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the said States. And all goods not prohibited to be exported from the said territories respectively, may in like manner be carried out of the same by the two parties respectively, paying duty as aforesaid.

No duty of entry shall ever be levied by either party on peltries brought by land or inland navigation into the said territories respectively, nor shall the Indians passing or repassing with their own proper goods and effects of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging bona fide to Indians.

No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying places on either side, for the purpose of being immediately reembarked and carried to some other place or places. But as by this stipulation it is only meant to secure to each party a free passage across the portages on both sides, it is agreed that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same, and proper regulations may be established to prevent the possibility of any frauds in this respect.

As this article is intended to render in a great degree the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed that the respective Governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.

ARTICLE IV.

Whereas it is uncertain whether the river Mississippi extends so far to the northward as to be intersected by a line to be drawn due west from the Lake of the Woods, in the manner mentioned in the Treaty of peace between His Majesty and the United States: it is agreed that measures shall be taken in concert between His Majesty's Government in

America and the Government of the United States, for making a joint survey of the said river from one degree of latitude below the falls of St. Anthony, to the principal source or sources of the said river, and also of the parts adjacent thereto; and that if, on the result of such survey, it should appear that the said river would not be intersected by such a line as is above mentioned, the two parties will thereupon proceed, by amicable negotiation, to regulate the boundary line in that quarter, as well as all other points to be adjusted between the said parties, according to justice and mutual convenience, and in conformity to the intent of the said Treaty.

ARTICLE V.

Whereas doubts have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said Treaty of peace, and forming a part of the boundary therein described; that question shall be referred to the final decision of commissioners to be appointed in the following manner. viz.: One commissioner shall be named by His Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two commissioners shall agree on the choice of a third; or if they cannot so agree, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original Commissioners.

And the three Commissioners so appointed shall be sworn, impartially to examine and decide the said question, according to such evidence as shall respectively be laid before them on the part of the British Government and of the United States. The said Commissioners shall meet at Halifax, and shall have power to adjourn to such other place or places as they shall think fit. They shall have power to appoint a Secretary, and to employ such surveyors or other persons as they shall judge necessary. The said Commissioners shall, by a declaration, under their hands and seals, decide what river is the river St. Croix, intended by the Treaty. The said declaration shall contain a description of the said river, and shall particularize the latitude and longitude of its mouth and of its source. Duplicates of this declaration and of the statements of their accounts, and of the journal of their proceedings, shall be delivered by them to the agent of His Majesty, and to the agent of the United States, who may be respectively appointed and authorized to manage the business on behalf of the respective Governments.

And both parties agree to consider such decision as final and conclusive, so as that the same shall never thereafter be called into question, or made the subject of dispute or difference between them.

ARTICLE VI.

Whereas it is alleged by divers British merchants and others His Majesty's subjects, that debts, to a considerable amount, which were bona fide contracted before the peace, still remain owing to them by citizens or inhabitants of the United States, and that by the operation of various lawful impediments since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof have been, in several instances, impaired and lessened, so that, by the ordinary course of judicial proceedings, the British creditors cannot now obtain, and actually have and receive full and adequate compensation for the losses and damages which they have thereby sustained: It is agreed, that in all such cases, where full compensation for such losses and damages cannot, for whatever reason, be actually obtained, had and received by the said credi-

tors in the ordinary course of justice, the United States will make full and complete compensation for the same to the said creditors: But it is distinctly understood, that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid, and is not to extend to losses occasioned by such insolvency of the debtors or other causes as would equally have operated to produce such loss, if the said impediments had not existed; nor to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

For the purpose of ascertaining the amount of any such losses and damages, five Commissioners shall be appointed and authorized to meet and act in manner following, viz.: Two of them shall be appointed by His Majesty, two of them by the President of the United States by and with the advice and consent of the Senate thereof, and the fifth by the unanimous voice of the other four; and if they should not agree in such choice, then the Commissioners named by the two parties shall respectively propose one person, and of the two names so proposed, one shall be drawn by lot, in the presence of the four original Commissioners. When the five Commissioners thus appointed shall first meet, they shall, before they proceed to act, respectively take the following oath, or affirmation, in the presence of each other; which oath, or affirmation, being so taken and duly attested, shall be entered on the record of their proceedings, viz.: I, A. B., one of the Commissioners appointed in pursuance of the sixth article of the Treaty of Amity, Commerce and Navigation, between His Britannic Majesty and the United States of America, do solemnly swear (or affirm) that I will honestly, diligently, impartially and carefully examine, and to the best of my judgment, according to justice and equity, decide all such complaints, as under the said article shall be preferred to the said Commissioners: and that I will forbear to act as a Commissioner, in any case in which I may be personally interested.

Three of the said Commissioners shall constitute a board, and shall have power to do any act appertaining to the said Commission, provided that one of the Commissioners named on each side, and the fifth Commissioner shall be present, and all decisions shall be made by the majority of the voices of the Commissioners than present. Eighteen months from the day on which the said Commissioners shall form a board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are nevertheless authorized, in any particular cases in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months for any term not exceeding six months, after the expiration thereof. The said Commissioners shall first meet at Philadelphia, but they shall have power to adjourn from place to place as they shall see cause.

The said Commissioners in examining the complaints and applications so preferred to them, are empowered and required in pursuance of the true intent and meaning of this article to take into their consideration all claims, whether of principal or interest, or balances of principal and interest and to determine the same respectively, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said Commissioners shall have power to examine all such persons as shall come before them on oath or affirmation, touching the premises; and also to receive in evidence, according as they may think most consistent with equity and justice, all written depositions, or books, or papers, or copies, or extracts thereof, every such deposition, book, or paper, or copy, or

extract, being duly authenticated either according to the legal form now respectively existing in the two countries, or in such other manner as the said Commissioners shall see cause to require or allow.

The award of the said Commissioners, or of any three of them as aforesaid, shall in all cases be final and conclusive both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant; and the United States undertake to cause the sum so awarded to be paid in specie to such creditor or claimant without deduction; and at such time or times and at such place or places, as shall be awarded by the said Commissioners; and on condition of such releases or assignments to be given by the creditor or claimant, as by the said Commissioners may be directed: Provided always, that no such payment shall be fixed by the said Commissioners to take place sooner than twelve months from the day of the exchange of the ratifications of this Treaty.

ARTICLE VII.

Whereas complaints have been made by divers merchants and others, citizens of the United States, that during the course of the war in which His Majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from His Majesty, and that from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be actually obtained, had, and received by the ordinary course of judicial proceedings; it is agreed, that in all such cases, where adequate compensation cannot, for whatever reason, be now actually obtained, had, and received by the said merchants and others, in the ordinary course of justice, full and complete compensation for the same will be made by the British Government to the said complainants.

But it is distinctly understood that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

That for the purpose of ascertaining the amount of any such losses and damages, five Commissioners shall be appointed and authorized to act in London, exactly in the manner directed with respect to those mentioned in the preceding article, and after having taken the same oath or affirmation, (*mutatis mutandis*,) the same term of eighteen months is also assigned for the reception of claims, and they are in like manner authorized to extend the same in particular cases. They shall receive testimony, books, papers and evidence in the same latitude, and exercise the like discretion and powers respecting that subject; and shall decide the claims in question according to the merits of the several cases, and to justice, equity and the laws of nations. The award of the said Commissioners, or any such three of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and the amount of the sum to be paid to the claimant; and His Britannic Majesty undertakes to cause the same to be paid to such claimant in specie, without any deduction, at such place or places, and at such time or times, as shall be awarded by the said Commissioners, and on condition of such releases or assignments to be given by the claimant, as by the said Commissioners may be directed.

And whereas certain merchants and others, His Majesty's subjects, complain that, in the course of the war, they have sustained loss and damage by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the States and

brought into the ports of the same, or taken by vessels originally armed in ports of the said States:

It is agreed that in all such cases where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, September 5, 1793, a copy of which is annexed to this Treaty; the complaints of the parties shall be and hereby are referred to the Commissioners to be appointed by virtue of this article, who are hereby authorized and required to proceed in the like manner relative to these as to the other cases committed to them; and the United States undertake to pay to the complainants or claimants in specie, without deduction, the amount of such sums as shall be awarded to them respectively by the said Commissioners, and at the times and places which in such awards shall be specified; and on condition of such releases or assignments to be given by the claimants as in the said awards may be directed: And it is further agreed, that not only the now existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this Treaty, shall be considered as being within the provisions, intent and meaning of this article.

ARTICLE VIII.

It is further agreed that the Commissioners mentioned in this and in the two preceding articles shall be respectively paid in such manner as shall be agreed between the two parties such agreement being to be settled at the time of the exchange of the ratifications of this Treaty. And all other expenses attending the said Commissions shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the Commissioners.

And in the case of death, sickness or necessary absence, the place of every such Commissioner respectively shall be supplied in the same manner as such Commissioner was first appointed, and the new Commissioners shall take the same oath or affirmation and do the same duties.

ARTICLE IX.

It is agreed that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of His Majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein; and may grant, sell or devise the same to whom they please, in like manner as if they were natives and that neither they nor their heirs or assigns shall, so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens.

ARTICLE X.

Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor monies, which they may have in the public funds, or in the public or private banks, shall ever in any event of war or national differences be sequestered or confiscated, it being unjust and impolitic that debts and engagements contracted and made by individuals having confidence in each other and in their respective Governments, should ever be destroyed or impaired by national authority on account of national differences and discontents.

ARTICLE XI.

It is agreed between His Majesty and the United States of America, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between their respective people, in the manner, under the limitations, and on the conditions specified in

the following articles.

ARTICLE XII.

His Majesty consents that it shall and may be lawful, during the time hereinafter limited, for the citizens of the United States to carry to any of His Majesty's islands and ports in the West Indies from the United States, in their own vessels, not being above the burthen of seventy tons, any goods or merchandizes, being of the growth, manufacture or produce of the said States, which it is or may be lawful to carry to the said islands or ports from the said States in British vessels; and that the said American vessels shall be subject there to no other or higher tonnage duties or charges than shall be payable by British vessels in the ports of the United States; and that the cargoes of the said American vessels shall be subject there to no other or higher duties or charges than shall be payable on the like articles if imported there from the said States in British vessels.

And His Majesty also consents that it shall be lawful for the said American citizens to purchase, load and carry away in their said vessels to the United States, from the said islands and ports, all such articles, being of the growth, manufacture or produce of the said islands, as may now by law be carried from thence to the said States in British vessels, and subject only to the same duties and charges on exportation, to which British vessels and their cargoes are or shall be subject in similar circumstances.

Provided always, that the said American vessels do carry and land their cargoes in the United States only, it being expressly agreed and declared that, during the continuance of this article, the United States will prohibit and restrain the carrying any molasses, sugar, coffee, cocoa or cotton in American vessels, either from His Majesty's islands or from the United States to any part of the world except the United States, reasonable seastores excepted.

Provided, also, that it shall and may be lawful, during the same period, for British vessels to import from the said islands into the United States, and to export from the United States to the said islands, all articles whatever, being of the growth, produce or manufacture of the said islands, or of the United States respectively, which now may, by the laws of the said States, be so imported and exported. And that the cargoes of the said British vessels shall be subject to no other or higher duties or charges, than shall be payable on the same articles if so imported or exported in American vessels.

It is agreed that this article, and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which His Majesty is now engaged; and also for two years from and after the date of the signature of the preliminary or other articles of peace, by which the same may be terminated.

And it is further agreed that, at the expiration of the said term, the two contracting parties will endeavour further to regulate their commerce in this respect, according to the situation in which His Majesty may then find himself with respect to the West Indies, and with a view to such arrangements as may best conduce to the mutual advantage and extension of commerce. And the said parties will then also renew their discussions, and endeavour to agree, whether in any and what cases, neutral vessels shall protect enemy's property; and in what cases provisions and other articles, not generally contraband, may become such. But in the mean time, their conduct towards each other in these respects shall be regulated by the articles hereinafter inserted on those subjects.

ARTICLE XIII.

His Majesty consents that the vessels belonging to the citizens of the United States of America shall be admitted and hospitably received in all the seaports and harbors of the British territories in the East Indies. And that the citizens of the said United States may freely carry on a trade between the said territories and the said United States, in all articles of which the importation or exportation respectively, to or from the said territories, shall not be entirely prohibited. Provided only, that it shall not be lawful for them in any time of war between the British Government and any other Power or State whatever, to export from the said territories, without the special permission of the British Government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels when admitted into the said ports no other or higher tonnage duty than shall be payable on British vessels when admitted into the ports of the United States. And they shall pay no other or higher duties or charges, on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed that the vessels of the United States shall not carry any of the articles exported by them from the said British territories to any port or place, except to some port or place in America, where the same shall be unladen and such regulations shall be adopted by both parties as shall from time to time be found necessary to enforce the due and faithful observance of this stipulation. It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the said States to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British Government established there; and if any transgression should be attempted against the regulations of the British Government in this respect, the observance of the same shall and may be enforced against the citizens of America in the same manner as against British subjects or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbour in the said territories, or if they should be permitted, in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government and jurisdiction of what nature established in such harbor, port or place, according as the same may be. The citizens of the United States may also touch for refreshment at the island of St. Helena, but subject in all respects to such regulations as the British Government may from time to time establish there.

ARTICLE XIV.

There shall be between all the dominions of His Majesty in Europe and the territories of the United States a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries, respectively, shall have liberty freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places and rivers within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time. Also to hire and possess houses and warehouses for the purposes of their commerce, and generally the merchants and traders on each side shall enjoy the most complete protection and security for their commerce; but subject always

as to what respects this article to the laws and statutes of the two countries respectively.

ARTICLE XV.

It is agreed that no other or high duties shall be paid by the ships or merchandise of the one party in the ports of the other than such as are paid by the like vessels or merchandise of all other nations. Nor shall any other or higher duty be imposed in one country on the importation of any articles the growth, produce or manufacture of the other, than are or shall be payable on the importation of the like articles being of the growth, produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties respectively, which shall not equally extend to all other nations.

But the British Government reserves to itself the right of imposing on American vessels entering into the British ports in Europe a tonnage duty equal to that which shall be payable by British vessels in the ports of America; and also such duty as may be adequate to countervail the difference of duty now payable on the importation of European and Asiatic goods, when imported into the United States in British or in American vessels

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and people, in such manner as may be most beneficial to the two countries.

The arrangements for this purpose shall be made at the same time with those mentioned at the conclusion of the twelfth article of this Treaty, and are to be considered as a part thereof. In the interval it is agreed that the United States will not impose any new or additional tonnage duties on British vessels, nor increase the now subsisting difference between the duties payable on the importation of any articles in British or in American vessels.

ARTICLE XVI.

It shall be free for the two contracting parties, respectively, to appoint Consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said Consuls shall enjoy those liberties and rights which belong to them by reason of their function. But before any Consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper that, in case of illegal or improper conduct towards the laws or Government, a Consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended Government assigning to the other their reasons for the same.

Either of the parties may except from the residence of Consuls such particular places as such party shall judge proper to be so excepted.

ARTICLE XVII.

It is agreed that in all cases where vessels shall be captured or detained on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war, the said vessels shall be brought to the nearest or most convenient port; and if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed that all proper measures shall be taken to prevent delay in deciding the cases of ships or cargoes so brought in for adjudication, and in the payment or recovery of any indemnifica-

tion, adjudged or agreed to be paid to the masters or owners of such ships.

ARTICLE XVIII.

In order to regulate what is in future to be esteemed contraband of war, it is agreed that under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages for cannon, musketrests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, headpieces, cuirasses, halberts, lances, javelins, horsefurniture, holsters, belts, and generally all other implements of war, as also timber for shipbuilding, tar or rozin, copper in sheets, sails, hemp, and cordage, and generally whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted, and all the above articles are hereby declared to be just objects of confiscation whenever they are attempted to be carried to an enemy.

And whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles not generally contraband may be regarded as such, renders it expedient to provide against the inconveniences and misunderstandings which might thence arise: It is further agreed that whenever any such articles so becoming contraband, according to the existing laws of nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors, or, in their default, the Government under whose authority they act, shall pay to the masters or owners of such vessels the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place; but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless after notice she shall again attempt to enter, but she shall be permitted to go to any other port or place she may think proper; nor shall any vessel or goods of either party that may have entered into such port or place before the same was besieged, blockaded, or invested by the other, and be found thereafter the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors there.

ARTICLE XIX.

And that more abundant care may be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war, or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party or committing any outrage against them, and if they act to the contrary they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause, all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of fifteen hundred pounds sterling, or, if such ships be provided with above one hundred

and fifty seamen or soldiers, in the sum of three thousand pounds sterling, to satisfy all damages and injuries which the said privateer, or her officers or men, or any of them, may do or commit during their cruise contrary to the tenor of this Treaty, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions the said commissions shall be revoked and annulled.

It is also agreed that whenever a judge of a court of admiralty of either of the parties shall pronounce sentence against any vessel or goods or property belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

ARTICLE XX.

It is further agreed that both the said contracting parties shall not only refuse to receive any pirates into any of their ports, havens or towns, or permit any of their inhabitants to receive, protect, harbor, conceal or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships, with the goods or merchandizes taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or their factors or agents, duly deputed and authorized in writing by them (proper evidence being first given in the court of admiralty for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe or suspect that they had been piratically taken.

ARTICLE XXI.

It is likewise agreed that the subjects and citizens of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign Prince or State, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite, or endeavor to enlist in their military service, any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punctually executed. And if any subject or citizen of the said parties respectively shall accept any foreign commission or letters of marque for arming any vessel to act as a privateer against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen having such commission or letters of marque as a pirate.

ARTICLE XXII.

It is expressly stipulated that neither of the said contracting parties will order or authorize any acts of reprisal against the other, on complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

ARTICLE XXIII.

The ships of war of each of the contracting parties shall, at all times, be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and Government of the country. The officers shall be treated with that respect which is due to the commissions which they bear, and if any insult should be offered to them by

any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And His Majesty consents that in case an American vessel should, by stress of weather, danger from enemies, or other misfortune, be reduced to the necessity of seeking shelter in any of His Majesty's ports, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the Government of the place, be hospitably received, and be permitted to refit and to purchase at the market price such necessaries as she may stand in need of, conformably to such orders and regulations at the Government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same should be bona fide necessary to her being refitted. Nor shall be permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expences, and then not without the express permission of the Government of the place. Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

ARTICLE XXIV.

It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other Prince or State in enmity with either nation to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that Prince or State from whom they obtained their commissions.

ARTICLE XXV.

It shall be lawful for the ships of war and privateers belonging to the said parties respectively to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever; nor shall the said prizes, when they arrive at and enter the ports of the said parties, be detained or seized, neither shall the searchers or other officers of those places visit such prizes, (except for the purpose of preventing the carrying of any of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation, or commerce,) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to show. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this Treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or States. But the two parties agree that while they continue in amity neither of them will in future make any treaty that shall be inconsistent with this or the preceding article.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other to be taken within cannon shot of the coast, nor in any of the bays, ports or rivers of their territories, by ships of war or others having commission from any Prince, Republic or State whatever. But in case it should so happen, the party whose

territorial rights shall thus have been violated shall use his utmost endeavors to obtain from the offending party full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

ARTICLE XXVI.

If at any time a rupture should take place (which God forbid) between His Majesty and the United States, and merchants and others of each of the two nations residing in the dominions of the other shall have the privilege of remaining and continuing their trade, so long as they behave peaceably and commit no offence against the laws; and in case their conduct should render them suspected, and the respective Governments should think proper to order them to remove, the term of twelve months from the publication of the order shall be allowed them for that purpose, to remove with their families, effects and property, but this favor shall not be extended to those who shall act contrary to the established laws; and for greater certainty, it is declared that such rupture shall not be deemed to exist while negotiations for accommodating differences shall be depending, nor until the respective Ambassadors or Ministers, if such there shall be, shall be recalled or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which both parties retain their rights, either to request the recall, or immediately to send home the Ambassador or Minister of the other, and that without prejudice to their mutual friendship and good understanding.

ARTICLE XXVII.

It is further agreed that His Majesty and the United States, on mutual requisitions, by them respectively, or by their respective Ministers or officers authorized to make the same, will deliver up to justice all persons who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality as, according to the laws of the place, where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expence of such apprehension and delivery shall be borne and defrayed by those who made the requisition and receive the fugitive.

ARTICLE XXVIII.

It is agreed that the first ten articles of this Treaty shall be permanent, and that the subsequent articles, except the twelfth, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this Treaty shall be exchanged, but subject to this condition. That whereas the said twelfth article will expire by the limitation therein contained, at the end of two years from the signing of the preliminary or other articles of peace, which shall terminate the present war in which His Majesty is engaged, it is agreed that proper measures shall by concert be taken for bringing the subject of that article into amicable Treaty and discussion, so early before the expiration of the said term as that new arrangements on that head may by that time be perfected and ready to take place. But if it should unfortunately happen that His Majesty and the United States should not be able to agree on such new arrangements, in that case all the articles of this Treaty, except the first ten, shall then cease and expire together.

Lastly. This Treaty, when the same shall have been ratified by His Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on His

Majesty and on the said States, and shall be by them respectively executed and observed with punctuality and the most sincere regard to good faith; and whereas it will be expedient, in order the better to facilitate intercourse and obviate difficulties, that other articles be proposed and added to this Treaty, which articles, from want of time and other circumstances, cannot now be perfected, it is agreed that the said parties will, from time to time, readily treat of and concerning such articles, and will sincerely endeavor so to form them as that they may conduce to mutual convenience and tend to promote mutual satisfaction and friendship; and that the said articles, after having been duly ratified, shall be added to and make a part of this Treaty. In faith whereof we, the undersigned Ministers Plenipotentiary of His Majesty the King of Great Britain and the United States of America, have signed this present Treaty, and have caused to be affixed thereto the seal of our arms.

Done at London this nineteenth day of November, one thousand seven hundred and ninetyfour.

(SEAL.) GRENVILLE.

(SEAL.) JOHN JAY.<HR>

Letter from Thomas Jefferson to George Hammond.

PHILADELPHIA, September 5, 1793.

Sir: I am honored with yours of August 30. Mine of the 7th of that month assured you that measures were taken for excluding from all further asylum in our ports vessels armed in them to cruise on nations with which we are at peace, and for the restoration of the prizes the Lovely Lass, Prince William Henry, and the Jane of Dublin; and that should the measures for restitution fail in their effect, the President considered it as incumbent on the United States to make compensation for the vessels.

We are bound by our treaties with three of the belligerent nations, by all the means in our power, to protect and defend their vessels and effects in our ports, or waters, or on the seas near our shores, and to recover and restore the same to the right owners when taken from them. If all the means in our power are used, and fail in their effect, we are not bound by our treaties with those nations to make compensation.

Though we have no similar treaty with Great Britain, it was the opinion of the President that we should use towards that nation the same rule which, under this article, was to govern us with the other nations; and even to extend it to captures made on the high seas and brought into our ports if done by vessels which had been armed within them.

Having, for particular reasons, forbore to use all the means in our power for the restitution of the three vessels mentioned in my letter of August 7th, the President thought it incumbent on the United States to make compensation for them; and though nothing was said in that letter of other vessels taken under like circumstances, and brought in after the 5th of June, and before the date of that letter, yet when the same forbearance had taken place, it was and is his opinion, that compensation would be equally due.

As to prizes made under the same circumstances, and brought in after the date of that letter, the President determined that all the means in our power should be used for their restitution. If these fail, as we should not be bound by our treaties to make compensation to the other Powers in the analogous case, he did not mean to give an opinion that it ought to be done to Great Britain. But still, if any cases shall arise subsequent to that date,

the circumstances of which shall place them on similar ground with those before it, the President would think compensation equally incumbent on the United States.

Instructions are given to the Governors of the different States to use all the means in their power for restoring prizes of this last description found within their ports. Though they will, of course, take measures to be informed of them, and the General Government has given them the aid of the customhouse officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information as far as shall depend on yourself, or any person under your direction, or order that the Governors may use the means in their power for making restitution.

Without knowledge of the capture they cannot restore it. It will always be best to give the notice to them directly; but any information which you shall be pleased to send to me also, at any time, shall be forwarded to them as quickly as distance will permit.

Hence you will perceive, sir, that the President contemplates restitution or compensation in the case before the 7th of August; and after that date, restitution if it can be effected by any means in our power. And that it will be important that you should substantiate the fact that such prizes are in our ports or waters.

Your list of the privateers illicitly armed in our ports is, I believe, correct.

With respect to losses by detention, waste, spoilation sustained by vessels taken as before mentioned, between the dates of June 5th and August 7th, it is proposed as a provisional measure that the Collector of the Customs of the district, and the British Consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo at the time of her capture and of her arrival in the port into which she is brought, according to their value in that port. If this shall be agreeable to you, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly to the Collector of the Customs where the respective vessels are.

I have the honor to be, & c., TH: JEFFERSON. GEO: HAMMOND, Esq.

ADDITIONAL ARTICLE.

It is further agreed, between the said contracting parties, that the operation of so much of the twelfth article of the said Treaty as respects the trade which his said Majesty thereby consents may be carried on between the United States and his islands in the West Indies, in the manner and on the terms and conditions therein specified, shall be suspended.

1796.

EXPLANATORY ARTICLE TO THE THIRD ARTICLE OF THE TREATY OF NOVEMBER 19, 1794, RESPECTING THE LIBERTY TO PASS AND REPASS THE BORDERS AND TO CARRY ON TRADE AND COMMERCE.

Concluded May 4, 1796; Ratification advised by Senate May 9, 1796.

Whereas by the third article of the Treaty of amity, commerce and navigation, concluded at London on the nineteenth day of November, one thousand seven hundred and ninetyfour, between His Britannic Majesty and the United States of America, it was agreed that is should at all times be free to His Majesty's subjects and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line, assigned by the Treaty of peace to the United States, freely to pass and repass, by land or inland navigation, into the respective territories and countries of the two contracting parties,

on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted,) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other, subject to the provisions and limitations contained in the said article: And whereas by the eighth article of the Treaty of peace and friendship concluded at Greenville on the third day of August, one thousand seven hundred and ninety-five, between the United States and the nations or tribes of Indians called the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Putawatimies, Miamis, Eel River, Weeas, Kickapoos, Piankashaws, and Kaskaskias, it was stipulated that no person should be permitted to reside at any of the towns or the hunting camps of the said Indian tribes, as a trader, who is not furnished with a licence for that purpose under the authority of the United States: Which latter stipulation has excited doubts, whether in its operation it may not interfere with the due execution of the third article of the Treaty of amity, commerce and navigation: And it being the sincere desire of His Britannic Majesty and of the United States that this point should be so explained as to remove all doubts and promote mutual satisfaction and friendship: And for this purpose His Britannic Majesty having named for his Commissioner, Phineas Bond, Esquire, His Majesty's Consul General for the Middle and Southern States of America, (and now His Majesty's Chargé d'Affaires to the United States,) and the President of the United States having named for their Commissioner, Timothy Pickering, Esquire, Secretary of State of the United States, to whom, agreeably to the laws of the United States, he has intrusted this negotiation: They, the said Commissioners, having communicated to each other their full powers, have, in virtue of the same, and conformably to the spirit of the last article of the said Treaty of amity, commerce and navigation, entered into this explanatory article, and do by these presents explicitly agree and declare, that no stipulations in any treaty subsequently concluded by either of the contracting parties with any other State or nation, or with any Indian tribe, can be understood to derogate in any manner from the rights of free intercourse and commerce, secured by the aforesaid third article of the Treaty of amity, commerce and navigation, to the subjects of his Majesty and to the citizens of the United States, and to the Indians dwelling on either side of the boundary line aforesaid; but that all the said persons shall remain at full liberty freely to pass and repass, by land or inland navigation, into the respective territories and countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the Treaty of amity, commerce and navigation.

This explanatory article, when the same shall have been ratified by His Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be added to and make a part of the said Treaty of amity commerce and navigation, and shall be permanently binding upon His Majesty and the United States.

In witness whereof we, the said Commissioners of His Majesty the King of Great Britain and the United States of America, have signed this present explanatory article, and thereto affixed our seals.

Done at Philadelphia this fourth day of May, in the year of our Lord one thousand seven hundred and ninetysix.

(SEAL.) P. BOND. (SEAL.) TIMOTHY PICKERING. 1798.

EXPLANATORY ARTICLE TO THE TREATY OF NOVEMBER 19, 1794, RELEASING THE COMMISSIONERS UNDER THE FIFTH ARTICLE FROM PARTICULARIZING THE LATITUDE AND LONGITUDE OF THE RIVER ST. CROIX.

Concluded March 15, 1798; Ratification advised by Senate June 5, 1798.

Whereas by the twentyeight article of the Treaty of amity, commerce, and navigation between His Britannic Majesty and the United States, signed at London on the nineteenth day of November, one thousand seven hundred and ninetyfour, it was agreed that the contracting parties would, from time to time, readily treat of and concerning such further articles as might be proposed; that they would sincerely endeavour so to form such articles as that they might conduce to mutual convenience and tend to promote mutual satisfaction and ,friendship; and that such articles, after having been duly ratified, should be added to and make a part of that Treaty: And whereas difficulties have arisen with respect to the execution of so much of the fifth article of the said Treaty as requires that the Commissioners appointed under the same should in their description particularize the latitude and longitude of the source of the river which may be found to be the one truly intended in the Treaty of peace between His Britannic Majesty and the United States, under the name of the river St. Croix, by reason whereof it is expedient that the said Commissioners should be released from the obligation of conforming to the provisions of the said article in this respect. The undersigned being respectively named by His Britannic Majesty and the United States of America their Plenipotentiaries for the purpose of treating of and concluding such articles as may be proper to be added to the said Treaty, in conformity to the above mentioned stipulation, and having communicated to each other their respective full powers, have agreed and concluded, and do hereby declare in the name of His Britannic Majesty and of the United States of America that the Commissioners appointed under the fifth article of the above mentioned Treaty shall not be obliged to particularize in their description, the latitude and longitude of the source of the river which may be found to be the one truly intended in the aforesaid Treaty of peace under the name of the river St. Croix, but they shall be at liberty to describe the said river, in such other manner as they may judge expedient, which description shall be considered as a complete execution of the duty required of the said Commissioners in this respect by the article aforesaid. And to the end that no uncertainty may hereafter exist on this subject, it is further agreed, that as soon as may be after the decision of the said Commissioners, measures shall be concerted between the Government of the United States and His Britannic Majesty's Governors or Lieutenant Governors in America, in order to erect and keep in repair a suitable monument at the place ascertained and described to be the source of the said river St. Croix, which measures shall immediately thereupon, and as often afterwards as may be requisite, be duly executed on both sides with punctuality and good faith.

This explanatory article, when the same shall have been ratified by His Majesty and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be added to and make a part of the Treaty of amity, commerce, and navigation between His Majesty and the United States, signed at London on the nineteenth day of November, one thousand seven hundred and ninetyfour, and shall be permanently binding upon His Majesty and the United States.

In witness whereof we, the said undersigned Plenipotentiaries of His Britannic Majesty and the United States of America, have signed this present article, and have caused to be affixed thereto the seal of our arms.

Done at London this fifteenth day of March, one thousand seven hundred and ninetyeight.

(SEAL.) GRENVILLE. (SEAL.) RUFUS KING.

Footnote 6

1814 Treaty of Ghent; to end the War Of 1812

Treaty of Peace and Amity between His Britannic Majesty and the United States of America, Concluded at Ghent, December 24, 1814; Ratification Advised by Senate, February 16, 1815; Ratified by President; February 17, 1815; Ratifications Exchanged at Washington, February 17, 1815; Proclaimed, February 18, 1815. His Britannic Majesty and the United States of America, desirous of terminating the war which has unhappily subsisted between the two countries, and of restoring, upon principles of perfect reciprocity, peace, friendship, and good understanding between them, have, for that purpose, appointed their respective Plenipotentiaries, that is to say:

His Britannic Majesty, on his part, has appointed the Right Honorable James Lord Gambier, late Admiral of the White, now Admiral of the Red Squadron of His Majesty's fleet, Henry Goulburn, Esquire, a member of the Imperial Parliament, and Under Secretary of State, and William Adams, Esquire, Doctor of Civil Laws; and the President of the United States, by and with the advice and consent of the Senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, citizens of the United States; Who, after a reciprocal communication of their respective full powers, have agreed upon the following articles:

Article I

There shall be a firm and universal peace between His Britannic Majesty and the United States, and between their respective countries, territories, cities, towns, and people, of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this Treaty shall have been ratified by both parties, as hereinafter mentioned. All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this Treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this Treaty, or any slaves or other private property. And all archives, records, deeds, and papers, either of a public nature or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands in the Bay of Passamaquoddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this Treaty, until the decision respecting the title to the said islands shall have been made in conformity with the fourth article of this Treaty. No disposition made by this Treaty as to such possession of the islands and territories claimed

by both parties shall, in any manner whatever, be construed to affect the right of either.

Article II

Immediately after the ratifications of this Treaty by both parties, as hereinafter mentioned, orders shall be sent to the armies, squadrons, officers, subjects and citizens of the two Powers to cease from all hostilities. And to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said ratifications of this Treaty, it is reciprocally agreed that all vessels and effects which may be taken after the space of twelve days from the said ratifications, upon all parts of the coast of North America, from the latitude of twenty-three degrees north to the latitude of fifty degrees north, and as far eastward in the Atlantic Ocean as the thirty-sixth degree of west longitude from the meridian of Greenwich, shall be restored on each side: that the time shall be thirty days in all other parts of the Atlantic Ocean north of the equinoctial line or equator, and the same time for the British and Irish Channels, for the Gulf of Mexico, and all parts of the West Indies; forty days for the North Seas, for the Baltic, and for all parts of the Mediterranean; sixty days for the Atlantic Ocean south of the equator, as far as the latitude of the Cape of Good Hope; ninety days for every other part of the world south of the equator; and one hundred and twenty days for all other parts of the world, without exception.

Article III

All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the ratifications of this Treaty, as hereinafter mentioned, on their paying the debts which they may have contracted during their captivity. The two contracting parties respectively engage to discharge, in specie, the advances which may have been made by the other for the sustenance and maintenance of such prisoners.

Article IV

Whereas it was stipulated by the second article in the Treaty of peace of one thousand seven hundred and eighty-three, between His Britannic Majesty and the United States of America, that the boundary of the United States should comprehend all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such islands as now are, or heretofore have been, within the limits of Nova Scotia; and whereas the several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, are claimed by the United States as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to His Britannic Majesty, as having been, at the time of and previous to the aforesaid Treaty of one thousand seven hundred and eighty-three, within the limits of the Province of Nova Scotia. In order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two Commissioners to be appointed in the following manner, viz: One Commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof; and the said two Commissioners so appointed shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of His

Britannic Majesty and of the United States respectively. The said Commissioners shall meet at St. Andrews, in the Province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall, by a declaration or report under their hands and seals, decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the said Treaty of peace of one thousand seven hundred and eighty-three. And if the said Commissioners shall agree in their decision, both parties shall consider such decision as final and conclusive. It is further agreed that, in the event of the two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing, or declining or wilfully omitting to act as such, they shall make, jointly or separately, a report or reports, as well to the Government of His Britannic Majesty as to that of the United States, stating in detail the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And His Britannic Majesty and the Government of the United States hereby agree to refer the report or reports of the said Commissioners to some friendly sovereign or State, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or upon the report of one Commissioner, together with the grounds upon which the other Commissioner shall have refused, declined, or omitted to act, as the case may be. And if the Commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly sovereign or State, together with the report of such other Commissioner, then such sovereign or State shall decide *ex parte* upon the said report alone. And His Britannic Majesty and the Government of the United States engage to consider the decision of such friendly sovereign or State to be final and conclusive on all the matters so referred.

Article V

Whereas neither the point of the highlands lying due north from the source of the river St. Croix, and designated in the former Treaty of peace between the two Powers as the northwest angle of Nova Scotia, nor the northwesternmost head of Connecticut River, has yet been ascertained; and whereas that part of the boundary line between the dominions of the two Powers which extends from the source of the river St. Croix directly north to the above mentioned north west angle of Nova Scotia, thence along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean to the northwesternmost head of Connecticut River, thence down along the middle of that river to the forty-fifth degree of north latitude; thence by a line due west on said latitude until it strikes the river Iroquois or Cataraquy, has not yet been surveyed: it is agreed that for these several purposes two Commissioners shall be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in the present article. The said Commissioners shall meet at St. Andrews, in the Province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall have power to ascertain and determine the points above mentioned, in conformity with the provisions of the said Treaty of

peace of one thousand seven hundred and eighty-three, and shall cause the boundary aforesaid, from the source of the river St. Croix to the river Iroquois or Cataraguay, to be surveyed and marked according to the said provisions. The said Commissioners shall make a map of the said boundary, and annex to it a declaration under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the northwest angle of Nova Scotia, of the northwesternmost head of Connecticut River, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements shall be made by them, or either of them, and such reference to a friendly sovereign or State shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

Article VI

Whereas by the former Treaty of peace that portion of the boundary of the United States from the point where the forty-fifth degree of north latitude strikes the river Iroquois or Cataraguay to the Lake Superior, was declared to be "along the middle of said river into Lake Ontario, through the middle of said lake, until it strikes the communication by water between that lake and Lake Erie, thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication into Lake Huron, thence through the middle of said lake to the water communication between that lake and Lake Superior" and whereas doubts have arisen what was the middle of the said river, lakes, and water communications, and whether certain islands lying in the same were within the dominions of His Britannic Majesty or of the United States: In order, therefore, finally to decide these doubts, they shall be referred to two Commissioners, to be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in this present article. The said Commissioners shall meet, in the first instance, at Albany, in the State of New York, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall, by a report or declaration, under their hands and seals, designate the boundary through the said river, lakes, and water communications, and decide to which of the two contracting parties the several islands lying within the said rivers, lakes, and water communications, do respectively belong, in conformity with the true intent of the said Treaty of one thousand seven hundred and eighty-three. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements shall be made by them, or either of them, and such reference to a friendly sovereign or State shall be made in all respects as in the latter part of the fourth article is contained and in as full a manner as if the same was herein repeated.

Article VII

It is further agreed that the said two last-mentioned Commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they are hereby, authorized upon their oaths impartially to fix and determine, according to

the true intent of the said Treaty of peace of one thousand seven hundred and eighty-three, that part of the boundary between the dominions of the two Powers which extends from the water communication between Lake Huron and Lake Superior, to the most north-western point of the Lake of the Woods, to decide to which of the two parties the several islands lying in the lakes, water communications, and rivers, forming the said boundary, do respectively belong, in conformity with the true intent of the said Treaty of peace of one thousand seven hundred and eighty-three; and to cause such parts of the said boundary as require it to be surveyed and marked. The said Commissioners shall, by a report or declaration under their hands and seals, designate the boundary aforesaid, state their decision on the points thus referred to them, and particularize the latitude and longitude of the most northwestern point of the Lake of the Woods, and of such other parts of the said boundary as they may deem proper. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements shall be made by them, or either of them, and such reference to a friendly sovereign or state shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

Article VIII

The several boards of two Commissioners mentioned in the four preceding articles shall respectively have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. Duplicates of all their respective reports, declarations, statements, and decisions, and of their accounts, and of the journal of their proceedings, shall be delivered by them to the agents of His Britannic Majesty and to the agents of the United States, who may be respectively appointed and authorized to manage the business on behalf of their respective Governments. The said Commissioners shall be respectively paid in such manner as shall be agreed between the two contracting parties, such agreement being to be settled at the time of the exchange of the ratifications of this Treaty. And all other expenses attending the said commissions shall be defrayed equally by the two parties. And in the case of death, sickness, resignation, or necessary absence, the place of every such Commissioner, respectively, shall be supplied in the same manner as such Commissioner was first appointed, and the new Commissioner shall take the same oath or affirmation, and do the same duties. It is further agreed between the two contracting parties, that in case any of the islands mentioned in any of the preceding articles, which were in the possession of one of the parties prior to the commencement of the present war between the two countries, should, by the decision of any of the boards of commissioners aforesaid, or of the sovereign or State so referred to, as in the four next preceding articles contained, fall within the dominions of the other party, all grants of land made previous to the commencement of the war, by the party having had such possession, shall be as valid as if such island or islands had, by such decision or decisions, been adjudged to be within the dominions of the party having had such possession.

Article IX

The United States of America engage to put an end, immediately after the ratification of the present Treaty, to hostilities with all the tribes or nations of Indians with whom they

may be at war at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities. Provided always that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present Treaty being notified to such tribes or nations, and shall so desist accordingly. And his Britannic Majesty engages, on his part, to put an end immediately after the ratification of the present Treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification, and forthwith to restore to such tribes or nations respectively all the possessions, rights, and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities. Provided always that such tribes or nations shall agree to desist from all hostilities against His Britannic Majesty, and his subjects, upon ratification of the present Treaty being notified to such tribes or nations, and shall so desist accordingly.

Article X

Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavours to accomplish so desirable an object.

Article XI

This Treaty, when the same shall have been ratified on both sides, without alteration by either of the contracting parties, and the ratifications mutually exchanged, shall be binding on both parties, and the ratifications shall be exchanged at Washington, in the space of four months from this day, or sooner if practicable.

In faith whereof we, the respective Plenipotentiaries, have signed this Treaty, and have thereunto affixed our seals. Done, in triplicate, at Ghent, the twenty-fourth day of December, one thousand eight hundred and fourteen.

Gambier Henry Goulburn, William Adams, John Quincy Adams, J. A. Bayard, H. Clay, John. Russell, Albert Gallatin

Footnote 7

These are the words of a first-hand observer, Anthony Sherman, who was there and describes the situation: "You doubtless heard the story of Washington's going to the thicket to pray. Well, it is not only true, but he used often to pray in secret for aid and comfort from God, the interposition of whose Divine Providence brought us safely through the darkest days of tribulation."

"One day, I remember it well, when the chilly winds whistled through the leafless trees, though the sky was cloudless and the Sun shown brightly, he remained in his quarters nearly all the afternoon alone. When he came out, I noticed that his face was a shade paler than usual. There seemed to be something on his mind of more than ordinary importance. Returning just after dusk, he dispatched an orderly to the quarters who was presently in attendance. After a preliminary conversation of about an hour, Washington, gazing upon his companion with that strange look of dignity which he alone commanded, related the event that occurred that day."

Washington's Own Words

"I do not know whether it is owing to the anxiety of my mind, or what, but this afternoon, as I was sitting at this table engaged in preparing a dispatch, something seemed to disturb me. Looking up, I beheld standing opposite me a singularly beautiful being. So astonished was I, for I had given strict orders not to be disturbed, that it was some moments before I found language to inquire the cause of the visit. A second, a third, and even a fourth time did I repeat the question, but received no answer from my mysterious visitor except a slight raising of the eyes.

"By this time I felt strange sensations spreading through me. I would have risen but the riveted gaze of the being before me rendered volition impossible. I assayed once more to speak, but my tongue had become useless, as though it had become paralyzed. A new influence, mysterious, potent, irresistible, took possession of me. All I could do was to gaze steadily, vacantly at my unknown visitor.

"Gradually the surrounding atmosphere seemed to fill with sensations, and grew luminous. Everything about me seemed to rarefy, the mysterious visitor also becoming more airy and yet more distinct to my eyes than before. I began to feel as one dying, or rather to experience the sensations which I have sometimes imagined accompany death. I did not think, I did not reason, I did not move. All were alike impossible. I was only conscious of gazing fixedly, vacantly at my companion.

"Presently I heard a voice saying, "Son of the Republic, look and learn," while at the same time my visitor extended an arm eastward. I now beheld a heavy white vapor at some distance rising fold upon fold. This gradually dissipated, and I looked upon a strange scene. Before me lay spread out in one vast plain all the countries of the world: Europe, Asia, Africa, and America. I saw rolling and tossing between Europe and America the billows of the Atlantic, and between Asia and America lay the Pacific. "Son of the Republic," said the same mysterious voice as before, "look and learn."

"At that moment I beheld a dark, shadowy being, like an angel, standing, or rather floating in mid-air, between Europe and America. Dipping water out of the ocean in the hollow of each hand, he sprinkled some upon America with his right hand, while with his left hand he cast some on Europe. Immediately a cloud arose from these countries, and joined in mid-ocean. For a while it seemed stationary, and then it moved slowly westward, until it enveloped America in its murky folds. Sharp flashes of lightning gleamed through it at intervals, and I heard the smothered groans and cries of the American people.

"A second time the angel dipped water from the ocean, and sprinkled it out as before. The dark cloud was then drawn back to the ocean, in whose heaving billows it sank from view.

"A third time I heard the mysterious visitor saying, "Son of the Republic, look and learn," I cast my eyes upon America and beheld villages, towns, and cities springing up one after another until the whole land from the Atlantic to the Pacific was dotted with them. Again, I heard the mysterious voice say, "Son of the Republic, the end of the century cometh, look and learn."

"And this the dark shadowy angel turned his face southward. From Africa I saw an ill-omened specter approach our land. It flitted slowly over every town and city of the latter. The inhabitants presently set themselves in battle array against each other. As I con-

tinued looking I saw a bright angel on whose brow rested a crown of light, on which was traced the word "Union." He bearing the American flag. He placed the flag between the divided nation, and said, "Remember ye are brethren."

"Instantly, the inhabitants, casting down their weapons, became friends once more and united around the National Standard. And again I heard the mysterious voice saying, "Son of the Republic, look and learn." At this the dark, shadowy angel placed a trumpet to his mouth, and blew three distinct blasts; and taking water from the ocean, he sprinkled it upon Europe, Asia, and Africa.

"Then my eyes beheld a fearful scene. From each of these countries arose thick, black clouds that were soon joined into one. And through this mass there gleamed a dark red light by which I saw hordes of armed men. These men, moving with the cloud, marched by land and sailed by sea to America, which country was enveloped in this volume of the cloud. And I dimly saw these vast armies devastate the whole country and burn the villages, towns, and cities that I beheld springing up.

"As my ears listened to the thundering of the cannon, clashing of swords, and the shouts and cries of millions in mortal combat, I heard again the mysterious voice saying, "Son of the Republic, look and learn." When the voice had ceased, the dark shadowy angel placed his trumpet once more to his mouth, and blew a long fearful blast.

"Instantly a light as of a thousand suns shone down from above me, and pierced and broke into fragments the dark clouds which enveloped America. At the same moment the angel upon whose head still shone the word "Union," and who bore our national flag in one hand and a sword in the other, descended from the heavens attended by legions of white spirits. These immediately joined the inhabitants of America, who I perceived were well-nigh overcome, but who immediately taking courage again, closed up their broken ranks and renewed the battle.

"Again, amid the fearful noise of the conflict I heard the mysterious voice saying, "Son of the Republic, look and learn." As the voice ceased, the shadowy angel for the last time dipped water from the ocean and sprinkled it upon America. Instantly the dark cloud rolled back, together with the armies it had brought, leaving the inhabitants of the land victorious.

"Then once more I beheld the villages, towns and cities springing up where I had seen them before, while the bright angel, planting the azure standard he had brought in the midst of them, cried with a loud voice: "While the stars remain, and the heavens send down dew upon the earth, so long shall the Union last." And taking from his brow the crown on which blazoned the word "Union," he placed it upon the Standard while the people kneeling down said, "Amen."

"The scene instantly began to fade and dissolve, and I at last saw nothing but the rising, curling vapor I at first beheld. This also disappeared, I found myself once more gazing upon the mysterious visitor, who, in the same voice I had heard before, said, "Son of the Republic, what you have seen is thus interpreted.

"Three great perils will come upon the Republic. The most fearful for her is the third. But the whole world united shall not prevail against her. Let every child of the Republic learn to live for his God, his land and Union. With these words the vision vanished, and I started from my seat and felt that I had seen a vision wherein had been shown me the birth, progress, and destiny of the United States."

Thus ended General George Washington's vision and prophecy for the United States of America as told in his own words.

Footnote 8

"In Title 1, Section 1 it says: The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subdivision (b) of section 5 of the Act of October 6, 1917, as amended, are hereby approved and confirmed."

"Section 2. Subdivision (b) of section 5 of the Act of October 6, 1917, (40 Stat. L. 411), as amended, is hereby amended to read as follows: emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by banking institutions as defined by the President, and export, hoarding, melting, or earmarking of gold or silver coin or bullion or currency, BY ANY PERSON WITHIN THE UNITED STATES OR ANY PLACE SUBJECT TO THE JURISDICTION THEREOF."

Here is the legal phrase subject to the jurisdiction thereof, but at law this refers to alien enemy and also applies to Fourteenth Amendment citizens:

"As these words are used in the first section of the Fourteenth Amendment of the Federal Constitution, providing for the citizenship of all persons born or naturalized in the United States and subject to the jurisdiction thereof, the purpose would appear to have been to exclude by the fewest words (besides children of members of the Indian tribes, standing in a peculiar relation to the National Government, unknown to the common Law), the two classes of cases, children born of *ALIEN ENEMIES (emphasis mine), in hostile occupation, and children of diplomatic representatives of a foreign state, both of which, by the law of England and by our own law, from the time of the first settlement of the English colonies in America, had been recognized exceptions to the fundamental rule of citizenship by birth within the country." United States v Wong Kim Ark, 169 US 649, 682, 42 L Ed 890, 902, 18 S Ct 456. Ballentine's Law Dictionary

Congressman Beck had this to say about the War Powers Act: "I think of all the damnable heresies that have ever been suggested in connection with the Constitution, the doctrine of emergency is the worst. It means that when Congress declares an emergency there is no Constitution. This means its death... But the Constitution of the United States, as a restraining influence in keeping the federal government within the carefully prescribed channels of power, is moribund, if not dead. We are witnessing its death-agonies, for when this bill becomes a law, if unhappily it becomes law, there is no longer any workable Constitution to keep the Congress within the limits of its constitutional powers." (Congressman James Beck in Congressional Record 1933)

The phrase Alien Enemy is defined in Bouvier's Law Dictionary as: One who owes allegiance to the adverse belligerent. 1 Kent 73. He who owes a temporary but not a permanent allegiance is an alien enemy in respect to acts done during such temporary allegiance only; and when his allegiance terminates, his hostile character terminates also; 1 B. & P. 163.

Alien enemies are said to have no rights, no privileges, unless by the King's special favor, during time of war; 1 Bla. Com. 372; Bynkershoek 195; 8 Term 166. [Remember we've been under a declared state of war since October 6, 1917, as amended March 9, 1933 to include every United States citizen.]

"The phrase Alien Enemy is defined in Words and Phrases as: Residence of person in territory of nation at war with United States was sufficient to characterize him as "alien enemy" within Trading with the Enemy Act, even if he had acquired and retained American citizenship." *Matarrese v. Matarrese*, 59 A.2d 262, 265, 142 N.J. Eq. 226.

"Residence or doing business in a hostile territory is the test of an "alien enemy: within meaning of Trading with the Enemy Act and Executive Orders thereunder." Executive Order March 11, 1942, No. 9095, as amended, 50 U.S.C.A. Appendix 6; Trading with the Enemy Act 5 (b). *In re Oneida Nat. Bank & Trust Co. of Utica*, 53 N.Y.S. 2d. 416, 420, 421, 183 Misc. 374.

"By the modern phrase, a man who resides under the allegiance and protection of a hostile state for commercial purposes is to be considered to all civil purposes as much an 'alien enemy' as if he were born there." *Hutchinson v. Brock*, 11 Mass. 119, 122.

"The trading with the enemy Act, originally and as amended, is strictly a war measure, and finds its sanction in the provision empowering Congress "to declare war, grant letters of Marque and reprisal, and make rules concerning captures on land and water." *Stoehr v. Wallace* 255 U.S.

James Montgomery

08/05/96

Knowledge is Freedom BBS

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28,000 Baud

James brought up the term 'residence' and my research has brought forth the following which is why the government wants you to declare yourself as a "resident." Resident has one purpose in tax law and commercial law. Resident is the opposite of nonresident, "Resident" is legally defined in *United States v. Penelope*, 27 Fed. Case No. 16024, which states: "But admitting that the common acceptance of the word and its legal technical meaning are different, we must presume that Congress meant to adopt the latter.", page 487. "But this is a highly penal act, and must have strict construction. * * * The question seems to be whether they inserted 'resident' without the legal meaning generally affixed to it. If they have omitted to express their meaning, we cannot supply it.", page 489.

Ask yourself this question: Has the State or United States, in their tax statutes, defined the word "resident" in its legal technical meaning? The Penelope Court stated the legal meaning of the term "resident" at page 489: "In the case of *Hylton v. Brown* [Case No. 6,981] in the Circuit Court, and cases in this court, the following has always been my definition of the words 'resident,' or 'inhabitant,' which in my view, means the same thing. An inhabitant, or resident, is a person coming into a place with an intention to establish his domicile, or permanent residence: under this intention he takes a house, or lodgings, as one fixed and stationary, and opens a store or takes any step preparatory to do business or in execution of this settled intention." [Emphasis added]

The other legal definition for "resident" can be found in *Jowitt's English Law Dictio-*

nary, 1977 edition which states; "RESIDENT, An agent, minister or officer residing in any distant place with the dignity of an ambassador: the chief representative of government at certain princely states; Residents are as class of public ministers inferior to ambassadors and envoys, but, like them, they are protected under the law of nations."

This bears out James' work that the resident, who is a government agent, official, etc., is doing business for the British Crown to collect the debt of those residents who are claiming citizenship of the States or United States because that would make them subjects liable to pay the pecuniary contribution, disguised as a "Gross Income Tax," to the Crown.

**THE UNITED STATES IS STILL A BRITISH COLONY
PART II**

Bend Over America

It's not an easy thing having to tell someone they have been conned into believing they are free. For some, to accept this is comparable to denying God Almighty.

You have to be made to understand that the United States is a corporation, which is a continuation of the corporate Charters created by the king of England. And that the states upon ratifying their individual State constitutions, became sub corporations under and subordinate to the United States. The counties and municipalities became sub corporations under the State Charters. It is my duty to report further evidence concerning the claims I made in "The United States is Still a British Colony, part 1."

I have always used a copy of the North Carolina Constitution provided by the State. I should have known better than to take this as the final authority. To my knowledge the following quote has not been in the Constitution the State hands out or those in use in the schools. The 1776 North Carolina Constitution created a new corporate Charter, and declared our individual freedoms. However, the same corporate Charter, reserved the king's title to the land, which restored, and did not diminish, his grants that were made in his early Charters. If you remember, I made the claim that legally we are still subject to the king. In the below quote you will see that the king declares our taxation will be forever, and that a fourth of all gold and silver will be returned to him.

"YIELDING AND PAYING yearly, to us, our heirs and Successors, for the same, the yearly Rent of Twenty Marks of Lawful money of England, at the Feast of All Saints, yearly, forever, The First payment thereof to begin and be made on the Feast of All Saints which shall be in the year of Our Lord One thousand six hundred Sixty and five; AND also, the fourth part of all Gold and Silver Ore which, with the limits aforesaid, shall, from time to time, happen to be found."

(Feast of All Saints occurred November 1 of each year.)

The Carolina Charter, 1663 footnote #5

I know Patriots will have a hard time with this, because as I said earlier, they would have to deny what they have been taught from an early age. You have to continue to go

back in historical documents and see if what you have been taught is correct. The following quote is from section 25 of the 1776 North Carolina Constitution, Declaration of Rights.

And provided further, that nothing herein contained shall affect the titles or possessions of individuals holding or claiming under the laws heretofore in force, or grants heretofore made by the late King George II, or his predecessors, or the late lords proprietors, or any of them.

Declaration of Rights 1776, North Carolina Constitution, Footnote #8

Can it be any plainer? Nobody reads, they take what is told to them by their schools and government as gospel, and never look any further. They are quick to attack anyone that does because it threatens their way of life, rocks the boat in other words. Read the following quote from a court case:

"* * * definition given by Blackstone, vol. 2, p. 244. I shall therefore only cite that respectable authority in his own words: "Escheat, we may remember, was one of the fruits and consequences of feudal tenure; the word itself is originally French or Norman, in which language it signifies chance or accident, and with us denotes an obstruction of the course of descent, and a consequent determination of the tenure by some unforeseen contingency, in which case the estate naturally results back, by a kind of reversion, to the original grantor, or lord of the fee."

Every person knows in what manner the citizens acquired the property of the soil within the limits of this State. Being dissatisfied with the measures of the British Government, they revolted from it, assumed the government into their own hands, seized and took possession of all the estates of the King of Great Britain and his subjects, appropriated them to their own use, and defended their possessions against the claims of Great Britain, during a long and bloody war, and finally obtained a relinquishment of those claims by the treaty of Paris. But this State had no title to the territory prior to the title of the King of Great Britain and his subjects, nor did it ever claim as lord paramount to them. This State was not the original grantor to them, nor did they ever hold by any kind of tenure under the State, or owe it any allegiance or other duties to which an escheat is annexed. How then can it be said that the lands in this case naturally result back by a kind of reversion to this State, to a source from whence it never issued, and from tenants who never held under it? Might it not be stated with equal propriety that this country escheated to the King of Great Britain from the Aborigines, when he drove them off, and took and maintained possession of their country? At the time of the revolution, and before the Declaration of Independence, the collective body of the people had neither right to nor possession of the territory of this State; it is true some individuals had a right to, and were in possession of certain portions of it, which they held under grants from the King of Great Britain; but they did not hold, nor did any of his subjects hold, under the collective body of the people, who had no power to grant any part of it. After the Declaration of Independence and the establishment of the Constitution, the people may be said first to have taken possession of this country, at least so much of it as was not previously appropriated to individuals. Then their sovereignty commenced, and with it a right to all the property not previously vested in individual citizens, with all the other rights of sovereignty, and among those the right of escheats. This sovereignty did not accrue to them by escheat, but by conquest, from the King of Great Britain and his subjects; but they acquired nothing by that means from the citizens of the State each individual had,

under this view of the case, a right to retain his private property, independent of the reservation in the declaration of rights; but if there could be any doubt on that head, it is clearly explained and obviated by the proviso in that instrument. Therefore, whether the State took by right of conquest or escheat, all the interest which the U. K. had previous to the Declaration of Independence still remained with them, on every principle of law and equity, because they are purchasers for a valuable consideration, and being in possession as cestui que trust under the statute for transferring uses into possession; and citizens of this State, at the time of the Declaration of Independence, and at the time of making the declaration of rights, their interest is secured to them beyond the reach of any Act of Assembly; neither can it be affected by any principle arising from the doctrine of escheats, supposing, what I do not admit, that the State took by escheat."

MARSHALL v. LOVELESS, 1 N.C. 412 (1801), 2 S.A. 70

There was no way we could have had a perfected title to this land. Once we had won the Revolutionary War we would have had to have had an unconditional surrender by the king, this did not take place. Not what took place at Yorktown, when we let the king off the hook. Barring this, the king would have to have sold us this land, for us to have a perfected title, just as the Indians sold their land to the king, or the eight Carolina Proprietors sold Carolina back to the king. The treaty of 1783 did not remove his claim and original title, because he kept the minerals. This was no different than when king Charles II gave Carolina by Charter to the lords that helped put him back in power; compare them and you will see the end result is the same. The Charter to the lords is footnote #6, where eight proprietors were given title to the land, but the king retained the money and sovereignty for his heirs. The king could not just give up America to the colonialist, nor would he. He would violate his own law of Mortmain to put these lands in dead hands, no longer to be able to be used by himself, or his heirs and successors. He would also be guilty of harming his heirs and successors, by giving away that which he declared in the following quotes, and there are similar quotes in the other Charters:

"SAVING always, the Faith, Allegiance, and Sovereign Dominion due to us, our heirs and Successors, for the same; and Saving also, the right, title, and interest of all and every our Subjects of the English Nation which are now Planted within the Limits bounds aforesaid, if any be;..." The Carolina Charter, 1663 footnote #5

"KNOW YE, that We, of our further grace, certain knowledge, and mere motion, HAVE thought fit to Erect the same Tract of Ground, Country, and Island into a Province, and, out of the fullness of our Royal power and Prerogative, WE Do, for us, our heirs and Successors, Erect, Incorporate, and Ordain the same into a province, and do call it the Province of CAROLINA, and so from henceforth will have it called..." The Carolina Charter, 1663 footnote #5

The U.S. Constitution is a treaty between the states creating a corporation for the king. In the below quote pay attention to the large "S" State and the small "s" state. The large "S" State is referring to the corporate State and its sovereignty over the small "s" state, because of the treaty.

Read the following quote:

"Headnote 5. Besides, the treaty of 1783 was declared by an Act of Assembly of this State passed in 1787, to be law in this State, and this State by adopting the Constitution of the United States in 1789, declared the treaty to be the supreme law of the land. The

treaty now under consideration was made, on the part of the United States, by a Congress composed of deputies from each state, to whom were delegated by the articles of confederation, expressly, "the sole and exclusive right and power of entering into treaties and alliances"; and being ratified and made by them, it became a complete national act, and the act and law of every state.

If, however, a subsequent sanction of this State was at all necessary to make the treaty law here, it has been had and repeated. By a statute passed in 1787, the treaty was declared to be law in this State, and the courts of law and equity were enjoined to govern their decisions accordingly. And in 1789 was adopted here the present Constitution of the United States, which declared that all treaties made, or which should be made under the authority of the United States, should be the supreme law of the land; and that the judges in every state should be bound thereby; anything in the Constitution or laws of any state to the contrary notwithstanding. Surely, then, the treaty is now law in this State, and the confiscation act, so far as the treaty interferes with it, is annulled."

"By an act of the Legislature of North Carolina, passed in April, 1777, it was, among other things, enacted, "That all persons, being subjects of this State, and now living therein, or who shall hereafter come to live therein, who have traded immediately to Great Britain or Ireland, within ten years last past, in their own right, or acted as factors, storekeepers, or agents here, or in any of the United States of America, for merchants residing in Great Britain or Ireland, shall take an oath of abjuration and allegiance, or depart out of the State."

Treaties are the "Law of the Land" HAMILTON v. EATEN, 1 N.C. 641(1796), HAMILTON v. EATEN. 2 Mart., 1. U.S. Circuit Court. (June Term, 1796.)

Your presence in the State makes you subject to its laws, read the following quote:

"The states are to be considered, with respect to each other, as independent sovereignties, possessing powers completely adequate to their own government, in the exercise of which they are limited only by the nature and objects of government, by their respective constitutions and by that of the United States. Crimes and misdemeanors committed within the limits of each are punishable only by the jurisdiction of that state where they arise; for the right of punishing, being founded upon the consent of the citizens, express or implied, cannot be directed against those who never were citizens, and who likewise committed the offense beyond the territorial limits of the state claiming jurisdiction. Our Legislature may define and punish crimes committed within the State, whether by citizen or strangers; because the former are supposed to have consented to all laws made by the Legislature, and the latter, whether their residence be temporary or permanent, do impliedly agree to yield obedience to all such laws as long as they remain in the State;"

STATE v. KNIGHT, 1 N.C. 143 (1799), 2 S.A. 70

Do you understand now? The treaty, the corporate Charter, the North Carolina Constitution, by proxy of the electorates, created residence in the large "S" State. Not by some further act you made. So how can expatriation from the United States, remove your residence in The "State", which was created by treaty, ratified by our Fore Fathers. As soon as the corporate Charter (treaty) was ratified we returned to subjection to the king of England, through the legal residence created by the treaty. Remember in the quote I gave earlier, by treaty we recanted our declared freedom, and returned to the king his

sovereignty and title. In the following quote you will see that the State supreme court sits by being placed by the general assembly:

NC Supreme Court History Supreme Court of North Carolina A Brief History:

"The legal and historical origins of the Supreme Court of North Carolina lie in the State Constitution of 1776, which empowered the General Assembly to appoint; Judges of the Supreme Courts of Law and Equity; and; Judges of Admiralty.....The first meeting of the Court took place on January 1, 1819. The Court began holding two sittings, or ; terms, ; a year, the first beginning on the second Monday in June and the second on the last Monday in December. This schedule endured until the Constitution of 1868 prescribed the first Mondays in January and July for the sittings. Vacancies on the Court were filled temporarily by the Governor, with the assistance and advice of the Council of State, until the end of the next session of the state General Assembly."

From the internet, address can be made available.

Council of State

What is the Council of State, and where did it originate?

III. "The one of which councils, to be called the council of state (and whose office shall chiefly be assisting, with their care, advice, and circumspection, to the said governor) shall be chosen, nominated, placed, and displaced, from time to time, by us the said treasurer, council and company, and our successors: which council of state shall consist, for the present only of these persons, as are here inserted,..."

IV. "The other council, more generally to be called by the governor, once yearly, and no oftener, but for very extraordinary and important occasions, shall consist for the present, of the said council of state, and of two burgesses out of every town, hundred, or other particular plantation, to be respectively chosen by the inhabitants: which council shall be called The General Assembly, wherein (as also in the said council of state) all matters shall be decided, determined, and ordered by the greater part of the voices then present; reserving to the governor always a negative voice. And this general assembly shall have free power, to treat, consult, and conclude, as well of all emergent occasions concerning the public weal of the said colony and every part thereof, as also to make, ordain, and enact such general laws and orders, for the behoof of the said colony, and the good government thereof, as shall, from time to time, appear necessary or requisite;..." An Ordinance and Constitution of the Virginia Company in England. Footnote #4

The job of the 1st Council of State was to make sure the governor followed the king's wishes. The 2nd was the general assembly, the laws they passed had to conform to the king's law.

Read the following quote:

V. Whereas in all other things, we require the said general assembly, as also the said council of state, to imitate and follow the policy of the form of government, laws, customs, and manner of trial, and other administration of justice, used in the realm of England, as near as may be even as ourselves, by his majesty's letters patent, are required.

VI. Provided, that no law or ordinance, made in the said general assembly, shall be or continue in force or validity, unless the same shall be solemnly ratified and confirmed, in a general quarter court of the said company here in England, and so ratified, be re-

turned to them under our seal; it being our intent to afford the like measure also unto the said colony, that after the government of the said colony shall once have been well framed, and settled accordingly, which is to be done by us, as by authority derived from his majesty, and the same shall have been so by us declared, no orders of court afterwards, shall bind the said colony, unless they be ratified in like manner in the general assemblies. In witness whereof we have hereunto set our common seal the 24th of July, 1621. . . .An Ordinance and Constitution of the Virginia Company in England. footnote #4

The Council of State still exists to day, although it has been modified several times. The first major change came in the 1776, North Carolina Constitution, read the below quotes:

16. "That the senate and house of commons, jointly, at their first meeting, after each annual election, shall, by ballot, elect seven persons to be a council of state for one year; who shall advise the governor in the execution of his office; and that four members shall be a quorum; their advice and proceedings shall be entered in a journal, to be kept for that purpose only, and signed by the members present; to any part of which any member present may enter his dissent. And such journal shall be laid before the general assembly when called for by them." footnote #9

19. "The governor, for the time being, shall have power to draw for and apply such sums of money as shall be voted by the general assembly, for the contingencies of government, and be accountable to them for the same. He also may, by and with the advice of the council of state, lay embargoes, or prohibit the exportation of any commodity, for any term not exceeding thirty days, at any one time in the recess of the general assembly; and shall have the power of granting pardons and reprieves, except where the prosecution shall be carried on by the general assembly, or the law shall otherwise direct; in which case, he may, in the recess, grant a reprieve until the next sitting of the general assembly; and he may exercise all the other executive powers of government, limited and restrained, as by this constitution is mentioned, and according to the laws of the State. And, on his death, inability, or absence from the State, the speaker of the senate, for the time being, and in case of his death, inability, or absence from the State, the speaker of the house of commons, shall exercise the powers of government, after such death, or during such absence or inability of the governor, or speaker of the senate, or until a new nomination is made by the general assembly." footnote #9

20. "That, in every case, where any officer, the right of whose appointment is, by this constitution, vested in the general assembly, shall, during their recess, die, or his office by other means become vacant, the governor shall have power, with the advice of the council of State, to fill up such vacancy, by granting a temporary commission, which shall expire at the end of the next session of the general assembly." footnote #9

Also take notice who was not allowed to serve as Council of State:

26. "That no treasurer shall have a seat, either in the senate, house of commons, or council of state, during his continuance in that office, or before he shall have finally settled his accounts with the public, for all the moneys which may be in his hands, at the expiration of his office, belonging to the State, and hath paid the same into the hands of the succeeding treasurer."

27. "That no officer in the regular army or navy, in the service and pay of the United States, of this State or any other State, nor any contractor or agent for supplying such

army or navy with clothing or provisions, shall have a seat either in the senate, house of commons, or council of state, or be eligible thereto; and any member of the senate, house of commons, or council of state, being appointed to, and accepting of such office, shall thereby vacate his seat."

28. "That no member of the council of state shall have a seat, either in the senate or house of commons."

30. "That no secretary of this State, attorney-general, or clerk of any court of record, shall have a seat in the senate, house of commons, or council of state." footnote #9

The king continued to rule through the Council of State until several things were in place, his bank, his laws and tradition. The king succeeded by the acceptance of the American people that they were free, along with the whole of our history not being taught in our schools. The next change to the Council of State came at the conquest of this country, I referred to this in part 1, and in *A Country Defeated In Victory*.

Read this quote from the 1868 North Carolina constitution, Article 3, sec 14:

SEC. 14. "The Secretary of State, Auditor, Treasurer, Superintendent of Public Works, and Superintendent of Public Instruction, shall constitute ex officio, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a Journal, to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either House. The Attorney General shall be, ex officio, the legal adviser of the Executive Department." footnote #10

After the Civil War, the conquest of America, you see those that were allowed to be Council of State, were elected officials. Under the 1776 North Carolina Constitution, it was unlawful for these elected officials to be Council of State. Why? Because, the king could not trust the common man to obey him, now that they thought they were free. After the Civil War the Council of State was no longer needed to fulfill the public policy of the king, the Council of State still exists today, but in a reduced capacity as far as the king goes. Now he had the 14th Amendment, his lawyers in the government, his bankers in control of the governments money, and above all greed that causes most in office to continue the status quo.

The Federal Reserve, Taxes and Tax Court

What I will show you next will shock you. I made brief mention in part 1, that taxes paid in this country were under treaty to the king of England. How about if I told you that the law that created our taxes and this countries tax court go back in history to William the Conqueror. And to further help you understand the below definitions, exchequer is the British branch of the Federal Reserve.

Exchequer: "The English department of revenue. A very ancient court of record, set up by William the Conqueror, as a part of the aula regia, and intended principally to order the revenues of the crown, and to recover the king's debts and duties. It was called exchequer, "scaccharium," from the checked cloth, resembling a chessboard, which covers the table." Ballentine's Law Dictionary

Exchequer: "That department of the English government which has charge of the collection of the national revenue; the treasury department." Black's Law Dictionary 4th ed.

Exchequer: "In English Law. A department of the government which has the manage-

ment of the collection of the king's revenue." Bouvier's Law Dictionary 1914 ed.

Court of Exchequer: "56. The court of exchequer is inferior in rank not only to the court of king's bench, but to the common pleas also: but I have chosen to consider it in this order, on account of its double capacity, as a court of law and a court of equity [44] also. It is a very ancient court of record, set up by William the Conqueror, as a part of the aula regia, through regulated and reduced to its present order by King Edward I; and intended principally to order the revenues of the crown, and to recover the king's debts and duties. It is called the exchequer, scaccharium, from the chequed cloth, resembling a chess-board, which covers the table there; and on which, when certain of the king's accounts are made up, the sums are marked and scored with counters. It consists of two divisions; the receipt of the exchequer, which manages to royal revenue, and with which these Commentaries have no concern; and the court or judicial part of it, which is again subdivided into a court of equity, and a court of common law."

Black Stone Commentaries Book III, pg 1554

Court of Exchequer: "An English superior court with jurisdiction of matter of law and matters involving government revenue." Ballentine's Law Dictionary

Court of Exchequer: "A court for the correction and prevention of errors of law in the three superior common-law courts of the kingdom."

A court of exchequer chamber was first erected by statute 31 Edw. III. C. 12, to determine causes upon writs of error from the common-law side of the exchequer court. It consisted of the chancellor, treasurer, and the "justices and other sage persons as to them seemeth." The judges were merely assistants. A second court of exchequer chamber was instituted by statute 27 Eliz. C. 8, consisting of the justices of the common pleas and the exchequer, or any six of them, which had jurisdiction in error of cases in the king's bench. In exchequer chamber substituted in their place as an intermediate court of appeal between the three common-law courts and Parliament. It consisted of the judges of the two courts which had not rendered the judgement in the court below. It is now merged in the High Court of Justice."

Bouvier's Law Dictionary 1914 ed.

It gets worse. Are you just a little ticked off, or maybe you are starting to question what you have been taught all these years? It's time to wake up America!

If you'll look at the Judiciary Act of 1789 (I know most won't take time to read it), you'll see that all district courts are admiralty courts. This is the king's court of commerce, in which he is the plaintiff, recovering damages done against him, or what belongs to him.

The equity court of the exchequer: "57. The court of equity is held in the exchequer chamber before the lord treasurer, the chancellor of the exchequer, the chief baron, and three puisne¹ ones. These Mr. Selden conjectures to have been anciently made out of such as were barons of the kingdom, or parliamentary barons; and thence to have derived their name: which conjecture receives great strength from Bracton's explanation of magna carta, c.14, which directs that the earls and barons be amerced by their peers; that is, says he, by the barons of the exchequer. The primary and original business of this court is to call the king's debtors to account, by bill filed by the attorney general; and to recover any lands, tenements, or hereitaments, any goods, chattels, or other profits or benefits, belonging to the crown. So that by their original constitution the jurisdiction of the courts of common pleas, king's bench, and exchequer, was entirely separate and

distinct; the common pleas being intended to decide all controversies between subject and subject; the king's bench to correct all crimes and misdemeanors that amount to a breach of the peace, the king being then the plaintiff, as such offenses are in open derogation of the *jura regalia* (regal rights) of his crown; and the exchequer to adjust [45] and recover his revenue, wherein the king also is plaintiff, as the withholding and nonpayment thereof is an injury to his *jura fiscalia* (fiscal rights). But, as by a fiction almost all sorts of civil actions are now allowed to be brought in the king's bench, in like manner by another fiction all kinds of personal suits may be prosecuted in the court of exchequer. For as all the officers and ministers of this court have, like those of other superior courts, the privilege of suing and being sued only in their own court; so exchequer, are privileged to sue and implead all manner of persons in the same court of equity that they themselves are called into. They have likewise privilege to sue and implead one another, or any stranger, in the same kind of common-law actions (where the personalty only is concerned) as are prosecuted in the court of common pleas."

Black Stone Commentaries Book III, pg 1554

The common-law court of the exchequer: "58. This gives original to the common-law part of their jurisdiction, which was established merely for the benefit of the king's accountants, and is exercised by the barons only of the exchequer, and not the treasurer or chancellor. The writ upon which the plaintiff suggests that he is the king's farmer or debtor, and that the defendant hath done him the injury or damage complained of; quo minus sufficient exist, by which he is the less able, to pay the king his debt or rent. And these suits are expressly directed, by what is called the statute of Rutland, to be confined to such matters only as specially concern the king or his ministers of the exchequer. And by the *articuli super cartas* it is enacted that no common pleas be thenceforth holden in the exchequer, contrary to the form of the great charter. But not, by the suggestion of privilege, any person may be admitted to sue in the exchequer as well as the king's accountant. The surmise of being debtor to the king is therefore become matter of form and mere words of course, and the court is open to all the nation equally. The same holds with regard to the equity side of the court: for there any person may file [46] a bill against another upon a bare suggestion that he is the king's accountant; but whether he is so or not is never controverted. In this court, on the nonpayment of tithes; in which case the surmise of being the king's debtor is no fiction, they being bound to pay him their first-fruits, and annual tenths. But the chancery has of late years obtained a large share in this business."

Black Stone Commentaries Book III, pg 1555

Definition of a legal fiction: For a discussion of fictions in law, see chapter II of Maine's *Ancient Law*, and Pollock's note D in his edition of the *Ancient Law*. Blackstone gives illustrations of legal fictions on pages 43, 45, 153, 203 of this book. Mr Justice Curtis (*Jurisdiction of United States Courts*, 2d ed., 148) gives the following instance of a fiction in our practice:

"A suit by or against a corporation in its corporate name may be presumed to be a suit by or against citizens of the state which created the corporate body, and no averment or denial to the contrary is admissible for the purpose of withdrawing the suit from the jurisdiction of a court of the United States.

There is the Roman fiction: The court first decides the law, presumes all the members

are citizens of the state which created the corporation, and then says, 'you shall not traverse that presumption'; and that is the law now. (Authors note: by your residence you are incorporated) Under it, the courts of the United States constantly entertain suits by or against corporations. (Muller v. Dows, 94 U. S. 444, 24 L. Ed. 207.) It has been so frequently settled, that there is not the slightest reason to suppose that it will ever be departed from by the court. It has been repeated over and over again in subsequent decisions; and the supreme court seem entirely satisfied that it is the right ground to stand upon; and, as I am now going to state to you, they have applied it in some cases which go beyond, much beyond, these decisions to which I have referred.

So that when a suit is to be brought in a court of the United States by or against a corporation, by reason of the character of the parties, you have only to say that this corporation (after naming it correctly) was created by a law of the state; and that is exactly the same in its consequences as if you could allege, and did allege, that the corporation was a citizen of that state. According to the present decisions, it is not necessary you should say that the members of that corporation are citizens of Massachusetts. They have passed beyond that. You have only to say that the corporation was created by a law of the state of Massachusetts, and has its principal place of business in that state; and that makes it, for the purposes of jurisdiction, the same as if it were a citizen of that state" See Pound, Readings in Roman Law, 95n. Black Stone Commentaries Book III, pg 1553

Combine this with what I said earlier concerning power of the treaty and it's creation of the corporate State, and you now know why you are not allowed to challenge residence or subjection in the State Courts. And because of the treaty, residence in the State is synonymous with residence in the district. I know this puts a sour taste in your mouth, because it does mine, but that is the condition we find ourselves in. The only way I see to change it, is to change the treaty and reinforce the original Declaration of Independence, but this would meet severe objection on the part of the international Bankers, and of course the king's heirs in England. And most Americans, even if they were aware of this information, would have no stomach for the turmoil this would cause.

Still a little fuzzy on what has taken place, the word Exchequer is still used today? In Britain the Exchequer is the Federal Reserve, the same as our Federal Reserve. They just changed the name here as they have done many things to cloud what is taking place, hoping no one would catch on. Who wrote the Federal Reserve Act, and put it in place in this country? Bankers from the Bank of England with their counter part in New York!

Congressman McFadden: "I hope that is the case, but I may say to the gentleman that during the sessions of this Economic Conference in London there is another meeting taking place in London. We were advised by reports from London last Sunday of the arrival of George L.Harrison, Governor of the Federal Reserve Bank of New York, and we were advised that accompanying him was Mr. Crane, the Deputy Governor, and James P. Warburg, of the Kuhn-Loeb banking family, of New York and Hamburg, Germany, and also Mr. O. M. W. Sprague, recently in the pay of Great Britain as chief economic and financial adviser of Mr. Norman, Governor of the Bank Of England, and now supposed to represent our Treasury. These men landed in England and rushed to the Bank of England for a private conference, taking their luggage with them, before even going to their hotel. We know this conference has been taking place for the past 3 days behind closed doors in the Bank of England with these gentlemen meeting with heads of the

Bank of England and the Bank for International Settlements, of Basel, Switzerland, and the head of the Bank France, Mr. Maret. They are discussing war debts; they are discussing stabilization of exchanges and the Federal Reserve System, I may say to the Members of the House.

The Federal reserve System, headed by George L. Harrison, is our premier, who is dealing with debts behind the closed doors of the Bank of England; and the United States Treasury is there, represented by O. M. W. Sprague, who until the last 10 days was the representative of the Bank of England, and by Mr. James P. Warburg, who is the son of the principal author of the Federal Reserve Act. Many things are being settled behind the closed doors of the Bank of England by this group. No doubt this group were pleased to hear that yesterday the Congress passed amendments to the Federal Reserve Act and that the President signed the bill which turns over to the Federal Reserve System the complete total financial resources of money and credit in the United States. Apparently the domination and control of the international banking group is being strengthened....
Congressional Record, June 14, 1934

What else does the Exchequer do? The government (Congress) puts up bonds (bills of credit) on the international market, that the Federal Reserve (Exchequer) prints fiat money, for which the government (Congress) is the guarantor for, read the following quote:

Exchequer Bills: Bills of credit issued by authority of parliament.

They constitute the medium of transaction of business between the bank of England and the government. The exchequer bills contain a guarantee from government which secures the holders against loss by fluctuation. Bouvier's Law Dictionary 1914 ed.

Also re-read "A Country Defeated In Victory". Who do you think the national debt is owed to? If that's not bad enough the bond indebtedness allowed the king to foreclose on his colony when it was time for the one World government, the king/bankers caused us to reorganize under bankruptcy. The Bank of England allowed the United States to use you and I (our labor) for collateral and all the property in America, read the following quote:

Congressman Lemke: "...This nation is bankrupt; every State in this Union is bankrupt; the people of the United States, as a whole, are bankrupt. The public and private debts of this Nation, which are evidenced by bonds, mortgages, notes, or other written instruments about to about \$250,000,000,000, and it is estimated that there is about \$50,000,000,000 of which there is no record, making in all about \$300,000,000,000 of public and private debts. The total physical cash value of all the property in the United States is now estimated at about \$70,000,000,000. That is more than it would bring if sold at public auction. In this we do not include debts or the evidence of debts, such as bonds, mortgages, and so fourth. These are not physical property. They will have to be paid out of the physical property. How are we going to pay \$300,000,000,000 with only \$70,000,000,000?" Congressional Record, March 3, 1934, footnote #10

This debt was more than could be paid as of 1934, this caused the declared bankruptcy by President Roosevelt. Now the national debt is over 12,000,000,000,000. The government only tells you about 5,000,000,000,000, they don't tell you about the corporate debt, which America is also guarantor for. Add to that the personal debt; you know credit cards and home loans, and it approaches 20,000,000,000,000, that's trillion for those

of you that miss read the number of zero's. Mix this with a super inflated stock market and a huge trade deficit, and that is what brings you to understand my subtitle for this paper. BEND OVER AMERICA. What could possibly be the purpose of the international bankers allowing our nation to over extend so badly and not cut us off? When back in 1934 they could have legally seized the whole country. We are being used for the purpose of the international bankers which is loaning money to third world countries, to enslave them as we are, to colonize the world for Britain, and to use our military machine to control unruly countries and to collect the king's debt. There will soon be a United Nations personal income tax for the whole world. The end purpose of the international bankers, is a one world government, with England as the center of government and the international bankers calling the shots.

I am going to share a dream I had, July 1992, at the risk of being ridiculed. I told my friend who is mentioned in the dream, the next day. At that time neither of us understood the dream, about a month later I started to understand when I began learning about admiralty law and where our admiralty law came from. As time has passed I have come to understand the dream, because of further information coming to light, such as the information contained in part 1, and part 2, which you are now reading. I new when I woke up that the dream was not the normal nonsense you can sometimes experience in a dream. And I might add I dream very seldom, after having this dream I was given the desire to write down and pass along the information that has been brought my way, via. the Holy Spirit. The information has defined the dream not the other way around.

MY DREAM

July 1992: A record of a dream I had. I was what appeared to be hovering above the below scene, and it appeared to be three dimensional, like the scene had texture. It was also in color, with the smell of war in the air. I awoke at 5:00 am, and was wide awake and immediately wrote down what took place in my dream.

A friend and I were among thousands of Christians that were massed together awaiting execution. I saw untold thousands of Christians executed before us. There were many troops guarding us, these troops were British; they had on Revolutionary War clothing and were carrying the old style muskets.

The people that went before us to be executed went voluntarily. They went out of some false sense of duty to this envisioned government, that was British controlled. These people were in ranks waiting to be lead away to their death. While standing in the ranks my friend and I kept looking at one another, but we were separated by what seemed to be hundreds of people.

Just before they called our number they lead us away (untold thousands) under guard to return later. I asked some of the people in the ranks to step aside so I could get next to my friend. I told him that while I was in the ranks awaiting death, the Holy Spirit told me not to listen to their reasons for death, but to consider His reasons (Holy Spirit's) for the sanctity of life and that we were to do whatever it took to stay alive and defeat the beast. I saw myself tapping my friend on the head, and told him this was an example of how the Holy Spirit related to me, that He wanted our attention.

The Holy Spirit said we were to go and do the Holy Spirit's bidding no matter where it lead us and that we would be protected. We both looked at each other and decided we could not die voluntarily as the other Christians. We looked at each other and said this is

crazy, my friend said this is voluntary just like being a Fourteenth Amendment citizen. We then walked out of the ranks right in front of the British guards, unseen and escaped.

Keep in mind you cannot control your dreams. Does God Almighty still communicate through dreams as he did with George Washington? The Bible makes it clear He does. Whether this dream is a product of uncontrolled imagination while asleep, or insight from the Holy Spirit, I will only say, let history decide. I am satisfied of the dreams origin, because of its fulfillment through recent knowledge, that wasn't known at that time. I hope you will read the rest of the documentation in the footnotes following this commentary.

Footnote #1 - Chronology of North Carolina Governors and Original Virginia Colony, page 15

Footnote #2 - Virginia Charter, 1609, page 18

Footnote #3 - Virginia Charter, 1621, page 27

Footnote #4 - Charter creating the Council of State, 1621, page 29

Footnote #5 - Carolina Charter, 1663, page 31

Footnote #6 - Carolina Charter granting Proprietorship to eight lords, 1669, page 42

Footnote #7 - Florida Charter, 1763, page 65

Footnote #8 - Hudson Bay Charter, 1670, page 69

Footnote #9 - North Carolina Constitution, 1776, page 80

Footnote #10 - North Carolina Constitution, 1789, and latter amendments, page 88

Footnote #11 - Congressional Record, page 127

Footnote #1

Chronology of North Carolina Governors Original Virginia Colony

Ralph Lane, 1585 - 1586

John White, 1587

Commander of the Southern Plantation

Samuel Stephens, 1662 - 1664 (later governor under Lords Proprietors)

Lords Proprietors

William Drummond, 1664 - 1667

Samuel Stephens, 1667 - 1669 (previously Commander of the Southern Plantation)

Peter Carteret, 1670 - 1672

John Jenkins, 1672 - 1677 (first of two terms)

Thomas Eastchurch, 1676 - 1678 (never actually served)

Thomas Miller, 1677

John Harvey, 1679

John Jenkins, 1679 - 1681 (second term)

Philip Ludwell, 1689 - 1691

Thomas Jarvis, 1691 - 1694

John Archdale, 1694 - 1696

Thomas Harvey, 1696 - 1699

Henderson Walker, 1699 - 1704

Robert Daniel, 1704 - 1705

Thomas Cary, 1705 - 1706 (first of two terms)

William Glover, 1706 - 1708

Thomas Cary, 1708 - 1711 (second of two terms)
Edward Hyde, 1711 - 1712
Thomas Pollock, 1712 - 1714 (first of two terms)
Charles Eden, 1714 - 1722
Thomas Pollock, 1722 (second of two terms)
William Reed, 1722 - 1724
George Burrington, 1724 - 1725 (later royal governor)
Richard Everard, 1725 - 1731
Royal Governors
George Burrington, 1731 - 1734 (previously governor under the Lords Proprietors)
Gabriel Johnston, 1734 - 1752
Nathaniel Rice, 1752 - 1753
Matthew Rowan, 1753 - 1754
Arthur Dobbs, 1754 - 1765
William Tryon, 1675 - 1771
James Hasell, 1771
Josiah Martin, 1771 - 1775
Governors of the State of North Carolina
Richard Caswell, 1776 - 1780 (first of two terms)
Abner Nash, 1780 - 1781
Thomas Burke, 1781 - 1782
Alexander Martin, 1782 - 1785 (first of two terms)
Richard Caswell, 1784 - 1787 (second of two terms)
Samuel Johnston, 1787 - 1789
Alexander Martin, 1789 - 1792 (second of two terms)
Richard Dobbs Spaight, Sr., 1792 - 1795
Samuel Ashe, 1795 - 1798
William Richardson Davie, 1798 - 1799
Benjamin Williams, 1799 - 1802 (first of two terms)
James Turner, 1802 - 1805
Nathaniel Alexander, 1805 - 1807
Benjamin Williams, 1807 - 1808 (second of two terms)
David Stone, 1808 - 1810
Benjamin Smith, 1810 - 1811
William Hawkins, 1811 - 1814
William Miller, 1814 - 1817
John Branch, 1817 - 1820
Jesse Franklin, 1820 - 1821
Gabriel Holmes, 1821 - 1824
Hutchins Gordon Burton, 1824 - 1827
James Iredell, Jr., 1827 - 1828
John Owen, 1828 - 1830
Montford Stokes, 1830 - 1832
David Lowry Swain, 1832 - 1835
Richard Dobbs Spaight, Jr., 1835 - 1836

Edward Dudley Bishop, 1836 - 1841
John Motley Morehead, 1841 - 1845
William Alexander Graham, 1845 - 1849
Charles Manly, 1849 - 1850
David Steele Reid, 1851 - 1854
Warren Winslow, 1854 - 1855
Thomas Bragg, 1855 - 1859
John Willis Ellis, 1859 - 1861
Henry Toole Clark, 1861 - 1862
Zebulon Baird Vance, 1862 - 1865 (first of two terms)
William Woods Holden, 1865 (first of two terms)
Jonathan Worth, 1865 - 1868
William Woods Holden, 1868 - 1870
Tod Robinson Caldwell, 1870 - 1874
Curtis Hooks Brogden, 1874 - 1877
Zebulon Baird Vance, 1877 - 1879 (second of two terms)
Thomas Jordan Jarvis, 1879 - 1885
James Lowry Robinson, 1883
Alfred Moore Scales, 1885 - 1889
David Gould Fowle, 1889 - 1891
Thomas Michael Holt, 1891 - 1893
Elias Carr, 1893 - 1897
Daniel Lindsay Russell, 1897 - 1901
Charles Brantley Aycok, 1901 - 1905
Robert Broadnax Glenn, 1905 - 1909
William Walton Kitchin, 1909 - 1913
Locke Craig, 1913 - 1917
Thomas Walter Bickett, 1917 - 1921
Cameron Morrison, 1921 - 1925
Angus Wilton McLean, 1925 - 1929
Oliver Max Gardner, 1929 - 1933
John Christoph Blucher Ehringhaus, 1933 - 1937
Clyde Roark Hoey, 1937 - 1941
Joseph Melville Broughton, 1941 - 1945
Robert Gregg Cherry, 1945 - 1949
William Kerr Scott, 1949 - 1953
William Bradley Umstead, 1953 - 1954
Luther Hartwell Hodges, 1954 - 1961
Terry Sanford, 1961 - 1965
Dan Killian Moore, 1965 - 1969
Robert Walker Scott, 1969 - 1973
James Eubert Holshouser, Jr., 1973 - 1977
James Baxter Hunt, Jr., 1977 - 1985 (first of two terms)
James Grubbs Martin, 1985 - 1993
James Baxter Hunt, Jr., 1993 - Present

Footnote #2

THE SECOND VIRGINIA CHARTER

The Second Virginia Charter May 23, 1609

James, by the grace of God [King of England, Scotland, France and Ireland, defender of the faith, etc.] To all [to whom these presents shall come, greeting.]

Whereas, at the humble suite and request of sondrie oure lovinge and well disposed subjects intendinge to deduce a colonie and to make habitacion and plantacion of sondrie of oure people in that parte of America comonlie called Virginia, and other part and territories in America either apperteyninge unto us or which are not actually possessed of anie Christian prince or people within certaine bound and regions, wee have formerly, by oure lettres patents bearinge date the tenth of Aprill in the fourth yeare of oure raigne of England, Fraunce, and Ireland, and the nine and thirtieth of Scotland, graunted to Sir Thomas Gates, Sir George Somers and others, for the more speedie accomplishment of the said plantacion and habitacion, that they shoulde devide themselves into twoe colloniesthe one consistinge of divers Knights, gentlemen, merchaunts and others of our cittie of London, called the First Collonie; and the other of sondrie Knights, gentlemen and others of the citties of Bristoll, Exeter, the towne of Plymouth, and other places, called the Second Collonieand have yielded and graunted maine and sondrie priviledges and liberties to each Collonie for their quiet setlinge and good government therein, as by the said lettres patents more at large appeareth.

Now, forasmuch as divers and sondrie of oure lovinge subjects, as well adventurers as planters, of the said First Collonie (which have already engaged them selves in furtheringe the businesse of the said plantacion and doe further intende by the assistance of Almightye God to prosecute the same to a happie ende) have of late ben humble suiters unto us that, in respect of their great chardegges and the adventure of manie of their lives which they have hazarded in the said discoverie and plantacion of the said countrie, wee woulde be pleased to graunt them a further enlargement and explanacion of the said graunte, priviledge and liberties, and that suche counsellors and other officers maie be appointed amonngest them to manage and direct their affaires [as] are willinge and readie to adventure with them; as also whose dwellings are not so farr remote from the cittye of London but that they maie at convenient tymes be readie at hande to give advice and assistance upon all occacions requisite.

We, greatlie affectinge the effectual prosecucion and happie successe of the said plantacion and comendinge their good desires therein, for their further encouragement in accomplishinge so excellent a worke, much pleasinge to God and profitable to oure Kingdomes, doe, of oure speciall grace and certeine knowledge and meere motion, for us, oure heires and successors, give, graunt and confirme to oure trustie and welbeloved subjects,

[Subjects deleted by author, because of space]

And to such and so manie as they doe or shall hereafter admitt to be joyned with them, in forme hereafter in theis presentes expressed, whether they goe in their persons to be planters there in the said plantacion, or whether they goe not, but doe adventure their monyes, goods or chattels, that they shalbe one bodie or commualtie perpetuall and shall have perpetual succession and one common seale to serve for the saide bodie or

communaltie; and that they and their successors shalbe knowne, called and incorporated by the name of The Tresorer and Companie of Adventurers and Planters of the Citty of London for the Firste Collonie in Virginia.

And that they and their successors shalbe from hensforth, forever enabled to take, acquire and purchase, by the name aforesaid (licens for the same from us, oure heires or successors first had and obtained) anie manner of lands, tenements and hereditaments, goods and chattels, within oure realme of England and dominion of Wales; and that they and their successors shalbe likewise enabled, by the name aforesaid, to pleade and to be impleaded before anie of oure judges or justices, in anie oure courts, and in anie accions or suits whatsoever.

And wee doe also, of oure said speciall grace, certaine knowledge and mere mocion, give, grannte and confirme unto the said Treasurer and Companie, and their successors, under the reservacions, limittacions and declaracions hereafter expressed, all those lands, countries and territories scituat, lieinge and beinge in that place of America called Virginia, from the pointe of lande called Cape or Pointe Comfort all alonge the seacoste to the northward twoe hundred miles and from the said pointe of Cape Comfort all alonge the sea coast to the southward twoe hundred miles; and all that space and circuit of lande lieinge from the sea coaste of the precinct aforesaid upp unto the lande, throughoute, from sea to sea, west and northwest; and also all the island beinge within one hundred miles alonge the coaste of bothe seas of the precincte aforesaid; together with all the soiles, groundes, havens and portes, mynes, aswell royall mynes of golde and silver as other mineralls, pearles and precious stones, quarries, woods, rivers, waters, fishings, comodities, jurisdictions, royalties, priviledges, franchisies and preheminences within the said territorie and the precincts there of whatsoever; and thereto or there abouts, both by sea and lande, beinge or in anie sorte belonginge or appertayninge, and which wee by oure lettres patents maie or cann graunte; and in as ample manner and sorte as wee or anie oure noble progenitors have heretofore graunted to anie companie, bodie pollitique or corporate, or to anie adventurer or adventurers, undertaker or undertakers, of anie discoveries, plantacions or traffique of, in, or into anie forraine parts whatsoever; and in as large and ample manner as if the same were herin particulerly mentioned and expressed: to have, houlde, possesse and enjoye all and singuler the said landes, countries and territories with all and singuler other the premisses heretofore by theis [presents] graunted or mencioned to be grannted, to them, the said Treasurer and Companie, their successors and assignes, forever; to the sole and proper use of them, the said Treasurer and Companie, their successors and assignes [forever], to be holden of us, oure heires and successors, as of oure mannour of Estgreenewich, in free and common socage and not in capite; yeldinge and payinge, therefore, to us, oure heires and successors, the fifte parte onlie of all oare of gould and silver that from tvme to time, and at all times hereafter, shalbe there gotton, had and obtained, for all manner of service.

And, nevertheles, oure will and pleasure is, and wee doe by theis presentes chardge, commannde, warrant and auctorize, that the said Treasurer and Companie and their successors, or the major parte of them which shall be present and assembled for that purpose, shall from time to time under their common seale distribute, convey, assigne and set over such particuler porcions of lands, tenements and hereditaments, by theise pre-

sents formerly granted, unto such our loving subjects naturallie borne of denizens, or others, aswell adventurers as planters, as by the said Companie, upon a commission of survey and distribucion executed and returned for that purpose, shalbe named, appointed and allowed, wherein our will and pleasure is, that respect be had as well of the proporcion of the adventure[r] as to the speciall service, hazarde, exploite or merit of anie person so as to be recompenced, advanced or rewarded.

And for as muche as the good and prosperous successe of the said plantacion cannot but cheiflie depende, next under the blessinge of God and the supporte of our royall auctoritie, upon the provident and good direccion of the whole enterprise by a carefull and understandinge

Counsell, and that it is not convenient that all the adventurers shalbe so often drawne to meete and assemble as shalbe requisite for them to have metings and conference aboute their affaires, therefore we doe ordaine, establishe and confirme that there shalbe perpetually one Counsell here resident, accordinge to the tenor of our former lettres patents, which Counsell shall have a seale for the better government and administracion of the said plantacion besides the legall seale of the Companie or Corporacion, as in our former lettres patents is also expressed.

And further wee establishe and ordaine that

Henrie, Earl of Southampton

William, Earl of Pembroke

Henrie, Earl of Lincoln

Thomas, Earl of Exeter

Roberte, Lord Viscounte Lisle

Lord Theophilus Howard

James, Lord Bishopp of Bathe and Wells

Edward, Lord Zouche

Thomas, Lord Laware

William, Lord Mounteagle

Edmunde, Lord Sheffilde

Grey, Lord Shanndoys [Chandois]

John, Lord Stanhope

George, Lord Carew

Sir Humfrey Welde, Lord Mayor of London

Sir Edward Cecil

Sir William Waad [Wade]

Sir Henrie Nevill

Sir Thomas Smith

Sir Oliver Cromwell

Sir Peter Manwood

Sir Thomas Challoner

Sir Henrie Hovarte [Hobart]

Sir Franncis Bacon

Sir George Coppin

Sir John Scott

Sir Henrie Carey

Sir Roberte Drurie [Drury]
Sir Horatio Vere
Sir Eward Conwayne [Conway]
Sir Maurice Berkeley [Barkeley]
Sir Thomas Gates
Sir Michaele Sands [Sandys]
Sir Roberte Mansfeild [Mansel]
Sir John Trevor
Sir Amyas Preston
Sir William Godolphin
Sir Walter Cope
Sir Robert Killigrewe
Sir Henrie Faushawe [Fanshaw]
Sir Edwyn Sandes [Sandys]
Sir John Watts
Sir Henrie Montague
Sir William Romney
Sir Thomas Roe
Sir Baptiste Hicks
Sir Richard Williamson
Sir Stephen Powle [Poole]
Sir Dudley Diggs
Christopher Brooke, [Esq.]
John Eldred, and
John Wolstenholme

shalbe oure Counsell for the said Companie of Adventurers and Planters in Virginia.

And the said Sir Thomas Smith wee ordaine to be Treasurer of the said Companie, which Treasurer shall have auctoritie to give order for the warninge of the Counsell and sommoning the Companie to their courts and meetings.

And the said Counsell and Treasurer or anie of them shalbe from henceforth nominated, chosen, contynued, displaced, chaunged, altered and supplied, as death or other severall occasions shall require, out of the Companie of the said adventurers by the voice of the greater parte of the said Counsell and adventurers in their assemblie for that purpose; provided alwaies that everie Councillor so newlie elected shalbe presented to the Lord Chancellor of England, or to the Lord Highe Treasurer of England, or the Lord Chambleyne of the housholde of us, oure heires and successors, for the tyme beinge to take his oathe of a Councillor to us, oure heires and Successors, for the said Companie and Collonie in Virginia.

And wee doe by theis presents, of oure especiall grace, certaine knowledge and meere motion, for us, oure heires and successors, grannte unto the said Treasurer and Companie and their successors, that if it happen at anie time or times the Treasurer for the tyme beinge to be sick, or to have anie such cause of absente from the cittie of London as shalbe allowed by the said Counsell or the greater parte of them assembled, so as he cannot attende the affaires of that Companie, in everie such case it shall and maie be lawfull for such Treasurer for the tyme beinge to assigne, constitute and appointe one of

the Counsell for Companie to be likewise allowed by the Counsell or the greater parte of them assembled to be the deputie Treasurer for the said Companie; which Deputie shall have power to doe and execute all things which belonge to the said Treasurer duringe such tyme as such Treasurer shalbe sick or otherwise absent, upon cause allowed of by the said Counsell or the major parte of them as aforesaid, so fullie and wholie and in as large and ample manner and forme and to all intents and purposes as the said Treasurer if he were present himselfe maie or might doe and execute the same.

And further of oure especiall grace, certaine knowledge and meere mocion, for us, oure heires and successors, wee doe by theis presents give and grannt full power and auctoritie to oure said Counsell here resident aswell at this present tyme as hereafter, from time to time, to nominate, make, constitute, ordaine and confirme by such name or names, stile or stiles as to them shall seeme good, and likewise to revoke, dischargd, change and alter aswell all and singuler governors, officers and ministers which alreadie hath ben made, as also which hereafter shalbe by them thought fitt and meedefull to be made or used for the government of the said Colonie and plantacion.

And also to make, ordaine and establishe all manner of orders, lawes, directions, instructions, formes and ceremonies of government and magistracie, fitt and necessarie, for and concerninge the government of the said Colonie and plantacion; and the same att all tymes hereafter to abrogate, revoke or chaunge, not onely within the precincts of the said Colonie but also upon the seas in goeing and cominge to and from the said Collonie, as they in their good discrecions shall thinke to be fittest for [the] good of the adventurers and inhabiters there.

And we doe also declare that for divers reasons and consideracions us thereunto especiallie moving, oure will and pleasure is and wee doe hereby ordaine that imediatlie from and after such time as anie such governour or principall officer so to be nominated and appointed by oure said Counsell for the government of the said Colonie, as aforesaid, shall arrive in Virginia and give notice unto the Collonie there resident of oure pleasure in this behalfe, the government, power and authority of the President and Counsell, heretofore by oure former lettres patents there established, and all lawes and constitucions by them formerlie made, shall utterly cease and be determined; and all officers, governours and ministers formerly constituted or appointed shalbe dischargd, anie thinge in oure said former lettres patents conserninge the said plantacion contayned in aniewise to the contrarie notwithstandinge; streightlie chardginge and commaundinge the President and Counsell nowe resident in the said Collonie upon their alleadgiance after knowledge given unto them of oure will and pleasure by theis presentes signified and declared, that they forth with be obedient to such governor or governors as by oure said Counsell here resident shalbe named and appointed as aforesaid; and to all direccions, orders and commandements which they shall receive from them, aswell in the present resigninge and giveinge upp of their auctoritie, offices, chardg and places, as in all other attendancc as shalbe by them from time to time required.

And wee doe further by theis presentes ordaine and establishe that the said Treasurer and Counsell here resident, and their successors or anie fower of them assembled (the Treasurer beinge one), shall from time to time have full power and auctoritie to admitt and receive anie other person into their companie, corporacion and freedome; and further, in a generall assemblee of the adventurers, with the consent of the greater

parte upon good cause, to disfranchise and putt oute anie person or persons oute of the said fredome and Companie.

And wee doe also grannt and confirme for us, oure heires and successors that it shalbe lawfull for the said Treasurer and Companie and their successors, by direccion of the Governours there, to digg and to serche for all manner of mynes of goulde, silver, copper, iron, leade, tinne and other mineralls aswell within the precincts aforesaid as within anie parte of the maine lande not formerly graunted to anie other; and to have and enjoye the gould, silver, copper, iron, leade, and tinn, and all other mineralls to be gotten thereby, to the use and behoofe of the said Companie of Planters and Adventurers, yeldinge therefore and payinge yerelie unto us, oure heires and successors, as aforesaid.

And wee doe further of oure speciall grace, certaine knowledge and meere motion, for us, oure heires and successors, grannt, by theis presents to and withe the said Treasurer and Companie and their successors, that it shalbe lawfull and free for them and their assignes at all and everie time and times here after, oute of oure realme of England and oute of all other [our] dominions, to take and leade into the said voyage, and for and towards the said plantacion, and to travell thitherwards and to abide and inhabite therein the said Colonie and plantacion, all such and so manie of oure lovinge subjects, or anie other straungers that wilbecomme oure lovinge subjects and live under oure allegiance, as shall willinglie accompanie them in the said voyadge and plantation with sufficient shippinge armour, weapons, ordinnance, municion, powder, shott, victualls, and such merchaundize or wares as are esteemed by the wilde people in those parts, clothinge, implements, furnitures, catle, horses and mares, and all other thinges necessarie for the said plantation and for their use and defence and trade with the people there, and in passinge and retourninge to and from without yeldinge or payinge subsedie, custome, impositcion, or anie other taxe or duties to us, oure heires or successors, for the space of seaven yeares from the date of theis presents; provided, that none of the said persons be such as shalbe hereafter by speciall name restrained by us, oure heires or successors.

And for their further encouragement, of oure speciall grace and favour, wee doe by theis present for us, oure heires and successors, yeild and graunte to and with the said Treasurer and Companie and their successors and everie of them, their factors and assignes, that they and every of them shalbe free and quiett of all subsedies and customes in Virginia for the space of one and twentie yeres, and from all taxes and impositcions for ever, upon anie goods or merchaundizes at anie time or times hereafter, either upon importation thither or exportation from thence into oure realme of England or into anie other of oure [realms or] dominions, by the said Treasurer and Companie and their successors, their deputies, factors [or] assignes or anie of them, except onlie the five pound per centum due for custome upon all such good and merchanndizes as shalbe brought or imported into oure realme of England or anie other of theis oure dominions accordinge to the auncient trade of merchantts, which five poundes per centum onely beinge paid, it shalbe thensforth lawfull and free for the said Adventurers the same goods [and] merchaundizes to export and carrie oute of oure said dominions into forraine partes without anie custome, taxe or other duty to be paide to us oure heires or successors or to anie other oure officers or deputies; provided, that the saide goods and merchaundizes be shipped out within thirteene monethes after their first landinge within anie parte of those dominions.

And wee doe also confirme and grannt to the said Treasurer and Companie, and their successors, as also to all and everie such governer or other officers and ministers as by oure said Counsell shalbe appointed, to have power and aucthoritie of governement and command in or over the said Colonie or plantacion; that they and everie of them shall and lawfullie maie from tyme to tyme and at all tymes forever hereafter, for their severall defence and safetie, enconnter, expulse, repell and resist by force and armes, aswell by sea as by land, and all waies and meanes whatsoever, all and everie such person and persons whatsoever as without the speciall licens of the said Treasurer and Companie and their successors shall attempte to inhabite within the said severall precincts and lymitts of the said Colonie and plantacion; and also, all and everie such person and persons whatsoever as shall enterprise, or attempte at anie time hereafter, destruccion, invasion, hurte, detriment or annoyannce to the said Collonye and plantacion, as is likewise specified in the said former grannte.

And that it shalbe lawful for the said Treasurer and Companie, and their successors and everie of them, from time to time and at all times hereafter, and they shall have full power and aucthoritie, to take and surprize by all waies and meanes whatsoever all and everie person and persons whatsoever, with their shippes, goods and other furniture, traffiquinge in anie harbor, creeke or place within the limitts or precincts of the said Colonie and plantacion, [not] being allowed by the said Companie to be adventurers or planters of the said Colonie, untill such time as they beinge of anie realmes or dominions under oure obedience shall paie or agree to paie, to the hands of the Treasurer or [of] some other officer deputed by the said governors in Virginia (over and above such subserie and custome as the said Companie is or here after shalbe to paie) five poundes per centum upon all goods and merchaundizes soe brought in thither, and also five per centum upon all goods by them shipped oute from thence; and being straungers and not under oure obedience untill they have payed (over and above such subserie and custome as the same Treasurer and Companie and their successors is or hereafter shalbe to paie) tenn pounds per centum upon all such goods, likewise carried in and oute, any thinge in the former lettres patents to the contrarie notwithstandinge; and the same sommes of monie and benefitt as aforesaid for and duringe the space of one and twentie yeares shalbe wholie imploied to the benefitt and behoof of the said Colonie and plantacion; and after the saide one and twentie yeares ended, the same shalbe taken to the use of us, oure heires or successors, by such officer and minister as by us, oure heires or successors, shalbe thereunto assigned and appointed, as is specified in the said former lettres patents.

Also wee doe, for us, oure heires and successors, declare by theis presents, that all and everie the persons beinge oure subjects which shall goe and inhabit within the said Colonye and plantacion, and everie of their children and posteritie which shall happen to be borne within [any] the lymitts thereof, shall have [and] enjoye all liberties, franchises and immunities of free denizens and naturall subjects within anie of oure other dominions to all intents and purposes as if they had bine abidinge and borne within this oure kingdome of England or in anie other of oure dominions.

And forasmuch as it shalbe necessarie for all such our lovinge subjects as shall inhabit within the said precincts of Virginia aforesaid to determine to live together in the feare and true woorshipp of Almightye God, Christian peace and civill quietnes, each with

other, whereby everie one maie with more safety, pleasure and profitt enjoye that where unto they shall attaine with great paine and perill, wee, for us, oure heires and successors, are likewise pleased and contented and by theis presents doe give and graunte unto the said Tresorer and Companie and their successors and to such governors, officers and ministers as shalbe, by oure said Councill, constituted and appointed, accordinge to the natures and lymitts of their offices and places respectively, that they shall and maie from time to time for ever hereafter, within the said precincts of Virginia or in the waie by the seas thither and from thence, have full and absolute power and aucthority to correct, punishe, pardon, governe and rule all such the subjects of us, oure heires and successors as shall from time to time adventure themselves in anie voiadge thither or that shall at anie tyme hereafter inhabitt in the precincts and territorie of the said Colonie as aforesaid, accordinge to such order, ordinaunces, constitution, directions and instruccions as by oure said Counsell, as aforesaid, shalbe established; and in defect thereof, in case of necessitie according to the good discretions of the said governours and officers respectively, aswell in cases capitall and criminall as civill, both marine and other, so alwaies as the said statuts, ordinannces and proceedinges as neere as convenientlie maie be, be agreable to the lawes, statutes, government and pollicie of this oure realme of England.

And we doe further of oure speciall grace, certeine knowledge and mere mocion, grant, declare and ordaine that such principall governour as from time to time shall dulia and lawfullie be aucthorised and appointed, in manner and forme in theis presents heretofore expressed, shall [have] full power and aucthoritie to use and exercise marshall lawe in cases of rebellion or mutiny in as large and ample manner as oure leutenant in oure counties within oure realme of England have or ought to have by force of their comissions of lieutenancy. And furthermore, if anie person or persons, adventurers or planters, of the said Colonie, or anie other at anie time or times hereafter, shall transporte anie monyes, goods or marchaundizes oute of anie [of] oure kingdomes with a pretence or purpose to lande, sell or otherwise dispose the same within the lymitts and bounds of the said Collonie, and yet nevertheles beinge at sea or after he hath landed within anie part of the said Colonie shall carrie the same into anie other forraine Countrie, with a purpose there to sell and dispose there of that, then all the goods and chattels of the said person or persons so offendinge and transported, together with the shipp or vessell wherein such transportacion was made, shalbe forfeited to us, oure heires and successors.

And further, oure will and pleasure is, that in all questions and doubts that shall arrise upon anie difficultie of construccion or interpretacion of anie thinge contained either in this or in oure said former lettres patents, the same shalbe taken and interpreted in most ample and beneficiall manner for the said Tresorer and Companie and their successors and everie member there of.

And further, wee doe by theis presents ratifie and confirme unto the said Tresorer and Companie and their successors all privuleges, franchises, liberties and immunties graunted in oure said former lettres patents and not in theis oure lettres patents revoked, altered, changed or abridged.

And finallie, oure will and pleasure is and wee doe further hereby for us, oure heires and successors grannte and agree, to and with the said Tresorer and Companie and

their successors, that all and singuler person and persons which shall at anie time or times hereafter adventure anie somme or sommes of money in and towards the said plantacion of the said Colonie in Virginia and shalbe admitted by the said Counsell and Companie as adventurers of the said Colonie, in forme aforesaid, and shalbe enrolled in the booke or record of the adventurers of the said Companye, shall and maie be accompted, accepted, taken, helde and reputed Adventurers of the said Collonie and shall and maie enjoye all and singuler grannts, priviledges, liberties, benefitts, profitts, commodities [and immunities], advantages and emoluments whatsoever as fullie, largely, amplie and absolutely as if they and everie of them had ben precisely, plainely, singularly and distinctly named and inserted in theis oure lettres patents.

And lastely, because the principall effect which wee cann desier or expect of this action is the conversion and reduccion of the people in those partes unto the true worshipp of God and Christian religion, in which respect wee would be lothe that anie person should be permitted to passe that wee suspected to affect the superstitions of the Church of Rome, wee doe hereby declare that it is oure will and pleasure that none be permitted to passe in anie voiadge from time to time to be made into the saide countrie but such as firste shall have taken the oath of supremacie, for which purpose wee doe by these presents give full power and auctoritie to the Tresorer for the time beinge, and anie three of the Counsell, to tender and exhibite the said oath to all such persons as shall at anie time be sent and imploied in the said voiadge.

Although expresse mention [of the true yearly value or certainty of the premises, or any of them, or of any other gifts or grants, by us or any of our progenitors or predecessors, to the aforesaid Treasurer and Company heretofore made, in these presents is not made; or any act, statute, ordinance, provision, proclamation, or restraint, to the contrary hereof had, made, ordained, or provided, or any other thing, cause, or matter, whatsoever, in any wise notwithstanding.] In wites whereof [we have caused these our letters to be made patent. Witness ourself at Westminster, the 23d day of May (1609) in the seventh year of our reign of England, France, and Ireland, and of Scotland the ****]

Per ipsum Regem exactum.

British Public Record Office, Chancery Patent Rolls (c. 66), 1796, 5; William Stith, *The History of the First Discovery and Settlement of Virginia*

Footnote #3

The Third Virginia Charter, 1612

James, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith; To all to whom these Presents shall come, Greeting. Whereas at the humble Suit of divers and sundry our loving Subjects, as well Adventurers as Planters of the first Colony in Virginia, and for the Propagation of Christian Religion, and Reclaiming of People barbarous, to Civility and Humanity, We have, by our Letters-Patents, bearing Date at Westminster, the three-and-twentieth Day of May, in the seventh Year of our Reign of England, France, and Ireland, and the two-and-fortieth of Scotland, Given and Granted unto them that they and all such and so many of our loving Subjects as should from time to time, for ever after, be joined with them as Planters or Adventurers in the said Plantation, and their Successors, for ever, should be one Body politick, incorporated by the Name of The Treasurer and Company of Adventurers and Planters of the City of London

for the first Colony in Virginia; And whereas also for the greater Good and Benefit of the said Company, and for the better Furtherance, Strengthening, and Establishing of the said Plantation, we did further Give, Grant and Confirm, by our Letters- Patents unto the said Company and their Successors, for ever, all those Lands, Countries or Territories, situate, lying and being in that Part of America called Virginia, from the Point of Land called Cape or Point Comfort all along the Sea Coasts to the Northward two hundred Miles; and from the said Point of Cape Comfort all along the Sea Coast to the Southward two hundred Miles; and all that Space and Circuit of Land lying from the Sea Coast of the Precinct aforesaid, up into the Land throughout from Sea to Sea West and North-west; and also all the Islands lying within one hundred Miles along the Coast of both the Seas of the Precinct aforesaid; with divers other Grants, Liberties, Franchises and Preheminences, Privileges, Profits, Benefits, and Commodities granted in and by our said Letters-patents to the said Treasurer and Company and their Successors for ever. Now forasmuch as we are given to understand, that in those Seas adjoining to the said Coasts of Virginia, and without the Compass of those two hundred Miles by Us so granted unto the said Treasurer and Company as aforesaid, and yet not far distant from the said Colony in Virginia, there are or may be divers Islands lying desolate and uninhabited, some of which are already made known and discovered by the Industry, Travel, and Expences of the said Company, and others also are supposed to be and remain as yet unknown and undiscovered, all and every of which it may import the said Colony both in Safety and Policy of Trade to populate and plant; in Regard whereof, as well for the preventing of Peril, as for the better Commodity of the said Colony, they have been humble suitors unto Us, that We would be pleased to grant unto them an Enlargement of our said former Letters-patents. . . . all and singular those Islands whatsoever situate and beiig in any Part of the Ocean Seas bordering upon the Coast of our said first Colony in Virginia, and being within three Hundred Leagues of any of the Parts heretofore granted to the said Treasurer and Company in our said former Letters-Patents as aforesaid. . .

To have and to hold, possess and enjoy, all and singular the said Islands in the said Ocean Seas so lying and bordering upon the Coast and Coasts of the Territories of the said first Colony in Virginia, as aforesaid. With all and singular the said Soils, Lands, Grounds, and all and singular other the Premises heretofore by these Presents granted or mentioned to be granted to them. . . . And We are further pleased, and We do by these Presents grant and confirm, that Philip Earl of Montgomery, William Lord Paget, sir John Starrington, Knight etc., whom the said Treasurer and Company have since the said last Letters-Patents nominated and set down as worthy and discreet Persons fit to serve Us as Counsellors, to be of our Council for the said Plantation, shall be reputed, deemed, and taken as Persons of our said Council for the said first Colony, in such Manner and Sort, to all Intents and Purposes, as those who have been formerly elected and nominated as our Counsellors for that Colony, and whose Names have been, or are inserted and expressed in our said former Letters-Patents. And we do hereby ordain and grant by these Presents that the said Treasurer and Company of Adventurers and Planters aforesaid, shall and may, once every week, or oftener, at their Pleasure, hold, and keep a Court and Assembly for the better Order and Government of the said Plantation, and such Things as shall concern the same:

And that any five Persons of our Council for the said first Colony in Virginia, for the

Time being, of which Company the Treasurer, or his Deputy, to be always one, and the Number of fifteen others, at the least, of the Generality of the said Company, assembled together in such Manner as is and hath been heretofore used and accustomed, shall be said, taken, held, and reputed to be, and shall be a sufficient Court of the said Company, for the handling and ordering, and dispatching of all such casual and particular Occurrences, and accidental Matters, of less Consequence and Weight, as shall from Time to Time happen, touching and concerning the said Plantation And that nevertheless, for the handling, ordering, and disposing of Matters and Affairs of greater Weight and Importance, and such as shall or may, in any Sort, concern the Weal Publick and general Good of the said Company and Plantation, as namely, the Manner of Government from Time to Time to be used, the ordering and Disposing of the Lands and Possessions, and the settling and establishing of a Trade there, or such like, there shall be held and kept every Year, upon the last Wednesday, save one, of Hillary Term, Easter, Trinity, and Michaelmas Terms, for ever, one great, general, and solemn Assembly, which four Assemblies shall be stiled and called, The four Great and General Courts of the Council and Company of Adventurers for Virginia; In all and every of which said Great and General Courts, so assembled, our Will and Pleasure is, and we do, for Us, our Heirs and Successors, for ever, Give and Grant to the said Treasurer and Company, and their Successors for ever, by these Presents, that they, the said Treasurer and Company, or the greater Number of them, so assembled, shall and may have full Power and Authority, from Time to Time, and at all Times hereafter, to elect and chuse discreet Persons, to be of our said Council for the said first Colony in Virginia, and to nominate and appoint such Officers as they shall think fit and requisite, for the Government, managing, ordering, and dispatching of the Affairs of the said Company; And shall likewise have full Power and Authority, to ordain and make such Laws and Ordinances, for the Good and Welfare of the said Plantation, as to them from Time to Time, shall be thought requisite and meet: So always, as the same be not contrary to the Laws and Statutes of this our Realm of England. . . .

An Ordinance And Constitution Of The Virginia Company

Footnote #4

An Ordinance and Constitution of the Virgina, and the creation of Counsel of State Company in England, 24 July 1621

An Ordinance and Constitution of the Treasurer Council, and Company in England, for a Council of State and General Assembly.

I. To all people, to whom these presents shall come, be seen, or heard, the treasurer, council, and company of adventurers and planters for the city of London for the first colony of Virginia, send greeting. Know ye, that we, the said treasurer, council, and company, taking into Our careful consideration the present state of the said colony of Virginia, and intending by the divine assistance, to settle such a form of government there, as may be to the greatest benefit and comfort of the people, and whereby all injustice, grievances, and oppression may be prevented and kept off as much as possible, from the said colony, have thought fit to make our entrance, by ordering and establishing such supreme councils, as may not only be assisting to the governor for the time being, in the administration of justice, and the executing of other duties to this office belonging, but also, by their vigilant care and prudence, may provide, as well for a remedy of all

inconveniences, growing from time to time, as also for advancing of increase, strength, stability, and prosperity of the said colony:

II. We therefore, the said treasurer, council, and company, by authority directed to us from his majesty under the great seal, upon mature deliberation, do hereby order and declare, that, from hence forward, there shall be two supreme councils in Virginia, for the better government of the said colony aforesaid.

III. The one of which councils, to be called the council of state (and whose office shall chiefly be assisting, with their care, advice, and circumspection, to the said governor) shall be chosen, nominated, placed, and displaced, from time to time, by us the said treasurer, council and company, and our successors: which council of state shall consist, for the present only of these persons, as are here inserted, viz., sir Francis Wyatt, governor of Virginia, captain Francis West, sir George Yeardley, knight, sir William Neuce, knight, marshal of Virginia, Mr. George Sandys, treasurer, Mr. George Thorpe, deputy of the college, captain Thomas Neuce, deputy for the company, Mr. Powlet, Mr. Leech, captain Nathaniel Powel, Mr. Christopher Davidson, secretary, Doctor Potts, physician to the company, Mr. Roger Smith, Mr. John Berkeley, Mr. John Rolfe, Mr. Ralph Hamer, Mr. John Pountis, Mr. Michael Lapworth, Mr. Harwood, Mr. Samuel Maccock. Which said counsellors and council we earnestly pray and desire, and in his majesty's name strictly charge and command, that (all factions, partialities, and sinister respect laid aside) they bend their care and endeavours to assist the said governor; first and principally, in the advancement of the honour and service of God, and the enlargement of his kingdom against the heathen people; and next, in erecting of the said colony in due obedience to his majesty, and all lawful authority from his majesty's directions; and lastly, in maintaining the said people in justice and christian conversation amongst themselves, and in strength and ability to withstand their enemies. And this council, to be always, or for the most part, residing about or near the governor.

IV. The other council, more generally to be called by the governor, once yearly, and no oftener, but for very extraordinary and important occasions, shall consist for the present, of the said council of state, and of two burgesses out of every town, hundred, or other particular plantation, to be respectively chosen by the inhabitants: which council shall be called The General Assembly, wherein (as also in the said council of state) all matters shall be decided, determined, and ordered by the greater part of the voices then present; reserving to the governor always a negative voice. And this general assembly shall have free power, to treat, consult, and conclude, as well of all emergent occasions concerning the publick weal of the said colony and every part thereof, as also to make, ordain, and enact such general laws and orders, for the behoof of the said colony, and the good government thereof, as shall, from time to time, appear necessary or requisite;

V. Whereas in all other things, we require the said general assembly, as also the said council of state, to imitate and follow the policy of the form of government, laws, customs, and manner of trial, and other administration of justice, used in the realm of England, as near as may be even as ourselves, by his majesty's letters patent, are required.

VI. Provided, that no law or ordinance, made in the said general assembly, shall be or continue in force or validity, unless the same shall be solemnly ratified and confirmed, in a general quarter court of the said company here in England, and so ratified, be re-

turned to them under our seal; it being our intent to afford the like measure also unto the said colony, that after the government of the said colony shall once have been well framed, and settled accordingly, which is to be done by us, as by authority derived from his majesty, and the same shall have been so by us declared, no orders of court afterwards, shall bind the said colony, unless they be ratified in like manner in the general assemblies. In witness whereof we have hereunto set our common seal the 24th of July, 1621. . .

Footnote #5

THE CHARTER, 1663, The Charter of Carolina

CHARLES THE SECOND, BY THE grace of God, King of England, Scotland, France, and Ireland, defender of the Faith, etc. TO ALL to whom these presents shall come, Greeting:

WHEREAS, our right trusty and right well-beloved Cousins and Counsellors: Edward, Earl of Clarendon, our High Chancellor of England; and George, Duke of Albemarle, Master of our Horse and Captain General of all our Forces; Our right trusty and well-beloved William, Lord Craven; John, Lord Berkley; Our right trusty and wellbeloved Counsellor, Anthony, Lord Ashley, Chancellor of our Exchequer; Sir George Carterett, Knight and Baronet, Vice Chamberlain of our Household; And our trusty and well-beloved Sir William Berkley, Knight; and Sir John Colleton, Knight and Baronet, being excited with a laudable and pious zeal for the propagation of the Christian Faith and the enlargement of our Empire and Dominions, HAVE humbly besought leave of us, by their industry and Charge, to Transport and make an ample Colony of our Subjects, Natives of our Kingdom of England and elsewhere within our Dominions, unto a certain Country, hereafter described, in the parts of AMERICA not yet cultivated or planted, and only inhabited by some barbarous People who have no knowledge of Almighty God;

AND WHEREAS, the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, have humbly besought us to give, grant, and Confirm unto them, and their heirs, the said Country, with Privileges and Jurisdictions requisite for the good Government and safety thereof:

KNOW YE, therefore, that We, favouring the pious and noble purpose of the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, Of our especial grace, certain knowledge, and mere motion, HAVE given, granted, and Confirmed, AND, by this our present Charter, for us, our heirs and Successors, Do give, grant, and Confirm, unto the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns:

ALL that Territory or Tract of ground, situate, lying, and being within our Dominions in America, extending from the North end of the Island called Luck Island, which lies in the Southern Virginia Seas and within six and Thirty Degrees of the Northern Latitude, and to the West as far as the South Seas; and so Southerly as far as the River Saint Mathias, which borders upon the Coast of Florida, and within one and Thirty Degrees of Northern Lati-

tude; and West in a direct Line as far as the South Seas aforesaid; Together with all and singular Ports, Harbours, Bays, Rivers, Isles, and Islets belonging unto the Country aforesaid; And also, all the Soil, Lands, Fields, Woods, Mountains, Farms, Lakes, Rivers, Bays, and Islets situate or being within the Bounds or Limits aforesaid; with the Fishing of all sorts of Fish, Whales, Sturgeons, and all other Royal Fishes in the Sea, Bays, Islets, and Rivers within the premises, and the Fish therein taken;

AND moreover, all Veins, Mines, and Quarries, as well discovered as not discovered, of Gold, Silver, Gems, and precious Stones, and all other, whatsoever be it, of Stones, Metals, or any other thing whatsoever found or to be found within the Country, Isles, Limits aforesaid;

AND FURTHERMORE, the Patronage and Advowsons of all the Churches and Chapels which, as Christian Religion shall increase within the Country, Isles, Islets, and Limits aforesaid: aforesaid, shall happen hereafter to be erected; Together with licence and power to Build and found Churches, Chapels, an Oratories in convenient and fit places within the said Bounds and Limits, and to cause them to be Dedicated and Consecrated according to the Ecclesiastical Laws of our Kingdom in England,; Together with all and singular the like and as ample Rights, Jurisdictions, Privileges, Prerogatives, Royalties, Liberties, Immunities, and Franchises of what kind soever with the Country, Isles, Islets, and Limits aforesaid;

TO HAVE, use, exercise, and enjoy, and in as ample manner as any Bishop of Durham, in our Kingdom of England, ever heretofore have held, used, or enjoyed, or of right ought or could have, use, or enjoy;

AND them, the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven, John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and assigns, WE DO, by these presents, for us, our heirs and Successors, make, Create, and Constitute the true and absolute Lords and Proprietaries of the Country aforesaid, and of all other the premises;

SAVING always, the Faith, Allegiance, and Sovereign Dominion due to us, our heirs and Successors, for the same; and Saving also, the right, title, and interest of all and every our Subjects of the English Nation which are now Planted within the Limits bounds aforesaid, if any be;

TO HAVE, HOLD, possess and enjoy the said Country, Isles, Islets, and all and singular other the premises; to them, the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, forever;

TO BE HELD of us, our heirs and Successors as of our Manor of East Greenwich, in our County of Kent, in Free and Common Soccage, and not in Capite nor by knight's Service;

YIELDING AND PAYING yearly, to us, our heirs and Successors, for the same, the yearly Rent of Twenty Marks of Lawful money of England, at the Feast of All Saints, yearly, forever, The First payment thereof to begin and be made on the Feast of All Saints which shall be in the year of Our Lord One thousand six hundred Sixty and five ; AND also, the fourth part of all Gold and Silver Ore which, with the limits aforesaid, shall, from time to time, happen to be found.

AND that the Country thus by us granted and described may be dignified with as large Titles and Privileges as any other parts of our Dominions and Territories in that

Region;

KNOW YE, that We, of our further grace, certain knowledge, and mere motion, HAVE thought fit to Erect the same Tract of Ground, Country, and Island into a Province, and, out of the fullness of our Royal power and Prerogative, WE Do, for us, our heirs and Successors, Erect, Incorporate, and Ordain the same into a province, and do call it the Province of CAROLINA, and so from henceforth will have it called.

AND FORASMUCH AS we have hereby made and Ordained the aforesaid Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, the true Lords and Proprietors of all the Province aforesaid:

KNOW YE, therefore, moreover, that We, reposing especial Trust and Confidence in their fidelity, Wisdom, Justice, and provident circumspection, for us, our heirs and Successors, Do Grant full and absolute power, by virtue of these presents, to them, the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, and their heirs, for the good and happy Government of the said Province:

To ORDAIN, make, Enact, and under their Seals to publish any Laws whatsoever, either appertaining to the public State of the said Province or to the private utility of particular Persons, according to their best discretion, of and with the advice, assent, and approbation of the Freemen of the said Province, or of the greater part of them, or of their Delegates or Deputies; whom, for enacting of the said Laws, when and as often as need shall require, WE WILL that the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, and their heirs, shall, from time to time assemble, in such manner and form as to them shall seem best;

AND the same Laws duly to execute upon all people within the said Province and Limits thereof for the time being, or which shall be Constituted under the power and Government of them, or any of them, either Sailing towards the said Province of CAROLINA or returning from thence towards England, or any other of our or foreign Dominions; by Imposition of penalties, Imprisonment, or any other punishment, YEA, if it shall be needful and the quality of the Offence require it, by taking away member and life, either by them, the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, and their heirs, or by them or their Deputies, Lieutenants, Judges, Justices, Magistrates, Officers, and Ministers, to be Ordained or appointed according to the tenor and true intention of these presents;

AND LIKEWISE, to appoint and establish any Judges or Justices, Magistrates or Officers whatsoever within the said Province, at Sea or land, in such manner and form as unto the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, or their heirs, shall seem most convenient;

ALSO, to remit, release, Pardon, and abolish, whether before Judgment or after, all Crimes and Offences whatsoever against the said Laws; and to do all and every other thing and things which unto the Complete establishment of Justice, unto Courts, Sessions, and forms of Judicature, and manners of proceeding therein, do belong, although

in these presents express mention be not made thereof;

AND by Judges, by him or them delegated, to award Process, hold Pleas, and determine, in all the said Courts and Places of Judicature, all Actions, Suits, and Causes whatsoever, as well Criminal as Civil, real, mixt, personal, or of any other kind or nature whatsoever;

WHICH LAWS, SO as aforesaid, to be published OUR PLEASURE IS, and We do enjoin, require, and Command shall be absolute, firm, and available in law; And that all the liege People of us, our heirs and Successors, within the said Province of CAROLINA, do observe and keep the same inviolably in those parts, so far as they concern them, under the pains and penalties therein expressed or to be expressed;

PROVIDED, nevertheless, that the said laws be consonant to reason and, as near as may be conveniently, agreeable to the laws and Customs of this our Kingdom of England.

AND because such assemblies of Freeholders cannot be so suddenly called as there may be occasion to require the same:

WE Do, therefore, by these presents, give and Grant unto the said Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, by themselves or their Magistrates in that behalf lawfully authorized, full power and authority, from time to time, to make and Ordain fit and wholesome Orders and Ordinances within the Province aforesaid, to be kept and observed, as well for the keeping of the Peace as for the better Government of the People there abiding; and to publish the same to all to whom it may concern;

WHICH Ordinances We do, by these presents, straightly Charge and Command to be inviolably observed within the said Province, under the penalties therein expressed; So as such Ordinances be reasonable, and not repugnant or contrary, but as near as may be agreeable, to the laws and Statutes of this our Kingdom of England; And so as the same Ordinances do not extend to the binding, charging, or taking away of the right or interest of any Person or Persons in their freehold, goods, or Chattels whatsoever.

AND to the end the said Province may be the more happily increased by the multitude of People resorting thither, and may likewise be the more strongly defended from the incursions of Savages and other Enemies, Pirates, and robbers:

THEREFORE, We, for us, our heirs and Successors, Do give and Grant, by these presents, Power, licence, and liberty unto all the liege people of us, our heirs and Successors, in our Kingdom of England or elsewhere within any other our Dominions, Islands, Colonies, or Plantations, Excepting those who shall be especially forbidden, to transport themselves and Families unto the said Province, with convenient Shipping and fitting Provisions, and there to settle themselves, dwell and inhabit; any law, Act, Statute, Ordinance, or other thing to the contrary in any wise notwithstanding.

AND WE WILL also, and, of our more especial grace, for us, our heirs and Successors, do straightly enjoin, Ordain, Constitute, and Command, that the said Province of Carolina shall be of our Allegiance; And that all and singular the Subjects and liege people of us, our heirs and Successors, transported or to be transported into the said Province, and the Children of them and of such as shall descend from them there, born or hereafter to be born, be and shall be Citizens and lieges of us, our heirs and Successors, of this

our Kingdom of England; and be in all things held, treated, and reputed as the liege, faithful people of us, our heirs and Successors, born within this our said Kingdom or any other of our Dominions; and may inherit or otherwise Purchase and receive, take, have, hold, buy, and possess any lands, Tenements, or hereditaments within the same Places, and them-may Occupy and enjoy, give, sell alien, and bequeath; as likewise, all liberties, Franchises, and Privileges of this our Kingdom of England, and of other our Dominions aforesaid, may freely and quietly have, possess, and enjoy as our liege people born within the same, without the let, molestation, vexation, trouble, or grievance of us, our heirs and Successors; any Statute, Act, Ordinance, or Provision to the contrary notwithstanding.

AND FURTHERMORE, that our Subjects, of this our said Kingdom of England and other our Dominions, may be the rather encouraged to undertake this Expedition with ready and cheerful minds:

KNOW YE, that We, of our especial grace, certain knowledge, and mere motion, Do give and Grant, by virtue of these presents, as well to the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, and their heirs, as unto all others as shall, from time to time, repair unto the said Province with a purpose to inhabit there or to trade with the Natives of the said Province, full liberty and Licence to lade and freight in any Ports whatsoever of us, our heirs and Successors;

AND into the said Province of Carolina, by them, their Servants and Assigns, to Transport all and singular their goods, Wares, and Merchandises; as likewise, all sorts of grain whatsoever, and any other things whatsoever necessary for the food and Clothing,; not prohibited by the laws and Statutes of our Kingdoms and Dominions; to be Carried out of the same without any let or molestation of us, our heirs and Successors, or of any other our Officers and Ministers whatsoever; Saving also, to us, our heirs and Successors, the Customs and other duties and payments due for the said Wares and Merchandises, according to the several rates of the Places from whence the same shall be transported.

WE WILL also, and, by these presents, for us, our heirs and Successors, Do give and Grant Licence, by this our Charter, unto the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, and to all the Inhabitants and Dwellers in the Province aforesaid, both present and to come, full power and absolute authority to Import or unlade, by themselves or their servants, Factors, or Assigns, all Merchandises and goods whatsoever that shall arise of the fruits and Commodities of the said Province, either by land or Sea, into any the Ports of us, our heirs and Successors, in our Kingdom of England, Scotland, or Ireland, Or otherwise to dispose of the said goods in the said Ports; and, if need be, within one year next after the unlading, to lade the said Merchandises and goods again into the same or other Ships, and to Export the same into any other Countries, either of our Dominions or foreign, being in Amity with us, our heirs and Successors; So as they pay such Customs, Subsidies, and other duties for the same, to us, our heirs and Successors, as the rest of our Subjects of this our Kingdom for the time being shall be bound to pay, beyond which We will not that the inhabitants of the said Province of Carolina shall be any way Charged.

PROVIDED, nevertheless, and our Will and pleasure is, and We have further, for the

Considerations aforesaid, of our more especial grace, certain knowledge, and mere motion, given and Granted, and, by these presents, for us, our heirs and Successors, Do give and grant, unto the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, full and free licence, liberty, and authority, at any time or times from and after the Feast of Saint Michael The Archangel which shall be in the year of our Lord Christ One thousand six hundred Sixty and Seven, as well to Import and bring into any of our Dominions from the said Province of Carolina, or any part thereof, the several goods and Commodities hereinafter mentioned: THAT IS TO SAY, Silks, Wines, Currants, Raisins, Capers, Wax, Almonds, Oil, and Olives; without paying or Answering to us, our heirs or Successors, any Custom, Impost, or other duty for or in respect thereof, for and during the term and space of Seven years, to commence and be accounted from and after the First Importation of four Tons of any the said goods in any one Bottom, Ship, or Vessel from the said Province into any of our Dominions; as also, to export and carry out of any of our Dominions into the said Province of Carolina, Custom free, all sorts of Tools which shall be useful or necessary for the Planters there in the accommodation and Improvement of the premises; any thing before in these presents contained, or any Law, Act, Statute, Prohibition, or other matter or thing heretofore had, made, Enacted, or provided, or hereafter to be had, made, Enacted, or Provided, to the contrary in any wise notwithstanding.

AND FURTHERMORE, of our more ample and especial grace, certain knowledge, and mere motion, WE DO, for us, our heirs and Successors, Grant unto the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, full and absolute power and authority to Make, Erect, and Constitute within the said Province of CAROLINA, and the Isles and Islets aforesaid, such and so many Seaports, harbours, Creeks, and other Places for discharge and unlading of goods and Merchandises out of Ships, Boats, and other Vessels, and for lading of them, in such and so many Places, and with such Jurisdictions, Privileges, Jurisdictions, and Franchises unto the said Ports belonging, as to them shall seem most expedient;

AND that all and singular the Ships, Boats, and other Vessels which shall come for Merchandise and Trade into the said Province, or shall depart out of the same, shall be laden and unladen at such Ports only as shall be erected and Constituted by the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, and not elsewhere; any use, Custom, or anything to the contrary in any wise notwithstanding.

AND WE Do, furthermore, Will, appoint, and Ordain, and, by these presents, for us, our heirs and Successors, do Grant unto the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, That they, the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, may, from time to time, forever, have and enjoy the Customs and Subsidies, in the Ports, Harbours, Creeks, and

other Places within the Province aforesaid, payable for goods, Merchandises, and Wares there laded or to be laded or unladed; the said Customs to be reasonably Assessed upon any occasion by themselves, and by and with the Consent of the free people there, by the greater part of them, as aforesaid: to whom We give power, by these presents, for us, our heirs and Successors, upon just Cause and in a due proportion, to Assess and Impose the same.

AND FURTHER, of our especial grace, certain knowledge, and mere motion, WE HAVE given, Granted, and Confirmed, and, by these presents, for us, our heirs and Successors, Do give, Grant, and Confirm, unto the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, full and absolute licence, power, and authority that the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, from time to time hereafter, forever, at his and their will and pleasure, may Assign, Alien, Grant, Demise, or enfeoff the premises, or any part or parcels thereof, to him or them that shall be willing to purchase the same, and to such Person or Persons as they shall think fit;

TO HAVE AND TO HOLD to them the said Person or Persons, their heirs and Assigns, in Fee simple or Fee tail, or for term of life or lives or years; to be held of them, the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, by such Rents, Services, and Customs as shall seem meet to the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, and not immediately of us, our heirs and Successors.

AND to the same Person or Persons, and to all and every of them, WE DO give and Grant, by these presents, for us, our heirs and Successors, Licence, authority, and power That such Person or Persons may have or take the premises, or any parcel thereof, of the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns; and the same to hold to themselves, their heirs or Assigns, in what estate of Inheritance soever, in Fee simple or Fee tail or otherwise, as to them and the said Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, shall seem expedient; The Statute made in the Parliament of Edward, Son of King Henry, heretofore King of England, our Predecessor, commonly called the Statute of Quia Emptores Terrarum, or any other Statute, Act, Ordinance, use, Law, Custom, or any other matter, Cause, or thing heretofore published or provided to the contrary in any wise notwithstanding.

AND because many Persons born or inhabiting in the said Province, for their deserts and Services, may expect, and be capable of, Marks of Honour and favour, which, in respect of the great distance, cannot conveniently be Conferred by us:

OUR WILL AND PLEASURE, therefore, is, and We do, by these presents, Give and

Grant unto the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their Heirs and Assigns, full Power and Authority to give and Confer, unto and upon such of the Inhabitants of the said Province as they shall think do or shall merit the same, such marks of favour and Titles of honour as they shall think fit; so as those Titles or honours be not the same as are enjoyed by or Conferred upon any the Subjects of this our Kingdom of England.

AND FURTHER, also, We do, by these presents, for us, our heirs and Successors, give and grant Licence to them, the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, full power, liberty, and licence to Erect, raise, and build, within the said Province and Places aforesaid, or any part or parts thereof, such and so many Forts, Fortresses, Castles, Cities, Boroughs, Towns, Villages, and other Fortifications whatsoever; And the same, or any of them, to Fortify and furnish with Ordnance, Powder, Shot, Armour, and all other Weapons, Ammunition, and habiliments of War, both offensive and defensive, as shall be thought fit and convenient, for the safety and welfare of the said Province and Places, or any part thereof; And the same, or any of them, from time to time, as occasion shall require, to dismantle, disfurnish, demolish, and pull down; and Also, to place, Constitute, and appoint, in or over all or any of the said Castles, Forts, Fortifications, Cities, Towns, and Places aforesaid, Governors, Deputy Governors, Magistrates, Sheriffs, and other Officers, Civil and Military, as to them shall seem meet;

AND to the said Cities, Boroughs, Town, Villages, or any other Place or Places within the said Province, to grant Letters or Charters of Incorporation, with all Liberties, Franchises, and Privileges requisite and usual, or to or within any Corporations within this our Kingdom of England granted or belonging; And in the same Cities, Boroughs, Towns, and other Places, to Constitute, Erect, and appoint such and so many Markets, Marts, and Fairs as shall in that behalf be thought fit and necessary;

AND further, also, to Erect and make in the Province aforesaid, or any part thereof, so many Manors as to them shall seem meet and convenient; and in every of the same Manors to have and to hold a Court Baron, with all things whatsoever which to a Court Baron do belong; And to have and to hold Views of Frankpledge and Courts Leet, for the Conservation of the Peace and better Government of those parts, within such Limits, Jurisdiction, and Precincts as by the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, or their heirs, shall be appointed for that purpose, with all things whatsoever which to a Court Leet or View of Frankpledge do belong; the same Courts to be held by Stewards, to be Deputed and authorized by the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, or their heirs, or by the Lords of other Manors and Leets for the time being, when the same shall be Erected.

AND because that, in so remote a Country and situate among so many barbarous Nations, the Invasions as well of Savages as other Enemies, Pirates, and Robbers may probably be feared:

THEREFORE, WE HAVE given, and, for us, our heirs and Successors, Do give, power, by these presents, unto the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, by themselves or their Captains or other their Officers, to Levy, Muster, and Train all sorts of men, of what Condition or wheresoever born, in the said Province for the time being; and to make War and pursue the Enemies aforesaid, as well by Sea as by land, yea, even without the limits of the said Province; and, by God's assistance, to vanquish and take them, and being taken, to put them to death, by the law of war, or to save them, at their pleasure; and to do all and every other thing which unto the Charge And Office of a Captain General of an Army belongs, or has accustomed to belong, as fully and freely as any Captain General of an Army has ever had the same.

ALSO, our Will and pleasure is, and, by this our Charter, WE DO give unto the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, full power, liberty, and authority, in case of rebellion, tumult, or Sedition, if any should happen, which God forbid, either upon the land within the Province aforesaid or upon the main Sea in making a Voyage thither or returning from thence, by him and themselves, their Captains, Deputies, or Officers, to be authorized under his or their Seals for that purpose, to whom also, for us, our heirs and Successors, WE DO give and Grant, by these presents, full power and authority, to exercise Martial Law against mutinous and seditious Persons of those parts, such as shall refuse to submit themselves to their Government, or shall refuse to serve in the Wars, or shall fly to the Enemy, or forsake their Colors or Ensigns, or be loiterers or Stragglers, or otherwise howsoever offending against Law, Custom, or Discipline Military; as freely and in as ample manner and form as any Captain General of an Army, by virtue of his Office, might, or has accustomed to, use the same. AND Our further pleasure is, and, by these presents, for us, our heirs and Successors, WE DO Grant unto the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, and to the Tenants and Inhabitants of the said Province of Carolina, both present and to come, and to every of them, that the said Province, and the Tenants and Inhabitants thereof, shall not from henceforth be held or reputed a Member or part of any Colony whatsoever, in America or elsewhere, now transported or made, or hereafter to be transported or made; nor shall be depending on, or subject to, their Government in any thing, but be absolutely separated and divided from the same;

AND OUR pleasure is, by these presents, that they be separated, and that they be subject immediately to our Crown of England, as depending thereof, forever; And that the Inhabitants of the said Province, nor any or them, shall, at any time hereafter, be compelled or compellable, or be any ways subject or liable, to appear or Answer to any matter, Suit, Cause, or Complaint whatsoever, out of the Province aforesaid, in any other of our Islands, Colonies, or Dominions, in America or elsewhere, other than in our Realm of England and Dominion of Wales.

AND because it may happen that some of the People and Inhabitants of the said Province cannot in their private opinions Conform to the Public Exercise of Religion accord-

ing to the Liturgy, forms, and Ceremonies of the Church of England, or take or subscribe the Oaths and Articles made and established in that behalf; AND for that the same, by reason of the remote distances of those Places, Will, as We hope, be no breach of the unity and uniformity established in this Nation:

OUR WILL and pleasure, therefore, is, AND WE DO, by these presents, for us, our heirs and Successors, Give and Grant unto the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns, full and free Licence, liberty, and Authority, by such legal ways and means as they shall think fit, to give and grant unto such Person and Persons inhabiting and being within the said Province, or any part thereof, Who really in their Judgments, and for Conscience sake, cannot or shall not

Conform to the said Liturgy and Ceremonies, and take and Subscribe the Oaths and Articles aforesaid, or any of them, such Indulgencies and Dispensations in that Behalf, for and during such time and times, and with such limitations and restrictions, as they, the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs or Assigns, shall, in their discretions, think fit and reasonable;

AND with this express Proviso and Limitation also, that such Person and Persons to whom such Indulgencies or Dispensations shall be granted, as aforesaid, do and shall, from time to time, Declare and continue all fidelity, Loyalty, and Obedience to us, our heirs and Successors; and be subject and obedient to all other the Laws, Ordinances, and Constitutions of the said Province, in all matters whatsoever, as well Ecclesiastical as Civil; And do not in any wise disturb the Peace and safety thereof, or scandalize or reproach the said Liturgy, forms, and Ceremonies, or any thing relating thereunto, or any Person or Persons whatsoever for, or in respect of, his or their use or exercise thereof, or his or their obedience or Conformity thereunto.

AND in Case it shall happen that any doubts or questions should arise concerning the true Sense and understanding of any word, Clause, or Sentence contained in this our present Charter:

WE WILL, Ordain, and Command that, at all times and in all things, such interpretation be made thereof, and allowed in all and every of our Courts whatsoever, as lawfully may be Adjudged most advantageous and favourable to the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, their heirs and Assigns.

ALTHOUGH EXPRESS MENTION be not made in these presents of the true yearly value and certainty of the premises, or any part thereof, or of any other gifts and grants made by us, our Ancestors or Predecessors, to them, the said Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkley; Anthony, Lord Ashley; Sir George Carterett; Sir William Berkley; and Sir John Colleton, or any other Person or Persons whatsoever, Or any Statute, Act, Ordinance, Provision, Proclamation, or restraint heretofore had, made, published, ordained, or Provided, or any other thing, Cause, or matter whatsoever to the contrary thereof in any wise notwithstanding.

IN WITNESS whereof We have caused these our Letters to be made Patent.

WITNESS, our Self, at Westminster, the Four and Twentieth day of March, in the Fifteenth year of our Reign.

By the King
HOWARD

Footnote #6

**The Fundamental Constitutions, Granting North Carolina to the lord Proprietors
Version of July 21, 1669**

OUR Sovereign Lord the King having, out of his royal grace and bounty, granted unto us the Province of Carolina, with all the royalties, Proprieties, Jurisdictions, and privileges of a County Palatine, as large and ample as the County Palatine of Durham, with other great privileges; for the better settlement of the Government of the said Place, and establishing the interest of the Lords Proprietors with Equality, and without confusion; and that the Government of this Province may be made most agreeable un to the Monarchy under which we live, and of which this province is a part; and that we may avoid erecting a numerous Democracy: We, the true and absolute Lords and Proprietors of the Province aforesaid, have agreed to this following form of Government, to be perpetually established amongst us, unto which we do oblige ourselves, our heirs and successors, in the most binding ways that can be devised.

2. Out of the eight Proprietors there shall be chosen, by themselves, a Palatine, who shall continue during life, whose son shall not be capable of immediately succeeding him after his death; but the eldest in Age of the other Proprietors shall succeed, to prevent the making the office in this little government Hereditary and to avoid the mischief of factions in Elections.

3. There shall be Seven other chief offices erected, viz., the chief Justice's, Chancellor's, Constable's, High Steward's, Treasurer's, Chamberlain's, Admiral's; which places shall be enjoyed by none but the Lords Proprietors, to be assigned at first by lot; and upon the vacancy of any one of the seven great Offices by death, or otherwise, the Eldest proprietor [shall] have his choice of the said place.

4. Each Province shall be divided into Counties; each County shall consist of eight Seigniories, eight Baronies, and four precincts; each Precinct shall consist of Six Colonies

5. Each Colony, Seigniory, and Barony shall consist of twelve thousand Acres, the eight Seigniories being the share of the eight Proprietors, and the eight Baronies of the Nobility; both which shares, being each of them a fifth part of the whole, are to be perpetually annexed, the one to the Proprietors, the other to the Hereditary Nobility, Leaving the Colonies, being three fifths, amongst the people; that so, in the Setting out and planting the lands, the Balance of Government may be preserved.

6. At any time before the year 1701, any of the [Lords] Proprietors shall have power to relinquish, Alienate, and dispose, to any other person, his Proprietorship, and all the Seigniories, powers, and Interest thereunto belonging, wholly and entirely together, and not otherwise. But after the year 1700, those who are then [Lords] Proprietors shall not have power to Alienate or make over their proprietorship, with Seigniories and privileges thereunto belonging, or any part thereof, to any person whatsoever, otherwise

than as in article 18, but it shall descend unto their heirs male; and for want of heirs male, it shall descend on that Landgrave or Cacique of Carolina who is descended of the next heir female of the said Proprietor; and for want of Such heirs, it shall descend on the next heir general; and for want of Such heirs, the remaining Seven proprietors shall, upon the Vacancy, choose a Landgrave to succeed the deceased proprietor, who being chosen by the majority of the Seven Surviving proprietors, he and his heirs Successively shall be proprietors as fully, to all intents and purposes, as any of the rest.

7. And that the number of eight Proprietors may be constantly kept, if, upon the vacancy of any Proprietorship, the Surviving Seven Proprietors shall not choose a Landgrave or [Cacique] as a proprietor before the Second session of Parliament after the vacancy, then the Parliament, at the next Session but one after Such vacancy, shall have power to choose and Landgrave [or Cacique] to be Proprietor; but whosoever after the year 1700, either by inheritance or choice, shall Succeed any Proprietor in his proprietorship, and Seignories thereunto belonging, shall be obliged to take the name and Arms of that proprietor whom he Succeeds, which from thenceforth shall be the name and Arms of his Family and their posterity.

8. Whatsoever Landgrave [or Cacique] shall be chosen into a proprietorship shall take the Seignories annexed to the said proprietorship, but shall relinquish all the Baronies belonging to his Landgraveship [or Caciqueship] to be disposed of by the proprietors as in the following Articles.

9. To every County there shall be three as the hereditary Nobility of this Palatinate, who shall be called the one a Landgrave and the other two Caciques, and shall have place the in the Parliament there; the Landgrave shall have four Baronies, and the two Caciques, each of them, two apiece, hereditary, and unalterably annexed to and settled upon the said Dignity.

10. The first Landgrave and Caciques of every County shall be nominated, not by the Joint election of the Proprietors all together, but the eight Proprietors shall, each of them separately, nominate and choose one Landgrave and two Caciques for the eight first Counties to be planted; and when the said eight Counties shall be planted, the proprietors shall, in the same manner, nominate and Choose eight more Landgraves and sixteen aciques for the eight next Counties to be planted; and so proceed, in the same manner, till the whole province of Carolina be set out and planted according to the [proportions] in these fundamental Constitutions.

11. Any Landgrave or Cacique, at any time before the year 1701, shall ave power to alienate, sell, or make over, to any other person, his dignity, with the Baronies thereunto belonging, all entirely together; but after the year 1700, no Landgrave or Cacique shall have power to alienate, Sell, make over, or let the hereditary Baronies of his dignity, r any part thereof, otherwise than as in Article 18; but they shall all entirely, with the dignity thereunto belonging, descend unto his heirs male; and for want of Such heirs Male, all entirely and undivided, to the next heir general; and for want of Such heirs, shall devolve into the hands of the Proprietors.

12. That the due number of Landgraves and Caciques may be always kept up, if, upon the devolution of any Landgraveship or Caciqueship, the Proprietors shall not settle the devolved dignity, with the Baronies thereunto annexed, before the second Session of Parliament after Such devolution, the Parliament, at the next [Biennial] Session but one

after Such devolution, shall have power to make any one Landgrave or Cacique in the Room of him, who dying with out heirs, his dignity and Baronies devolved.

13. No one person shall have more than one dignity, with the Seigniories or Baronies thereunto belonging; but whensoever it shall happen that any one who is already Proprietor, Landgrave, or Cacique shall have any of those dignities descend to him by inheritance, it shall be at his choice to keep one of the two dignities, with the Lands annexed, he shall like best, but shall leave the other, with the lands annexed, to be enjoyed by him who, not being his heir apparent, and certain successor to his present dignity, is next afterward.

14. Whosoever, by right of Inheritance, shall come to be Landgrave or Cacique shall take the name and Arms of his predecessor in that dignity, to be from thenceforth the Name and Arms of his Family and their posterity.

15. Since the dignity of Proprietor, of 8 Landgrave, or Cacique cannot be divided, and the Seigniories or Baronies thereunto annexed must for ever, all entirely, descend with and accompany that dignity, when ever, for want of heirs Male, it shall descend upon the Issue Female, the Eldest Daughter and her heirs shall be preferred; and in the Inheritance of those dignities, and in the Seigniories or Baronies annexed, there shall be no Coheirs.

16. After the year 1700, whatsoever Landgrave or Cacique shall, without leave from the Palatine's Court, be out of Carolina during two successive biennial Parliaments shall, at the end of the second biennial Parliament after such his absence, be summoned by Proclamation: and if he come not into Carolina before the next biennial Parliament after Such Summons, then it shall be lawful for the grand Council, at a price set by the said Council and approved by the Parliament, to sell the Baronies, with the Dignities thereunto belonging, of the said absent Landgrave or Cacique, all together, to any one to whom the said Council shall think fit; but the price so paid for said Dignity or Baronies shall be deposited in the Treasury, for the sole use and behoof of the former owner, or his [heirs or] assigns.

17. In every Seigniority, Barony, and Manor, the Lord shall have power in his own name, to hold Court there, for trying of all causes, both Civil and Criminal; but where it shall concern any other person being no Inhabitant, Vassal, or Leet man of the said Barony or Seigniority [or manor], he, upon paying down of forty shillings unto the Proprietors' use, shall have an appeal from thence unto the County Court; and if the Lord be cast, the said Lord shall pay unto the appellant the said forty shillings, with other charges.

18. The Lords of Seigniories and Baronies shall have power only of granting Estates, not exceeding three lives or one and thirty years, in two thirds of the said Seigniories or Baronies; and the remaining third shall be always Demesne.

19. Every Manor shall consist of not less than three thousand Acres and not above twelve thousand Acres in one entire piece; but any three thousand acres or more in one piece and the possession of one Man shall not be a manor unless it be constituted a manor by the grant of the Lords Proprietors.

20. Every Lord of a manor, within his manor, shall have all the powers, Jurisdictions, and Privileges which a Landgrave or Cacique has in his Baronies.

21. Any Lord of a manor may Alienate, sell, or dispose, to any other person, and his heirs, for ever, [his manor], all entirely together, with all the privileges and Leet men

thereunto belonging, so far forth as any other Colony Lands; but no grant of any part thereof, either in fee or for any longer term than three lives or twenty one years, shall be good against the next heir; neither shall a manor, for want of Issue Male, be divided amongst Coheirs; but the manor, if there be but one, shall all entirely descend to the Eldest Daughter and [her] heirs; if there be more manors than one in the possession of Palatine the deceased, the Eldest Sister shall have her choice, the Second next, and so on, beginning [again] at the Eldest, till all the manors be taken up, that So, the privileges which belong to manors being indivisible, the lands of the manor to which they are annexed may be Kept entire, and the manor not lose those privileges, which upon parceling out to Several owners must necessarily cease.

22. In every Seigniory, Barony, and manor, all the tenants or Leet men shall be under the Jurisdiction of the Lord of the said Seigniory, Barony, or Manor, without appeal from him unless as in the Article 26; nor shall any Leet man or Leet woman have liberty to go off from the Land of his particular Lord and live any where else without Licences obtained from his Said Lord, under hand and Seal.

23. All the Children of Leet men shall be Leet men, and so to all generations.

24. NO man shall be capable of having a Court Leet or Leet men but a Proprietor Landgrave, or Cacique, or Lord of a Manor.

25. Whoever is Lord of Leet men shall, upon the marriage of a Leet man or Leet woman of his, give them ten Acres of Land for their lives, they paying to him therefor one eighth of all the yearly increase and growth of the said acres.

26. In case the Lord of any Seigniory, Barony, or manor shall have made a Contract or agreement with his Tenants, which agreement, by consent, is Registered in the next [precinct] Registry, then, in Such case, the said Tenant may appeal unto, or bring his Complaint originally in, the County Court for the performance of such agreements, and not other wise.

27. There shall be eight Courts or Councils for the dispatch of all affairs, the first, Called the Palatine's Court, to consist of the Palatine and the other Seven Proprietors. The other seven courts of the other seven great Officers shall consist, each of them, of a Proprietor and Six Councillors added to him; under each of these latter seven [Courts] shall be a College of twelve assistants. The twelve assistants [out] of the Several Colleges shall be Chosen: two out of the Landgraves, by the Landgraves' Chamber during the Session of Parliament; two out of the Caciques, by the Caciques' Chamber during the Session of Parliament; two out of the Landgraves, Caciques, or Eldest sons of the Proprietors, by the Palatine's Court; four more of the twelve shall be chosen by the Commons' Chamber, during the Session of Parliament, out of such as have been or are members of Parliament, Sheriffs, or Justices of the County Court; the other two shall be Chosen by the Palatine's Court out of the aforesaid members of Parliament, or Sheriffs, or Justices of the County Court, or the Eldest sons of Landgraves or Caciques, or younger Sons of Proprietors.

28. Out of these Colleges shall be Chosen Six Councillors to be joined with each Proprietor in his Court; of which six, one shall be of those who were Chosen into any of the Colleges by the Palatine's Court out of the Landgraves, Caciques, or Eldest Sons of Proprietors; one out of those who were Chosen into any of the Colleges by the Landgraves' Chamber; and one [out of] those who were Chosen into any one of the Colleges by the Caciques' Chamber; two out of those who were Chosen into any one of the Colleges by

the Commons' Chamber; and one out of those who were Chosen by the Palatine's Court into any of the Colleges out of the Proprietors' younger Sons, or Eldest Sons of Landgraves or Caciques, or Commons Qualified as aforesaid.

29. When it shall happen that any Councillor dies, and thereby there is a vacancy, the grand council shall have power to remove any Councillor that is willing to be removed out of any other of the Proprietors' Courts to fill up this vacancy, provided they take a man of the Same degree and choice the other was [of] whose vacant place [is] to be filled; but if no Councillor consent to be removed, or upon Such remove, the last remaining vacant place in any of the Proprietors' Courts shall be filled up by the choice of the grand Council, who shall have power to remove out of any of the Colleges any Assistant who is of the same degree and choice that Councillor was [of] into whose vacant place he is to succeed; the grand Council, also, shall have power to remove any Assistant that is willing out of one College into another, provided he be of the same degree and choice; but the last remaining vacant place in any College shall be filled up by the same choice and out of the same degree of persons the Assistant was of who is dead or removed. No Place shall be vacant in any Proprietors' Court above six Months; no place shall be vacant in any College longer than the next session of Parliament.

30. No man being a member of the grand Council or of any of the seven Colleges shall be turned out but For misdemeanor, of which the grand Council shall be Judge; and the vacancy of the person so put out shall be filled, not by the Election of the grand Council, but by those who first chose him, and out of the same degree he was [of] who is expelled.

31. All Elections in the Parliament, in the Several Chambers of the Parliament, and in the grand Council shall be passed by balloting.

32. The Palatine's Court shall consist of the Palatine and Seven Proprietors, wherein nothing shall be acted without the presence and consent of the Palatine, or his Deputy, and three others of the Proprietors, or their Deputies. [This Court] shall have power to call Parliaments, to pardon all Offences, to make Elections of all Officers in the Proprietors' dispose; and also, they shall have power, by their Order to the Treasurer, to dispose of all public Treasure, excepting money granted by the Parliament and by them directed to Some [particular] public use; and also, they shall have a Negative upon all Acts, Orders, Votes, and Judgments of the grand Council and the Parliament; and shall have all the powers granted to the Proprietors by their patent, except in such things as are limited by these fundamental constitutions and form of government.

33. The Palatine him self, when he in person shall be either in the Army or in any of the Proprietors' Courts, shall then have the power of General or of that Proprietor in whose Court he is then present; and the Proprietor in whose Court the Palatine then presides shall, during his presence there, be but as one of the Council.

34. The Chancellor's Court, consisting of one of the Proprietors and his six Councillors, who shall be called vice-chancellors, shall have the Custody of the Seal of the Palatinate, under which all charters, of Lands or otherwise, Commissions, and grants of the Palatine's Court shall pass, etc. To this Court, also, belongs all state matters, dispatches, and treaties, with the Neighbour Indians or any other, so far forth as us permitted by our Charter from our Sovereign Lord the King. To this office, also, belongs all Innovations of the Law of Liberty of conscience, and all disturbances of the public peace upon pretence of Religion, as also, the Licence of printing. The twelve assistants belong-

ing to this Court shall be called Recorders.

35. The Chancellor, or his Deputy, shall be always Speaker in Parliament and President of the grand council, and in his and his Deputy's absence, one of his Vice-Chancellors.

The Chief Justice's Court, consisting of one of the proprietors and his six Councillors, who shall be called Justices of the Bench, shall Judge all appeals, both in cases Civil and Criminal, except all Such cases as shall be under the Jurisdiction and Cognizance of any other of the Proprietors' Courts, which shall be tried in those Courts respectively. The Government and regulations of the Registries of writings and contracts shall belong to the Jurisdiction of this Court. The twelve assistants of this Court shall be called Masters.

36. The High Constable's Court, consisting of one of the Proprietors and his six Councillors, who shall be called Marshals, shall order and determine of all Military affairs concern by land, and all land forces, Arms, Ammunition, Artillery, Garrisons, and Forts, etc., and whatever belongs unto war. His twelve assistants shall be called Lieutenant Generals. In Court s time of actual war, The High Constable, whilst he is in the Army, shall be General of the 42 Army, and the six Councillors, or such of them as the Palatine's Court shall for that time Courts [and service] appoint, shall be the immediate great Officers under him, and the Lieutenant appeal. Generals next to them.

37. The Admiral's Court, consisting of one of the Proprietors and his Six Councillors, called Consuls, shall have the care and inspection over all ports, Moles, and Navigable Rivers so far as the Tide flows; and also, all the public Shipping of Carolina, and stores thereunto belonging, and all maritime affairs. This Court, also, shall have the power of the Court of Admiralty; and also, to hear and try by Law-Merchant all cases in Matters of shall Trade between the Merchants of Carolina amongst them selves, arising without the limits of Carolina; as also, all controversies in Merchandising that shall happen between be Denizens of Carolina and foreigners. The twelve Assistants belonging to this court shall be where l called proconsuls.

38. The Treasurer's Court, consisting of one proprietor and his Six Councillors, called under-Treasurers, shall take care of all matters that concerns the public revenue and Treasury. The twelve assistants shall be called Auditors.

39. The High Steward's court, consisting of a proprietor and his six Councillors, who shall be called Comptrollers, shall have the care of all foreign and domestic Trade, factories, public buildings and work-houses, high ways, passages by water above the flood the of the Tide, drains, sewers and Banks against inundations, Bridges, Posts, Carriers, Fairs, Markets, and all things in order to Travel and commerce, and anything that may corrupt, deprave, or Infect the common Air or water, and all other things wherein the Public [trade], commerce, or health is concerned; and also, the setting out and surveying of lands; and also, the setting out and appointing [places] for towns to be built on in the Precincts, and the prescribing and determining the Figure and bigness of the said Towns according to such Models as the said court shall order, contrary or differing from which Models it shall not be lawful for any one to build in any Town.

40. This Court shall have power, also, to make any public building or any new highway, or enlarge any old high way, upon any Man's Land whatsoever; as also, to make cuts, Channels, Banks, locks, and Bridges, for making Rivers Navigable, for draining of Fens, or any other public uses; the damage the owner of such land, on or through where

any such public thing shall be made, shall receive thereby shall be valued by a Jury of twelve men of the Precinct in which any such thing is done, and satisfaction shall be made accordingly by a Tax, either on the County or that particular precinct, as the grand Council shall think fit to order in that particular case. The twelve assistants belonging to this Court shall be called Surveyors.

41. The Chamberlain's Court, consisting of a proprietor and his six Councillors, called Vice-Chamberlains, shall have the power to convocate the grand Council; shall have the care of all Ceremonies, Precedency, Heraldry, reception of public Messengers, and pedigrees; the registries of all Births, Burials, and Marriages; legitimation and all cases concerning Matrimony or arising from it; and shall, also, have power to Regulate all Fashions, Habits, Badges, Games, and Sports. The twelve assistants belonging to this Court shall be called Provosts.

42. All causes belonging to, or under the Jurisdiction of, any of the Proprietors' Courts shall in them respectively be tried and ultimately determined, without any further appeal.

43. The proprietors' Courts shall have a power to mitigate all fines and suspend all executions, either before or after sentence, in any of the other respective Inferior Courts.

44. In all debates, hearings, or Trials in any of the Proprietors' Courts, the twelve assistants belonging to the Said Court respectively shall have Liberty to be present, but shall not interpose unless their opinions be required, nor have any Vote at all; but their [business shall] be, by direction of the respective courts, to prepare Such business as shall be committed to them; as also, to bear Such Offices and dispatch Such affairs, either where the Court is kept or else where, as the Court shall think fit.

45. In all the Proprietors' Courts [any] three shall make a Quorum.

46. The grand Council shall consist of the Palatine, and Seven Proprietors, and the forty two Councillors of the Several Proprietors' Courts; who shall have power to determine any Controversies that may arise between any of the Proprietors' Courts about their respective Jurisdictions; to make peace and war, Leagues, Treaties, etc., with any of the Neighbour Indians; To issue out their General Orders to the Constable's and Admiral's Court for the Raising, disposing, or disbanding the Forces, by land or by Sea; to prepare all matters to be proposed in Parliament; nor shall any Tax or law or other matters whatsoever be proposed, debated, or Voted in Parliament but what has first passed the grand Council and, in form of a bill to be passed, is by them presented to the Parliament; nor shall any bill So prepared [and presented by the grand Council to the Parliament to be enacted, whether it be an antiquated Law or otherwise, be voted or passed into an Act of Parliament], or be at all Obligatory, unless it be three Several days read openly in the Parliament, and then, afterwards, by Majority of Votes, Enacted, during the same session wherein it was thrice read, and also confirmed by the Palatine and three of the Proprietors as is above said.

47. The grand Council shall always be Judges of all Causes and appeals that concerns the Palatine, or any of the proprietors, or any councillor of any Proprietors' Court in any Case which otherwise should have been Tried in that Court in which the said Councillor is Judge him self.

48. The Grand Council, by their warrants to the Treasurer's Court, shall dispose of all the money given by the Parliament and by them directed to any particular public use.

49. The Quorum of the grand Council shall be thirteen, whereof a Proprietor, or his Deputy, shall be always one.

50. The Palatine, or any of the Proprietors shall have power, under hand and seal, to be Registered in the grand Council, to make a Deputy; who shall have the same power, to all intents and purposes, that he himself who deposes him, except in confirming Acts of Parliament, as in Article [70]; all Such deputation shall cease and determine of themselves at the end of four years, and at any time shall be revocable at the pleasure of the Deputator.

51. No Deputy of any Proprietor shall have any power whilst the deputator is in any part of Carolina, except the Proprietor whose deputy he is be a Minor.

52. During the minority of any Proprietor, his Guardian shall have power to constitute and appoint his deputy.

53. The Eldest of the Proprietors who shall be personally in Carolina shall of Course be the Palatine's Deputy; and if no Proprietor be in Carolina, he shall choose his deputy out of the heirs apparent of any of the Proprietors, if any such be there; and if there be no heir apparent of any of the Proprietors, above twenty one years old, in Carolina, then he shall choose for Deputy any one of the Landgraves of the grand Council; and till he have, by deputation, under hand and Seal, Chosen any one of the forementioned heirs apparent or Landgrave to be his deputy, the Eldest Man of the Landgraves, and for want of Landgraves, the Eldest Man of the Caciques, who shall be personally in Carolina shall of course be his deputy.

54. The Proprietors' deputy shall be always one of their own Six Councillors respectively.

55. In every County there shall be a Court, consisting of a Sheriff and four Justices of the County, being Inhabitants and having, each of them, at least five hundred Acres of Freehold within the said County, to be chosen and Commissionated from time to time the Palatine's court; who shall try and Judge all appeals from any of the precinct Courts.

56. For any personal causes Exceeding the value of two hundred pounds, or in Title of Lands, or in any Criminal Cause, either party, upon paying twenty pounds to the Proprietors' use, shall have Liberty of Appeal from the County Court unto the respective Proprietors' Court.

57. In every Precinct there shall be a Court, consisting of a Steward and four Justices of the Precinct, being Inhabitants and having three hundred Acres of Freehold within the said Precinct; who shall Judge all Criminal causes, except for Treason, Murder, and any other offences punished with death; and all civil causes whatsoever, and in all personal actions not exceeding fifty pounds without appeal; but where the Cause shall exceed that Value, or concern a Title of land, and in all Criminal causes, there, either party, upon paying five pounds to the Proprietors' use, shall have Liberty of appeal unto the County Court.

58. No cause shall be twice tried in any one Court, upon any reason or pretence whatsoever.

59. For Treason, Murder, and all other offences punishable with death, there shall be a Commission, twice a year at least, granted unto one or more members of the [Grand] Council or Colleges, who shall come as Itinerant Judges to the Several Counties, and , with the Sheriff and four Justices, shall hold assizes, and Judge all Such causes. But upon

paying of fifty pounds to the proprietors' use, there shall be Liberty of appeal to the respective Proprietors' Court.

60. The grand Juries at the Several assizes shall have, upon their Oaths, and, under their hands and Seals, deliver in to the Itinerant Judges a presentment of Such grievances, Misdemeanors, exigencies, or defects which they shall think necessary for the Public good of the Country; which presentment shall, by the Itinerant Judges, at the End of their circuit, be delivered in to the grand Council at their next Sitting; and whatsoever therein concerns the Execution of Laws already made, the Several Proprietors' Courts, in the matters belonging to each of them respectively, shall take Cognizance of [it], and [give] such order about it as shall be Effectual for the due Execution of the laws; but whatever concerns the making of any new laws shall be referred to the Several respective Courts to which that matter belongs, and by them prepared and brought to the grand Council.

61. For Terms, there shall be quarterly Such a certain number of days, not exceeding twenty one at any one time, as the Several respective Courts shall appoint; the time for the beginning of the Term in the precinct Court shall be the first Monday in January, April, July, and October; and in the County Court, the first Monday of February, May, August, November; and in the Proprietors' [Courts], the first Monday of March, June, September, and December.

62. For Juries in the Precinct Court, no Man shall be a Jury Man under fifty Acres of Freehold. In the County Court, or at the assizes, no man shall be a Jury Man under two hundred acres of Freehold. No man shall be a Grand Jury Man under three hundred acres of freehold; and in the Proprietors' Courts, no Man shall be a Jury Man under five hundred acres of Freehold.

63. Every Jury shall consist of twelve Men; and [it] shall [not] be necessary they should all agree, but the Verdict shall be according to the consent of the Majority.

64. It shall be a base and vile thing to Plead for money or Reward; nor shall any one, except he be a Near Kinsman, not farther off than Cousin German to the party concerned, be admitted to plead another man's cause till, before the Judge in open Court, he has taken an Oath that he does [not] pleas for money or reward, nor has nor will receive, nor directly nor indirectly bargained with the party, whose cause he is going to Plead, for any money or other reward for Pleading his Cause.

65. There shall be a Parliament, consisting of the Proprietors, or their deputies, the Landgraves and Caciques, and one Freeholder out of every Precinct, to be Chosen by the Freeholders of the said Precinct respectively. They shall sit all together in one Room, and have every member one Vote.

66. No man shall be Chosen a member of Parliament who has less than five hundred Acres of Freehold within the Precinct for which he is Chosen; nor shall any have a vote in choosing the said member that has less than fifty acres of Freehold within the said precinct.

67. A new Parliament shall be assembled the first Monday of the Month of November every second year, and shall meet and Sit in the Town they last Sat in, without any Summons, unless by the Palatine, or his Deputy, together with any three of the Proprietors, or their Deputies, they be Summoned to meet at any other place; and if there shall be any occasion of a Parliament in these Intervals, it shall be in the power of the Palatine, with

any three of the Proprietors, to assemble them on forty days' notice, at such time and place as they shall think fit; and the Palatine, or his Deputy, with the ad vice and consent of any three of the Proprietors, or their Deputies, shall have power to dissolve the Said Parliament when they shall think fit.

68. At the opening of every Parliament, the first thing that shall be done shall be the reading of these fundamental constitutions, which the Palatine, and Proprietors, and the rest of the members then present shall Subscribe. Nor shall any Person whatsoever Sit or Vote in the Parliament till he has, that Sessions, Subscribed these fundamental constitutions in a book kept for that purpose by the Clerk of the Parliament.

69. And in order to the due Election of members for this Biennial Parliament, it shall be lawful for the Freeholders of the respective precincts to meet the first Tuesday in September every two years, in the Same Town or place that they last met in, to choose Parliament men, and there choose those members that are to Sit the next November following, unless the Steward of the Precinct shall, by Sufficient notice Thirty days before, appoint some other place for their meeting in order to the Election.

70. No act or Order of Parliament shall be of any force unless it be Ratified in open Parliament, during the same Session, by the Palatine, or his Deputy, and three more of the Proprietors, or their deputies; and then not to continue longer in force but until the End of the next Biennial Parliament, unless in the mean time it be Ratified under the hand and seal of the Palatine him self and three more of the Proprietors them selves, and, by their Order, published at the next Biennial Parliament.

71. Any Proprietor, or his Deputy, may enter his Protestation against any act of the Parliament, before the Palatine or his deputy's consent be given as aforesaid, if he shall conceive the said act to be contrary to this Establishment or any of these Fundamental Constitutions of the Government; and in Such case, after a full and free debate, the several Estates shall retire into four several Chambers, the Palatine and Proprietors into one, the Landgraves into another, and the Caciques into another, and those Chosen by the Precincts into a fourth; and if the major part of any four of these Estates shall Vote that the law is not agreeable to this Establishment and fundamental constitution of the Government, then it shall pass no further, but be as if it had never been proposed.

72. To avoid multiplicity of laws, which by degrees always change the Right foundations of the Original Government, all acts of Parliament whatsoever, in what form soever passed or enacted, shall, at the end of Sixty years after their enacting, respectively Cease and determine of them selves, and, without any repeal, become Null and void, as if no such acts or laws had ever been made.

73. Since multiplicity of Comments, as well as of laws, have great inconveniences, and Serve only to obscure and perplex, all manner of comments and expositions on any part of these fundamental constitutions, or on any part of the Common or Statute law of Carolina, are absolutely prohibited.

74. There shall be a Registry in every precinct, wherein shall be enrolled all deeds, Leases, Judgments, or other conveyances which may concern any of the land within the Said Precinct; and all Such conveyances not so entered or Registered shall not be of force against any person not privy to the Said contract or conveyance.

75. No man shall be Register of any Precinct who has not at least three hundred acres of Freehold within the Said Precinct.

76. The freeholders of every Precinct shall nominate three men, out of which three the Chief Justice court shall choose and Commission one to be Register of the Said precinct, whilst he shall well behave him self.

77. There shall be a Registry in every Colony, wherein shall be Recorded all the Births, Marriages, and deaths that shall happen within the said Colony.

78. No man shall be Register of a Colony that has not above fifty acres of Freehold within the said Colony.

79. The time of every one's Age shall be Recorded from the day that his Birth is entered in the Registry, and not before.

80. No Marriage shall be lawful, whatever Contract or Ceremonies they have used till both the parties mutually own it before the Colony Register, and he enter it, with the names of the Father and mother of such party.

81. No man shall administer to the goods, or have right to them, or enter upon the Estate, of any person deceased till his death be Registered in the Colony Registry.

82. He that does not enter in the Colony Registry the death or Birth of any person that dies in his house or ground shall pay to the said Register one shilling per week for each Such neglect, Reckoning from the time of each death or birth respectively to the time of Registering it.

83. In like manner, the births, Marriages, and deaths of the Lords Proprietors, Landgraves, and Caciques shall be Registered in the Chamberlain's Court.

84. There shall be in every Colony one Constable, to be Chosen annually by the Freeholders of the Colony, his Estate to be above one hundred acres of Freehold within the Said Colony; and Such Subordinate officers appointed for his assistance as the precinct court shall find requisite, and shall be Established by the Precinct court; the Election of the Subordinate annual officers shall be also in the Freeholders of the Colony.

85. All Towns incorporate shall be Governed by a Mayor, twelve Aldermen, and twenty four of the Common Council; the Said Common Council to be chosen by the present householders of the Said Town; and the Aldermen to be Chosen out of the Common Council, and the Mayor out of the Aldermen, by the Palatine and the Proprietors.

86. No man shall be permitted to be a Freeman of Carolina, or to have any Estate or habitation within it, that does not acknowledge a God, and that God is publicly and Solemnly to be worshipped.

87. But since the Natives of that place, who will be concerned in our Plantations, are utterly Strangers to Christianity, whose Idolatry, Ignorance, or mistake gives us no right to expel or use them ill; and those who remove from other parts to Plant there will unavoidably be of different opinions concerning matters of Religion, the liberty whereof they will expect to have allowed them, and it will not be reasonable for us, on this account, to keep them out- that Civil peace may be maintained amidst the diversity of opinions, and our agreement and compact with all men may be duly and faithfully observed, the violation whereof, upon what pretence soever, cannot be without great offence to Almighty God, and great Scandal to the true Religion that we profess; and also, that heathens, Jews, and other dissenters from the purity of Christian Religion may not be Scared and kept at a distance from it, but, by having an opportunity of acquainting them selves with the truth and reasonableness of its Doctrines, and the peaceableness and inoffensiveness of its professors, may, by good usage and persuasion, and all those convincing

Methods of Gentleness and meekness Suitable to the Rules and design of the Gospel, be won over to embrace and unfeignedly receive the truth: Therefore, any Seven or more persons agreeing in any Religion shall constitute a church or profession, to which they shall give Some name to distinguish it from others.

88. The terms of admittance and communion with any church or profession shall be written in a book and therein be Subscribed by all the members of the said church or profession.

89. The time of every one's Subscription and admittance shall be dated in the said book, or record.

90. In the terms of Communion of every church or profession, these following shall be three, without which no agreement or assembly of men upon pretence of Religion shall be accounted a Church or Profession within these Rules:

1. That there is a God.

2. That God is publicly to be worshipped.

3. That it is lawful, and the duty of every man, being thereunto called by those that Govern, to bear witness to truth; and that every church or profession shall, in their Terms of Communion, Set down the External way whereby they witness a truth as in the presence of God, whether it be by laying hands on and Kissing the Gospel, as in the Protestant and Papist Churches, or by holding up the hand, or any other Sensible way.

91. No person above seventeen years of Age shall have any benefit or protection of the law, or be capable of any place of profit or honor, who is not a member of Some church or profession, having his name recorded in Some one, and but one Religion Record at once.

92. The Religious Record of every church or profession shall be kept by the public Register of the Precinct where they reside.

93. No man of any other Church or profession shall disturb or molest any Religious Assembly.

94. No person whatsoever shall speak any thing in their Religious assembly Irreverently or Seditiously of the Government or Governors or States matters.

95. Any person Subscribing the terms of Communion of any church or profession in the Record of the said church before the Precinct Register and any one member of the church or profession shall be thereby made a member of the Said church or profession.

96. Any person striking out his own name out of any Record, or his name being struck out by any officer thereunto Authorized by any church or profession, shall cease to be a member of that Church or profession.

97. No person shall use any reproachful, Reviling, or abusive language against the Religion of any Church or Profession, that being the certain way of disturbing the public peace, and of hindering the conversion of any to the truth, by engaging them in Quarrels and animosities, to the hatred of the professors and that profession, which otherwise they might be brought to assent to.

98. Since Charity obliges us to wish well to the Souls of all men, and Religion ought to alter nothing in any man's civil Estate or Right, It shall be lawful for Slaves, as all others, to enter them selves and be of what church any of them shall think best, and thereof be as fully members as any freemen. But yet, no Slave shall hereby be exempted from that civil dominion his Master has over him, but be in all other things in the same State and

condition he was in before.

99. Assemblies, upon what pretence soever of Religion, not observing and performing the above said Rules shall not be Esteemed as churches, but unlawful meetings, and be punished as other Riots.

100. No person whatsoever shall disturb, molest, or persecute another for his speculative opinions in Religion or his way of worship.

101. Every Freeman of Carolina shall have absolute Authority over his Negro Slaves, of what opinion or Religion soever.

102. No person whatsoever shall hold or claim any land in Carolina, by Purchase or gift or otherwise, from the Natives or any other person whatsoever, but merely from and under the [Lords] Proprietors, upon pain of forfeiture of all his Estate, moveable or unmoveable, and perpetual Banishment.

103. Whoever shall possess any Freehold in Carolina, upon what Title or grant soever, shall, at the farthest, from and after the year 1689, pay yearly unto the Proprietors for each acre of Land, English measure, as much fine Silver as is at this present in one English penny, or the Value thereof, to be as a Chief Rent and acknowledgment of the Proprietors, their heirs and Successors, for ever; and it shall be lawful for the proprietors, by their Officers, at any time, to take a new Survey of any man's land, not to out him of any part of his possession, but that by Such a Survey, the Just number of acres he possesses may be known, and the Rent thereupon due may be paid by him.

104. All wrecks, mines, minerals, Quarries of Gems and precious stones, with whale fishing, [Pearl fishing], and one half of all ambergris, by whom soever found, shall wholly belong to the Proprietors.

105. All Revenues and profits arising out of any thing but their distinct particular Lands and possessions shall be divided into ten parts, whereof the Palatine shall have three, and each Proprietor one; but if the Palatine shall Govern by a Deputy, his Deputy shall have one of those three tenths, and the Palatine the other two tenths.

106. All Inhabitants and freemen of Carolina above seventeen years of Age and under Sixty shall be bound to bear Arms and serve as Soldiers whenever the grand Council shall find it necessary.

[No 107 in manuscript]

108. A true Copy of these Fundamental Constitutions shall be kept in a great book by the Register of every precinct, to be Subscribed before the said Register. Nor shall any person, of what condition or degree soever, above seventeen years Old, have any Estate or possession in Carboline, or protection or benefit of the law there, who has not Subscribed these fundamental constitutions in this form: I, A. B., do promise to bear faith and true allegiance to our sovereign Lord King Charles the Second; and will be true and faithful to the [Palatine and] Lords Proprietors of Carolina; and, with my utmost power, will defend them and maintain the Government, according to this Establishment in these fundamental constitutions.

109. And whatsoever Alien shall, in this form, before any Precinct Register, Subscribe these fundamental Constitutions shall be thereby Naturalized.

110. In The Same manner shall every person at his admittance into any Office Subscribe these fundamental constitutions.

111. These fundamental constitutions, [in number 111], and every part thereof, shall

be, and remain as, the Sacred unalterable form and Rule of Government [of Carolina] for ever. Witness our hands and Seals, this twenty first day July, in the year of our Lord 1669.

Footnote #7

PROCLAMATION OF 1763, Charter of Florida

October 7, 1763

By the King, a Proclamation George R.

Whereas We have taken into Our Royal Consideration the extensive and valuable Acquisitions in America, secured to our Crown by the late Definitive Treaty of Peace concluded at Paris, the 10th Day of February last; and being desirous that all Our loving Subjects, as well of our Kingdom as of our Colonies in America, may avail themselves with all convenient Speed, of the great Benefits and Advantages which must accrue therefrom to their Commerce, Manufactures, and Navigation, We have thought fit, with the Advice of our Privy Council, to issue this our Royal Proclamation, hereby to publish and declare to all our loving Subjects, that we have, with the Advice of our Said Privy Council, granted our Letters Patent, under our Great Seal of Great Britain, to erect, within the Countries and Islands ceded and confirmed to Us by the said Treaty, Four distinct and separate Governments, styled and called by the names of Quebec, East Florida, West Florida and Grenada, and limited and bounded as follows, viz.

First - The Government of Quebec bounded on the Labrador Coast by the River St. John, and from thence by a Line drawn from the Head of that River through the Lake St. John, to the South end of the Lake Nipissim; from whence the said Line, crossing the River St. Lawrence, and the Lake Champlain, in 45. Degrees of North Latitude, passes along the High Lands which divide the Rivers that empty themselves into the said River St. Lawrence from those which fall into the Sea; and also along the North Coast of the Baye des Chaleurs, and the Coast of the Gulph of St. Lawrence to Cape Rosieres, and from thence crossing the Mouth of the River St. Lawrence by the West End of the Island of Anticosti, terminates at the aforesaid River of St. John.

Secondly - The Government of East Florida, bounded to the Westward by the Gulph of Mexico and the Apalachicola River; to the Northward by a Line drawn from that part of the said River where the Chatahouchee and Flint Rivers meet, to the source of St. Mary's River, and by the course of the said River to the Atlantic Ocean; and the Eastward and Southward by the Atlantic Ocean and the Gulph of Florida, including all Islands within Six Leagues of the Sea Coast. Thirdly - The Government of West Florida, bounded to the Southward by the Gulph of Mexico, including all Islands within Six Leagues of the Coast, from the River Apalachicola to Lake Pontchartrain; to the Westward by the said Lake, the Lake Maurepas, and the River Mississippi; to the Northward by a Line drawn due East from that part of the River Mississippi which lies in 31 Degrees North Latitude, to the River Apalachicola or Chatahouchee; and the Eastward by the said River Fourthly - The Government of Grenada, comprehending the Island of that name, together with the Grenadines, and the Islands of Dominico, St. Vincent's and Tobago.

And to the end that the open and free Fishery of our Subjects may be extended to and carried on upon the Coast of Labrador, and the adjacent Islands, We have thought fit, with the advice of our said Privy Council to put all that Coast, from the River St. John's to Hudson's Streights, together with the Islands of Anticosti and Madelaine, and all other

smaller Islands lying upon the said Coast, under the care and Inspection of our Governor of Newfoundland. We have also, with the advice of our Privy Council, thought fit to annex the Islands of St. John's and Cape Breton, or Isle Royale, with the lesser Islands adjacent thereto, to our Government of Nova Scotia. We have also, with the advice of our Privy Council aforesaid, annexed to our Province of Georgia all the Lands lying between the Rivers Alatamaha and St. Mary's.

And whereas it will greatly contribute to the speedy settling of our said new Governments, that our loving Subjects should be informed of our Paternal care, for the security of the Liberties and Properties of those who are and shall become Inhabitants thereof, We have thought fit to publish and declare, by this Our Proclamation, that We have, in the Letters Patent under our Great Seal of Great Britain, by which the said Governments are constituted, given express Power and Direction to our Governors of our Said Colonies respectively, that so soon as the state and circumstances of the said Colonies will admit thereof, they shall, with the Advice and Consent of the Members of our Council, summon and call General Assemblies within the said Governments respectively, in such Manner and Form as is used and directed in those Colonies and Provinces in America which are under our immediate Government;

And We have also given Power to the said Governors, with the consent of our Said Councils, and the Representatives of the People so to be summoned as aforesaid, to make, constitute, and ordain Laws, Statutes, and Ordinances for the Public Peace, Welfare, and good Government of our said Colonies, and of the People and Inhabitants thereof, as near as may be agreeable to the Laws of England, and under such Regulations and Restrictions as are used in other Colonies; and in the mean Time, and until such Assemblies can be called as aforesaid, all Persons Inhabiting in or resorting to our Said Colonies may confide in our Royal Protection for the Enjoyment of the Benefit of the Laws of our Realm of England; for which Purpose We have given Power under our Great Seal to the Governors of our said Colonies respectively to erect and constitute, with the Advice of our said Councils respectively, Courts of Judicature and public Justice within our Said Colonies for hearing and determining all Causes, as well Criminal as Civil, according to Law and Equity, and as near as may be agreeable to the Laws of England, with Liberty to all Persons who may think themselves aggrieved by the Sentences of such Courts, in all Civil Cases, to appeal, under the usual Limitations and Restrictions, to Us in our Privy Council.

We have also thought fit, with the advice of our Privy Council as aforesaid, to give unto the Governors and Councils of our said Three new Colonies, upon the Continent full Power and Authority to settle and agree with the Inhabitants of our said new Colonies or with any other Persons who shall resort thereto, for such Lands, Tenements and Hereditaments, as are now or hereafter shall be in our Power to dispose of; and them to grant to any such Person or Persons upon such Terms, and under such moderate Quit-Rents, Services and Acknowledgments, as have been appointed and settled in our other Colonies, and under such other Conditions as shall appear to us to be necessary and expedient for the Advantage of the Grantees, and the Improvement and settlement of our said Colonies.

And Whereas, We are desirous, upon all occasions, to testify our Royal Sense and Approbation of the Conduct and bravery of the Officers and Soldiers of our Armies, and

to reward the same, We do hereby command and empower our Governors of our said Three new Colonies, and all other our Governors of our several Provinces on the Continent of North America, to grant without Fee or Reward, to such reduced Officers as have served in North America during the late War, and to such Private Soldiers as have been or shall be disbanded in America, and are actually residing there, and shall personally apply for the same, the following Quantities of Lands, subject, at the Expiration of Ten Years, to the same Quit- Rents as other Lands are subject to in the Province within which they are granted, as also subject to the same Conditions of Cultivation and Improvement; viz.

To every Person having the Rank of a Field Officer 5,000 Acres.

To every Captain 5,000 Acres.

To every Subaltern or Staff Officer, 2,000 Acres.

To every Non-Commission Officer, 200 Acres.

To every Private Man 50 Acres.

We do likewise authorize and require the Governors and Commanders in Chief of all our said Colonies upon the Continent of North America to grant the like Quantities of Land, and upon the same conditions, to such reduced Officers of our Navy of like Rank as served on board our Ships of War in North America at the times of the Reduction of Louisbourg and Quebec in the late War, and who shall personally apply to our respective Governors for such Grants.

And whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds.

We do therefore, with the Advice of our Privy Council, declare it to be our Royal Will and Pleasure, that no Governor or Commander in Chief in any of our Colonies of Quebec, East Florida, or West Florida, do presume, upon any Pretence whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments, as described in their Commissions; as also that no Governor or Commander in Chief in any of our other Colonies or Plantations in America do presume for the present, and until our further Pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantic Ocean from the West and North West, or upon any Lands whatever, which, not having been ceded to or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.

And We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under our Sovereignty, Protection, and Dominion, for the use of the said Indians, all the Lands and Territories not included within the Limits of Our said Three new Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West as aforesaid.

And We do hereby strictly forbid, on Pain of our Displeasure, all our loving Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands above reserved, without our especial leave and Licence for that Purpose first ob-

tained.

And, We do further strictly enjoin and require all Persons whatever who have either wilfully or inadvertently seated themselves upon any Lands within the Countries above described, or upon any other Lands which, not having been ceded to or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such Settlements.

And whereas great Frauds and Abuses have been committed in purchasing Lands of the Indians, to the great Prejudice of our Interests, and to the great Dissatisfaction of the said Indians; In order, therefore, to prevent such Irregularities for the future, and to the end that the Indians may be convinced of our Justice and determined Resolution to remove all reasonable Cause of Discontent, We do, with the Advice of our Privy Council strictly enjoin and require, that no private Person do presume to make any purchase from the said Indians of any Lands reserved to the said Indians, within those parts of our Colonies where, We have thought proper to allow Settlement; but that, if at any Time any of the Said Indians should be inclined to dispose of the said Lands, the same shall be Purchased only for Us, in our Name, at some public Meeting or Assembly of the said Indians, to be held for that Purpose by the Governor or Commander in Chief of our Colony respectively within which they shall lie; and in case they shall lie within the limits of any Proprietary Government, they shall be purchased only for the Use and in the name of such Proprietaries, conformable to such Directions and Instructions as We or they shall think proper to give for that Purpose; And we do, by the Advice of our Privy Council, declare and enjoin, that the Trade with the said Indians shall be free and open to all our Subjects whatever, provided that every Person who may incline to Trade with the said Indians do take out a Licence for carrying on such Trade from the Governor or Commander in Chief of any of our Colonies respectively where such Person shall reside, and also give Security to observe such Regulations as We shall at any Time think fit, by ourselves or by our Commissaries to be appointed for this Purpose, to direct and appoint for the Benefit of the said Trade:

And we do hereby authorize, enjoin, and require the Governors and Commanders in Chief of all our Colonies respectively, as well those under Our immediate Government as those under the Government and Direction of Proprietaries, to grant such Licences without Fee or Reward, taking especial Care to insert therein a Condition, that such Licence shall be void, and the Security forfeited in case the Person to whom the same is granted shall refuse or neglect to observe such Regulation as We shall think proper to prescribe as aforesaid.

And we do further expressly enjoin and require all Officers whatever, as well Military as those Employed in the Management and Direction of Indian Affairs, within the Territories reserved as aforesaid for the use of the said Indians, to seize and apprehend all Persons whatever, who standing charged with Treason, Misprisions of Treason, Murders, or other Felonies or Misdemeanors, shall fly from Justice and take Refuge in the said Territory, and to send them under a proper guard to the Colony where the Crime was committed of which they stand accused, in order to take their Trial for the same.

Given at our Court at St. James's the 7th Day of October 1763, in the Third Year of our Reign.

GOD SAVE THE KING

Footnote #8

1670 Charter

THE ROYAL CHARTER incorporating The Hudson's Bay Company 2 May 1670

CHARLES THE SECOND By the grace of God King of England Scotland France and Ireland defender of the faith.

TO ALL to whom these presents shall come greeting

WHEREAS Our Dear and entirely Beloved cousin Prince Rupert Count Palatine of the Rhine Duke of Bavaria and Cumberland &c Christopher Duke of Albemarle William Earl of Craven Henry Lord Arlington Anthony Lord Ashley Sir John Robinson and Sir Robert Vyner Knights and Baronets Sir Peter Colleton Baronet Sir Edward Hungerford Knight of the Bath Sir Paul Neil Knight Sir John Griffith and Sir Philip Carteret Knights James Hayes John Kirke Francis Millington William Prettyman John Fenn Esquires and John Portman Citizen and Goldsmith of London have at their own great cost and charge undertaken an EXPEDITION for Hudson's Bay in the North west part of America for the discovery of a new Passage into the South Sea and for the finding some Trade for Furs Minerals and other considerable Commodities and by such their undertaking have already made such discoveries as do encourage them to proceed further in pursuance of their said design by means whereof there may probably arise very great advantage to us and our Kingdom

AND WHEREAS the said undertakers for their further encouragement in the said design have humbly besought us to Incorporate them and grant unto them and their successors the sole Trade and Commerce of all those Seas Straits Bays Rivers Lakes Creeks and Sounds in whatsoever Latitude they shall be that lie within the entrance of the Straits commonly called Hudson's Straits together with all the Lands Countries and Territories upon the Coasts and Confines of the Seas Straits Bays Lakes Rivers Creeks and Sounds aforesaid which are not now actually possessed by any of our Subjects or by the Subjects of any other Christian Prince or State

NOW KNOW YE that We being desirous to promote all Endeavours tending to the public good of our people and to encourage the said undertaking HAVE of our especial grace certain knowledge and mere motion Given granted ratified and confirmed And by these Presents for us our heirs and Successors DO give grant ratify and confirm unto our said Cousin Prince Rupert Christopher Duke of Albemarle William Earl of Craven Henry Lord Arlington Anthony Lord Ashley Sir John Robinson Sir Robert Vyner Sir Peter Colleton Sir Edward Hungerford Sir Paul Neil Sir John Griffith and Sir Philip Carteret James Hayes John Kirke Francis Millington William Prettyman John Fenn and John Portman That they and such others as shall be admitted into the said Society as is hereafter expressed shall be one Body Corporate and Politic in deed and in name by the name of the Governor and Company of Adventurers of England trading into Hudson's Bay and them by the name of the Governor and Company of Adventurers of England trading into Hudson's Bay one Body Corporate and Politic in deed and in name really and fully for ever for us our heirs and successors WE DO make ordain constitute establish confirm and declare by these Presents and that by the same name of Governor & Company of Adventurers of England Trading into Hudson's Bay they shall have perpetual succession And that they and their successors by the name of Governor and Company of Ad-

venturers of England Trading into Hudson's Bay be and at all times hereafter shall be persons able and capable in Law to have purchase receive possess enjoy and retain Lands Rents privileges liberties Jurisdictions Franchises and hereditaments of what kind nature and quality soever they be to them and their Successors And also to give grant demise alien assign and dispose Lands Tenements and hereditaments and to do and execute all and singular other things by the same name that to them shall or may appertain to do And that they and their Successors by the name of the Governor and Company of Adventurers of England Trading into Hudson's Bay may plead and be impleaded answer and be answered defend and be defended in whatsoever Courts and places before whatsoever Judges and Justices and other persons and Officers in all and singular Actions Pleas Suits Quarrels causes and demands whatsoever of whatsoever kind nature or sort in such manner and form as any other our Liege people of this our Realm of England being persons able and capable in Law may or can have purchase receive possess enjoy retain give grant demise alien assign dispose plead defend and be defended do permit and execute And that the said Governor and Company of Adventurers of England Trading into Hudson's Bay and their successors may have a Common Seal to serve for all the causes and businesses of them and their Successors and that it shall and may be lawful to the said Governor and Company and their Successors the same Seal from time to time at their will and pleasure to break change and to make a new or alter as them shall seem expedient

AND FURTHER WE WILL

And by these presents for us our Heirs and successors WE DO ordain that there shall be from henceforth one of the same Company to be elected and appointed in such form as hereafter in these presents is expressed which shall be called The Governor of the said Company And that the said Governor and Company shall or may elect seven of their number in such form as hereafter in these presents is expressed which shall be called the Committee of the said Company which Committee of seven or any three of them together with the Governor or Deputy Governor of the said Company for the time being shall have the direction of the Voyages of and for the said Company and Provision of the Shipping and merchandises thereunto belonging and also the sale of all merchandises Goods and other things returned in all or any the Voyages or Ships of or for the said Company and the managing and handling of all other business affairs and things belonging to the said Company

AND WE WILL ordain and Grant by these presents for us our heirs and successors unto the said Governor and Company and their successors that they the said Governor and Company and their successors shall from henceforth for ever be ruled ordered and governed according to such manner and form as is hereafter in these presents expressed and not otherwise And that they shall have hold retain and enjoy the Grants Liberties Privileges Jurisdictions and Immunities only hereafter in these presents granted and expressed and no other And for the better WE HAVE ASSIGNED nominated constituted and made And by these presents for us our heirs and successors WE DO ASSIGN nominate constitute and make our said Cousin Prince Rupert to be the first and present Governor of the said Company and to continue in the said Office from the date of these presents until the tenth of November then next following if he the said Prince Rupert shall so long live and so until a new Governor be chosen by the said Company in form hereafter

expressed AND ALSO WE HAVE assigned nominated and appointed And by these presents for us our heirs and Successors WE DO assign nominate and constitute the said Sir John Robinson Sir Robert Vyner Sir Peter Colleton James Hayes John Kirke Francis Millington and John Portman to be the seven first and present Committees of the said Company from the date of these presents until the said tenth Day of November then also next following and so until new Committees shall be chosen in form hereafter expressed AND FURTHER WE WILL and grant by these presents for us our heirs and Successors unto the said Governor and Company and their successors that it shall and may be lawful to and for the said Governor and Company for the time being or the greater part of them present at any public Assembly commonly called the Court General to be holden for the said Company the Governor of the said Company being always one from time to time elect nominate and appoint one of the said Company to be Deputy to the said Governor which Deputy shall take a corporal Oath before the Governor and three or more of the Committee of the said Company for the time being well truly and faithfully to execute his said Office of Deputy to the Governor of the said Company and after his Oath so taken shall and may from time to time in the absence of the said Governor exercise and execute the Office of Governor of the said Company in such sort as the said Governor ought to do AND FURTHER WE will and grant and by these presents for us our heirs and Successors unto the said Governor and Company of Adventurers of England trading into Hudson's Bay and their Successors That they or the greater part of them whereof the Governor for the Time being or his Deputy to be one from time to time and at all times hereafter shall and may have authority and power yearly and every year the first and last day of November to assemble and meet together in some convenient place to be appointed from time to time by the Governor or in his absence by the Deputy of the said Governor for the time being And that they being so assembled it shall and may be lawful to and for the said Governor or Deputy of the said Governor and the said Company for the time being or the greater part of them which then shall happen to be present whereof the Governor of the said Company or his Deputy for the time being to be one to elect and nominate one of the said Company which shall be Governor of the same Company for one whole year then next following which person being so elected and nominated to be Governor of the said Company as is aforesaid before he be admitted to the Execution of the said Office shall take a Corporal Oath before the last Governor being his Predecessor or his Deputy and any three or more of the Committee of the said Company for the time being that he shall from time to time well and truly execute the Office of Governor of the said Company in all things concerning the same and that Immediately after the same Oath so taken he shall and may execute and use the said Office of Governor of the said Company for one whole year from thence next following and in like sort We will and grant that as well every one of the above named to be of the said Company or fellowship as all other hereafter to be admitted or free of the said Company shall take a Corporal Oath before the Governor of the said Company or his Deputy for the time being to such effect as by the said Governor and Company or the greater part of them in any public Court to be held for the said Company shall be in reasonable and legal manner set down and devised before they shall be allowed or admitted to Trade or traffic as a freeman of the said Company

AND FURTHER WE WILL and grant by these presents for us our heirs and successors

unto the said Governor and Company and their successors that the said Governor or Deputy Governor and the rest of the said company and their successors for the time being or the greater part of them whereof the Governor or the Deputy Governor from time to time to be one shall and may from time to time and at all times hereafter have power and authority yearly and every year between the first and last day of November to assemble and meet together in some convenient place from time to time to be appointed by the said Governor of the said Company or in his absence by his Deputy and that they being so assembled it shall and may be lawful to and for the said Governor or his Deputy and the Company for the time being or the greater part of them which then shall happen to be present whereof the Governor of the said Company or his Deputy for the time being to be one to elect and nominate seven of the said Company which shall be a Committee of the said Company for one whole year from thence next ensuing which persons being so elected and nominated to be a Committee of the said Company as aforesaid before they be admitted to the execution of their Office shall take a Corporal Oath before the Governor or his Deputy and any three or more of the said Committee of the said Company being their last Predecessors and that they and every of them shall well and faithfully perform their said Office of Committees in all things concerning the same And that immediately after the said Oath so taken they shall and may execute and sue their said Office of Committees of the said Company for one whole year from thence next following

AND MOREOVER Our will and pleasure is And by these presents for us our heirs and successors WE DO GRANT unto the said Governor and Company and their successors that when and as often as it shall happen the Governor or Deputy Governor of the said Company for the time being at any time within one year after that he shall be nominated elected and sworn to the Office of the Governor of the said Company as is aforesaid to dye or to be removed from the said Office which Governor or Deputy Governor not demeaning himself well in his said Office WE WILL to be removable at the Pleasure of the rest of the said Company or the greater part of them which shall be present at their public assemblies commonly called their General Courts holden for the said Company that then and so often it shall and may be lawful to and for the Residue of the said Company for the time being or the greater part of them within convenient time after the death or removing of any such Governor or Deputy Governor to assemble themselves in such convenient place as they shall think fit for the election of the Governor or Deputy Governor of the said Company and that the said Company or the greater part of them being then and there present shall and may then and there before their departure from the said place elect and nominate one other of the said Company to be Governor or Deputy Governor for the said Company in the place and stead of him that so dyed or was removed which person being so elected and nominated to the Office of Governor of Deputy Governor of the said Company shall have and exercise the said Office for and during the residue of the said year taking first a Corporal Oath as is aforesaid for the due execution thereof And this to be done from time to time so often as the case shall so require

AND ALSO Our Will and Pleasure is and by these presents for us our heirs and successors WE DO grant unto the said Governor and Company that when and as often as it shall happen any person or persons of the Committee of the said Company for the time being at any time within one year next after that they or any of them shall be nominated elected

and sworn to the Office of Committee of the said Company as is aforesaid to dye or to be removed from the said Office which Committees not demeaning themselves well in their said Office We will to be removable at the pleasure of the said Governor and Company or the greater part of them whereof the Governor of the said Company for the time being or his Deputy to be one that then and so often it shall and may be lawful to and for the said Governor and the rest of the Company for the time being or the greater part of them whereof the Governor for the time being or his Deputy to be one within convenient time after the death or removing of any of the said Committee to assemble themselves in such convenient place as is or shall be usual and accustomed for the election of the Governor of the said Company or where else the Governor of the said Company for the time being or his Deputy shall appoint And that the said Governor and Company or the greater part of them whereof the Governor for the time being or his Deputy to be one being then and there present shall and may then and there before their Departure from the said place elect and nominate one or more of the said Company to be of the Committee of the said Company in the place and stead of him or them that so died or were or was so removed which person or persons so elected and nominated to the Office of Committee of the said Company shall have and exercise the said Office for and during the residue of the said year taking first a Corporal Oath as is aforesaid for the due execution thereof and this to be done from time to time so often as the case shall require And to the end the said Governor and Company of Adventurers of England Trading into Hudson's Bay may be encouraged to undertake and effectually to prosecute the said design of our more especial grace certain knowledge and mere Motion WE HAVE given granted and confirmed And by these presents for us our heirs and successors DO give grant and confirm unto the said Governor and Company and their successors the sole Trade and Commerce of all those Seas Straits Bays Rivers Lakes Creeks and in whatsoever Latitude they shall be that lie within the entrance of the Straits commonly called Hudson's Straits together with all the Lands and Territories upon the Countries Coasts and confines of the Seas Bays Lakes Rivers Creeks and aforesaid that are not already actually possessed by or granted to any of our Subjects or possessed by the Subjects of any other Christian Prince or State with the Fishing of all Sorts of Fish Whales Sturgeons and all other Royal Fishes in the Seas Bays Islets and Rivers within the premises and the Fish therein taken together with the Royalty of the Sea upon the Coasts with the Limits aforesaid and all Mines Royal as well discovered as not discovered of Gold Silver Gems and precious Stones to be found or discovered within the Territories Limits and Places aforesaid And that the said Land be from henceforth reckoned and reputed as one of our Plantations or Colonies in America called Rupert's Land.

AND FURTHER WE DO by these presents for us our heirs and successors make create and constitute the said Governor and Company for the time being and their successors the true and absolute Lords and Proprietors of the same Territory limits and places aforesaid And of all other the premises SAVING ALWAYS the faith Allegiance and Sovereign Dominion due to us our heirs and successors for the same TO HAVE HOLD possess and enjoy the said Territory limits and places and all and singular other the premises hereby granted as aforesaid with their and every of their Rights Members Jurisdictions Prerogatives Royalties and Appurtenances whatsoever to them the said Governor and Company and their Successors for ever TO BE HOLDEN of us our heirs and successors as of our

Manor of East Greenwich in our Country of Kent in free and common Socage and not in Capite or by Knights Service YIELDING AND PAYING yearly to us our heirs and Successors for the same two Elks and two Black beavers whensoever and as often as We our heirs and successors shall happen to enter into the said Countries Territories and Regions hereby granted.

AND FURTHER our will and pleasure is And by these presents for us our heirs and successors WE DO grant unto the said Governor and Company and to their successors that it shall and may be lawful to and for the said Governor and Company and their successors from time to time to assemble themselves for or about any the matters causes affairs or businesses of the said Trade in any place or places for the same convenient within our Dominions or elsewhere and there to hold Court for the said Company and the affairs thereof And that also it shall and may be lawful to and for them and the greater part of them being so assembled and that shall then and there be present in any such place or places whereof the Governor or his Deputy for the time being to be one to make ordain and constitute such and so many reasonable Laws Constitutions Orders and Ordinances as to them or the greater part of them being then and there present shall seem necessary and convenient for the good Government of the said Company and of all Governors of Colonies Fortes and Plantations Factors Masters Mariners and other Officers employed or to be employed in any of the Territories and Lands aforesaid and in any of their Voyages and for the better advancement and continuance of the said Trade or Traffic and Plantations and the same Laws Constitutions Orders and Ordinances so made to put in use and execute accordingly and at their pleasure to revoke and alter the same or any of them as the occasion shall require And that the said Governor and Company so often as they shall make ordain or establish any such Laws Constitutions Orders and Ordinances in such form as aforesaid shall and may lawfully impose ordain limit and provide such pains penalties and punishments upon all Offenders contrary to such Laws Constitutions Orders and Ordinances or any of them as to the said Governor and Company for the time being or the greater part of them then and there being present the said Governor or his Deputy being always one shall seem necessary requisite or convenient for the observation of the same Laws Constitutions Orders and Ordinances And the same Fines and Amerciaments shall and may by their Officers and Servants from time to time to be appointed for that purpose levy take and have to the use of the said Governor and Company and their successors without the impediment of us our heirs or successors or of any the Officers or Ministers of us our heirs or successors and without any account therefore to us our heirs or successors to be made All and singular which Laws Constitutions Orders and Ordinances so as aforesaid to be made WE WILL to be duly observed and kept under the pains and penalties therein to be contained so always as the said Laws Constitutions Orders and Ordinances Fines and Amerciaments be reasonable and not contrary or repugnant but as near as may be agreeable to the Laws Statutes or of this our Realm.

AND FURTHERMORE of our ample and abundant grace certain knowledge and mere motion WE HAVE granted and by these presents for us our heirs and successors do grant unto the said Governor and Company and their Successors That they and their Successors and their Factors Servants and Agents for them and on their behalf and not otherwise shall for ever hereafter have use and enjoy not only the whole Entire and only Trade

and Traffic and the whole entire and only liberty use and privilege of trading and Trafficking to and from the Territory Limits and places aforesaid but also the whole and entire Trade and Traffic to and from all Havens Bays Creeks Rivers Lakes and Seas into which they shall find entrance or passage by water or Land out of the Territories Limits or places aforesaid and to and with all the Natives and People Inhabiting or which shall inhabit within the Territories Limits and places aforesaid and to and with all other Nations Inhabiting any of the Coasts adjacent to the said Territories Limits and places which are not already possessed as aforesaid or whereof the sole liberty or privilege of Trade and Traffic is not granted to any other of our Subjects

AND WE of our further Royal favour And of our more especial grace certain knowledge and mere Motion HAVE granted and by these presents for us our heirs and Successors DO grant to the said Governor and Company and to their Successors That neither the said Territories Limits and places hereby Granted as aforesaid nor any part thereof nor the islands Havens Ports Cities Towns or places thereof or therein contained shall be visited frequented or haunted by any of the Subjects of us our heirs or successors contrary to the true meaning of these presents and by virtue of our Prerogative Royal which We will not have in that behalf argued or brought into Question WE STRAIGHTLY Charge Command and prohibit for us our heirs and Successors all the of us our heirs and Successors of what degree or Quality soever they be that none of them directly or indirectly do visit haunt frequent or Trade Traffic or Adventure by way of Merchandise into or from any the said Territories Limits or Places hereby granted or any or either of them other then the said Governor and Company and such particular persons as now be or hereafter shall be of that Company their Agents Factors and Assignees unless it be by the License and agreement of the said Governor and Company in writing first had and obtained under their Common Seal to be granted upon pain that every such person or persons that shall Trade or Traffic into or from any the Countries Territories or Limits aforesaid other then the said Governor and Company and their Successors shall incur our Indignation and the forfeiture and the loose of the Goods Merchandises and other things whatsoever which so shall be brought into this Realm of England or any the Dominions of the same contrary to our said Prohibition or the purport or true meaning of these presents for which the said Governor and Company shall finned take and seize in other places out of our Dominions where the said Company their Agents Factors or Ministers shall Trade Traffic inhabit by virtue of these our Letters Patent As also the Ship and Ships with the Furniture thereof wherein such goods Merchandises and other things shall be brought or found the one half of all the said Forfeitures to be to us our heirs and successors and the other half thereof WE DO by these Presents clearly and wholly for us our heirs and Successors Give and Grant unto the said Governor and Company and their Successors AND FURTHER all and every the said Offenders for their said contempt to suffer such other punishment as to us our heirs or Successors for so high a contempt shall seem meet and convenient and not to be in any wise delivered until they and every of them shall become bound unto the said Governor for the time being in the sum of one thousand Pounds at the least at no time then after to Trade or Traffic into any of the said places Seas Straits Bays Ports Havens or Territories aforesaid contrary to our Express Commandment in the behalf herein set down and published

AND FURTHER of our more especial grace WE HAVE condescended and granted And

by these presents for us our heirs and Successors do grant unto the said Governor and Company and their successors That We our heirs and Successors will not Grant liberty license or power to any person or persons whatsoever contrary to the tenor of these our Letters Patent to Trade traffic or inhabit unto or upon any the Territories limits or places afore specified contrary to the true meaning of these presents without the consent of the said Governor and Company or the most part of them AND of our more abundant grace and favour to the said Governor and Company WE DO hereby declare our will and pleasure to be that if it shall so happen that any of the persons free or to be free of the said Company of Adventurers of England Trading into Hudson's Bay who shall before going forth of any Ship or Ships appointed for A VOYAGE or otherwise promise or agree by Writing under his or their hands to adventure any sum or Sums of money towards the furnishing any provision or maintenance of any voyage or voyages set forth or to be set forth or intended or meant to be set forth by the said Governor and Company or the more part of them present at any Public Assembly commonly called their General Court shall not within the Space of twenty Days next after Warning given to him or them by the said Governor or Company or their known Officer or Minister bring in and deliver to the Treasurer or Treasurers appointed for the Company such sums of money as shall have been expressed and set down in by the said Person or Persons subscribed with the name of the said Adventurer or Adventurers that then and at all Times after it shall and may be lawful to and for the said Governor and Company or the more part of them present WHEREOF the said Governor or his Deputy to be one at any of their General Courts or General Assemblies to remove and disfranchise him or them and every such person and persons at their wills and pleasures and he or they so removed and disfranchised not to be permitted to trade into the Countries Territories Limits aforesaid or any part thereof nor to have any Adventure or Stock going or remaining with or amongst the said Company without the special license of the said Governor and Company or the more part of them present at any General Court first had and obtained in that behalf Any thing before in these presents to the contrary thereof in any wise notwithstanding

AND OUR WILL AND PLEASURE is And hereby We do also ordain that it shall and may be lawful to and for the said Governor and Company or the greater part of them whereof the Governor for the time being or his Deputy to be one to admit into and to be of the said Company all such Servants or Factors of or for the said Company and all such others as to them or the most part of them present at any Court held for the said Company the Governor or his Deputy being one shall be thought fit and agreeable with the Orders and Ordinances made and to be made for the Government of the said Company

AND FURTHER Our will and pleasure is And by these presents for us our heirs and Successors WE DO grant unto the said Governor and Company and to their Successors that it shall and may be lawful in all Elections and By-Laws to be made by the General Court of the Adventurers of the said Company that every person shall have a number of votes according to his Stock that is to say for every hundred pounds by him subscribed or brought into the present Stock one vote and that any of these that have Subscribed less than one hundred pounds may join their respective sums to make up one hundred pounds and have one vote jointly for the same and not otherwise

AND FURTHER of our especial grace certain knowledge and mere motion WE DO for us our heirs and successors grant to and with the said Governor and Company of Adven-

turers of England Trading into Hudson's Bay that all Lands Islands Territories Plantations Forts Fortifications Factories or Colonies where the said Companies Factories and Trade are or shall be within any the Ports and places afore limited shall be immediately and from henceforth under the power and command of the said Governor and Company their Successors and Assignees SAVING the faith and Allegiance due to be performed to us our heirs and successors as aforesaid and that the said Governor and Company shall have liberty full Power and authority to appoint and establish Governors and all other Officers to govern them And that the Governor and his Council of the several and respective places where the said Company shall have Plantations Forts Factories Colonies or Places of Trade within any of the Countries Lands or Territories hereby granted may have power to judge all persons belonging to the said Governor and Company or that shall live under them in all Causes whether Civil or Criminal according to the Laws of this Kingdom and to execute Justice accordingly And in case any crime or misdemeanor shall be committed in any of the said Companies Plantations Forts Factories or Places of Trade within the Limits aforesaid where Judicature cannot be executed for want of a Governor and Council there then in such case it shall and may be lawful for the chief Factor of that place and his Council to the party together with the offence to such other Placation Factory or Fort where there shall be a Governor and Council where Justice may be executed or into this Kingdom of England as shall be thought most convenient there to receive such punishment as the nature of his offence shall deserve

AND MOREOVER Our will and pleasure is And by these presents for us our heirs and Successors WE DO GIVE and grant unto the said Governor and Company and their Successors free Liberty and License in case they conceive it necessary to send either Ships of War Men or Ammunition unto any their Plantations Forts Factories or Places of Trade aforesaid for the security and defence of the same and to choose Commanders and Officers over them and to give them power and authority by Commission under their Common Seal or otherwise to continue or make peace or War with any Prince or People whatsoever that are not Christians in any places where the said Company shall have any Plantations Forts or Factories or adjacent thereunto as shall be most for the advantage and benefit of the said Governor and Company and of their Trade and also to right and recompense themselves upon the Goods Estates or people of those parts by whom the said Governor and Company shall sustain any injury loss or damage or upon any other People whatsoever that shall any way contrary to the intent of these presents interrupt wrong or injure them in their said Trade within the said places Territories and Limits granted by this Charter and that it shall and may be lawful to and for the said Governor and Company and their successors from time to time to assemble themselves for or about any the matters causes affairs or businesses of the said Trade in any place or places for the same convenient within our Dominions or elsewhere and there to hold Court for the said Company and the affairs thereof And that also it shall and may be lawful to and for them and the greater part of them being so assembled and that shall then and there be present in any such place or places whereof the Governor or his Deputy for the time being to be one to make ordain and constitute such and so many reasonable Laws Constitutions Orders and Ordinances as to them or the greater part of them being then and there present shall seem necessary and convenient for the good Government of the said Company and of all Governors of Colonies Fortes and Plantations Factors Masters Mari-

ners and other Officers employed or to be employed in any of the Territories and Lands aforesaid and in any of their Voyages and for the better advancement and continuance of the said Trade or Traffic and Plantations and the same Laws Constitutions Orders and Ordinances so made to put in use and execute accordingly and at their pleasure to revoke and alter the same or any of them as the occasion shall require And that the said Governor and Company so often as they shall make ordain or establish any such Laws Constitutions Orders and Ordinances in such form as aforesaid shall and may lawfully impose ordain limit and provide such pains penalties and punishments upon all Offenders contrary to such Laws Constitutions Orders and Ordinances or any of them as to the said Governor and Company for the time being or the greater part of them then and there being present the said Governor or his Deputy being always one shall seem necessary requisite or convenient for the observation of the same Laws Constitutions Orders and Ordinances And the same Fines and Amerciaments shall and may by their Officers and Servants from time to time to be appointed for that purpose levy take and have to the use of the said Governor and Company and their successors without the impediment of us our heirs or successors or of any the Officers or Ministers of us our heirs or successors and without any account therefore to us our heirs or successors to be made All and singular which Laws Constitutions Orders and Ordinances so as aforesaid to be made WE WILL to be duly observed and kept under the pains and penalties therein to be contained so always as the said Laws Constitutions Orders and Ordinances Fines and Amerciaments be reasonable and not contrary or repugnant but as near as may be agreeable to the Laws Statutes or of this our Realm.

AND FURTHERMORE of our ample and abundant grace certain knowledge and mere motion WE HAVE granted and by these presents for us our heirs and successors do grant unto the said Governor and Company and their Successors That they and their Successors and their Factors Servants and Agents for them and on their behalf and not otherwise shall for ever hereafter have use and enjoy not only the whole Entire and only Trade and Traffic and the whole entire and only liberty use and privilege of trading and Trafficking to and from the Territory Limits and places aforesaid but also the whole and entire Trade and Traffic to and from all Havens Bays Creeks Rivers Lakes and Seas into which they shall find entrance or passage by water or Land out of the Territories Limits or places aforesaid and to and with all the Natives and People Inhabiting or which shall inhabit within the Territories Limits and places aforesaid and to and with all other Nations Inhabiting any of the Coasts adjacent to the said Territories Limits and places which are not already possessed as aforesaid or whereof the sole liberty or privilege of Trade and Traffic is not granted to any other of our Subjects

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sors of what degree or Quality soever they be that none of them directly or indirectly do visit haunt frequent or Trade Traffic or Adventure by way of Merchandise into or from any the said Territories Limits or Places hereby granted or any or either of them other then the said Governor and Company and such particular persons as now be or hereafter shall be of that Company their Agents Factors and Assignees unless it be by the License and agreement of the said Governor and Company in writing first had and obtained under their Common Seal to be granted upon pain that every such person or persons that shall Trade or Traffic into or from any the Countries Territories or Limits aforesaid other then the said Governor and Company and their Successors shall incur our Indignation and the forfeiture and the loose of the Goods Merchandises and other things whatsoever which so shall be brought into this Realm of England or any the Dominions of the same contrary to our said Prohibition or the purport or true meaning of these presents for which the said Governor and Company shall finned take and seize in other places out of our Dominions where the said Company their Agents Factors or Ministers shall Trade Traffic inhabit by virtue of these our Letters Patent As also the Ship and Ships with the Furniture thereof wherein such goods Merchandises and other things shall be brought or found the one half of all the said Forfeitures to be to us our heirs and successors and the other half thereof WE DO by these Presents clearly and wholly for us our heirs and Successors Give and Grant unto the said Governor and Company and their Successors AND FURTHER all and every the said Offenders for their said contempt to suffer such other punishment as to us our heirs or Successors for so high a contempt shall seem meet and convenient and not to be in any wise delivered until they and every of them shall become bound unto the said Governor for the time being in the sum of one thousand Pounds at the least at no time then after to Trade or Traffic into any of the said places Seas Straits Bays Ports Havens or Territories aforesaid contrary to our Express Commandment in the behalf herein set down and published

AND FURTHER of our more especial grace WE HAVE condescended and granted And by these presents for us our heirs and Successors do grant unto the said Governor and Company and their successors That We our heirs and Successors will not Grant liberty license or power to any person or persons whatsoever contrary to the tenor of these our Letters Patent to Trade traffic or inhabit unto or upon any the Territories limits or places afore specified contrary to the true meaning of these presents without the consent of the said Governor and Company or the most part of them AND of our more abundant grace and favour to the said Governor and Company WE DO hereby declare our will and pleasure to be that if it shall so happen that any of the persons free or to be free of the said Company of Adventurers of England Trading into Hudson's Bay who shall before going forth of any Ship or Ships appointed for A VOYAGE or otherwise promise or agree by Writing under his or their hands to adventure any sum or Sums of money towards the furnishing any provision or maintenance of any voyage or voyages set forth or to be set forth or intended or meant to be set forth by the said Governor and Company or the more part of them present at any Public Assembly commonly called their General Court shall not within the Space of twenty Days next after Warning given to him or them by the said Governor or Company or their known Officer or Minister bring in and deliver to the Treasurer or Treasurers appointed for the Company such sums of money as shall have been expressed and set down in by the said Person or Persons subscribed with the name

of the said Adventurer or Adventurers that then and at all Times after it shall and may be lawful to and for the said Governor and Company or the more part of them present WHEREOF the said Governor or his Deputy to be one at any of their General Courts or General Assemblies to remove and disfranchise him or them and every such person and persons at their wills and pleasures and he or they so removed and disfranchised not to be permitted to trade into the Countries Territories Limits aforesaid or any part thereof nor to have any Adventure or Stock going or remaining with or amongst the said Company without the special license of the said Governor and Company or the more part of them present at any General Court first had and obtained in that behalf Any thing before in these presents to the contrary thereof in any wise notwithstanding

AND OUR WILL AND PLEASURE is And hereby We do also ordain that it shall and may be lawful to and for the said Governor and Company or the greater part of them whereof the Governor for the time being or his Deputy to be one to admit into and to be of the said Company all such Servants or Factors of or for the said Company and all such others as to them or the most part of them present at any Court held for the said Company the Governor or his Deputy being one shall be thought fit and agreeable with the Orders and Ordinances made and to be made for the Government of the said Company

AND FURTHER Our will and pleasure is And by these presents for us our heirs and Successors WE DO grant unto the said Governor and Company and to their Successors that it shall and may be lawful in all Elections and By-Laws to be made by the General Court of the Adventurers of the said Company that every person shall have a number of votes according to his Stock that is to say for every hundred pounds by him subscribed or brought into the present Stock one vote and that any of these that have Subscribed less than one hundred pounds may join their respective sums to make up one hundred pounds and have one vote jointly for the same and not otherwise

AND FURTHER of our especial grace certain knowledge and mere motion WE DO for us our heirs and successors grant to and with the said Governor and Company of Adventurers of England Trading into Hudson's Bay that all Lands Islands Territories Plantations Forts Fortifications Factories or Colonies where the said Companies Factories and Trade are or shall be within any the Ports and places afore limited shall be immediately and from henceforth under the power and command of the said Governor and Company their Successors and Assignees SAVING the faith and Allegiance due to be performed to us our heirs and successors as aforesaid and that the said Governor and Company shall have liberty full Power and authority to appoint and establish Governors and all other Officers to govern them And that the Governor and his Council of the several and respective places where the said Company shall have Plantations Forts Factories Colonies or Places of Trade within any of the Countries Lands or Territories hereby granted may have power to judge all persons belonging to the said Governor and Company or that shall live under them in all Causes whether Civil or Criminal according to the Laws of this Kingdom and to execute Justice accordingly And in case any crime or misdemeanor shall be committed in any of the said Companies Plantations Forts Factories or Places of Trade within the Limits aforesaid where Judicature cannot be executed for want of a Governor and Council there then in such case it shall and may be lawful for the chief Factor of that place and his Council to the party together with the offence to such other Placation Factory or Fort where there shall be a Governor and Council where Justice may be ex-

ecuted or into this Kingdom of England as shall be thought most convenient there to receive such punishment as the nature of his offence shall deserve

AND MOREOVER Our will and pleasure is And by these presents for us our heirs and Successors WE DO GIVE and grant unto the said Governor and Company and their Successors free Liberty and License in case they conceive it necessary to send either Ships of War Men or Ammunition unto any their Plantations Forts Factories or Places of Trade aforesaid for the security and defence of the same and to choose Commanders and Officers over them and to give them power and authority by Commission under their Common Seal or otherwise to continue or make peace or War with any Prince or People whatsoever that are not Christians in any places where the said Company shall have any Plantations Forts or Factories or adjacent thereunto as shall be most for the advantage and benefit of the said Governor and Company and of their Trade and also to right and recompense themselves upon the Goods Estates or people of those parts by whom the said Governor and Company shall sustain any injury loss or damage or upon any other People whatsoever that shall any way contrary to the intent of these presents interrupt wrong or injure them in their said Trade within the said places Territories and Limits granted by this Charter and that it shall and may be lawful to and for the said Governor and Company and their Successors from time to time and at all times from henceforth to Erect and build such Castles Fortifications Forts Garrisons Colonies Plantations Towns or Villages in any parts or places within the Limits and Bounds granted before in these presents unto the said Governor and Company as they in their Discretions shall think fit and requisite and for the supply of such as shall be needful and convenient to keep and be in the same to send out of this Kingdom to the said Castles Forts Fortifications Garrisons Colonies Plantations Towns or Villages all of Clothing Provision of Victuals Ammunition and Implements necessary for such purpose paying the Duties and Customs for the same As also to transport and carry over such number of Men being willing thereunto or not prohibited as they shall think fit and also to govern them in such legal and reasonable manner as the said Governor and Company shall think best and to inflict punishment for misdemeanors or impose such Fines upon them for breach of their Orders as in these Presents are formerly expressed

AND FURTHER Our will and pleasure is And by these presents for us our heirs and Successors WE DO grant unto the said Governor and Company and to their Successors full Power and lawful authority to seize upon the Persons of all such English or any other of our Subjects which shall sail into Hudson's Bay or Inhabit in any of the Countries Islands or Territories hereby Granted to the said Governor and Company without their leave and Licence in that Behalf first had and obtained or that shall contemn or disobey their Orders and send them to England and that all and every Person and Persons being our Subjects any ways Employed by the said Governor and Company within any the Parts places and Limits aforesaid shall be liable unto and suffer such punishment for any Offences by them committed in the Parts aforesaid as the President and Council for the said Governor and Company there shall think fit and the merit of the offence shall require as aforesaid. And in case any Person or Persons being convicted and Sentenced by the President and Council of the said Governor and Company in the Countries Lands or Limits aforesaid their Factors or Agents there for any Offence by them done shall appeal from the same That then and in such Case it shall and may be lawful to and for the said

President and Council Factors or Agents to seize upon him or them and to carry him or them home Prisoners into England to the said Governor and Company there to receive such condign punishment as his Cause shall require and the Law of this Nation allow of and for the better discovery of abuses and injuries to be done unto the said Governor and Company or their Successors by any Servant by them to be employed in the said Voyages and Plantations it shall and may be lawful to and for the said Governor and Company and their respective Presidents Chief Agent or Governor in the parts afore-said to examine upon Oath all Factors Masters Pursers Supra Cargoes Commanders of Castles Forts Fortifications Plantations or Colonies or other Persons touching or concerning any matter or thing in which by Law or usage an Oath may be administered so as the said Oath and the matter therein contained be not repugnant but agreeable to the Laws of this Realm

AND WE DO hereby straightly charge and Command all and singular our Admirals Vice-Admirals Justices Mayors Sheriffs Constables Bailiffs and all and singular other our Officers Ministers Liege Men and Subjects whatsoever to be aiding favouring helping and assisting to the said Governor and Company and to their Successors and to their Deputies Officers Factors Servants Assignees and Ministers and every of them in executing and enjoying the premises as well on Land as on Sea from time to time when any of you shall thereunto be required ANY STATUTE Act Ordinance Proviso Proclamation or restraint heretofore had made set forth ordained or provided or any other matter cause or thing whatsoever to the contrary in any wise notwithstanding.

IN WITNESS WHEREOF we have caused these our Letters to be made Patented WITNESS OURSELF at Westminster the second day of May in the two and twentieth year of our Reign By Writ of Privy Seal

Source: Statutes, Orders in Council &c, relating to the Hudson's Bay Company (London, 1949).

Footnote #9

CONSTITUTION OF NORTH CAROLINA OF 1776

A DECLARATION OF RIGHTS

A Declaration of Rights, made by the Representatives of the Freeman of the State of North Carolina.

1. That all political power is vested, in and derived from, the people only.
2. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.
3. That no men, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.
4. That the legislative, executive and supreme judicial powers of government, ought to be forever separate and distinct from each other.
5. That all powers of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.
6. That elections of members to serve as representatives in general assembly ought to be free.
7. That in all criminal prosecutions, every man has a right to be informed of the accu-

sation against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself.

8. That no freeman shall be put to answer any criminal charge, but by indictment, presentment, or impeachment.

9. That no freeman shall be convicted of any crime, but by the unanimous verdict of a jury of good and lawful men, in open court, as heretofore used.

10. That excessive bail should not be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

11. That general warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offenses are not particularly described, and supported by evidence, are dangerous to liberty, and ought not to be granted.

12. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the law of the land.

13. That every freeman restrained of his liberty is entitled to a remedy, to inquire in to the lawfulness thereof, and to remove the same, if unlawful; and that such remedy ought not to be denied or delayed.

14. That in all controversies at law, respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

15. That the freedom of the press is one of the great bulwarks of liberty; and therefore ought never to be restrained.

16. That the people of this State ought not to be taxed, or made subject to the payment of any impost, or duty, without the consent of themselves, or their representatives in the general assembly freely given.

17. That the people have a right to bear arms, for the defense of the State; and as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

18. That the people have a right to assemble together, to consult for the common good, to instruct their representatives, and to apply to the legislature for redress of grievances.

19. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own conscience.

20. That, for redress of grievances, and for amending and strengthening the laws, elections ought to be often held.

21. That a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

22. That no hereditary emoluments, privileges, or honors ought to be granted or conferred in this State.

23. That perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

24. That retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore, no ex post facto law ought to be made.

25. The property of the soil, in a free government, being one of the essential rights of the collective body of the people, it is necessary, in order to avoid future disputes, that the limits of the State should be ascertained with precision: and as the former temporary line between North and South Carolina was confirmed, and extended by commissioners, appointed by the legislatures of the two States, agreeable to the order of the late King George II in council, that line, and that only, should be esteemed the southern boundary of this State; that is to say, beginning on the seaside at a cedar stake at or near the mouth of Little River, (being the southern extremity of Brunswick County), and running from thence a northwest course, through the boundary-house, which stands in thirty-three degrees fifty-six minutes, to a thirty-five degrees north latitude; and from thence a west course, so far as is mentioned in the charter of King Charles II to the late proprietors of Carolina. Therefore, all the territory, seas, waters, and harbors, with their appurtenances, lying between the line above described, and the southern line of the State of Virginia, which begins on the seashore, in thirty-six degrees thirty minutes north latitude, and from thence runs west, agreeable to the said charter of King Charles, are the right and property of the people of this State, to be held by them in sovereignty: any partial line, without the consent of the legislature of this State, at any time thereafter directed or laid out, in any wise notwithstanding: provided always, that this declaration of right shall not prejudice any nation or nations of Indians, from enjoying such hunting grounds as may have been, or hereafter shall be secured to them, by any former or future legislature of this State: And provided also, that it shall not be construed so as to prevent the establishment of one or more governments westward of this State, by consent of the legislature: And provided further, that nothing herein contained shall affect the titles or possessions of individuals holding or claiming under the laws heretofore in force, or grants heretofore made by the late King George II, or his predecessors, or the late lords proprietors, or any of them.

THE CONSTITUTION

The Constitution, or form of Government, agreed to and Resolved upon, by the Representatives of the freemen of the State of North Carolina, elected and chosen for that particular purpose, in Congress assembled, at Halifax, the eighteenth day of December, in the year of our Lord one thousand seven hundred and seventy-six.

Whereas, allegiance and protection are in their nature reciprocal, and the one should of right be refused when the other is withdrawn;

And whereas, George the Third, king of Great Britain, and late sovereign of the British American colonies, hath not only withdrawn from them his protection, but, by an act of the British legislature, declared the inhabitants of these States out of the protection of the British crown, and all their property found upon the high-seas liable to be seized and confiscated to the uses mentioned in the said act; and the said George the Third has also sent fleets and armies to prosecute a cruel war against them, for the purpose of reducing the inhabitants of the said colonies to a state of object slavery; in consequence whereof, all government, under the said king, within the said colonies, hath ceased, and a total dissolution of government, in many of them, hath taken place:

And whereas, the continental congress, having considered the premises, and other previous violations of the rights of the good people of America, have therefore declared that the thirteen united colonies are, of right, wholly absolved from all allegiance to the

British crown, or any other foreign jurisdiction whatsoever; and that the said colonies now are, and forever shall be, free and independent states. Wherefore, in our present State, in order to prevent anarchy and confusion, it becomes necessary that government should be established in this State; therefore, we the representatives of the freemen of North Carolina, chosen and assembled in congress for the express purpose of framing a constitution, under the authority of the people, most conducive to their happiness and prosperity, do declare, that a government for this State shall be established, in manner and form following, to wit:

1. That the legislative authority shall be vested in two distinct branches, both dependent on the people, to wit, a senate and house of commons.

2. That the senate shall be composed of representatives, annually chosen by ballot, one for each county in the State.

3. That the house of commons shall be composed of representatives, annually chosen by ballot, two for each county, and one for each of the towns of Edenton, New Bern, Wilmington, Salisbury, Hillsborough, and Halifax.

4. That the senate and house of commons, assembled for the purpose of legislation, shall be denominated the general assembly.

5. That each member of the senate shall have usually resided in the county in which he is chosen for one year immediately preceeding his election, and for the same time shall have possessed, and continue to possess, in the county which he represents, not less than three hundred acres of land in fee.

6. That each member of the house of commons shall have usually resided in the county in which he is chosen for one year immediately preceding his election, and for six months shall have possessed, and continue to possess, in the county which he represents, not less than one hundred acres of land in fee, or for the term of his own life.

7. That all freemen of the age of twenty-one years, who have been inhabitants of any one county within the State twelve months immediately preceding the day of any election, and possessed of a freehold, within the same county, of fifty acres of land, for six months next before, and at the day of election, shall be entitled to vote for a member of the senate.

8. That all freemen of the age of twenty-one years, who have been inhabitants of any one county within the State twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the house of commons, for the county in which he resides.

9. That all persons possessed of a freehold, in any town in this State, having a right of representation, and also all freemen, who have been inhabitants of any such town twelve months next before, and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the house of commons: provided, always, that this section shall not entitle any inhabitant of such town to vote for members of the house of commons for the county in which he may reside: nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member of the said town.

10. That the senate and house of commons, when met, shall each have power to choose a speaker, and their other officers; be judges of the qualifications and elections of their members; sit upon their own adjournments from day to day; and prepare bills to be

passed into laws. The two houses shall direct writs of election, for supplying intermediate vacancies: and shall also jointly, by ballot, adjourn themselves to any future day and place.

11. That all bills shall be read three times in each house, before they pass into laws, and be signed by the speakers of both houses.

12. That every person, who shall be chosen a member of the senate or house of commons, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take an oath to the State: and all officers shall take an oath of office.

13. That the general assembly shall, by joint ballot of both houses, appoint judges of the supreme courts of law and equity, judges of admiralty and attorney-general, who shall be commissioned by the governor, and hold their offices during good behavior.

14. That the senate and house of commons shall have power to appoint the generals and field officers of the militia, and all officers of the regular army of this State.

15. That the senate and house of commons, jointly, at their first meeting after each annual election, shall, by ballot, elect a governor for one year, who shall not be eligible to that office longer than three years, in six successive years; that no person under thirty years of age, and who has not been a resident in this State above five years, and having, in the State, a freehold in lands and tenements, above the value of one thousand pounds, shall be eligible as a governor.

16. That the senate and house of commons, jointly, at their first meeting, after each annual election, shall, by ballot, elect seven persons to be a council of state for one year; who shall advise the governor in the execution of his office; and that four members shall be a quorum; their advice and proceedings shall be entered in a journal, to be kept for that purpose only, and signed by the members present; to any part of which any member present may enter his dissent. And such journal shall be laid before the general assembly when called for by them.

17. That there shall be a seal of this State, which shall be kept by the governor, and used by him as occasion may require; and shall be called the great seal of the State of North Carolina, and shall be affixed to all grants and commissions.

18. The governor, for the time being, shall be captain-general and commander-in-chief of the militia; and in the recess of the general assembly, shall have power, by and with the advice of the council of state, to embody the militia for the public safety.

19. The governor, for the time being, shall have power to draw for and apply such sums of money as shall be voted by the general assembly, for the contingencies of government, and be accountable to them for the same. He also may, by and with the advice of the council of state, lay embargoes, or prohibit the exportation of any commodity, for any term not exceeding thirty days, at any one time in the recess of the general assembly; and shall have the power of granting pardons and reprieves, except where the prosecution shall be carried on by the general assembly, or the law shall otherwise direct; in which case, he may, in the recess, grant a reprieve until the next sitting of the general assembly; and he may exercise all the other executive powers of government, limited and restrained, as by this constitution is mentioned, and according to the laws of the State. And, on his death, inability, or absence from the State, the speaker of the senate, for the time being, and in case of his death, inability, or absence from the State, the speaker

of the house of commons, shall exercise the powers of government, after such death, or during such absence or inability of the governor, or speaker of the senate, or until a new nomination is made by the general assembly.

20. That, in every case, where any officer, the right of whose appointment is, by this constitution, vested in the general assembly, shall, during their recess, die, or his office by other means become vacant, the governor shall have power, with the advice of the council of State, to fill up such vacancy, by granting a temporary commission, which shall expire at the end of the next session of the general assembly.

21. That the governor, judges of the supreme court of law and equity, judges of admiralty, and attorney-general, shall have adequate salaries, during their continuance in office.

22. That the general assembly shall, by joint ballot of both houses, annually appoint a treasurer or treasurers for this State.

23. That the governor, and other officers, offending against the State, by violating any part of this constitution, maladministration, or corruption, may be prosecuted, on the impeachment of the general assembly, or presentment of the grand jury of any court of supreme jurisdiction in this State.

24. That the general assembly shall, by joint ballot of both houses, triennially appoint a secretary for this State.

25. That no persons who heretofore have been, or hereafter may be, receivers of public moneys, shall have a seat in either house of general assembly, or be eligible to any office in this State, until such person shall have fully accounted for, and paid in to the treasury, all sums for which they may be accountable and liable.

26. That no treasurer shall have a seat, either in the senate, house of commons, or council of state, during his continuance in that office, or before he shall have finally settled his accounts with the public, for all the moneys which may be in his hands, at the expiration of his office, belonging to the State, and hath paid the same into the hands of the succeeding treasurer.

27. That no officer in the regular army or navy, in the service and pay of the United States, of this State or any other State, nor any contractor or agent for supplying such army or navy with clothing or provisions, shall have a seat either in the senate, house of commons, or council of state, or be eligible thereto; and any member of the senate, house of commons, or council of state, being appointed to, and accepting of such office, shall thereby vacate his seat.

28. That no member of the council of state shall have a seat, either in the senate or house of commons.

29. That no judge of the supreme court of law or equity, or judge of admiralty, shall have a seat in the senate, house of commons, or council of state.

30. That no secretary of this State, attorney-general, or clerk of any court of record, shall have a seat in the senate, house of commons, or council of state.

31. That no clergyman, or preacher of the gospel, of any denomination, shall be capable of being a member of either the senate, house of commons, or council of state, while he continues in the exercise of his pastoral function.

32. That no person who shall deny the being of God, or the truth of the Protestant religion, or the divine authority of either the Old or New Testaments, or who shall hold

religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office, or place of trust or profit, in the civil department, within this State.

33. That the justices of the peace, within their respective counties in this State, shall in future be recommended to the governor for the time being, by the representatives in general assembly; and the governor shall commission them accordingly; and the justices, when so commissioned, shall hold their offices during good behaviour, and shall not be removed from office by the general assembly, unless for misbehaviour, absence, or inability.

34. That there shall be no establishment of any one religious church or denomination in this State, in preference to any other; neither shall any person, on any pretense whatsoever be compelled to attend any place of worship contrary to his own faith or judgment, nor be obliged to pay for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes right, or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship: Provided, that nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses, from legal trial and punishment.

35. That no person in the State shall hold more than one lucrative office at any one time: Provided that no appointment in the militia, or the office of a justice of the peace, shall be considered as a lucrative office.

36. That all commissions and grants shall run in the name of the State of North Carolina, and bear test, and be signed by the Governor. All writs shall run in the same manner, and bear test, and be signed by the clerks of the respective courts. Indictments shall conclude, against the peace and dignity of the State.

37. That the delegates for this State to the continental congress, while necessary, shall be chosen annually by the general assembly, by ballot; but may be superseded, in the mean time, in the same manner; and no person shall be elected to serve in that capacity for more than three years successively.

38. That there shall be a sheriff, coroner, or coroners, and constables, in each county within this State.

39. That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison after delivering up, bona fide, all his estate, real and personal, for the use of his creditors, in such manner as shall hereafter be regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident, or the presumption great.

40. That every foreigner who comes to settle in this State; having first taken an oath of allegiance to the same, may purchase, or, by other just means, acquire, hold, and transfer land, or other real estate, and after one year's residence be deemed a free citizen.

41. That a school or schools shall be established by the legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and, all usefull learning shall be duly encouraged and promoted in one or more universities.

42. That no purchase of lands shall be made of the Indian natives, but on behalf of the public, by authority of the general assembly.

43. That the future legislature of this State shall regulate entails, in such a manner as to prevent perpetuities.

44. That the declaration of rights is hereby declared to be part of the constitution of this State, and ought never to be violated on any pretence whatsoever.

45. That any member of either house of general assembly shall have liberty to dissent from and protest against any act or resolve which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journals.

46. That neither house of the general assembly shall proceed upon public business, unless a majority of all the members of such house are actually present; and that upon a motion made and seconded, the yeas and nays, upon any question, shall be taken and entered on the journals: and that the journals of the proceedings of both houses of the general assembly shall be printed, and made public, immediately after their adjournment.

This constitution is not intended to preclude the present congress from making a temporary provision, for the well ordering of this State, until the general assembly shall establish government agreeable to the mode herein before described.

RICHARD CASWELL, President.

December the eighteenth, one thousand seven hundred and seventy-six, read the third time, and ratified in open congress.

Footnote #10

THE CONSTITUTION

Preamble

We the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledgeing our dependence upon Him, for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution.

Article I.

Declaration of Rights.

That the great, general and essential principles of liberty and free government, may be recognized and established, and that the relations of this State to the Union and government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare;

SECTION 1. That we hold it to be selfevident that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

SEC. 2. That all political power is vested in, and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

SEC. 3. That the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government, whenever it may be necessary to their safety and happiness; but every such right should be exercised in pursurance of law, and con-

sistently with the Constitution of the United States.

SEC. 4. That this State shall ever remain a member of the American Union, that the people thereof are part of the American nation; that there is no right on the part of this State to secede, and that all attempts from whatever source or upon whatever pretext, to dissolve said Union, or to sever said nation, ought to be resisted with the whole power of the State.

SEC. 5. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof, can have any binding force.

SEC. 6. To maintain the honor and good faith of the State untarnished, the public debt, regularly contracted before and since the rebellion, shall be regarded as inviolable and never be questioned; but the State shall never assume or pay, or authorize the collection of, any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave.

SEC. 7. No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

SEC. 8. The legislative, executive, and supreme judicial powers of the government ought to be forever separate and distinct from each other.

SEC. 9. All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

SEC. 10. All elections ought to be free.

SEC. 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with other testimony, and to have counsel for his defence, and not be compelled to give evidence against himself, or to pay costs, jail fees, or necessary witness fees of the defence, unless found guilty.

SEC. 12. No person shall be put to answer any criminal charge except as hereinafter allowed, but by indictment, presentment, or impeachment.

SEC. 13. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. The legislature may, however, provide other means of trial, for petty misdemeanors, with the right of appeal.

SEC. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SEC. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

SEC. 16. There shall be no imprisonment for debt in this State, except in cases of fraud.

SEC. 17. No person ought to be taken, imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land.

SEC. 18. Every person restrained of his liberty, is entitled to a remedy to enquire in to the lawfulness thereof and to remove the same, if unlawful, and such remedy ought not to be denied or delayed.

SEC. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

SEC. 20. The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

SEC. 21. The privilege of the writ of habeas corpus shall not be suspended.

SEC. 22. As political rights and privileges are not dependent upon or modified by property, therefore no property qualification ought to affect the right to vote or hold office.

SEC. 23. The people of this State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in General Assembly freely given.

SEC. 24. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power.

SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances.

SEC. 26. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

SEC. 27. The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

SEC. 28. For redress of grievances, and for amending and strengthening the laws, elections should be often held.

SEC. 29. A frequent recurrence to fundamental principles, is absolutely necessary to preserve the blessings of liberty.

SEC. 30. No hereditary emoluments, privileges, or honors, ought to be granted or conferred in this State.

SEC. 31. Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

SEC. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty, wherefore, no ex post facto law ought to be made. No law taxing retrospectively, sales, purchases, or other acts previously done, ought to be passed.

SEC. 33. Slavery and involuntary servitude, otherwise than for crime whereof the parties shall have been duly convicted, shall be, and are hereby forever prohibited within this State.

SEC. 34. The limits and boundaries of the State shall be and remain as they now are.

SEC. 35. All courts shall be open, and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

SEC. 36. No soldier shall, in time of peace, be quartered in any house without the

consent of the owner; nor in time of war, but in a manner prescribed by law.

SEC. 37. This enumeration of rights shall not be construed to impair or deny others, retained by the people; and all powers, not herein delegated, remain with the people.

Article II.

Legislative Department.

SECTION 1. The Legislative authority shall be vested in two distinct branches, both dependent on the people to wit: a Senate and House of Representatives.

SEC. 2. The Senate and House of Representatives shall meet annually on the third Monday in November and when assembled, shall be denominated the General Assembly. Neither House shall proceed upon public business, unless a majority of all the members are actually present.

SEC. 3. The Senate shall be composed of fifty Senators biennially chosen by ballot.

SEC. 4. Until the first session of the General Assembly which shall be had after the year eighteen hundred and seventy one, the Senate shall be composed of members elected from districts constituted as follows:

1st District-Perquimans, Pasquotank, Chowan, Currituck, Gates and Camden, shall elect two Senators.

2nd District-Martin, Washington and Tyrrell shall elect one Senator.

3rd District-Beaufort and Hyde, shall elect one Senator.

4th District-Northampton shall elect one Senator.

5th District-Bertie and Hertford, shall elect one Senator.

6th District-Halifax, shall elect one Senator.

7th District-Edgecombe, shall elect one Senator.

8th District-Pitt, shall elect one Senator.

9th District-Nash and Wilson, shall elect one Senator.

10th District-Craven and Carteret, shall elect two Senators.

11th District-Jones and Lenoir, shall elect one Senator.

12th District-Duplin and Onslow, shall elect one Senator.

13th District-Brunswick and New Hanover, shall elect two Senators.

14th District-Bladen and Columbus, shall elect one Senator.

15th District-Robeson, shall elect one Senator.

16th District-Cumberland, Harnett and Sampson shall elect two Senators.

17th District-Johnston, shall elect one Senator.

18th District-Greene and Wayne, shall elect one Senator.

19th District-Franklin and Wake, shall elect two Senators.

20th District-Warren, shall elect one Senator.

21st District-Granville and Person, shall elect two Senators.

22nd District-Orange, shall elect one Senator.

23rd District-Chatham, shall elect one Senator.

24th District-Caswell shall elect one Senator.

25th District-Rockingham, shall elect one Senator.

26th District-Alamance and Guilford, shall elect two Senators.

27th District-Randolph and Montgomery, shall elect one Senator.

28th District-Moore and Richmond, shall elect one Senator.

29th District-Anson and Union, shall elect one Senator.

- 30th District-Mecklenburg, shall elect one Senator.
- 31st District-Cabarrus and Stanly, shall elect one Senator.
- 32nd District-Davie and Rowan, shall elect one Senator.
- 33rd District-Davidson, shall elect one Senator.
- 34th District-Forsyth and Stokes, shall elect one Senator.
- 35th District-Surry and Yadkin, shall elect one Senator.
- 36th District-Alexander and Iredell, shall elect one Senator.
- 37th District-Catawba, Gaston and Lincoln, shall elect one Senator.
- 38th District-Cleveland, Polk and Rutherford, shall elect one Senator.
- 39th District-Alleghany, Ashe and Wilkes, shall elect one Senator.
- 40th District-Buncombe, Henderson and Transylvania shall elect one Senator.
- 41st District-Burke, Caldwell and Watauga, shall elect one Senator.
- 42nd District-Madison, Mitchell, McDowell, and Yancey shall elect one Senator.
- 43rd District-Clay, Cherokee, Haywood, Jackson and Macon, shall elect one Senator.

SEC. 5. An enumeration of the inhabitants of the State shall be taken under the direction of the General Assembly in the year one thousand eight hundred and seventy five, and at the end of every ten years thereafter; and the said Senate districts, shall be so altered by the General Assembly, at the first session after the return of every enumeration taken as aforesaid, or by order of Congress, that each Senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate district, unless such county shall be equitably entitled to two or more Senators.

SEC. 6. The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one Representative in the House of Representatives, although it may not contain the requisite ratio of representation. This apportionment shall be made by the General Assembly at the respective times and periods when the districts for the Senate are hereinbefore directed to be laid off.

SEC. 7. In making the apportionment in the House of Representatives, the ratio of representation should be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed, shall not be included. To each county containing the said ratio and not twice the said ratio, there shall be assigned one representative; to each county containing twice but not three times the said ratio, there shall be assigned two representatives, and so on progressively, and then the remaining representatives shall be assigned severally to the counties having the largest fractions.

SEC. 8. Until the General Assembly shall have made the apportionment as herein before provided, the House of Representatives shall be composed of members elected from the counties in the following manner, to wit; The county of Wake shall elect four members; the counties of Craven, Granville, Halifax and New Hanover shall elect three members each; the counties of Caswell, Chatham, Cumberland, Davidson, Duplin,

Edgecombe, Franklin, Guilford, Iredell, Johnston, Mecklenburg, Northampton, Orange, Pitt, Randolph, Robeson, Rockingham, Rowan, Warren and Wayne shall elect two members each; the counties of Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Catawba, Cherokee, Chowan, Clay, Cleveland, Columbus, Currituck, Davie, Forsooth, Gaston, Gates, Greene, Harnett, Henderson, Haywood, Hertford, Hyde, Jackson, Jones, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mitchell, Montgomery, Moore, Nash, Onslow, Pasquotank, Perquimans, Person, Polk, Richmond, Rutherford, Sampson, Stanly, Stokes, Surry, Transylvania, Tyrrell, Union, Washington, Watauga, Wilkes, Wilson, Yadkin and Yancy shall elect one member each.

SEC. 9. Each member of the Senate shall be not less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the district for which he is chosen, one year immediately preceding his election.

SEC. 10. Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen, for one year immediately preceding his election.

SEC. 11. In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be viva voce.

SEC. 12. The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure Alimony in any individual case.

SEC. 13. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

SEC. 14. The General Assembly shall not pass any private law, unless it shall be made to appear, that thirty day's notice of application to pass such law shall have been given, under such direction, and in such manner as shall be provided by law.

SEC. 15. If vacancies shall occur in the General Assembly by death, resignation or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.

SEC. 16. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly, and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the Journal.

SEC. 17. The General Assembly shall regulate entails in such manner as to prevent perpetuities.

SEC. 18. Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

SEC. 19. Any member of either House may dissent from, and protest against, any act or resolve, which he may think injurious to the public, or any individual, and have the

reasons of his dissent entered on the Journal.

SEC. 20. The House of Representatives shall choose their own Speaker and other officers.

SEC. 21. The Lieutenant-Governor shall preside in the Senate, but shall have no vote, unless it may be equally divided.

SEC. 22. The Senate shall choose its other officers and also; a Speaker (pro tempore) in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor.

SEC. 23. The style of the acts shall be, "The General Assembly of North Carolina do enact :".

SEC. 24. Each House shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws, and the two Houses, may also jointly adjourn to any future day, or other place.

SEC. 25. All bills and resolutions of a legislative nature, shall be read three times in each House, before they pass into laws; and shall be signed by the presiding officers of both Houses.

SEC. 26. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

SEC. 27. The terms of office for Senators and members of the House of Representatives shall commence at the time of their election; and the term of office of those elected at the first election held under this Constitution shall terminate at the same time as if they had been elected, at the first ensuing regular election.

SEC. 28. Upon motion made and seconded in either House, by one fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.

SEC. 29. The election for members of the General Assembly shall be held for the respective districts, and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assesmbly may change the time of holding the elections. The first election shall be held when the vote shall be taken on the ratification of this Constitution by the voters of the State, and the General Assembly then elected, shall meet on the fifteenth day after the approval thereof by the Congress of the United States, if it fall not on Sunday, but if it shall so fall, then on the next day thereafter, and the members then elected shall hold their seats until their successors are elected at a regular election.

Article III.

Executive Department.

SECTION 1. The Executive Department shall consist of a Governor (in whom shall be vested the Supreme executive power of the State) a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Works, a Superintendent of Public Instruction, and an Attorney General, who shall be elected for a term of four years, by the qualified electors of the State, at the same time and places, and in t he same man-

ner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next, after their election, and continue until their successors are elected and qualified: Provided, That the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first of January, 1869.

SEC. 2. No person shall be eligible as Governor or Lieutenant Governor, unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years unless the office shall have been cast upon him as Lieutenant Governor or President of the Senate.

SEC. 3. The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of Government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both Houses of the General Assembly. The persons having the highest number of votes respectively, shall be declared duly elected; but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot, of both Houses of the General Assembly. Contested elections shall be determined by a joint vote of both Houses of the General Assembly, in such manner as shall be prescribed by law.

SEC. 4. The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation, that he will support the Constitution and laws of the United States and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor to which he has been elected.

SEC. 5. The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

SEC. 6. The Governor shall have power to grant reprieves commutations and pardons, after conviction, for all offences, (except in cases of impeachment) upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall annually communicate to the General Assembly each case of reprieve, commutation, or pardon granted; stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon, or reprieve, and the reasons therefore.

SEC. 7. The officers of the Executive Department and of the Public Institutions of the State, shall at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

SEC. 8. The Governor shall be Commander-in-Chief of the Militia of the State, except when they shall be called into the service of the United States.

SEC. 9. The Governor shall have power, on extraordinary occasions, by and with the

advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

SEC. 10. The Governor shall nominate, and by and with the advice and consent of a majority of the Senators elect, appoint, all officers whose offices are established by this Constitution, or which shall be created by law, and whose appointments are not otherwise provided for, and no such officer shall be appointed or elected by the General Assembly.

SEC. 11. The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall, whilst acting as President of the Senate, receive for his services the same pay which shall for the same period, be allowed to the Speaker of the House of Representatives, and he shall receive no other compensation except when he is acting as Governor.

SEC. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or in case the office of Governor shall in any wise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor until the disabilities shall cease, or a new Governor shall be elected and qualified. In every case in which the Lieutenant Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties, and emoluments of the office of the office of Governor shall devolve upon him whenever the Lieutenant Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities be removed or a new Governor or Lieutenant Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for a President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may elect such President.

SEC. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Works, Superintendent of Public Instruction, and Attorney General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty to the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after the vacancy has taken place and the person chosen, shall hold the office for the remainder of the unexpired term fixed in the first section of this Article.

SEC. 14. The Secretary of State, Auditor, Treasurer, Superintendent of Public Works, and Superintendent of Public Instruction, shall constitute ex officio, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a Journal, to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either House. The Attorney General shall be, ex officio, the legal adviser of the Executive Department.

SEC. 15. The officers mentioned in this Article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said

officers shall receive no other emolument or allowance whatever.

SEC. 16. There shall be a seal of the State, which shall be kept by the Governor, and used by him, as occasion may require, and shall be called "the Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "the Great Seal of the State," signed by the Governor and countersigned by the Secretary of State.

SEC. 17. There shall be established in the office of Secretary of State, a Bureau of Statistics, Agriculture and Immigration, under such regulations as the General Assembly may provide.

Article IV

Judicial Department.

SEC. 1. The distinction between actions at law and suits in equity, and the forms of all such actions and suits shall be abolished, and there shall be in this State but one form of action, for the enforcement or protection of private rights or the redress of private wrongs which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against a person charged with a public offence, for the punishment of the same, shall be termed a criminal action. Feigned issues shall be abolished and the fact at issue tried by order of court before a jury.

SEC. 2. Three Commissioners shall be appointed by this Convention to report to the General Assembly at its first session after this Constitution shall be adopted by the people, rules of practice and procedure in accordance with the provisions of the foreign section, and the Convention shall provide for the commissioners, a reasonable compensation.

SEC. 3. The same Commissioners shall also report to the General Assembly as soon as practicable, a code of the law of North Carolina. The Governor shall have power to fill all vacancies occurring in this Commission.

SEC. 4. The Judicial power of the State shall be vested in a court for the trial of impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and Special Courts.

SEC. 5. The Court for the trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from, and disqualification to hold, office in this State; but the party shall be liable to indictment and punishment according to law.

SEC. 6. The House of Representatives solely, shall have the power of impeaching. No person shall be convicted without the concurrence of two thirds of the Senators present. When the Governor is impeached the Chief Justice shall preside.

SEC. 7. Treason against the State shall consist only in levying war against it or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

SEC. 8. The Supreme Court shall consist of a Chief Justice and four Associate Justices.

SEC. 9. There shall be two terms of the Supreme Court held at the seat of Government of the State in each year, commencing on the first Monday in January, and first Monday in June, and continuing as long as the public interest may require.

SEC. 10. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference; but no issue of fact it

shall be tried before this court: and the court shall have power to issue any remedial writs necessary, to give it a general supervision and control of the inferior courts.

SEC. 11. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory: no process in the nature of execution, shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

SEC. 12. The State shall be divided into twelve judicial districts, for each of which a Judge shall be chosen, who shall hold a Superior Court in each county in said District, at least twice in each year, to continue for two weeks, unless the business shall be sooner disposed of.

SEC. 13. Until altered by law, the following shall be the Judicial Districts:

First District. Currituck, Perquimans, Hertford, Camden, Chowan, Bertie, Pasquotank, Gates; Second District. Tyrrell, Beaufort, Edgecombe, Hyde, Martin, Washington, Pitt; Third District. Craven, Greene, Wayne, Carteret, Onslow, Wilson, Jones, Lenoir; Fourth District. Brunswick, Columbus, Robeson, New Hanover, Btaden, Duplin Sampson; Fifth District. Cumberland, Richmond, Stanly, Harnett, Anson, Union, Moore, Montgomery; Sixth District. Northampton, Wake, Johnson, Warren, Nash, Halifax, Franklin; Seventh District. Person, Randolph, Caswell, Orange, Guilford, Rockingham, Chatham, Alamance; Eighth District. Stokes, Rowan, Surry, Forsyth, Davie, Davidson, Yadkin; Ninth District. Catawba, Lincoln, Rutherford, Cabarrus, Gaston, Polk, Mecklenburg; Tenth District. Iredell, Caldwell, Alexander, Burke, Wilkes, McDowall; Eleventh District. Alleghany, Mitchell, Buncombe, Ashe, Yancy, Watauga, Madison; Twelfth District. Henderson, Macon, Cherokee, Transylvania, Jackson, Haywood, Clay.

SEC. 14. Every Judge of a Superior Court shall reside in his District while holding his office. The Judges may exchange districts with each other with the consent of the Governor and the Governor, for good reasons, which he shall report to the Legislature at its current or next session, may require any Judge to hold one or more specified terms of said Courts in lieu of the Judge in whose district they are.

SEC. 15. The Superior Courts shall have exclusive original jurisdiction of all civil actions, whereof exclusive original jurisdiction is not given to some other courts; and of all criminal actions, in which the punishment may exceed a fine of fifty dollars or imprisonment for one month.

SEC. 16. The Superior Courts shall have appellate jurisdiction of all issues of law or fact, determined by a Probate Judge or a Justice of the Peace, where the matter in controversy exceeds twenty-five dollars, and of matters of law in all cases.

SEC. 17. The Clerks of the Superior Courts shall have jurisdiction of the probate of deeds, the granting of letters testamentary and of administration, the appointment of Guardians, the apprenticing of orphans, to audit the accounts of executors, administrators and guardians, and of such other matters as shall be prescribed by law. All issues of fact joined before them shall be transferred to the Superior Courts for trial, and appeals shall lie to the Superior Courts from their judgements in all matters of law.

SEC. 18. In all issues of fact, joined in any court, the parties may waive the right to have the same determined by jury, in which case the finding of the Judge upon the facts, shall have the force and effect of a verdict of a jury.

SEC. 19. The General Assembly shall provide for the establishment of special courts,

for the trial of misdemeanors, in cities and towns, where the same may be necessary.

SEC. 20. The Clerk of the Supreme Court shall be appointed by the court, and shall hold his office for eight years.

SEC. 21. A Clerk of the Superior Court for each county, shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law, for the election of members of the General Assembly.

SEC. 22. Clerks of the Superior Courts shall hold their offices for four years.

SEC. 23. The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this Article; but the salaries of the Judges shall not be diminished during their continuance in office.

SEC. 24. The laws of North Carolina, not repugnant to this Constitution, or to the Constitution and laws of the United States, shall be ill force until lawfully altered.

SEC. 25. Actions at law, and suits in equity, pending when this Constitution shall go into effect, shall be transferred to the courts having jurisdiction thereof, without prejudice by reason of the change, and all such actions and suits, commenced before, and pending at, the adoption by the General Assembly, of the rules of practice and procedure herein provided for, shall be heard and determined, according to the practice now in use, unless otherwise provided for by said rules.

SEC. 26. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Judges of the Superior Courts shall be elected in like manner, and shall hold their offices for eight years; but the Judges of the Superior Courts elected at the first election under this Constitution, shall, after their election, under the superintendance of the Justices of the Supreme Court be divided by lot into two equal classes, one of which shall hold office for four years, the other for eight years.

SEC. 27. The General Assembly may provide by law that the Judges of the Superior Courts, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

SEC. 28. The Superior Courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

SEC. 29. A Solicitor shall be elected for each judicial district by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justice in his district.

SEC. 30. In each county a Sheriff and Coroner, shall be elected by the qualified voters thereof as is prescribed for members of the General Assembly, and shall hold their offices for two years. In each township there shall be a Constable, elected in like manner by the voters thereof, who shall hold his office for two years. When there is no Coroner in the county, the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause, in any of the offices created by this Section, the Commissioners for the county may appoint to such office for the unexpired term.

SEC. 31. All vacancies occurring in the offices provided for by this article of this Constitution, shall be filled by the appointment of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election.

SEC. 32. The officers elected at the first election held under this Constitution, shall hold their offices for the terms prescribed for them respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

SEC. 33. The several Justices of the Peace shall have exclusive original jurisdiction under such regulations as the General Assembly shall prescribe, of all civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties, where the punishment cannot exceed a fine of fifty dollars, or imprisonment for one month.

When an issue of fact shall be joined before a Justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom judgement shall be rendered in any civil action, may appeal to the Superior Court from the same, and, if the judgement shall exceed twenty-five dollars, there may be a new trial of the whole matter in the appellate court; but if the judgement shall be for twenty five dollars or less, then the case shall be heard in the appellate court, only upon matters of law. In all cases of a criminal nature, the party against whom judgement is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a Justice, he shall make a record of the proceedings, and file the same with the Clerk of the Superior Court for his county.

SEC. 34. When the office of Justice of the Peace shall become vacant, otherwise than by expiration of the term, and in case of a failure by the voters of any district, to elect, the Clerk of the Superior Court for the County, shall appoint to fill the vacancy for the unexpired term.

SEC. 35. In case the office of Clerk of a Superior Court for a County shall become vacant, otherwise than by the expiration of the term, and in case of a failure by the people to elect, the Judge of the Superior Court for the County shall appoint to fill the vacancy until an election can be regularly held.

Article V.

Revenue and Taxations

SECTION 1. The General Assembly shall levy a capitation tax on every male inhabitant of the State over twenty one and under fifty years of age, which shall be equal on each, to the tax on property valued at three hundred dollars in cash. The commissioners of the several counties may exempt from capitation tax in special cases, on account of poverty and infirmity, and the State and county capitation tax combined, shall never exceed two dollars on the head.

SEC. 2. The proceeds of the State and County capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty five per cent, thereof, be appropriated to the latter purpose.

SEC. 3. Laws shall be passed taxing, by a uniform rule, all monies, credits, investments in bonds, stocks, joint-stock companies or otherwise; and, also, all real and personal property, according to its true value in money. The General Assembly may also tax trades, professions, franchises, and incomes, provided, that no income shall be taxed when the property from which the income is derived, is taxed.

SEC. 4. The General Assembly shall, by appropriate legislation and by adequate taxa-

tion, provide for the prompt and regular payment of the interest on the public debt, and after the year 1880, it shall lay a specific annual tax upon the real and personal property of the State, and the sum thus realized shall be set apart as a sinking fund, to be devoted to the payment of the public debt.

SEC. 5. Until the Bonds of the State shall be at par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit, or for suppressing invasion or insurrection, unless it shall in the same bill levy a special tax to pay the interest annually. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association or corporation, except to aid in the completion of such Rail Roads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted, to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

SEC. 6. Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly exempt cemeteries, and property held for educational, scientific, literary, charitable, or religious purposes; Also, wearing apparel, Arms for Muster, household and kitchen furniture, the Mechanical and agricultural implements of Merchants and farmers, libraries and scientific instruments, to a value not exceeding three hundred dollars.

SEC. 7. The taxes levied by the commissioners of the several counties, for county purposes, shall be levied in like manner with the State taxes and shall never exceed the double of the State tax, except for a special purpose, and with the special approval of the General Assembly.

SEC. 8. Every act of the General Assembly, levying a tax, shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

Article VI

Suffrage and Eligibility to Office.

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, twenty one years old or upward, who shall have resided in this state twelve months next preceeding the election, and thirty days in the county, in which he offers to vote, shall be deemed an elector.

SEC. 2. It shall be the duty of the General Assembly to provide from time to time, for the registration of all electors, and no person shall be allowed to vote without registration, or to register, without first taking an oath or affirmation to support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina, not inconsistent therewith.

SEC. 3. All elections by the people shall be by ballot and all elections by the General Assembly shall be viva voce.

SEC. 4. Every voter, except as hereinafter provided, shall be eligible to office; but before entering upon the discharge of the duties of his office, he shall take and subscribe the following oath: "I, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina not inconsistent there with, and that I will faithfully discharge the duties of my office. So help me God."

SEC. 5. The following classes of persons shall be disqualified for office: First, All per-

sons who shall deny the being of Almighty God. Second; All persons who shall have been convicted of treason, perjury or of any other infamous crime, since becoming citizens of the United States, or of corruption, or malpractice in office, unless such persons shall have been legally restored to the rights of citizenship.

Article VII.

Municipal Corporations

SECTION 1. In each county, there shall be elected, biennially, by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers, a Treasurer, Register of Deeds, Surveyor and five Commissioners.

SEC. 2. It shall be the duty of the Commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes and finances of the county, as may be prescribed by law. The Register of Deeds shall be ex officio, Clerk of the Board of Commissioners.

SEC. 3. It shall be the duty of the Commissioners, first elected in each county, to divide the same into convenient districts, to determine the boundaries and prescribe the names of the said districts, and report the same to the General Assembly before the first day of January, 1869.

SEC. 4. Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government and shall be known as townships.

SEC. 5. In each township there shall be biennially elected, by the qualified voters thereof, a Clerk and two Justices of the Peace, who shall constitute a board of trustees, and shall, under the supervision of the County Commissioners, have control of the taxes and finances, roads and bridges of the township as may be prescribed by law. The General Assembly may provide for the election of a larger number of Justices of the Peace in cities and towns and in those townships in which cities and towns and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a School committee consisting of three persons whose duties shall be prescribed by law.

SEC. 6. The township Board of Trustees, shall assess the taxable property of their townships and make return to the County Commissioners, for revision as may be prescribed by law. The Clerk shall also be ex officio, Treasurer of the township.

SEC. 7. No county, city, town or other municipal corporation, shall contract any debt, pledge its faith, or loan its credit, nor shall any tax be levied or collected by any officers of the same, except for the necessary expenses thereof, unless by a vote of a majority of the qualified voters therein.

SEC. 8. No money shall be drawn from any County or Township Treasury, except by authority of law.

SEC. 9. All taxes levied by any county, city, town or township, shall be uniform, and ad valorem, upon all property in the same, except property exempted by this Constitution.

SEC. 10. The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

SEC. 11. The Governor shall appoint a sufficient number of Justices of the Peace, in each County who shall hold their places until sections four, five and six of this article

shall have been carried into effect.

SEC. 12. All charters, ordinances and provisions relating to municipal corporations, shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

SEC. 13. No county, city, town or other municipal corporation, shall assume or pay, nor shall any tax be levied or collected, for the payment of any debt, or the interest upon any debt, contracted, directly or indirectly, in aid or support of the rebellion.

Article VIII.

Corporations other than Municipal

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgement of the Legislature, the object of the corporations cannot be attained under general laws. All general laws and special acts passed pursuant to this Section, may be altered from time to time or repealed.

SEC. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means, as may be prescribed by law.

SEC. 3. The term corporation, as used in this Article, shall be construed to include all associations and joint stock companies, having any of the powers and privileges of corporations, not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts, in like cases as natural persons.

SEC. 4. It shall be the duty of the Legislature to provide for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts, by such municipal corporation.

Article IX

SECTION 1. Religion, morality, and knowledge being necessary to good government and happiness of mankind, schools, and the means of education, shall forever be encouraged.

SEC. 2. The General Assembly at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of Public Schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years.

SEC. 3. Each County of the State shall be divided into a convenient number of Districts, in which one or more Public Schools shall be maintained, at least four months in every year; and if the Commissioners of any County shall fail to comply with the afore said requirement of this section, they shall be liable to indictment.

SEC. 4. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State and not otherwise specially appropriated by the United States or heretofore by this State; also all monies, stocks, bonds, and other property now belonging to any fund for purposes of Education; also the net proceeds that may accrue to the State from sales of estrays or from fines, penalties and forfeitures; also the proceeds of all sales of the swamp lands belonging to the State; also all money that shall be paid as an equivalent for exemptions from military duty; also, all grants, gifts or devises that may hereafter be made to this State, and not otherwise appropriated by the grant, gift or

devise, shall be securely invested, and sacredly p reserved as an irreducible educational fund, the annual income of which, together with so much of the ordinary revenue of the State as may be necessary, shall be faithfully appropriated for establishing and perfecting, in this State, a system of Free Public Schools, and for no other purposes or uses whatsoever.

SEC. 5. The University of North Carolina with its lands, emoluments and franchises, is under the Control of the State, and shall be held to an inseparable connection with the Free Public School System of the State.

SEC. 6. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall thereafter accrue from escheats, unclaimed dividends or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

SEC. 7. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Works, Superintendent of Public Instruction and Attorney General, shall constitute a State Board of Education.

SEC. 8. The Governor shall be President, and the Superintendent of Public Instruction shall be Secretary, of the Board of Education.

SEC. 9. The Board of Education shall succeed to all the powers and trusts of the President and directors of the Literary Fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to Free Public Schools, and the Educational fund of the State; but all acts, rules and regulations of said Board may be altered, amended, or repealed by the General Assembly, and when so altered, amended or repealed by the General Assembly, and when so altered, amended or repealed they shall not be reenacted by the Board.

SEC. 10. The first session of the Board of Education shall be held at the Capital of the State, within fifteen days after the organization of the State Government under this Constitution; the time of future meetings may be determined by the Board.

SEC. 11. A majority of the Board shall constitute a quorum for the transaction of business.

SEC. 12. The contingent expenses of the Board shall be provided for by the General Assembly.

SEC. 13 The Board of Education shall elect Trustees for the University, as follows: One trustee for each County in the State, whose term of office shall be eight years. The first meeting of the Board shall be held within ten days after their election, and at this and every subsequent meeting, ten Trustees shall constitute a quorum. The Trustees, at their first meeting, shall be divided, as equally as may be, into four classes. The seats of the first class shall be vacated at the expiration of two years; of the second class at the expiration of four years; of the third class at the expiration of six years; of the fourth class at the expiration of eight years; so that one fourth may be chosen every second year.

SEC. 14. The Board of Education and the President of the University, shall be ex officio members of the Board of Trustees of the University; and shall, with three other Trustees to be appointed by the Board of Trustees, constitute the Executive Committee of the Trustees of the University of North Carolina, and shall be clothed with the powers delegated to the Executive Committee under the existing organization of the Institution.

The Governor shall be ex ogeio President of the Board of Trustees and Chair man of the Executive Committee of the University. The Board of Education shall provide for the more perfect organization of the Board of Trustees.

SEC. 15. All the privileges, rights, franchises and endowments heretofore granted to, or conferred upon, the Board of Trustees of the University of North Carolina by the Charter of 1789, or by any subsequent legislation, are hereby vested in the Board of Trustees, authorized by this Constitution, for the perpetual benefit of the University.

SEC. 16. As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain, in connection with the University, a Department of Agriculture, of Mechanics, of Mining and of Normal Instruction.

SEC. 17. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability, shall attend the Public Schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months , unless educated by other means.

Article X.

Homesteads and Exemptions

SECTION 1. The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be, and is hereby exempted, from sale under execution, or other final process of any court, issued for the collect ion of any debt.

SEC. 2. Every Homestead and the dwelling and buildings used therewith, not exceed- ing in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and build- ings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempted from sale under execution, or other final process, obtained on any debt. But no property shall be exempt from sale for taxes or for payment of obligations contracted for the purchase of said premises.

SEC. 3. The Homestead, after the death of the owner thereof, shall be exempt from the payment of any debt, during the minority of his children, or any one of them.

SEC. 4. The provisions of section one and two of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

SEC. 5. If the owner of a Homestead die, leaving a widow, but no children the same shall be exempt from the debts of her husband, and the rents and profits thereof shall in sure to her benefit, during her widowhood, unless she be the owner of a Homestead, in her own right.

SEC. 6. The real personal property of any female in this State, acquired before mar- riage, and all property, real and personal, to which she may after marriage, become in any manner entitled, shall be and remain, the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised, or requeathed, and, with the written assent of her hus- band, convey ed, by her, as if she were unmarried.

SEC. 7. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband, the amount thus insured, shall be paid over to the wife and children, or the guardian, if under age, for her, or their own use, free

from all the claims of the representatives of the husband, or any of his creditors.

SEC. 8. Nothing contained in the foregoing sections of this Article shall operate to prevent the owner of a Homestead from disposing of the same by deed; but no deed made by the owner of a Homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law.

Article XI.

Punishments, Penal Institutions and Public Charities.

SECTION 1. The following punishments only, shall be known to the laws of this State, viz: death, imprisonment, with, or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under t his State.

SEC. 2. The object of punishments, being not only to satisfy justice, but also to reform and offender, and thru prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

SEC. 3. The General Assembly shall, at its first meeting, make provision for the erection and conduct of a States' Prison or Penitentiary at some central and accessible point with the State.

SEC. 4. The General Assembly may provide for the erection of Houses of Correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

SEC. 5. A House or Houses of Refuge may be established, whenever the public interest may require it, for the correction and instruction of other classes of offenders.

SEC. 6. It shall be required, by competent legislation, that the structure and superintendence of penal institutions of the State, the county jails, and city police prisons, secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.

SEC. 7. Beneficent provision for the poor, the unfortunate and orphan, being one of the first duties of a civilized and a Christian State, The General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be intrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

SEC. 8. There shall also, as soon as practicable, be measures devised by the State, for the establishment of one or more Orphan Houses, where destitute orphans may be cared for, educated and taught some business or trade.

SEC. 9. It shall be the duty of the Legislature, as soon as practicable to devise means for the education of idiots and inebriates.

SEC. 10. The General Assembly shall provide that all the deaf mutes, the blind, and the insane of the State, shall be cared for at the charge of the State.

SEC. 11. It shall be steadily kept in view by the Legislature, and the Board of Public Charities, that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creations.

Article XII

Militia

SECTION 1. All able bodied male citizens of the State of North-Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable

to duty in the Militia, Provided, That all persons who may be adverse to bearing arms, from religious scruples, shall be exempt therefrom.

SEC. 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the Militia, and for paying the same when called into active service.

SEC. 3. The Governor shall be Commander-in-Chief, and have power to call out the Militia to execute the law, suppress riots or insurrection, and to repel invasion.

SEC. 4. The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the Militia.

Article XIII

Amendments

SECTION 1. No Convention of the people shall be called by the General Assembly unless by the concurrence of two-thirds of all the members of each House of the General Assembly.

SEC. 2. No part of the Constitution of this State shall be altered, unless a bill to alter the same shall have been read three times in each House of the General Assembly and agreed to by three-fifths of the whole number of members of each House, respectively; nor shall any alteration take place until the bill, so agreed to, shall have been published six months previous to a new election of members to the General Assembly. If, after such publication, the alteration proposed by the preceding General Assembly shall be agreed to, in the first session thereafter, by two-thirds of the whole representation in each House of the General Assembly, after the same shall have been read three times on three several days in each House, then the said General Assembly shall prescribe a mode by which the amendment or amendments may be submitted to the qualified voters of the House of Representatives throughout the State; and if, upon comparing the votes given in the whole State, it shall appear that a majority of the voters voting thereon have approved thereof, then, and not otherwise, the same shall become part of the Constitution.

Article XIV

Miscellaneous

SECTION 1. All indictments which shall have been found, or may hereafter be found, for any crime or offence committed before the Constitution takes effect, may be preceded upon in the proper courts, but no punishment shall be inflicted, which is forbidden by this Constitution.

SEC. 2. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of this State to fight a duel, shall hold any office in this State.

SEC. 3. No money shall be drawn from the Treasury but in consequence of made by law, and an accurate account of the receipts and expenditures of the public money shall be annually published.

SEC. 4. The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject matter of their labor.

SEC. 5. In the absence of any contrary provision, all officers in this State, whether heretofore elected, or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified, according to the provisions of

this Constitution.

SEC. 6. The seat of government in this State shall remain at the city of Raleigh.

SEC. 7. No person shall hold more than one lucrative office under the State at the same time; Provided, That officers in the Militia, Justices of the Peace, Commissioners of Public Charities and Commissioners appointed for special purposes, shall not be considered officers within the meaning of this section.

Done at Convention at Raleigh, the sixteenth day of March in the year of our Lord, a thousand eight hundred and sixty eight, and of the Independence of the United States, the ninety second.

AMENDMENTS

AMENDMENT OF 1789

AN ORDINANCE TO ENABLE THE FREEMAN OF THE TOWN OF FAYETTEVILLE TO SELECT A MEMBER TO REPRESENT SAID TOWN ON THE SAME TERMS WITH THE OTHER TOWNS IN THE STATE.

AMENDMENTS OF 1835

Article I.

Section 1.

1. The senate of this State shall consist of fifty representatives, biennially chosen by ballot, and to be elected by districts; which districts shall be laid off by the general assembly, at its first session after the year one thousand eight hundred and forty-one; and afterwards, at its first session after the year one thousand eight hundred and fifty-one; and then every twenty years thereafter, in proportion to the public taxes paid into the treasury of the State, by the citizens thereof; and the average of the public taxes paid by each county into the treasury of the State, for the five years preceding the laying off of the districts, shall be considered as its proportion of the public taxes, and constitute the basis of apportionment: Provided that no county shall be divided in the formation of a senatorial district. And when there are one or more counties having an excess of taxation above the ratio to form a senatorial district, adjoining a county or counties deficient in such ratio, the excess or excesses aforesaid shall be added to the taxation of the county or counties deficient; and if, with such addition, the county or counties receiving it shall have the requisite ratio, such county and counties each shall constitute a senatorial district.

2. The house of commons shall be composed of one hundred and twenty representatives, biennially chosen by ballot, to be elected by counties according to their federal population, that is, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons; and each county shall have at least one member in the house of commons, although it may not contain the requisite ratio of population.

3. This apportionment shall be made by the general assembly, at the respective times and periods when the districts for the senate are hereinbefore directed to be laid off; and the said apportionment shall be made according to an enumeration to be ordered by the general assembly, or according to the census which may be taken by order of congress, next preceding the making such apportionment.

4. In making the apportionment in the house of commons, the ratio of representation

shall be ascertained by dividing the amount of federal population in the State, after deducting that comprehended within those counties which do not severally contain the one hundred and twentieth part of the entire federal population aforesaid, by the number of representatives less than the number assigned to the said counties. To each county containing the said ratio, and not twice the said ratio, there shall be assigned one representative; to each county containing twice, but not three times the said ratio, there shall be as signed two representatives, and so on progressively; and then the remaining representatives shall be assigned severally to the counties having the largest fractions.

Section 2.

1. Until the first session of the general assembly, which shall be had after the year eighteen hundred and forty-one, the senate shall be composed of members to be elected from the several districts hereinafter named, that is to say, the first district shall consist of the counties of Perquimans and Pasquotank; the 2nd district of Camden and Currituck; the 3rd district, Gates and Chowan; the 4th district, Washington and Tyrrell; the 5th district, Northampton; the 6th district, Hertford; the 7th district, Bertie; the 8th district, Martin; the 9th district, Halifax; the 10th district, Nash; the 11th district, Wake; the 12th district, Franklin; the 13th district, Johnston; the 14th district, Warren; the 15th district, Edgecombe; the 16th district, Wayne; the 17th district, Greene and Lenoir; the 18th district, Pitt; the 19th district, Beaufort and Hyde; the 20th district, Carteret and Jones; the 21st district, Craven; the 22d district, Chatham; the 23d district, Granville; the 24th district, Person; the 25th district, Cumberland; the 26th district, Sampson; the 27th district, New Hanover; the 28th district, Duplin; the 29th district, Onslow; the 30th district, Brunswick, Bladen, and Columbus; the 31st district, Robeson and Richmond; the 32d district, Anson; the 33d district, Cabarrus; the 34th district, Moore and Montgomery; the 35th district, Caswell; the 36th district, Rockingham; the 37th district, Orange; the 38th district, Randolph; the 39th district, Guilford; the 40th district, Stokes; the 41st district, Rowan; the 42d district, Davidson; the 43d district, Surry; the 44th district, Wilkes and Ashe; the 45th district, Burke and Yancey; the 46th district, Lincoln; the 47th district, Iredell; the 48th district, Rutherford; the 49th district, Buncombe, Haywood and Macon; the 50th district, Mecklenburg:-each district to be entitled to one senator.

2. Until the first session of the general assembly after the year eighteen hundred and forty-one, the house of commons shall be composed of members elected from the counties in the following manner, viz.: The counties of Lincoln and Orange shall elect four members each. The counties of Burke, Chatham, Granville, Guilford, Halifax, Iredell, Mecklenburg, Rowan, Rutherford, Surry, Stokes, and Wake shall elect three members each. The counties of Anson, Beaufort, Bertie, Buncombe, Cumberland, Craven, Caswell, Davidson, Duplin, Edgecombe, Franklin, Johnston, Montgomery, New Hanover, Northampton, Person, Pitt, Randolph, Robeson, Richmond, Rockingham, Sampson Warren, Wayne, and Wilkes shall elect two members each. The counties of Ashe, Bladen, Brunswick, Camden, Columbus, Chowan, Currituck, Carteret, Cabarrus, Gates, Greene, Haywood, Hertford, Hyde, Jones, Lenoir, Macon, Moore, Martin, Nash, Onslow, Pasquotank, Perquimans, Tyrrell, Washington, and Yancey shall elect one member each.

Section 3

1. Each member of the senate shall have usually resided in the district for which he is chosen for one year immediately preceding his election, and for the same time shall

have possessed and continued to possess in the district which he represents, not less than three hundred acres of land in fee.

2. All free men of the age of twenty-one years (except as is hereinafter declared), who have been inhabitants of any one district within the State twelve months immediately preceding the day of any election, and possessed of a freehold within the same district of fifty acres of land, for six months next before and at the day of election, shall be entitled to vote for a member of the senate.

3. No free Negro, free mulatto, or free person of mixed blood, descended from Negro ancestors to the fourth generation inclusive (though one ancestor of each generation may have been a white person) shall vote for members of the senate or house of commons.

Section 4.

1. In the election of all officers, whose appointment is conferred on the general assembly by the constitution, the vote shall be viva voce.

2. The general assembly shall have power to pass laws regulating the mode of appointing and removing militia officers.

3. The general assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

4. The general assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any persons not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime; but shall have power to pass general laws regulating the same.

5. The general assembly shall not pass any private law, unless it shall be made to appear that thirty days' notice of application to pass such law shall have been given, under such directions and in such manner as shall be provided by law.

6. If vacancies shall occur by death, resignation or otherwise, before the meeting of the general assembly, writs may be issued by the governor, under such regulations as may be prescribed by law.

7. The general assembly shall meet biennially, and at each biennial session shall elect, by joint vote of the two houses, a secretary of state, treasurer and council of state, who shall continue in office for the term of two years.

Article II.

1. The governor shall be chosen by the qualified voters for the members of the house of commons, at such time and places as members of the general assembly are elected.

2. He shall hold his office for the term of two years from the time of his installation, and until another shall be elected and qualified; but he shall not be eligible more than four years in any term of six years.

3. The returns of every election for governor shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the speaker of the senate, who shall open and publish them in the presence of a majority of the members of both houses of the general assembly. The person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by joint vote of both houses of the general assembly.

4. Contested elections for governor shall be determined by both houses of the gen-

eral assembly, in such manner as shall be prescribed by law.

5. The governor-elect shall enter on the duties of the office on the first day of January next after his election, having previously taken the oaths of office in the presence of the members of both branches of the general assembly, or before the chief justice of the supreme court, who, in case the governor-elect should be prevented from attendance before the general assembly, by sickness or other unavoidable cause, is authorized to administer the same.

Article III.

Section 1.

1. The governor, judges of the supreme court, and judges of the superior courts, and all other officers of this State (except justices of the peace and militia officers), may be impeached for wilfully violating any article of the constitution, maladministration, or corruption.

2. Judgment, in cases of impeachment, shall not extend further than to remove from office and disqualification to hold and enjoy any office of honor, trust, or profit under this State; but the party convicted may nevertheless be liable to indictment, trial, judgment, and punishment, according to law.

3. The house of commons shall have the sole power of impeachment. The senate shall have the sole power to try all impeachments. No person shall be convicted upon any impeachment, unless two-thirds of the senators present shall concur in such conviction; and before the trial of any impeachment, the members of the senate shall take an oath or affirmation truly and impartially to try and determine the charge in question, according to evidence.

Section 2.

1. Any judge of the supreme court, or of the superior courts, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both branches of the general assembly. The judge, against whom the legislature may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either branch of the general assembly shall act thereon.

The salaries of the judges of the supreme court, or of the superior courts, shall not be diminished during their continuance in office.

Section 3.

Upon the conviction of any justice of the peace of any infamous crime, or of corruption or malpractice in office, the commission of such justice shall be thereby vacated, and he shall be forever disqualified from holding such appointment.

Section 4.

The general assembly at its first session after the year one thousand eight hundred and thirty-nine, and from time to time thereafter, shall appoint an attorney-general, who shall be commissioned by the governor, and shall hold his office for the term of four years; but if the general assembly should hereafter extend the term during which solicitors of the State shall hold their offices, then they shall have power to extend the term of office of the attorney-general to the same period.

Article IV

Section 1.

1. No convention of the people shall be called by the general assembly, unless by the concurrence of two-thirds of all the members of each house of the general assembly.

2. No part of the constitution of this State shall be altered, unless a bill to alter the same shall have been read three times in each house of the general assembly, and agreed to by three-fifths of the whole number of members of each house respectively; nor shall any alteration take place until the bill so agreed to shall have been published six months previous to a new election of members to the general assembly. If, after such publication, the alteration proposed by the preceding general assembly shall be agreed to in the first session thereafter, by two-thirds of the whole representation in each house of the general assembly, after the same shall have been read three times on three several days, in each house, then the said general assembly shall prescribe a mode by which the amendment or amendments may be submitted to the qualified voters of the house of commons throughout the State; and if, upon comparing the votes given in the whole State, it shall appear that a majority of the voters have approved thereof, then, and not otherwise, the same bill become a part of the constitution.

Section 2.

The thirty-second section of the constitution shall be amended to read as follows: No person who shall deny the being of God, or the truth of the Christian religion, or the divine authority of the Old or New Testament, or who shall hold religious principles incompatible with the freedom or safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State.

Section 3.

1. Capitation tax shall be equal throughout the State, upon all individuals subject to the same.

2. All free males over the age of twenty-one years, and under the age of forty-five years, and all slaves over the age of twelve years, and under the age of fifty years, shall be subject to capitation tax, and no other person shall be subject to such tax: Provided, that nothing herein contained shall prevent exemptions of taxable polls, as heretofore prescribed by law, in cases of bodily infirmity.

Section 4.

No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or any other State government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either house of the general assembly: Provided, that nothing herein contained shall extend to officers in the militia or justices of the peace.

Ratified in convention, this eleventh day of July, in the year of our Lord one thousand eight hundred and thirty-five.

NATHANIEL MACON, President.

EDMUND B. FREEMAN, Secretary.

JOSEPH D. WARD, Asst. Secty.

AMENDMENT OF 1857

Every free white man of the age of twenty-one years, being a native or naturalized citizen of the United States and who has been an inhabitant of the State for twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for a member of the senate for the district in which he resides.

AMENDMENTS OF 1861-62

I. AN ORDINANCE TO DISSOLVE THE UNION BETWEEN THE STATE OF NORTH CAROLINA AND THE OTHER STATES UNITED WITH HER UNIXER THE COMPACT OF GOVERNMENT ENTITLED THE CONSTITUTION OF THE UNITED STATES.

We, the people of the State of North Carolina in Convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinance adopted by the State of North Carolina, in the Convention of 1789, whereby the Constitution of the United States was ratified and adopted, and also, all acts and parts of acts of the General Assembly, ratifying and adopting amendments to the said Constitution, are hereby repealed, rescinded and abrogated.

We do further declare and ordain, that the Union now subsisting between the State of North Carolina and the other States, under the title of the United States of America, is hereby dissolved, and that the State of North Carolina is in the full possession of exercise of all those rights of sovereignty which belong and appertain to a free and independent State.

Passed, 20th day of May 1861.

II. AN ORDINANCE DEFINING TREASON AGAINST THE STATE.

Be it ordained by this Convention, and it is hereby ordained by the authority of the same as follows:-

Treason against the State of North Carolina, shall consist only in levying War against her, or in adhering to her enemies; giving them aid and comfort. No person shall be convicted of Treason, unless on the Testimony of two witnesses to the same over act, or on confession in open Court.

Read three times and passed 18th June 1861.

III. AN ORDINANCE TO RATIFY THE CONSTITUTION OF THE PROVISIONAL GOVERNMENT OF THE CONFEDERATE STATES OF AMERICA.

We the people of North Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained,

That the State of North Carolina does hereby assent to and ratify the Constitution for the Provisional Government of the Confederate States of America, adopted at Montgomery, in the State of Alabama, on the 8th day of February, A. D. 1861, by the Convention of Delegates from the States of South Carolina, Georgia, Florida, Alabama, Mississippi and Louisiana, and that North Carolina will enter into the Federal Association of States upon the terms therein proposed when admitted by the Congress or any Competent authority of the Confederate States.

Done at Raleigh, the twentieth day of May 1861.

IV. AN ORDINANCE TO RATIFY THE CONSTITUTION OF THE CONFEDERATE STATES OF AMERICA.

Whereas, on the eleventh day of March, A. D. 1861, at Montgomery, in the State of Alabama, a Constitution was adopted, by a Congress of delegates from the States of Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas, united under the name of the Confederate States of America, which Constitution hath been ratified by each of the said states:

Now, therefore, this convention, having seen and considered the said Constitution, doth, in behalf of the people of the State of North Carolina, adopt and ratify the said

Constitution and form of Government, the tenor of which appears in a schedule hereto annexed:

Read three times and passed, 6th June 1861.

V. AN ORDINANCE TO AMEND THE 4TH SECTION OF THE 4TH ARTICLE OF THE AMENDMENTS TO THE CONSTITUTION.

Be it Ordained by this Convention of the people, and it is hereby ordained by the authority of the same, That the fourth Section of the fourth Article of the amendments to the Constitution, proposed and ratified in the year eighteen hundred and thirty-five, be amended by striking out the word "United" and inserting in lieu thereof, the word "Confederate" before the word "States".

Read three times and passed, 20th June 1861.

VI. AN ORDINANCE IN RELATION TO TAXATION.

SECTION 1. Be it ordained, That the third Section of the fourth article of the amendments of the Constitution be and the same if hereby annulled.

SEC. 2. Be it further ordained, That all free males over the age of twenty-one years and under the age of forty-five years shall be subject to a Capitation tax, not less than the tax laid on land of the value of three hundred dollars, and no other free person nor slave, shall be liable to such taxation; and also, land and slaves shall be taxed according to their value, and the tax on slaves shall be as much but not more than that on land, according to their respective values; but the tax on slaves may be laid on their general average value in the State or on their values in classes in respect to age, sex, and other distinctive properties, in the discretion of the General Assembly; and the value be assessed in such modes as may be prescribed by law: Provided, That nothing herein contained shall prevent the exemption from taxation of soldiers in the public service, or of free males or slaves in cases of bodily or mental infirmity, or of such real estate as hath hitherto been exempted by law.

Read three times and passed 25th June 1861.

VII. AN ORDINANCE TO SECURE TO CERTAIN OFFICERS AND SOLDIERS THE RIGHT TO VOTE.

SECTION 1. Be it ordained by this convention and it is hereby ordained by authority of the same, That all officers and soldiers in the service of the State or of the Confederate States, who are of the age of twenty-one years and who are citizens of this State, or who, if within the State, shall be absent from their respective counties, at elections hereafter to be held, if the exigencies of the times shall permit, shall be entitled to vote for Sheriffs, Clerks of the County and Superior Courts, our members of the General Assembly for their respective Counties; and shall, also, be entitled to vote for Governor, Electors for President and Vice President of the Confederate States, and for members of the Confederate Congress for their respective districts.

SEC. 2. Be it further ordained, That three freeholders of the respective Companies, under the direction of the Commanding Officers of the regiments, to which they belong, shall open polls on Thursday before the day appointed for holding elections in this State, and said elections shall be conducted in all respects according to the laws of this State. The three freeholders aforesaid, shall prepare a fair copy of the votes polled, and shall transmit the same with the list of voters to the Sheriffs of their respective counties; and where Officers and Soldiers in the same Companies, shall vote in different Counties or

different Congressional districts the said free holders shall specify accordingly, and make returns to the Sheriffs of the different Counties above referred to.

SEC. 3. Be it further ordained, That the Sheriffs of the respective Counties of this State shall count the votes of the said officers and soldiers, if received within seven days after the elections; and they shall not declare the result of the said elections until the seven days above mentioned, shall have expired.

SEC. 4. Be it further ordained that this ordinance shall be in force from and after the day of its ratification; provided this ordinance shall be in force during the existence of the present war with the United States, and no longer.

Read three times and passed, June 15th 1861.

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO SECURE TO CERTAIN OFFICERS AND SOLDIERS THE RIGHT TO VOTE.

SECTION 1. Be it ordained by the Delegates of the people of North Carolina in Convention assembled, and it is hereby ordained by the authority of the same, That the proper returning officers of every County in this State shall include in their returns the votes of officers and soldiers given in any election in which they may be entitled to vote by Law, if received within twenty days after they are cast, and the said returning officers shall not make up their returns and declare the result of said elections until the expiration of twenty days as aforesaid.

SEC. 2. Be it further ordained, That the proper returning officer of every County shall, within eight days after the period fixed for comparing the returns, transmit to the seat of government and deliver to the proper officer a statement of votes given in his county for Governor, which statement shall be made in the manner and form now required by law.

SEC. 3. Be it further ordained, That the Governor be directed to make known by proclamation the provisions of the ordinance securing to officers and soldiers the right to vote. Passed and ratified in open Convention the 8 day of May A. D. 1862.

VIII. AN ORDINANCE TO PROVIDE FOR AMENDING THE FORTY-SIXTH SECTION OF THE CONSTITUTION OF THIS STATE, IN REGARD TO TAKING THE YEAS AND NAYS IN EITHER HOUSE OF THE GENERAL ASSEMBLY.

Be it ordained by the Delegates of the people of North Carolina in Convention assembled and it is hereby ordained by the authority of the same; That the forty-sixth section of the Constitution of this State be so amended as to insert, after the word "seconded" in the fourth line of said section, the words "by one-fifth of the members present."

Read three times and ratified in open Convention, the sixth day of December A. D. 1861.

IX. AN ORDINANCE TO AMEND THE SECOND SECTION OF THE FOURTH ARTICLE OF THE AMENDMENTS TO THE CONSTITUTION.

Be it ordained by the Delegates of the people of North Carolina in Convention assembled, and it is hereby ordained by the authority of the same, That the second section of the fourth article of the amendments to the Constitution shall be amended to read as follows:

"No person who shall deny the being of God, or the divine authority of both the Old and New Testaments, or who shall hold religious opinions incompatible with the freedom or safety of the State, shall be capable of holding any office or place of trust or profit in the civil department of this State."

Read three times and ratified in open Convention, the sixth day of December A. D. 1861.

X. AN ORDINANCE IN RELATION TO ELECTORS OF THE SENATE.

Be it ordained by the Delegates of the people of North Carolina in Convention assembled and it is hereby ordained by the authority of the same, That every free white man, of the age of twenty one years, being a native or naturalized citizen of the Confederate States, who has been an inhabitant of the state for twelve months, and of the district in which he proposes to vote six months next before the day of any election, and shall have paid public taxes, shall be entitled to vote for a member of the Senate for the district in which he resides.

Passed and ratified in open Convention on the 10th day of May A. D. 1862.

XI. AN ORDINANCE CONCERNING THE ELECTION OF GOVERNOR.

Whereas, By the construction which, in practice, has been given to the constitution . of the State, the Speaker of the Senate, in case of a vacancy in the office of the Governor, shall exercise the powers of Governor by virtue of his office as Speaker, and without vacating the same, which said office of Speaker must cease and determine with that of the incumbent as a Senator, upon the election of his successor in the next section, a vacancy will take place in the office of Governor from and after the day of the next election on the first Thursday in August next until the first day of January, A. D. 1863, against which it is the duty of this Convention to provide, Therefore,

SECTION 1. Be it ordained by the Delegates of the people of North Carolina in Convention assembled, and it is hereby ordained by the authority of the same; That the person who shall be elected Governor of this State at the next regular election on the first Thursday in August next, as now provided for by Law, shall also fill the office and discharge the duties of Governor of this State from the second Monday of September until his successor shall be qualified.

SEC. 2. Be it further ordained, That the proper returning officers of every county shall, as soon as the result of the election is known in his county, transmit to the Secretary of State a statement of the votes taken in his county for Governor, which statement shall be made up from the poll books of his county, as is now prescribed by law.

SEC. 3. Be it further ordained, That the Secretary of State, the Treasurer and Comptroller, shall, on the fourth Thursday in August next, in the presence of the Governor, proceed to examine said returns, and ascertain and declare what person shall have received the greatest number of votes, where upon the Governor shall issue his proclamation, declaring such person duly elected Governor of this State from the second Monday of September, A. D. 1862, until his successor shall be qualified.

SEC. 4. Be it further ordained, That the person so declared and proclaimed Governor, as aforesaid, shall, on the second Monday of September, A. D. 1862, appear before some Judge of the Supreme Court, or someone of the Judges of the Superior Courts of Law, and take and subscribe the oath now prescribed by law for qualification of Governor of this State, and shall immediately enter upon the discharge of the duties of his office; which oath so taken and subscribed shall be filed in the office of the Secretary of State.

SEC. 5. Be it further ordained, That His Excellency, Henry T. Clark, shall continue to hold the office and discharge the duties of Governor of this State from the first Thursday in August until the second Monday in September next or until his successor shall be

qualified, as fully and to all intents and purposes as he has heretofore done, and shall receive the usual salary, in proportion to his extended term of service.

Passed and ratified in open Convention on the 2nd day of May A. D. 1862.

XII. AN ORDINANCE TO ALLOW CERTAIN PERSONS TO VOTE FOR GOVERNOR IN ANY OTHER THAN THE COIJNTIES IN WHICH THEY RESIDE.

SECTION 1. Be it ordained by the Delegates of the people of North Carolina in convention assembled, and it is hereby ordained by the authority of the same, That any citizen of this State who shall be entitled to vote for Governor in the county wherein he is domiciled, shall be entitled to vote for Governor in any county in this State.

SEC. 2. Be it further ordained, That it shall or may be lawful for the Sheriffs of the counties in this State in the possession of or under the control of the enemy to compare the poles of their respective counties for Governor and members of the Legislature, at any place in this State they may think proper.

SEC. 3. Be it further ordained, That this ordinance shall be and continue in force for and during the present war, and no longer, unless sooner repealed or modified by the General Assembly.

Passed and ratified in open Convention on the 12th day of May A. D. 1862.

AN ORDINANCE DECLARING WHAT ORDINANCES OF THIS CONVENTION SHALL HAVE PERMANENT OPERATION.

SECTION 1. Be it ordained by the Delegates of the people of North Carolina in Convention assembled, and it is hereby ordained by the authority of the same, That the following ordinances passed by this Convention shall be of permanent operation and be irrepalable by the General Assembly namely:

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I. An Ordinance to dissolve the Union between the State of North Carolina and the other States united with her under the compact of government entitled "the Constitution of the United States."

II. An Ordinance defining treason against the State.

III. An Ordinance to ratify the Constitution of the Provisional Government of the Confederate States of America.

IV. An Ordinance to ratify the Constitution of the Confederate States of America.

V. An Ordinance to amend the fourth section of the fourth Article of the amendments to the Constitution.

VI. An Ordinance in relation to taxation

VII. An Ordinance to secure to certain officers and soldiers the right to vote.

VIII. An Ordinance in relation to taking the yeas and nays in the General Assembly.

IX. An Ordinance to amend the second section of the fourth Article of the amendments to the Constitution.

X. An Ordinance in relation to elections of the Senate.

XI. An Ordinance concerning the election of Governor.

XII. An Ordinance to allow certain persons to vote for Governor in any other County than that in which they reside.

SEC. 2. Be it further ordained, That all other ordinances and resolutions passed by this convention at any of its sessions, shall have the force and effect only of acts of the ordinary Legislature, and may be repealed or modified at the pleasure of the General As-

sembly, in the same manner and to the same extent that public statutes are liable to repeal or modification.

Passed and ratified in open Convention on the 13th day of May A. D. 1862.

Footnote # 11

Congressman McFadden: "I hope that is the case, but I may say to the gentleman that during the sessions of this Economic Conference in London there is another meeting taking place in London. We were advised by reports from London last Sunday of the arrival of George L. Harrison, Governor of the Federal Reserve Bank of New York, and we were advised that accompanying him was Mr. Crane, the Deputy Governor, and James P. Warburg, of the Kuhn-Loeb banking family, of New York and Hamburg, Germany, and also Mr. O. M. W. Sprague, recently in the pay of Great Britain as chief economic and financial adviser of Mr. Norman, Governor of the Bank Of England, and now supposed to represent our Treasury. These men landed in England and rushed to the Bank of England for a private conference, taking their luggage with them, before even going to their hotel. We know this conference has been taking place for the past 3 days behind closed doors in the Bank of England with these gentlemen meeting with heads of the Bank of England and the Bank for International Settlements, of Basel, Switzerland, and the head of the Bank France, Mr. Maret. They are discussing war debts; they are discussing stabilization of exchanges and the Federal Reserve System, I may say to the Members of the House.

The Federal reserve System, headed by George L. Harrison, is our premier, who is dealing with debts behind the closed doors of the Bank of England; and the United States Treasury is there is here, represented by O. M. W. Sprague, who until the last 10 days was the representative of the Bank of England, and by Mr. James P. Warburg, who is the son of the principal author of the federal Reserve Act. Many things are being settled behind the closed doors of the Bank of England by this group. No doubt this group were pleased to hear that yesterday the Congress passed amendments to the Federal Reserve Act and that the President signed the bill which turns over to the Federal Reserve System the complete total financial resources of money and credit in the United States. Apparently the domination and control of the international banking group is being strengthened....

We are being led by the international Jews operating through Great Britain and the Bank of England, and it is the purpose of those who are directing and cooperating that debts be reduced to 10 percent or canceled entirely....

Then there is James P. Warburg, who was called in by the President and who has sat in on all of the conferences here in Washington participated in by the foreign representatives recently, and he is the financial adviser at the Economic Conference and at the conferences in the Bank of England to which I have referred. Mr. Warburg, you undoubtedly know, is the head of the international Jewish financial group who were largely responsible for the loaning abroad of the vast billions of dollars by the people of the United States and which loans are now frozen. We must not overlook the fact, however, that J. P. Morgan & Co. were close seconds in these transactions, and in connection with this I wish to point out that George L. Harrison, Governor of the Federal Reserve Bank of New York, is closely identified with the Morgan House in all of the undertakings internation-

ally in which the Federal Reserve banks participated.

Congressional Record, June 14, 1934

At that time a man named Jacob Schiff came to this country as the agent of certain foreign money lenders. His mission was to get control of American railroads. This man was a Jew. He was the son of a rabbi. He was born in one of the Rothschilds's houses in Frankfort, Germany. He was a small fellow with a pleasant face and, if I remember correctly, his eyes were blue. At an early age he set out from Frankfort to seek his fortune and went to Hamburg, Germany. At Hamburg he entered the Warburg banking establishment. The Warburgs of Hamburg are bankers of long standing, with branches in Amsterdam and Sweden.....

Sometime before Schiff's arrival there was a firm of Jewish peddlers or merchants in Lafayette, Ind., by the name of Kuhn & Loeb. I think they were there about 1850. Probably they made money out of the new settlers who passed through Indiana on their way to the Northwest. This firm of Jews had finally moved to New York and had set themselves up as private bankers and had grown rich. Jacob Schiff married Teresa Loeb and became the head of Kuhn, Loeb & Co. Schiff made a great deal of money here for himself and for the Jewish money lenders of London. he began to give orders to Presidents almost as a matter of course. He appears to have been a man who would stop at nothing to gain his own ends. I do not blame him for being a Jew. I blame him for being a trouble maker.

Russia had a powerful enemy in this man, Jacob Schiff. The people of the United States were to believe that this enmity of his was caused by wrongs done to Russian Jews. I look elsewhere for the motives which animated him.

In the 1890's Schiff was the agent in this country of Ernest Cassell and other London money lenders. These money lenders were looking forward to a war between England and Russia and were making preparations for propaganda designed to support England in the United States. This country was then a debtor nation, paying a high yearly tribute to Schiff and his principals. Schiff accordingly took it upon himself to create a prejudice in the United States against Russia. He did this by presenting the supposed wrongs of the Russian Jews to the American public.

Unpleasant tales began to appear in print. School children in this country were told the Jewish children were crippled for life by Russian soldiers wielding the knout. By unfair means a wedge was driven between Russia and the United States.

One of Schiff's schemes was a sort of wholesale importation of Russian Jews into the United States. He drew up divers and sundry regulations for the temporary transplantation of these Jewish emigrants. He would not, he said, have them enter this country through the port of New York, because they might like New York too well to leave it for the outposts he had selected for them. He said it would be best to have them come in at New Orleans and to have them stay there 2 weeks, "so that they could pick up a few words of English and get a little money" before setting off for what he called the "American hinterland." How they were to get the money he did not say.

Aided by Schiff and his associates, many Russian Jews came to this country about that time and were naturalized here. A number of these naturalized Jews then returned to Russia.

Upon their return to that country, they immediately claimed exemption there from the

regulations of domicile imposed on Jews; that is, they claimed the right to live on purely Russian soil because they were American citizens, or "Yankee" Jews. Disorders occurred and were exploited in the American press. Riots and bombings and assassinations, for which somebody furnished money, took place. The perpetrators of these outrages appear to have been shielded by powerful financial interests. While this was going on in Russia, a shameless campaign of lying was conducted here, and large sums of money were spent to make the general American public believe that the Jews in Russia were a simple and guileless folk ground down by the Russians and needing the protection of the great benefactor, of all the world Uncle Sam. In other words, we were deceived. We were so deceived that we allowed them to come in here and to take the bread out of the mouths of our own American citizens.

I come now to the time when war was declared between Russia and Japan. This was bought about by a skillful use of Japan so that England would not have to fight Russia in India. It was cheaper and more convenient for England to have Japan fight Russia than to do it herself. As was to be expected, Schiff and his London associates financed Japan. They drew immense quantities of money out of the United States for that purpose. The bankground for the loans they floated in this country had been skillfully prepared. The "sob stuff", of which Schiff was a master, had sunk into the hearts of sympathetic Americans. The loads were a great success. Millions of American dollars were sent to Japan by Schiff and his London associates. England's stranglehold on India was made secure. Russia was prevented from entering the Khyber Pass and falling on India from the northwest. Japan at the same time was built up and became a great world power, and as such is now facing us in the Pacific. All this was accomplished by control of the organs of American publicity, releases to the effect that Russian Jews and "Yankee" Jews were being persecuted in Russia, and by the selling of Japanese war bonds to American citizens.

While the Russo-Japanese War was in progress President Theodore Roosevelt offered to act as peacemaker, and a conference between representatives of the belligerents was arranged to take place at Portsmouth, N.H.

When the Portsmouth Conference took place, Jacob Schiff attended it and used such influence as he had with Theodore Roosevelt to win favors for Japan at the expense of Russia.

His main object, then as always, was humiliation of Russians, whose only crime was that they were Russians and not Jews. He endeavored to humiliate the Russians, but Count Witte, the Russian plenipotentiary, did not allow him to succeed in this attempt. Schiff's power and the power of his organized propaganda were well understood by Count Witte, however.

Consequently he was not surprised when President Roosevelt, who was often deceived, twice asked him to have Russia treat Russian Jews who had become naturalized in the United States and who had thereafter returned to live in Russia with special consideration; that is, not as Jews but as Americans. Witte carried home a letter from Roosevelt embodying this plea.

Mr. Speaker, the restrictions upon Jews in Russia at that time may or may not have been onerous. But onerous or not, before the Russians had time to change them, Schiff had the 80-year-old-treaty of friendship and good will between Russia and the United States denounced. Speaking of this matter, Count Witte says in his autobiography: "The

Russians lost the friendship of the American people."

Mr. Speaker, I cannot believe that those people the real Russian ever lost the true friendship of the American people. They were done away with to suit the ambitions of those who intend to be the financial masters of the world, and some of us were deceived into thinking that in some mysterious way they, themselves, were to blame. The chasm that suddenly opened between ourselves and our old friends and well-wishers in Russia was a chasm created by Schiff the vindictive in his inhuman greed, and he created it in the name of the Jewish religion....

Mr. Speaker, the people of the United States should not permit financial interests or any other special interests to dictate the foreign policy of the United States Government. But in this connection history is now repeating itself. You have heard, no doubt, of the so-called persecutions of Jews in Germany.

Mr. Speaker, there is no real persecution of Jews in Germany. Hitler and the Warburgs, the Mendelssohns and the Rothschilds, appear to be on the best of terms. There is no real persecution of the Jews in Germany, but there has been a pretended persecution of them because there are 200,000 unwanted Communistic Jews in Germany, largely Galician Jews who entered Germany after the World War, and Germany is very anxious to get rid of those particular Communistic Jews. The Germans wish to preserve the purity of their own blond racial stock. They are willing to keep rich Jews like Max Warburg and Franz Mendelssohns, whose families have lived in Germany so long that they have acquired some German national characteristics. But the Germans are not willing to keep the Galician Jews, the Upstarts. So a great show is put on, largely by German Jews themselves, in the hope that Uncle Sam will prove himself to be as foolish as he was before and that we will allow those Galician and Communistic Jews to come in here. That is why Miss Perking has been placed in charge of the Department of Labor. She is there to lower the immigration bars. It is thought that, being a woman, she may disarm criticism. She is an old hand with the international Jewish bankers. If she were not, she would not be here in a Jewish-controlled administration.

When the so-called "anti-Semitic campaign" designed for American consumption was launched in Germany, France was alarmed because she feared the Galician Jews might be dumped on French soil. French newspapers published articles concerning the menace, but now that France has been shown that the purpose of the anti-Semitic campaign is to dump the 200,000 communistic Jews on the United States she is worried no longer. "Ah", she says, "l'Oncle Sam, he is to be the goat. Very good."

Mr. Speaker, I regard it as a pity that there are Americans who love to fawn upon the money Jews and to flatter them. Some of these unfortunates are under obligations to Jewish money changers and dare not cross them....

You have witnessed the unlawful seizure by Franklin D. Roosevelt of gold reserves and other values belonging to the people of the United States, the destruction of banks, the attempted whitewashing of the Federal Reserve Board and Federal Reserve banks, the corruption of which he admitted in his campaign harangues; and you may have noticed that what was confiscated is not in the hands of the present constitutional Government but in the hands of the international bankers who are the nucleus of the new government Roosevelt is seeking to establish here. Roosevelt's actions are not in accordance with the Constitution of the United States. They are in accordance with the plans of the

Third International.

At one time Trotzky was a favorite with Jacob Schiff. During the war Trotzky edited *Novy Mir* and conducted mass meetings in New York. When he left the United States to return to Russia, he is said upon good authority to have traveled on Schiff's money and under Schiff's protection. He was captured by the British at Halifax and immediately, on advice from a highly placed personage, set free. Shortly after his arrival in Russia he was informed that he had credit in Sweden at the Swedish branch of the bank owned by Max Warburg, of Hamburg. This credit helped to finance the seizure of the Russian revolution by the international Jewish bankers. It assisted them in subverting it to their own ends. At the present time the Soviet Union is in debt.

From the date of Trotzky's return to Russia the course of Russian history has, indeed, been greatly affected by the operations of international bankers. They have acted through German and English institutions and have kept Russia in bondage to themselves. Their relatives in Germany have drawn immense sums of money from the United States and have in turn financed their agents in Russia at a handsome profit.

The Soviet Government has been given United States Treasury funds by the Federal Reserve banks acting through the Chase Bank and the Guaranty Trust Co. and other banks in New York City. England, no less than Germany, has drawn money from us through the Federal Reserve banks and has re-lent it at high rates of interest to the Soviet Government or has used it to finance her sales to Soviet Russia and her engineering works within the Russian boundaries. The Dnieperstroy Dam was built with funds unlawfully taken from the United States Treasury by the corrupt and dishonest Federal Reserve Board and the Federal Reserve banks....

Mr. Speaker, an immense amount of United States money has been used abroad in preparations for war and in the acquisition and the manufacture of war supplies. Germany is said to be part owner of a large poison-gas factory at Troitsk on Russian soil. China is almost completely Sovietized, and in the Asiatic interior huge stocks of munitions are said to be stored awaiting the day when the war lords of the United States will ship United States troops to Asia. Mr. Speaker, the United States should look before it leaps into another war, especially a war in Asia. It should decide whether it is worth while to join hands with Russia and China in a war against Japan. For myself, I say and I have said it often that the United States should remember George Washington's advice. It should mind its own business and stay home. It should not permit the Jewish international bankers to drive it into another war so that they and their Gentile fronts and sycophants by way of Louis McHenry Howe, the graftmaster, may reap rich profits on everything an army needs from toilet kits to airplanes, submarined, tanks gas masks, poison gas, ammunition, bayonets, guns, and other paraphernalia and instruments of destruction. Congressional Record, June 15, 1934

Congressman McFadden: "The Congress of the United States must immediately throw the searchlight of investigation into this dark corner, or we are going to be swamped with political influences that are manufactured in foreign countries and that will lead us to the surrender of our heritage of living, just as has been done on former occasions. Just as we did, for example, when we entered into the Jay Treaty with England, which was ratified on June 24, 1795, whereby we needlessly surrendered our right to the freedom of the seas. We fought the War of 1812 to regain this right, but the same political influ-

ences prevented even a discussion of this subject at the treaty which terminated that war. President Wilson vowed to regain the freedom of the seas at the Treaty of Versailles; but did we regain it? Is the Jay Treaty still in force?"

"I stand here and say to you that I have studied these records, and not only did we adopt this monetary policy without debate, not only did we adopt it without consideration but we adopted it without even knowledge of what we were doing! It was a piece of legislative trickery; it was a piece of work in the committee that was silent and secretive. Even members of the committee did not know what was being done, according to their own declarations. The President and Members of the House did not know they were acting on such a measure. But, as I have said before, the shadow of the hand of England rests over this enactment." Congressional Record, January 8, 1934

Congressman Young: "Old Hickory was a great soldier. His victory at New Orleans is one of the most remarkable battles in history. The English army outnumbered Jackson's forces.

The American losses were 13. In half an hour the English had lost 2,600 men, including their commander, Sir Edward Pakenham, a brother-in-law of the Duke of Wellington."

Congressional Record, January 8, 1934

Congressman Fiesinger: "You will recall the gentleman spoke about Professor Sprague, who was in the Treasury Department as adviser to the Treasury after he came as adviser for the Bank of England. He was also monetary adviser to the Economic Conference in London."

Congressman Fiesinger: "I was just going to remark that very thing, that the power to "coin and fix the value of money" is solely within the power of the Congress of the United States and it cannot be delegated to anybody else in the world."

Congressman McFadden: "Will the gentleman yield further?"

Congressman Fiesinger: " I do."

Congressman McFadden: "What does the gentleman say in regard to the delegation of that power to the Federal Reserve System?"

Congressman Fiesinger: "I say it is illegal. I say it is unconstitutional, as far as it affects the value of basic money. Power to control credits may be in a different class."

Congressman McFadden: "The gentleman recognizes that that was done, does he not?"

Congressman Fiesinger: "Well, I think I recognize that fact; but it may be that Congress intended to delegate banking and credit control and not the control of the basic money values."

Congressman McFadden: " The Federal Reserve System has the power to issue Federal Reserve notes, which circulate as money?"

Congressman Fiesinger: "It has. Of course, they are promises to pay. They are credits or I O U's of the bank."

Congressman McFadden: "And that power was delegated by Congress in the Federal Reserve Act."

Congressman Fiesinger: "Yes, sir; with the intent to regulate the volume of credit."

Congressman McFadden: "And is being pursued by them, which gives the Federal Reserve System control over the money and credit in the United States."

Congressman Mott: "What does the gentleman say about the delegation by Congress to the President to fix the value of money, under the farm bill?"

Congressman Fiesinger: "I think it was illegal, and the President did not want it. It was forced upon him. He never asked to have the amendment attached to the farm bill. It was forced upon him, and he is exercising the power because he was forced to exercise it; a power that he never wanted, and I say it is all illegal and unconstitutional."....

Congressman McFadden: "If the gentleman has been familiar with the activities of Dr. Sprague over the history of the Federal Reserve System, he well knows that Dr. Sprague has been in all of the conferences, practically, between the Bank of England, officers of the Federal Reserve bank in New York and other central banks, which have had for their purpose the dealing with national and international price levels. That was one of the functions that he was exercising as expert adviser of the Bank of England."

Congressman Fiesinger: " Now, I understand that Dr. Sprague at the London conference was willing to peg the dollar to the British pound at \$3.50, and, if he had done that, the price levels in America would have been in the control of the Bank of England, and it would have been so low it would have wrecked our national economy."

Congressman Lamneck: "Will the gentleman please insert at this point what Dr. Sprague said about who should control the price level?"

Congressman Fiesinger: "I may say-I did not expect to answer that question, but Dr. Sprague, in a conference he had, stated he believed that the value of gold should be controlled by the British, because they were more competent, from banking experience, so to do." Congressional Record, January 8, 1934

Congressman McFadden: "Why should the United States be buying gold and paying \$35 and ounce for it? Why Should the United States be making Great Britain a present of \$14.33 and ounce on the hundreds of millions of dollars of British gold that is being shipped to the United States through this process be favoring four London gold brokers? Why should the United States set a price of \$35 and pay Great Britain an increase of \$14.33 on ever ounce of gold? This is interesting when you consider that three fourths of all the gold produced in the world is produced in the British Empire. Did we do this because Great Britain demanded it? Is it possible that this \$14.33 profit to Great Britain on every ounce of gold shipped into the United States is for settlement of a debt that the United States owes to Great Britain? Congressional Record, February 20, 1934

Congressman McFadden: " I am quoting from the President's message to Congress on this very measure. I quote: "That the title of all gold be in the Government. The total stock will serve as a permanent and fixed metallic reserve which will change in amount only as far as necessary for the settlement of international balances or as may be required by future agreement among nations of the world for a redistribution of the world stock of monetary gold."....

Congressman McFadden: "I say again what I have repeatedly said, that there is a definite plan for the redistribution of the gold of this country and of the world's gold. The plan has been known ever since the establishment of the Bank for International Settlements that through that medium, or one similar to it, eventually the redistribution of gold would take place."

Congressional Record, January 20, 1934

Congressman McFadden: "The gentleman, of course, is aware of the fact that the Council of the Federation of Churches of Christ is an offshoot of the Carnegie Foundation which is operating in this country as a British-propaganda organization, tied up with all of the

other subversive organizations which are trying to hold down proper preparedness in the United States. [Applause]

Congressional Record, January 30, 1934

Congressman Weideman: "So the paramount issue of today is this: Shall the Government of the United States be run for the benefit of the international bankers or shall the citizens of the United States be given the right to "life, liberty, and the pursuit of happiness"? Shall we replace the Statue of Liberty with the golden statue erected to the god of greed? Shall we forget that the only time our Saviour used force was when he drove the money changers from the temple? Let us reestablish the principle that we all believe in: That all men are entitled to a right to work, to own their own homes, to reap a just reward for their labors, and to enjoy nature's sunshine as God intended. We owe it to our children that we shall not depart and leave them in a condition of bondage and slavery to organized greed and gold.".....

Congressman Lemke: "...This nation is bankrupt; every State in this Union is bankrupt; the people of the United States, as a whole, are bankrupt. The public and private debts of this Nation, which are evidenced by bonds, mortgages, notes, or other written instruments about to about \$250,000,000,000, and it is estimated that there is about \$50,000,000,000 of which there is no record, making in all about \$300,000,000,000 of public and private debts. The total physical cash value of all the property in the United States is now estimated at about \$70,000,000,000.

That is more than it would bring if sold at public auction. In this we do not include debts or the evidence of debts, such as bonds, mortgages, and so fourth. These are not physical property. They will have to be paid out of the physical property. How are we going to pay \$300,000,000,000 with only \$70,000,000,000?" Congressional Record, March 3, 1934

Congressman McFadden: "In view of what the gentleman has just said, recall that Theodore Roosevelt, the year that he passed on, made a statement to the effect that Felix Frankfurter is the most dangerous man in the United States to our form of government." Congressional Record, March 13, 1934

Congressman McFadden: "...It is right in line with the plan which is now being worked out in England. I want to point out to the House that there is a concerted movement not only in England but in the United States. In the United States this movement is in charge of certain men now engaged in writing legislation in Department of Agriculture. I refer to Mr. Tugwell, Mr. Mordecai Ezekiel, and Mr. Frank, and their immediate associates, some of whom are in other departments and some of whom are outside; and I may even go so far as to say that they are aided and abetted in this matter apparently by the Secretary of Agriculture. Their action in this matter is also assisted and aided through the agency of the Foreign Policy Association of the United States, which is directly connected with the Fabian Society, or a branch of it, in England, which at the present time is attempting to take over the control of agriculture and its operation in England, as well as the industries therein located. I call your especial attention to the recent article, America Must Choose, by Secretary of Agriculture Wallace, a syndicated article put out under the auspices of the Foreign Policy Association of New York and copyrighted by them. This article is quite in keeping with the plan of the British offspring of the Fabian group.

One of the stalwarts against the move in England is Stanley Baldwin. Mr. Baldwin is-

sued a statement which was printed in the United States recently. It was a statement made over the radio, and, if I have time, I will read it to you, because he is standing today against the movement in England that I am speaking against now, and that movement is evidenced by this legislation and any other kind of legislation following, which have for their purpose the regimenting of all production in the United States, leading up to an absolute dictatorship.

The quotation I refer to from Mr. Baldwin is as follows:

"Our freedom did not drop down like manna from heaven. It has been fought for from the beginning of our history and the blood of men has been shed to obtain it. It is the result of centuries of resistance to the power of the executive and it has brought us equal justice, trial by jury, freedom of worship, and freedom of religious and political opinion.

Democracy is far the most difficult form of government because it requires for perfect functioning the participation of everybody. Democracy wants constant guarding, and for us to turn to a dictatorship would be an act of consummate cowardice, of surrender, of confession that our strength and courage alike had gone.

It is quite true the wheels of our state coach may be creaking in heavy ground, but are you sure the wheels of the coach are not creaking in Moscow, Berlin, and Vienna, and even in the United States?

The whole tendency of a dictatorship is to squeeze out the competent and independent man and create a hierarchy accustomed to obeying. Chaos often results when the original dictator goes.

The rise of communism or fascism both alike believe in force as a means of establishing their dictatorship would kill everything that had been grown by our people for the last 800 or 1,000 years."

The plan in England to which I am referring is the "political economic plan," drawn up by Israel Moses Schiff, the director of a chain-store enterprise in England called Marks & Spencer. This enterprise declared a dividend of 40 percent for 1933, and was enabled to do so by the fact that it has until now handled almost exclusively all imports from Soviet Russia, which has enabled this house to undersell competitors.....

The political economic plan is in operation in the British Government by the means of a tariff advisory board. This organization has gathered all data and statistics obtained by governmental and private organization in administrative, industrial, trade, social, educational, agricultural, and other circles. Air-force statistics are in their hands, as well as those of the law and medical professions. This organization or group have had access to all archives of the British Government, just as the "brain trust" here in the United States have had access to archives of our Government departments.

Through the tariff advisory board, which was created in February of 1933, and headed by Sir George May, the control of industry and trade is being firmly established in the British Empire. This tariff advisory board works in direct connection with the Treasury, and together with it devises the tariff policy.

In this bill and the tariff bill which follows it is proposed to set up just such a board, under the direction of the President, as the tariff advisory board of England.

The tariff board in England has been granted the powers of a law court and can exact under oath that all information concerning industry and trade be given it. Iron and steel, as also cotton and industrials, in England have been ordered by the tariff advisory board

to prepare and submit plans for the reorganization of their industries and warned that should they fail to do so, a plan for complete reconstruction would be imposed upon them. May I suggest to you the similarity of this plan with the N.R.A., and also suggest to you that the tariff advisory board in England has been granted default powers and can, therefore, impose its plan.

The tariff board is composed, in addition to Sir George May, of Sir Sidney Chapman, professor of economics and statistics, and Sir George Allen Powell, of the British Food Board and Food Council. And it is a well-known fact that this particular political economic group has close connection with the Foreign Policy Association in New York.

I wish to quote from a letter from a correspondent of mine abroad, as follows: "It appears that the alleged "brain trust" is supposed to greatly influence the present United States policy. Neither you nor I are particularly interested in what takes place in England, but what should interest us both, it seems to me, is that there is a strong possibility that certain members of the "brain trust" around our President are undoubtedly in touch with this British organization and possibly are working to introduce a similar plan in the United States.

I understand the "brain trust" is largely composed of Professor Frankfurter, Professor Moley, Professor Tugwell, Adolph Berle, William C. Bullitt and the mysterious Mordecai Ezekiel.

I think there is no doubt that these men all belong to this particular organization with distinct Bolshevik tendencies. So it is quite possible that should this political economic plan be developed in the United States, if this alleged "brain trust" has really a serious influence over the judgement of our President, this plan may be attempted in our country."

Need I point out to you, who have been observing the activities of the so-called "brain trust" in the writing and sending to the Congress of legislation, that this legislation has for its purpose the virtual setting up in the United States of a plan similar to that which is being worked out in England.

I am assured by serious people who are in a position to know that this organization practically controls the British Government, and it is the opinion of those who do know that this highly organized and well-financed movement is intended to practically Sovietize the English-speaking race.

I wish to quote again from my correspondent, as follows:

Some 2 months ago when Israel Moses Sieff, the present head of this organization, was urged to show more activity by the members of his committee, he said, "Let us go slowly for a while and wait until we see how our plan carries out in America."

Congressional Record, March 15, 1934

Congressman Patman: "...A Federal Reserve bank has a great privilege. It has the right to issue a blanket mortgage on all the property of all the people of this country. It is called a Federal Reserve note. For that privilege section 16 of the act provides that when the Government prints a Federal Reserve note and guarantees to pay that note and delivers it to a Federal Reserve bank, that Federal Reserve bank shall pay it seems to be mandatory the rate of interest that is set by the Federal Reserve Board. The law has never been put into effect. The Federal Reserve Board sets the zero rate. Instead of charging an interest rate which the law says they shall charge, they set no rate at all.

Therefore, for the use of this great Government credit, these blanket mortgages that are issued against all the property of all the people of this Nation and against the incomes of all the people of this Nation, they do not pay one penny. Not one penny of the stack of the Federal Reserve banks is owned by the Government or the people, but it is owned by private banks exclusively. They do not pay one penny for the use of that great privilege, to the people or to the Government." Congressional Record, April 9, 1934

Congressman McFadden: "...Whereas the lobbying activities of the said British Ambassador, Sir Ronald Lindsay, carried on in the halls of the Capitol, at the British Embassy, in the houses of citizens of the United States, in the offices of predatory international bankers, on shipboard, on the trains, and elsewhere, have for their purpose the taking from the United States Treasury of assets which it is the sworn duty of this Government to protect by every means within its power, not stopping short of war, if need be; and whereas the said Lindsay's lobbying activities likewise have for their purpose the defeat of measures enacted into law by the Government of the United States to insure the repayment of moneys advanced to Great Britain on her written promise to repay them; and whereas the lobbying activities of Sir Ronald Lindsay likewise have for their object the overthrow of the Government of the United States and its reorganization as a part of the British Empire:.... Congressional Record, June 14, 1934

THE UNITED STATES IS STILL A BRITISH COLONY

Part III

Will the real government please stand up!

After writing British Colony parts 1 and 2, I was amazed how some people react, when confronted with information that goes against their prior programming. It is as if to even consider the possibility that their belief system may be incorrect, was a threat to their mental well being. They were going to deny any truth that threatens their belief structure. The good news is those with such a reaction were of the minority. This is promising, because it shows Americans can still think past years of incomplete teaching, concerning our history. Those in the negative believe the information had to be bogus and they could not believe the government could wrong them.

So this third part is for them, to show them that government has and does lie to them and violates their trust on major issues. As always this information and supporting documents, are given so the reader can form their own opinion. Other writers, I will mention one since he uses a pen name, the Informer, has also done extensive research on this subject and has been forced to come to the same conclusions. (Check out the latest work of the Informer, his new book called, **THE NEW HISTORY OF AMERICA.**)

The information the Informer and I have found is so clear and undeniable, even the doubting Thomas will have to face reality. Not to make us right, but for America to become aware of lost history, that neither of us formed, but are willing to be criticized in its reporting to correct great error.

Guide to the Footnotes:

1. Quotes on the fraudulent ramification of the 14th. Amendment.
2. Tulane Law Review vol. 28 1953, The Dubious Origin Of The Fourteenth Amendment, by Walter J. Suthon, Jr.
3. Reconstruction Act of March 2, 1867.
4. Reconstruction Act of March 11, 1868.
5. Reconstruction Act of March 23, 1867.
6. Reconstruction Act of July 19, 1867.
7. President Lincoln's Proclamation of Amnesty & Reconstruction.

8. Veto message by President Johnson, March 2, 1867.
9. Gen. Orders No. 100 by President Lincoln, April 24 1863.
10. Court cases on Conquest and Military Occupation.
11. Letter I wrote to a local sheriff, August 27, 1995.
12. New Jersey's removal of their ratification of the 14th Amendment.
13. Addendum

I will begin with the touchstone of the patriot community, the Fourteenth Amendment. Everyone knows about the citizenship issue. I raised another issue concerning the 4th section of the Fourteenth Amendment in British Colony part 1, and issues regarding sec. 3, in court documents found in Footnote 13. Doubting thomas' think this is a conspiracy theory. In the new propaganda movie called "Conspiracy Theory", the establishment wants you to think that anyone that believes there is someone behind the scenes calling the shots is mentally unbalanced. What the doubting thomas' do not realize, is this is a big puzzle and is hard to recognize, and can be incorrectly viewed. The biggest problem is, it can be put together more than one way, totally changing its appearance and outcome. The doubting thomas' may say how is it you think you have the correct pieces? My answer is, I shoot a lot of archery, in archery you shoot for the bullseye, not the less important areas outside the bullseye. You have to stay focused on what are the core issues, not the side issues/collateral issues, where valuable time is lost. I conduct my research in this way. Two, I rely on God Almighty to keep me pointed in the right direction. Three, I always tell you not to take my word without checking the subject out for yourself. Most people if plagued with a recurring headache, take a pain reliever, and the headache appears to go away. When in fact all you have done is deal with a symptom, that caused the headache. You have not dealt with the cause. Many patriots today are dealing with the symptoms, like taxes, driving v. traveling and the zipcode, etc. etc. All are important issues and have their place, but they are not the root cause of our problem. Until the cause of the affliction is researched, exposed and then removed, nothing will change.

The lawful de jure united States government which was created by the 1787 Constitution/Treaty, between the States, was made null and void by the fraudulent Congress, that passed the Fourteenth Amendment. This is a bold and broad statement, but I will prove it.

"When, therefore, Texas became one of the United States, she entered into an indissoluble relation. All the obligations of perpetual union, and all the guarantees of republican government in the Union, attached at once to the State. The act which consummated her admission into the Union was something more than a compact; it was the incorporation of a new member into the political body. And it was final. The union between Texas and the other States was as complete, as perpetual, and as indissoluble as the union between the original States. There was no place for reconsideration, or revocation, except through revolution, or through consent of the States." *Dyett v. Turner* 439 p2d 266 @ 269, 20 U2d 403

"Considered therefore as transactions under the Constitution, the ordinance of secession, adopted by the convention and ratified by a majority of the citizens of Texas, and all the acts of her legislature intended to give effect to that ordinance, were absolutely null. They were utterly without operation in law. The obligations of the State, as a member of the Union, and of every citizen of the State, as a citizen of the United States, remained

perfect and unimpaired. It certainly follows that the State did not cease to be a State, nor her citizens to be citizens of the Union. If this were otherwise, the State must have become foreign, and her citizens foreigners. The war must have ceased to be a war for the suppression of rebellion, and must have become a war for conquest of subjugation." Dyett v. Turner 439 p2d 266 @ 269, 20 U2d 403

The Southern States could not lawfully cede from the Union without the other States being in agreement. In the last sentence you will notice the war was either a rebellion or, the States were made foreign and conquest and military rule took place during the Civil War. This is very important, because of what took place next, and what took place after the Civil War and March 9, 1933. March 2, 1867, President Johnson declared the rebellion to be over and the Southern States to be once again part of the Union, before the Thirteenth and Fourteenth Amendment were passed. So the States were not foreign, they did not have to be readmitted, they picked up in Congress where they left off, with the same State governments they had before the rebellion. If the Southern States had ceded from the Union, without sanction by all the States, their Legislative Acts would have been null and void. In other words if a State or the federal government violates their corporate Charter, it makes any subsequent law void, unenforceable, other than by force of arms.

The following information should upset you greatly and at the same time amaze you, that Americans are totally unaware of this information. How is it in the freest country in the world, and a nation that prides itself on our history, could you have 200 plus million people ignorant of the truth, and that care so little about the destruction of our country? The information I am sharing with you is purposely not taught in the public schools. Why? It will become clear to you that, if the government taught this in the public schools, it would cause the rebirth of American patriotism. Americans would demand our former overthrown Republican form of government; and that the Laws of God Almighty be adhered to. We were promised in the Constitution a Republican form of government, and Benjamin Franklin when asked, said: you have been given a Republican form of government if you can keep it, (paraphrase). By the laziness and greed of the American people over the years our lawful government was stolen, but not without our help.

The Civil War was fought to free the slaves and reunite the Union, or so we have been told by selected history, taught by and through the government. The slaves just changed masters, as I have said before in other research papers, and the white people enfranchised, incorporated, and sold themselves into slavery. Whites along with blacks were made legal fictions so they could be owned and taxed by the king. However, the only way this could be done is by destroying the Constitution, but they had to do it in a way that no one would recognize its destruction, or care thanks to the offered benefits. Now the Proof.

December 8, 1863 President Lincoln declared by proclamation, amnesty and reconstruction for the southerners so they could be readmitted into the Union. Footnote #7 This action along with what Lincoln was doing with the money is why Lincoln had to be killed. The South could not be allowed back into the Union without their enfranchisement. Compare the readmittance oath in President Lincoln's proclamation of 1863, to the following oath requirement required by Congress, under the Reconstruction Acts, Footnotes #3,4,5 and 6.

"An Act to provide for the more efficient government of the rebel States, passed March

second, eighteen hundred and sixty-seven, shall cause a registration to be made of the male citizens of the United States, twenty-one years of age and upwards, resident in each county or parish in the State or States included in his district, which registration shall include only those persons who are qualified to vote for delegates by the act aforesaid, and who shall have taken and subscribed the following oath or affirmation: "I, _____, do solemnly swear, (or affirm,) in the presence of Almighty God, that I am a citizen of the State of _____; that I have resided in said State for _____ months next preceding this day, and now reside in the county of _____, or the parish of _____, in said State, (as the case may be;) that I am twenty-one years old; that I have not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any State or of the United States; that I have never been a member of any State legislature, nor held any executive or judicial office in any State and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States or given aid or comfort to the enemies thereof; that I will faithfully support the Constitution and obey the laws of the United States, and will, to the best of my ability, encourage others so to do, so help me God;" which oath or affirmation may be administered by any registering officer." Reconstruction Act of March 23, 1867, supplement to Reconstruction Act of March 2, 1867.

You will note that in the above oath Congress creates legal residence for anyone taking the oath and that this is done by registering to vote, and made a requirement in order to vote. The same legal disability still takes place today when you register to vote. Today you still have voting districts in every county in the America.

You will also notice that, the oath makes you declare that you were not disenfranchised, by taking part in the Civil War. Which means that, before the Civil War Americans were franchised citizens, incorporated. I covered this in part 1; by the States adoption of the Constitution, those that lived in the States became legal residents, incorporated/enfranchised, instead of Sui Juris freemen. Which was granted to them by the Declaration of Independence, and in North Carolina, for North Carolinians this was reaffirmed by the 1776 North Carolina Constitution, see British Colony part 2.

Also, you will see in the following oaths where the language came from, for the creation of Section 3 of the Fourteenth Amendment, this language was also used in the 14th Amendment oath you just read. Wherein it declares that, elected officials, judges, legislators and police etc., cannot give aid and comfort to the enemy. The enemy is anyone unincorporated, because the king cannot legally tax you, without using the force of admiralty. The enemy is also anyone that refuses to swear the oath to the de facto government for the above reasons.

The following is the oath given to those that wanted to serve in the United States government.

An act to prescribe an oath of office. July 2, 1862

"Be it enacted, That hereafter every person elected or appointed to any office of honor or profit under the Government of the United States either in the civil, military, or naval

departments of the public service, excepting the President of the United States, shall, before entering upon the duties of such office, and before being entitled to any of the salary or other emoluments thereof, take and subscribe the following oath or affirmation: "I, A B, do solemnly swear (or affirm), that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have never sought nor accepted nor attempted to exercise the functions of any office whatever, under any authority or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto; and I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter; so help me God;" which said oath, so taken and signed, shall be preserved among the files of the Court, House of Congress, or Department to which the said office may appertain. And any person who shall falsely take the said oath shall be guilty of perjury, and on conviction, in addition to the penalties now prescribed for that offense, shall be deprived of his office, and rendered incapable forever after, of holding any office or place under the United States."

When the war was over President Johnson declared the States readmitted to the Union and hostilities to be over.

Furthermore; on April 2, 1866, President Andrew Johnson issued a "Proclamation" that: "The insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi and Florida is at an end, and is henceforth to be so regarded."

Presidential Proclamation No. 153,
General Records of the United States,
G.S.A. National Archives and Records Service.

On August 20, 1866 (14 Stat. 814); the President proclaimed that the insurrection in the State of Texas had been completely ended and his "Proclamation" continued:

"The insurrection which heretofore existed in the State of Texas is at an end, and is to be henceforth so regarded in that State, as in the other States before named in which the said insurrection was proclaimed to be at an end by the aforesaid proclamation of the second day of April, one thousand, eight hundred and sixty-six.

"And I do further proclaim that the said insurrection is at an end, and that peace, order, tranquility, and civil authority now exist, in and throughout the whole of the united States of America."

Again the power behind the United States government would not stand for this, so Congress passed the Reconstruction Acts, Footnotes #3,4,5 and 6. President Johnson vetoed the Acts because they were unconstitutional. Below are some excerpts from his veto message.

"It is plain that the authority here given to the military officer amounts to absolute despotism. But to make it still more unendurable, the bill provides that it may be delegated to as many subordinates as he chooses to appoint, for it declares that he shall

'punish or cause to be punished'. Such a power has not been wielded by any Monarch in England for more than five hundred years. In all that time no people who speak the English language have borne such servitude. It reduces the whole population of the ten States- all persons, of every color, sex and condition, and every stranger within their limits- to the most abject and degrading slavery. No master ever had a control so absolute over the slaves as this bill gives to the military officers over both white and colored persons...."

"I come now to a question which is, if possible, still more important. Have we the power to establish and carry into execution a measure like this? I answer, 'Certainly not', if we derive our authority from the Constitution and if we are bound by the limitations which it imposes."....

"...The Constitution also forbids the arrest of the citizen without judicial warrant, founded on probable cause. This bill authorizes an arrest without warrant, at pleasure of a military commander. The Constitution declares that 'no person shall be held to answer for a capital or otherwise infamous crime unless on presentment of a grand jury'. This bill holds every person not a soldier answerable for all crimes and all charges without any presentment. The Constitution declares that 'no person shall be deprived of life, liberty, or property without due process of law'. This bill sets aside all process of law, and makes the citizen answerable in his person and property to the will of one man, and as to his life to the will of two. Finally, the Constitution declares that 'the privilege of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it'; whereas this bill declares martial law (which of itself suspends this great writ) in time of peace, and authorizes the military to make the arrest, and gives to the prisoner only one privilege, and that is trial 'without unnecessary delay'. He has no hope of release from custody, except the hope, such as it is, of release by acquittal before a military commission."

"The United States are bound to guarantee to each State a republican form of government. Can it be pretended that this obligation is not palpably broken if we carry out a measure like this, which wipes away every vestige of republican government in ten States and puts the life, property, and honor of all people in each of them under domination of a single person clothed with unlimited authority?"

".....,here is a bill of attainder against 9,000,000 people at once. It is based upon an accusation so vague as to be scarcely intelligible and found to be true upon no credible evidence. Not one of the 9,000,000 was heard in his own defense. The representatives of the doomed parties were excluded from all participation in the trial. The conviction is to be followed by the most ignominious punishment ever inflicted on large masses of men. It disfranchises them by hundreds of thousands and degrades them all, even those who are admitted to be guiltless, from the rank of freeman to the condition of slaves." Veto Message of President Johnson, March 2, 1867, Footnote #8

President Johnson did not realize the king ruled and that in 1845 Congress declared admiralty law to have come on land, nor did he realize the relevance of the Insular Cases. I cover these in "A Country Defeated In Victory" part 1 and in Footnote 11. Once the judiciary decided to look the other way, the De jure Constitution's days were numbered.

"As a result of these decisions, enforcement of the Reconstruction Act against the Southern States, helpless to resist military rule without aid of the judiciary, went forward un-

hampered. Puppet governments were founded in these various States under military auspices. Through these means the adoption of new state constitutions, conforming to the requirements of Congress, was accomplished. Likewise, one by one, these puppet state governments ratified the Fourteenth Amendment, which their more independent predecessors had rejected. Finally, in July 1868, the ratifications of this amendment by the puppet governments of seven of the ten Southern States, including Louisiana, gave more than the required ratification by three-fourths of the States, and resulted in a Joint Resolution adopted by Congress and a Proclamation by the Secretary of State, both declaring the Amendment ratified and in force." Tulane Law Review, The Dubious Origin Of The Fourteenth Amendment. page 36

To regress just a moment, after the war, after the States rejoined the Union, the representatives of the South took their seats in Congress. Later the Thirteenth Amendment was passed in Congress by the Northern States and the Southern States. By the 1787 Constitution they were considered equal contracting partners of the Union. The powers controlling the government had to replace their republican form of government that had existed in the Southern States since they adopted the 1787 Constitution.

"Despite the fact that the southern States had been functioning peacefully for two years and had been counted to secure ratification of the Thirteenth Amendment, Congress passed the Reconstruction Act, which provided for the military occupation of 10 of the 11 southern States. It excluded Tennessee from military occupation and one must suspect it was because Tennessee had ratified the Fourteenth Amendment on July 7, 1866. The Act further disfranchised practically all white voters and provided that no Senator or Congressman from the occupied States could be seated in Congress until a new Constitution was adopted by each State which would be approved by Congress. The Act further provided that each of the 10 States was required to ratify the proposed Fourteenth Amendment and the Fourteenth Amendment must become a part of the Constitution of the United States before the military occupancy would cease and the States be allowed to have seats in Congress." Dyett v. Turner 439 p2d 266 @ 269, 20 U2d 403

The way they chose to do it was pass the Fourteenth Amendment. However, the Northern States that put the amendment up in Congress figured the Southern States would ratify. Wrong, the amendment fell short of passing the House and the Senate. The action taken next by the Northern States will go down in history as the most unlawful act ever taken by any government in the world. Since the amendment would not pass lawfully, the Northern States decided to rip the 1787 Constitution up and take over the government. How did they do this? They told the Southern States that refused to vote for the amendment they no longer were members of Congress, denying lawful States suffrage in the Union. In order to get the amendment through Congress the Northern Senators also removed a seated Senator from New Jersey to give them two-thirds in the Senate, and counted 30 abstention votes in the House as yes votes to pass the Fourteenth Amendment in the House. See Footnote #12

Observing how 'a renegade group of men from the Northern States', MY NOTE in quotes, actual text in brackets (Congress) had taken the Constitution into its own hands and was proceeding in willful disregard of the Constitution, on the 15th of January, 1868-Ohio, and then on March 24, 1868-New Jersey, voted to withdraw their prior ratifications and to reject.

The following, is an excerpt from Joint Resolution No.1 of the State of New Jersey of March 24, 1868, when they rescinded their prior ratification and rejected:

"It being necessary, by the Constitution, that every amendment to the same, should be proposed by two thirds of both Houses of Congress, the authors of said proposition, for the purpose of securing the assent of the requisite majority, determined to, and did, exclude from the said two Houses eighty representatives from eleven States of the Union, upon the pretence that there were no such States in the Union; but, finding that two-thirds of the remainder of said Houses could not be brought to assent to the said proposition, they deliberately formed and carried out the design of mutilating the integrity of the United States Senate, and without any pretext or justification, other than the possession of power, without the right and in palpable violation of the Constitution, ejected a member of their own body, representing this State, and thus practically denied to New Jersey its equal suffrage in the Senate and thereby nominally secured the vote of two-thirds of the said Houses."

"The object of dismembering the highest representative assembly in the Nation, and humiliating a State of the Union, faithful at all times to all of its obligations, and the object of said amendment were one- to place new and unheard of powers in the hands of a faction, that it might absorb to itself all executive, judicial and legislative power, necessary to secure to itself immunity for the unconstitutional acts it had already committed, and those it has since inflicted on a too patient people."

"The subsequent usurpation of these once national assemblies, in passing pretended laws for the establishment, in ten States, of martial law, which is nothing but the will of the military commander, and therefore inconsistent with the very nature of all law, for the purpose reducing to slavery men of their own race to those States, or compelling them, contrary to their own convictions, to exercise the elective franchise in obedience to dictation of a fraction in those assemblies; the attempt to commit to one man arbitrary and uncontrolled power, which they have found necessary to exercise to force the people of those States into compliance with their will; the authority given to the Secretary of War to use the name of the President, to countermand its President's order, and to certify military orders to be by the direction of the President' when they are notoriously known to be contrary to the President's direction, thus keeping up the forms of the Constitution to which the people are accustomed, but practically deposing the President from his office of Commander-in-Chief, and suppressing one of the great departments of the Government, that of the executive; the attempt to withdraw from the supreme judicial tribunal of the Nation the jurisdiction to examine and decide upon the conformity of their pretended laws to the Constitution, which was the Chief function of that August tribunal, as organized by the fathers of the republic: all are but amplified explanations of the power they hope to acquire by the adoption of the said amendment."

"To conceal from the people the immense alteration of the fundamental law they intended to accomplish by the said amendment, they gilded the same with propositions of justice..."

"It imposes new prohibitions upon the power of the State to pass laws, and interdicts the execution of such part of the common law as the national judiciary may esteem inconsistent with the vague provisions of the said amendment; made vague for the purpose of facilitating encroachment upon the lives, liberties and property of the people."

"It enlarges the judicial power of the United States so as to bring every law passed by the State, and every principle of the common law relating to life, liberty, or property, within the jurisdiction of the Federal tribunals, and charges those tribunals with duties, to the due performance of which they, from their nature and organization, and their distance from the people, are unequal."

"It makes a new apportionment of representatives in the National courts, for no other reason than thereby to secure to a faction a sufficient number of votes of a servile and ignorant race to outweigh the intelligent voices of their own."

"This Legislature, feeling conscious of the support of the largest majority of the people that has ever been given expression to the public will, declare that the said proposed amendment being designed to confer, or to compel the States to confer, the sovereign right of elective franchise upon a race which has never given the slightest evidence, at any time, or in any quarter of the globe, of its capacity of self-government, and erect an impracticable standard of suffrage, which will render the right valueless to any portion of the people was intended to overthrow the system of self-government under which the people of the United States have for eighty years enjoyed their liberties, and is unfit, from its origin, its object and its matter, to be incorporated with the fundamental law of a free people."

(The 14th Amendment to the Constitution of the United States and the threat that it poses to our democratic government, Pinckney G. McElwee, South Carolina Law Quarterly 1959)

Did the political outrage of all history stop there? No! In order to ratify the amendment in the States, Congress declared war on the Southern States by passing the Reconstruction Acts, declaring the Southern States had unlawful State governments. They placed the States under martial law, creating military districts **which still exist today**. Is not the Fourteenth Amendment still in existence today? Nothing has changed. They replaced the lawful State governments with puppet governments, so the Fourteenth Amendment would be ratified by the required 3/4 of the States and would not readmit any State until ratification of the amendment was complete. The illusion is since you vote for your officials, "we can't be under military occupation". The **privilege** to vote would end if your State tried to remove the Fourteenth Amendment.

Back to President Johnson's veto, the unlawful Congress then over rode his veto. Now picture this, you have a lawful President who vetoed the unconstitutional Reconstruction Acts, passed by a de facto Congress. Then the unlawful Congress overrides his veto since they have a Republican majority in the Congress after denying the representation to the Democratic Southern States. This Congress under the 1787 Constitution had no lawful authority to conduct business under the 1787 Charter much less destroy the office of the President. What do you call this? It was a political take over, a coup d'etat.

The Fourteenth Amendment was proposed by Congress to the States for adoption, through the enactment by Congress of Public Resolution No. 48, adopted by the Senate on June 8, 1866 and by the House of Representatives on June 13, 1866. That Congress deliberately submitted this amendment proposal to the then existing legislatures of the several States is shown by the initial paragraph of the resolution." Tulane Law Review, The Dubious Origin Of The Fourteenth Amendment. page 28

1. Texas rejected the 14th Amendment on October 27, 1866 (House Journal 1866, pp.

578-584 - Senate Journal 1866, p.471.).

2. Georgia rejected the 14th Amendment on November 9, 1866 (House Journal 1866, p 68 - Senate Journal 1866, p. 8.).

3. Florida rejected the 14th Amendment on December 6, 1866 (House Journal 1866, p 76 - Senate Journal 1866, p. 8.).

4. Alabama rejected the 14th Amendment on December 7, 1866 (House Journal 1866. p. 210-213 - Senate Journal 1866, p.183.).

5. North Carolina rejected the 14th Amendment on December 14, 1866 (House Journal 1866 - 1867. p. 183 - Senate Journal 1866-67, p. 138.).

6. Arkansas rejected the 14th Amendment on December 17, 1866 (House Journal 1866, pp. 288-291 - Senate Journal 1866, p. 262.).

7. South Carolina rejected the 14th Amendment on December 20, 1866 (House Journal 1866, p. 284 - Senate Journal 1866, p. 230.).

8. Kentucky rejected the 14th Amendment on January 8, 1867 (House Journal 1867, p. 60 - Senate Journal 1867, p. 62.).

9. Virginia rejected the 14th Amendment on January 9, 1867 (House Journal 1866-67, p. 108 - Senate Journal 1866-67, p. 101.).

10. Louisiana rejected the 14th Amendment on February 9, 1867 ("Joint Resolution" as recorded on page 9 of the "Acts of the General Assembly," Second Session, January 28, 1867) (McPherson, "Reconstruction," p. 194; "Annual Encyclopedia," p. 452.).

11. Delaware rejected the 14th Amendment on February 7, 1867 (House Journal 1867, p. 223 - Senate Journal 1867, p. 808.).

12. Maryland rejected the 14th Amendment on March 23, 1867 (House Journal 1867, p. 1141 - Senate Journal 1867, p. 808.).

13. Mississippi rejected the 14th Amendment on January 31, 1867 (McPherson, "Reconstruction," p. 194.).

14. Ohio rejected the 14th Amendment on January 15, 1868 (House Journal 1868, pp. 44-50 - Senate Journal 1868, pp. 33-38.).

15. New Jersey rejected the 14th Amendment on March 24, 1868 ("Minutes of the Assembly" 1868, p. 743 - Senate Journal 1868, p. 356.).

16. California rejected the 14th Amendment on March 3rd, 1868 ("Journal of the Assembly" 1867-8, p. 601).

17. Oregon rejected the 14th Amendment by the Senate on October 6, 1868 and by the House on October 15, 1868 proclaiming the Legislature that ratified the Amendment to have been a "defacto" Legislature (U.S. House of Representatives, 40th Congress, 3rd session, Mis. Doc. No 12).

Did the military occupation ever come to an end? No!

Did the military presence leave the streets? Yes. Technically do you have to have a military presence visible in the streets, for military occupation and martial law to exist? No! Can the military/Commander-in-Chief/Congress, transfer this power to the civil authorities? Yes. Read the following cases, and Lincoln's General order 100, Footnote #9

"But there is another description of government, called also by publicists a government de facto, but which might, perhaps, be more aptly denominated a government of paramount force. Its distinguishing characteristics are (1) that its existence is maintained by active military power within the territories, and against the rightful authority of an

established and lawful government; and (2) that while it exists it must necessarily be [229 U.S. 416, 429] obeyed in civil matters by private citizens who, by acts of obedience rendered in submission to such force, do not become responsible, as wrongdoers, for those acts, though not warranted by the laws of the rightful government. Actual governments of this sort are established over districts differing greatly in extent and conditions. They are usually administered directly by military authority, but they may be administered, also, by civil authority, supported more or less directly by military force." *Thornington v. Smith*, 8 Wall. 1, 9, 19 L. ed. 361, 363. *Macleod v. U.S.*, 229 U.S. 416 1913

"While it is held to be the right of a conqueror to levy contributions upon the enemy in their seaports, towns, or provinces which may be in his military possession by conquest, and to apply the proceeds to defray the expenses of the war, this right is to be exercised within such limitations that it may not savor of confiscation. As the result of military occupation, the taxes and duties payable by the inhabitants to the former government become payable to the military occupant, unless he sees fit to substitute for them other rates or modes of contributions to the expenses of the government. The moneys so collected are to be used for the purpose of paying the expenses of government under the military occupation, such as the salaries of the judges and the police, and for the payment of the expenses of the army." *Macleod v. U.S.*, 229 U.S. 416 1913

To also prove that military occupation still exists, ask yourself this. Is the Fourteenth Amendment, which was ratified under duress, military occupation; and written and passed by a de facto Congress still in existence? Yes! If a State would today remove the Fourteenth Amendment and the statutory laws this amendment created from their State laws, do you think the federal government would send in the military again? Of course it would. So did the military occupation end? I hope by now you know the answer to that.

Have you never wondered why the government sends your tax dollars all over the world via the IMF and the World Bank etc. etc., with Americans paying the bill, without ever putting this up for a vote? Read the following quote.

"In *New Orleans v. New York Mail S. S. Co.* 20 Wall. 387, 393, 22 L. ed. 354, it was said, with respect to the powers of the military government over the city of New Orleans after its conquest, that it had 'the same power and rights in territory held by conquest as if the territory had belonged to a foreign country and had been subjugated in a foreign war. In such cases the conquering power has the right to displace the pre-existing authority, and to assume to such extent as it may deem proper the exercise by itself of all the powers and functions of government. It may appoint all the necessary officers and clothe them with designated powers, larger or smaller, according to its pleasure. It may prescribe the revenues to be paid, and apply them to its own use or otherwise. It may do anything necessary to strengthen itself and weaken the enemy. There is no limit to the powers that may be exerted in such cases, save those which are found in the laws and usages of war.'" *Dooley v. U.S.*, 182 U.S. 222 1901

To drive home the relevance of British Colony part 1&2 and what I just said above about taxes, read and understand the below quotes from the Declaration of Rights, September 5, 1774. Maybe it will sink in, we are taxed by Britain and we have not only asked for it but, demanded the benefits supplied by the king, past and present.

"Resolved, 4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council: and as the English colonists

are not represented, and from their local and other circumstances, can not properly be represented in the British Parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed. But, from the necessity of the case, and a regard to the mutual interest of both countries, WE CHEERFULLY CONSENT TO THE OPERATION OF SUCH ACTS OF THE BRITISH PARLIAMENT, as are BONA FIDE, restrained to the regulation of our external commerce, for the PURPOSE OF SECURING THE COMMERCIAL ADVANTAGES OF THE WHOLE EMPIRE TO THE MOTHER COUNTRY, and the COMMERCIAL BENEFITS OF ITS RESPECTIVE MEMBERS; excluding every idea of taxation, internal or ETERNAL, for raising a revenue on the SUBJECTS IN AMERICA, without their consent." Declaration of Rights, from September 5, 1774 (The forefathers wanted the commercial benefits without paying the taxes that go hand in hand, it does not work that way Patriots.)

"Resolved, 7. That these, His Majesty's colonies, are likewise entitled to all the IMMUNITIES AND PRIVILEGES GRANTED and confirmed to them by ROYAL CHARTERS, or secured by their several codes of provincial laws." Declaration of Rights, from September 5, 1774

As further proof, are not all States divided into military Districts? At first glance you may not think so. However, look at your District Courts, in your State. They are the enforcement arm of the admiralty law/kings law and legislation passed on a daily basis. As I said before the voting Districts are also left over from the Reconstruction Acts. In every court room a military flag is flown, a war flag not the Title 4, flag of peace. Are you not required to obtain a license from the de facto government for every aspect of commerce, and the use of their military script/fiat money? Americans are taxed and controlled in the following ways, to name a few:

1. Social Security number - license to work.
2. Drivers license - permission to conduct commerce and travel on the military roads.
3. Occupational license - permission to perform a God given right.
4. State and local privilege license - license to work in the State, county or city.
5. Marriage license - permission for a right granted by God Almighty.
6. Hunting and Fishing license - government taxing property of God Almighty, etc.etc.etc.

Every license or permit is a use tax and is financial slavery, you are controlled in every aspect of your life. All licenses came about after the Fourteenth Amendment and the military occupation, which we are now under. The reason all this has taken place in America is, to colonize the world for Britain. The United States has been the enforcement arm/cannon fodder for Britain since the Civil War.

"The decisions wherein grounds were found for avoiding a ruling on the constitutionality of the Reconstruction Act leave the impression that our highest tribunal failed in these cases to measure up to the standard of the judiciary in a constitutional democracy. If the Reconstruction Act was unconstitutional, the people oppressed by it were entitled to protection by the judiciary against such unconstitutional oppression." Tulane Law Review, The Dubious Origin Of The Fourteenth Amendment. page 34

"The adversary or the skeptic might assert that, after a lapse of more than eighty years,

it is too late to question the constitutionality or validity of the coerced ratifications of the Fourteenth Amendment even on substantial and serious grounds. The ready answer is that there is no statute of limitations that will cure a gross violation of the amendment procedure laid down by Article V of the Constitution." *Tulane Law Review*, *The Dubious Origin Of The Fourteenth Amendment*. page 43

If you want to read more about the military occupation and the War Powers Act, read Footnote #11. This issue concerning the Constitution has to be understood by the Patriots, before you can help others see the illusion. We Patriots need to be able to tell others how we arrived in this condition. But, this will never happen as long as we defend a dead treaty, and expect a lawful remedy from a de facto government.

Is it any wonder why Americans look at us like were nuts. We defy a de facto government and take its benefits. We curse its judges and praise a de facto Constitution that, denies the judges the ability to give remedy to the enemy. We praise the legal document that gave Congress the power to declare us as enemies and curse the Congress for their action. Wake up Patriots! How do you expect Americans to listen to the truth, when we are so easily made to look like fools by the government propaganda machine, and we make it easy for them. We tell the American people the sky is falling, but never give them a remedy, other than keeping the same damn document that enslaved us. We do not tell the American people that there was life before the Civil War Occupation and the Fourteenth Amendment unlawful Constitution, so fear of the unknown will keep them from wanting to learn. The only remedy I see, except for God Almighty's Judgement, is to expose the fraud. See Footnote 13.

Until you accept the truth about the Constitution you will not be able to understand the information in British Colony part 1&2. I will end this research paper in this way. Someone asked me, "are you not afraid to be killed by the government"? I told them what Shadrach, Meshach, and Abendnego said:

"If it be so, our God whom we serve is able to deliver us from the burning fiery furnace, and he will deliver us out of thine hand, O king, But if not, be it known unto thee, O king, that we will not serve thy gods, nor worship the golden image which thou hast set up." Daniel 3:17-18

Mark Twain: "You see, my kind of loyalty was loyalty to one's country, not to institutions or its officeholders. The country is the real thing; it is the thing to watch over and care for and be loyal to; institutions extraneous, they are its mere clothing, and clothing can wear out, become ragged, cease to be comfortable, cease to protect the body from winter, disease, and death. To be loyal to rags, to shout for rags, to worship rags, to die for rags that is a loyalty of unreason; it is pure animal; it belongs to monarchy; was invented by monarchy; let monarchy keep it. I was from Connecticut, whose constitution declared "That all political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit, and that they have at all times an undeniable and indefensible right to alter their form of government in such a manner as they think expedient." Under that gospel, the citizen who thinks that the Commonwealth's political clothes are worn out and yet holds his peace and does not agitate for a new suit, is disloyal; he is a traitor. That he may be the only one who thinks he sees this decay does not excuse him; it is his duty to agitate, anyway, and it is the duty of others to vote him down if they do not see the matter as he does."

The North Carolina Legislature protested [by "Resolution" of December 6, 1866] as follows:

"The Federal Constitution declare, in substance, that Congress shall consist of a House of Representatives, composed of members apportioned among the respective States in the ratio of their population, and of a Senate, composed of two members from each State. And IN THE ARTICLE WHICH CONCERNS AMENDMENTS, IT IS EXPRESSLY PROVIDED THAT 'NO STATE, WITHOUT ITS CONSENT, SHALL BE DEPRIVED OF ITS EQUAL SUFFRAGE IN THE SENATE.' THE CONTEMPLATED AMENDMENT WAS NOT PROPOSED TO THE STATES BY A CONGRESS THUS CONSTITUTED. At the time of its adoption, the eleven seceding States were deprived of representation both in the Senate and House, although they all, except the State of Texas, had Senators and Representatives duly elected and claiming their privileges under the Constitution. In consequence of this, these States had no voice on the important question of proposing the Amendment. HAD THEY BEEN ALLOWED TO GIVE THEIR VOTES, THE PROPOSITION WOULD DOUBTLESS HAVE FAILED TO COMMAND THE REQUIRED TWO-THIRDS MAJORITY...."

"If the votes of these States are necessary to a valid ratification of the Amendment, they were equally necessary on the question of proposing it to the States; for it would be difficult, in the opinion of the Committee, to show by what process in logic, men of intelligence would arrive at a different conclusion." North Carolina Senate Journal, 1866-67, pp. 92 and 93.

"By spurious, non-representative governments; seven of the southern States, (which had theretofore rejected the proposed Amendment under the duress of military occupation and of being denied representation in Congress), did attempt to ratify the proposed Fourteenth Amendment. The Secretary of State, (of July 20, 1868), issued his proclamation wherein he stated that it was his duty under the law to cause Amendments to be published and certified as a part of the Constitution when he received official notice that they had been adopted pursuant to the Constitution. Thereafter his certificate contained the following language:"

"And whereas neither the Act just quoted from, nor any other law, expressly or by conclusive implication., authorizes the Secretary of State to determine and decide doubtful questions as to the authenticity of the organization of State legislatures, or as to the power of any State legislature to recall a previous act or resolution of ratification of any amendment proposed to the Constitution;"

"And whereas it appears from official documents on file in this Department that the amendment to the Constitution of the United States, proposed as aforesaid, has been ratified by the legislatures of the States of [naming 23, including New Jersey, Ohio, and Oregon];"

"And whereas it further appears from documents on file in this Department that the amendment to the Constitution of the United States, proposed as aforesaid, has also been ratified by newly constituted and newly established bodies avowing themselves to be and acting as the legislatures, respectively, of the States of Arkansas, Florida, North Carolina, Louisiana, South Carolina, and Alabama;"

"And whereas it further appears from official documents on file in this Department that the legislatures of two of the States first above enumerated, to wit, Ohio and New Jersey, have since passed resolutions respectively withdrawing the consent of each of said States

to the aforesaid amendment; and whereas it is deemed a matter of doubt and uncertainty whether such resolutions are not irregular, invalid, and therefore ineffectual for withdrawing the consent of the said two States, or of either of them, to the aforesaid amendment;"

"And whereas the whole number of States in the United States is thirty-seven, to wit: [naming them];"

"And whereas the twenty-three States first hereinbefore named, whose legislatures have ratified the said proposed amendment, and the six States next there after named, as having ratified the said proposed amendment by newly constituted and established legislative bodies, together constitute three fourths of the whole number of States in the United States;"

"Now, therefore, be it known that I, WILLIAM H. SEWARD, Secretary of State of the United States, by virtue and in pursuant of the second section of the act of Congress, approved the twentieth of April, eighteen hundred and eighteen, hereinbefore cited, do hereby certify that if the resolutions of the legislatures of Ohio and New Jersey ratifying the aforesaid amendment are to be deemed as remaining of full force and effect, notwithstanding the subsequent resolutions of the legislatures of those States, which purport to withdraw the consent of said States from such ratification, then the aforesaid amendment had been ratified in the manner hereinbefore mentioned, and so has become valid, to all intents and purposes, as a part of the Constitution of the United States." *** (15 Stat. 707 (1868))" Dyett v. Turner 439 p2d 266 @ 269, 20 U2d 403

"Congress was not satisfied with the proclamation as issued and on the next day passed a Concurrent Resolution wherein it was resolved:"

"That said Fourteenth Article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State."

"Resolution set forth in proclamation of Secretary of State, (15 Stat. 709 [1868])." See also U.S.C.G., Amends. 1 to 5, Constitution, p. 11

"Thereupon; William H. Seaward, the Secretary of State (after setting forth the Concurrent Resolution of both Houses of Congress) then certified that the Amendment:"

"Has become valid to all intents and purposes as a part of the Constitution of the United States." (15 Stat. 708 [1868])" Dyett v. Turner 439 p2d 266 @ 269, 20 U2d 403

"The Constitution of the United States is silent as to who should decide whether a proposed Amendment has or has not been passed according to formal provisions of Article V of the Constitution. The Supreme Court of the United States is the ultimate authority on the meaning of the Constitution and has never hesitated in a proper case to declare an Act of Congress unconstitutional except when the Act purported to amend the Constitution." Dyett v. Turner 439 p2d 266 @ 269, 20 U2d 403

"In the case of Laser v. Garnet 258 U.S. 130, 42 SECT. 217, 66 LED. 505, the question was before the Supreme Court as to whether or not the Nineteenth Amendment had been ratified pursuant to the Constitution. In the last paragraph of the decision the Supreme Court said:"

"As the legislatures of Tennessee and of West Virginia had power to adopt the resolutions of ratification, official notice to the Secretary, duly authenticated, that they had done so, was conclusive upon him, and, being certified to by his proclamation, is conclusive upon the courts." Dyett v. Turner 439 p2d 266 @ 269, 20 U2d 403

"The duty of the Secretary of State was ministerial, to wit, to count and determine when three fourths of the States had ratified the proposed Amendment. He could not determine that a State, once having rejected a proposed Amendment, could thereafter approve it; nor could he determine that a State, once having ratified that proposal, could thereafter reject it. The Supreme Court, and not Congress, should determine whether the Amendment process be final or would not be final, whether the first vote was for ratification or rejection." Dyett v. Turner 439 p2d 266 @ 269, 20 U2d 403

"In order to have 27 States ratify the Fourteenth Amendment, it was necessary to count those States which had first rejected and then under the duress of military occupation had ratified, and then also to count those States which initially ratified but subsequently rejected the proposal." Dyett v. Turner 439 p2d 266 @ 269, 20 U2d 403

"To leave such dishonest counting to a fractional part of Congress is dangerous in the extreme. What is to prevent any political party having control of both Houses of Congress from refusing to seat the opposition and then passing a Joint Resolution to the effect that the Constitution is amended and that it is the duty of the Administrator of the General Services Administration to proclaim the adoption?"

"Would the Supreme Court of the United States still say the problem was political and refuse to determine whether constitutional standards had been met?" Dyett v. Turner 439 p2d 266 @ 269, 20 U2d 403

Tulane Law Review vol. 28 1953, The Dubious Origin Of The Fourteenth Amendment, by Walter J. Suthon, Jr.

"How remote was this Hamiltonian concept from the events of 1867 and 1888, when a "rump" Congress arrogated to itself the power to force ratification of a rejected amendment, coercing ratifications by several of the rejecting States." page 26

"This submission was by a two-thirds vote of the quorum present in each House of Congress, and in that sense it complied with Article V of the Constitution. However, the submission was by a "rump" Congress. Using the constitutional provision that "Each House shall be the judge of the Elections, Returns and Qualifications of its own Members..." each House had excluded all persons appearing with credentials as Senators or Representatives from the ten Southern States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas and Texas. This exclusion, through the exercise of an unreviewable constitutional prerogative, constituted a gross violation of the essence of two other constitutional provisions, both intended to protect the rights of the States to representation in Congress." page 28

"Had these ten Southern States not been summarily denied their constitutional rights of representation in Congress, through the ruthless use of the power of each House to pass on the election and qualifications of its members, this amendment proposal would doubtless have died a-borning. It obviously would have been impossible to secure a two-thirds vote for the submission of the proposed Fourteenth Amendment, particularly in the Senate, if the excluded members had been permitted to enter and to vote. Of course, that was one of the motives and reasons for this policy of ruthless exclusion." page 28

"Assuming the validity of the submission of this amendment by a two-thirds vote of this "rump" Congress, there is no gainsaying the obvious proposition that whatever "contemplation" or "understanding" this "rump" Congress may have had, as to the intent, or

the scope, or the effect, or the consequences of the amendment being submitted, was necessarily a "rump" contemplation or understanding. The ten Southern States, whose Senators and Representatives were all excluded from the deliberations of the "rump" Congress, could have had no possible part in the development or formation of any "contemplation" or "understanding" of what the consequences and effects of the proposed amendment were to be." page 29

"This created a situation which made impossible the ratification of the Amendment unless some of these rejections were reversed. With thirty-seven States in all, ten rejections were sufficient to prevent the adoption of the amendment proposal. The thirteen rejections, by the ten Southern States and three border States, were more than sufficient to block ratification even if all other States finally ratified." page 30

"This is the only action ever taken on the Fourteenth Amendment by a Louisiana Legislature exercising free and unfettered and uncoerced judgement and discretion as between ratification or rejection of the amendment proposal. The subsequent purported ratification of this Amendment in Louisiana was by a legislature of a puppet government, created by the radical majority of Congress to do the bidding of its master, and compelled to ratify this Amendment by the Federal Statute which had brought this puppet government into existence for this specific purpose." page 30

"It is most interesting to read the proceedings of the Louisiana House of Representatives on February 6, 1867, whereby that body adopted the Joint Resolution ordaining the refusal of Louisiana to ratify the proposed Fourteenth Amendment the Joint Resolution which became Act 4 of 1867. This Journal shows, by the roll call, that one hundred members voted out of a total House membership of one hundred and ten and that the unanimous vote was one hundred against ratification and not in favor of it.

This was the last opportunity for a free and uncoerced expression of views on this amendment proposal by duly elected representatives of the people of Louisiana." page 31

"The Act dealt with these Southern States, referred to as "rebel States" in its various provisions. It opened with a recital that "no legal State government" existed in these States. It placed these States under military rule. Louisiana and Texas were grouped together as the Fifth Military District, and placed under the domination of an army officer appointed by the President. All civilian authorities were placed under the dominant authority of the military government." page 31

"The most extreme and amazing feature of the Act was the requirement that each excluded State must ratify the Fourteenth Amendment, in order to again enjoy the status and rights of a State, including representation in Congress. Section 3 of the Act sets fourth this compulsive coercion thus imposed upon the Southern States." page 32

"Senator Doolittle of Wisconsin, a Northerner and a Conservative Republican. During the floor debate on the bill, he said:

"My friend has said what has been said all around me, what is said every day: the people of the South have rejected the constitutional amendment, and therefore we will march upon them and force them to adopt it at the point of the bayonet, and establish military power over them until they do adopt it." page 32

"President Johnson vetoed the Reconstruction Act in an able message, stressing its harsh injustices and its many aspects of obvious unconstitutionality. He justifiably de-

nounced it as "a bill of attainder against nine million people at once." page 33

"Notwithstanding this able message, the Act was promptly passed over his veto by the required two-thirds majority in each House. Military rule took over in the ten Southern States to initiate the process of conditioning a subjugated people to an ultimate acceptance of the Fourteenth Amendment." page 33

"Whatever justification for other portions of the Reconstruction Act may or may not be found in this constitutional provision, there could clearly be no sort of a relationship between a guarantee to a State of "a republican form of government" and an abrogation of the basic and constitutional right of a State, in its legislative discretion, to make its own choice between ratification or rejection of a constitutional amendment proposal submitted to the state legislatures by the Congress of the United States. To deny to a State the exercise of this free choice between ratification and rejection, and to put the harshest sort of coercive pressure upon a State to compel ratification, was clearly a gross infraction not and effectuation of the constitutional guarantee of "a republican form of government." page 37

Madison said in Federalist No. 43:

"....the authority extends no further than to a guaranty of a republican form government, which supposes a preexisting government of the form which is to be guaranteed. As long, therefore, as the existing republican forms are continued by the States, they are guaranteed by the federal Constitution. Whenever the States may choose to substitute other republican forms, they have a right to do so, and to claim the federal guaranty for the latter. The only restriction imposed on them is , that they shall not exchange republican for anti-republican Constitutions; a restriction which, it is presumed, will hardly be considered as a grievance." page 38

"The enactment of the legislature of the puppet government of Louisiana which ratified the Fourteenth Amendment is embodied in Act 2 of 1868. The legislative journals of that session reflect the presence and dominance of the military, all as provided for and contemplated by the Reconstruction Act." page 39

"The House Journal shows that on June 29, 1868, Colonel Batchelder opened the session by calling the roll and reading an extract from the order of General Grant. The Senate Journal for the same date shows the reading of instructions from General Grant to the Commanding Officer of the Fifth Military District emphasizing the supremacy of the power of the military over the provisional civilian government. It was under these auspices that the coerced ratifications of the Fourteenth Amendment in Louisiana was accomplished." page 40

"Also worth of note in this connection is the holding in 1895 that the levying of an income tax by the Federal Government, without apportioning the tax among the States as a direct tax, violated the taxing-power provisions of the Constitution of the United States although, thirty years prior to this judicial vindication of what the majority of the Court deemed to be fundamental and true Constitutional provisions, the Federal Government had levied and collected income taxes for several years on a large scale, and had financed a major war of vital consequences to a very considerable extent out of revenues so obtained." page 44

Reconstruction Act of March 2, 1867

RECONSTRUCTION ACT OF THIRTY-NINTH CONGRESS

Twenty Years of Congress: From Lincoln to Garfield.

With a review of the events which led to the political revolution of 1860, by James G. Blaine. Vol. II, pp. 681-682.

An Act to provide for the more efficient government of the rebel states.

"Whereas no legal State governments or adequate protection for life or property now exist in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; and whereas it is necessary that peace and good order should be enforced in said States until loyal and republican State governments can be legally established: Therefore."

"Be it enacted, That said rebel States shall be divided into military districts and made subject to the military authority of the United States, as hereinafter prescribed, and for that purpose Virginia shall constitute the first district; North Carolina and South Carolina the second district; Georgia, Alabama, and Florida the third district; Mississippi and Arkansas the fourth district; and Louisiana and Texas the fifth district."

Sec. 2. "That it shall be the duty of the President to assign to the command of each of said districts an officer of the army, not below the rank of brigadier-general, and to detail a sufficient military force to enable such officer to perform his duties and enforce his authority within the district to which he is assigned."

Sec. 3. "That it shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals, and to this end he may allow local civil tribunals to take jurisdiction of and to try offenders, or, when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose; and all interference under color of State authority with the exercise of military authority under this act shall be null and void."

Sec. 4. "That all persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no cruel or unusual punishment shall be inflicted; and no sentence of any military commission or tribunal hereby authorized, affecting the life or liberty of any person, shall be executed until it is approved by the officer in command of the district, and the laws and regulations for the government of the army shall not be affected by this act, except in so far as they conflict with its provisions:

"Provided, That no sentence of death under the provisions of this act shall be carried into effect without the approval of the President."

Sec. 5. "That when the people of any one of said rebel States shall have formed a constitution of government in conformity with the Constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of said State twenty-one years old and upward, of whatever race, color, or previous condition, who have been resident in said State for one year previous to the day of such election, except such as may be disfranchised for participation in the rebellion, or for felony at common law, and when such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates, and when such constitution shall be ratified by a majority of the persons voting

on the question of ratification who are qualified as electors for delegates, and when such constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same, and when said State, by a vote of its legislature elected under said constitution, shall have adopted the amendment to the Constitution of the United States, proposed by the Thirty-Ninth Congress, and known as a target."

"After Ten Amend article fourteen, and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom on their taking the oaths prescribed by law, and then and thereafter the preceding sections of this act shall be inoperative in said State:

"Provided, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States shall be eligible to election as a member of the convention to frame a constitution for any of said rebel States, nor shall any such person vote for members of such convention."

Sec. 6. "That until the people of said rebel states shall be by law admitted to representation in the Congress of the United States, any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same; and in all elections to any office under such provisional governments all persons shall be entitled to vote, and none others, who are entitled to vote under the provisions of the fifth section of this act; and no person shall be eligible to any office under any such provisional governments who would be disqualified from holding office under the provisions of the third article of said constitutional amendment.

Reconstruction Act of March 11, 1868

AMENDATORY RECONSTRUCTION ACT OF MARCH 11, 1868

Twenty Years of Congress: From Lincoln to Garfield.

With a review of the events which led to the political revolution of 1860, by James G. Blaine. Vol. II, p. 687.

"An Act to amend the act passed March 23, 1867, entitled An Act supplementary to 'An act to provide for the more efficient government of the rebel states,' passed March 2, 1867, and to facilitate their restoration."

"Be it enacted, That hereafter any election authorized by the act passed March 23, 1867, entitled "An Act supplementary to 'An act to provide for the more efficient government of the rebel states,' passed March 2, 1867, and to facilitate their restoration," shall be decided by a majority of the votes actually cast; and at the election in which the question of the adoption or rejection of any constitution is submitted, any person duly registered in the State may vote in the election district where he offers to vote when he has resided therein for ten days next preceding such election, upon presentation of his certificate of registration, his affidavit, or other satisfactory evidence, under such regulations as the district commanders may prescribe."

Sec. 2. "That the constitutional convention of any of the States mentioned in the acts to which this is amendatory may provide that at the time of voting upon the ratification of the constitution, the registered voters may vote also for members of the House of Representatives of the United States, and for all elective officers provided for by the said con-

stitution; and the same election officers, who shall make the returns of the votes cast on the ratification or rejection of the constitution, shall enumerate and certify the votes cast for members of Congress."

Reconstruction Act of March 23, 1867

SUPPLEMENTARY RECONSTRUCTION ACT OF FORTIETH CONGRESS.

Twenty Years of Congress: From Lincoln to Garfield.

With a review of the events which led to the political revolution of 1860, by James G. Blaine. Vol. II, pp. 682-685.

An Act supplementary to an act entitled

An act to provide for the more efficient government of the rebel states, passed March second, eighteen hundred and sixty-seven, and to facilitate restoration.

"Be it enacted, That before the first day of September, eighteen hundred and sixty-seven, the commanding general in each district defined by an act entitled."

"An Act to provide for the more efficient government of the rebel States, passed March second, eighteen hundred and sixty-seven, shall cause a registration to be made of the male citizens of the United States, twenty-one years of age and upwards, resident in each county or parish in the State or States included in his district, which registration shall include only those persons who are qualified to vote for delegates by the act aforesaid, and who shall have taken and subscribed the following oath or affirmation: "I, _____, do solemnly swear, (or affirm,) in the presence of Almighty God, that I am a citizen of the State of _____; that I have resided in said State for _____ months next preceding this day, and now reside in the county of _____, or the parish of _____, in said State, (as the case may be;) that I am twenty-one years old; that I have not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any State or of the United States; that I have never been a member of any State legislature, nor held any executive or judicial office in any State and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States or given aid or comfort to the enemies thereof; that I will faithfully support the Constitution and obey the laws of the United States, and will, to the best of my ability, encourage others so to do, so help me God;" which oath or affirmation may be administered by any registering officer."

Sec. 2. "That after the completion of the registration hereby provided for in any State, at such time and places therein as the commanding general shall appoint and direct, of which at least thirty days' public notice shall be given, an election shall be held of delegates to a convention for the purpose of establishing a constitution and civil government for such state loyal to the Union, said convention in each State, except Virginia, to consist of the same number of members as the most numerous branch of the State legislature of such State in the year eighteen hundred and sixty, to be apportioned among the several districts, counties, or parishes of such State by the commanding general, giving to each representation in the ratio of voters registered as aforesaid, as nearly as may be.

The convention in Virginia shall consist of the same number of members as represented the territory now constituting Virginia in the most numerous branch of the legislature of said State in the year eighteen hundred and sixty, to be apportioned as aforesaid."

Sec. 3. "That at said election the registered voters of each State shall vote for or against a convention to form a constitution therefor under this act. Those voting in favor of such a convention shall have written or printed on the ballots by which they vote for delegates, as aforesaid, the words "For a convention," and those voting against such a convention shall have written or printed on such ballots the words "Against a convention." The person appointed to superintend said election, and to make return of the votes given thereat, as herein provided, shall count and make return of the votes given for and against a convention; and the commanding general to whom the same shall have been returned shall ascertain and declare the total vote in each State for and against a convention. If a majority of the votes given on that question shall be for a convention, then such convention shall be held as hereinafter provided; but if a majority of said votes shall be against a convention, then no such convention shall be held under this act:

"Provided, That such convention shall not be held unless a majority of all such registered voters shall have voted on the question of holding such convention."

Sec. 4. "That the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons, to make and complete the registration, superintend the election, and make return to him of the votes, lists of voters, and of the persons elected as delegates by a plurality of the votes cast at said election; and upon receiving said returns he shall open the same, ascertain the persons elected as delegates according to the returns of the officers who conducted said election, and make proclamation thereof; and if a majority of the votes given on that question shall be for a convention, the commanding general, within sixty days from the date of election, shall notify the delegates to assemble in convention, at a time and place to be mentioned in the notification, and said convention, when organized, shall proceed to frame a constitution and civil government according to the provisions of this act and the act to which is it supplementary; and when the same shall have been so framed, said constitution shall be submitted by the convention for ratification to the persons registered under the provisions of this act at an election to be conducted by the officers or persons appointed or to be appointed by the commanding general, as hereinbefore provided, and to be held after the expiration of thirty days from the date of notice thereof, to be given by said convention; and the returns thereof shall be made to the commanding general of the district."

Sec. 5. "That if, according to said returns, the constitution shall be ratified by a majority of the votes of the registered electors qualified as herein specified, cast at said election, (at least one half of all the registered voters voting upon the question of such ratification,) the president of the convention shall transmit a copy of the same, duly certified, to the President of the United States, who shall forthwith transmit the same to Congress, if then in session, and if not in session, then immediately upon its next assembling; and if it shall, moreover, appear to Congress that the election was one at which all the registered and qualified electors in the State had an opportunity to vote freely and without restraint, fear, or the influence of fraud, and if the Congress shall be satisfied that such constitution meets the approval of a majority of all the qualified electors in the State, and

if the said constitution shall be declared by Congress to be in conformity with the provisions of the act to which this is supplementary, and the other provisions of said act shall have been complied with, and the said constitution shall be approved by Congress, the State shall be declared entitled to representation, and Senators and Representatives shall be admitted therefrom as therein provided."

Sec. 6. "That all elections in the States mentioned in the said "Act to provide for the more efficient government of the rebel States," shall, during the operation of said act, be by ballot; and all officers making the said registration of voters and conducting said elections shall, before entering upon the discharge of their duties, take and subscribe the oath prescribed by the oath 1862 act approved July second, eighteen hundred and sixty-two, entitled "An act to prescribe an oath of office:"

"Provided, That if any person shall knowingly and falsely take and subscribe any oath in this act prescribed, such person so offending and being thereof duly convicted, shall be subject to the pains, penalties, and disabilities which by law are provided for the punishment of the crime of wilful and corrupt perjury."

Sec. 7. "That all expenses incurred by the several commanding generals, or by virtue of any orders issued, or appointments made, by them, under or by virtue of this act, shall be paid out of any moneys in the treasury not otherwise appropriated."

Sec. 8. "That the convention for each State shall prescribe the fees, salary, and compensation to be paid to all delegates and other officers and agents herein authorized or necessary to carry into effect the purposes of this act not herein otherwise provided for, and shall provide for the levy and collection of such taxes on the property in such State as may be necessary to pay the same."

Sec. 9. "That the word article, in the sixth section of the act to which this is supplementary, shall be construed to mean section."

Reconstruction Act of July 19, 1867

SUPPLEMENTARY RECONSTRUCTION ACT OF JULY 19, 1867.

Twenty Years of Congress: From Lincoln to Garfield.

With a review of the events which led to the political revolution of 1860, by James G. Blaine. Vol. II, pp. 685-687.

"An Act supplementary to an act entitled An Act to provide for the more efficient government of the rebel states, passed on the second day of March, 1867, and the act supplementary thereto, passed on the 23d day of March, 1867."

"Be it enacted, That it is hereby declared to have been the true intent and meaning of the act of the 2d day of March, 1867, entitled "An act to provide for the more efficient government of the rebel States," and of the act supplementary thereto, passed on the 23d day of March, 1867, that the governments then existing in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas, were not legal State governments; and that thereafter said governments, if continued, were to be continued subject in all respects to the military commanders of the respective districts, and to the paramount authority of Congress."

Sec. 2. "That the commander of any district named in said act shall have power, subject to the disapproval of the General of the army of the United States, and to have effect till disapproved, whenever in the opinion of such commander the proper administration

of said act shall require it, to suspend or remove from office, or from the performance of official duties and the exercise of official powers, any officer or person holding or exercising, or professing to hold or exercise, any civil or military office or duty in such district under any power, election, appointment, or authority derived from, or granted by, or claimed under, any so-called State or the government thereof, or any municipal or other division thereof; and upon such suspension or removal such commander, subject to the disapproval of the General as aforesaid, shall have power to provide from time to time for the performance of the said duties of such officer or person so suspended or removed, by the detail of some competent officer or soldier of the army, or by the appointment of some other person to perform the same, and to fill vacancies occasioned by death, resignation, or otherwise."

Sec. 3. "That the General of the army of the United States shall be invested with all the powers of suspension, removal, appointment, and detail granted in the preceding section to district commanders."

Sec. 4. "That the acts of the officers of the army already done in removing in said districts persons exercising the functions of civil officers, and appointing others in their stead, are hereby confirmed: Provided, That any person heretofore or hereafter appointed by any district commander to exercise the functions of any civil office, may be removed either by the military officer in command of the district, or by the General of the army. And it shall be the duty of such commander to remove from office, as aforesaid, all persons who are disloyal to the Government of the United States, or who use their official influence in any manner to hinder, delay, prevent, or obstruct the due and proper administration of this act and the acts to which it is supplementary."

Sec. 5. "That the boards of registration provided for in the act entitled 'An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed March 2, 1867, and to facilitate restoration,' passed March 23, 1867, shall have power, and it shall be their duty, before allowing the registration of any person, to ascertain, upon such facts or information as they can obtain, whether such person is entitled to be registered under said act, and the oath required by said act shall not be conclusive on such question, and no person shall be registered unless such board shall decide that he is entitled thereto; and such board shall also have power to examine, under oath, (to be administered by any member of such board,) any one touching the qualification of any person claiming registration; but in every case of refusal by the board to register an applicant, and in every case of striking his name the list as hereinafter provided, the board shall make a note or memorandum, which shall be returned with the registration list to the commanding general of the district, setting forth the grounds of such refusal or such striking from the list:

"Provided, That no person shall be disqualified as member of any board of registration by reason of race or color."

Sec. 6. "That the true intent and meaning of the oath prescribed in said supplementary act is, (among other things,) that no person who has been a member of the Legislature of any State, or who has held any executive or judicial office in any State, whether he has taken an oath to support the Constitution of the United States or not, and whether he was holding such office at the commencement of the rebellion, or had held it before, and who has afterwards engaged in insurrection or rebellion against the United States, or

given aid or comfort to the enemies thereof, is entitled to be registered or to vote; and the words "executive or judicial office in any State" in said oath mentioned shall be construed to include all civil offices created by law for the administration of any general law of a State, or for the administration of justice."

Sec. 7. "That the time for completing the original registration provided for in said act may, in the discretion of the commander of any district, be extended to the 1st day of October, 1867; and the boards of registration shall have power, and it shall be their duty, commencing fourteen days prior to any election under said act, and upon reasonable public notice of the time and place thereof, to revise, for a period of five days, the registration lists, and, upon being satisfied that any person not entitled thereto has been registered, to strike the name of such person the list, and such person shall not be allowed to vote. And such board shall also, during the same period, add to such registry the names of all persons who at that time possess the qualifications required by said act who have not been already registered; and no person shall, at any time, be entitled to be registered or to vote, by reason of any executive pardon or amnesty, for any act or thing which, without such pardon or amnesty, would disqualify him from registration or voting."

Sec. 8. "That section four of said last-named act shall be construed to authorize the commanding general named therein, whenever he shall deem it needful, to remove any member of a board of registration and to appoint another in his stead, and to fill any vacancy in such board."

Sec. 9. "That all members of said boards of registration, and all persons hereafter elected or appointed to office in said military districts, under any so-called State or municipal authority, or by detail or appointment of the district commanders, shall be required to take and to subscribe the oath of office prescribed by law for officers of the United States. I am not sure that this is the oath intended here."

Sec. 10. "That no district commander or member of the board of registration, or any of the officers or appointees acting under them, shall be bound in his action by any opinion of any civil officer of the United States."

Sec. 11. "That all the provisions of this act and of the acts to which this is supplementary shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out."

Proclamation of Amnesty and Reconstruction
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:
A PROCLAMATION.

"Whereas, in and by the Constitution of the United States, it is provided that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment;" and

"Whereas a rebellion now exists whereby the loyal State governments of several States have for a long time been subverted, and many persons have committed and are now guilty of treason against the United States; and Whereas, with reference to said rebellion and treason, laws have been enacted by Congress declaring forfeitures and confiscation of property and liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized at any time thereafter, by

proclamation, to extend to persons who may have participated in the existing rebellion, in any State or part thereof, pardon and amnesty, with such exceptions and at such times and on such conditions as he may deem expedient for the public welfare;" and

"Whereas the congressional declaration for limited and conditional pardon accords with well-established judicial exposition of the pardoning power;" and "Whereas, with reference to said rebellion, the President of the United States has issued several proclamations, with provisions in regard to the liberation of slaves; and Whereas it is now desired by some persons heretofore engaged in said rebellion to resume their allegiance to the United States, and to inaugurate loyal State governments within and for their respective States; therefore,"

"I, Abraham Lincoln, President of the United States, do proclaim, declare, and make known to all persons who have, directly or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is hereby granted to them and each of them, with restoration of all rights of property, except as to slaves, and in property cases where rights of third parties shall have intervened, and upon the condition that every such person shall take and subscribe an oath, and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:"

"I, , do solemnly swear, in presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the union of the States thereunder; and that I will, in like manner, abide by and faithfully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified or held void by Congress, or by decision of the Supreme Court; and that I will, in like manner, abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court. So help me God."

"The persons excepted from the benefits of the foregoing provisions are all who are, or shall have been, civil or diplomatic officers or agents of the so-called confederate government; all who have left judicial stations under the United States to aid the rebellion; all who are, or shall have been, military or naval officers of said so-called confederate government above the rank of colonel in the army, or of lieutenant in the navy; all who left seats in the United States Congress to aid the rebellion; all who resigned commissions in the army or navy of the United States, and afterwards aided the rebellion; and all who have engaged in any way in treating colored persons or white persons, in charge of such, otherwise than lawfully as prisoners of war, and which persons may have been found in the United States service, as soldiers, seamen, or in any other capacity."

"And I do further proclaim, declare, and make known, that whenever, in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina, a number of persons, not less than one-tenth in number of the votes cast in such State at the Presidential election of the year of our Lord one thousand eight hundred and sixty, each having taken the oath aforesaid and not having since violated it, and being a qualified voter by the election law of the State existing immediately before the so-called act of secession, and excluding all others, shall re-establish a State government which shall be republican, and in no wise contravening

said oath, such shall be recognized as the true government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that "The United States shall guaranty to every State in this union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or the executive, (when the legislature cannot be convened,) against domestic violence."

"And I do further proclaim, declare, and make known that any provision which may be adopted by such State government in relation to the freed people of such State, which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent, as a temporary arrangement, with their present condition as a laboring, landless, and homeless class, will not be objected to by the national Executive. And it is suggested as not improper, that, in constructing a loyal State government in any State, the name of the State, the boundary, the subdivisions, the constitution, and the general code of laws, as before the rebellion, be maintained, subject only to the modifications made necessary by the conditions hereinbefore stated, and such others, if any, not contravening said conditions, and which may be deemed expedient by those framing the new State government."

"To avoid misunderstanding, it may be proper to say that this proclamation, so far as it relates to State governments, has no reference to States wherein loyal State governments have all the while been maintained. And for the same reason, it may be proper to further say that whether members sent to Congress from any State shall be admitted to seats, constitutionally rests exclusively with the respective Houses, and not to any extent with the Executive. And still further, that this proclamation is intended to present the people of the States wherein the national authority has been suspended, and loyal State governments have been subverted, a mode in and by which the national authority and loyal State governments may be re-established within said States, or in any of them; and, while the mode presented is the best the Executive can suggest with his present impressions, it must not be understood that no other possible mode would be acceptable."

"Given under my hand at the city, of Washington, the 8th. day of December, A.D. one thousand eight hundred and sixty-three, and of the independence of the United States of America the eighty-eighth."

ABRAHAM LINCOLN

By the President:

WILLIAM H. SEWARD, Secretary of State

Veto message by President Johnson, March 2, 1867

"I have examined the bill to provide for the more efficient government of the Rebel States' with care and anxiety which its transcendent importance is calculated to awaken. I am unable to give it my assent for reasons so grave that I hope a statement of them may have some influence on the minds of the patriotic and enlightened men with whom the decision must ultimately rest."

"The bill places all the people of the ten states therein named under the absolute domination of military rules; and the preamble undertakes to give the reason upon which the measure is based and the ground upon which it is justified. It declares that there exists in those States no legal governments and no adequate protection for life or property, and

asserts the necessity of enforcing peace and good order within their limits. This is not true as a matter of fact."

"It is not denied that the States in question have each of them an actual government, with all the powers - executive, judicial, and legislative - which properly belong to a free state. They are organized like the other States of the Union, and, like them, they make, administer, and execute the laws which concern their domestic affairs. An existing de facto government, exercising such functions as these, is itself the law of the state upon all matters within its jurisdiction. To pronounce the supreme law making power of an established state illegal is to say that law itself is unlawful."

"The provisions which these governments have made for the preservation of order, the suppression of crime, and the redress of private injuries are in substance and principle the same as those which prevailing the Northern States and in other civilized countries. They certainly have not succeeded in preventing the commission of all crime, nor has this been accomplished any where in the world....But that people are maintaining local governments for themselves which habitually defeat the object of all government and render their own lives and property insecure is in itself utterly improbable, and the averment of the bill to that effect is not supported by any evidence which has come to my knowledge...."

"The bill, however, would seem to show upon its face that the establishment of peace and good order is not its real object. The fifth section declares that the preceding sections shall cease to operate in any state where certain events shall have happened. These events are, first, the selection of delegates to a State convention by an election at which Negroes shall be allowed to vote; second, the formation of a State Constitution by the convention so chosen; third, the insertion into the State constitution of a provision which will secure the right of voting at all elections to Negroes and to such white men as may not be disfranchised for rebellion or felony; fourth, the submission of the Constitution for ratification by their vote; fifth, the submission of the State Constitution to Congress for examination and approval, and the actual approval of it by that body; sixth, the adoption of a certain amendment to the Federal Constitution by a vote of Legislature elected under the new Constitution; seventh, the adoption of said amendment by a sufficient number of other States to make it a part of the Constitution of the United States. All these conditions must be fulfilled before the people of any of these States can be relieved from the bondage of military domination; but when they are fulfilled, then immediately the pains and penalties of the bill are to cease, no matter whether there be peace and order or not, and without any reference to the security of life or property. The excuse given for the bill in the preamble is it establishes is plainly to be used, not for any purpose of order or for the prevention of crime, but solely as a means of coercing the people into the adoption of principles and measures to which it is known that they are opposed, and upon which they have an undeniable right to exercise their own judgment."

"I submit to Congress whether this measure is not in its whole character, scope, and object without precedent and without authority, in palpable conflict with the plainest provisions of liberty and humanity for which our ancestors on both sides of the Atlantic have shed so much blood, and expended so much treasure."

"The ten States named in the bill are divided into five districts. For each district an officer of the Army, not below the rank of a brigadier-general, is to be appointed to rule

over the people; and he is to be supported with an efficient military force to enable him to perform his duties and enforce his authority. Those duties and that authority, as defined by the third section of the bill, are 'to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish or cause to be punished all disturbers of the public peace or criminals'. The power thus given to commanding officer over all the people of each district is that of an absolute monarch. His mere will is to take the place of all law...."

"It is plain that the authority here given to the military officer amounts to absolute despotism. But to make it still more unendurable, the bill provides that it may be delegated to as many subordinates as he chooses to appoint, for it declares that he shall 'punish or cause to be punished'. Such a power has not been wielded by any Monarch in England for more than five hundred years. In all that time no people who speak the English language have borne such servitude. It reduces the whole population of the ten States- all persons, of every color, sex and condition, and every stranger within their limits- to the most abject and degrading slavery. No master ever had a control so absolute over the slaves as this bill gives to the military officers over both white and colored persons...."

"I come now to a question which is, if possible, still more important. Have we the power to establish and carry into execution a measure like this? I answer, 'Certainly not', if we derive our authority from the Constitution and if we are bound by the limitations which it imposes."

"This proposition is perfectly clear, that no branch of the Federal Government- executive, legislative, or judicial- can have any just powers except those which it derives through and exercises under the organic laws of the Union. Outside of the Constitution we have no legal authority more than private citizens, and within it we have only so much as that instrument gives us. This broad principle limits all our functions and applies to all subjects. It protects not only the citizens of States which are within the Union, but it shields every human being who comes or is brought under our jurisdiction. We have no right to do in one place more than in another that which the Constitution says we shall not do at all. If, therefore, the Southern States were in truth out of the Union, we could not treat their people in a way which the fundamental law forbids. Some persons assume that the success of our arms in crushing the opposition which was made in some of the States to the execution of the Federal laws reduced those States and all their people - the innocent as well as the guilty - to the condition of vassalage and gave us a power over them which the Constitution does not bestow or define or limit. No fallacy can be more transparent than this. Our victories subjected the insurgents to legal obedience, not to the yoke of an arbitrary despotism. When an absolute sovereign reduces his rebellious subjects, he may deal with them according to his pleasure, because he had that power before. But when a limited monarch puts down an insurrection, he must still govern according to law...."

"This is a bill passed by Congress in time of peace. There is not in any one of the States brought under its operation either war or insurrection. The laws of the States and of the Federal Government are all in undisturbed and harmonious operation. The courts, State and Federal, are open and in the full exercise of their proper authority. Over every State comprised in these five military districts, life, and property are secured by State laws

and Federal laws, and the National Constitution is every where in force and every where obeyed. What, then is the ground on which the bill proceeds? The title of the bill announces that it is intended 'for the more efficient government' of these ten States. It is recited by way of preamble that no legal State Governments 'nor adequate protection for live or property' exist in those States, and that peace and good order should be thus recitals, which prepare the way for martial law, is this, that the only foundation upon which martial law can exist under our form of Government is not stated or so much as pretended. Actual war, foreign invasion, domestic insurrection -none of these appear; and none of these, in fact exist. It is not even recited that any sort of war or insurrection is threatened. Let us pause to consider, upon this question of constitutional law and power of Congress, a recent decision of the Supreme Court of the United States in *ex parte Milligan*, I will first quote from the opinion of the majority of the Court: 'Martial law can not arise from a threatened invasion. The necessity must be actual and present, the invasion real, such as effectually closes the courts and deposes the civil administration'."

"We see that martial law come in only when actual war closes the courts and deposes the civil authority; but this bill, in time of peace, makes martial law operate as though we were in actual war, and becomes the cause instead of the consequence of the abrogation of civil authority. One more quotation: 'It follows from what has been said on this subject that there are occasions when martial law can be properly applied. If in foreign invasion or civil war the courts are actually closed, and it is impossible to administer criminal justice according to law, then, on the theater of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority thus overthrown, to preserve the safety of the army and society; and as no power is left by the military, it is allowed to govern by martial rule until the laws can have their free course.'"

"I now quote from the opinion of the minority of the court, delivered by Chief Justice Chase: 'We by no means assert that Congress can establish and apply the laws of war where no war has been declared or exists. Where peace exists, the laws of peace must prevail.'"

"This sufficiently explicit. Peace exists in all the territory to which this bill applies. It asserts a power in Congress, in time of peace, to set aside the laws of peace and to substitute the laws of war. The minority, concurring with the majority, declares that Congress does not possess that power....I need not say to the representatives of the American people that their Constitution forbids the exercise of judicial power in any way but one- that is, by the ordained and established courts. It is equally well known that in all criminal cases a trial by jury is made indispensable by the express words of that instrument."

"...The Constitution also forbids the arrest of the citizen without judicial warrant, founded on probable cause. This bill authorizes an arrest without warrant, at pleasure of a military commander. The Constitution declares that 'no person shall be held to answer for a capital or otherwise infamous crime unless on presentment of a grand jury'. This bill holds ever person not a soldier answerable for all crimes and all charges without any presentment. The Constitution declares that 'no person shall be deprived of life, liberty, or property without due process of law'. This bill sets aside all process of law, and makes the citizen answerable in his person and property to the will of one man, and as to his life to the will of two. Finally, the Constitution declares that 'the privilege of the writ of ha-

beas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it'; whereas this bill declares martial law (which of itself suspends this great writ) in time of peace, and authorizes the military to make the arrest, and gives to the prisoner only one privilege, and that is trial 'without unnecessary delay'. He has no hope of release from custody, except the hope, such as it is, of release by acquittal before a military commission."

"The United States are bound to guarantee to each State a republican form of government. Can it be pretended that this obligation is not palpably broken if we carry out a measure like this, which wipes away every vestige of republican government in ten States and puts the life, property, and honor of all people in each of them under domination of a single person clothed with unlimited authority?"

"....,here is a bill of attainder against 9,000,000 people at once. It is based upon an accusation so vague as to be scarcely intelligible and found to be true upon no credible evidence. Not one of the 9,000,000 was heard in his own defense. The representatives of the doomed parties were excluded from all participation in the trial. The conviction is to be followed by the most ignominious punishment ever inflicted on large masses of men. It disfranchises them by hundreds of thousands and degrades them all, even those who are admitted to be guiltless, from the rank of freeman to the condition of slaves."

"The purpose and object of the bill- the general intent which pervades it from beginning to end- is to change the entire structure and character of the State Governments and to compel them by force to the adoption of organic laws and regulations which they are unwilling to accept if left to themselves. The Negroes have not asked for the privilege of voting; the vast majority of them have no idea what it means. This bill not only thrusts it into their hands, but compels them, as well as the whites, to use it in a particular way. If they do not form a Constitution with prescribed articles in it and afterwards elect a legislature which will act upon certain measures in a prescribed way, neither blacks nor whites can be relieved from the slavery which the bill imposes upon them. Without pausing here to consider the policy or impolicy of Africanizing the souther part of our territory, I would simply ask the attention of Congress to the manifest, well-known, and universally acknowledged rule of Constitutional law which declares that the Federal Government has no jurisdiction, authority, or power to regulate such subjects for any State. To force the right of suffrage out of the hands of white people and into the hands of the Negroes is an arbitrary violation of this principle...."

"That the measure proposed by this bill does violate the Constitution in the particulars mentioned and in many other ways which I forbear to enumerate is too clear to admit the least doubt. It only remains to consider whether the injunctions of that instrument ought to be obeyed or not. I think they ought to be obeyed, for reasons which I will proceed to give as briefly as possible. In the first place, it is the only system of free Government which we can hope to have as a Nation. When it ceases to be the rule of our conduct, we may perhaps take our choice between complete anarchy, a consolidated despotism, and a total dissolution of the Union; but national liberty regulated by law will have passed beyond our reach..."

"It was to punish the gross crime of defying the Constitution and to vindicate its supreme authority that we carried on a bloody war of four year's duration. Shall we now acknowledge that we sacrificed a million of lives and expended billions of treasure to

enforce a Constitution which is not worthy of respect and preservation?...."

"It is a part of our public history which can never be forgotten that both Houses of Congress, in July 1861, declared in the form of a solemn resolution that the war was and should be carried on for no purpose of subjugation, but solely to enforce the Constitutional rights of the States and of individuals unimpaired. This resolution was adopted and sent forth to the world unanimously by the Senate and with only two dissenting voices in the House. It was accepted by the friends of the Union in the South as well as in the North as expressing honestly and truly the object of the war. On the faith of it many thousands of persons in both sections gave their lives and their fortunes to the cause. To repudiate it now by refusing to the States and to the individuals within them the 'rights' which the Constitution and laws of the Union would secure to them is a breach of our plighted honor for which I can imagine no excuse and to which I cannot voluntarily become a party...."

"....I am thoroughly convinced that any settlement or compromise or plan of actions which is inconsistent with the principles of the Constitution will not only be unavailing, but mischievous; that it will but multiply the present evils, instead of removing them. The Constitution, in its whole integrity and vigor, throughout the length and breadth of the land, is the best of all compromises. Besides, our duty does not, in my judgement, leave us a choice between that and any other. I believe that it contains the remedy that is so much needed, and that if the coordinate branches of the Government would unite upon its provisions they would be found broad enough and strong enough to sustain in time of peace the Nation which they bore safely through the ordeal of a protracted civil war. Among the most sacred guaranties of that instrument are those which declare that 'each State shall have at least one Representative', and that 'no State, without its consent, shall be deprived of its equal suffrage in the Senate'. Each House is made the 'judge of the elections, returns and qualifications of its own members,' and may, 'with the concurrence of two-thirds, expel a member'. Thus, as heretofore urged, 'in the admission of Senators and Representatives from any and all of the States there can no just ground of apprehension that persons who are disloyal will be clothed with the powers of legislation, for this could not happen when the Constitution and the laws are enforced by a vigilant and faithful Congress'. When a Senator or Representative presents his certificate of election, he may at once be admitted or rejected, or, should there be any question as to his eligibility, his credentials may be referred for investigation to the appropriate committee. If admitted to a seat, it must be upon evidence satisfactory to the House of which he thus becomes a member that he possesses the requisite constitutional and legal qualifications. If refused admission as a member for want of due allegiance to the Government, and returned to his constituents, they are admonished that none but persons loyal to the United States will be allowed a voice in the legislative councils of the Nation, and the political power and moral influence of Congress are thus effectively exerted in the interests of loyalty to the Government and fidelity of the Union...."

"While we are legislating upon subjects which are of great importance to the whole people, and which must affect all parts of the country, not only hurting the life of the present generation, but for ages to come, we should remember that all men are entitled at least to a hearing in the councils which decide upon the destiny of themselves and their children. At present ten States are denied representation, and when the Fortieth

Congress assembles on the 4th day of the present month sixteen States will be without a voice in the House of Representatives. This grave fact, with the important questions before us, should induce us to pause in a course of legislation which, looking solely to the attainment of political ends, fails to consider the rights it transgresses, the law which it violates, or the institutions which it imperils."

Andrew Johnson

Article 1. "A place, district, or country occupied by an enemy stands, in consequence of the occupation, under the Martial Law of the invading or occupying army, whether any proclamation declaring Martial Law, or any public warning to the inhabitants, has been issued or not. Martial Law is the immediate and direct effect and consequence of occupation or conquest."

Gen. Orders No. 100 by President Lincoln, 24 April 1863

Art. 3. "Martial Law in a hostile country consists in the suspension, by the occupying military authority, of the criminal and civil law, and of the domestic administration and government in the occupied place or territory, and in the substitution of military rule and force for the same, as well as in the dictation of general laws, as far as military necessity requires this suspension, substitution, or dictation."

Gen. Orders No. 100 by President Lincoln, 24 April 1863

"The commander of the forces may proclaim that the administration of all civil and penal law shall continue either wholly or in part, as in times of peace, unless otherwise ordered by the military authority."

Gen. Orders No. 100 by President Lincoln, 24 April 1863

Art. 6. "All civil and penal law shall continue to take its usual course in the enemy's places and territories under Martial Law, unless interrupted or stopped by order of the occupying military power; but all the functions of the hostile government - legislative executive, or administrative - whether of a general, provincial, or local character, cease under Martial Law, or continue only with the sanction, or, if deemed necessary, the participation of the occupier or invader."

Gen. Orders No. 100 by President Lincoln, 24 April 1863

Art. 10. "Martial Law affects chiefly the police and collection of public revenue and taxes, whether imposed by the expelled government or by the invader, and refers mainly to the support and efficiency of the army, its safety, and the safety of its operations."

Gen. Orders No. 100 by President Lincoln, 24 April 1863

Art. 12. "Whenever feasible, Martial Law is carried out in cases of individual offenders by Military Courts; but sentences of death shall be executed only with the approval of the chief executive, provided the urgency of the case does not require a speedier execution, and then only with the approval of the chief commander."

Gen. Orders No. 100 by President Lincoln, 24 April 1863

Art. 13. "Military jurisdiction is of two kinds: First, that which is conferred and defined by statute; second, that which is derived from the common law of war. Military offenses under the statute law must be tried in the manner therein directed; but military offenses which do not come within the statute must be tried and punished under the common law of war. The character of the courts which exercise these jurisdictions depends upon the local laws of each particular country."

Gen. Orders No. 100 by President Lincoln, 24 April 1863

Art. 17. "War is not carried on by arms alone. It is lawful to starve the hostile belligerent, armed or unarmed, so that it leads to the speedier subjection of the enemy."

Gen. Orders No. 100 by President Lincoln, 24 April 1863

Art. 26. "Commanding generals may cause the magistrates and civil officers of the hostile country to take the oath of temporary allegiance or an oath of fidelity to their own victorious government or rulers, and they may expel everyone who declines to do so. But whether they do so or not, the people and their civil officers owe strict obedience to them as long as they hold sway over the district or country, at the peril of their lives."

Gen. Orders No. 100 by President Lincoln, 24 April 1863

Art. 31. "A victorious army appropriates all public money, seizes all public movable property until further direction by its government, and sequesters for its own benefit or of that of its government all the revenues of real property belonging to the hostile government or nation. The title to such real property remains in abeyance during military occupation, and until the conquest is made complete."

Gen. Orders No. 100 by President Lincoln, 24 April 1863

Art. 33. "It is no longer considered lawful - on the contrary, it is held to be a serious breach of the law of war - to force the subjects of the enemy into the service of the victorious government, except the latter should proclaim, after a fair and complete conquest of the hostile country or district, that it is resolved to keep the country, district, or place permanently as its own and make it a portion of its own country."

Gen. Orders No. 100 by President Lincoln, 24 April 1863

Art. 39. "The salaries of civil officers of the hostile government who remain in the invaded territory, and continue the work of their office, and can continue it according to the circumstances arising out of the war - such as judges, administrative or police officers, officers of city or communal governments - are paid from the public revenue of the invaded territory, until the military government has reason wholly or partially to discontinue it. Salaries or incomes connected with purely honorary titles are always stopped."

Gen. Orders No. 100 by President Lincoln, 24 April 1863

Art. 41. "All municipal law of the ground on which the armies stand, or of the countries to which they belong, is silent and of no effect between armies in the field."

Gen. Orders No. 100 by President Lincoln, 24 April 1863

Art. 43. "Therefore, in a war between the United States and a belligerent which admits of slavery, if a person held in bondage by that belligerent be captured by or come as a fugitive under the protection of the military forces of the United States, such person is immediately entitled to the rights and privileges of a freeman To return such person into slavery would amount to enslaving a free person, and neither the United States nor any officer under their authority can enslave any human being. Moreover, a person so made free by the law of war is under the shield of the law of nations, and the former owner or State can have, by the law of postliminy, no belligerent lien or claim of service."

Gen. Orders No. 100 by President Lincoln, 24 April 1863

"The right to thus occupy an enemy's country and temporarily provide for its government has been recognized by previous action of the executive authority, and sanctioned by frequent decisions of this court. The local government being destroyed, the conqueror may set up its own authority, and make rules and regulations for the conduct of temporary government, and to that end may collect taxes and duties to support the military authority and carry on operations incident to the occupation."

Macleod v. U.S, 229 U.S. 416 1913

"The right of one belligerent to occupy and govern the territory of the enemy while in its military possession is one of the incidents of war, and flows directly from the right to conquer. We therefore do not look to the Constitution or political institutions of the conqueror for authority to establish a government for the territory of the enemy in his possession, during its [182 U.S. 222, 231] military occupation, nor for the rules by which the powers of such government are regulated and limited. Such authority and such rules are derived directly from the laws of war, as established by the usage of the world and confirmed by the writings of publicists and decisions of courts,- in fine, from the law of nations. . . . The municipal laws of a conquered territory or the laws which regulate private rights, continue in force during military occupation, except so far as they are suspended or changed by the acts of the conqueror. . . . He, nevertheless, has all the powers of a de facto government, and can at his pleasure either change the existing laws or make new ones."

Dooley v. U.S., 182 U.S. 222 1901

"Look at it practically from another point of view. Certainly, before revenue laws can be made operative in a district or country it is essential that the situation be taken into account, for the purpose of establishing ports of entry, collection districts, and the necessary [182 U. S. 222, 242] machinery to enforce them. Of course, it is patent that such investigations cannot be made prior to acquisition. But, as the laws immediately extend, without action of Congress, as the result of acquisition, it must follow that they extend, although none of the means and instrumentalities for their successful enforcement can possibly be devised until the acquisition is completed. This must be, unless it be held that there is power in the government of the United States to enter a foreign country, examine its situation, and enact legislation for it before it has passed under the sovereignty of the United States. From the point of view of the United States, then, it seems to me that the doctrine of the immediate placing of the tariff laws outside the line of newly

acquired territory, however extreme may be the opinion entertained of the doctrine of immediate incorporation, is inadmissible and in conflict with the Constitution."

Dooley v. U.S., 182 U.S. 222 1901

"The jurisdiction of the conqueror is complete. He may change the form of government and the laws at his pleasure, and may exercise every attribute of sovereignty. The conquered territory becomes a part of the domain of the conqueror, subject to the right of the nation to which it belonged to recapture it if they can. By reason of this right to recapture, the title of the conqueror is not perfect until confirmed by treaty of peace. But this imperfection in his title is, practically speaking, important only in case of alienation made by the conqueror before treaty. If he sells, he sells subject to the right of recapture."

"But although, for purposes of sale, the title of the conqueror is imperfect before cession, for purposes of government and jurisdiction his title is perfect before cession. As long as he retains possession he is sovereign; and not the less sovereign because his sovereignty may not endure for ever. [50 U.S. 603, 608] Grotius (ch. 6, book 3, 4), speaking of the right to things taken in war, says that land is reputed lost which is so secured by fortifications that without their being forced it cannot be repossessed by the first owner. And in ch. 8, book 3, treating of empire over the conquered, he shows that sovereignty may be acquired by conquest."

Fleming v. Page, 50 U.S. 603 1850

"1st. That, by conquest and firm military occupation of a portion of an enemy's country, the sovereignty of the nation to which the conquered territory belongs is subverted, and the sovereignty of the conqueror is substituted in its place."

"2d. That although this sovereignty, until cession by treaty, is subject to be ousted by the enemy, and therefore does not give an indefeasible title for purposes of alienation, yet while it exists it is supreme, and confers jurisdiction without limit over the conquered territory, and the right to allegiance in return for protection." Fleming v. Page, 50 U.S. 603 1850

"It cannot be denied that these principles, established by the common consent of the civilized world, must govern the title to conquests made by the United States. As one of the family of nations, they are bound by the law of nations, and the nature and effect of their acquisitions by conquest must be defined and regulated by that law." Fleming v. Page, 50 U.S. 603 1850

"The messages of the President to Congress during the war, and the instructions from the heads of departments, contain authoritative declarations as to the right of the United States to acquire foreign territory by conquest, and as to the effect of such conquest upon the sovereignty of the conquered territory, in accordance with the principles above stated. Thus, the President, in his message of December, 1846, says:- 'By the law of nations a conquered territory is subject to be governed by the conqueror during his military possession, and until there is either a treaty of peace or he shall voluntarily withdraw from it. The old civil government being necessarily superseded, it is the right and duty of the conqueror to secure his conquest, and to provide for the maintenance of civil order and the rights of the inhabitants. This right has been exercised and this duty performed by

our military and naval commanders, by the establishment of temporary governments in some of the conquered provinces in Mexico, assimilating them as far as practicable to the free institutions of our own country." *Fleming v. Page*, 50 U.S. 603 1850

"A war, therefore, declared by Congress, can never be presumed to be waged for the purpose of conquest or the acquisition of territory; nor does the law declaring the war imply an authority to the President to enlarge the limits of the United States by subjugating the enemy's country. The United States, it is true, may extend its boundaries by conquest or treaty, and [50 U.S. 603, 615] may demand the cession of territory as the condition of peace, in order to indemnify its citizens for the injuries they have suffered, or to reimburse the government for the expenses of the war. But this can be done only by the treaty-making power or the legislative authority, and is not a part of the power conferred upon the President by the declaration of war. His duty and his power are purely military. As commander-in-chief, he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy. He may invade the hostile country, and subject it to the sovereignty and authority of the United States. But his conquests do not enlarge the boundaries of this Union, nor extend the operation of our institutions and laws beyond the limits before assigned to them by the legislative power." *Fleming v. Page*, 50 U.S. 603 1850

"The theory that a country remains foreign with respect to the tariff laws until Congress has acted by embracing it within the customs union presupposes that a country may be domestic for one purpose and foreign for another. It may undoubtedly become necessary for the adequate administration of a domestic territory to pass a special act providing the proper machinery and officers, as the President would have no authority, except under the war power, to administer it himself; but no act is necessary to make it domestic territory if once it has been ceded to the United States. . . . This theory also presupposes that territory may be held indefinitely by the United States; that it may be treated in every particular, except for tariff purposes, as domestic territory; that laws may be enacted and enforced by officers of the United States sent there for that purpose; that insurrections [183 U.S. 176, 179] may be suppressed, wars carried on, revenues collected, taxes imposed; in short, that everything may be done which a government can do within its own boundaries, and yet that the territory may still remain a foreign country. That this state of things may continue for years, for a century even, but that, until Congress enacts otherwise, it still remains a foreign country. To hold that this can be done as matter of law we deem to be pure judicial legislation. We find no warrant for it in the Constitution or in the powers conferred upon this court. It is true the non action of Congress may occasion a temporary inconvenience; but it does not follow that courts of justice are authorized to remedy it by inverting the ordinary meaning of words." *The Diamond Rings*, 183 U.S. 176 1901

"Footnotes: Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the

inhabitants of said island to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the United States and the inhabitants of said islands." Cong. Rec., 55th Cong. 3d Sess. vol. 32, p. 1847. *The Diamond Rings*, 183 U.S. 176 1901

James Montgomery
C/O 100 Bridlewood Rd.
High Point, North Carolina
August 27, 1995

Dear Sheriff

I just want to say at the outset that your reputation precedes you. Those that live in County are fortunate, because your method of fighting crime works, and will restore the public's trust in local law enforcement. As a matter of introduction I am a former United States Marine, and I am a Christian. My friend Bill is delivering this letter; you have already talked to him about this information. I want you to keep one thing in mind: YOU have the ability to understand the information in this letter. YOU have the ability to understand the present law and past law, the Constitution. That's right!...I'm saying the Constitution is past tense, as a restrictive document on Congress. I do not make this statement lightly and I can prove it. The Constitution was a commercial compact between states, giving the federal government limited powers. The Bill of Rights was meant not as our source of rights, but as further limitations on the federal government. Our forefathers saw the potential for danger in the U. S. Constitution. To insure the Constitution was not presumed to be our source of rights, the 10th Amendment was added. I will use a quote from Thomas Jefferson, February 15, 1791, where he quotes the 10th Amendment...

"I consider the foundation of the Constitution as laid on this ground; That "all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people." To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition." The created United States government cannot define the rights of their creator, the American people. Three forms of law were granted to the Constitution, common law, equity (contract law) and Admiralty law. Each had their own jurisdiction and purpose. The first issue I want to cover is the United States flag. Obviously from known history our flag did not have a yellow fringe bordering three sides. The United States did not start putting flags with a yellow fringe on them in government buildings and public buildings until the 1900's. Of course the question you would ask yourself; why did it change and are there any legal meanings behind this? Oh yes! First the appearance of our flag is defined in Title 4 sec.

1. U.S.C..

"The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be forty-eight stars, white in a blue field." (my note - of course when new states are admitted new stars are added.) A foot note was added on page 1113 of the same section which says: "Placing of fringe on the national flag, the dimensions of the flag, and arrangement of the stars are matters of detail not controlled by statute, but within the discretion of the President as commander-in-chief of the army

and navy." 1925, 34 Op.Atty.Gen. 483.

The president as military commander can add a yellow fringe to our flag. When would this be done? During time of war. Why? A flag with a fringe is an ensign, a military flag. Read the following.

"Pursuant to U.S.C. Chapter 1, 2, and 3; Executive Order No. 10834, August 21, 1959, 24 F.R. 6865, a military flag is a flag that resembles the regular flag of the United States, except that it has a YELLOW FRINGE, bordered on three sides. The President of the United States designates this deviation from the regular flag, by executive order, and in his capacity as COMMANDER-IN- CHIEF of the Armed forces."

From the National Encyclopedia, Volume 4: "Flag, an emblem of a nation; usually made of cloth and flown from a staff. From a military standpoint flags are of two general classes, those flown from stationary masts over army posts, and those carried by troops in formation. The former are referred to by the general name flags. The latter are called colors when carried by dismounted troops. Colors and Standards are more nearly square than flags and are made of silk with a knotted Fringe of Yellow on three sides...use of the flag. The most general and appropriate use of the flag is as a symbol of authority and power."

The reason I started with the Flag issue is because it is so easy to grasp. The main problem I have with the yellow fringe is that by its use our Constitutional Republic is no more. Our system of law was changed without the public's knowledge. It was kept secret, this is fraud, the American people were allowed to believe this was just a decoration. Because the law changed from Common Law (God's Law) to Admiralty Law (the kings law) your status also changed from sovereign to subject. From being able to own property (allodial title) to not owning property (tenet on the land). If you think you own your property, stop paying taxes, it will be taken under the prize law.

"The ultimate ownership of all property is in the state; individual so-called 'ownership' is only by virtue of government, i.e., law, amounting to a mere user; and use must be in accordance with law and subordinate to the necessities of the State." Senate Document No. 43, "Contracts payable in Gold" written in 1933.

By our allowing to let these military flags fly, the American people have admitted our defeat and loss of status. Read on, you'll see what I mean. Remember the Constitution recognizes three forms of law, being governed by the Law of the Flag is Admiralty law. I will cover this in a minute, the following is a definition of the legal term Law of the Flag.

"...The agency of the master is devolved upon him by the law of the flag. The same law that confers his authority ascertains its limits, and the flag at the mast-head is notice to all the world of the extent of such power to bind the owners or freighters by his act. The foreigner who deals with this agent has notice of that law, and, if he be bound by it, there is not injustice. His notice is the national flag which is hoisted on every sea and under which the master sails into every port, and every circumstance that connects him with the vessel isolates that vessel in the eyes of the world, and demonstrates his relation to the owners and freighters as their agent for a specific purpose and with power well defined under the national maritime law." Bouvier's Law Dictionary, 1914.

Don't be thrown by the fact they are talking about the sea, and that it doesn't apply to land, I will prove to you that Admiralty law has come on land. Next a court case:

"Pursuant to the "Law of the Flag", a military flag does result in jurisdictional implication when flown. The Plaintiff cites the following: "Under what is called international law,

the law of the flag, a shipowner who sends his vessel into a foreign port gives notice by his flag to all who enter into contracts with the shipmaster that he intends the law of the flag to regulate those contracts with the shipmaster that he either submit to its operation or not contract with him or his agent at all." *Ruhrstrat v. People*, 57 N.E. 41, 45, 185 ILL. 133, 49 LRA 181, 76 AM.

This is the legality I spoke of. When you walk into a court and see this flag you are put on notice that you are in a Admiralty Court and that the king is in control. Also, if there is a king the people are no longer sovereign. You're probably saying this is the most incredible thing I have ever heard. YOU have read the proof, it will stand up in court. But wait there is more, you probably would say, how could this happen? Here's how. Admiralty law is for the sea, maritime law governs contracts between parties that trade over the sea. Well, that's what our fore-fathers intended. However, in 1845 Congress passed an act saying Admiralty law could come on land. The bill may be traced in Cong. Globe, 28th Cong., 2d. Sess. 43, 320, 328, 337, 345 (1844-45), no opposition to the Act is reported. Congress held a committee on this subject in 1850 and they said:

"The committee also alluded to "the great force" of "the great constitutional question as to the power of Congress to extend maritime jurisdiction beyond the ground occupied by it at the adoption of the Constitution...." *Ibid.* H.R. Rep. No. 72 31st Cong., 1st Sess. 2 (1850)

It was up to the Supreme Court to stop Congress and say NO!

The Constitution did not give you that power, nor was it intended. But the courts began a long train of abuses, here are some excerpts from a few court cases.

"This power is as extensive upon land as upon water. The Constitution makes no distinction in that respect. And if the admiralty jurisdiction, in matters of contract and tort which the courts of the United States may lawfully exercise on the high seas, can be extended to the lakes under the power to regulate commerce, it can with the same propriety and upon the same construction, be extended to contracts and torts on land when the commerce is between different States. And it may embrace also the vehicles and persons engaged in carrying it on (my note - remember what the law of the flag said when you receive benefits from the king.) It would be in the power of Congress to confer admiralty jurisdiction upon its courts, over the cars engaged in transporting passengers or merchandise from one State to another, and over the persons engaged in conducting them, and deny to the parties the trial by jury. Now the judicial power in cases of admiralty and maritime jurisdiction, has never been supposed to extend to contracts made on land and to be executed on land. But if the power of regulating commerce can be made the foundation of jurisdiction in its courts, and a new and extended admiralty jurisdiction beyond its heretofore known and admitted limits, may be created on water under that authority, the same reason would justify the same exercise of power on land." *Propeller Genessee Chief et al. v. Fitzhugh et al.* 12 How. 443 (U.S. 1851)

"Next to revenue (taxes) itself, the late extensions of the jurisdiction of the admiralty are our greatest grievance. The American Courts of Admiralty seem to be forming by degrees into a system that is to overturn our Constitution and to deprive us of our best inheritance, the laws of the land. It would be thought in England a dangerous innovation if the trial, of any matter on land was given to the admiralty." *Jackson v. Magnolia*, 20 How. 296 315, 342 (U.S. 1852)

This began the most dangerous precedent of all the Insular Cases. This is where Congress took a boundless field of power. When legislating for the states, they are bound by the Constitution, when legislating for their insular possessions they are not restricted in any way by the Constitution. Read the following quote from the Harvard law review:

"These courts, then, are not constitutional courts in which the judicial power conferred by the Constitution on the general government can be deposited. They are incapable of receiving it. They are legislative courts, created in virtue of the general right of sovereignty which exists in the government, or in virtue of that clause which enables Congress to make all needful rules and regulations respecting the territory belonging to the united States. The jurisdiction with which they are invested is not a part of that judicial power which is conferred in the third article of the Constitution, but is conferred by Congress in the execution of those general powers which that body possesses over the territories of the United States." Harvard Law Review, Our New Possessions. page 481.

Here are some Court cases that make it even clearer...

"...[T]he United States may acquire territory by conquest or by treaty, and may govern it through the exercise of the power of Congress conferred by Section 3 of Article IV of the Constitution..."

"In exercising this power, Congress is not subject to the same constitutional limitations, as when it is legislating for the United States. ...And in general the guaranties of the Constitution, save as they are limitations upon the exercise of executive and legislative power when exerted for or over our insular possessions, extend to them only as Congress, in the exercise of its legislative power over territory belonging to the United States, has made those guarantees applicable." *Hooven & Allison & Co. vs Evatt*, 324 U.S. 652 (1945)

"The idea prevails with some indeed, it found expression in arguments at the bar that we have in this country substantially or practically two national governments; one to be maintained under the Constitution, with all its restrictions; the other to be maintained by Congress outside and independently of that instrument, by exercising such powers as other nations of the earth are accustomed to exercise."

"I take leave to say that if the principles thus announced should ever receive the sanction of a majority of this court, a radical and mischievous change in our system of government will be the result. We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism."

"It will be an evil day for American liberty if the theory of a government outside of the supreme law of the land finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of the principles of the constitution." *Downes vs Bidwell*, 182 U.S. 244 (1901)

These actions allowed Admiralty law to come on land. If you will remember the definition of the Law of the Flag. When you receive benefits or enter into contracts with the king you come under his law which is Admiralty law. And what is a result of your connection with the king? A loss of your Sovereign status. Our ignorance of the law is no excuse. I'll give you an example, something you deal with everyday. Let's say you give me a seat belt ticket. What law did I violate? Remember the Constitution recognizes three forms of law. Was it common law? Who was the injured party? No one. So it could not have been common law even though the State of N. C. has made chapter 20 of the Motor Vehicle

code carry common law penalties, jail time. This was the only thing they could do to cover up the jurisdiction they were operating in. Was it Equity law? No, there is no contract in dispute, driving is a privilege granted by the king. If it were a contract the UCC would apply, and it doesn't. In a contract both parties have equal rights. In a privilege, you do as you are told or the privilege is revoked. Well guess what, there is only one form of law left, admiralty. Ask yourself when did licenses begin to be required? 1933. All district courts are admiralty courts, see the Judiciary Act of 1789.

"It is only with the extent of powers possessed by the district courts, acting as instance courts of admiralty, we are dealing. The Act of 1789 gives the entire constitutional power to determine "all civil causes of admiralty and maritime jurisdiction," leaving the courts to ascertain its limits, as cases may arise." *Waring ET AL., v. Clarke*, Howard 5 12 L. ed. 1847

When you enter a court room and come before the judge and the U.S. flag with the yellow fringe flying, you are put on notice of the law you are in. American's aren't aware of this, so they continue to claim Constitutional rights. In the Admiralty setting the constitution does not apply and the judge, if pushed, will inform you of this by placing you under contempt for continuing to bring it up. If the judge is pressed, his name for this hidden law is statutory law. Where are the rules and regulations for statutory law kept? They don't exist. If statutory law existed, there would be rules and regulations governing it's procedures and court rules. They do not exist!!! The way you know this is Admiralty, is from the yellow fringed flag and from the actions of the law, compelled performance (Admiralty). The judges can still move at common law (murder etc.) and equity (contract disputes etc.). It's up to the type of case brought before the court. If the case is Admiralty, the only way back to the common law is the saving to suitor clause and action under Admiralty. The court and rules of all three jurisdictions have been blended. Under Admiralty you are compelled to perform under the agreement you made by asking and receiving the king's government (license). You receive the benefit of driving on federal roads (military roads), so you have voluntarily obligated yourself to this system of law, this is why you are compelled to obey. If you don't, it will cost you money or jail time or both. The type of offense determines the jurisdiction you come under, but the court itself is an Admiralty court, defined by the flag. Driving without a seat belt under Chapter 20 DMV code carries a criminal penalty for a non common law offense. Again, where is the injured party or parties, this is Admiralty law. Here is a quote to prove what I said about the roads being military, this is only one benefit, there are many:

"Whilst deeply convinced of these truths, I yet consider it clear that under the war-making power Congress may appropriate money toward the construction of a military road when this is absolutely necessary for the defense of any State or Territory of the Union against foreign invasion. Under the Constitution Congress has power "to declare war," "to raise and support armies," "to provide and maintain a navy," and to call forth the militia to "repel invasions." Thus endowed, in an ample manner, with the war-making power, the corresponding duty is required that "the United States shall protect each of them [the States] against invasion." Now, how is it possible to afford this protection to California and our Pacific possessions except by means of a military road through the Territories of the United States, over which men and munitions of war may be speedily transported from the Atlantic States to meet and to repel the invader?....Besides, the

Government, ever since its origin, has been in the constant practice of constructing military roads." Inaugural Address of James Buchanan, March 4, 1857, ..Messages and Papers of the Presidents, 1789-1902.

I want to briefly mention the Social Security Act, the nexus Agreement you have with the king. You were told the SS# was for retirement and you had to have it to work. It sounds like a license to me, and it is, it is a license granted by the President to work in this country, under the Trading with the Enemy Act, as amended in March 9, 1933, as you will see in a moment. Was it really for your retirement? What does F.I.C.A. stand for? Federal Insurance Contribution Act. What does contribution mean at law, not Webster's Dictionary. This is where they were able to get you to admit that you were jointly responsible for the national debt, and you declared that you were a Fourteenth Amendment citizen, which I won't go into in this paper or the Erie Railroad v. Tompkins case where common law was over turned. Read the following definition to learn what it means to have a SS# and pay a contribution:

Contribution. Right of one who has discharged a common liability to recover of another also liable, the aliquot portion which he ought to pay or bear. Under principle of "contribution," a tort-feasor against whom a judgement is rendered is entitled to recover proportional shares of judgement =66rom other joint tort-feasor whose negligence contributed to the injury and who were also liable to the plaintiff. (foot note * tort feasor means wrong doer, what did you do to be defined as a wrong doer???) The share of a loss payable by an insure when contracts with two or more insurers cover the same loss. The insurer's share of a loss under a coinsurance or similar provision. The sharing of a loss or payment among several. The act of any one or several of a number of co-debtors, co-sureties, etc., in reimbursing one of their number who has paid the whole debt or suffered the whole liability, each to the extent of his proportionate share. (Blacks Law Dictionary 6th ed.)

Guess what? It gets worse. What does this date 1933 mean? Well you better sit down. First, remember World War I, in 1917 President Wilson declared the War Powers Act of October 6, 1917, basically stating that he was stopping all trade with the enemy except for those he granted a license, excluding Americans. Read the following from this Trading with the enemy Act, where he defines enemy:

In the War Powers Act of 1917, Chapter 106, Section 2 (c) it says that these declared war powers did not affect citizens of the United States:

"Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, OTHER THAN CITIZENS OF THE UNITED STATES, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States of the successful prosecution of the war shall so require, may, by proclamation, include within the term "enemy.""

Now, this leads us up to 1933. Our country was recovering from a depression and now was declared bankrupt. I know you are saying. Do What, the American people were never told about this? Public policy and National Security overruled the public right to know. Read the following Congressional quote:

"My investigation convinced me that during the last quarter of a century the average production of gold has been falling off considerably. The gold mines of the world are practically exhausted. There is only about \$11,000,000,000 in gold in the world, with the

United States owning a little more than four billions. We have more than \$100,000,000,000 in debts payable in gold of the present weight and fineness....As a practical proposition these contracts cannot be collected in gold for the obvious reason that the gold supply of the entire world is not sufficient to make payment." Congressional Record, Congressman Dies March 15, 1933

Before 1933 all contracts with the government were payable in gold. Now I ask you? Who in their right mind would enter into contracts totaling One Hundred billion dollars in gold, when there was only eleven billion in gold in the whole world, we had about four billion. To keep from being hung by the American public they obeyed the banksters demands and turned over our country to them. They never came out and said we were in bankruptcy but, the fact remains, we are. In 1933 the gold of the whole country had to be turned in to the banksters, and all government contracts in gold were canceled. This is bankruptcy.

"Mr. Speaker, we are here now in chapter 11. Members of Congress are official trustees presiding over the greatest reorganization of any bankrupt entity in world history, the U.S. government." Congressman Traficant on the House floor, March 17, "1993"

The wealth of the nation including our land was turned over to the banksters. In return, the nations 100 billion dollar debt was forgiven. I have two papers that have circulated the country on this subject. Remember Jesus said "money is the root of all evil" The Congress of 1933 sold every American into slavery to protect their asses. Read the following Congressional quotes:

"I want to show you where the people are being imposed upon by reason of the delegation of this tremendous power. I invite your attention to the fact that section 16 of the Federal Reserve Act provides that whenever the Government of the United States issues and delivers money, Federal Reserve notes, which are based on the credit of the Nation they represent a mortgage upon your home and my home, and upon all the property of all the people of the Nation to the Federal Reserve agent, an interest charge shall be collected for the Government." Congressional Record, Congressman Patman March 13, 1933

"That is the equity of what we are about to do. Yes; you are going to close us down. Yes; you have already closed us down, and have been doing it long before this year. Our President says that for 3 years we have been on the way to bankruptcy. We have been on the way to bankruptcy longer than 3 years. We have been on the way to bankruptcy ever since we began to allow the financial mastery of this country gradually to get into the hands of a little clique that has held it right up until they would send us to the grave." Congressional Record, Congressman Long March 11, 1933

What did Roosevelt do? Sealed our fate and our childrens fate, but worst of all, he declared War on the American People, remember the War Powers Act, the Trading with the enemy Act. He declared emergency powers with his authority being the War Powers Act, the Trading with the enemy Act. The problem is he redefined who the enemy was, read the following: (remember what I said about the SS# being a license to work)

"The declared National Emergency of March 9, 1933 amended the War Powers Act to include the American People as enemies:

"In Title 1, Section 1 it says: The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President

of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subdivision (b) of section 5 of the Act of October 6, 1917, as amended, are hereby approved and confirmed." "Section 2. Subdivision (b) of section 5 of the Act of October 6, 1917, (40 Stat. L. 411), as amended, is hereby amended to read as follows: emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by banking institutions as defined by the President, and export, hoarding, melting, or earmarking of gold or silver coin or bullion or currency, BY ANY PERSON WITHIN THE UNITED STATES OR ANY PLACE SUBJECT TO THE JURISDICTION THEREOF."

Here is the legal phrase subject to the jurisdiction thereof, but at law this refers to alien enemy and also applies to Fourteenth Amendment citizens:

"As these words are used in the first section of the Fourteenth Amendment of the Federal Constitution, providing for the citizenship of all persons born or naturalized in the United States and subject to the jurisdiction thereof, the purpose would appear to have been to exclude by the fewest words (besides children of members of the Indian tribes, standing in a peculiar relation to the National Government, unknown to the common Law), the two classes of cases, children born of *ALIEN ENEMIES(emphasis mine), in hostile occupation, and children of diplomatic representatives of a foreign state, both of which, by the law of England and by our own law, from the time of the first settlement of the English colonies in America, had been recognized exceptions to the fundamental rule of citizenship by birth within the country." United States v Wong Kim Ark, 169 US 649, 682, 42 L Ed 890, 902, 18 S Ct 456. Ballentine's Law Dictionary

Congressman Beck had this to say about the War Powers Act:

"I think of all the damnable heresies that have ever been suggested in connection with the Constitution, the doctrine of emergency is the worst. It means that when Congress declares an emergency there is no Constitution. This means its death...But the Constitution of the United States, as a restraining influence in keeping the federal government within the carefully prescribed channels of power, is moribund, if not dead. We are witnessing its death-agonies, for when this bill becomes a law, if unhappily it becomes law, there is no longer any workable Constitution to keep the Congress within the limits of its constitutional powers." (Congressman James Beck in Congressional Record 1933)

The following are excerpts from the Senate Report, 93rd Congress, November 19, 1973, Special Committee On The Termination Of The National Emergency United States Senate. They were going to terminate all emergency powers, but they found out they did not have the power to do this so guess which one stayed in, the Emergency Act of 1933, the Trading with the Enemy Act October 6, 1917 as amended in March 9, 1933.

"Since March 9, 1933, the United States has been in a state of declared national emergency....Under the powers delegated by these statutes, the President may: seize property; organize and control the means of production; seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict travel; and, in a plethora of particular ways, control the lives of all American citizens."

"A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years, freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought into force by states of national emergency....from, at least, the Civil War in important ways shaped the present phenomenon of a permanent state of national emergency." Senate Report, 93rd Congress, November 19, 1973

You may be asking yourself is this the law, and if so where is it, read the following:

In Title 12 U.S.C, in section 95b you'll find the following codification of the Emergency War Powers:

"The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subsection (b) of section 5 of the Act of October 6, 1917, as amended (12 U.S.C., 95a), are hereby approved and confirmed." (March 9, 1933, c. 1, Title 1, 1, 48 Stat. 1)

So you can further understand the word Alien Enemy and what it means to be declared an enemy of this government, read the following definitions:

The phrase Alien Enemy is defined in Bouvier's Law Dictionary as: One who owes allegiance to the adverse belligerent. 1 Kent 73.

He who owes a temporary but not a permanent allegiance is an alien enemy in respect to acts done during such temporary allegiance only; and when his allegiance terminates, his hostile character terminates also; 1 B. & P. 163.

Alien enemies are said to have no rights, no privileges, unless by the king's special favor, during time of war; 1 Bla. Com. 372; Bynkershoek 195; 8 Term 166. [Remember we've been under a declared state of war since October 6, 1917, as amended March 9, 1933 to include every United States citizen.]

"The phrase Alien Enemy is defined in Words and Phrases as:

Residence of person in territory of nation at war with United States was sufficient to characterize him as "alien enemy" within Trading with the Enemy Act, even if he had acquired and retained American citizenship." *Matarrese v. Matarrese*, 59 A.2d 262, 265, 142 N.J. Eq. 226.

"Residence or doing business in a hostile territory is the test of an "alien enemy: within meaning of Trading with the Enemy Act and Executive Orders thereunder." Executive Order March 11, 1942, No. 9095, as amended, 50 U.S.C.A. Appendix 6; Trading with the Enemy Act 5 (b). In re Oneida Nat. Bank & Trust Co. of Utica, 53 N.Y.S. 2d. 416, 420, 421, 183 Misc. 374.

"By the modern phrase, a man who resides under the allegiance and protection of a hostile state for commercial purposes is to be considered to all civil purposes as much an 'alien enemy' as if he were born there." *Hutchinson v. Brock*, 11 Mass. 119, 122.

Am I done with the proof? Not quite, believe it or not it gets worse. I have established that war has been declared against the American people and their children. The American people that voted for the 1933 government were responsible for Congress' actions, because Congress was there in their proxy. What is one of the actions taken against an enemy during time of War. In the Constitution the Congress was granted the power during the time of war to grant Letters of Marque. What is a letter of Marque? Well, read the following:

A commission granted by the government to a private individual, to take the property of a foreign state, as a reparation for an injury committed by such state, its citizens or subjects. The prizes so captured are divided between the owners of the privateer, the captain, and the crew. Bouvier's Law Dictionary 1914.

Think about the mission of the IRS, they are a private organization, or their backup, the ATF. These groups have been granted letters of Marque, read the following:

"The trading with the enemy Act, originally and as amended, in strictly a war measure, and finds its sanction in the provision empowering Congress "to declare war, grant letters of Marque and reprisal, and make rules concerning captures on land and water." Stoehr v. Wallace 255 U.S.

Under the Constitution the Power of the Government had its checks and balances, power was divided between the three branches of government. To do anything else means you no longer have a Constitutional government. I'm not even talking about the obvious which we have already covered, read the following:

"The Secretary of the Treasury and/or the Attorney General may require, by means of regulations, rulings, instructions, or otherwise, any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, from time to time and at any time or times, complete information relative to, any transaction referred to in section 5 (b) of the Act of October 6, 1917." Title 12 Banks and Banking page 570.

How about Clinton's new Executive Order of June 6, 1994 where the Alphabet agencies are granted their own power to obtain money and the military if need be to protect themselves. These are un-elected officials, sounds un-Constitutional to me, but read on.

"The delegations of authority in this Order shall not affect the authority of any agency or official pursuant to any other delegation of presidential authority, presently in effect or hereafter made, under section 5 (b) of the act of October 6, 1917, as amended (12 U.S.C. 95a)"

How can the President delegate to un-elected officials power that he was elected to have, and declare that it cannot be taken away, by the voters or the courts or Congress? I tell you how under martial law, under the War Powers Act. The American public is asleep and is unaware nor do they care about what is going on, because it may interfere with their making money. I guess Thomas Jefferson was right again:

"...And to preserve their independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty or profusion and servitude. If we run into such debts as that we must be taxed in our meat and in our drink, in our necessaries and our comforts, in our labors and our amusements, for our callings and our creeds, as the people of England are, our people, like them, must come to labor sixteen hours in the twenty-four, and give the earnings of fifteen of these to the government for their debts and daily expenses; and the sixteenth being insufficient to afford us bread, we must live, as they now do, on oatmeal and potatoes; have not time to think, no means of calling the mismanager's to account; but be glad to obtain subsistence by hiring ourselves to rivet their chains on the necks of our fellow sufferers..." (Thomas Jefferson) THE MAKING OF AMERICA, p. 395

Submitted January 28

"Lloyd Bentsen, of Texas, to be U.S. Governor of the International Monetary Fund for a term of 5 years; U.S. Governor of the International Bank for Reconstruction and Develop-

ment for a term of 5 years; U.S. Governor of the Inter-American Development Bank for a term of 5 years; U.S. Governor of the African Development Bank for a term of 5 years; U.S. Governor of the Asian Development Bank; U.S. Governor of African Development Fund; and U.S. Governor of the European Bank for Reconstruction and Development." Presidential Documents, February 1, 1993.

At the same time, Bentsen was the Secretary of Treasury. Gee I don't know, this sounds like a conflict of entrust to me, how about you? Also the Congress is the only one under the Constitution to be able to appropriate money.

"Without limitation as to any other powers or authority of the Secretary of the Treasury or the Attorney General under any other provision of this Order, the Secretary of the Treasury is authorized and empowered to prescribe from time to time regulations, rulings, and instructions to carry out the purposes of this Order and to provide therein or otherwise the conditions under which licenses may be granted by or through such officers or agencies as the Secretary of the Treasury may designate, and the decision of the Secretary with respect to the granting, denial or other disposition of an application or license shall be final." Section 7, Title 12 U.S.C. Banks and Banking

How about a few months ago when Secretary of Treasury Ruban sent tons of money to Mexico, without Congress' approval. Do the issues I have brought up sound like this is a Constitutional government to you? I have not covered the main nexus, the money.

If you would like to read about this, read my other papers, *The History of Lawful Money and A Country Defeated In Victory. Sheriff* I am one man fighting a giant with a fly swatter (the pen). If you are bold enough to jerk the flags with a fringe on them out and put back the U. S. flag, just make sure you protect you backside. Before you do this, make sure your constituents in your county are made aware of this information. Because if you do this you will find the whole U.S. government against you and for sure they will cut off all money to your county in the short term, and in the long term, do whatever is necessary to remove you. I didn't make this information up, it is the government's own documents and legal definitions taken from their dictionaries. I wish the hard working Americans in the government that are loyal to an American Republic could read this, the more that know the truth the better.

James Franklin Montgomery

"When the 39th Congress assembled on December 5, 1865, the Senators and Representatives from the 25 northern States voted to deny seats in both Houses of Congress to anyone elected from the 11 southern States. The full complement of Senators from the 36 States of the Union was 72, and the full membership in the House was 240. Since it requires only a majority vote (see Article I, Section 5, Constitution of the United States) to refuse a seat in Congress, only the 50 Senators and 182 Congressmen from the North were seated. All of the 22 Senators and 58 Representatives from the southern States were denied seats."

"Joint Resolution No. 48, proposing the Fourteenth Amendment, was a matter of great concern to the Congress and to the people of the Nation. In order to have this proposed Amendment submitted to the 36 States for ratification, it was necessary that two thirds of each house concur. A count of noses showed that only 33 Senators were favorable to the measure, and 33 was a far cry from two thirds of 72 and lacked one of being two thirds of

the 50 seated Senators."

"While it requires only a majority of votes to refuse a seat to a Senator, it requires a two thirds majority to unseat a member once he is seated. (see Article I, Section 5, Constitution of the United States."

"One John P. Stockton was seated on December 5, 1865, as one of the Senators from New Jersey. He was outspoken in his opposition to Joint Resolution No. 48 proposing the Fourteenth Amendment. The leadership in the Senate, not having control of two thirds of the seated Senators, voted to refuse to seat Mr. Stockton upon the ground that he had received only a plurality and not a majority of the votes of the New Jersey legislature. It was the law of New Jersey, and several other States, that a plurality vote was sufficient for election. Besides, the Senator had already been seated. Nevertheless, his seat was refused- and the 33 favorable votes thus became the required two thirds of the 49 members of the Senate."

"In the House of Representatives it would require 122 votes to be two thirds of the 182 members seated. Only 120 voted for the proposed Amendment, but because there were 30 abstentions it was declared to have been passed by a two thirds vote of the House." Dyett v. Turner 439 p2d 266 @ 269, 20 U2d 403

ADDEDUM In response that the Anglo-Saxon common law was left out of the Informer's question, is as follows, and I do not answer for him, but this is in addition to his response.

Britain was first invaded in 55 BC. by Julius Caesar, then again in 54 BC. In 63 AD. Joseph of Arimathea was sent by the Pope in Rome to try and establish the Catholic Church in Britain. In 77 AD. Britain was taken over through conquest by Rome. The Imperial governor Julius Agricola was put in place to rule over Rome's new territory. Britain was as of 77 AD. subject to Rome, with Roman law.

In 407 AD. Emperor Constantine III withdrew the Roman troops from Britain leaving a political vacuum. The Celts (Irish), and the Vikings (Scandinavians) saw an opening to obtain land. In 410 AD. Britain won its independence from Rome, when the Goths ransacked Rome.

In 446 AD. the British government sought help to defeat the invading arms of the northern countries. Rome was unable to send troops because it was defending itself from Attila the Hun. So Rome offered mercenaries to aid Britain, Britain hired these barbaric mercenaries which were from northern Germany, they as you know are called Saxons.

In 450 AD. the Saxon barbarians began to massacre the Britons and take their land, in this manner they occupied the country of Britain. The Saxons were pagans some believed the Druid religion, others worshiped the same gods Rome worshiped, mercury and Venus, etc. etc.

The long and short of it is the Saxons were not responsible for a Common law by themselves. They were not Christians and did not support Cannon or ecclesiastical law, and their law was influenced greatly by Roman law. The major difference was the Saxon king called himself king of the English, and William the Conqueror called himself king of England, meaning, William the Conqueror claimed he owned the land and the Saxon king made no such claims. Under Saxon law citizen meant freeman, and under Roman law, continuing in England in 1066 under William Conqueror, citizen meant subject. Under both systems you were forced to pay taxes to support the government. A tax payer is

always a subject, so under William the Conqueror, he left no doubt as to your status, the Saxon kings were more subtle, the outcome is the same. Taxation and the subjection it confirms, is not always a bad thing. It depends on the government. Case in point, those that are Christians, are subject to Jesus Christ and are taxed 10% to support His government.

Look at what happened at Runnymede with the Magna Charta, the Barons thought they were gaining freedom, by the king granting them rights under the Charta. However, if they had stopped to read the 1213 Charta, wherein the king granted and ceded the Pope all of his lands, they would have known the king could not grant the rights without the blessing of the Pope. Did not the Pope sign off on the Charta of 1215, as a party to the Contract? Ask yourself this, did the granted rights end their tax obligations to the king, or the Pope? No. So is the granting of rights a problem or hinderance to the money lenders? No. Did the 1215 Charta in anyway overturn the obligations of the 1213 Charta? No, and they could not. Here is another reason.

Guess what America, and the rest of the free world, that claim their rights come from the Magna Charta, which was ratified by Pope Innocent III and of course the king under duress on June 15, 1215, on August 24, 1215, Pope Innocent III Declared that the Magna Charta was null and void, [(Geary) 49.3 August 24, 1215 parliamentary origins in England, Internet Medieval Source Book.]

I just found this, I do not have a copy of the above declaration at this time, it has been copyrighted, the book will have to be purchased, if it is still available. I won't speculate as to why it is kept in copyright and not released to the public as most other medieval documents have been.

To continue, Edward I, in 1297 was forced to re-declare the 1215 Magna Charta, because the Pope forbid his monks and bishops etc. etc., to pay taxes to the king, so the king began to tax the Barons again, and they drew their swords. King Edwards action holds less weight than that of his predecessor king John, because as of August 24, 1215 the Charta was an invalid document. Not to mention the issue I raised earlier concerning debt obligations of a previous Charter could not be voided.

The Pope by his confirmation of the Magna Charta was jerking the chains of the Barons, so to speak. As I said in earlier papers, there was no way the Pope would give up what was granted/ceded to him in the 1213 Charter. The Magna Charta could not void an earlier Charter which contained a debt obligation between parties, without all parties agreeing. Since the parties of the 1213 Charter would continue to be born, it was an unrevocable trust.

As example, read the 1689 Declaration of Rights, which became law. Did it, or could it overturn any financial obligations under previous Charters? No. Read the third section of the 1689 Declaration of Rights. It says if any provision of the Declaration comes into conflict with earlier Charters, the Declaration will be as if it were never written. If you do not have a copy of all the above cited material let the Informer or I know and we can supply you with the relevant material.

Do you see how not only Americans, but the entire world have been conned into thinking we are free? Every time the king has been challenged, the king grants rights to the combatants and they go home saying "WE WON", however nothing changed, because the king retained his power to tax, through previous Charters and new tax obligations

created by accepting the kings benefits.

Another example, the Declaration of Independence and the war of Independence that followed, is no different than any other time in the history in challenging the king. The king said OK, I will grant my created Corporations, the states, Independence and allow them to establish their own governments. But wait the governors retained the power granted by the king and the council of state. The states then consolidated their corporate Charters under one Charter, called the U.S. Constitution. Could the tax obligations of previous Charters be removed by our Declaration of Independence, or a war which did not remove the control of the king, which is obvious since in the peace Treaty of Paris he was granting us land? No.

No where in the 1783 Paris peace treaty will you find granted rights to the inhabitants of the states. No where in the treaty will you find where the taxes of gold, silver and copper (mineral rights) were ceded to the states. So much for allodial title in the states, freeman status and allodial title are synonymous, you can't have one without the other. Since the king did not cede all of his corporate enterprise he retained his taxation and the subjection of those that enjoy his benefits.

"YIELDING AND PAYING yearly, to us, our heirs and Successors, for the same, the yearly Rent of Twenty Marks of Lawful money of England, at the Feast of All Saints, yearly, forever, The First payment thereof to begin and be made on the Feast of All Saints which shall be in the year of Our Lord One thousand six hundred Sixty and five; AND also, the fourth part of all Gold and Silver Ore which, with the limits aforesaid, shall, from time to time, happen to be found." (Feast of All Saints occurred November 1 of each year.) The Carolina Charter, 1663

"SAVING always, the Faith, Allegiance, and Sovereign Dominion due to us, our heirs and Successors, for the same; and Saving also, the right, title, and interest of all and every our Subjects of the English Nation which are now Planted within the Limits bounds aforesaid, if any be;..." The Carolina Charter, 1663

"KNOW YE, that We, of our further grace, certain knowledge, and mere motion, HAVE thought fit to Erect the same Tract of Ground, Country, and Island into a Province, and, out of the fullness of our Royal power and Prerogative, WE Do, for us, our heirs and Successors, Erect, Incorporate, and Ordain the same into a province, and do call it the Province of CAROLINA, and so from henceforth will have it called..." The Carolina Charter, 1663

Nothing has changed the parties of interest still rule. It is our pitiful lack of knowledge and understanding of history, which causes us to hang our hats (Independence) on documents that maintain and did not change our subjection. Does this sound familiar to what has happened to the blacks. They assumed, since they were made citizens and given more rights, that they were now free. As you know a 14th Amendment citizen is subject to its creator, who granted their rights, the corporation and the trustees, subject to the contracting parties, the Crown and the Pope. Maybe, now you know why history repeats itself, it has the same authors.

James Montgomery Sui Juris Servant of Jesus Christ

Hey Al,

Just got back from deer hunting, sitting on the side of a tree 30 ft. in the air is a great place to think. I remembered a quote I was wanting to tell you about. In the book Pete sent us, there is a quote that leaves no doubt as to who George Washington was loyal to.

"In May, 1775, Washington said: 'If you ever hear of me joining in any such measure [as separation from Great Britain], you have my leave to set me down for everything wicked'- He also said: 'It is not wish or interest of the government [meaning Massachusetts], or of any other upon this continent, separately or collectively, to set up for independence'" Ingersoll, *North American Review*, CLV. No.2, August, 1892, p. 183, also quote in *Sources of the Constitution of the United States*, c. Ellis Stevens, 1927, page 36.

In reading the Messages and Papers of the Presidents, vol I, 1789-1897, I discovered the following:

Gentlemen of the Senate:

Pursuant to the powers vested in me by the act entitled "An act repealing after the last day of June next the duties heretofore laid upon distilled spirits imported from abroad and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," I have thought fit to divide the United States into the following districts, namely: The district of New Hampshire, to consist of the State of New Hampshire; the district of Massachusetts, to consist of the State of Massachusetts; the district of Rhode Island and Providence Plantations, to consist of the State of Rhode Island and Providence Plantations; the district of Connecticut, to consist of the State of Connecticut; the district of Vermont, to consist of the State of Vermont; the district of New York, to consist of the State of New York; the district of New Jersey, to consist of the State of New Jersey; the district of Pennsylvania, to consist of the State of Pennsylvania; the district of Delaware, to consist of the State of Delaware; the district of Maryland, to consist of the State of Maryland; the district of Virginia, to consist of the State of Virginia; the district of North Carolina, to consist of the State of North Carolina; the district of South Carolina; and the district of Georgia, to consist of the State of the State of Georgia .Page 99 March 4, 1791

In George Washington's Proclamation of March 30, 1791 he declares the district of Columbia to be created and it's borders established, he says further: "And Congress by an amendatory act passed on the 3rd day of the present month of March have given further authority to the President of the United States...."

This explains completely why after a short time in office Washington created federal District States for all the states. The point being Congress outside their authority, extended and gave monarchical powers to the President of the United States, in violation of the spirit of the Constitution and the Tenth Amendment. One day after George Washington is given this authority, he declares the States are now controlled by the District State. This makes the State Courts, marshals, right down to the counties subject to the federal government. Because the District State was a overlay of State boundaries it removed the State borders, in violation of the Constitution wherein it is declared, the State are guaranteed a Republican form of government. Creation of the District States was and is a violation of the 1787 Constitution of the United States, and the trust it created. This replaced the States in Union with the District States in Union formally known as the States ofThis was also necessary for the newly formed Bank of the United States, February 25,

1791, to do business in the State of....., but is actually the District State. Subjection of the States of..... was complete, all that was necessary was for a permanent state of war to exist, such as we have had since the Civil War, to invoke statutory law over the enemy, requiring them to obey all license requirements, because enemies have no rights in an occupied territory.

Washington declared, under the War Powers, acting as Commander-in-Chief, that the States of the Union were now overlaid by District States, which as I think you know, removes the States boundaries as a matter of sovereignty, violating the Constitutional guarantee of a Republican form of government to the States in Union, Article 4, sec. 4, which cannot take place if delegated authority is taken under the War Powers, not ceded by the Charter/Constitution.

The Constitution granted legislative authority to Congress only over a ten square mile District, making Congress the supreme authority, Article 1, sec. 1., sec. 8.18, over the District. Washington extend this District without Constitutional authority. This is how Congress under Article 1, sec. 8.1 taxes everything. This why the Courts have said the 16th Amendment created no new taxing power.

Also, the counties and the sheriffs became subject to, and creations of the District States, Washington put in place officers of the District to oversee the State Districts. As a result of the military rule imposed by Washington, a tax was imposed on liqueur, and under direction of Washington the District courts and Appeals courts were ordered to enforce collection and fines and imprisonment of anyone defying the laws of the United States. THESE DISTRICTS CREATED BY GEORGE WASHINGTON HAVE NEVER BEEN REMOVED.

Robert, you need to read what Washington, declared again, I did not declare it, I did not write it, so I do not have anything backwards.

First of all, the Judicial Districts you are referring to were created by the Judiciary Act of 1789, two years before Washington said Congress gave him additional powers, thereby HE created District States, so the federal government could use the militias to crush the tax protesters in Pennsylvania, by Washington's order. Since the Judicial Districts already existed, why did they as you suggest, recreate them? If the District States were already created as you suggest, would it not be redundant to create them again? Washington said he was dividing the United States into District States. He said DIVIDING THE STATES, listen, DIVIDING THE STATES, not creating districts in the states, DIVIDING THE STATES into DISTRICTS, changing them, or you would not DIVIDE THEM, because the states were already divided. How can you DIVIDE, SEPARATE the states, made by the state and federal Charters/Constitutions? Why do this when Congress already had the power to put down rebellion, Article I, section 8, U.S. Constitution? This was an excuse to DIVIDE the states into DISTRICTS, extending the jurisdiction of the District of Columbia/Congress and delegating to the President, authority given to Congress to suppress insurrection, under art. I, sec. 8.

Second, the use of any military power before Congress declares war, by direction of the President is done by him as Commander-in-Chief. Until Congress declares war they cannot stop the President unless they impeach him, or when they declare war they can stop the President with their power of the purse, unless the President were to then declare a national emergency, as Commander-in-Chief, overriding Congress, in effect

declaring himself king, or in our case anyone holding that office, which we now have. I disagree with the un-Constitutional emergency powers claimed by the President, but unless the Judiciary declares the President out of line, you or I cannot change this, unless you or I were elected President, and declared this power un-Constitutional, but Congress would then impeach you or I to protect public policy. Around and Around it goes. Again this power comes from their operating under executive jurisdiction, insular capacity, see *DOWNES v. BIDWELL*, 182 U.S. 244 (1901), which was allowed by the Judiciary, beginning with what Washington did. Because it was up to the Judiciary to declare what Congress was doing as un-Constitutional, and up to Washington to not take power delegated to Congress. This power was affirmed by the Congressional Act of 1845, and in the 1850's by the insular cases. This set the stage for Lincoln to begin the executive orders, and here we are.

Third, the Districts Washington created answered directly to the Commander-in-Chief, not Congress. In order for these Districts to be created by the President, Congress had to give the President power outside of the Constitution, as declared by Washington himself. Martial law can be used as soon as the military is called upon to put down insurrection or fight a war. Washington created District States, not state districts, and the military occupied the Pennsylvania District until the insurgents went home, Washington said these Districts were created for putting down the rebellion, however they were never disbanded when the rebellion ended. The fact that you say you can't see something, with all due respect does not change reality. Below you will see how Lincoln codified the war powers. You can download the whole general order 100, or ask me and I will email it to you, along with court cases and definitions on the same subject.

Martial Law - Military jurisdiction - Military necessity -Retaliation

"Article 1. A place, district, or country occupied by an enemy stands, in consequence of the occupation, under the Martial Law of the invading or occupying army, whether any proclamation declaring Martial Law, or any public warning to the inhabitants, has been issued or not. Martial Law is the immediate and direct effect and consequence of occupation or conquest.

The presence of a hostile army proclaims its Martial Law.

Art. 2. Martial Law does not cease during the hostile occupation, except by special proclamation, ordered by the commander in chief; or by special mention in the treaty of peace concluding the war, when the occupation of a place or territory continues beyond the conclusion of peace as one of the conditions of the same.

Art. 3. Martial Law in a hostile country consists in the suspension, by the occupying military authority, of the criminal and civil law, and of the domestic administration and government in the occupied place or territory, and in the substitution of military rule and force for the same, as well as in the dictation of general laws, as far as military necessity requires this suspension, substitution, or dictation. The commander of the forces may proclaim that the administration of all civil and penal law shall continue either wholly or in part, as in times of peace, unless otherwise ordered by the military authority." {Instructions for the Government of Armies of the United States in the Field, prepared by Francis Lieber, LL.D., Originally Issued as General Orders No. 100, Adjutant General's Office, 1863, Washington 1898: Government Printing Office.}

Marty the information continues to pour in, in support of the information the Informer

and I have been writing about and totally confirms, the below comments of Sir Edmund Burke, read the following quote, just one of many from his speech:

"If America gives you taxable objects on which you lay your duties here, and gives you, at the same time, a surplus by a foreign sale of her commodities to pay the duties on these objects which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments, she may, I doubt not she will, contribute in moderation. I say in moderation, for she ought not to be permitted to exhaust herself. She ought to be reserved to a war, the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially. For that service - for all service, whether of revenue, trade, or empire - my trust is in her interest in the British Constitution. My hold of the Colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties which, through light as air, are as strong as links of iron. Let the Colonists always keep the idea of their civil rights associated with your government, they will cling and grapple to you, and no force under heaven will be of power to tear them from their allegiance." Burke on Conciliation with the Colonies, March 22, 1775, pages 71,72, published by Allyn and Bacon

"In May, 1775, Washington said: 'If you ever hear of me joining in any such measure [as separation from Great Britain], you have my leave to set me down for everything wicked'- He also said: 'It is not wish or interest of the government [meaning Massachusetts], or of any other upon this continent, separately or collectively, to set up for independence'" Ingersoll, North American Review, CLV. No.2, August, 1892, p. 183, also quote in Sources of the Constitution of the United States, c. Ellis Stevens, 1927, page 36.

Marty John Jay, one of the men to construct and sign the Peace Treaty of 1783 and the sole man responsible for the Jay Treaty of 1795, he made very clear by his statements that he did not want Independence from England. And as Burke said above you can believe you are free and still be subject to England.

"Jay did not favor independence from Britain. His absence from the signing of the Declaration of Independence was noted by Thomas Jefferson." Copyright c 1995 by LeftJustified Publik. All rights reserved.

Marty to prove what Sir Edmund Burke said is possible and was part of the plan of the king, you need to look at the 1213 Charter and the 1689 Declaration of Rights. Because of space limitations I was not able to include them in this email, but will send them to you if you want them. I included them in British Colony part III. The following is a section from my addendum from British Colony part III:

ADDENDUM

I have just discovered the following two endnotes. They completely confirm in a very final way my research in British Colony parts 1, 2 and 3, and the Informer's research and book "The New History Of America." If you will study the following papers, the Magna Carta and our Bill of Rights, and come to an understanding of their similarities. Then re-read the Charters included in British Colony parts 1 and 2, keeping in mind the issues I raised, then read the following commentary.

"The two main issues as I see them in British Colony are; one, the financial obligations of the 1213 Charter En #1, are still in effect, along with the Charters establishing America. Two, the last sentence of the 1689 Bill of Rights En #2, proves the following:"

"That the Charters of the Colonies could never be overturned by a Declaration of Independence, or the 1787 treaty, otherwise known as the Constitution, I'm talking about the real subject matter, financial obligation. Title for the land was transferred to the states and then ceded by Charter to the federal government under Cestui que trust, but the contracted debt and obligation of the Colonial Charters, and the 1213 Charter could not be negated. Rights could be granted to the citizens, subjects or combatants, which ever the case may be, but the financial obligation cannot, nor could not be affected, because it involves parties not yet born. This why King William said, the 1689 Bill of Rights would not free the kingdom from the obligation of the 1213 Charter. This is why the United States Bank was given right of Charter in America. George Washington had no choice but to succumb to the Rothchilds point man, Hamilton. Talk about deja vu, I mean does this not sound familiar. Our Bill of Rights was given to us, to give us the illusion of freedom. When the tax obligation of the Charters above marched along un-impeded and un-seen, by Americans and Britons alike. Read the Magna Carta again, they wanted the Pope's blessing for the 1215 Charter, this same Pope is the Pope in the 1213 Charter where England and Ireland were given to him. He could not just give back his land, because of other parties not yet born. The Pope let the barons presume they were free and gave his blessing to the 1215 Magna Carta, knowing to do so would in no way lawfully overturn the grant made to him in the 1213 Charter. Also, it is apparent, it was recognized as law that you could not even create a Charter, wherein you declared a previous grant or Charter null in void unless the relevant parties agreed. How can a Charter be made void if parties to the Charter will never cease to be born, an heir can always be found. To prove this, again what did the new king William do, even though the previous monarchy had come to an end, its obligations did not, this is why he had to included paragraph III, a clause to protect the other parties of an earlier Charter."

Statue of 32. Hen. VIII c. 84. (1540)

Marty, to further prove our point read the following previous email I sent out so as not to replicate work:

" You will have to read the below statute many times to understand what the king is saying. It was obviously made to be vague and ambiguous, it contains two sentences, the first is 658 words long, the second is 166 words long, not counting punctuation. I have included the following commentary to help your understanding of the below statute.

The king is saying that some of the representatives of the Catholic Church and some of his subjects have received grants of land from the king. The king is also saying they are in violation of certain provisions contained in the grants and land patents. Portions of these grants and land patents were granted to 3rd party entities by his 1st party grantees, through the kings grants and charters, having been granted to them. Because of contractual provisions contained in the grants and land patents being violated, the land was declared to revert back to the original grantees who received grants from the king.

As stated in section 1, this statute deals with land twice removed from the king; to preserve the clarity of his grants and land patents, in conjunction with the law of mortmain. You will see that the 1st party grantors, included ecclesiastical and religious persons, as well as secular. This statute does not change grants between the king, and the 1st party grantees and land patentees.

(#7, section I) should make you think. If any tax or rent due, (as declared in #5, section

I), under the kings grants or Charters, are not paid, the land reverts back to the king, as if the Grants and Charters were never written. This is the same language of intent, used in the 1689 Declaration of Rights, third section, and the 25 section, in the 1776 North Carolina Bill of Rights, of the North Carolina 1776 Constitution, which established the North Carolina Corporation.

In section II, the king extends this statute to all grants made by him, now or in the future. The key and purpose to this statute is contained in #2, section I, no stranger is to enjoy a benefit of any Grant or Charter, if they are not a grantee and benefactor, without paying a rent or tax, see #5, section I. The main target of this statute was the Catholic Church, because they were not paying the tax due under the grants made to them. However, as shown in previous email the Vatican owned the land they were being taxed for, under the 1213 Charter. I am sure this is why the Vatican refused to pay a tax, because the owner of the land does not tax himself.

Since the states were the benefactors from the 1783 Peace Treaty, not the inhabitants, and they later transferred their original Grant from the king to the United States Constitution/Corporation, making the inhabitants of the states strangers, maybe now you know how and why we are taxed, and when the tax is not paid, the land reverts back to the benefactor of the of the kings original land grants, the United States Corporation, the trustee administering the trust/Constitution/Charter.

Nothing has changed since the days of William the Conqueror I, where taxes were levied based on the record of the land holdings written down in the Domesday Book, used by the Exchequer to tax the benefactors of the kings grants. Today the same procedure is followed, continued under the Charters creating this country. The king established the rent-roll tax in the states based on the counties record of all titles, which are now used by the Exchequer/Federal Reserve to tax the stranger, levy or foreclose on the ryot-tenure, as defined in Black's Law Dictionary, 4th ed..

"A system of land-tenure, where the government takes the place of landowners and collects the rent by means of tax gatherers. The farming is done by poor peasants, (ryots), who find the capital, so far as there is any, and also do the work. The system exists in Turkey, Egypt, Persia, and other Eastern countries, and in a modified form in British India. After slavery, it is accounted the worst of all systems, because the government can fix the rent at what it pleases, and it is difficult to distinguish between rent and taxes." Black's Law Dictionary, 4th ed.

I want to inject a big however, the king and the Vatican are both in violation of the LAW, they do not have ownership of the land, or have perfected land title, no matter what their Charters and land patents say. Why? Who is the original Grantor of land? God Almighty. Not the King or the Pope, their claim to the land to the detriment of the righteous will be revoked. Who did He intrust the land to? The Church (government), the Christians, trustees of Christ's Kingdom. Are not the riches of the world stored up for the righteous? Do not the kingdoms of the world, become the Kingdom of Christ, upon his return? So who are the true benefactors of the one and only Lawful land Grant? The servants of Jesus Christ!

READABILITY INDEX: 16.97

4th 6th 8th 10th 12th 14th

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| SIMPLE | GOOD | COMPLEX

Readers need a 17th grade level of education. The writing is complex and may be difficult to read.

If you have a hard time understanding this statute, don't be surprised. You will be in good company, our fore fathers with their high level of education would have a hard time understanding this statute. By the way, the Informer has said since his early book "Which One Are You", that we were still subject to the king and under the ryot-tenure system, since the inception of this country.

Under The Statues of 32. Hen. VIII c. 84. (1540) (a) Parties

St. 32 Hen. VIII. c. 84, Where before this time divers, as well temporal as ecclesiastical and religious persons, have made sundry leases, demises and grants to divers other persons, of sundry manors, lordships, forms, meases, lands, tenements, meadows, pastures, or other hereditaments, for term of life or lives, or for term of years, by writing under their seal or seals, containing certain conditions, covenants and agreements to be performed, as well on the part and behalf of the said lessees and grantees, their executors and assigns, as on the behalf of the said lessors and grantors, their heirs and successors; (2) and forasmuch as by the common law of this realm, no stranger to any covenant, action or condition, shall take any advantage or benefit of the same, by any means or ways in the law, but only such as be parties or privies thereunto, by the reason whereof, as well all grantee of reversions, as also all grantees and patentees of the King our sovereign lord, of sundry manors, lordships, granges, forms, meases, lands tenements, meadows, pastures, or other hereditaments late belonging to monasteries, and other religious and ecclesiastical houses dissolved, suppressed, renounced, relinquished, forfeited, given up, or by other means come to the hands and possession of the King's majesty since the fourth day of February the seven and twentieth year of his most noble reign, be excluded to have any entry or action against the said lessees and grantees, their executors or assigns, which the lessors for the breach of any condition, covenant or agreement comprised in the indentures of their said leases, demises and grants: (3) be it therefore enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That as well all and every person and persons, and bodies politic, their heirs, successors and assigns, which have or shall have any gift or grant of our said sovereign lord by his letters patents of any lordships, manors, lands, tenements, rents, parsonages, tithes, portions, or any other hereditaments, or of any reversion or reversions of the same, which did belong or appertain to any of the said monasteries, and other religious and ecclesiastical houses, dissolved, suppressed, relinquished, forfeited, or by any other means come to the King's hands since the said fourth day of February the seven and twentieth year of his most noble reign, or which at any time heretofore did belong or appertain to any other person or persons, and after came to the hands of our said sovereign lord, (4) as also all other persons being grantees or assignees to or by our said sovereign lord the King, or to or by any other person or persons than the King's highness, and the heirs, executors, successors and assigns of every of them, (5) shall and may have and enjoy

like advantage against the lessees, there executors, administrators and assigns, by entry for non-payment of the rent, or for doing of waste or other forfeiture; (6) and also shall and may have and enjoy all and every such like, and the same advantage, benefit and remedies by action only, for not performing of the other conditions, covenants or agreements contained and expressed in the indentures of their said lessees, demises or grants, against all and every the said lessees and farmers and grantees, their executors, administrators and assigns, as the said lessors or grantors themselves, or their heirs or successors, ought, should, or might have had and enjoyed at any time or times, (7) in like manner and form as if the reversion of such lands, tenements or hereditaments had not come to the hands of our said sovereign lord, or as our said sovereign lord, his heirs and successors, should or might have had and enjoyed in certain cases, by virtue of the act made at the first session of this present parliament, if no such grant by letters patent had been made by His Highness. II. Moreover be it enacted by authority aforesaid, That all farmers, lessees and grantees of lordships, manors, lands, tenements, rents, parsonages, tithes, portions, or any other hereditaments for term of years, life or lives, their executors, administrators and assigns, shall and may have like action, advantage and remedy against all and every person and persons and bodies politic, their heirs, successors and assigns, which have or shall have any gift or grant of the King our sovereign lord, or of any other person or persons, of the reversion of the same manors, lands, tenements, and other hereitaments so letten, or any parcel thereof, for any condition, covenant or agreement contained or expressed in the indentures of their lesse or leases, as the same lessees, or any of them might and should have had against the said lessors and grantors, their heirs and successors; (2) all benefits and advantages of recoveries in value by reason of any warranty in deed or in law by voucher or otherwise only excepted. Footnote #1 "The Statute deals only with actions by the assignee of the reversion against the lessee or his assignee, and actions by the lessee or his assignee against the assignee of the reversion; and not with actions by the lessor against the assignee of the lessee, or e contra, which actions seem therefore to be governed by the common law." 1 Smith, L. C. (10th ed.) 74

Marty, you are right, the 14th Amendment is very relevant, but I think you misunderstood just what its implications are. If you will read British Colony part III, I include forgotten history, that shows just how relevant the 14th Amendment argument is. However, after you learn this information, if you do not already know it, you will come to the conclusion the Informer and I have come to. No reoccurring remedy will be obtained in the courts, just brief aberrations of justice based on the demeanor or impatience of the judge, or his/her lack of self-confidence based on the judges lack of knowledge concerning public policy. Once the judges know their decisions will not be overturned, or their careers damaged, defeat of patriot arguments will be swift, and the penalty for frivolous law suits will be just as swift and increase with intolerance of the Judiciary. I don't mean to sound like a stick in the mud, but it is true. Only through the education of the public, coinciding with the coming financial pain, will change the publics perception of their freedom. Unfortunately I fear it will be to late to make any changes, until Rome self-destructs.

James Montgomery

Ken, I thought I would send you this email, in case you also are sent the original message, like the one you just sent me, from eagleflit. You will see a quote below from Burke, I thought I would add a few more quotes that were not in the original message, from Burke. I can make you a copy of Burke's speech if you are interested. It is 87 pages in total, there are many more pearls contained in his speech. I am in the process of typing in several pages of quotes. The setting for his speech was just before the 1776 war, he was arguing against the use of force. The majority of the House of Commons wanted to beat the colonies into submission. I just tonight obtained a copy of the complete work of Adam Smith, Al and I each have different books, containing portions of his complete work. His complete work is 800 pages, we can hook up on the modem and I could send it to you. As you will see below from the additional quotes, if you are not yet convinced of what I have been saying on this subject, you will be. Also, if you have ever wondered where the American taxing system came from, there will be no doubt after you read the below quotes from Adam Smith. The below quotes are only a portion of what I marked in skimming his book tonight. He obviously goes into more detail, in his 800 page book.

"But my idea of it is this; that an empire is the aggregate of many states under one common head, whether this head be a monarch or a presiding republic." Speech of Sir Edmund Burke, before the House of Commons, March 22, 1775

What was it Franklin said, when asked what government have you given us, in reply he said a Republic. Our fore fathers were protecting their ass-ets and seeking to remain subject to the king in a hidden way. For which they were to receive further privileges. I would love to be able to look into the old English records and see if their personal land holdings in England increased, after the 1783 Peace Treaty and the 1787 Constitution/Charter were approved, by an unsuspecting public.

"Men may lose little in property by the act which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the two-pence lost that constitutes the capital outrage." Speech of Sir Edmund Burke, before the House of Commons, March 22, 1775

"The people heard, indeed, from the beginning of these disputes, one thing continually dinned in their ears, that reason and justice demanded that the Americans, who paid no taxes, should be compelled to contribute." Speech of Sir Edmund Burke, before the House of Commons, March 22, 1775

"Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be." Speech of Sir Edmund Burke, before the House of Commons, March 22, 1775

"Their wealth was considered as our wealth. Whatever money was sent out to them, it was said, came all back to us by the balance of trade, and we could never become a farthing the poorer by any expense which we could lay out upon them. They were our own in every respect, and it was an expense laid out upon the improvement of our own property and for the profitable employment of our own people." 1776, AN INQUIRY INTO THE NATURE AND CAUSES OF THE WEALTH OF NATIONS by Adam Smith

Need I say more, I have been ridiculed by some for what I have said, in respect to our continued subjection to England, and I am sure Al has to. The above quote is further evidence that the king did not relinquish his contract/Charters and land grants/patents to the United States. Instead he preserved his ability to receive gain through his taxes for

his investment. The below quotes will make you realize that the present tax system was put in place by the king and is completely British, and the way they chose to continue to receive the king's profit from his investment, as declared in his Charters. The federal reserve was also placed here by the Crown, which is proven in the Congressional Record, included in this message and what was included in the Banking paper I did. It is so clear I could even prove it to the average American, given the time, money and opportunity to present it.

"Before I enter upon the examination of particular taxes, it is necessary to premise the four following maxims with regard to taxes in general. I. The subjects of every state ought to contribute towards the support of the government, as nearly as possible, in proportion to their respective abilities; that is, in proportion to the revenue which they respectively enjoy under the protection of the state. The expense of government to the individuals of a great nation is like the expense of management to the joint tenants of a great estate, who are all obliged to contribute in proportion to their respective interests in the estate. In the observation or neglect of this maxim consists what is called the equality or inequality of taxation. Every tax, it must be observed once for all, which falls finally upon one only of the three sorts of revenue above mentioned, is necessarily unequal in so far as it does not affect the other two. In the following examination of different taxes I shall seldom take much further notice of this sort of inequality, but shall, in most cases, confine my observations to that inequality which is occasioned by a particular tax falling unequally even upon that particular sort of private revenue which is affected by it. II. The tax which each individual is bound to pay ought to be certain, and not arbitrary. The time of payment, the manner of payment, the quantity to be paid, ought all to be clear and plain to the contributor, and to every other person. Where it is otherwise, every person subject to the tax is put more or less in the power of the tax-gathered, who can either aggravate the tax upon any obnoxious contributor, or extort, by the terror of such aggravation, some present or perquisite to himself. The uncertainty of taxation encourages the insolence and favours the corruption of an order of men who are naturally unpopular, even where they are neither insolent nor corrupt. The certainty of what each individual ought to pay is, in taxation, a matter of so great importance that a very considerable degree of inequality, it appears, I believe, from the experience of all nations, is not near so great an evil as a very small degree of uncertainty. III. Every tax ought to be levied at the time, or in the manner, in which it is most likely to be convenient for the contributor to pay it. A tax upon the rent of land or of houses, payable at the same term at which such rents are usually paid, is levied at the time when it is most likely to be convenient for the contributor to pay; or, when he is most likely to have wherewithal to pay. Taxes upon such consumable goods as are articles of luxury are all finally paid by the consumer, and generally in a manner that is very convenient for him. He pays them by little and little, as he has occasion to buy the goods. As he is at liberty, too, either to buy, or not to buy, as he pleases, it must be his own fault if he ever suffers any considerable inconveniency from such taxes. IV. Every tax ought to be so contrived as both to take out and to keep out of the pockets of the people as little as possible over and above what it brings into the public treasury of the state. A tax may either take out or keep out of the pockets of the people a great deal more than it brings into the public treasury, in the four following ways. First, the levying of it may require a great number of officers, whose

salaries may eat up the greater part of the produce of the tax, and whose perquisites may impose another additional tax upon the people. Secondly, it may obstruct the industry the people, and discourage them from applying to certain branches of business which might give maintenance and unemployment to great multitudes. While it obliges the people to pay, it may thus diminish, or perhaps destroy, some of the funds which might enable them more easily to do so. Thirdly, by the forfeitures and other penalties which those unfortunate individuals incur who attempt unsuccessfully to evade the tax, it may frequently ruin them, and thereby put an end to the benefit which the community might have received from the employment of their capitals. An injudicious tax offers a great temptation to smuggling. But the penalties of smuggling must rise in proportion to the temptation. The law, contrary to all the ordinary principles of justice, first creates the temptation, and then punishes those who yield to it; and it commonly enhances the punishment, too, in proportion to the very circumstance which ought certainly to alleviate it, the temptation to commit the crime. Fourthly, by subjecting the people to the frequent visits and the odious examination of the tax-gatherers, it may expose them to much unnecessary trouble, vexation, and oppression; and though vexation is not, strictly speaking, expense, it is certainly equivalent to the expense at which every man would be willing to redeem himself from it. It is in some one or other of these four different ways that taxes are frequently so much more burdensome to the people than they are beneficial to the sovereign." 1776, AN INQUIRY INTO THE NATURE AND CAUSES OF THE WEALTH OF NATIONS by Adam Smith

"It is not contrary to justice that both Ireland and America should contribute towards the discharge of the public debt of Great Britain. That debt has been contracted in support of the government established by the Revolution, a government to which the Protestants of Ireland owe, not only the whole authority which they at present enjoy in their own country, but every security which they possess for their liberty, their property, and their religion; a government to which several of the colonies of America owe their present charters, and consequently their present constitution, and to which all the colonies of America owe the liberty, security, and property which they have ever since enjoyed. That public debt has been contracted in the defence, not of Great Britain alone, but of all the different provinces of the empire; the immense debt contracted in the late war in particular, and a great part of that contracted in the war before, were both properly contracted in defence of America." 1776, AN INQUIRY INTO THE NATURE AND CAUSES OF THE WEALTH OF NATIONS by Adam Smith

"The expense of the peace establishment of the colonies was, before the commencement of the present disturbances, very considerable, and is an expense which may, and if no revenue can be drawn from them ought certainly to be saved altogether. This constant expense in time of peace, though very great, is insignificant in comparison with what the defence of the colonies has cost us in time of war. The last war, which was undertaken altogether on account of the colonies, cost Great Britain, it has already been observed, upwards of ninety millions. The Spanish war of 1739 was principally undertaken on their account, in which, and in the French war that was the consequence of it, Great Britain spent upwards of forty millions, a great part of which ought justly to be charged to the colonies. In those two wars the colonies cost Great Britain much more than double the sum which the national debt amounted to before the commencement of

the first of them. Had it not been for those wars that debt might, and probably would by this time, have been completely paid; and had it not been for the colonies, the former of those wars might not, and the latter certainly would not have been undertaken. It was because the colonies were supposed to be provinces of the British empire that this expense was laid out upon them. But countries which contribute neither revenue nor military force towards the support of the empire cannot be considered as provinces. They may perhaps be considered as appendages, as a sort of splendid and showy equipage of the empire. But if the empire can no longer support the expense of keeping up this equipage, it ought certainly to lay it down; and if it cannot raise its revenue in proportion to its expense, it ought, at least, to accommodate its expense to its revenue. If the colonies, notwithstanding their refusal to submit to British taxes, are still to be considered as provinces of the British empire, their defence in some future war may cost Great Britain as great an expense as it ever has done in any former war. The rulers of Great Britain have, for more than a century past, amused the people with the imagination that they possessed a great empire on the west side of the Atlantic. This empire, however, has hitherto existed in imagination only. It has hitherto been, not an empire, but the project of an empire; not a gold mine, but the project of a gold mine; a project which has cost, which continues to cost, and which, if pursued in the same way as it has been hitherto, is likely to cost, immense expense, without being likely to bring any profit; for the effects of the monopoly of the colony trade, it has been shown, are, to the great body of the people, mere loss instead of profit." 1776, AN INQUIRY INTO THE NATURE AND CAUSES OF THE WEALTH OF NATIONS by Adam Smith

That is a good question, in 1213 because the Pope had earlier withdrawn his emissary and blessings, the king of England felt compelled to reestablish the blessings of the Pope, thereby God's Blessings, as he believed it. It was hard to get knights to go to the crusades and fight wars and of conquest and die without the blessings of God Almighty. See below quotes:

11. "To those knights who render military service for their lands I grant of my own gift that the lands of their demesne ploughs be free from all payments and all labor, so that, having been released from so great a burden, they may equip themselves well with horses and arms and be fully prepared for my service and the defense of my kingdom." Charter of Liberties of Henry I, 1100

"All who die by the way, whether by land or by sea, or in battle against the pagans, shall have immediate remission of sins. This I grant them through the power of God with which I am invested." Pope Urban II: Speech at Council of Clermont, 1095, according to Fulcher of Chartres

Because of the power of the Pope to raise armies, the king had to do anything he could to regain the blessing of the Church, via the Pope. So in 1213 by way of Charter/trust, the king gave all of his holding to the Pope, including England and Ireland, all that he possessed, and placed his subjects forever under the dictates of the Pope. You can find a copy of this Charter in the, "In A Nutshell" paper I just sent you.

So you now you know what the king did and why. Now you have to ask yourself, is the 1213 Charter still valid law? I obviously don't have receipts from the gold and silver taxes paid to the Pope, but there are ways to know the answer.

First, in 1689 there was a Declaration of Rights that took place after civil war in England. Charles I was beheaded and Charles II took over the thrown, but what took place was even more drastic than a change in monarchy. Theology and Doctrine was turned on its head, King William declared that England and his subjects were no longer under the Pope or the Catholic Church. Even today you can see this division, in Ireland with the IRA who remain loyal to the Pope and Unionist that remain loyal to the king and the Protestant doctrine stemming back to king William. The Declaration went on to declare many rights for the subjects of king William. Did the 1689 Declaration of Rights with the blessing of king William void the 1213 Charter?

III. Provided that no charter or grant or pardon granted before the three and twentieth day of October in the year of our Lord one thousand six hundred eighty-nine shall be any ways impeached or invalidated by this Act, but that the same shall be and remain of the same force and effect in law and no other than as if this Act had never been made.

King William's lawyers said in this section ,that if any Charter or Grant prior to this 1689 Declaration of Rights, is contradicted by this Declaration as a matter of law the Declaration is as if it were never written. There are several truths to be taken from this, the obvious one is the 1213 Charter could not be invalidated because it is a non-revokable trust, a contract. Only the parties to the contract can void a trust. Parties to the trust continue to be born even today. Also, the freedom imagined by the subjects was just that, imagined, remember the quotes from Sir Edmond Burke I included in the previous email? Here is another one:

"If America gives you taxable objects on which you lay your duties here, and gives you, at the same time, a surplus by a foreign sale of her commodities to pay the duties on these objects which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments, she may, I doubt not she will, contribute in moderation. I say in moderation, for she ought not to be permitted to exhaust herself. She ought to be reserved to a war, the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially. For that service - for all service, whether of revenue, trade, or empire - my trust is in her interest in the British Constitution. My hold of the Colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties which, through light as air, are as strong as links of iron. Let the Colonists always keep the idea of their civil rights associated with your government, they will cling and grapple to you, and no force under heaven will be of power to tear them from their allegiance." Burke on Conciliation with the Colonies, March 22, 1775, pages 71,72, published by Allyn and Bacon

As I said, king William made it clear he did not have the power, or legal authority to void the 1213 Charter with the Pope, or any other Charter that came into conflict with the 1689 Declaration of Rights. Now this is one witness to what I said in British Colony parts I, II and III. So as of 1689, the 1213 Charter was still law, is it still law today here is another witness I just got last night.

"The Bill of Rights of 1689. which is still in force as statute law and remains our central constitutional document,..."fn # "The Bill of Rights is perhaps the nearest approach to a constitutional code which we possess", Sir William Anson, The law and Custom of the Constitution, (5th Edn., Oxford 1922). Bill of Rights by Richard Munday

In *Bowles v. Bank of England*:

"The Bill of Rights still remains unrepealed, and no practice or custom, however prolonged, or however acquiesced in on the part of the subject, can be relied on by the Crown as justifying any infringement of its provisions."

And to bring this fact to the present:

"It is ironical, but perhaps unsurprising, that recent years have seen calls for a new Bill of Rights:" cf., e.g., A. Lester, *A British Bill of Rights* (2nd edn., Institute for Public Policy Research 1996).

So to answer your question, yes Britain is still subject to Rome, unknown to the Brits. Is it possible for such a important fact to remain hidden; the facts say yes. Also, as the Brits recognize the 1689 Declaration of Rights to still be the law in Britain, and their Constitution, we are faced with the same thing in this country. Do not Americans believe themselves to be totally free, and claim the Bill of Rights in our Constitution and the Declaration of Independence, which is modeled after the 1215 Magna Charta? Did not Sir Edmund Burke say in the quote above, "Let the Colonists always keep the idea of their civil rights associated with your government, they will cling and grapple to you, and no force under heaven will be of power to tear them from their allegiance."?

We are a colony yet today, be it unknown, lack of knowledge does not change the facts. Just because the World was believed to be flat in the middle ages, did not make it indeed flat. A portion of the taxes paid to day go by treaty to Great Britain. Our tax system was given to us by England, our Federal Reserve was given to us by the Bank of England. The Bankruptcy of England in the 1700, and their debt was taken over by the Rothchilds, who controlled the Bank of England. If you want to learn more about this issue you I will send you "A Country Defeated In Victory, parts I and II, and read the attached Congressional Record. Where did the Rothchilds get their money, seemingly overnight and enough to finance war and government around the world including the United States, the Vatican? The Vatican, via, the Pope is the only source of such immense wealth. The Pope regained land given him in the Charter of 1213 thru debt and taxes and supplying financial assistance at the right time. How did the king regain his land in America as declared in his Charters? Debt taxes and supplying financial assistance at the right time. I wonder where he learned this practice from?

James Montgomery

Hello Bill,

I agree completely, I have already reported this along with documentation, so has the Informer, maybe you have not seen it. In 1213 the king of England ceded all of his holding to the Pope. This is why Pope Innocent III is one of the parties of interest in the 1215 Magna Charta, and later that same year declared the Magna Charta to null and void. The 1213 Charta was reconfirmed in the Declaration of rights of 1689, wherein after declaring many rights for the people of England and that they were no longer subject to the Pope or the Catholic Church, declared in the last section this Declaration of Rights would be null and void if it came into conflict with any prior Charta, see the following quote:

"III. Provided that no charter or grant or pardon granted before the three and twentieth day of October in the year of our Lord one thousand six hundred eighty-nine shall be any ways impeached or invalidated by this Act, but that the same shall be and remain of

the same force and effect in law and no other than as if this Act had never been made."

In the Treaty of Verona, November 22, 1822, the Pope entered an agreement with Austria, France and Russia to destroy all self representative forms of government, because it threatened all monarchies. The Pope's henchman, the jesuits have been responsible for the down fall of governments and murders all over the world, the most known was Abraham Lincoln. The Secret Treaty of Verona it says:

Article 1: "The high contracting powers being convinced that the system of representative government is equally as incompatible with the monarchical principles as the maxim of the sovereignty of the people with the divine right, engage mutually, to the system of representative governments, in whatever country it may exist in Europe, and to prevent its being introduced in those countries where it is not yet known."

President Lincoln knew what was being done, just before he took office he said: "As George Washington was the first President, so James Buchanan will be the last President of the United States." There was a huge undertaking to bring America and her people back under rule of England and the Pope. The attack and conquest was complete and universal, England admonished the South for their owning slaves and making war against the United States. The Pope's henchmen, the jesuit priests in the South insured the wrath of the North, after the jesuits (Freemasons one and all), murdered President Lincoln. The leader of the six jesuits priests, John H. Surratt, escaped to England where he stayed, hidden by the Catholic Church until safe passage could be arranged to Rome. John Wilkes Booth was initiated into the Knights of the Golden Circle in Baltimore in the fall of 1860, and was not brought into the plot to kill President Lincoln until November of 1864, where in a meeting with the other jesuit conspirators, Booth was drawn by lot, to kill President Lincoln. John H. Surratt was finally caught and returned for trial for his part in the assassination. Jesuit priest filled the court room daily during his trial, on July 26, 1867 the jury came back split, half for conviction and acquittal. Surratt was jailed and denied bail, the following September his case was nolle prosequi, meaning the case would not be tried again. Surratt was then indicted for rebellion and later the district attorney entered the same nolle prosequi. The jesuit priest John H. Surratt, proven to be the ring leader in the death of President Lincoln was untouchable. In the affidavit of Henri De Sainte Marie, Aims Report, House of Representatives, 39th Session Congress, Page 15, Ex. Document No. 9., he says: "I believe he is protected by the clergy and that the murder is the result of a deep laid plot, not only against the life of President Lincoln but against the existence of the republic, as we are aware that priesthood and royalty are and always have been opposed to liberty. " (Henri De Sainte Marie, Rufus King, Minister Resident)

After the 1213 Charter made the Pope Contracting party, he and the monarchs of Europe declared in this treaty that representative governments were an enemy to the Catholic Church and the monarchies of the earth. As we know the monarchy of England retains its claim to America, but not without intervening and destroying the 1787 Constitution. The third prong of their attack was the Bank of England, taken over by the Rothschilds money after Britain's bankruptcy. The Rothchilds put in place the Bank of the United States and later the Federal Reserve, which was born in the Bank of England. Where did the Rothschilds get their huge gold reserve? It seems like their banking house just suddenly appeared in the 1700's. In 1850 in the preface of "The Negation Of God", M. About said: "...the Rothschilds who would borrow money from the Pope at six per cent interest".

The tremendous amount of capital it took to bankroll many of the countries the Rothschilds loaned to only existed in Rome. Why? To bankrupt the world, to hold the title to all land, and to rule the people of the world. The Pope's plan is almost complete, but his ownership will be short lived. The above is a matter of history, but is never taught and is allowed to disappear from all but old history books, lost forever, thanks to the advent of television.

I wonder if you would believe substance or historical fact? I can wall paper my walls with historical fact, since that is what the Informer and I base our facts on.

The united states is still a British colony and the 1787 Constitution does not exist. You obviously have not studied our English and American history, because my friend "I" did not write it.

Let's look at some facts, I am not going to deal with the British issue, since you have not excepted a more recent historical fact, the death of the 1787 Constitution.

1. The Constitution is a contract/charter between the states, creating a corporation called the united States government.

2. This contract/charter contains the bylaws of the united States, concerning its powers or lack or power, if any part of a contract between the creating parties is broken it dissolves the contract/charter.

3. The Constitution states clearly enough, that even you could not question its intent; Article IV section 4, The United States shall guarantee to every State in this Union a Republican Form of government.

4. If you had studied history you would know, the state governments of the southern states were booted out and un-elected governments put in their place, so the 14th Amendment would be ratified. The U.S. government not only denied a Republican form of government to the southern states, it removed a Republican form of government from them. From this act alone the 1787 Constitution was dead and a new Constitution forced on the southern states.

5. Article V section 1, and that no state , without its Consent, shall be deprived of its equal Suffrage in the Senate. The Senators of all southern states were kicked out of the Senate, along with the New Jersey Senator.

6. Not only was the Constitution ripped to shreds by the above unlawful acts but this was a political/military take over. All of the southern states were Democrat and the northern states Republican, the action of the northern states destroyed a two party system, and said you will not only vote as we say, you will also change your state constitutions to read as we dictate.

7. If this was not enough to destroy the Constitution, these same renegade northern states passed the Reconstruction Acts. These Acts were declared un-Constitutional by President Johnson, a lawful President. His veto was overridden by an unlawful congress, an unrepresented government, because 12 lawful Constitutional states were removed by force. A government that no longer had any lawful form as proven above, was trying to do business outside of the charter that gave it life.

8. I mentioned the Senator from New Jersey, he had taken his seat in the Senate and was properly voted in by his state, he was then removed by an unlawful U.S. government, only represented by the northern states.

9. The southern states just before the political take over, retook their seats in the House

and the Senate, voted and ratified the 13th Amendment, proving they were once again lawful parties to oversee the 1787 Constitution, which also proves they had Republican forms of government, and that these governments were militarily overthrown.

10. By the above facts a 1787 Constitutional government DOES NOT EXIST, NOR CAN IT, the contract and charter were broken and a new form of government installed by military force, different from the approved 1787 government. This de facto government still exists today only by its military powers and martial rule. The action taken by the northern states was a military coup d'etat.

I know you want some historical proof so here it is. If you are man enough to admit that you are wrong, email me with your real name and I will send you all the historical proof you can handle. Don't accuse the Informer or myself in front of others in an assumed name, of not having proof of what we are saying, or I will assume, as will others that you are a government employee, doing damage control, trying to protect your spineless backside. (paycheck)

HISTORICAL FACTS—CAN YOU REBUT THEM OR CHANGE HISTORY?

Furthermore; on April 2, 1866, President Andrew Johnson issued a "Proclamation" that: "The insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi and Florida is at an end, and is henceforth to be so regarded."

Veto Message of President Johnson, March 2, 1867

"It is plain that the authority here given to the military officer amounts to absolute despotism. But to make it still more unendurable, the bill provides that it may be delegated to as many subordinates as he chooses to appoint, for it declares that he shall 'punish or cause to be punished'. Such a power has not been wielded by any Monarch in England for more than five hundred years. In all that time no people who speak the English language have borne such servitude. It reduces the whole population of the ten States- all persons, of every color, sex and condition, and every stranger within their limits- to the most abject and degrading slavery. No master ever had a control so absolute over the slaves as this bill gives to the military officers over both white and colored persons...." "I come now to a question which is, if possible, still more important. Have we the power to establish and carry into execution a measure like this? I answer, 'Certainly not', if we derive our authority from the Constitution and if we are bound by the limitations which is imposes.".... "The United States are bound to guarantee to each State a republican form of government. Can it be pretended that this obligation is not palpably broken if we carry out a measure like this, which wipes away every vestige of republican government in ten States and puts the life, property, and honor of all people in each of them under domination of a single person clothed with unlimited authority?" ".....,here is a bill of attainder against 9,000,000 people at once. It is based upon an accusation so vague as to be scarcely intelligible and found to be true upon no credible evidence. Not one of the 9,000,000 was heard in his own defense. The representatives of the doomed parties were excluded from all participation in the trial. The conviction is to be followed by the most ignominious punishment ever inflicted on large masses of men. It disfranchises them by hundreds of thousands and degrades them all, even those who are admitted to be guiltless, from the rank of freeman to the condition of slaves." Veto Message of President Johnson, March 2, 1867

"As a result of these decisions, enforcement of the Reconstruction Act against the Southern States, helpless to resist military rule without aid of the judiciary, went forward unhampered. Puppet governments were founded in these various States under military auspices. Through these means the adoption of new state constitutions, conforming to the requirements of Congress, was accomplished. Likewise, one by one, these puppet state governments ratified the Fourteenth Amendment, which their more independent predecessors had rejected. Finally, in July 1868, the ratifications of this amendment by the puppet governments of seven of the ten Southern States, including Louisiana, gave more than the required ratification by three-fourths of the States, and resulted in a Joint Resolution adopted by Congress and a Proclamation by the Secretary of State, both declaring the Amendment ratified and in force." *Tulane Law Review, The Dubious Origin Of The Fourteenth Amendment.* page 36

"Despite the fact that the southern States had been functioning peacefully for two years and had been counted to secure ratification of the Thirteenth Amendment, Congress passed the Reconstruction Act, which provided for the military occupation of 10 of the 11 southern States. It excluded Tennessee from military occupation and one must suspect it was because Tennessee had ratified the Fourteenth Amendment on July 7, 1866. The Act further disfranchised practically all white voters and provided that no Senator or Congressman from the occupied States could be seated in Congress until a new Constitution was adopted by each State which would be approved by Congress. The Act further provided that each of the 10 States was required to ratify the proposed Fourteenth Amendment and the Fourteenth Amendment must become a part of the Constitution of the United States before the military occupancy would cease and the States be allowed to have seats in Congress." *Dyett v. Turner* 439 p2d 266 @ 269, 20 U2d 403

"The decisions wherein grounds were found for avoiding a ruling on the constitutionality of the Reconstruction Act leave the impression that our highest tribunal failed in these cases to measure up to the standard of the judiciary in a constitutional democracy. If the Reconstruction Act was unconstitutional, the people oppressed by it were entitled to protection by the judiciary against such unconstitutional oppression." *Tulane Law Review, The Dubious Origin Of The Fourteenth Amendment.* page 34

"The adversary or the skeptic might assert that, after a lapse of more than eighty years, it is too late to question the constitutionality or validity of the coerced ratifications of the Fourteenth Amendment even on substantial and serious grounds. The ready answer is that there is no statute of limitations that will cure a gross violation of the amendment procedure laid down by Article V of the Constitution." *Tulane Law Review, The Dubious Origin Of The Fourteenth Amendment.* page 43

The following, is an excerpt from Joint Resolution No.1 of the State of New Jersey of March 24, 1868, when they rescinded their prior ratification and rejected: "It being necessary, by the Constitution, that every amendment to the same, should be proposed by two thirds of both Houses of Congress, the authors of said proposition, for the purpose of securing the assent of the requisite majority, determined to, and did, exclude from the said two Houses eighty representatives from eleven States of the Union, upon the pretence that there were no such States in the Union; but, finding that two-thirds of the remainder of said Houses could not be brought to assent to the said proposition, they deliberately formed and carried out the design of mutilating the integrity of the United

States Senate, and without any pretext or justification, other than the possession of power, without the right and in palpable violation of the Constitution, ejected a member of their own body, representing this State, and thus practically denied to New Jersey its equal suffrage in the Senate and thereby nominally secured the vote of two-thirds of the said Houses." "The object of dismembering the highest representative assembly in the Nation, and humiliating a State of the Union, faithful at all times to all of its obligations, and the object of said amendment were one- to place new and unheard of powers in the hands of a faction, that it might absorb to itself all executive, judicial and legislative power, necessary to secure to itself immunity for the unconstitutional acts it had already committed, and those it has since inflicted on a too patient people."

"The subsequent usurpation of these once national assemblies, in passing pretended laws for the establishment, in ten States, of martial law, which is nothing but the will of the military commander, and therefore inconsistent with the very nature of all law, for the purpose reducing to slavery men of their own race to those States, or compelling them, contrary to their own convictions, to exercise the elective franchise in obedience to dictation of a fraction in those assemblies; the attempt to commit to one man arbitrary and uncontrolled power, which they have found necessary to exercise to force the people of those States into compliance with their will; the authority given to the Secretary of War to use the name of the President, to countermand its President's order, and to certify military orders to be by the direction of the President' when they are notoriously known to be contrary to the President's direction, thus keeping up the forms of the Constitution to which the people are accustomed, but practically deposing the President from his office of Commander-in-Chief, and suppressing one of the great departments of the Government, that of the executive; the attempt to withdraw from the supreme judicial tribunal of the Nation the jurisdiction to examine and decide upon the conformity of their pretended laws to the Constitution, which was the Chief function of that August tribunal, as organized by the fathers of the republic: all are but amplified explanations of the power they hope to acquire by the adoption of the said amendment."

"To conceal from the people the immense alteration of the fundamental law they intended to accomplish by the said amendment, they gilded the same with propositions of justice..." "It imposes new prohibitions upon the power of the State to pass laws, and interdicts the execution of such part of the common law as the national judiciary may esteem inconsistent with the vague provisions of the said amendment; made vague for the purpose of facilitating encroachment upon the lives, liberties and property of the people."

"It enlarges the judicial power of the United States so as to bring every law passed by the State, and every principle of the common law relating to life, liberty, or property, within the jurisdiction of the Federal tribunals, and charges those tribunals with duties, to the due performance of which they, from their nature and organization, and their distance from the people, are unequal."

"It makes a new apportionment of representatives in the National courts, for no other reason than thereby to secure to a faction a sufficient number of votes of a servile and ignorant race to outweigh the intelligent voices of their own."

"This Legislature, feeling conscious of the support of the largest majority of the people that has ever been given expression to the public will, declare that the said proposed

amendment being designed to confer, or to compel the States to confer, the sovereign right of elective franchise upon a race which has never given the slightest evidence, at any time, or in any quarter of the globe, of its capacity of self-government, and erect an impracticable standard of suffrage, which will render the right valueless to any portion of the people was intended to overthrow the system of self-government under which the people of the United States have for eighty years enjoyed their liberties, and is unfit, from its origin, its object and its matter, to be incorporated with the fundamental law of a free people." (The 14th Amendment to the Constitution of the United States and the threat that it poses to our democratic government, Pinckney G. McElwee, South Carolina Law Quarterly 1959)

Hello Rob,

I am going to answer your questions, but first I must lay a few things out. I have been out of this system, as much as one can since 1992. I have caused myself a great deal of problems, thinking I was doing the Lords will, based on certain scriptures. Such as, you cannot serve two masters, you love one and hate the other, paraphrase, and come out of Babylon, lest you suffer her plagues, paraphrase, just to name a few.

Lets first look at why I and others have felt compelled to come out of this system. I and others have discovered fraud and deception in our government. Not to mention oppression and great harm to many in this country, via the IRS and the other alphabet agencies. The greatest problem that I have found is that, not only is the above true, but our history has been covered up, modified by unnamed individuals, to change the course of our government. This goes back to the founding of our country. I am talking about the Charters creating the commercial enterprise we now call the United States. I can prove that we were allowed and encouraged to believe we were free, and that the Declaration of Independence and the Revolutionary War were overturned by the Peace Treaty of 1783, Jay Treaty of 1795 and the Treaty of Ghent 1814.

I can prove our forefathers for the most part were mainly concerned with their holdings in England, and their fortunes that were tied to England, through trading in their businesses. Because of this they conceded to the wishes of the king and allowed him to retain control of his Colonies, but do it in a way that the Colonist would not be aware of. The United States Constitution was just a continuation of the earlier Charters, a continuation of the king's corporate enterprise.

The states granted certain powers in the 1787 Constitution to the United States government (corporation) it created, and no more. Yet, I can prove as early as 1791 Congress violated the corporate Charter and gave unconstitutional powers to the President, whereby President Washington created District states, by "dividing the states", his words. Since that time Congress has continued to ceded Congressional powers to the President completing the office of king. Congress is now going to give the President fast track authority to enter treaties, without prior Senate approval.

The biggest fraud and unconstitutional act to take place was during and after the Civil War. Namely the death of the 1787 Constitution, via Congress going out of session, Sine Die in 1861, and the passage of the Fourteenth Amendment. Congress then installed an unconstitutional de facto government, under the disguise of the 1787 Constitution, which forbid their actions. The re declaration of War against the South, after the Civil War was

over, and after they were granted a full pardon by President Johnson, was against the 1787 Constitution and American jurisprudence. Since that time we have had a military government, not a Constitutional government. As soon as Congress went Sine Die as a result of the Southern states removing their representatives from Congress, the United States government had to operate in its military capacity. President Lincoln had to act as Commander-in-Chief, it was the only position left, he could not act as President, all states were not represented in Congress, so the corporation was dissolved. After the Civil War and pardon, the Southern states retook their seats in Congress. The northern states decided they would rather remain a de facto government, because they had more power that way, so they kicked the southern states out of Congress again and demanded the new United States Constitution be ratified by the southern states, before they could be re admitted again for a second time.

The Fourteenth Amendment was not properly ratified, and this is very easy to prove. The Republican governments of the south were kicked out of office by the military district commanders, and puppet governments put in place to pass the Amendment. This is a matter of history, but hardly anyone is aware of it. The fraud has been kept from Americans, by selected history being taught to Americans in the public school system, colored to meet the purpose of the military government and those they work for.

If that weren't enough, in 1933 all Americans were made enemies of the Bankers, to force us to pay their fraudulent debts, which they created. This brings us to the SS# problem you were asking about. This number has one purpose, to number and identify those responsible for the debt owed to the Bankers, making us chattel property, natural resources, or to be blunt, financial slaves. Even with all this, until recently I had not changed my opinion about coming out of this monetary system.

However, because of the nature of our government and its laws, this is not possible. The use of FRN'S is just as binding in maritime contract law. See Law of the Flag, in Bouvier's Law Dictionary. The physical presence of your body in this country, brings you under their military jurisdiction. Remember under the rules of Conquest and military rule (see the same dictionary), you have only the rights granted by the Commander-in-Chief. So to give up a job you have had for 20 years, and violate your oath to your family, to provide for their needs would be wrong and foolish. Why? Because you would not change anything by declaring you do not have a SS# and losing your job.

But even with this knowledge I was willing to endure all, if it was the will of God Almighty, that I stay out of this system. After a great deal of prayer and soul searching, the Lord showed me a verse that I had already been aware of years earlier. I had written a paper on the subject of Israel asking for another King, other than God Almighty, 1 Samuel 8.

Last year I was given a speeding ticket and was ready to go to jail if necessary. I believed God Almighty would be there with me to fight my battles, against my enemies, according to Psalms 91 and other verses. I asked the Lord to show me if it was His will for me to fight the system on THIS issue. The Lord brought to mind the verse out of Samuel 8, in that day when you cry out for me, I WILL NOT HEAR YOU. The truth of this blew me away, I was forced to reevaluate positions I have had for many years. God Almighty said, because we rejected Him as King, in that day when the earthly king oppress us He will not help us. If you fight the worldly king, you fight alone, this is suicide and utter futility,

which is not the will of God.

We were never free from the yoke of subjection, in regards to the king and queen of England. This brings me to another verse of God's Word that I based my separation on. If you are subject to a king remain there until the chance of freedom comes, paraphrase. Because I was taught we were freed from the king of England in 1776, I did not feel any obligation to a tyrannical government. However, what God Almighty said in 1 Samuel 8, is controlling me to speak. This is foundation for understanding all scripture on the subject of government, in relation to God Almighty's children in their relationship to civil government. God's Word makes it clear that the destruction of Babylon (this system) comes by His hand, not by ours, and not because of our being abused.

So the long and short of it is, we do not have a Constitutional government from which we could separate ourselves. Because of Conquest and military rule and our later being declared enemies of the government and the Bankers, we are under force of arms. In this condition you will do as you are told or else. I will leave the *or else* up to your imagination. So to write a letter to the Social Security Administration and declare you no longer have a SS#, means nothing. The only way to retake our Country would be to re-educate our youth, and get them in as many government jobs as possible. At the same time educate as many of the mainstream public as you can. This would be the only way to change anything. It took years to get into this situation, it will take years to get out of it, left to our own doing, without intervention by God Almighty. A small group of people with this knowledge will be denied access to critical government positions, and labeled extremists. The facts are what they are; in the system, or out of the system, the facts of our internment remain the same. I suggest you stay where you are and learn what you can, then teach this information to anyone who will listen.