The Unified Common Law Grand Jury of Southern Africa

aka Unified Grand Jury ZA aka UZA

“A government of all the people, by all the people, for all the people.”
T. Parker.

Universal Common Law and the ZA

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About us
The judiciary, as a separate and independent branch of government, should provide fair and accessible justice services that protect the rights of people, preserve community welfare and inspire real public confidence. There currently is no confidence in the status quo as all courts are commercial courts where contracts are enforced and the people’s trusts are being breached. All are equal before the law, therefore every court system should be: of all the people, by all the people, for all the people in order to achieve the law. Only lawful trial by jury community courts can protect the people’s rights. The values it holds should be common to all people, but these values also reflect the unique and pivotal role that the courts play in the cultural, social and economic life of every nation.

South Africa Law
South Africa has a 'hybrid' or 'mixed' legal system, formed by interweaving of a number of distinct legal traditions: a civil law system inherited from the Dutch, a common law system inherited from the British, and a customary law system inherited from indigenous Africans (often termed African Customary Law, of which there are many variations depending on the tribal origin). These traditions have had a complex interrelationship, with the English influence most apparent in procedural aspects of the legal system and methods of adjudication, and the Roman-Dutch influence most visible in its substantive private law. As a general rule, South Africa follows English law in both criminal and civil procedure, company law, constitutional law and the law of evidence; while Roman-Dutch common law is followed in the South African contract law, law of delict (tort), law of persons, law of things, family law, etc. With the commencement in 1994 of the interim Constitution, and in 1997 its replacement, the final Constitution, another strand has been added to this weave.
Sources of South African Law
South Africa’s law is sourced from (1) statutory law made by the legislative body (the most important of which is of course the Constitution), (2) common law (this includes the Roman-Dutch ‘old authorities’ and judicial precedent gleaned from case law), (3) African customary law, and (4) foreign and international law. Note that Custom, and Legal scholarship are not in themselves sources of law, although they inform the interpretation and application of law.

Sources of law that are binding or authoritative must be followed by judges in making decisions, while persuasive sources are not binding on their decisions. The authoritative effect of a source for a particular decision depends on the type of source, the position of the judge in the hierarchy of courts, and the other sources that are relevant to the question at hand.

Constitution
The Constitution of South Africa Act, 1996 (published as Act No. 108 of 1996) which governs and applies to all law and conduct within the territory of South Africa. Any law or conduct which contravenes the provisions of the Constitution is invalid and therefore illegal.

Statutory law
Statutory law is the codified part of the South African Law. These laws are contained in Acts and By laws, and various pieces of subordinate legislation, which is passed by the legislature of South Africa (Parliament).

Common Law Precedent
Not all law is contained in Acts passed by Parliament. Much of South African law is based on common law, and there is a great reliance on Common Law in South Africa. The development of the Common Law of South Africa is made possible by the fact that the South African courts follow the system of legal precedent or stare decisis. This enables a higher court to develop the law in such a way that it becomes a precedent for lower courts to follow. As law is not an empirical science, it cannot be expected of Parliament or any other legislative body to be able to presuppose all possible scenarios of life and enact relevant laws to cater for them. This is why South African Law places a great emphasis on the Higher courts to develop the law through their decisions, which become precedents and as such become law which is also known as case law.

Roman-Dutch law
(Dutch: Rooms-Hollands recht, Afrikaans: Romeins-Hollandse reg) is a casuistic (judge-made) legal system based on Roman law as applied in the Netherlands in the 17th and 18th centuries. As such, it is a variety of the European continental civil law or ius commune. While Roman-Dutch law was superseded by Napoleonic codal law in the Netherlands proper as early as the beginning of the 19th century, Roman-Dutch law is still applied by the courts of South Africa (and its neighbours Lesotho, Swaziland, Namibia, Botswana and Zimbabwe), Guyana, Indonesia, East Timor, and Sri Lanka. It was largely drawn upon by Scots law. It also had some negligible impact on New York state,[1] especially in introducing the office of prosecutor (schout).
Roman-Dutch authorities

It follows that if one's task is to research the provisions of a particular law applicable in South Africa, one should consult the codified legislation, case law and failing this, one can follow the originating sources, i.e. English Law or Roman-Dutch Law (also known as "the Old Authorities") as the case may be. Any application of such a source must be lawful within the context of the Constitution and the spirit in which it was written.

Court System in South Africa

There is a hierarchy of courts, consisting of Magistrates Courts, High Courts, a Supreme Court of Appeal, the highest authority in non-Constitutional matters, and a Constitutional Court, which is the highest authority in constitutional matters. The Constitutional Court has final authority to decide whether an issue is a Constitutional one.

History of South African law

May 31 1910 until 1961

From the "union" of the Cape Colony, Natal, Transvaal and Orange Free State in 1910 as a dominion within the British Empire called the Union of South Africa, and prior to the formation of the same territory as the Republic of South Africa in 1961, much of English law was incorporated into or formed the basis of South African law. It and the Roman-Dutch Law which held sway prior to this period forms the bedrock to which South Africa even now turns in its search for clarity in its law, and where there is a vacuum in its law.

April 6 1652 until 1910

From the 6 April 1652 landing of the Dutch in the Cape of Good Hope, the spread of the Roman-Dutch legal system and its legislation and laws took increasing hold, holding sway until the Union of South Africa as a dominion of the British Empire was formed on 31 May 1910. Even after this and to date, wherever British law does not stand, Roman-Dutch law forms the bedrock to which South Africa turns in its search for clarity in its law.

Prior to April 6 1652

With no written history, and the failure of the successive Dutch, British and Apartheid regimes to record the laws of pre-colonial southern Africa, there is a dearth of information about these laws. However, the current South African legal regime recognises the importance of these and no doubt over time, traditional indigenous law will more and more flavour South African legislation and other law as it emerges, and in doing so will reveal its colours to researchers such as historians and anthropologists.

skewed by legalese to reflect the policies of the powers-that-be rather than the law. For an extreme example of a dictionary that has succumbed to such pressure, see dictionary.law.com. For all common law definitions herein: refer to Black’s Law 4th Edition and earlier.

Further authority of we, the people

The 1215 Magna Carta
§52 Title. DUTY OF THE GRAND JURY; “If anyone’s unalienable rights have been violated, or removed, without a legal sentence of their (“We the People” Supreme Rulers), named Peers, from their lands, home, liberties or lawful right, “We the People” Supreme Rulers [the twenty-five] shall straightway restore them. And if a dispute shall arise concerning this matter it shall be settled according to the judgment of “We the People” Supreme Rulers, [the twenty-five] Grand Jurors, the sureties of the peace." 06/15/1215

1955 Freedom Charter
“The people of South Africa, declare for all our country and the world to know: That South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of the People; that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality; that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;…”

Declaration of the Rights of Man
The first draft of the Bill of Rights, enacted and re-venued into the CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA NO. 108 OF 1996, written by Albie Sachs, was aptly named Declaration of the Rights of Man.

To this end some of the people as we, the people have decreed a Court of Record into session on 2013.11.10 at Noordhoek, Cape Peninsula on the land of Southern Africa, formally recorded as Common Law Grand Jury of Southern Africa aka Unified Grand Jury ZA aka UZA where the Law of the Case of this people’s court is the law of the land representing a mix of international common law, natural law, tribal and customary law, including oral tradition and represented by this superior jurisdiction court of record.

Maxim of Law: “The law does not protect him who slumbers on his rights”

UZA has been decreed by the sovereigns of our Sovereign land of Southern Africa to promote and develop common, natural, customary and tribal law and people’s courts.

Everyone ought to be able to apply the law and comprehend it in plain language. Currently statutes, codes and acts use legalese which sounds like English, but is deceptively different. The plain language movement supports comprehension of words in order to avoid entrapment.
The common use of the afore-mentioned will create a new system of case law for community self-governance at the one common natural law of:

“Do no harm, cause no loss and do not impede the freedoms of others.”

We apply the five ethics of:
Truth, Integrity, Accountability, Responsibility, Transparency.

To advance comprehension of and respect for the rule of people’s law, the principle of lawfulness and that no people are beyond the law, no matter their capacity;

most significant above all others in that it recognizes the supremacy of the Golden Rule, the same teaching ascribed to Jesus Christ and the intimate connection to the Rule of Law, that all are subject to the rule of law, no one is above the law.

The Facts
Common Law is the beginning of all Law and in its perfection is the absence of all Law and in today's society it is known as PUBLIC POLICY.
Common Law, in simple terms, is the will of the people and will manifest itself in separate cases as people so rule with their conscience and a sense of fair play.
Common Law is a Law that is Common to all People.
Common Law is Common Sense and is the Law of the Creator God of this Universe-Do unto others as you would have them do unto you.
Common Law supersedes all Law and is Superior in all Cases to Statutory Law, Codified Law, Rules and Regulations.
Common Law establishes Constitutions as all Power is inherent in the People.
Common Law establishes, through the Constitution, all restrictions on the government.
Constitutions never give the government power for legislating People.
Government only has the power to legislate the workings of the various departments to allow the people Life, Freedom, and the Pursuit of Happiness.
Constitutions can never establish Common Law for then all Power would not be vested in the People, but would be in the Constitution and it is only a piece of paper, and the People’s right to address grievances or to amend, change, or address any problem could not be.
The Creator God created man, man (with help) created government, government created CORPORATIONS. The Creator rules over man, man rules over government, and government rules over CORPORATIONS.
Governments are mere pieces of paper to be altered and changed to the whim of the People. CORPORATIONS are mere pieces of paper that government can change and alter at their whim.
The Creator is Superior over Man, government, and CORPORATIONS.
Man is superior to government and CORPORATIONS.
If man says they do not exist-they do not exist.
Common Law: a Law common to all People; the Will of the People; PUBLIC POLICY;

First Comprehension:
You have the choice; you can choose to be either:
A. a People as per the Pre-amble of the Constitution and the Bill of Rights and the 1955 Freedom Charter

OR

B. a ‘citizen’ with rights and duties as an employee of the PTY (Ltd), REPUBLIC OF SOUTH AFRICA as per the body of the constitution.

You can say for what purposes you choose to reserve your rights as a people, but as a ‘citizen’ you have no rights, all you have is ‘privileges granted by the government’. They never say you have no rights. These privileges are packaged into civil rights of which a citizen is subject. All statutes are municipal law. The Bill of Rights has nothing to do with citizens, it is for the People.

I can be a sovereign for some purposes and just because I failed to reserve my sovereignty, it does not mean I waivered it.

NB: IF YOU DO NOT KNOW THE DIFFERENCE BETWEEN ‘PEOPLE’ AND ‘CITIZEN’ THEN:

Go to www.NationalLibertyAlliance.com for Common Law Lectures and www.1215.org for documents. This is the sovereign grail. Also go to www.giftoftruth.wordpress.com/your-rights/ and read all pages below the banner. Download and read all the Common Law Manuals to get a better grasp on how we got here.

People:
1. Living Souls.
2. Are subject to the pre-amble of the Constitution; Bill of Rights;
3. Part of a Republic, a commonwealth.

‘Citizens’:
1. Fictions
2. Are subject to the body of the Constitution.
3. Part of a Democracy, mob rule.

You, as a people (it’s correct to call yourself ‘a people’, singular) can decide when you want to be deemed a citizen or not, and when it is restricted to the contract in question.

Preamble of the Constitution:

“We, the people of South Africa,
Recognise the injustices of our past;
Honour those who suffered for justice and freedom in our land;
Respect those who have worked to build and develop our country; and
Believe that South Africa belongs to all who live in it, united in our diversity.
We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to -
Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;
Improve the quality of life of all citizens and free the potential of each person; and
Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.

May God protect our people.
Nkosi Sikelel’ iAfrika. Morena boloka setjhaba sa heso.
God seën Suid-Afrika. God bless South Africa.
Mudzimu fhatutshedza Afurika. Hosi katekisa Afrika.”

And it’s not God’s job to protect the People when we can protect ourselves.

The Bill of Rights
People of the State do not yield their sovereignty to agencies of the state.
Because this is a Republic, we do not yield our sovereignty: “The power to do everything in a state without accountability:
However, there is a limit. The only protection of a Sovereign vs Sovereign is a Jury.
sov vs sov = jury.
The accountability a jury of peers ARE members of the peerage ie. Sovereigns.
Slaves are not part of the peerage.
Civics is for the peerage.

Common Law Maxim: “The Decree of the sovereign makes the law”

DECREES
In Practice
The judgment of a court of equity or admiralty, answering for most purposes to the judgment of a court of common law. A decree in equity is a sentence or order of the court, pronounced on hearing and understanding all the points in issue, and determining the rights of all the parties to the suit, according to equity and good conscience.

It is a declaration of the court announcing the legal consequences of the facts found. Robertson v. Talmadge, Tex.Civ.App., 174 S.W. 627, 629.

A decree, as distinguished from an order, is final, and is made at the hearing of the cause, whereas an order is interlocutory, and is made on motion or petition. Wherever an order may, in a certain event resulting from the direction contained in the order, lead to the termination of the suit in like manner as a decree made at the hearing, it is called a "decretal order." Brown.

A judgment at law, as distinguished from a decree in equity, was either simply for the plaintiff or for the defendant. There could be no qualifications or modifications.
But such a judgment does not always touch the true justice of the cause or put the parties in the position they ought to occupy. This result was attained by the decree of a court of equity which could be so moulded, or the execution of which could be so controlled and suspended, that the relative duties and rights of the parties could be secured and enforced. Bisph.Eq. § 7.

The words "judgment" and "decree," however, are often used synonymously; Finnell v. Finnell, 113 Okl. 269, 230 P. 912, 913;

especially now that the Codes have abolished the distinction between law and equity; Henderson v. Arkansas, 71 Okl. 253, 176 P. 751, 753.

But of the two terms, "judgment" is the more comprehensive, and includes "decree." Coleman v. Los Angeles County, 180 Cal. 714, 182 P. 440, 441.

Decision of an administrative board though based on facts adduced on a hearing, Dal Maso v. Board of Com'rs of Prince George's County, 182 Md. 200, 34 A.2d 464, 466,


**Classification**

Decrees in equity are either final or interlocutory. A final decree is one which fully and finally disposes of the whole litigation, determining all questions raised by the case, and leaving nothing that requires further judicial action. Sawyer v. White, 125 Me. 206, 132 A. 421, 422; Draper Corporation v. Stafford Co., C.C.A.Mass., 255 F. 554, 555; Burgin v. Sugg, 210 Ala. 142, 97 So. 216, 2177

An interlocutory decree is a provisional or preliminary decree, which is not final and does not determine the suit, but directs some further proceedings preparatory to the final decree. It is a decree pronounced for the purpose of ascertaining matter of law or fact preparatory to a final decree. 1 Barb. Ch. Pr. 326, 327; Wooster v. Handy, C.C. N.Y., 23 F. 49, 56; Beebe v. Russell, 19 How. 283, 15 L.Ed. 668; Comely v. Marckwald, 131 U.S. 159, 9 S.Ct. 744, 33 L.Ed. 117.

Where something more than the ministerial execution of the decree as rendered is left to be clone, the decree is interlocutory, and not final, even though it settles the equities of the bill. Lodge v. Twell, 135 U.S. 232, 10 S.Ct. 745, 34 L.Ed. 153.. The difficulty of exact definition is mentioned in McGourkey v. Ry. Co., 146 U.S. 536, 13 S.Ct. 170, 36 L.Ed. 1079. See, also, Keystone Manganese & Iron Co. v. Martin, 132 U. S. 91, 10 S.Ct. 32, 33 L.Ed. 275; Leyhe v. McNamara, Tex.Com.App., 243 S.W. 1074, 1076.

**In French Law**

Certain acts of the Legislature or of the sovereign which have the force of law are called "decrees"; as the Berlin and Milan decrees.
In Scotch Law
A final judgment or sentence of court by which the question at issue between the parties is decided. 498

Consent decree.
One entered by consent of the parties; it is not properly a judicial sentence, but is in the nature of a solemn contract or agreement of the parties, made under the sanction of the court, and in effect an admission by them that the decree is a just determination of their rights upon the real facts of the case, if such facts had been proved.

It binds only the consenting parties;
Myllius v. Smith, 53 W.Va. 173, 44 S.E. 542;

and is not binding upon the court;
Ex parte Loung June, D.C.N.Y., 160 F 251, 259.

Parties thereto must be competent to contract.
Consaer v. Wisniewski, 293 Ill.App 529, 13 N.E.2d 93, 94.

A common law court is a jury court and you the sovereign decree the law. Therefore, you can convene a Common Law Grand Jury if a Judge has judged incorrectly against you.

The Common Law Grand Jury system is the only court of the People, for the People.

Currently, Brother Thomas is acting as interim administrator until this system is commonly accepted and in proper use again.

Relevant definitions From Black’s Law Dictionary 4th Edition:

Definition of ADMINISTRATOR: in the most usual sense of the word, is a person to whom letters of administration, that is, an authority to administer the estate of a deceased person, have been granted by the proper court. A representative of limited authority, whose duties are to collect assets of estate, pay its debts, and distribute residue to those entitled.

A technical trustee.
In re Watkins' Estate, Vt., 41 A.2d 180, 188.

One can also get someone else to represent you in a court who is not an attorney at law, but a private attorney in fact. The NOTICE OF UNDERSTANDING & CLAIM OF RIGHT declares who you are. Complete it and file it.
Definition of **PRIVATE**: Affecting or belonging to private individuals, as distinct from the public generally. Not official; not clothed with office.

Definition of **ATTORNEY**: In the most general sense this term denotes an agent or substitute, or one who is appointed and authorized to act in the place or stead of another.
Nardi v. Poinsatte, D.C.Ind., 46 F.2d 347, 348.

An agent, or one acting on behalf of another.

Definition of Power of attorney: Commonly meant the instrument by which authority of one person to act in place and stead of another as attorney in fact is set forth.
In re Katz’ Estate, 274 N.Y.S. 202, 152 Misc. 757.

Definition of **IN FACT**: Actual, real; as distinguished from implied or inferred. Resulting from the acts of parties, instead of from the act or intendment of law.

Furthermore, according to:
**CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA NO. 108 OF 1996**

CHAPTER 2 of the BILL OF RIGHTS states:

8. Application.--(l) The Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state.

(3) When applying a provision of the Bill of Rights to a natural or juristic person in (a) in order to give effect to a right in the Bill, must apply, or if necessary develop, the common law to the extent that legislation does not give effect to that right; and (b) may develop rules of the common law to limit the right, provided that the limitation is in accordance with section 36 (1).

32. Access to information.-
(1) Everyone has the right of access to- (a) any information held by the state; and (6) any information that is held by another person and that is required for the exercise or protection of any rights.
(2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

33. Just administrative action.-
(1) Everyone has the right to administrative action that is lawful, reasonable and procedurally fair.
(2) Everyone whose rights have been adversely affected by administrative action has; the right to be given written reasons.
(3) National legislation must be enacted to give effect to these rights and must-
(a) provide for the review of administrative action by a court or, where appropriate,
(6) impose a duty on the state to give effect to the rights in subsections (1) and (2);
an independent and impartial tribunal;
and
(c) promote an efficient administration.

34. Access to courts.-Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum.

38. Enforcement of rights.-Anyone listed in this section has the right to approach a competent court, alleging that a right in the Bill of Rights has been infringed or threatened, and the court may grant appropriate relief, including a declaration of rights. The persons who may approach a court are-
(a) anyone acting in their own interest;
(a) anyone acting on behalf of another person who cannot act in their own name;
(c) anyone acting as a member of, or in the interest of, a group or class of persons;
(d) anyone acting in the public interest; and
(e) an association acting in the interest of its members.

39. Interpretation of Bill of Rights.-
(2) When interpreting any legislation, and when developing the common law or customary law, every court, tribunal or forum must promote the spirit, purport and objects of the Bill of Rights.
(3) The Bill of Rights does not deny the existence of any other rights or freedoms that are recognised or conferred by common law, customary law or legislation, to the extent that they are consistent with the Bill.

Definitions of REPUBLIC: A commonwealth; that form of government in which the administration of affairs is open to all the citizens. In another sense, it signifies the state, independently of its form of government.
1 Toullier 28 and n., 202, note; State v. Harris, 2 Bailey (S.C.) 599; Co.Litt. 303.

People (Page: 1063)

1. The body of persons who compose a community, tribe, nation, or race; an aggregate of individuals forming a whole; a community; a nation.

Unto him shall the gathering of the people be. Gen. xlix. 10.

A government of all the people, by all the people, for all the people. T. Parker. The very first thing to do is do suspend the judge even before the Judge.

Do not let the judges make any decision on their own, either for or against you. Object.
“I have been appointed as special master in the superior court in the Western Cape and I am here today to observe the proceedings in this master and I am here and now declare this superior court open and in session. It is the wish of the superior court that this High Court releases jurisdiction in this matter until such time as the issues in the Superior Court is settled.”

The state is not responsible for the citizens, they hold no liability. When the state gets involved, such as in a court case, they have liability.

We don’t mind the state gets involved as a third party if they are taking liability.

Cicero:
“A few men live by reason, most live by experience, the remainder live by necessity, and the animals live by nature.”

Maxim of Law: “The law does not protect him who slumbers on his rights.”

Special Master – no limit on any power the sovereign grants him.

In South African courts it is known as a Special Private Attorney in Fact

**When In Court:**
When a civil court is in session and you get called to the front then you have the prerogative to convene a Common Law court into session too. Now you have 2 courts in one room. The Judge will acknowledge this in certain ways. The Judge might even tell you “I can’t hear you”. He is acknowledging your jurisdiction by telling you he is at sea. Don’t argue; The opposition attorneys do not even know what is going on.

Example of opening line:
“FOR THE RECORD, I Brother Thomas, a people, hereby decree this COURT OF RECORD where the Law of the Case is Common Law, in session.”

“I am not here to discuss the case, but there are unusual things which have come up. I am here to conduct business as officer of a superior court. I have been appointed as a special master of a superior court and observing the proceedings and I now declare the court in session. There are some Common Law issues here. He might submit or he might say Common Law has no standing in this court:

Miranda vs Arizona: “Where substantive rights are concerned, there shall be no rule making. The trap is the judge will ask you what you want. “I do not want anything, I am merely here to correct a mistake. We, the people want to settle this matter as per the NOTICE OF SETTLEMENT and FOUNDING AFFIDAVIT. (Go to http://giftoftruth.wordpress.com/legal-defence/ for templates)
Please produce an INVOICE as a basic contract to settle this matter. (Go to http://giftoftruth.wordpress.com/bills-of-exchange/ for templates)
Even an ORDER of the court can be indorsed.
The presumption is “I am whatever I say I am.” It’s their responsibility to prove up that you are not one of the people. They must Prove up their Claim or Cease & Desist.

If they say, but you have a driver’s licence and a social security and ID I will say: “Okay, how does that make me not one of the people?” It’s their responsibility to provide proof.

If they say it’s in the contract “Where does it say that in the contract?”

For a valid contract to have been entered into, there are 8 elements:

“At contract law, these eight elements are essential to the creation of a contract:
1) Offer
2) Acceptance
3) Intention
4) Sufficient and equal consideration,
5) Mental and lawful capacity to contract,
6) Legality of purpose,
7) Gave genuine consent (knowingly, willingly and voluntarily)
8) Certainty of terms and conditions.”

AND if the other party knows something that you don’t know
AND he knows that you don’t know
AND he fails to disclose it to you,

it’s fraud.

Without prejudice UCC 1-207
I am not engaged in commerce in any way.

Establish from the outset that: “This is a COURT OF RECORD.” Very NB

The government only exists because of my granting the authority.
The preamble of the Constitution is where you choose are you going:
Either,
a) in the constitution as a ‘citizen’
OR
B) outside the Constitution as one of the people, owners of the country.

You are the only one who knows what your rights are:

“My rights are what I, in my own sovereign capacity, by my own prerogative, decide what they are.” The very essence of sovereignty is that the sovereign makes the law.
In our system of common law you are entitled to call a jury. It’s your job to judge the law. Decree in your law-making; a jury is the stabilizer in our common law.
We do not need statutes we just need common sense.

The LAW OF THE CASE is very important.
“The Law of the case is Common Law and is decreed by the sovereign.” This needs to be in the opening line when appearing in court.


Citizen is a Trojan horse. Are you born or naturalised and subject to the jurisdiction? I am one of the People. Are you a pre-amble people? YES. Sovereign is a master, citizen is slave to the Constitution.

Educate the judge, he will ask you, you then okay it or object.

“I object, I don’t really wish it that way. I wish it some other way.”

DULY is a very important word.
Definition of ‘Duly’: whatever it is that both satisfies the statutory and common law. It opens the way for them to enforce their statutes if you use the word ‘Duly’.
If asked questions: “I do not handle questions in court. We are not here to do business.”

OR “It’s in the claim of right and court order”.
After the court then type up the Order vacating Judges decision. Templates to the claim of right is on http://giftoftruth.wordpress.com/express-trusts/bills-of-exchange/

The Judge cannot make decisions. He is in your home. You are the court.

People are not subject to the jurisdiction. You can decide when you want to deemed a citizen or not as it is restricted to the contract in question.

The Bill of Rights
People of the State do not yield their sovereignty to agencies of the state.
Because this is a Republic, we do not yield our sovereignty: “The power to do everything in a state without accountability:
However, there is a limit. The only protection of a Sovereign vs Sovereign is a Jury.
sov vs sov = jury.

The accountability a jury of peers ARE members of the peerage ie. Sovereigns.

Slaves are not part of the peerage.

Civics is for the peerage.

The Decree of the sovereign makes the law

You can say for what purposes you choose to reserve your rights as a people, but as a ‘citizen’ you have no rights, all you have is ‘privileges granted by the government’.
They never say you have no rights. These privileges are packaged into civil rights of which a citizen is subject. All statutes are municipal law. The Bill of Rights has nothing to do with citizens, it is for the People.
I can be a sovereign for some purposes and just because I failed to reserve my sovereignty, it does not mean I waivered it.
COURT OF RECORD
Stay in a court of record.
“I am one of the people and in this court of record complaint of:.............

5 Requirements to be a Court of Record:

1. Keeps Record of proceedings according to the Common Law.

2. Acts and judicial proceedings are enrolled or recorded for a perpetual memory and testimony.

3. A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it.

4. Power to find or imprison for contempt.

5. Court Seal.

Court of record
From Wikipedia, the free encyclopaedia (Redirected from Courts of record)
In common law jurisdictions, a court of record is a trial court in which a court clerk or a court reporter takes down a record of proceedings. That written record (and all other evidence) is preserved at least long enough for all appeals to be exhausted, or for some further period of time provided by law (for example, in some states, death penalty statutes provide that all evidence must be preserved for an extended period of time). Most courts of record have rules of procedure,[1] and therefore they require that most parties be represented by counsel lawyers (specifically, attorneys holding a license to practice law) before the specific tribunal. In contrast, in courts not of record, oral proceedings are not recorded, and the judge makes his or her decision based on memory. In most "not of record" proceedings, the parties can and usually do appear personally, without lawyers. For example, most small claims courts, traffic courts, a justice court presided over by a Justice of the Peace, many administrative tribunals that make initial governmental administrative decisions such as government benefit determinations, and the like are not courts of record.

In many states, statutes provide that the power to fine or imprison lies only with courts of record.

"Of record" and "not of record" are two polar extremes of a spectrum, and there is a transition zone between. For example, in proceedings before executive branch agencies of the United States federal government, fully formal proceedings of record are governed by the "formal adjudication" or "on the record" provisions of 5 U.S.C. §§ 554, 556, and 557, while informal proceedings or "not on the record" proceedings are governed by § 555. However, many proceedings have intermediate character, with some "of record" characteristics but not others.

In some classes of cases, after a determination by an inferior tribunal not of record, a party may take a first level appeal to a tribunal that is of record.

NOTE: A Common Law Court IS A COURT OF RECORD with a JURY!
In most cases, this first level appeal is "trial de novo" (or a 'hearing de novo'), in a tribunal of record. This is not an appeal, as such, but a new proceeding which completely supersedes the result of the prior trial.

Definition of Court:
*International Law - The person and suite of the sovereign; Black’s Law 4th Edition.*

The Sovereign decrees the Law.

Maxim: “The Law does not entertain trifles.”

**When a Court makes a Judgement**, when the judge used his/her discretion he can exercise it. But if he has no jurisdiction, it is not allowed. When he makes a decision, he is outside the court and if the clerk accepts the judgement. It’s not an error in Judgement, it’s an error in procedure.

1. Writ of error coram nobis

2. Judicial Notice – means that the court takes notice of something eg. Take notice of the English language, the law, the court record. This stands on its own without proof. They are there. This is what the court will consider when arriving at a decision.

3. Judicial Cognizance is one notch higher. When the court takes cognizance of a matter, it is mandatory on the Judge and has to be compatible with the decision.

In a COURT OF RECORD. If they don’t give you a Court of Record, the obvious thing to do is file a Counter-Claim because they went beyond their jurisdiction. Only a Court of Record is authorised. With a Court of Record there has to be an injured party. You are entitled to a jury of peers.

**COURT OF RECORD:** (Black’s Law 4th Edition)

A suit in a court of record is "commenced", so as to save suit from bar of statute of limitations, when the petition is filed, even though process is not issued until the period of limitation has run, since plaintiff has done all he can toward commencement of the suit.


**COMMON PLEAS.** The name of a court of record having general original jurisdiction in civil suits.

**Classification**

Courts may be classified and divided according to several methods, the following being the more usual:

- **Courts of record and courts not of record.** The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and
testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal.

**Courts not of record** are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded.


A "court of record" is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial.


Courts may be at the same time of record for some purposes and not of record for others.

Lester v. Redmond, 6 Hill, N.Y., 590; Ex parte Gladhill, 8 Metc., Mass., 168.

**Superior and inferior courts.** The former being courts of general original jurisdiction in the first instance, and which exercise a control or supervision over a system of lower courts, either by appeal, error, or certiorari; the latter being courts of small or restricted jurisdiction, and subject to the review or correction of higher courts. Sometimes the former term is used to denote a particular group or system of courts of high powers, and all others are called "inferior courts."

To constitute a court a superior court as to any class of actions, within the common-law meaning of that term, its jurisdiction of such actions must be unconditional, so that the only thing requisite to enable the court to take cognizance of them is the acquisition of jurisdiction of the persons of the parties.

Simons v. De Bare, 4 Bosw., N.Y., 547.

An inferior court is a court whose judgments or decrees can be reviewed, on appeal or writ of error, by a higher tribunal, whether that tribunal be the circuit or supreme court.

Nugent v. State, 18 Ala. 521.

**Civil and criminal courts.** The former being such as are established for the adjudication of controversies between subject and subject, or the ascertainment, enforcement, and redress of private rights; the latter, such as are charged with the administration of the criminal laws, and the punishment of wrongs to the public.

**Equity courts and law courts.** The former being such as possesses the jurisdiction of a chancellor, apply the rules and principles of chancery law, and follow the procedure in equity; the latter, such as have no equitable powers, but administer justice according to the rules and practice of the common law.

As to the division of courts according to their jurisdiction, see Jurisdiction.
As to several names or kinds of courts not specifically described in the titles immediately following, see Arches Court, Appellate, Circuit Courts, Consistory Courts, County, Customary Court-Baron, Ecclesiastical Courts, Federal Courts, Forest Courts, High Commission Court, Instance Court, Justice Court, Justiciary Court, Legislative Courts, Maritime Court, Mayor's Court, Moot Court, Municipal Court, Orphans' Court, Police Court, Prerogative Court, Prize Court, Probate Court, Superior Courts, Supreme Court, and Surrogate's Court.

**General**

**Court above, court below.** In appellate practice, the "court above" is the one to which a cause is removed for review, whether by appeal, writ of error, or certiorari; while the "court below" is the one from which the case is removed.


Under statute providing that recognizances shall be "of record", the term means of record in the sense that it is taken by inferior tribunals—that they have been taken and certified to the clerk of the court of record and by him recorded.

King v. State, 18 Neb. 375, 25 N.W. 519.

**MERCANTILE LAW.** An expression substantially equivalent to the law-merchant or commercial law; It designates the system of rules, customs, and usages generally recognized and adopted by merchants and traders, and which, either in its simplicity or as modified by common law or statutes, constitutes the law for the regulation of their transactions and the solution of their controversies.

**PEREMPTORY.** Imperative; absolute; conclusive; positive; not admitting of question, delay, or reconsideration. Positive; final; 'decisive; not admitting of any alternative. Self-determined; arbitrary; not requiring any cause to be shown.


**PREROGATIVE WRITS.** In English law, the name is given to certain judicial writs issued by the courts only upon proper cause shown, never as a mere matter of right, the theory being that they involve a direct interference by the government with the liberty and property of the subject, and therefore are justified only as an exercise of the extraordinary power (prerogative) of the crown. In America, a theory has sometimes been advanced that these writs should issue only in cases publici juris and those affecting the sovereignty of the state, or its franchises or prerogatives, or the liberties of the people. But their issuance is now generally regulated by statute, and the use of the term "prerogative," in describing them, amounts only to a reference to their origin and history. These writs are the writs of mandamus, procedendo, prohibition, quo warranto, habeas corpus, and certiorari. Click v. Click, 98 W. Va. 419, 127 S.E. 194, 195.

**RECOGNIZANCE.** An obligation of record, entered into before some court of record, or magistrate duly authorized, with condition to do some particular act; as to appear at the assizes, or criminal court, to keep the peace, to pay a debt, or the like. It resembles a bond, but differs from it in being an acknowledgment of a former debt upon record.
In the practice of several of the states, a species of bail bond or security, given by the prisoner either on being bound over for trial or on his taking an appeal.

**SIGNATURE.** The act of putting down a man's name at the end of an instrument to attest its validity, the name thus written. A "signature" may be written by hand, printed, stamped, typewritten, engraved, photographed, or cut from one instrument and attached to another, and a signature lithographed on an instrument by a party is sufficient for the purpose of signing it; it being immaterial with what kind of instrument a signature is made.


And whatever mark, symbol, or device one may choose to employ as representative of himself is sufficient.
Griffith v. Bonawitz, 73 Neb. 622, 103 N.W. 327, 339.

**SUPERSEDEAS.** In Practice. The name of a writ containing a command to stay the proceedings at law.

A suspension of the power of a trial court to issue an execution on judgment appealed from, or, if writ of execution has issued, it is a prohibition emanating from court of appeal against execution of writ. Stewart v. Hurt, 9 Cal.2d 39, 68 P.2d 726, 727.

An auxiliary process designed to supersede enforcement of trial court's judgment brought up for review, and its application is limited to the judgment from which an appeal is taken. Mascot Pictures Corporation v. Municipal Court of City of Los Angeles, 3 Cal.App.2d 559, 40 P.2d 272.

Originally it was a writ directed to an officer, commanding him to desist from enforcing the execution of another writ which he was about to execute, or which might come in his hands. In modern times the term is often used synonymously with a "stay of proceedings," and is employed to designate the effect of an act or proceeding which of itself suspends the enforcement of a judgment. Dulin v. Coal Co., 98 Cal. 306, 33 P. 123.

**WRIT OF ERROR.** A writ issued from a court of appellate jurisdiction, directed to the judge or judges of a court of record, requiring them to remit to the appellate court the record of an action before them, in which a final judgment has been entered, in order that examination may be made of certain errors alleged to have been committed, and that the judgment may be reversed, corrected, or affirmed, as the case may require.

It is brought for supposed error in law apparent on record and takes case to higher tribunal, which affirms or reverses.


It is commencement of new suit to set aside judgment, and is not continuation of suit to which it relates.

Winchester v. Winn, 225 Mo.App. 288, 29 S.W.2d 188, 190.

And unless abolished by statute, is writ of right applicable to all cases in which jurisdiction is exercised according to course of common law, but is inapplicable to cases not known to or in derogation of common law, unless otherwise provided by statute.

Freeport Motor Casualty Co. v. Madden, 354 Ill. 329,188 N.E. 415, 416.

WRIT OF ERROR CORAM NOBIS. A common law writ, the purpose of which is to correct a judgment in the same court in which it was rendered, on the ground of error of fact.


for which the statute provides no other remedy, which fact did not appear of record, Ernst v. State, 181 Wis. 155, 1785 193 N.W. 978;

or was unknown to the court when judgment was pronounced, and which, if known, would have prevented the judgment, and which was unknown, and could not have been known to the party by the exercise of reasonable diligence in time to have been otherwise presented to the court, unless he was prevented from so presenting them by duress, fear, or other sufficient cause,


as where judgment is rendered against a party after his death, or an infant not properly represented by guardian, or a feme covert where common-law disability still exists, or where some defect exists in the process or the execution thereof.

Schneider v. Schneider, Mo.App., 273 S.W. 1081, 1083; 1 Saund. 101; Steph.P1. *119; Day v. Hamburgh, 1 Browne, Pa. 75.

An ordinary "writ of error" is brought for a supposed error in law apparent on the record, and takes the case to a higher tribunal where the question is to be decided and the judgment, sentence or decree is to be affirmed or reversed, while the "writ of error coram nobis" is brought for an alleged error in fact not appearing on the record and lies to the same court in order that it may correct the error, which it is presumed would not have been committed had the fact been brought to the court's notice in the first instance.

State v. Wagner, 232 Wis. 138, 286 N.W. 544, 545.
At common law in England, it issued from the Court of King's Bench to a judgment of that court. Its principal aim is to afford the court in which an action was tried an opportunity to correct its own record with reference to a vital fact not known when the judgment was rendered.

It is also said that at common law it lay to correct purely ministerial errors of the officers of the court.
Cramer v. Illinois Commercial Men's Ass'n, 260 Ill. 516, 103 N.E. 459, 461.

**WRIT OF ERROR CORAM VOBIS.** This writ, at the English common law, is distinguished from "**writ of error coram nobis,**" in that the former issued from the Court of King's Bench to a judgment of the Court of Common Pleas, whereas the latter issued from the Court of King's Bench to a judgment of that court.

**WRIT OF EXECUTION.** A writ to put in Three the judgment or decree of a court.

**MANDAMUS.** Lat. We command. This is the name of a writ (formerly a high prerogative writ) which issues from a court of superior jurisdiction, and is directed to a private or municipal corporation, or any of its officers, or to an executive, administrative or judicial officer, or to an inferior court, commanding the performance of a particular act therein specified, and belonging to his or their public, official, or ministerial duty, or directing the restoration of the complainant to rights or privileges of which he has been illegally deprived.

The action of mandamus is one, brought in a court of competent jurisdiction, to obtain an order of such court commanding an inferior tribunal, board, corporation, or person to do or not to do an act the performance or omission of which the law enjoins as a duty resulting from an office, trust, or station. Where discretion is left to the inferior tribunal or person, the mandamus, can only compel it to act, but cannot control such discretion. Rev.Code Iowa, 1880, § 3373 (Code 1931, § 12440). Writ of "mandamus" is summary writ issued from court of competent jurisdiction to command performance of specific duty which relator is entitled to have performed.

It is legal, not equitable, remedy, and, when issued, is an inflexible peremptory command to do a particular thing.
State ex rel. Onion v. Supreme Temple Pythian Sisters, 227 Mo.App. 557, 54 S.W.2d 468, 469.

The writ of mandamus is either peremptory or alternative, according as it requires the defendant absolutely to obey its behest, or gives him an opportunity to show cause to the contrary. It is the usual practice to issue the alternative writ first. This commands the defendant to do the particular act, or else to appear and show cause
against it at a day named. If he neglects to obey the writ, and either makes default in his appearance or fails to show good cause against the application, the peremptory mandamus issues, which commands him absolutely and without qualification to do the act.

**Debt of record.** A debt which appears to be due by the evidence of a court of record, as by a judgment or recognizance.


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**LAW OF THE CASE.**

*The decision, judgment, opinion or rulings on former appeal or writ of error become “law of the case.”*


so, too, a holding of an appellate court on writ of certiorari.

Goodkind v. Wolkowsky, 147 Fla. 415, 2 Scil.2d 723, 725; Atlantic Coast Line R. Co. v. Sperry Flour Co., 63 Ga.App. 611, 11 S.E.2d 809, 811;

*binding on subsequent appeal or writ of error.*


*or on subsequent proceedings or trials in trial court,*


*or in subsequent suit between same parties,*

Oglethorpe University v. City of Atlanta, 180 Ga. 152, 178 s.a 156.

*The doctrine expresses practice of courts generally to refuse to reopen what has been decided.*


*it expresses the rule that final judgment of highest court is final determination of parties' rights.*

The doctrine has reference to decisions on legal questions and principles of law announced.
Haynes Drilling Co. v. Indian Territory Illuminating Oil Co., 185 Okl. 122, 90 P.2d 639, 640;

and does not embrace questions of fact or decisions on questions of fact.
(But see holding that the decision of appellate court on facts proved becomes "law of the case". Cauldwell-Wingate Co. v. State, Ct.C1., 31 N.Y.S.2d 211, 213).

The doctrine includes all errors relied on for reversal, whether mentioned in court's opinion or not, and all errors lurking in record on first appeal, which might have been, but were not, expressly relied on,
Sowders v. Coleman, 223 Ky. 633, 4 S.W.2d 731,

(but see holding that doctrine does not extend to facts or points of law which might have been but were not presented and determined on prior appeal, Steelduct Co. v. Henger-Seltzer Co., Cal., 26 Ca1.2d 634, 160 P.2d 804, 809);

all matters, issues or questions actually decided on former appeal.
Fleming v. Buerkli, 164 Wash. 136, 1 P.2d 915;

all questions involved in judgment,
Helper State Bank v. Crus, 95 Utah 320, 81 P.2d 359, 361, 363;

all questions involved on former appeal. Whether or not expressly mentioned in opinion, unless expressly reserved,
Martin v. Commonwealth, 265 Ky. 292, 96 S.W.2d 1011;

all questions open expressly or by necessary implication decided on former appeal,

decision on sufficiency of evidence.
Wells v. Lloyd, 21 Ca1.2d 452, 132 P.2d 471, 474;

Every applicable proposition of law actually applied to facts and pleadings involved,

only facts appearing in original opinion,

points presented on former appeal,

ruling on point distinctly made on former appeal,
People v. Marshall, 209 Cal. 540, 289 P. 629, 631:
statements in opinion on former appeal, if necessary to decision of questions presented,

It bars further adjudication in identical proceeding or on same or substantially identical facts or identical question,
In re Norman's Estate, 161 Or. 450, 88 P.2d 977, 987.

The doctrine is generally deemed applicable whether former determination is right or wrong.
Wells v. Lloyd, 21 Ca1.2d 452, 132 P.2d 471, 474.

But some cases hold that doctrine is inapplicable where prior decision is unsound, or incorrect
LAW OF THE LAND

principles were announced or mistake of fact was made on first appeal.
National Match Co. v. Empire Storage & Ice Co., 227 Mo.App. 1115, 58 S.W.2d 797;

The doctrine may be invoked unless evidence differs substantially,
new pleadings and new evidence adduced on subsequent trial call for different judgment,
Maze v. Bennett, 117 W.Va. 165, 184 S.E. 564, 565;
there has been a material change in record,
there has been a substantial change in issues or evidence,
Royal Collieries Co. v. Wells, 244 Ky. 303, 50 S.W.2d 948, 949.

It may be invoked where evidence or facts on subsequent appeal or subsequent trial is substantially the same,

General principle of law is declared as applicable to the facts of the case,
Creason v. Harding, 344 Mo. 452, 126 S.W.2d 1179, 1183;
pleadings and evidence were substantially the same,
Questions of law and fact are the same.

Helper State Bank v. Crus, 95 Utah 320, 81 P.2d 359, 361, 363;

record is substantially identical with that in prior proceeding,
Louisville Trust Co. v. National Bank of Kentucky, C.C.A.Ky., 102 F.2d 137, 139; City
C. Irby Co. v. Smith, 205 Ark. 183, 168 S.W.2d 618, 619, 620.

The effect of "law of the case" is limited to court of co-ordinate jurisdiction.

Where appeal is not pursued, decision of intermediate court is the "law of the case".
State ex rel. Anderson Motor Service Co. v. Public Service Commission, 234 Mo.
App. 470, 134 S.W.2d 1069, 1075.

"Law of the case" may signify, or be constituted by, other matters or things.
It has been held that "law of the case" may include, or be constituted by an
agreement of arbitration,
Acme Cut Stone Co. v. New Center Development Corporation, 281 Mich. 32, 274
N.W. 700, 706, 112 A.L.R. 865;

allegation of complaint where not challenged below.

answer to certified question,
City of Brunswick v. King, 65 Ga.App. 44, 14 S.E.2d 760, 763;

findings of fact or of law by an auditor unless excepted to,
Brothers and Sisters of Charity v. Renfroe, 57 Ga.App. 646, 196 S.E. 135;

finding on first hearing affirmed on appeal.
Stonega Coke & Coal Co. v. Price, C.C.A. W.Va., 116 F.2d 618, 621;

grant of temporary injunction and continuance by Appellate Division,
455; holding in case not appealed from, Schul v. Clapp, 154 Kan. 372, 118 P.2d 570,
573;

intention of testator as expressed in will,
Clauss v. Rohde, 133 N.J.Eq. 105, 30 A.2d 695;

judgment which remains unreversed or to which no exception has been taken,
Palmer v. Jackson, 188 Ga. 336, 4 S.E.2d 28, 30;

mandates of Supreme Court,
People ex rel. McLague v. DeBoice, 377 Ill. 634, 37 N.E.2d 337, 340;

order not appealed,

**order of trial court requiring amendment to petition**,  

**order requiring judgment debtor to make monthly payments on judgment**,  
Ryan v. Edgerton, 30 N.Y.S.2d 941, 942, 177 Misc. 421;

**order that case automatically stand dismissed unless plaintiff amends petition**,  
Smith v. Atlanta Gas-Light Co., 181 Ga. 479, 182 S.E. 603;

**ordinance admitted by parties to be in force and to be accurately pleaded, with defendant reserving only the question of admissibility**,  
Pane v. Wieland. 137 Ohio St. 198, 28 N.E.2d 583, 585;

**plaintiffs' theory where adopted by trial justice**,  

**portion of decree not appealed**,  
Dawson County Irr. Co. v. Stuart, 142 Neb. 428, 8 N.W.2d 507, 508;

**prior decision of another judge of same court**,  

**referee’s conclusions where no exceptions taken**,  
Cooper v. Baxley, 194 S.C.270, 9 S.E.2d 721, 722;

**ruling upon demurrer**,  

**ruling of trial court as to applicable statute**,  
Beck v. Baird, 238 Wis. 624, 300 N.W. 752, 754;

**ruling of trial court to which no exception is taken**,  

**ruling on motions to dismiss**,  

**ruling striking amendments to answer**,  
stipulation,

theory acquiesced in by parties and court,
Cote v. Boise, 111 Vt. 343, 16 A.2d 175, 177.

Instructions are the "law of the case."
Selfe v. Fuller, 179 Va. 30, 18 S.E.2d 254, 256;

whether right or wrong,

It has been held that instructions are the "law of the case" where appealing defendant accepted instructions as correct,
Etna Life Ins. Co. v. McAdoo, C.C.A.Ark., 115 F.2d 369, 370;

approved on former appeal and given at second trial,
Whitehead v. Stith, 279 Ky. 556, 131 S.W.2d 455, 460;

instruction given on first trial is corrected to meet criticism made by Court of Appeals,
Waddle v. Williams, 294 Ky. 66, 170 S.W.2d 886, 888.

Instruction is unappealed from,
instructions not challenged in any manner or in any particular,
Madison v. Hood, 207 Iowa 495, 223 N.W. 178, 179;

no exception is made and they are not assigned as error,

no exceptions are taken,

no instructions are requested nor exceptions taken,
U. S. v. Hossmann, C.C.A. Mo., 84 F.2d 808, 810;

no objections are made,
Brown v. Waltrip, 167 Va. 293, 189 S.E. 342, 343; Kovaniemi v. Sherman,
192 Minn. 395, 256 N.W. 661; Pankey v. First Nat. Bank, 40 N.M. 270, 58 P.2d 1186, 1188;

only exception pressed before Supreme Court was exception to denial of motion for new trial based on usual grounds,
An instruction excepted to by plaintiff is "law of the case" for purpose of trial only.

An instruction given at request of defendant is "law of the case" on defendant's appeal.

Oral charge of court and special charges given at request of parties constitute "law of case".

Portion of charge to which no exception was made became the "law of the case."

LAW OF THE LAND. Due process of law (q. v.). By the law of the land is most clearly intended the general law which hears before it condemns, which proceeds upon inquiry, and renders judgment only after trial.
Dupuy v. Tedora, 204 La. 560, 15 So.2d 886, 891.

The meaning is that every citizen shall hold his life, liberty, property, and immunities under the protection of general rules which govern society.

Everything which may pass under the form of an enactment is not the law of the land.
Sedg.St. & Const.Law, (2d Ed.) 475.

When first used in Magna Charta, the phrase probably meant the established law of the kingdom, in opposition to the civil or Roman law. It is now generally regarded as meaning general public laws binding on all members of the community.
Janes v. Reynolds, 2 Tex. 251; Beasley v. Cunningham, 171 Tenn. 334, 103 S.W.2d 18, 20, 110 A.L.R. 306.

It means due process of law warranted by the constitution, by the common law adopted by the constitution, or by statutes passed in pursuance of the constitution.
Mayo v. Wilson, 1 N.H. 53.

Respectfully,

[Signature]

Administrator, Unified Grand Jury ZA

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