

How to Build An Assembly Section 13 – Jural Pillar Part 1 - Case Study for an American Court

[Article 3816](#) A Message to All State Assemblies

People who have been deeply indoctrinated into a foreign political system are trying to restore the American Government we are owed; unfortunately, many of them cannot recognize it when they lapse backward into the old "system" and they react by acting upon the old political power paradigm they were taught.

As a result, there are three key bottlenecks that these people attack and attach to and try to control in the Assemblies.

The first bottleneck opportunity that they swarm to is the Vetting and Oversight Committees. They assume, based on their past experience, that these committees can be used to promote their individual agendas for the group, either by limiting the choice of candidates to those who meet their own personal approval (Vetting Committee) or by removing officers who don't perform to their personal satisfaction (Oversight Committee).

What everyone is missing is that we don't have political parties and neither of these Committees have the authorities and functions that some people assume that they do.

The Vetting Committee is supposed to check three things: (1) basic eligibility for the job in question; (2) past criminal history that might affect job performance; (3) substantial conflicts of interest.

Finding no significant evidence of impairment, the Vetting Committee must let the candidate apply for and/or run for office and let the Electors elect whomever they judge to be the best candidate.

In no case can the Vetting Committee base any of their "Pass/Fail" decisions on their collective personal feelings or prejudices. To do so would be to put themselves in the position of Electors PRIOR to an

election, and thereby put them in position to bounce out candidates BEFORE they have a chance to present themselves to the General Electorate.

The job of the Vetting Committee is simple. Check to be sure that the candidate is properly recorded as a member of the Assembly, check to be sure that they have no criminal record that would prejudice or impair their job performance; check to be sure that the candidate has no substantial conflict of interest, such as having significant income from foreign sources.

Yes or no?

It is not the Vetting Committee's job to judge whether the candidate is "personable" or pretty or enforce any judgements related to a person's religion, appearance, age, race, or former political persuasion.

Similarly, regarding the Second Potential Bottleneck, it is not the Oversight Committee's job to nit-pick and harass anyone. They exist so that any perceived serious breach of trust or improper activity can be brought forward and addressed. Examples of breach of trust include misrepresentation of the Assembly, abuse of or misrepresentation of office or authority, and violation or evasion or prejudicial exercise of service obligations.

Examples of improper activity include nepotism, adultery with subordinates, petty theft and the like.

In no case can the Oversight Committee lapse into witch hunts or complaints based on nebulous unfounded suspicions. Complaints must be based on facts. It is the Oversight Committee's job to inquire into the actions and operations of The Assembly to ensure that everything is above board and running properly.

Any conflicts need to be brought to the Ombudsman. If the Oversight Committee finds that the Treasurer made an improper payment, for example, and they can't get correction from the Treasurer, it's their right to bring the matter forward to the

Ombudsman's Office. If the Ombudsman's Office can't solve the problem to everyone's satisfaction, it can be taken to the General Assembly for a vote.

All offices and positions in a State Assembly are subject to recall by vote of the General Assembly, either for cause or for lack of confidence.

The third and final bottleneck is the Marshal-at-Arms Office. In a traditional State Assembly, the members are engaged in face to face meetings. The Marshal-at-Arms is charged with ensuring the physical safety of the Assembly and its members during meetings and events. Today, that duty can extend to maintaining simple decorum in meetings and enforcing the Agenda and limits which the Assembly may adopt on the length of time that individuals may speak. It is important to note that these limits must be imposed by vote of the Assembly and must be applied impartially, so as not to censor dissent or curtail free discussion.

In Assemblies with a lot of members and especially a lot of talkative members (California, for example) it is advisable for the Assembly to set up a process by which topics can be added to the Agenda prior to scheduled meetings and to also set up a limit as to how long an individual speaker may speak. These are actions that help expedite the flow of business and discussion, and are not meant to prohibit or prevent action or censor anyone unduly. Each Agenda item should be limited in proportion to the other Agenda items and if an Agenda is too packed to get through in one meeting, the topic gets held over to the top of the list at the next meeting.

Rules of Basic Decorum may also be adopted. People come into Assemblies flat-footed and often they are angry with "government" in general. Some people may also come in drunk or under the influence of other drugs, and start raging and shouting and causing inappropriate disruption, at which point it is the duty of the Marshal-at-Arms to terminate the disturbance.

In this manner, everyone knows the rules beforehand and there are no surprises. Keep your cool, have your say within the time limit

established for individual speakers, and behave politely. That is not too much to expect from our members.

I should also say that if elections are properly conducted in the first place, the results of elections are permanent for the term of the office and may only be overturned by recall and/or impeachment for cause.

Everyone who is a member of an Assembly is an adult and expected to act like an adult.

Name-calling, threats, outbursts of rage, unfounded accusations, drunken speech, and similar activities are to be discouraged and curtailed for the sake of the Assembly-at-Large. We have work to do and can't let it be sidelined by a lot of nonsensical drama. The Marshal-at-Arms must exercise discretion and let people have their say within the limits set by the Assembly and may not abuse their position for purposes of censorship --- but if anyone is being disruptive, impolite, or threatening, overstaying their turn at the podium, or otherwise imposing upon the other members, it is entirely proper for the Marshal-at-Arms to hit the mute button.

Assemblies are here to conduct business for their membership and their State and maintaining a calm and business-like atmosphere is important. There are many other places for people to vent outside the forum provided during General Assembly meetings.

Keep the ideas of "appropriateness" and "reasoned debate" uppermost in your mind when it comes to General Assembly business. Is your concern better addressed by a Committee --or best addressed by a Committee, before you bring it to the Assembly? Is your issue personal or does it impact everyone? How important is your issue, really? If it involves debate, should that debate be scheduled as a Special Event with time allocated for a prolonged discussion?

Creating a safe space for reasoned discussion is the job of the Marshal-at-Arms. Setting the rules to provide that safe space is the business of the Assembly-at-Large. If everyone understands the goal

--- which is calm and productive business meetings --- there should be no great deal of controversy about how we arrive at our chosen destination and put an end to grandstanding and political rhetoric and irresponsible accusations.

As members of your State Assembly, you should be aware of and sensitive to the functions of these Committees and the office of the Marshal-at-Arms, so as to make sure that practical level-headed people are drafted to serve in these positions.



The article provides some great reminders for keeping men and women focused on the constructive path. It is important for us all to remind each other when it appears we are falling into indoctrination. It happens so easily and the sooner you can recognize it, the quicker you are able to course correct.

As each Assembly is cracking the nut of how to stand up our American Court System, it is becoming apparent that self-governance should always be first and foremost in our heart and mind.

As Americans we keep the peace and uphold the public law. Keeping the peace means that we become experts at resolving conflict. Resolving conflict requires key strategies that most of us have not been taught.

One of the conflict resolution models is using the biblical method. This method has 3 steps:

1. Work to resolve the conflict directly with the man or woman.
2. If the conflict cannot be resolved directly, then involve another man or woman as witness. In our case, this would involve the

Ombudsman Committee if you have one, or it could be someone to witness from an Ombudsman perspective.

3. If the conflict cannot be resolved with Step 2, then, the man or woman would go to the community, which in our case would be the General Assembly or our American Court if it is standing.

The Case Study is an effort to document the Biblical process for conflict resolution completely outside the Court so that it is a stand-alone 2 step process and will actually provide a buffer to the Court, so that the new American Courts do not become overwhelmed.



**Two Paths
to Bring
Forth a
Claim to a
Judgement**

American Common Law Court

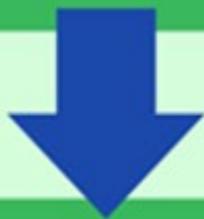
First Notice



Second Notice



Third Notice



The Claim goes to the
State Supreme Court or the County
Supreme Court
to be heard by a Jury
(13 people)

*Note that this requires
an elected Sheriff,
Court clerk, Court
Recorder, Bondsman,
Justice, etc.*

*Approximately 15-20
people are required and
elections must be held*

Court of Record

First Notice



Second Notice



Third Notice



True Bill



Notice of Fault Opportunity to Cure

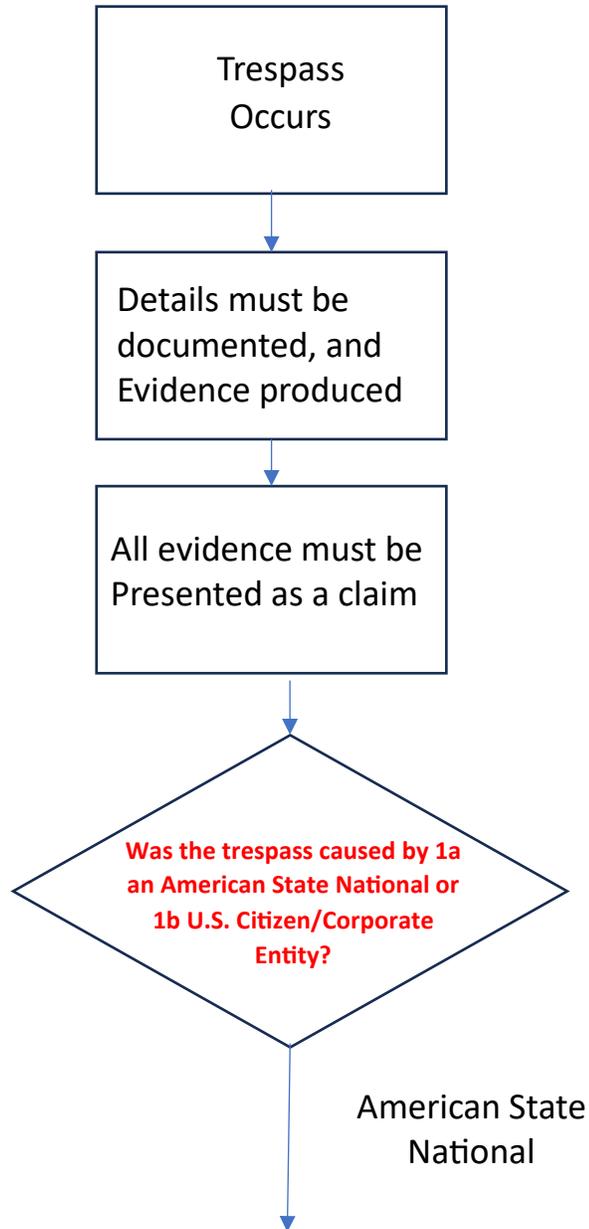


Notice of Default Judgement

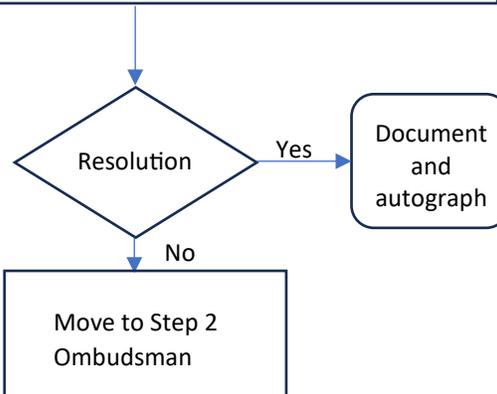
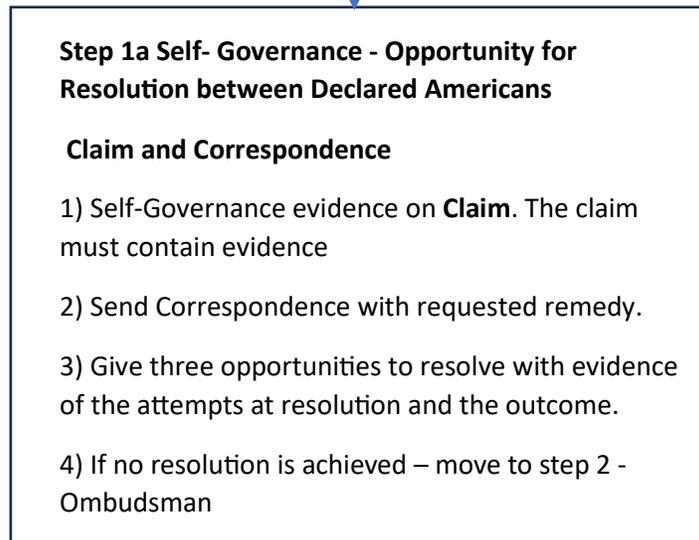
Note that this requires an elected Justice and two witnesses.

Step 1 for:

- American State National



American State
National (cont)



- Documentation required for:
American State Nationals**
1. Notice in Support of Harm (National)
 2. Notice in Support of Wrong
 3. Notice in Support of Trespass
 4. Estoppel Notice/Estoppel Order
 5. Verification of ASN status/ID

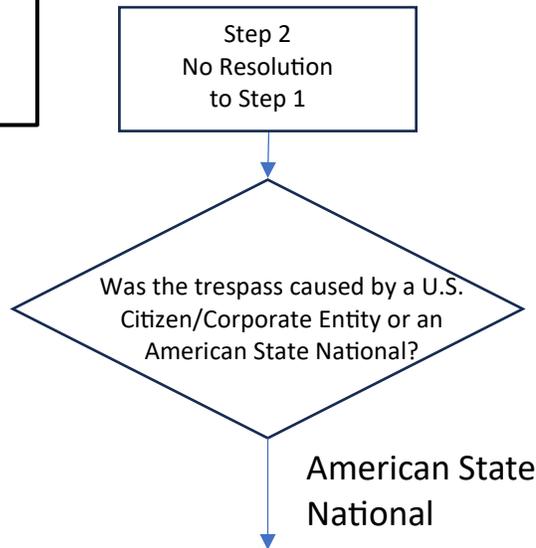
- Participants**
- Claimant
- Accused

**Documentation required for:
American State Nationals**

1. Verification of 1a completion
2. Ombudsman documentation

Participants

Claimant
Accused
Ombudsman
Arbiters (3)



Ombudsman Process - to invite remedy to a trespass between American State Nationals.

Process description:

Opportunity for Claimant & Accused to Mull/Ponder to come to one of 3 options 1) Decision for Agreement; or 2) Non Agreement; 3) Require more time

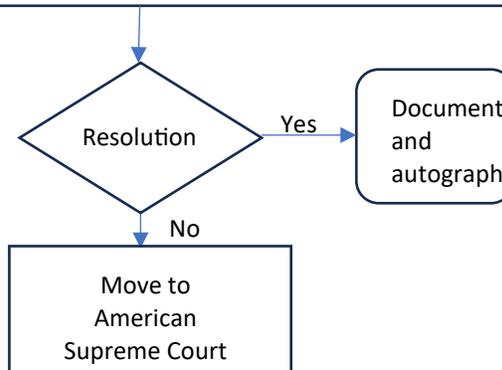
Claimant and accused casts position, reasoning, questions and recommendations. (Written or Oral?)

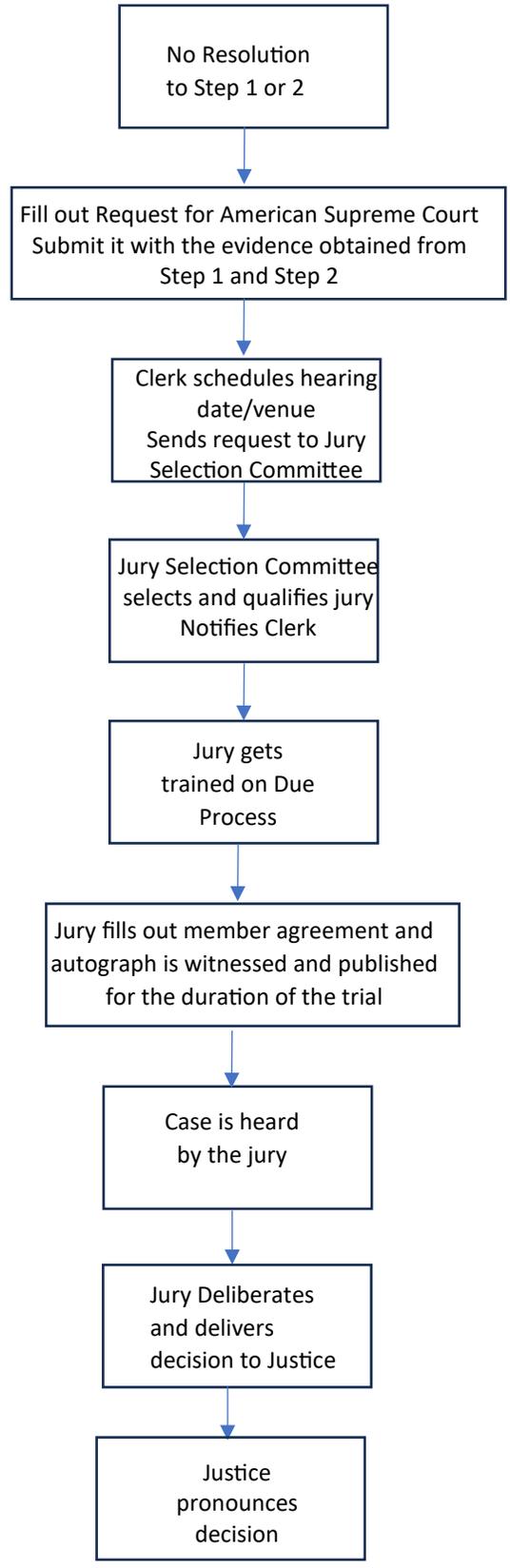
Ombudsman(s) will ask clarifying questions and make suggestions for resolution.

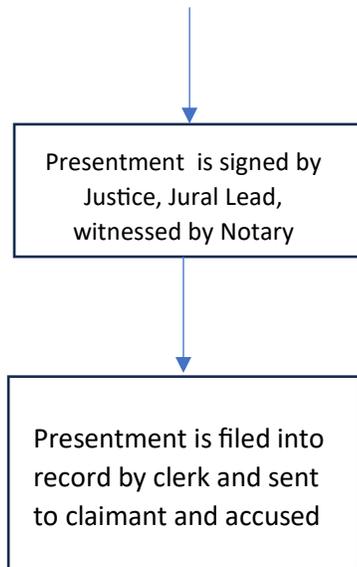
If the discussion gets heated or tumultuous, the Marshal at Arms will call for order. The claimant and accused can be separated, and the ombudsman could provide communications between the parties.

**Recorder provides coordination for Ombudsman
Establishes an Ombudsman meeting ID on FCC and provides notice to both parties along with copies of the claim and other documents such as a witness testimony. Recorder will maintain recordings & transcripts, and documents**

If resolution/remedy is determined, it will be documented and signed by both parties with 2 originals going to each party, and copies filed (published)







Court Roles:

Court Clerk, Notary, Recorder, Jurors, Justice

Court Forms:

External Forms

Open a Case against an American

Identification Form

Once all details of case are confirmed, Clerk sends confirmation notice to Claimant, Accused and all involved men and women

Internal Forms

Clerk files notice of new case

Establishes venue, jurisdiction

Requests and secures Courtroom

Requests Jury from Jury Selection Committee

Requests Justice, Bondsman, Sheriff (if necessary)

Internal Forms

Jury Selection Committee sends request for jurors with specifics of the case

Jurors respond and are qualified

Due Process Training is scheduled for Jury

Once Jury Pool is selected and qualified, JSC sends

Juror information to Clerk

Clerk will prepare Case Packet for each Juror

Step 1 for:

- Corporation
- U.S. Citizen/citizen of the UNITED STATES

Documentation required for:
Corporation
U.S. Citizen
citizen of the UNITED STATES

Criminal Information, Claim, Notice of Liability

1. Notice of Claim Affidavit (Int'l/Interstate) - Harm
2. Notice in Support of Wrong
3. Notice in Support of Trespass
4. *Or under accelerated process
5. Estoppel Notice/Estoppel Order
6. Verification of corporate status /ID

Trespass Occurs
By U.S. Citizen/citizen
of the UNITED STATES
Corporation



Facts and evidence
must be documented
and presented as a
claim



Step 1 - Administrative Process Non-Judicial Court of Record - to bring forth a claim to a Corporate Entity/U.S. Citizen (in their corporate capacity)

Opportunity for Resolution Prior to Arbitration

Prior to beginning this process, attempt to peacefully resolve the controversy and remain in honor with written communication(s). see examples [page reference]

Three (3) Attempts to resolution with Man/Woman (phone, letter, e-mail, process service, fax) Notices are a written expression of your claim and setting your law. They are always dated, give a deadline for response and keep record of the documentation regarding proof of delivery.

Three (3) Notices -CICNOL

1. Notice of Claim (including Resolution Letter, fee schedule, bill)

First notice states the claim and facts from your perspective. It requests a remedy.

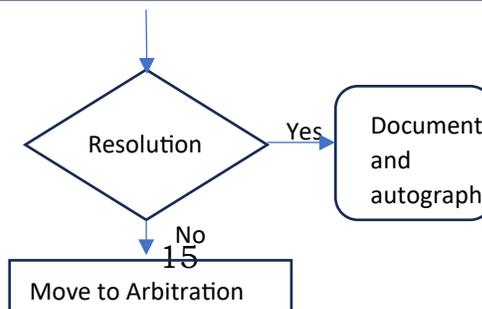
2. Notice of Default - Opportunity to Cure (including Resolution Letter, fee schedule, bill)

Second notice restates the claim, restates facts and restates the request for remedy.

3. Notice of Default - Cured Judgment [Registered Mail Return Receipt Requested, Reference Number] - (including Resolution Letter, fee schedule, bill)

Third notice escalates to claim of trespass, restates facts and request for remedy with cure deadline.

One (1) UCC Lien - filed as Remedy Enforcement (open to negotiate Resolution proposed in notices)



Step 2 Arbitration Process - to invite remedy to a trespass between an American State National and a Corporate Entity/U.S. Citizen (Internal Assembly role)

Process description:

Opportunity for Claimant & Accused to Mull/Ponder to come to one of 3 options 1) Decision for Agreement; or 2) Non Agreement; 3) Require more time

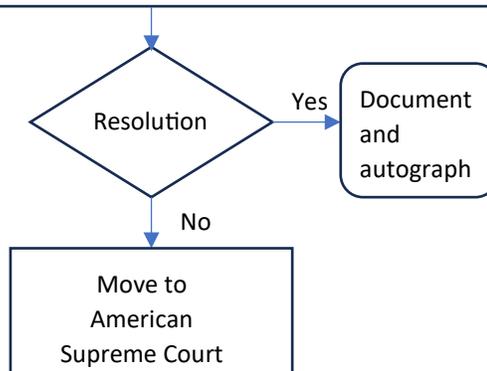
Claimant and accused casts position, reasoning, questions and recommendations. (Written or Oral?)

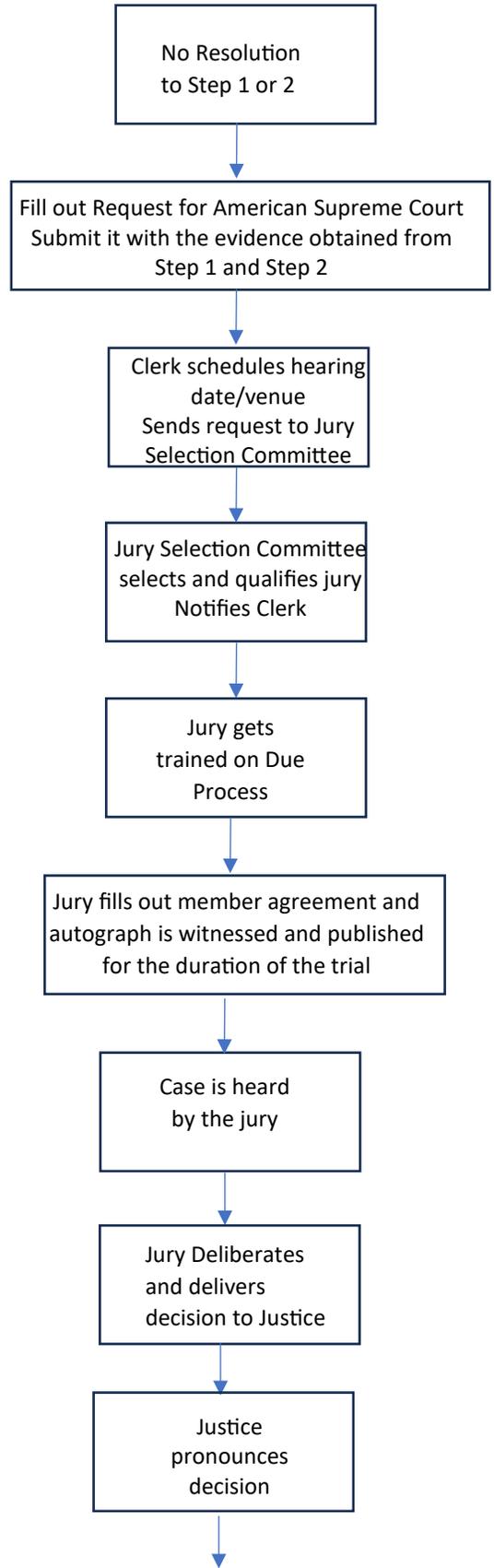
Arbitration with 3 men/women chosen from Jury Pool. Arbitrators will ask clarifying questions and make suggestions for resolution.

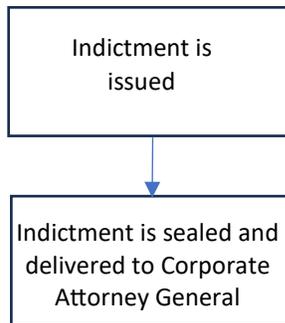
If the discussion gets heated or tumultuous, the Marshal at Arms will call for order. The claimant and accused can be separated, and the arbitrators could provide communications between the parties.

Recorder provides coordination for Arbitration
Establishes an Arbitration meeting ID on FCC and provides notice to both parties along with copies of the claim and other documents such as a witness testimony.
Recorder will maintain recordings & transcripts, and documents.

If resolution/remedy is determined, it will be documented and signed by both parties with 2 originals going to each party, and copies filed/published on the record







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Clerk will prepare Case Packet for each Juror

Clerk will prepare indictment to be hand carried by Sheriff to Attorney General

Definitions

American Common Law

Common Law has its origins in the Stone Age. It's the tradition, often verbal, that a group or tribe has established as its standard of justice over time. In our courts the judges always carried the [Geneva Bible](#) with them. We stood up out of respect for the scripture which is the embodiment and basis for the American Common Law.

It is a real system of laws derived from centuries of work, study and sacrifice of millions of people. It is not trivial and inconsequential as some would have you think. It is the Common Law that is most represented within Our Constitution, Declaration of Independence and Our Bill of Rights. These documents were designed to limit and eliminate the vicious [Equity](#), [Maritime or Admiralty Law](#) which was what we revolted against as Our Revolution against the totalitarianism of England.

Did you know the Anglo-American system (Our system) of jurisprudence is the only one which developed out of what is called the Common Law, that is, the general law of private property known in the British Isles? It is true - Common Law was designed through the centuries to secure the rights of individuals (you and me) to property and to make it difficult for property to be taken away from us by a government or governmental structure (bureaucracy) without due process of law. The Common Law was expounded over the years in hundreds of thousands of case decisions as a result of trials in which the Common Law jury acted as the Judges, and in which they exercised the authority to hear and **decide questions of both Law and fact**. Common Law deals with relationships, rights, powers and responsibilities, and types of actions rather than theoretical definitions of abstract legal concepts. The Common Law was recognized by Our Founding Fathers and is the basis of American Common Law in America today.

The Common Law recognizes **the Power of Government lies in the common people** and not in an elite group of power brokers. It is

the terrible Equity, Maritime or Admiralty Laws (laws of contract) that steals this power from the people and centralizes it into the hands of a few power-oriented men. The American Common Law deals in property assets whereas the Equity Laws deal in written abstractions of performance (agreements or contracts). In other words, Masters own their own property, work and destiny. We are all Masters when we truly own our own property. Slaves do not own property, they usually rent property of another and are compelled to perform upon or with that rented (tenured) property according to some agreement or contract.

It is from such controversies involving property that all of our Rights have come. Property is known as Substance at the Common Law, and includes hard Money in the form of gold and silver coin as required by Our federal Constitution and every other State Constitution as they were all drafted to be in perfect harmony one with another.

Controversies involving these matters carry with them a Law jurisdiction, a jurisdiction in which all of our Rights are found. The Judge in a Court of Common Law is an impartial referee of the dispute, and he is bound to protect the Rights of the parties to the dispute, or he will have lost whatever jurisdiction he may have had, or claimed to have had. It is the Jury who decides whether or not the Facts of the case are valid and they also decide the Law - does it apply? Is it correct for this case?, etc.

Thomas Jefferson placed great emphasis on the concept of Rights. He said we did not bring the English Common Law, as such, to this continent; we brought the Rights of Man as evidenced through and by the tried and true ancient system of Common Law.

And the American Common Law of the States may not be modified, limited nor abrogated either by an act of the legislature (Congress or State Legislature) or by a ruling of some judge or by any county board of commissioners or any other servant to the people.

This is the reason why our founding fathers considered that they had made every man a “King” on his own property. They got rid of

the controls from the King and “castle keep” owners (feudalism) within property ownership.

In England, [William Pitt](#) summarized the concept of private property under Common Law, as follows:

“The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter; the rain may enter; but the King of England cannot enter; all his forces dare not cross the threshold of the ruined tenement.”

This is why Anna refers to our Courts as our “House”.

The basis of the American Common Law is the Ten Commandments which are "common" to all three major land-based religions in the West-- [Judaism](#), [Christianity](#), and [Islam](#).

This common ethical basis provides the heart of the Common Law-- an ethical matrix that is "common" to and/or acceptable to adherents of all these major religions and most thinking people worldwide.

In the vast main, people agree that one should not lie, cheat, steal, murder and so on. The only significant exception to this is the religion of Satanism which is peculiar to the international jurisdiction of the sea and the realm of Commerce which pre-dates all the major western religions and includes premises that are very foreign to us.

Because of the separation of Church and State in this country, and because of the common law doctrine none of our land jurisdiction Offices invoke God and they do not require Oaths of Office.

American Government is first and foremost designed to honor the inviolable rights of individual living people which includes the freedom to choose what you believe or don't believe in.

Those who wish to function in the capacity of living people and who accept the ethical foundation of the [Ten Commandments](#) as their Law are welcome to form their Jural Assemblies and American Common Law Courts.

Claim - a demand for something due or believed to be due when a trespass or transgression has occurred.

Court Clerk – Clerks were originally Clerics, members of the clergy. Clerks set the venue of court cases-- that is, they determine where a case belongs, in which court and jurisdiction, and they assign it to a specific Judge, a Justice, or a Justice of the Peace to "shepherd" the proceedings.

So, the first duty of a Court Clerk is to recognize the kind of action being pursued and the nature of the people or the persons pursuing it, and thereby, to correctly direct it to the appropriate jurisdiction and the appropriate court within that jurisdiction.

Due Process

Coordinator Training December 5, 2024

https://rumble.com/v5wjumh-december-5th-2024-countrywide-coordinator-training-with-anna-von-reitz.html?e9s=src_v1_ucp

Start time 1:45:52 – 2:21

Protects the rights of the individual against the mob

Natural and unalienable rights. Freedom of speech, religion, travel, and to hold our own privacy sacred

People don't know government and forms of due process

See Bouvier – Note: Bouvier does not have a specific definition for due process but if you take the words separately and append them you come up with this using the third definition of "Due", appended with "process" would be "the just or proper process."

Blacks Law -

<https://foundationfortruthinlaw.org/Files/Black%27s-Law-Dictionary-Due-Process-Definition.pdf>

<https://thelawdictionary.org/due-process-of-law/>

Consideration must be taken on what the different types of agreements are:

1. Contract (wet ink or implied)
2. Treaties (wet ink)
3. Compacts (the constitutions are compacts – like a trash compactor)
4. Covenant (ecclesiastical)

What jurisdiction and rules that apply to the agreement

Land and Soil – must meet 7 different requirements

- 1. Must have 2 identified parties in kind:**
- 2. Meeting of the minds**
- 3. Whats the form of government**
- 4. What is the jurisdiction**
- 5. What is the form of agreement**
- 6. What are the requirements of the form of the agreement**
- 7. Are the agreements/relationships being fulfilled/met**

The above gives you due process in the land and soil jurisdiction

If you don't have an agreement then you are not bound by the agreement

Unilateral and implied contracts do not exist in land and soil- must be actual and factual

Bill of Rights is examples of the kind of rights we have that must be guaranteed by the Constitutions/Contracts. It is not an exhaustive example.

The employees (subcontractors) do not have the same rights or guarantees.

Our rights in the assemblies exceed anything ever stated or written.

Americans have Superior factual evidence and logic.

The Assembly must honor the rights of the individual and rights of the group

Please note: Contracts stand above treaties

Estoppel - Estoppel is part of common law. It is a principle that prevents someone from going back on their word given to someone else and unfairly causing damage to someone else.

Evidence – There are, basically, four kinds of evidence:

- a) Factual: actual evidence includes all those things generally admitted by the Defendant and the Public, such as, the Defendant was wearing a dark blue suit at the time of his arrest.
- b) Circumstantial: Circumstantial evidence includes those things that suggest rather than prove things, for example, because the Defendant was wearing a nice suit, it's unlikely that he intended to be mucking out a barn
- c) eye-witness: Eye-Witness Testimony includes all those things that other people directly see or hear and that they can directly attest to. Joan Adams says, "I heard Philip Dean threaten Eli White." He said, "If you mess with my bull again, you'll get something you don't like." -- and then he made a gesture with his fist, like he was chopping wood.

Eye-witness Testimony is notoriously unreliable because people see and even hear things differently, and their testimony can be heavily colored by their own prejudices and assumptions. Still, it can be helpful in establishing the overall

context of a situation, and if two unrelated people testify to hearing and seeing the same things, it lends credibility to the testimony.

d) Hearsay: Rumor

The first three, factual and circumstantial and eye-witness testimony, can be entered in a common law court case. The fourth, hearsay, cannot.

Justice – Justices assist the juries by answering questions about the rules of evidence and testimony and the meaning of any confusing terms and jargon -- "the letter of the law" --- but from there on, our courts depend on the sense of justice and moral conscience embedded in each juror and also upon each juror's ability to sift through facts and reason their way to reasonable conclusions.

Jurisprudence - The science of the law. By science here, is understood that connection of truths which is founded on principles either evident in themselves, or capable of demonstration; a collection of truths of the same kind, arranged in methodical order. In a more confined sense, jurisprudence is the practical science of giving a wise interpretation to the laws, and making a just application of them to all cases as they arise. In this sense, it is the habit of judging the same questions in the same manner, and by this course of judgments forming precedents. 1 Ayl. Pand. 3 Toull. Dr. Civ. Fr. tit. prel. s. 1, n. 1, 12, 99; Merl. Rep. h. t.; 19 Amer. Jurist, 3.

Juror - Jurors are selected from Citizens, and may be compelled to serve by fine; they generally receive a compensation for their services while attending court they are privileged from arrest in civil cases

Juror Lead – Once the jury is selecting and qualified, when the jury is seated, a lead juror will be elected by the body. A lead juror is similar to a moderator, to keep the discussions focused and on track.

Jury - A body of men selected according to law, for the purpose of deciding some controversy.

Law - Law comes from religion but is not in itself "a" religion there are many strange cross-overs, but generally speaking, the Law of the Land derives from the worship of Yahavah and the Law of the Sea derives from the worship of Baal (Satan) and the Law of the Air derives from the worship of Osiris.

Liberty - A liberty is a privilege granted by a higher authority.

Official - civil and canon laws. In the ancient civil law, the person who was the minister of, or attendant upon a magistrate, was called the official.

Ombudsman - *Ombudsman* was borrowed from Swedish, where it means "representative," and ultimately derives from the Old Norse words *umboth* ("commission") and *mathr* ("man"). Sweden became the first country to appoint an independent official known as an ombudsman to investigate complaints against government officials and agencies. Since then, other countries (such as Finland, Denmark, and New Zealand), as well as some U.S. states, have appointed similar officials. The word also designates a person who reviews complaints against an organization (such as a school or hospital) or to someone who enforces standards of journalistic ethics at a newspaper.

Recorder/Recordkeeper – The State Recorder function is vital. It creates and preserves the Public and Private Records upon which the legitimacy and proof of the proper functioning of the Jural Assembly depend. Protecting the Person and the Records of the State Jural Assembly Recorder are therefore important considerations, and securing the Records in multiple copies and in multiple locations is also necessary. The primary duty of Recorder Office needs to be keeping Records related to the Jural Assembly and its Members in order and secure. Records of times, dates, quorums, meeting minutes and similar documentary evidence in support of the State Jural Assembly's activities should also be

maintained both by the Recording Secretary and by the Recorder's Office. The Recordkeepers are responsible for collecting, securing, and distributing this information as needed.

Rights - A right is a material asset. interests in any kind of property or asset, whether real, personal or mixed, or tangible or intangible.

Bouvier Definition:

This word is used in various senses: 1. Sometimes it signifies a law, as when we say that natural right requires us to keep our promises, or that it commands restitution, or that it forbids murder. In our language it is seldom used in this sense. 2. It sometimes means that quality in our actions by which they are denominated just ones. This is usually denominated rectitude. 3. It is that quality in a person by which he can do certain actions, or possess certain things which belong to him by virtue of some title. In this sense, we use it when we say that a man has a right to his estate or a right to defend himself. Ruth, Inst. c. 2, §1, 2, 3; Merlin,; Repert. de Jurisp. mot Droit. See Wood's Inst. 119.

2. In this latter sense alone, will this word be here considered. Right is the correlative of duty, for, wherever one has a right due to him, some other must owe him a duty. 1 Toull. n. 96.

3. Rights are perfect and imperfect. When the things which we have a right to possess or the actions we have a right to do, are or may be fixed and determinate, the right is a perfect one; but when the thing or the actions are vague and indeterminate, the right is an imperfect one. If a man demand his property, which is withheld from him, the right that supports his demand is a perfect one; because the thing demanded is, or may be fixed and determinate.

4. But if a poor man ask relief from those from whom he has reason to expect it, the right, which supports his petition, is an imperfect one; because the relief which he expects, is a vague indeterminate, thing. Ruth. Inst. c. 2, §4; Grot. lib. 1, c. §4.

5. Rights are also absolute and qualified. A man has an absolute right to recover property which belongs to him; an agent has a qualified right to recover such property, when it had been entrusted to his care, and which has been unlawfully taken out of his possession. Vide Trover.

6. Rights might with propriety be also divided into natural and civil rights but as all the rights which man has received from nature have been modified and acquired anew from the civil law, it is more proper, when considering their object, to divide them into political and civil rights.

7. Political rights consist in the power to participate, directly or indirectly, in the establishment or management of government. These political rights are fixed by the constitution. Every citizen has the right of voting for public officers, and of being elected; these are the political rights which the humblest citizen possesses.

8. Civil rights are those which have no relation to the establishment, support, or management of the government. These consist in the power of acquiring and enjoying property, of exercising the paternal and marital powers, and the like. It will be observed that every one, unless deprived of them by a sentence of civil death, is in the enjoyment of his civil rights, which is not the case with political rights; for an alien, for example, has no political, although in the full enjoyment of his civil rights.

9. These latter rights are divided into absolute and relative. The absolute rights of mankind may be reduced to three principal or primary articles: the right of personal security, which consists in a person's legal and uninter-rupted enjoyment of his life, his limbs, his body, his health, and his reputation; the right of personal liberty, which consists in the power of locomotion, of changing situation, or removing one's person to whatsoever place one's inclination may direct, without any restraint, unless by due course of law; the right of property, which consists in the free use, enjoyment, and disposal of all his acquisitions, without any control or diminution, save only by the laws of the land. 1 Bl. 124 to 139.

10. The relative rights are public or private: the first are those which subsist between the people and the government, as the right of protection on the part of the people, and the right of allegiance which is due by the people to the government; the second are the reciprocal rights of husband and wife, parent and child, guardian and ward, and master and servant.

11. Rights are also divided into legal and equitable. The former are those where the party has the legal title to a thing, and in that case, his remedy for an infringement of it, is by an action in a court of law. Although the person holding the legal title may have no actual interest, but hold only as trustee, the suit must be in his name, and not in general, in that of the cestui que trust. 1 East, 497 8 T. R. 332; 1 Saund. 158, n. 1; 2 Bing. 20. The latter, or equitable rights, are those which may be enforced in a court of equity by the cestui que trust. See, generally, Bouv. Ins t. Index, h. t. Remedy.

Tales - Eng. law. The name of a book kept in the king's bench office, of such jurymen as were of the tales. See Tales de circumstantibus.

Talesman - (Tales de circumstantibus) practice. Such persons as are standing round. When ever the panel of the jury is exhausted the court order that the jurors wanted shall be selected from among the bystanders which order bears the name of tales de circumstantibus. Bac. Ab. Juries, C.

2. The judiciary act of Sept. 24, 1789, 1 Story, L. U. S. 64, provides, Sec. 29, that When from challenges, or otherwise, there shall not be a jury to determine any civil or criminal cause, the marshal or his deputy shall, by order of the court where such defect of jurors shall happen, return jurymen de talibus circumstantibus sufficient to complete the panel; and when the marshal or his deputy are disqualified as aforesaid, jurors may be returned by such disinterested persons as the court shall appoint. See 2 Hill, So. Car. R. 381; 2 Penna. R. 412; 4 Yeates, 236; Coxe, 283; 1 Blackf. 63; 2 Harr. & J. 426; 1 Pick. 43, n.

Transgression - The violation of a law.

Trespass - torts. An unlawful act committed with violence, *vi et armis*, to the person, property or relative rights of another. Every felony includes a *tres-pass*, in common parlance, such acts are not in general considered as *tres-passes*, yet they subject the offender to an action of trespass after his conviction or acquittal. See civil remedy.

2. There is another kind of trespass, which is committed without force, and is known by the name of trespass on the case. This is not generally known by the name of trespass. See Case.

3. The following rules characterize the injuries which are denominated trespasses, namely:

a) To determine whether an injury is a trespass, due regard must be had to the nature of the right affected. A wrong with force can only be offered to the absolute rights of personal liberty and security, and to those of property corporeal; those of health, reputation and in property incorporeal, together with the relative rights of persons, are, strictly speaking, incapable of being injured with violence, because the subject-matter to which they relate, exists in either case only in idea, and is not to be seen or handled. An exception to this rule, however, often obtains in the very instance of injuries to the relative rights of persons; and wrongs offered to these last are frequently denominated trespasses, that is, injuries with force.

b. Those wrongs alone are characterized as trespasses the immediate consequences of which are injurious to the plaintiff; if the damage sustained is a remote consequence of the act, the injury falls under the denomination of trespass on the case.

c. No act is injurious but that which is unlawful; and therefore, where the force applied to the plaintiff's property or person is the act of the law itself, it constitutes no cause of complaint. Hamm. N. P. 34; 2 Pbil. Ev. 131; Bac. Abr. h. t.; 15 East R. 614; Bouv. Inst. Index, h. t. As to what will justify a trespass, see Battery.

Trespass - remedies. The name of an action, instituted for the recovery of damages, for a wrong committed against the plaintiff,

with immediate force; as an assault and battery against the person; an unlawful entry into his, land, and an unlawful injury with direct force to his personal property. It does not lie for a mere non-feasance, nor when the matter affected was not tangible.

2. The subject will be considered with regard, 1. To the injuries for which trespass may be sustained. 2. The declaration. 3. The plea. 4. The judgment.

3. - §1. This part of the subject will be considered with reference to injuries, 1. The person. 2. To personal property. 3. To real property. 4. When trespass can or cannot be justified by legal proceedings.

1. Trespass is the proper remedy for an assault and battery, wounding, imprisonment, and the like, and it also lies for an injury to the relative rights when occasioned by force; as, for beating, wounding, and imprisoning a wife or servant, by which the plaintiff has sustained a loss. 9 Co. 113; 10 Co. 130. Vide Parties to actions; Per quod, and 1 Chit. Pr. 37.

2. The action of trespass is the proper remedy for injuries to personal property, which may be committed by the several acts of unlawfully striking, chasing, if alive, and carrying away to the damage of the plaintiff, a personal chattel, 1 Saund. 84, n. 2, 3; F. N. B. 86; Bro. Trespass, pl. 407; Toll. Executors, 112; Cro. Jac. 362, of which another is the owner and in possession; but a naked possession or right to immediate possession, is a sufficient title to support this action. 1 T. R. 480; and see 8. John. R. 432; 7 John. R. 535; 11 John. R. 377; Cro. Jac. 46; 1 Chit. Pl. 165.

3. Trespass is the proper remedy for the several acts of breaking through an enclosure, and coming into contact with any corporeal hereditament, of which another is the owner and in possession, and by which a damage has ensued. There is an ideal fence, reaching in extent upwards, a *superficie terrae usque ad caelum*, which encircles every man's possessions, when he is owner of the surface, and downwards as far as his property descends; the entry, therefore, is breaking through this enclosure, and this generally constitutes, by itself, a right of action. The plaintiff must be the owner, and in possession. 5 East, R. 485; 9 John. R. 61; 12 John.

R. 183; 11 John. R. 385; Id. 140; 3 Hill, R. 26. There must have been some injury, however, to entitle the plaintiff to recover, for a man in a balloon may legally be said to break the close of the plaintiff, when passing over it, as he is wafted by the wind, yet as the owner's possession is not by that act incommoded, trespass could not probably be maintained; yet, if any part of the machinery were to fall upon the land, the aeronaut could not justify an entry into it to remove it, which proves that the act is not justifiable. 19 John. 381 But the slightest injury, as treading down the grass, is sufficient. Vide 1 Chit. Pl. 173; 2 John, R. 357; 9 John. R. 113, 377; 2 Mass. R. 127; 4 Mass. R. 266; 4 John. R. 150.

It is a general rule that when the defendant has acted under regular process of a court of competent jurisdiction, or of a single magistrate having jurisdiction of the subject-matter, it is a sufficient justification to him; but when the court has no jurisdiction and the process is wholly void, the defendant cannot justify under it.

But there are some cases, where an officer will not be justified by the warrant or authority of a court, having jurisdiction. These exceptions are generally founded on some matter of public policy or convenience; for example, when a warrant was issued against a mail carrier, though the officer was justified in serving the warrant, he was liable to an indictment for detaining such mail carrier under the warrant, for by thus detaining him, he was guilty of "wilfully obstructing or retarding the passage of the mail, or of the driver or carrier," contrary to the provisions of the act of congress of 1825, ch. 275, s. 9. 8 Law Rep. 77. See Ambassador; Justification. §2. The declaration should contain a concise statement of the injury complained of, whether to the person, personal or real property, and it must allege that the injury was committed vi et armis and contra pacem; in which particulars it differs from a declaration in case

Trespass on the Case - practice. The technical name of an action, instituted for the recovery of damages caused by an injury unaccompanied with force, or where the damages sustained are only consequential.

Deep Dive



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