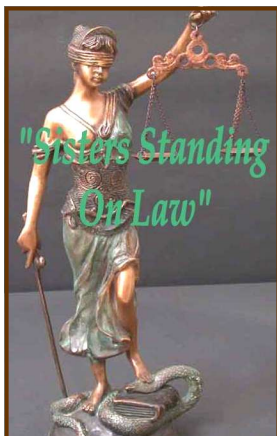


Analysis of Treaty of Peace & Friendship 1786

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from "domicile," *Wheeler v. Burgess*, 263 Ky. 693, 93 S.W.2d 351, 354; *First Carolinas Joint Stock Land Bank of Columbia v. New York Title & Mortgage Co.*, D.C.S.C., 59 F.2d 350, 351.



Definitions For Review:

In American Law

One who, under the constitution and laws of the United States, or of a particular state, is a member of the political community, owing allegiance and being entitled to the enjoyment of full civil rights. *Amy v. Smith*, 1 Litt. (Ky.) 331; *Minor v. Happersett*, 21 Wall. 162, 22 L.Ed. 627.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. Amend. XIV, Const.U.S.; *Nyman v. Erickson*, 100 Wash. 149, 170 P. 546, 547.

The term may include or apply to an elector qualified to vote in an election, *Belmont v. Town of Gulfport*, 97 Fla. 688, 122 So. 10; children of alien parents born in United States, *Von Schwerdtner v. Piper*, D.C.Md., 23 F.2d 862, 863; U. S. v. *Minoru Yasui*, D.C.Or., 48 F.Supp. 40, 54; children of American citizens born outside United States, *Hoaland v. Attorney General of United States*, D.C.Md., 42 F.Supp. 13, 22; *Indians, United States v. Hester*, C.C.A. Okl., 137 F.2d 145, 147; *State v. McAlhaney*, 220 N.C. 387, 17 S.E.2d 352, 354; national banks, *American Surety Co. v. Bank of California*, C.C.A.Or., 133 F.2d 160, 162; *Ezzell v. First Nat. Banks*, 218 Ala. 462, 119 So. 2, 3; negroes and whites, *United States v. Ellis*, D.C.S.C., 43 F.Supp. 321, 324; nonresident who has qualified as administratrix of estate of deceased resident, *Williams' Code Tenn. § 8236. Hunt v. Noll*, C.C.A.Tenn., 112 F.2d 288, 289; persons entitled to privileges and immunities conferred upon same terms upon which they are conferred upon other citizens, *Austin v. United States*, D.C.111., 40 F.Supp. 777, 778.

The terms "citizen" and "citizenship" are distinguishable from "resident" or "inhabitant." *Jeffcott v. Donovan*, C.C.A.Ariz., 135 F.2d 213, 214; and

The words "citizen" and "citizenship," however, usually • include the idea of domicile, *Delaware, L. & W. R. Co. v. Petrowsky*, C.C.A.N.Y., 250 F. 554, 557; citizen inhabitant and resident often synonymous, *Jonesboro Trust Co. v. Nutt*, 118 Ark. 368, 176 S.W. 322, 324; *Edgewater Realty Co. v. Tennessee Coal, Iron & Railroad Co.*, D.C.Md., 49 F. Supp. 807, 809; and citizenship and domicile are often synonymous. *Messick v. Southern Pa. Bus Co.*, D.C.Pa., 59 F. Supp. 799, 800.

A corporation is a citizen of state under whose laws it is created and a nonresident of every other state. *Jackson Securities & Investment Co. v. State*, 241 Ala. 288, 2 So.2d 760, 764. It is not a citizen within meaning of federal constitution declaring citizens of each state entitled to privileges and immunities of citizens in the several states or within Fourteenth Amendment prohibiting states from abridging privileges and immunities of citizens of United States, *J. D. L. Corporation v. Bruckman*, 11 N.Y. S.2d 741, 746, 171 Misc. 3; but see *In re Thermidyne Radio Corporation*, D.C.Del., 26 F.2d 713, 714; nor within statute authorizing citizens of United States to prosecute appeal to Circuit Court of Appeals without prepaying costs or giving security, *Atlantic S. S. Corporation v. Kelley*, C.C.A.Fla., 79 F.2d 339, 340; nor within statute authorizing permission to citizens to sue in forma pauperis, *Quittner v. Motion Picture Producers & Distributors of America*, C.C.A.2, 70 F.2d 331, 332; nor within statute requiring suit in district wherein either plaintiff or defendant resides. *Standard Stoker Co. v. Lower*, D.C.Md., 46 F.2d 678, 684; *Sutherland v. U. S.*, C.C.A.Neb., 74 F.2d 89, 92. Insurance companies, incorporated under state law. are "citizens of this state" within statute requiring foreign insurance companies to file bonds for payment of their obligations to such citizens. *Republic Ins. Co. v. Cunningham*, Tex.Civ.App., 62 S.W.2d 339, 343. The term "citizen" will not be construed to include a corporation, unless the general

**APPROBATE AND REPROBATE.** In Scotch law. To approve and reject; to attempt to take advantage of one part, and reject the rest. Bell. Equity suffers no person to *approve and reprobate* the same deed. 1 *Kames, Eq.* 317; 1 *Bell, Comm.* 146. The doctrine of *approve and reprobate* is the English doctrine of election.

**CITIZEN.** A member of a free city or jural society, (*civitas*,) possessing all the rights and privileges which can be enjoyed by any person under its constitution and government, and subject to the corresponding duties. "Citizens" are members of community inspired to common goal, who, in associated relations, submit themselves to rules of conduct for the promotion of general welfare and conservation of individual as well as collective rights. *In re McIntosh*, D.C.Wash., 12 F. Supp. 177.

The term appears to have been used in the Roman government to designate a person who had the freedom of the city, and the right to exercise all political and civil privileges of the government. There was also, at Rome, a partial citizenship, including civil, but not political rights. *Thomasson v. State*, 15 Ind. 451; 17 L.Q.Rev. 270; 1 *Sel.Essays in Anglo-Amer. L.H.* 578.

A member of a nation or body politic of the sovereign state or political society who owes allegiance, *Luria v. U. S.*, 34 S.Ct. 10, 19, 231 U.S. 9, 58 L.Ed. 101; *U. S. v. Polzin*, D.C.Md., 48 F.Supp. 476, 479.

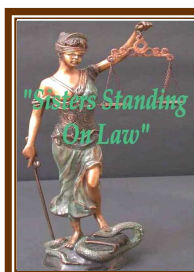
A member of the civil state entitled to all its privileges. *Cooley, Const.Lim.* 77. One of the sovereign people. A constituent member of the sovereignty synonymous with the people. *Scott v. Sandford*, 19 How. 404, 15 L.Ed. 691.

purpose and import of the statutory or constitutional provision seems to require it. *St. Louis & S. F. R. Co. v. State*, 120 Ark. 182, 179 S. W. 342, 343, Ann.Cas.1917C, 873; *Jennings v. Idaho Ry., Light & Power Co.*, 26 Idaho, 703, 146 P. 101, 102, L.R.A.1915D, 115, Ann.Cas.1916E, 359. Neither a corporation nor a partnership is a citizen of the United States entitled to immunity from service of summons by substituted service, *Western Mut. Fire Ins. Co. v. Lamson Bros. & Co.*, D.C.Iowa, 42 F.Supp. 1007, 1012.

Filipinos are not citizens of United States, *De Cano v. State*, 7 Wash.2d 613, 110 P.2d 627, 631; *People v. Cordero*, 50 Cal.App.2d 146, 122 P.2d 648, 649; but see holding that Filipinos are within provision of Neutrality Act defining "citizen" as including any individual owing allegiance to the United States. *Suspine v. Compania Transatlantica Centroamericana, S. A.*, D.C.N.Y., 37 F.Supp. 268, 271. A state cannot be a citizen. *Query v. 206 Cases of Assorted Liquor*, D.C.S.C., 49 F.Supp. 693, 695. But a state and the federal government each has citizens of its own, and the same person may be at the same time a citizen of the United States and a citizen of a state.

The government of the United States can neither grant nor secure to its citizens rights or privileges which are not expressly or by implication placed under its jurisdiction. All that cannot be so granted or secured are left to the exclusive protection of the states. *U. S. v. Cruikshank*, 92 U.S. 542, 23 L.Ed. 588.

With reference to the jurisdiction and power of federal courts and removal of actions a citizen of the District of Columbia is not a "citizen of a state", *Neild v. District of Columbia*, 110 F.2d 246, 249, 71 App.D.C. 306; *Glaeser v. Aca-cia Mut. Life Ass'n*, D.C.Cal., 55 F.Supp. 925, 926; a corporation is a citizen of the state where it is organized, and a foreign corporation does not become a citizen of another state where it is authorized to carry on business, *Van Buren v. Connecticut Gen. Life Ins. Co.*, D.C.Mass., 42 F.Supp. 279, 280; a municipal subdivision, such as county, city, town, or school district, is a citizen, *Siegel v. City of Detroit*, Department



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of Street Railways, D.C.Mich., 52 F.Supp. 669; *Pettibone v. Cook County*, Minn., C.C.A. Minn., 120 F.2d 850, 852; a national bank is a citizen of state where it has its principal place of business, *American Surety Co. of New York v. Bank of California*, D.C.Or., 44 F.Supp. 81, 83; *Atwood v. National Bank of Lima*, C.C.A. Ohio, 115 F.2d 861, 862; a state is not a citizen, *Board of Health of Township of Hillside v. Mundet Cork Corporation*, 126 N.J.Eq. 100, 8 A.2d 105, 106, 107; *State of North Dakota v. National Milling & Cereal Co.*, C.C.A.N.D., 114 F.2d 777, 779; *State Highway Commission of Wyoming v. Utah Const. Co.*, (Wyo.) 49 S.Ct. 104, 106, 278 U.S. 194, 73 L.Ed. 262; a turnpike commission is a citizen, *Hunkiri-Conkey Const. Co. v. Pennsylvania Turnpike Commission*, D.C.Pa., 34 F.Supp. 26, 28; an association is not a citizen, *Rife v. Lumber Underwriters*, C.C.A.Tenn., 204 F. 32, 35; *Village Mills Co. v. Houston Oil Co. of Texas*, Tex.Civ. App., 186 S.W. 785, 788; domicile and citizen are synonymous in federal courts, *Earley v. Hershey Transit Co.*, D.C. Pa., 55 F.Supp. 981, 982; inhabitant, resident and citizen are synonymous, *Standard Stoker Co. v. Lower*, D.C.Md., 46 F.2d 678, 683.

#### In English Law

An inhabitant of a city. 1 Rolle, 138. The representative of a city, in parliament. 1 Bl.Comm. 174.

The word "subject" is used to designate an inhabitant of the *country*, or one amenable to the laws of the nation.

**COMMISSION.** A warrant or authority or letters patent, issuing from the government, or one of its departments, or a court, empowering a person or persons named to do certain acts, or to exercise jurisdiction, or to perform the duties and exercise the authority of an office, (as in the case of an officer in the army or navy.) *Bledsoe v. Colgan*, 138 Cal.

34, 70 P. 924.

Also, in private affairs, it signifies the authority or instructions under which one person transacts business or negotiates for another. In a derivative sense, a body of persons to whom a commission is directed. A board or committee officially appointed and empowered to perform certain acts or exercise certain jurisdiction of a public nature or relation; as a "commission of assise."

#### Civil Law

A species of bailment, being an undertaking, without reward, to do something in respect to an article bailed; equivalent to "mandate."

#### Commercial Law

The recompense or reward of an agent, factor, broker, or bailee, when the same is calculated as a percentage on the amount of his transactions or on the profit to the principal. In this sense, however, the word occurs perhaps more frequently in the plural. *Gray v. Stern*, 85 Wash. 645, 149 P. 26, 28. *Jackson v. Stanfield*, 137 Ind. 592, 57 N.E. 14, 23 L.R.A. 588. *Sinclair Coal Co. v. Pittsburg and Ashland Coal and Dock Co.*, 178 Minn. 114, 226 N.W. 206, 208. But the term may mean simply a compensation; *Smith v. Starke*, 196 Mich. 311, 162 N.W. 998, 999; and does not necessarily imply a mere per centum valuation; *Jenkins v. Locke-Paddon Co.*, 30 Cal.App. 52, 157 P. 537.

Also, a compensation to an administrator for the faithful discharge of his duties. In *re Jula's Estate*, 3 N.J.Misc. 976, 130 A. 733, 735.

#### Criminal Law

Doing or perpetration; the performance of an act. *Groves v. State*, 116 Ga. 516, 42 S.E. 755, 59 L.R.A. 598.

#### Practice

An authority or writ issuing from a court, in relation to a cause before it,

directing and authorizing a person or persons named to do some act or exercise some special function; usually to take the depositions of witnesses.

**DOMINION.** Ownership, or right to property or perfect or complete property or ownership. **Whelan v. Henderson, Tex.Civ.App., 137 S.W. 2d 150, 153.** Title to an article of property which arises from the power of disposition and the right of claiming it. **Baker v. Westcott, 73 Tex. 129, 11 S.W. 157, 8 East, 579.** See, also, **State v. Johnson, 34 S.D. 601, 149 N.W. 730, 734.**

Sovereignty or lordship; as the dominion of the seas. **Moll. de Jure Mar. 91, 92.** In the civil law, with reference to the title to property which is transferred by a sale of it, dominion is said to be either "proximate" or "remote," the former being the kind of title vesting in the purchaser when he has acquired both the ownership and the possession of the article, the latter describing the nature of his title when he has legitimately acquired the ownership of the property but there has been no delivery. **Coles v. Perry, 7 Tex. 109.**

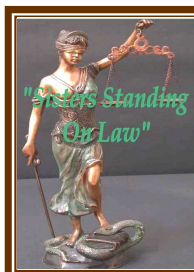
**EFFECTS.** Personal estate or property. See **Johnson v. Olson, 92 Kan. 819, 142 P. 256, 258, L.R. A.1915E, 327.** Movable or chattel property of any kind. **Ettlinger v. Importers' & Exporters' Ins. Co. of New York, 247 N.Y.S. 260, 262, 138 Misc. 743.**

In this sense, the term is more comprehensive than the word "goods," as including fixtures and choses in action, which "goods" will not include. **Bank v. Byram, 131 Ill. 92, 22 N.E. 842.**

Also, every kind of property, real and personal. **Child v. Orton, 119 N.J.Eq. 438, 183 A. 709, 710; Adams v. Akerlund, 48 N.E. 454, 168 Ill. 632; Castle v. Castle, C.C.A.Hawaii, 267 F. 521, 523; Erickson v. Carlson, 145 N.W. 352, 95 Neb. 182; Peterson's Estate, 151 N.W. 66, 68, 168 Iowa 511, L.R.A. 1916A, 469.**

### In Will

Personal property; goods; worldly substance. If the term is used *simpliciter*, as in a gift of "all my effects," it will carry the whole personal estate, unless an intention appears to the contrary.



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Schouler, Wills, § 509. In re **Mitchell's Will, 38 N.Y.S.2d 673, 674, 675.** The meaning of the term is determined by the context and surrounding circumstances; **Coffman's Adm'r v. Coffman, 131 Va. 456, 109 S.E. 454, 459;** and is broad enough to include property of any kind. In re **Lafferty's Estate, 311 Pa. 469, 167 A. 49, 50.**

The words "real and personal effects" will embrace the whole estate. **Hogan v. Jackson, Cowp. 304; The Alpena, D.C., 7 F. 361; 15 M. & W. 450; Foxall v. McKenney, 3 Cranch C.C. 206, Fed.Cas. No.5,016.**

### LIBERTY.

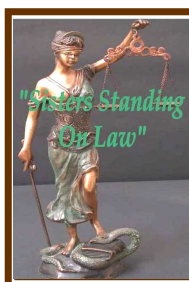
- Freedom; exemption from extraneous control. Freedom from all restraints except such as are justly imposed by law. **Ex parte Kreutzer, 187 Wis. 463, 204 N.W. 595, 604.**
- Freedom from restraint, under conditions essential to the equal enjoyment of the same right by others; freedom regulated by law. **Kelly v. James, 37 S.D. 272, 157 N. W. 990, 991.**
- The absence of arbitrary restraint, not immunity from reasonable regulations and prohibitions imposed in the interests of the community. **Southern Utilities Co. v. City of Palatka, 86 Fla. 583, 99 So. 236, 240; Nelsen v. Tilley, 137 Neb. 327, 289 N.W. 388, 392, 126 A.L.R. 729; Arnold v. Board of Barber Examiners, 45 N.M. 57, 109 P.2d 779, 785.**
- The power of the will to follow the dictates of its unrestricted choice, and to direct the external acts of the individual without restraint, coercion, or control from other persons. See **Booth v. Illinois, 22 S.Ct. 425, 184 U.S. 425, 46 L.Ed. 623; Munn v. Illinois, 94 U.S. 142, 24 L.Ed. 77; People v. Warden of City Prison, 51 N.E.**

**1006, 157 N.Y. 116, 43 L.R.A. 264, 68 Am.St.Rep. 763.**

- The word "liberty" includes and comprehends all personal rights and their enjoyment. **Rosenblum v. Rosenblum, 42 N.Y.S.2d 626, 630, 181 Misc. 78.**
- It embraces freedom from duress, In re **Miner, D.C.111., 9 F.Supp. 1, 7:**
- freedom from governmental interference in exercise of intellect, in formation of opinions, in the expression of them, and in action or inaction dictated by judgment, **Zavilla v. Masse, 112 Colo. 183, 147 P.2d 823, 827;**
- freedom from servitude, imprisonment or restraint, **Committee for Industrial Organization v. Hague, D.C.N.J., 25 F.Supp. 127, 131, 141; People v. Wood, 272 N.Y.S. 258, 151 Misc. 66 ;**
- freedom in enjoyment and use of all of one's powers, faculties and property, **Grosjean v. American Press Co., La., 56 S.Ct. 444, 446, 297 U.S. 233, 80 L.Ed. 660; City of Mt. Vernon v. Julian, 369 Ill. 447, 17 N.E.2d 52, 55, 119 A.L.R. 747;**
- freedom of assembly, **Rosenblum v. Rosenblum, 42 N.Y.S. 2d 626, 630, 181 Misc. 78;**
- freedom of citizen from banishment, **Committee for Industrial Organization v. Hague, D. C.N.J., 25 F.Supp. 127, 141;**
- freedom of conscience, **Gobitis v. Minersville School Dist., D.C.Pa., 21 F.Supp. 581, 584, 587;**
- freedom of contract, State ex rel. **Hamby v. Cummings, 166 Tenn. 460, 63 S.W.2d 515; State v. Henry, 37' N.M. 536, 25 P.2d 204, 90 A.L.R. 805;**
- freedom of locomotion or movement, **Commonwealth v. Doe, 109 Pa.Super. 187, 167 A. 241, 242; Committee for Industrial Organiza-**

tion v. Hague, D.C.N.J., 25 F.Supp. 127, 131, 141 ;

- freedom of occupation, *Koos v. Saunders*, 349 Ill. 442, 182 N.E. 415, 418;
- freedom of press, *Commonwealth v. Nichols*, 301 Mass. 584, 18 N.E.2d 166, 167; *Near v. State of Minnesota ex rel. Olson* (Minn.) 51 S.Ct. 625, 628, 283 U.S. 697, 75 L.Ed. 1357;
- freedom of religion, *Gabrielli v. Knickerbocker*, 12 Cal.2d 85, 82 P.2d 391, 393; *Hamilton v. City of Montrose*, 109 Colo. 228, 124 P.2d 757, 759; *Cantwell v. State of Connecticut*, Conn. , 60 S.Ct. 900, 903, 310 U.S. 296, 84 L.Ed. 1213, 128 A.L.R. 1352 ;
- freedom of speech, *Ghadiali v. Delaware State Medical Soc.*, D.C.Del., 28 F.Supp. 841, 844; *Carpenters and Joiners Union of America, Local No. 213, v. Ritter's Cafe*, Tex., 62 S.Ct. 807, 809, 315 U.S. 722, 86 L.Ed. 1143.
- It also embraces right of self-defense against unlawful violence, *Rohrer v. Milk Control Board*, 121 Pa. Super. 281, 184 A. 133, 136;
- right to acquire and enjoy property, *Rohrer v. Milk Control Board*, 121 Pa.Super. 281, 184 A. 133, 136;
- right to acquire useful knowledge, *Rosenblum v. Rosenblum*, 42 N.Y.S.2d 626, 630, 181 Misc. 78;
- right to carry on business, *Mile. Reif, Inc., v. Randau*, 1 N.Y.S.2d 515, 518, 166 Misc. 247;
- right to earn livelihood in any lawful calling. *Saidel v. Village of Tupper Lake*, 4 N.Y.S.2d 814, 818, 254 App.Div. 22;
- right to emigrate, and if a citizen, to return, *Committee for Industrial Organization v. Hague*, D.C.N.J., 25 F.Supp. 127, 141;
- right to engage in a lawful business, to determine the price of one's labor, and to fix the hours when one's place of business shall be kept open, *State Board of Barber Examiners v. Cloud*, 220 Ind. 552, 44 N.E.2d 972, 980;
- right to enjoy to the fullest extent the privileges and immunities given or assured by law to people living within the country, *McGrew v. Industrial*



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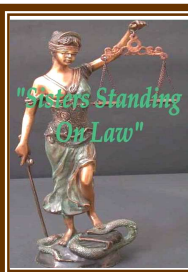
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*Commission*, 96 Utah 203, 85 P.2d 608, 611;

- right to forswear allegiance and expatriate oneself, *Committee for Industrial Organization v. Hague*, D.C. N.J., 25 F.Supp. 127, 141;
- right to freely buy and sell as others may, *Rohrer v. Milk Control Board*, 121 Pa.Super. 281, 184 A. 133, 136;
- right to labor, *Simon v. Schwachman*, 301 Mass. 573, 18 N.E.2d 1, 3;
- right to live and work where one will, *People v. Wood*, 272 N.Y.S. 258, 151 Misc. 66;
- right to marry and have a family, *Committee for Industrial Organization v. Hague*, D.C.N.J., 25 F.Supp. 127, 141; *Rosenblum v. Rosenblum*, 42 N.Y.S.2d 626, 630, 181 Misc. 78;
- right to pursue chosen calling, *State v. Chisesi*, 187 La. 675, 175 So. 453; *People v. Cohen*, 8 N.Y.S.2d 70, 72, 255 App.Div. 485;
- right to use property according to owner's will, *State Bank & Trust Co. v. Village of Wilmette*, 358 ' Ill. 311, 193 N.E. 131, 133, 96 A.L.R. 1327.
- Liberty, on its positive side, denotes the fullness of individual existence; on its negative side it denotes the necessary restraint on all, which is needed to promote the greatest possible amount of liberty for each. *Amos, Science of Law*, p. 90.
- The word "liberty" as used in the state and federal Constitutions means, in a negative sense, freedom from restraint, but in a positive sense, it involves the idea of freedom secured by the imposition of restraint, and it is in this positive sense that the state. in the exercise of *its* police powers, promotes the freedom of all by the imposition upon particular persons of restraints which are deemed necessary for the general welfare. *Fitzsimmons*

*v. New York State Athletic Commission*, Sup., 146 N.Y.S. 117, 121.

- "Liberty," in so far as it is noticed by government, is restraint, rather than license. It is a yielding of the individual will to that of the many, subject to such constitutional guarantees or limitations as will preserve those rights and privileges which are admitted of all men to be fundamental. "Liberty" in the civil state is a giving up Of natural right in consideration of equal protection and opportunity. *Weber v. Doust*, 84 Wash. 330, 146 P. 623, 625.
- The "personal liberty" guaranteed by Const. U. S. Amend. 13 consists in the power of locomotion without imprisonment or restraint unless by due course of law, except those restraints imposed to prevent commission of threatened crime or in punishment of crime committed, those in punishment of contempts of courts or legislative bodies or to render their jurisdiction effectual, and those necessary to enforce the duty citizens owe in defense of the state to protect community against acts of those who by reason of mental infirmity are incapable of self-control. *Ex parte Hudgins*, 86 W.Va. 526, 103 S.E. 327, 329, 9 A.L.R. 1361.
- The "liberty" safeguarded by Fourteenth Amendment is liberty in a social organization which requires the protection of law against the evils which menace the health, safety, morals, and welfare of the people. *West Coast Hotel Co. v. Parrish*, Wash., 57 S.Ct. 578, 581, 582, 300 U.S. 379, 81 L.Ed. 703, 108 A.L.R. 1330.
- Also, a franchise or personal privilege, being some part of the sovereign power, vested in an individual, either by grant or prescription. The term is used in the expression, rights, liberties, and franchises, as a word of the



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same general class and meaning with those words and privileges. This use of the term is said to have been strictly conformable to its sense as used in Magna Charta and in English declarations of rights, statutes, grants, etc.; *Corn. v. Alger*, 7 *Cush. (Mass.)* 70.

- In a derivative sense, the place, district, or boundaries within which a special franchise is enjoyed, an immunity claimed, or a jurisdiction exercised. In this sense, the term is commonly used in the plural; as the "liberties of the city."

**PASS**, n. Permission to pass; a license to go or come; a certificate, emanating from authority, wherein it is declared that a designated person is permitted to go beyond certain boundaries which, without such authority, he could not lawfully pass. Also a ticket issued by a railroad or other transportation company, authorizing a designated person to travel free on its lines, between certain points or for a limited time.

#### PASSPORT.

**Maritime.** A document issued to a neutral merchant vessel, by her own government, during the progress of a war, to be carried on the voyage, to evidence her nationality and protect her against the cruisers of the belligerent powers. This paper is otherwise called a "pass," "sea-pass," "sea-letter," "sea-brief." It usually contains the captain's or master's name and residence, the name, property, description, tonnage, and destination of the ship, the nature and quantity of the cargo, the place from whence it comes, and its destination, with such other matters as the practice of the place requires.

**In International law.** A license or safe-conduct, issued during the progress of a war, authorizing a person to remove himself or his effects from the territory of one of the belligerent nations to another country, or to travel from country to country without arrest or detention on account of the war.

**In American law.** A special instrument intended for the protection of American vessels against the Barbary powers, usually called a "Mediterranean pass." *Jac. Sea Laws*, 69. Also a document addressed to foreign powers, which certifies that the person therein described is a citizen of the United States and which requests for him while abroad permission to come and go as well as lawful aid and protection. *United States v. Browder*, C.C.A.N.Y., 113 F.2d 97, 98. *Black's Law Dictionary Revised 4th Ed.*-81.

**In Modern law.** A warrant of protection and authority to travel, granted by the competent officer to persons moving from place to place. Brande.

**SIGNAL.** A means of communication, as between vessels at sea or between a vessel and the shore. The international code of signals for the use of all nations assigns arbitrary meanings to different arrangements of flags or displays of lights.

#### SUBJECT.

##### *Constitutional Law*

One that owes allegiance to a sovereign and is governed by his laws. The natives of Great Britain are *subjects* of the British government. Men in free governments are subjects as well as *citizens*; as citizens they enjoy rights and franchises; as subjects they are bound to obey the laws. Webster. The term is little used, in this sense, in countries enjoying a republican form of government. *The Pizarro*, 2 *Wheat*. 245, 4 L.Ed. 226; *Swiss Nat. Ins. Co. v. Miller*, 267 U.S. 42, 45 S.Ct. 213, 214, 69 L.Ed. 504.

#### Legislation

The matter of public or private concern for which law is enacted. *State ex rel. Jensen v. Kelly*, 65 S.D. 345, 274 N.W. 319, 323. Thing legislated about or matters on which Legislature operates to accomplish a definite object or objects reasonably related one to the other. *Crouch v. Benet*, 198

S.C. 185, 17 S.E.2d 320, 322. The matter or thing forming the groundwork of the act. *McCombs v. Dallas County, Tex.Civ.App.*, 136 S.W.2d 975, 982.

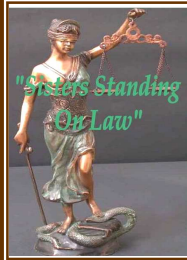
The constitutions of several of the states require that every act of the legislature shall relate to but one *subject*, which shall be expressed in the title of the statute. *Ex parte Thomas*, 113 Ala. 1, 21 So. 369; *In re Mayer*, 50 N.Y. 504; *State v. County Treasurer*, 4 S.C. 528; *State v. Laundy*, 103 Or. 443, 204 P. 958, 963; *Roark v. Prideaux, Tex. Civ.App.*, 284 S.W. 624, 627; *Hoyne v. Ling*, 264 Ill. 506, 106 N.E. 349. But term "subject" within such constitutional provisions is to be given a broad and extensive meaning so as to allow legislature full scope to include in one act all matters having a logical or natural connection. *Shaw v. State*, 76 Okl.Cr. 271, 134 P.2d 999, 1006; *Jaffee v. State*, 76 Okl.Cr. 95, 134 P.2d 1027, 1032. Logic that concerning which the affirmation in a proposition is made; the first word in a proposition. *State v. Armstrong*, 31 N.M. 220, 243 P. 333, 337.

#### Scotch Law

The thing which is the object of an agreement. SUBJECT-MATTER. The subject, or matter presented for consideration; the thing in dispute; the right which one party claims as against the other, as the right to divorce; of ejectionment; to recover money; to have foreclosure. *Flower Hospital v. Hart*, 178 Okl. 447, 62 P.2d 1248, 1252. Nature of cause of action, and of relief sought. *Moffatt v. Cassimus*, 238 Ala. 99, 190 So. 299, 300.

**VESSEL.** A ship, brig, sloop, or other craft used in navigation. The word in its broadest sense *is* more comprehensive than "ship."

Any structure which is made to float upon the water, for purposes of commerce or war, whether impelled by wind, steam, or oars. *Chaffe v. Ludeling*, 27 La. Ann. 607. Any structure, especially a hollow one, made to float upon the water for purposes of navigation; a craft for navigation of the water, often, specifically, one larger than a common row boat; as, a war vessel; a passenger vessel. *City of Tampa v. Tampa Shipbuilding & Engineering Co.*, 136 Fla. 216, 186 So. 411, 412; *Massman Const. Co. v. Bassett, D.C.Mo.*, 30 F. Supp. 813, 815.



## Class #23— Page 6 of 7

### Analysis of Treaty of Peace & Friendship 1786

#### Part II

Sunday, January 31st, 2016 / 1 p.m. — 3 p.m.

Blog Talk: *Mhhs—Eyes Wide Open*

Chat Room OR Call In: 347 945-5899

Every description of water-craft or other artificial contrivances used, or capable of being used, as a means of transportation on water. *Rev.St.U.S. § 3 (1 U.S.C.A. § 3); Maryland Casualty Co. v. Lawson, C.C.A.Fla., 94 F.2d 190, 192.* Under this definition, the term has been held to include a large barge, without motive power of its own. *Norton v. Warner Co., Pa., 64 S.Ct. 747, 751, 321 U.S. 565, 88 L.Ed. 931;* and likewise a house boat, not permanently attached to the shore, though without motive power, *The Ark, D.C.Fla., 17 F.2d 446, 447;* but not a wharfboat, secured to the shore by cables and used as an office, warehouse, and wharf, and having water and electric light connections and telephone system, *Evansville & Bowling Green Packet Co. v. Chero Cola Bottling Co., 271 U.S. 19, 46 S.Ct. 379, 380, 70 L.Ed. 805;* nor a dry dock used for the repair of vessels, though capable of being floated and towed from place to place; *Berton v. Tietjen & Lang Dry Dock Co., D.C.N.J., 219 F. 763, 771.*

As used in various other statutes, the word "vessel" has been held applicable to a ferryboat, *Port Huron & Sarnia Ferry Co. v. Lawson, D.C.Mich., 292 F. 216, 219;* a pile driver scow, *George Leary Const. Co. v. Matson, C.C.A.Va., 272 F. 461, 462;* a derrick boat, carrying a derrick used for loading logs from the river bank upon boats, *Patton-Tully Transp. Co. v. Turner, C.C.A.Tenn., 269 F. 334, 336;* a hydro-aeroplane while moving on the water, *Reinhardt v. Newport Flying Service Corporation, 232 N.Y. 115, 133 N.E. 37, 372, 18 A.L.R. 1324;* and even to a log raft. *The Libby Maine, D.C.Wash., 3 F.2d 79, 80.* The term is broad enough to include a vessel's tackle, apparel, furniture, chronometer and appurtenances. *The Frolic, D.C.R.I., 148 F. 921.*

The word has also been held to include a new ship as soon as its hull has been

launched, *The Pinthis, C.C.A. N.J., 286 F. 122;* and any structure which is so far completed as to be capable of being used as a means of transportation on water, *R. R. Ricou & Sons Co. v. Fairbanks, Morse & Co., C.C.A.Fla., 11 F.2d 103, 104;* but not an old hull built of timber taken from an old dry dock. *The Dredge A, D.C.N.C., 217 F. 617, 630. Contra, Moores v. Underwriters, C.C.Tenn., 14 F. 236.*

The words "boat," "craft," and "water craft" are usually applied to small vessels, while larger vessels, especially in the case of large iron steamships, are usually referred to by the term "steamer," or "steamship," or "vessel." *The Saxon, D.C.S.C., 269 F. 639, 641.*

A utensil, such as a bottle, designed to hold liquids, etc. *Old Tavern Farm v. Fickett, 125 Me. 123, 131 A. 305, 306.*

#### Foreign Vessel

A vessel owned by residents in, or sailing under the flag of, a foreign nation. "Foreign vessel," under the embargo act of January, 1808, means a vessel under the flag of a foreign power, and not a vessel in which foreigners domiciled in the United States have an interest. *The Sally, 1 Gall. 58, F. Cas.No.12,257.* Public Vessel One owned and used by a nation or government for its public service, whether in its navy, its revenue service, or otherwise.

## Reminder Notes for Future Classes:

**State** - A People permanently occupying a fixed territory, bound together by common-law, habits, and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe. *Black's Law Dictionary 4<sup>th</sup> Edition.*

### Parties to the Constitution – United States:

1. **Moors** – Supreme Authority, *and*
2. **Union [United] States of America** – Europeans, the People adopted into the Nation.

**Status** – The etymology of the word **state** comes from the latin "Status" – stare – to stand; Status – manner of standing, attitude, position, carriage, manner, dress, apparel; and other senses.

All **legislative powers** herein granted shall be vested in a **Congress of the United States** - Moors, which shall **consist-[stands together with]** of a **Senate and House of Representatives** – [members elected from the Union States]

### The 3 Great Departments of Government:

- ♦ **Legislative** – pass law – this is appropriate if you comprehend that the Moors make up the United States and only the sovereign of the land can make any laws.
- ♦ **Executive** – approve and execute the laws that have been passed.
- ♦ **Judicial** – expound and enforce the laws that have been passed.

