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Analysis of Treaty of Peace & Friendship 1786

Part III Sunday, February 28, 2016 / 1 p.m. — 3 p.m.

Blog Talk: Mhhs—Eyes Wide Open

Chat Room OR Call In: 347 945-5899

Definitions For Review:

Application - APPLICATION. A putting to, placing before, preferring a request or petition to or before a person. The act of making a request for something. In re Meyer, 166 N.Y.S. 505, 100 Misc. 587. A written request to have a certain quantity of land at or near a certain specified place. **Biddle v. Dougal, 5 Bin. (Pa.) 151.** A petition. **Scott v. Strobach, 49 Ala. 477, 489.** **Gardner v. Goodner Wholesale Grocery Co., 113 Tex. 423, 256 S.W. 911, 913.** The use or disposition made of a thing. A bringing together, in order to ascertain some relation or establish some connection; as the *application* of a rule or principle to a case or fact.

Insurance

The preliminary request, declaration, or statement made by a party applying for an insurance policy, such as one on his life, or against fire. **Whipple v. Prudential Ins. Co. of America, 222 N.Y. 30, 118 N.E. 211, 212.**

An "application" is no more than proposition to insurance company and must be accepted before there can be meeting of minds required to form binding contract.

Brouster v. John Hancock Mut. Life Ins. Co., Mo.App., 171 S.W.2d 775, 777; Kronjaeger v. Travelers Ins. Co., 124 W.Va. 730, 22 S.E.2d 689, 692.

Payments

Appropriation of a payment to some particular debt; or the determination to which of several demands a general payment made by a debtor to his creditor shall be applied.

Mere uncommunicated intention or belief on part of debtor as to application of payment to creditor is not such an appropriation as constitutes "application" by him. **Delaware Dredging Co. v. Tucker Stevedoring Co., C.C.A.Pa., 25 F.2d 44, 46.**

Purchase Money

The disposition made of the funds received by a trustee on a sale of real estate held under the trust.

Detained DETAIN. To retain as the possession of personalty. **First Nat. Bank v. Yocom, 96 Or. 438, 189 P. 220, 221.** To arrest, to check, to delay, to hinder, to hold, or keep in custody, to retard, to restrain from proceeding, to stay, to stop. **People v. Smith, 17 Cal.App.2d 468, 62 P.2d 436, 438.**

DETAINDER. The act (or the juridical fact) — of withholding from a person lawfully entitled the possession of land or goods, or the restraint of a man's personal liberty against his will; detention. The wrongful keeping of a person's goods is called an "unlawful detainer" although the original taking may have been lawful. As, if one distrains another's cattle, *damage feasant*, and before they are impounded the owner tenders sufficient amends; now, though the original taking was lawful, the subsequent detention of them after tender of amends is not lawful, and the owner has an action of *replevin* to recover them, in which he will recover damages for the *detention*, and not for the *caption*, because the original taking was lawful. **3 Steph.Comm. 548.**

In Practice

A writ or instrument, issued or made by a competent officer, authorizing the keeper of a prison to keep in his custody a person therein named. A detainer may be lodged against one within the walls of a prison, on what account soever he is there. **Com.Dig. "Process," E, (3 B.)** This writ was superseded by 1 & 2 Vict. c. 110, §§ 1, 2. Forcible Detainer See that title.

DETAINMENT. This term is used in policies of marine insurance, in the clause relating to "arrests, restraints, and detainments." The last two words are construed as equivalents, each meaning the effect of superior force operating directly on the vessel. **Schmidt v. Insurance Co., 1 Johns., N.Y., 262, 3 Am.Dec. 319.**

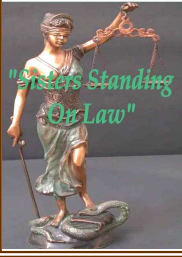
Favoured FAVOR, v. To regard with favor; to aid or to have the disposition to aid; to show partiality or unfair bias towards;—practically synonymous with "support." **United States v. Schulze, D.C. Cal., 253 F. 377, 379.** The word implies a mental attitude or intent. **Schulze v. United States, C.C.A.Cal., 259 F. 189, 190.**

Fugitive FUGITIVE. One who flees; always used in law with the implication of a flight, evasion, or escape from some duty or penalty or from the consequences of a misdeed.

FUGITIVUS. In the civil law, a fugitive; a runaway slave. **Dig. 11, 4; Cod. 6, 1.** See the various definitions of this word in Dig. 21, 1, 17.

Full Liberty to Pass and Repass - 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.



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21 Lawful Questions:

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 4th 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.

1. What must a ship of war of either party do once they put into port?
2. Who shall he commerce with the United States [of America] be on the same footing with?
3. What shall the citizens of the United States [of America] have full liberty to do?
4. Does this indicate any other requirement in order to pass and repass and is this “full liberty” applicable only to “citizens of the United States [of America]?”
5. What shall not happen to any Commander of a vessel in the port?
6. What are both parties not to make of the prisoners?
7. If there is a deficiency on either side, what shall it be made up of, in terms of equal surrender of prisoners?
8. Who can make the exchange?
9. **Bonus Question:** What can Merchants NOT be compelled to do?
10. What is the only reason for examination and possible detention, what must happen first and what are the consequences?
11. Now if #10 was to apply to ones personal property a car for example keeping in mind that this a the law of the land as well, is this being violated?
12. Can any vessel be detained? Is this being violate now in terms of cars?
13. In Article XX where is says “If any of the citizens of the United States,”, who are they referring to and what is the name of the Nation?
14. In Article XX where is says “and whenever the consul shall required any aid or assistance from our government.” What government are they referring to, where is it, and what is it called?
15. In Article XXI where it says “If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place,” What “country” are they referring to and what would be the law based on that country
16. In Article XXII where it says “If an American citizen shall die in our country,” Who are they referring to?
17. Where shall the Consuls of the United States of America reside?
18. In article XXII where it says “but if the heir to the person deceased be present, the property shall be delivered to him without interruption;” In order for this to be followed what must first be established and why?
19. What must happen if any difference arise by either party?
20. What must happen if a war breaks out?
21. What grant to Christian Powers are the citizens of the United States of America equally entitled to?