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Comprehensive Study of "The Law of the Land"

Article 2 — Part III

Sunday, February 16, 2013 / 1 p.m. — 3 p.m.
 Blog Talk: *Mhhs—Eyes Wide Open*

Definitions For Review:

Electors - A duly qualified voter; one who has a vote in the choice of any officer; a constituent. *DeBauche v. City of Green Bay*, 227 Wis. 148, 277 N.W. 147, 148. One who elects or has the right of choice, or who has the right to vote for any functionary, or for the adoption of any measure. *Aczel v. United States*, C.C.A.Ind., 232 F. 652, 657.

In a narrower sense, one who has the general right to vote, and the right to vote for public officers. One authorized to exercise the elective franchise. *McEvoy v. Christensen*, 178 Iowa, 1180, 159 N.W. 179, 181. But a woman citizen, though having such general right and authority to vote, may nevertheless not be an "elector" entitled to have her name put on a jury list, in view of a state constitution and statute. *People v. Barnett*, 319 Ill. 403, 150 N.E. 290, 291.

While the terms "electors" and "voters" are sometimes used interchangeably, their meaning is not precisely the same, "electors" being properly applied to all those entitled to vote, whereas "voters" appropriately designates only those actually voting. *State ex rel. Chaney v. Grinstead*, 314 Mo. 55, 282 S.W. 715, 719. A fortiori, "electors" is a broader term than "registered voters." *City of Dayton, Ohio, v. City Ry. Co.*, C.C.A.Ohio, 16 F.2d 401, 405.

One of the persons chosen to comprise the "electoral college" (*q. v.*). Also, the title of certain German princes who had a voice in the election of the Holy Roman Emperors. The office of elector in some instances became hereditary and was connected with territorial possessions. Sometimes, one who exercises the right of election in equity. *Brett, L. Cas. Mod. Eq. 257. Registered Qualified*

Elector. One possessing the constitutional qualifications, and registered under the registration statute. *Minges v. Board of Trustees of City of Merced*, 27 Cal.App. 15, 148 P. 816, 817. (*Black's Law Dictionary 4th Edition pg.610*)

Quorum - A majority of the entire body; *e. g.*, a quorum of a state supreme court. *Mountain States Telephone & Telegraph Co. v. People*, 68 Colo. 487, 190 P. 513, 517.

Such a number of the members of a body as is competent to transact business in the absence of the other members. *Morton v. Talmadge*, 166 Ga. 620, 144 S.E. 111.

The idea of a quorum is that, when that required number of persons goes into a session as a body, such as directors of a corporation, the votes of a majority thereof are sufficient for binding action. *Benintendi v. Kenton Hotel*, 294 N.Y. 112, 60 N.E.2d 829, 831.

When a committee, board of directors, meeting of shareholders, legislature or other body of persons cannot act unless a certain number at least of them are present, that number is called a "quorum." Sweet. In the absence of any law or rule fixing the quorum, it consists of a majority of those entitled to act. *Ex parte Willcocks*, 7 Cow. (N.Y.) 409, 17 Am.Dec. 525; *Snider v. Rinehart*, 18 Colo. 18, 31 P. 716; *In re Webster Loose Leaf Filing Co.*, D.C. N.J., 240 F. 779, 784; *Application of McGovern*, 44 N.Y.S. 2d 132, 137, 180 Misc. 508.

Devolve - To pass or be transferred from one person to another; to fall on, or accrue to, one person as the successor of another; as a title, right, office, liability. The term is said to be peculiarly appropriate to the passing of an estate from a person dying to a person living. *Babcock v. Maxwell*, 29 Mont. 31, 74 P. 64; *Fitzpatrick v. McAlister*, 121 Okl. 83, 248

P. 569, 573; *People ex rel. Robin v. Hayes*, 149 N.Y.S. 250, 252, 163 App. Div. 725. See **Devolution**. (*Black's Law Dictionary 4th Edition pg.540*).

Resident -One who has his residence in a place. See Residence. Also a tenant, who was obliged to reside on his lord's land, and not to depart from the same; called, also, "*homme levant et couchant*," and in Normandy, "*resseant du fief*." (*Black's Law Dictionary 4th Edition pg.1473*)

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** - Moors - Supreme Authority, and **Union [United] States of America** - Europeans - 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.



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'6' Lawful Questions:

1. How do the senators and representative of the Union states participate in Congress?
2. What powers are vested? ; Who are these powers vested to?; does that include the United States?
3. The electors shall meet in their respective states, and vote by ballot for two persons, what is one of the requirements for those two persons?
4. When choosing the President how many votes by representation shall be taken by States?
5. Who must give from time to time information of the state of the union?
6. What are the requirements for the office of President?

Group Discussion Question:

7. What is a Natural born citizen and a citizen of the United States as it relates to the eligibility to the office of President? In reviewing Article II of the American Constitution, does it appear as though there ought to be a President for the United States and a President for the United States of America? If so how do you think this was altered and what are the ramifications?

Supreme Law For Review:

Section 1. The executive power shall be vested in a President of the United States of America (Union State modern Europeans)

1.2 Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representative to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States-Moors, shall be appointed an elector.

1.3 The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same states with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate.

1.4 The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

1.6 In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and **the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what offi-**

cer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

1.8 Before he, the President, enters on the execution of his office, he shall take the following Oath or affirmation: --“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect and defend the Constitution of the United States.”

Section 2. The President shall be commander in chief of the Army and Navy of the United States-*Moors*, and of the militia of the several states-*Union States-modern European*, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he **shall have power to grant reprieves and pardons for offenses against the United States** except in cases of impeachment.

2.1 He, the President of the United States-*Moors*, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court;

2.2 but the Congress-*Moors* may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. He shall from time to time give to the Congress information of the states of the union.

4. The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Concluding Perspective:

“We are part and parcel of this said government”

Next Class: An Analysis of “The Spirit of the Supreme Law of the Land” Part III – Article III of the American Constitution 1791.

Hint: Case Law Support: “If any act of the legislature is repugnant to the Constitution, it is, ipso facto, void; and it is the duty of the court so to declare it.” **Vanborne’s Lessee v. Dorrance, 2 Dall. 304**

“The Constitution fixes the limits to the exercise of legislative authority, and prescribes the orbit in which it must move. Whatever may be the case in other countries, yet here there can be no doubt that any act of the Legislature repugnant to the Constitution is absolutely *Ibid*. **Ibid. Fletcher v. Peck, 6 Crancy, 87; 2 Cond. Rep. 308.**” (*Foot note from Congressional Globe American Constitution.*)

Syllabus Topics for next Thirteen Months

Part I —Preamble	Part 7 — Bill of Right I
Part 2 —Article I	Part 8— Bill of Right II & III
Part 3 —Article II	Part 9 — Bill of Right IV
Part 4 —Article III	Part 10 — Bill Right VI
Part 5 — Article IV & V	Part 11 — Bill of Right VI
Part 6 —Article VI & VII	Part 12 — Bill of Right VII & VIII
	Part 13 — Bill of Right IX & X