

**TREATISE –  
Resident Minister**

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## **Books**

### ***America – National or Federal?***

Each state, in ratifying the Constitution, is considered a sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation, the new Constitution will, if established, be a federal and not a national Constitution. The Federalist, No. 39, James Madison

### ***In Search of Liberty***

Liberty, sir, is the primary object, ...the battles of the Revolution were fought, not to make 'a great and mighty empire', but 'for liberty'. Patrick Henry

### ***What Does Accepted for Value Mean?***

Agree with thine adversary quickly, while thou art in the way with him; lest at any time the adversary deliver thee to the judge, and the judge deliver thee to the officer, and thou be cast into prison. Verily I say unto thee, Thou shalt by no means come out thence, till thou hast paid the uttermost farthing.

Matthew 5:25-26

## **Booklets**

### **1 *When There is No Money* FREE**

For thus saith the Lord, Ye have sold yourselves for nothing, and ye shall be redeemed without money. Isaiah 52:3

### **2 *Liberty* FREE**

Now the Lord is that Spirit: and where the Spirit of the Lord is, there is Liberty. II Corinthians 3:17

### **3 *The Natural Order of Thing* FREE**

Owe no one anything, except to love one another; for he who loves his neighbor has fulfilled the law. Romans 13:8

**4 *Sovereignty* FREE**

Even in almost every nation, which has been denominated free, the state has assumed a supercilious pre-eminence above the people who have formed it. Hence, the haughty notions of state independence, state sovereignty, and state supremacy. Justice Wilson, *Chisholm v. Georgia*, 2 Dal. (U.S.) 419, 458 (1792)

**5 *The Legal System for Sovereign Rulers* FREE**

The Lord shall judge the people with equity. Psalms 98:9

**6 *The Negative Side of Positive Law* FREE**

Therefore, one must be wise and attentive, since there are those among us who make kings and set up princes outside His law. Hosea 8:4

**7 *Resident/Minister* FREE**

You may also buy some of the temporary residents living among you and members of their clans born in your country, and they will become your property.

Leviticus 25:45

**8 *Introduction to Law Merchant* FREE**

Stand fast, therefore, in the liberty with which Christ hath made us free, and be not entangled again with the yoke of bondage. Galatians 5:1

**9 *Society of Slaves and Freedmen* FREE**

If men, through fear, fraud, or mistake should in terms renounce or give up any natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being a gift of ALMIGHTY GOD, it is not in the power of man to alienate this gift and voluntarily become a slave. Samuel Adams 1772

**10 *Introduction to Corporate Political Societies* FREE**

Finally, be strong in the Lord and in the strength of his might. Put on the whole armor of God, that you may be able to stand against the wiles of the devil. For we are not contending against flesh and blood, but against principalities, against the powers, against the world rulers of this present darkness, against the spiritual hosts of wickedness in heavenly places. Ephesians 6:10-12

**11 *Superior Law, Higher Law, My Law* FREE**

You have rights antecedent to all earthly governments' rights that cannot be repealed or restrained by human laws; rights derived from the Great Legislator of the Universe. John Adams

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**Emphasis is added throughout this writing by underlining.  
Quoted passages are bolded.**

**You may also buy some of the temporary residents living among  
you and members of their clans born in your country, and they  
will become your property. Leviticus 25:45**

<sup>1</sup>What I am saying is that as long as the heir is a child, he is no different from a slave, although he owns the whole estate. <sup>2</sup>He is subject to guardians and trustees until the time set by his father. <sup>3</sup>So also, when we were children, we were in slavery under the basic principles of the world. <sup>4</sup>But when the time had fully come, God sent his Son, born of a woman, born under law, <sup>5</sup>to redeem those under law, that we might receive the full rights of sons. <sup>6</sup>Because you are sons, God sent the Spirit of his Son into our hearts, the Spirit who calls out, "Abba, <sup>1</sup>Father." <sup>7</sup>So you are no longer a slave, but a son; and since you are a son, God has made you also an heir. ...<sup>31</sup> we are not children of the bondwoman, but of the free. Galatians 4

<sup>47</sup> " 'If an alien or a temporary resident among you becomes rich and one of your countrymen becomes poor and sells himself to the alien living among you or to a member of the alien's clan, <sup>48</sup> he retains the right of redemption after he has sold himself.

Leviticus 25

**Educate and inform the whole mass of the people... They are the only sure reliance for the preservation of our liberty.**

Thomas Jefferson

## **TREATISE – Resident Minister**

**Now the Lord is that Spirit: and where the Spirit of the Lord is, there is Liberty. II Corinthians 3:17**

**You may also buy some of the temporary residents living among you and members of their clans born in your country, and they will become your property. Leviticus 25:45**

### **INTRODUCTION**

The designation of being a resident is not a prestigious label as you will see from historical documents. There is a connection between the term *resident* and *minister*, as both words describe a person subject to or serving under a master or superior authority, and generally residing in a foreign place.

In Vattel's *Law of Nations*, the word resident is only used to describe a public minister giving a resident a public character in law

rather than living in private. A resident minister may also even be given a citizenship status but of an inferior kind different than the original citizens or countrymen.

The booklets titled *Treatise – The Natural Order Of Things* and *Treatise – Sovereignty* would help one better understand the social structure where you would typically find residents. That structure is often referred to as a *state of society* or *civil state*, and follows an unnatural order whereby a ruler or government is said to rule with sovereign powers.

## **1 – DEFINING RESIDENT**

One of the favorite legal terms used in the state of society is the word *resident*. It is a major term, along with *person*, used in volumes of statutes, codes, regulations and procedures to describe the character, relationship, or type of entity that presumably must adhere to the commands of the sovereign ruler(s), and that may be taxed, licensed, seized, and imprisoned. The word resident is particularly utilized to describe the defendant or both parties in a legal proceeding in a state of society.

The term resident consists of "res" and "ident". Res is a legal term meaning thing upon which there is a right, claim, title, or lien by one not in possession of the thing. The latter part of resident, ident, is the



root word of identify or identification. While it is said the word resident has various meanings, I find it typically used to identify a person that is subject to a foreign superior, master, or sovereign. When a person is in a foreign place, the person is residing in a territory with a government other than the government he serves. This is very similar to the meaning of minister, being one who serves under a superior authority.

Historically, there is a tendency to treat foreigners more harshly, and with more severe laws, penalties, and taxes than permitted for the countrymen. The Israelites were enslaved in a foreign land. We will see the foreign element is applicable throughout this treatise.

**RES. A thing, or things; whatever may be possessed, seized or attached; property; matter, subject-matter. ... In admiralty, ...the res is that which is seized and brought within the jurisdiction of the court. In admiralty and revenue cases the thing condemned is considered the offender or the debtor.**

*Anderson's Law Dictionary, 1893*

**Res ...Also persons are for some purposes and in certain respects regarded as things.** *Black's Law Dictionary, 4<sup>th</sup> ed.*

We see res is a thing, and possibility even a person. For example, a slave can be legally perceived as property or as a person.

Res. [Latin “thing”] **1. An object, interest, or status, as opposed to a person. 2. The subject matter of a trust.**

*Black’s Law Dictionary*, 7<sup>th</sup> ed.

Let me insert here an element that will be more fully explained later in this writing. The most notable way of creating a societal structure with superiors and inferiors is by means of trust relationships. The feudal system and exchequer of England is based on trust relationships. If someone (settler, grantor) conveys a thing in trust to another (trustee) for the benefit of a third party (beneficiary, cestui que trust), then you have created a situation where others have an interest or rights in the trustee and the trust res. The trustee has obligations to do or refrain from doing certain acts. If you are in possession or control of trust property as a trustee, the one who placed the thing into your care may have a moral or equitable interest in your actions. The same holds true for a 3<sup>rd</sup> party beneficiary or cestui que trust. The trustee could feel like one who is inferior or in servitude to others because of their rights and his obligations.

**RESIDENT. One who has his residence in a place. ... a tenant, who was obliged to reside on his lord's land, and not to depart from the same.** *Black's Law Dictionary*, 4th Ed.

If a resident is described as “**at tenant, who was obliged to reside on his lord’s land, and not to depart from the same**”, then one may ask how this differs from the description of a slave? Even though that concept comes from feudal law, we see the consistent idea of

subjection to the will or command of another whenever the word resident is involved.

Residents need licenses, permits, identification, etc., from the government of the society in which they reside. The term resident describes a person who has a national character; that is, the person owes allegiance to a sovereign king or government, but is temporarily or somewhat permanently dwelling in a different place.

In *Bouvier's Dictionary of Law* of 1856, we find “**residence is prima facie evidence of national character**”. In *Black's Dictionary of Law*, 6<sup>th</sup> ed., we find a resident refers to “**any person who occupies a dwelling within the State, has a present intent to remain within the State for a period of time**”, and the term generally refers to “**a dweller, habitant, or occupant**”. Dwellers, habitants, and occupants are also descriptive of foreigners and not the countrymen.

**Residence. 1. The act or fact of living in a given place for some time. 2. ...Residence usually just means bodily presence as an inhabitant in a given place... 3. The place where a corporation or other enterprise does business or is registered to do business.**

*Black's Law Dictionary*, 7<sup>th</sup> ed.

**Resident. A person who has a residence in a particular place. A resident is not necessarily either a citizen or a domiciliary.**

*Black's Law Dictionary*, 7<sup>th</sup> ed.

In *Black's* 7<sup>th</sup> edition we see a resident is said to be a person who has a residence, and residence means living in a given place as an inhabitant. The word *place* is of some significance but first a closer look at *inhabitant*. Does inhabitant refer to a foreigner?

**I say, to be of the country, it is necessary to be born of a person who is a citizen, for if he be born there of a foreigner, it will be only the place of his birth, and not his country. The inhabitants, as distinguished from citizens, are foreigners who are permitted to settle and stay in the country. Vattel, Book 1, cap. 19, p. 101. *Scott v. Sandford*, 60 U.S. 393 (1856)**

Residents and inhabitants are foreigners, and they are permitted to reside in a foreign country. This causes them to come under the sovereign authority of a government as distinguished from the constitutional authority of government.

**...all subjects over which the sovereign power of a State extends are objects of taxation, the rule being that the sovereignty of a State extends to every thing which exists by its own authority or is introduced by its permission.**

*Wheeling v. City of*, 99 U.S. 273 (1878)

Inhabitants and residents are permitted to stay or settle in a country and are subject to the sovereignty of the state wherein they reside.

The writers upon the law of nations distinguish between a temporary residence in a foreign country, for a special purpose, and a residence accompanied with an intention to make it a permanent place of abode. The latter is styled by Vattel, domicil, which he defines to be 'a habitation fixed in any place, with an intention of always staying there.' Such a person, says this author, becomes a member of the new society, at least a permanent inhabitant, and is a kind of citizen of an inferior order from the native citizens; but is, nevertheless, united and subject to the society, without participating in all its advantages. The Venus, 8 Cranch, 253, 278.

*Fong Yue Ting v. United States*, 149 U.S. 698 (1893)

We find in the quotes above that an inhabitant is a foreigner just as a resident is a foreigner, and sometimes there is a difference in privileges and duties between the two. A resident may become a citizen in the new society, but not the original kind of citizen — rather an inferior citizen. Sometimes this is referred to as a partial citizen or a civil citizen. A resident who becomes a citizen may continue to be subject to the sovereign authority of his home country maintaining that national character. A resident or inferior citizen has granted civil rights and privileges and is subject to positive law, equity, and taxation which come from sovereign authority. This is distinguished from natural, inherent, or unalienable rights and due process according to the common law for full citizens, the people, or countrymen.

We have seen the word resident used in unflattering ways that give the appearance of servitude. I believe there are two sides to this picture, and this will be addressed later in this writing.

## 2 – MINISTER

**Minister. n 1. A person acting under another's authority; an agent.** *Black's Law Dictionary*, 7<sup>th</sup> ed.

A minister means a person acting under the authority of someone else, that is, the person is not acting according to his own natural or God-given rights or liberty, by is functioning according to the will or direction of another. A minister is similar to a trustee and a resident.

**Ministerial. Subservient or subsidiary; mandatory as opposed to judicial or discretionary; pertaining to an act or duty performed in accordance with legal authority, rather than with regard to propriety, judgment, etc.**

*Ballentine's Law Dictionary*, 3<sup>rd</sup> ed.

A minister is more like a public trustee or agent rather than a private trustee. One could be a minister serving God, but there is some question whether a minister of a 501c (3) corporation is serving the State or God? In my research on the word minister, I did not find indications of involuntary servitude, so we can assume one is a

minister by his voluntary choice. Serving others is not a bad thing if it is done of one's free will. There are those who say you will either be governed by God, or you will be subject to tyrants.

**If we are not governed by God, then we will be ruled by tyrants.** William Penn, 1681

In the next section we will see the commonality between minister and resident. First, a few comments on serving others.

**For, brothers, you have been called to liberty; only use not liberty for an occasion to the flesh, but by love serve one another.**

Galatians 5:13

In the following verses from the Bible we see references to minister and serving.

**Matthew 20** King James Version

**<sup>25</sup> But Jesus called them unto him, and said, Ye know that the princes of the Gentiles exercise dominion over them, and they that are great exercise authority upon them.**

**<sup>26</sup> But it shall not be so among you: but whosoever will be great among you, let him be your minister;**

**<sup>27</sup> And whosoever will be chief among you, let him be your servant:**

**<sup>28</sup> Even as the Son of man came not to be ministered unto, but to minister, and to give his life a ransom for many.**

**Matthew 20** New King James Version

**<sup>26</sup>Yet it shall not be so among you; but whoever desires to become great among you, let him be your servant.**

**<sup>27</sup>And whoever desires to be first among you, let him be your slave—**

**<sup>28</sup>just as the Son of Man did not come to be served, but to serve, and to give His life a ransom for many."**

Maybe there is a lesson there about serving, being of service to others. I found it interesting that the New King James Version changed “minister” to “servant”, and changed “servant” to “slave”. In Mark 10, I also found “minister” changed to “servant” in the New King James Version. The point, though, was well made that serving others is a good thing. Those who rule nations and governments exercising sovereign authority just may be your servants or trustees if you have sufficient knowledge and understanding.

### **3 – LAW OF NATIONS, MINISTERS AND RESIDENTS**

If we look at *Law of Nations*, the 1758 work by Swiss legal philosopher Emmerich de Vattel, often quoted by courts and writers on law, we find all references to a *resident* concern ministers, either public or otherwise, representing the sovereign or master in a foreign place. Bouvier’s Dictionary of Law contains the following entry.



**MINISTER, international law. This is the general name given to public functionaries who represent their country abroad, such as ambassadors, envoys, and residents. A custom of recent origin has introduced a new kind of ministers, without any particular determination of character; these are simply called ministers, to indicate that they are invested with the general character of a sovereign's mandatories, without any particular assignment of rank or character.**

A *resident* ranked third in status behind an ambassador and an envoy. We will continue to find in international law the character of minister and resident represents his country, master, or sovereign. In other words, the words minister and resident do not relate to a man's natural character. Below, we find a more protracted discussion on this subject in Chapter VI of *Law of Nations* to give a better understanding of this topic.

### **§ 71. Ambassadors.**

**The representative character, so termed by way of pre-eminence, or in contradistinction to other kinds of representation, constitutes the minister of the first rank the *ambassador*. It places him above all other ministers who are not invested with the same character, and precludes their entering into competition with the ambassador. At present there are ambassadors ordinary and extraordinary: but this is no more than an accidental distinction, merely relative to the subject of**

their mission. Yet almost everywhere some difference is made in the treatment of these different ambassadors. That, however, is purely matter of custom.

§ 72. Envoys.

*Envoys* are not invested with the representative character, properly so called, or in the first degree. They are ministers of the second rank, on whom their master was willing to confer a degree of dignity and respectability, which, without being on a level with the character of an ambassador, immediately follows it, and yields the pre-eminence to it alone. There are also *envoys ordinary* and *extraordinary*; and it appears to be the intention of princes that the latter should be held in greater consideration. This likewise depends on custom.

§ 73. Residents.

The word *resident* formerly related only to the continuance of the minister's stay; and it is frequent, in history, for ambassadors in ordinary to be designated by the simple title of residents. But, since the practice of employing different orders of ministers has been generally established, the name of residents has been confined to ministers of a third order, to whose character general custom has annexed a lesser degree of respectability. The resident does not represent the prince's person in his dignity, but only in his affairs. His representation is in reality of the same nature as that of the envoy: wherefore we often term him, as well as the

**envoy, a minister of the second order, — thus, distinguishing only two classes of public ministers, the former consisting of ambassadors who are invested with the representative character in pre-eminence, the latter comprising all other ministers who do not possess that exalted character. This is the most necessary distinction, and, indeed, the only essential one.**

It is worthy to note that *resident* did have any relation to the time or duration of staying in a foreign place while representing a master or sovereign. Also, we see the term resident is of a lesser degree of respectability. In the sections following those shown above, you would find there is a custom of still more recent origin (year 1758) for a new kind of minister. **“The minister represents his master in a vague and indeterminate manner.”** It is said by Vattel of this new kind of minister that **“the sovereign may confer it on one of his servants whom he would not choose to invest with the character of ambassador; and, on the other hand, it may be accepted by men of rank, who would be unwilling to undertake the office of resident, and to acquiesce in the treatment at present allotted to men in that station”**.

Continuously, in court actions where an administrative agency or governmental unit is bringing charges against a defendant, the defendant is alleged to be a resident. Taxes apply to residents. It seems the unfavorable treatment historically given to those who profess to be residents is continuing. By looking in the Code of

Federal Regulations, Title 26, Internal Revenue Code, those who may be liable for such income taxes are:

**(b) Citizens or residents of the United States. In general, all citizens of the United States, wherever resident...**

**(c) Who is a citizen? Every person born or naturalized in the United States and subject to its jurisdiction is a citizen.**

*Code of Federal Regulations*, Title 26, Chapter 1, Section 1.1-2

A citizen of the United States is a national citizen originating during the civil war era, and in the seat of the national government, the District of Columbia. The word citizen sometimes is synonymous with subject. A citizen of the United States would be a resident in one of the states of the union, dwelling in a place that has a government foreign to his own. Technically, such a resident would be in a foreigner in the states.

Historically residents are subject to ill treatment. As a minister or foreign agent, the resident may be charged personally for his actions even though he is in the service of another. One could get the idea from reading *Law of Nations* that it may not be wise to accept the office of resident. We find a resident could be considered a title and an office serving under a master or sovereign. A resident could certainly be a trustee in a trust relationship with the sovereign or master. The word resident may designate a public office or public position, and therefore be subject to international law, public law, and

public policy. The office of resident was not a prestigious title, and there were men of rank who were unwilling to be subjected to the treatment given to ministers under the title of resident.

Returning to Vattel, *Law of Nations*, CHAP. VI, OF THE SEVERAL ORDERS OF PUBLIC MINISTERS, we find section 70.

**§ 70. Representative character.**

**Every minister, in some measure, represents his master, as every agent or delegate represents his constituent. But this representation relates to the affairs of his office: the minister represents the subject in whom reside the rights which he is to exercise, preserve, and assert — the rights respecting which he is to treat in his master's stead.**

Every minister represents his master like an agent, a position of trust. The quote above continues by saying the minister also represents the subject in whom resides the rights the minister is to exercise, preserve, and assert. This sounds like a minister is a trustee appointed by a master to handle whatever rights are granted to a subject of the state.

This is very interesting. There are three characters; one playing the part of a master or grantor of rights to a subject, another as the master's agent taking on the role of a trustee, and another by the title of subject which has rights that are to be administered (exercised, preserved, and asserted) by the trustee/minister.

In other sections of the *Law of Nations*, Vattel speaks of taxes that apply to “the character of a subject of the state”. In regard to this “subject of the state”, I believe the following quote is describing such a subject using the words “civil or legal person”.

**The creation of a civil or legal person out of a thing, the investiture of a chattel with *toga civilis*, may be an achievement of the imperial power, but it is beyond the compass of an American congress. Congress must first emancipate the slave, before it can endow him with the rights of a citizen under the constitution, or impose upon him the responsibilities of a legal person, or compel him to pay money, or part with liberty.**

*United States v. Amy*, 24 Fed.Cas.792, 794 #14,445 (1859)

In this case we see congress may create a civil or legal person, a character of fictional origin since congress did not create a living, breathing man or woman, and endow it with rights as a citizen. This would certainly be an inferior citizenship that is usually described as a subject when it is created by a national government. I have found in my studies that the term “subject” is typically used in relation to conquered territories or places outside the home country, i.e. places in the empire. The title of “citizen” is important for purposes of jurisdiction for the national courts or courts of the empire.

**Originally, a citizen was a member of a city (civitas), to which he owed allegiance, enjoying rights and privileges generally**

denied to foreigners. In Rome, a full citizen had greater rights and privileges than a partial citizen. In the twentieth century a distinction between citizens and aliens exists in all countries, and in many there are various classes of citizens.

*The American Peoples Encyclopedia,*  
Grolier Incorporated, vol. 5, p. 99

Fictio, in old Roman law, is properly a term of pleading, and signifies a false averment on the part of the plaintiff which the defendant was not allowed to traverse; such, for example, as an averment that the plaintiff was a Roman citizen, when in truth he was a foreigner. The object of these “fictiones” was, of course, to give jurisdiction. *Ancient Law*, Sir Henry Maine, p. 21

The usual affect, however, is the degradation of the standing of original people, countrymen or citizens who by force, fiction or ignorance become equated with the new type of inferior citizenship bestowed on foreigners. In Roman times, a major element for this occurrence was the “freeing” of slaves. That probably sounds familiar since the United States used the same methodology.

Continuing on, the plot thickens when we read that a minister of a foreign power may also be a subject of the state wherein he resides or is employed. It should be noted again that the writing of Vattel is only about a state of society utilizing an unnatural order of things, which one would find in an empire using the principles of nationalism.

To put this in perspective, the same individual can be a minister with a relationship to a master or sovereign, and a resident with a relationship to the state in which he resides, and a trustee with a relationship to a subject of the state, and he may also wear the hat of a subject of the state. I hope this individual does not get confused about which hat or character he is wearing at any given time and place.

The following is found in Chapter VIII of *Law of Nations*.

**§ 112. A minister who is a subject of the state where he is employed.**

**It may happen that the minister of a foreign power is at the same time a subject of the state where he is employed; and in this case, as a subject, he is unquestionably under the jurisdiction of the country in every thing which does not directly relate to his ministry. But the question is, to determine in what cases those two characters, of subject and foreign minister, are united in the same person.**

I think I know where Congress got the wording for the Fourteenth amendment when they established a new kind of citizenship under a national government. A minister of a foreign power is subject to the personal laws of his nation, and generally subject to the laws of the place wherein he resides.



Resident Minister

**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.**

First section of 14<sup>th</sup> Amendment

To summarize more of Vattel's *Law of Nations* and from other writings on this topic, one finds that a resident minister is subject to rules or laws of the sovereign from where he originated, and when performing acts outside his ministry such as commercial employment or working in his own business, he may be subject to the sovereign authority of the new place wherein he resides. Regarding the 14<sup>th</sup> Amendment, the several states were for most things foreign to each other and foreign to the jurisdiction of the government of the United States. Each of the states and the government of the United States operated in different spheres, as courts have said, and the United States had a separate or foreign jurisdiction or authority apart from the states. What the Fourteenth Amendment did was establish a public citizen inferior to and distinct from the private citizens of the states and distinct from the people of the several states.

In *Black's Law Dictionary*, 7<sup>th</sup> ed., we still find a public minister is **“A high diplomatic representative such as an ambassador, envoy, or resident, but not including a commercial representative such as a consul”**.

If the word resident has a historical meaning that continues today, why should we think the word resident has some other meaning? We have seen the term resident applied to foreigners being persons with a domicile or residence within a different or separate jurisdiction apart from the realm or seat of his nation or empire.

#### 4 – PERSONAL LAWS, FOREIGN LAWS

In this section I will introduce information about the law applicable to a resident or minister. They could be subject to the territorial law where they reside, but not necessarily. Generally, the resident minister is subject to the personal law and extraterritorial law of the sovereign or master under whom he serves. In addition, a minister, by his commercial acts, may become subject to the jurisdiction of the country in which he resides.

**PERSONAL LAW. As opposed to territorial law, is the law applicable to persons not subject to the law of the territory in which they reside. ...it applies to British subjects resident in the Levant and in other Mohammedan and barbarous countries. Under the Roman Empire, it had a very wide application.**

*Black's Law Dictionary, 4<sup>th</sup> ed.*

Personal law. **The law which follows the person, as distinguished from the law of the place where the person may be.**

*Ballentine's Law Dictionary, 3<sup>rd</sup> ed.*

## Resident Minister

As a side note, it was stated above that personal law had a very wide application under the Roman Empire (and it is typically in empires where you find residents). Writings show that positive law and equity were personal laws or principles for residents (foreigners) in the domain of the empire.

If a minister were residing as a resident in a place considered barbarous, it is possible for the laws of one's home country to follow him where he resides instead of being subject to the statutes of the place of residence; however, according to the prior statements about the undesirable treatment given to those with the title of resident, maybe such person will be subject to both local laws of the place of residence and the personal laws of his sovereign. On the other hand, the concept of bringing your law with you has interesting possibilities for those who understand the difference between a man and civil and legal persons or strawmen. Suppose you find yourself in a foreign place where the legal system is less than desirable for your life, liberty, and pursuit of happiness, or maybe even barbarous (savagely cruel or harsh, discordant, or just alien or foreign)? Why not bring your law with you?

Vattel, in his *Law of Nations*, refers to laws that follow a minister wherever he might travel. Above we saw this type of law referred to as personal law, and below we find another term by the title of extraterritoriality or exterritoriality which is designed for providing immunity from the local law while residing in a foreign place.

extraterritoriality or exterritoriality, **privilege of immunity from local law enforcement enjoyed by certain aliens. Although physically present upon the territory of a foreign nation, those aliens possessing extraterritoriality are considered by customary international law or treaty to be under the legal jurisdiction of their home country. This immunity from law enforcement is reciprocal between countries and is generally provided for visiting heads of state, those in the diplomatic services of foreign nations and their families, and officials of the United Nations. Generally such persons are exempt from both civil and criminal action; they may not be sued or arrested. Their property and residences are inviolable, and they are usually exempt from both personal and property taxes. While extraterritoriality insures that a diplomat will not be prosecuted for illegal behavior, it is emphasized that he is expected to adhere to the laws of the land in which he is serving... Extraterritoriality was in the past often granted to aliens not occupying diplomatic positions.**

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While the concept of extraterritoriality was mainly applied to public ministers (like residents) or citizens when outside their home country, it has also been available for those not in a diplomatic position. We have already witnessed that there is more than one type of citizen. The fact that one can bring his law with him can have broad implications, coupled with the knowledge that it can be possible to be exempt from laws or statutes that are foreign to those you live by.

While one should “adhere to the laws of the land” when in a foreign country, we should understand this does not mean other statutes of a special or personal nature applicable to subjects of a state due to their “creation” there and dependent upon their owing allegiance to that country’s sovereign authority. It would seem in the modern world much of the “law” is designed for citizens of an inferior class as subjects of an earthly sovereign.

This can get a bit confusing but I am attempting to make it as easy to understand as I can. Next there are a few more quotes on this topic of personal laws and statutes designed to operate extraterritorially.

**Exterritoriality. This term is used by French jurists to signify the immunity of certain persons, who, although in the state, are not amenable to its laws; foreign sovereigns, ambassadors, ministers plenipotentiary, and ministers from a foreign power, are of this class. *Bouvier’s Law Dictionary*, 1859**

**General statutes (of Congress) are presumed not to operate extraterritorily... This presumption that statutes are to be construed as limited to the national territory has especial weight in connection with laws dealing with industry and labor, since on those subjects Congress would ordinarily be concerned only with conditions within this country and its possessions, and not with conditions abroad... Congress has the power to legislate extraterritorily, particularly with respect to its own citizens...**

*Foley Bros. v. Filardo*, 336 U.S. 281 (1949)

We saw in the quote earlier in the *Amy* case information about congress's "own citizens" by the creation of civil or legal persons. Congress created a national citizenship for those freed from slavery during the civil war era – "its own citizens". Statutes are generally construed to operate in the national territory. What is included in the national territory? Before we address that question, here is more information about bringing your law with you into a foreign jurisdiction.

**Again, Mr. Justice Story says: 'It has been thought by some jurists that the term 'comity' is not sufficiently expressive of the obligation of nations to give effect to foreign laws when they are not prejudicial to their own rights and interests. And it has been suggested that the doctrine rests on a deeper foundation; that it is not so much a matter of comity or courtesy, as a matter of paramount moral duty. *Hilton v. Guyot*, 159 U.S. 113 (1895)**

Today, when we consider the method of due process and the nature of the statutes of the United States or of a State being applied to residents or subjects of a State, such laws would seem to fit the profile of *personal* or *extraterritorial* law, or law for foreigners, and not the true law of the land.

**The law of the land is not simply existing statute law of the state, but is the right of trial according to the process and proceedings of the common law. *State v. Learned*, 47 Me. 426, 432**

**The expressions ‘due process of law’ and ‘law of the land’ have the same meaning. ... [Constitutions are designed to] safeguard against the encroachment upon these inherent rights of the people by congress or the State legislatures...**

**But what “law” is meant? Is it statute law, or the common law? If it be the former, what protection do these provisions afford the people against legislative usurpation and wrong?**

*State of Maine v. Doherty*, 60 Me. 504, 509, 510 (1872)

Earlier we saw that the laws of the United States generally only operate in the national territory. We should understand that these laws are not applicable within the territory belonging to the several states of America, but personal and extraterritorial laws may follow those special citizens or subjects of the national government. In most respects the true republic states are foreign to each other and to the jurisdiction of the United States.

**Murder is not an offense against the United States except when committed on the high seas or in some port or harbor without the jurisdiction of the state, or in the District of Columbia, or in the territories, or at other places where the National Government has exclusive Jurisdiction. It is well settled that such crime must be defined by statute.**

*Cunningham v. Neagle*, 135 U.S. 1, 91, 98 (1890)

**The laws of Congress in respect to those matters do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government.**

Justice Brewer, *Caha v. United States*, 152 U.S. 211, 215 (1894)

Those who have the label of citizens of the United States are national citizens, and when outside the national territory, as we see above, personal laws or laws operating extraterritorially can follow them wherever they reside.

## **5 – THE PUBLIC TRUST**

In this writing we have seen some information about a character called a resident and a minister, and about a subject of a state which are all conditions outside the normal, natural character of men. This section is designed to bring historical events together to aid the reader in understanding how it is that men today appear to be residents and subject of the state. Also, why it is said that all property belongs to the state? As Justice Wilson of the supreme court of the United State said many years ago, the confusion concerning sovereignty will lead to a time when **“man is degraded from the prime rank, which he ought to hold in human affairs.”**



## Resident Minister

The following is a very brief summary of English history on the formation of the feudal system and the exchequer. I think you will see some similarities with the history of America, although some of the techniques employed to alter the American system were also borrowed from Roman methods.

The two main elements for creating the feudal system were *commendation* and *benefice*. Following the conquest in 1066 by William, a free man in total control and possession of his land with no superior to whom a tax or burden was owed, could convey his land to a lord of a manor, and put it in trust for the purpose of protection. When the man did this, he became a vassal or feudal tenant of the lord of the manor in a condition one could equate with a subject of the state, an inferior class. This process was known as *commendation*. In so doing, the man pledged his land, his loyalty, and his service to the lord in return for protection because he felt this was the best option available at the time.

After the land was placed in trust for protection, the lord of the manor would allow others to *use* the trust property. The “use” was said to be donated or gifted to others to work and thereby produce revenue. The lord of the manor (the State) could not sell the land because it was in trust, so others could only use the land like sub-trustees. Sometimes part of this land was used to construct a church and more trust land was provided to the church. The church in turn donated or gifted a use of the land to tenants with a few strings

attached to bring in revenue to the church organization and donor. It was possible for the man who transferred his land into the trust for protection to become a feudal tenant on the land he once owned, but now owing service and loyalty to another for his mere limited use. The property of the trust and the revenue it produced, especially in relation to the church, was known as a *benefice*.

At first, the vassal or feudal tenant who worked the land had a short tenure or use, called a “fief”. Originally, this time period of tenancy (like a lease) was for a year or less. My understanding of why such a short time, was due to the fact that the man may decide to take his land out of the trust, out of the protection of the lord of the manor, and thereby also take himself out of vassalage; therefore, the lord of the manor (the State) could only allow it to be tied up in a lease or use for a short period of time because they may need to return it to the man, the true owner. When nobody took his land out of trust, the “leases” (they were not called leases) could be extended for longer periods. Eventually, feudal tenants might have a life estate in this use of trust land. When they changed to these longer periods of use, it was called a “feud”.

I could mention here that the word *vassal* at first meant a tenant or holder of a fief, but later the word vassal was associated with being a slave. It seems the people are either moving toward or maintaining freedom and liberty, or they are moving toward or maintaining

slavery. There are various stages as things move one way or the other that account for much of what we call history.

The foregoing demonstrates one method that would result in the State being able to claim that all property is held by the State, but it is really held in trust for the people; therefore, the residents or subjects can only be tenants. It also demonstrates how a free man can become a slave or subject to the State with his possessions and even his seemingly private family matters becoming subject to positive statute, rules, and courts of equity.

On the other hand, we should not forget the lord of the manor, the king or the State are only trustees. This is where the exchequer comes into the picture. The exchequer was a separate treasury sometimes called the fisc, public treasury, royal treasury, etc. and keeps tabs on the revenue coming from all the things in the public trust (or we might say within the “public venue”). Besides the special treasury, the courts were also a part of the exchequer – courts of law (originally court of common law) and courts of equity. The big picture of the exchequer was that it was an accounting system concerning the revenue from the land and persons and things of value in the trust. How detailed the accounting is, I do not know. When it came to the accounting books of the exchequer, they were well guarded and the information kept from public view. The last I read, all these books including the Domesday book (like a census and recorder of all trust property) from centuries ago are still safely kept in the exchequer

treasury. That sounds a little like the Federal Reserve were no auditing is done, and its books remain hidden from the people.

All the money flowing through the system from court judgments, fines, penalties, taxes, fees, etc. would be a considerable amount and not easily given up by those receiving a portion.

Could the people, in their rightful character as the people, the original donors, the cestui que trustants, discharge or set off public charges or debts through the accounting system of a public treasury?

**<sup>1</sup>What I am saying is that as long as the heir is a child, he is no different from a slave, although he owns the whole estate. <sup>2</sup>He is subject to guardians and trustees until the time set by his father. <sup>3</sup>So also, when we were children, we were in slavery under the basic principles of the world. <sup>4</sup>But when the time had fully come, God sent his Son, born of a woman, born under law, <sup>5</sup>to redeem those under law, that we might receive the full rights of sons. <sup>6</sup>Because you are sons, God sent the Spirit of his Son into our hearts, the Spirit who calls out, "Abba, <sup>1</sup>Father." <sup>7</sup>So you are no longer a slave, but a son; and since you are a son, God has made you also an heir. ...<sup>31</sup> we are not children of the bondwoman, but of the free. Galatians 4**

**<sup>47</sup> " 'If an alien or a temporary resident among you becomes rich and one of your countrymen becomes poor and sells himself to**

Resident Minister

**the alien living among you or to a member of the alien's clan,<sup>48</sup>  
he retains the right of redemption after he has sold himself.**

Leviticus 25

**Educate and inform the whole mass of the people... They are  
the only sure reliance for the preservation of our liberty.**

Thomas Jefferson

By Byron Beers

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