

Memorandum of Law

WITH POINTS AND AUTHORITIES

on 'Sovereignty' of the people
in Relation to 'Government' of the several Compact
De-facto States and the Federal Government.

To: (whom it may concern) _____

Address;

To Whom these Presents Shall Come; Greetings;

Take Notice, THAT:

It is a well understood fact of American history that the most dynamic document that set the course of America is the **Declaration of Independence**. It was/is the document that disclosed the tyranny of English government, it expressed the 'elements' of the 'Rights of Men' within any society, and that "*all Men are created equal*." The Declaration of Independence stipulated the chain of Authority within 'governments,' and of the obvious fact that the people 'created' government. That it was the 'people' who *instituted* government and in so doing, the people "*secured these rights*," and that **government** (at every level) **derives their 'just powers, from the consent of the governed.**"

It also a well established fact that the **people did not give up all of their 'power' to government(s)**. The Declaration of Independence created the sovereignty in the people, not in government. Therefore the **people are above the creature(s) they created (government)** and that those who work for/in government(s) are 'Public Servants' and have placed themselves in a subservient position, to serve the people within

their function/office/position via their 'Oath of Office.'

In regards to the principles established in The Declaration of Independence and the subsequent 'Constitutions' written and created after it, and of the true sovereignty, a written Constitution is not only the direct and basic expression of the sovereign will, it is also the absolute rule of action and decision for all departments and offices of government with respect to all matters covered by it and preceding after it, and it must control as it is written until it is changed by the authority which established it. (the people!) For reference see; State ex rel. Crenshaw v. Joseph, 175 Ala. 579, 57 So. 942; Schmitt v. F.W. Cook Brewing Co., 187 MD. 623, 120 N.E. 19, 3 A.L.R. 270; Collins v. Martin, 209 Pa. 388, 139 A 122, 55 A.L.R. 311; Travelers' Insurance Co. v. Marshall, 124 Tex. 45, 76 S.W. 2d 1007, 96 AIR. 802; State ex rd. Lemon v. Langlie, 45 Wash. 2d 82, 273 P.2d 464;

...and TAKE NOTICE of the following cases and points:

1. "For when the Revolution took place the people of each State became themselves sovereign" Martin et al v. The Lessee of Waddell. (1342) 41 U.S. (16 Pet) 367, 410, 10 L.Ed 997, 1013.)
2. "The (state) Constitution is the supreme law, written by the supreme power of the state, the people themselves." Re Gorham-Fayette Local School Dist., 20 Ohio Misc. 222, 49 Ohio Ops. 2d 143, 250 N.E. 2d 104; State ex rel. Weinberger v. Miller, 87 Ohio St. 1199 NE. 1078.

3. "The Constitution is the voice of the people speaking in their sovereign capacity, and it must be heeded; when the Constitution speaks with reference to a particular matter, it must be given effect as the paramount law of the land." People v. Parks, 58 Cal. 624.

4. "**Sovereignty itself is, of course, not subject to law**, for its is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power." Yick Wo v. Hopkins, 118 US 356.

5. "Under our system the people, who were there (in England) called subjects are here the Sovereign ... their rights, whether collective or individual, are not bound to give way to a sentiment of loyalty to the person of a monarch. The citizen here (in America) knows no person, however in years to those in power, or however powerful himself to whom he need yield the rights which the law secures to him..." United States vs. Lee, 106 U.S. 196 at 208.

6. "Here (in America) sovereignty rests with the people." Chisolm Ex'r. vs. Georgia 1 L.ed (2 Dal)) 415,472.

7. "It is true that at (English) common-law the duty of the Attorney General was to represent the King, he being the embodiment of the state. But under the democratic form of government now prevailing the people [are] King, so the Attorney General's duties are to that Sovereign rather than to the machinery of government." Hancock vs Carry Alcorn Mining Co. Inc., Ky., 503 S. W. 2 d 710, Kentucky

Constitution section 4, Commonwealth Ex Rel. Hancock vs Paxton Kentucky, 516 S. W. 2 d page 867(2) clause 3.

8. "**Local laws or ordinances enacted by a city must be consistent with the state Constitution.**" Bell v. Vaughn, 155 Fla. 551, 21 So. 2d 31, Evans v. Berry, 262 N.Y. 61, 186 N.E. 203, 89 A.L.R. 387.

9. "It is the duty of all officials, whether legislative, judicial, executive, administrative, or ministerial, to so perform every official act as not to violate Constitutional provisions." Montgomery v. State, 55 Fla. 97, 45 So. 879.

10. "**The provisions of the Constitution must be given effect even if in doing so a statute is held to be inoperative.**" State ex rel. West v. Butler, 70 Fla. 102, 69 So. 771.

11. "The Constitution was made not to act upon the legislative department alone, but upon every department of the government." Way v. Hillier, 16 Ohio 105.

12. "Courts should not tolerate or condone disregard of law and arbitrary usurpation of power on the part of any officer." [AND NEITHER SHOULD THE PEOPLE!] Ex .ante Owen 10 Okla Crim Re. 284, 136, P 197, Ann Cas 1916A 522.

13. "The **officers of the law**, in the execution of process, are obliged to **know** the requirements of the law, and if they mistake them, whether through ignorance or design, and anyone is harmed by their error, **THEY MUST RESPOND IN DAMAGES.**" Rosters v. Marshall. (United States use of Rogers v. Conklin) 1 Wall, (US) 644, 17 L.Ed

714. (emphasis added)

14. "It is a general rule that an officer- executive, administrative, quasi judicial, ministerial, or otherwise - who acts outside the scope of his jurisdiction and without authorization of law may thereby render him amenable to personal liability..." Cooper v. O'Connor, 69 App DC 100, 99 F 2d 135, 118 ALR 1440; Chamberlain v. Clayton, 56 Iowa 331, 9 NW 237, 41 Am Rep 101.

15. "If a public officer authorizes the doing of an act not within the scope of his authority, he will be held liable." Bailey v. New York, 3 Hill (NY) 531, 38 Am Dec 669, affirmed in 2 Denio 433.

16. "[I]n our country the people are sovereign and the government cannot sever its relationship to the people Afroyim, 387 U.S. at 257, 87 S.Ct. at 1662.

17. "In common usage, the term "person" does not include the sovereign, and statutes employing it will ordinarily not be construed to do so." U.S. v. United Mine Workers, 330 US 258 (1947), 91 L.Ed 884, 67 S.Ct. 677.

18. "Since in common usage, the **term person does not include a Sovereign, statutes not implying the phrases are ordinarily construed to exclude it.**" 1 U.S.C.S. 1, n 12, United States vs. Fox, 94 U.S. 315.

19. "Where rights secured by the Constitution are involved, there can be no rulemaking of legislation which would abrogate them." Miranda v. Arizona.

20. "... the Congress cannot revoke the Sovereign Power of the People." Perry v. United States, 294 US 330, 353 (1935).

21. "There is no such thing as a power of inherent sovereignty in the government of the United States. In this country sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld". Julliard vs. Greenman, 110 U.S. 421

22. "All that government does and provides legitimately is in pursuit of its duty to provide protection for private rights (Wynhammer v. People, 13 NY 378), which duty is a debt owed to its creator, WE THE PEOPLE and the private disenfranchised individual; which debt and duty is never extinguished nor discharged, and is perpetual. No matter what the government/state provides for us in manner of convenience and safety, the disenfranchised individual owes nothing to the government." Hale v. Henkel, 201 U.S. 43 at 74.

23. "Under our form of government, the Legislature is not supreme. It is only one of the organs of that absolute sovereignty which resides in the whole body of the people; like other bodies of the government, it can only exercise such powers as has been delegated to it, and when it steps beyond that boundary, its acts... are utterly void." Billings vs. Hall, 7 CA I (Court of Appeals, U.S.).

24. "We the people have discharged any debt which may be said to exist or be owed to the state or government. The governments are, however, indebted continually to the people, because the people (the sovereigns) created the government corporation and because we suffer its continued existence. The continued debt owed to the people

is discharged only as it continues not to violate our private rights, and when government falls in its duty to provide protection - discharge its debt to the people, it is an abandonment (an INJURY) of any and all power, authority or vestige of 'sovereignty' which it possessed, and the laws remain the same, the sovereignty reverting to the people whence it Came." Down v. Bidwell, 182 U.S. 277.

25. "The individual may stand upon his Constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business or to open his doors to investigation... He owes no duty to the state since he receives nothing there from, beyond the protection of his life and property. His rights are such as existed by the law of the Land, long antecedent to the organization of the state, and can only be taken from him by due process of the law and in accordance with the Constitution. He owes nothing to the public as long as he does not trespass upon their rights." Supreme Court, Hale vs Henkle, 201 U.S. 43 at 74.

26. "The people, or the Sovereign are not bound by general words in statutes, restrictive of prerogative right, title or interest, unless expressly named. Acts of limitation do not bind at the King nor the people. The people have been ceded all the rights of the king, the former Sovereign... It is a maxim of the common law that when an act of parliament is made for the public good, the advancement of religion and Justice, and to prevent injury and wrong, the king shall be bound by such an act, though not named; but when a statute is General, and any prerogative rights, *title* or interest would be divested or taken from

the king (or the people) in such case he shall not be bound." The People vs. Herkimer, 15 American Decisions 379, 4 Cowen (NY 345, 348 (1825).

27. The Supreme Court in the case of Wills vs Michigan State Police, 105 L. Ed. 2d 45 (1989) made it perfectly clear that the Sovereign cannot be named in any statute as merely a "person", or "any person." [Affiant am a member of the "sovereignty" as defined in Yick Wo vs. Hopkins, 118 U. S. 356 and The Dred Scott case, 60 U.S. 393.]

28. "Sovereignty itself is, of course, not subject to law for it is the author and source of law." Yick Wo vs Hopkins and Woo Lee vs. Hopkins, 118 U.S. 356

29. "The law subscribes to the king (in America, the people) the attribute of sovereignty; he is sovereign and independent within his own Dominion; and owes no kind of subjection to any other potentate upon earth. Hence, it is, that no suit or action can be brought against the king, even in civil matters, because no court can have jurisdiction over him; for all jurisdiction implies supremacy of power." Chisholm vs. Georgia, 2 Dall. 419,458.

30. "People of a State are entitled to all rights which formerly belonged to the king by his prerogative." Lansing vs Smith, 4 Wend. 9, 20 (1829).

31. "In Europe, the executive is synonymous with the Sovereign power of the state... where it is too commonly acquired by force or

fraud, or both... In America, however, the case is widely different_ Our government is founded upon compact. Sovereignty was, and is, in the people." Glass vs The Sloop Betsy, 3 Dall 6 (Dallas, U.S. Supreme Court Reporter).

452 32. "In the United States the people are sovereign and the
40 government cannot sever its relationship to the people by taking away
their citizenship." Afroyim vs Rusk, 387 U.S. 253 (1967).

MISC NOTE: The following definition of sovereignty is from Bouvier's 14th
edition Law Dictionary (quoting from 4 Wheat, 402):

"It has been justly thought a matter of importance to determine from what source the United States derives its authority... the question here proposed is whether our bond of union is a compact entered into by the states, or whether the Constitution is an organic law established by the People. To this we answer: We The People ... ordain and establish this Constitution" ... the government of the state had only delegated power (from the People) and even if they had an inclination, they had no authority to transfer the authority of the Sovereign People. The people in their capacity as Sovereigns made and adopted the Constitution: and it binds the state governments without the state's consent. The United States, as a whole, therefore, emanates from the People and not from the states, and the Constitution and laws of the states, whether made before or since the adoption of that Constitution of the United States, are subordinate to the United States Constitution and the laws made in pursuance of it.

The people are the Fountain of sovereignty . The whole was originally with them as their own. The state governments are but trustees acting

under a derived authority, and had no power to delegate what is not delegated to them. But the people, as the original Fountain, might take away what they have lent and in trust to whom they please. They have the whole title, and as absolute proprietors, have the right of using or abusing. - *jug utendi et abutendi*. It is a maxim consecrated in public law as well as common sense and the necessity of the case that a Sovereign is answerable for his acts only to his God and his own conscience ... There is no authority above a Sovereign to which an appeal can be made." 4 Wheat, 402 (Bouvier's 14th Edition Law Dictionary: "Sovereignty").

33. "The Congress cannot revoke the Sovereign power of the people to override their will as thus declared." Perry vs. United States, (1935), 294 US 330, 353.

Note: The above points and authorities are not exhaustive and additions can be added at any time.

"A sovereign is answerable only to God and conscience"

CAVEAT

That, _____ upon receipt of this Memorandum of Law on Sovereignty of the people with Points and Authorities

(via Certified Mail)

- Notice and Demand, is made upon you to review and respond to the above memorandum and each 'point' and 'authorities' as enumerated above and documented upon the public record, by Certified, U.S. Mail to the 'sovereign' as addressed below or to the Notary's address as indicated below, within 15 days upon receipt of this Memorandum, allowing up to three days grace for return mail delivery.

Failure to do so, by as either a 'Public Servant' who by 'Oath of Office' or duty as an 'Officer,' 'agent', or 'employee' of a government created corporation, municipality, etc., and/or by and through your 'Position,' 'office', or "**superior knowledge of the law,**" will place you in default, and the presumption will be taken upon the private and public record that you and your office fully agrees to the 'points and authorities' contained within this Memorandum and that the 'points and authorities' are **true, correct and certain.** (F.R.C.P. 8d) ... and that one of the '**We the people**' as named below and his/her seal/signature is sovereign within the collective capacity of said WE THE PEOPLE and possesses true sovereign power.

Notice to Principal is Notice to agent and

Notice to agent is Notice to Principal.

Dated 9th day of August, 2010

Respectfully:

Henry Theodore Elden ©

Henry Theodore Elden ©, Secure Party Creditor, filed UCC -1

one of the sovereign people, a private man on the land, non-combatant, an American by birth, a child of the Living God, Grantor, Secured Party/Creditor and Principal of which 'Rights' existed long antecedent to the organization of the State and Trustee.

The above, Henry Theodore Elden ©, personally known to me, on this day, signed before me this document.

I am a notary public. My commission expires on 23 April, 2017

Signed: *Daniel Mathew Stribling* Dated: 9th day of August, 2010

Daniel Mathew Stribling ©



Mail Response to Notary:

Daniel Mathew Stribling ©

Secure Party, Sui Juris,

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