

# It Is All About “Commercial Banking” **CONTRACTS.**

**Per the “Just Banking” Constitution for the United States of America, Article I, Section 10.**

NO STATE SHALL enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; **pass any BILL OF ATTAINDER**, ex post facto Law, or Law IMPAIRING the Obligation of Contracts, or grant any Title of Nobility.

**There was to be NO Debtor Prisons in America per the Foundational Just Banking Charter.**

**Vol. I, Statutes at Large; FIFTH CONGRESS. Sess. II: Ch. 49, 50, 51**

**CHAP. XLIX.-. An Act providing for the Relief of persons imprisoned for Debt's due to the United States.**

**Section 1.** Be it enacted by the Senate and House of Representatives of the **United States of America** in Congress assembled, That any person imprisoned upon execution issuing from Any Court of the United States, for a debt due to the United States, which he shall be **unable to pay**, may, at any time after commitment, make application, in writing, to the Secretary of the Treasury, stating the circumstances of his case, and his inability to discharge the debt; and it shall thereupon be lawful for the said Secretary to make, or require to be made, an examination and inquiry into the circumstances of the debtor, either by the oath or affirmation of the debtor, (which the said secretary, or any other person by him specially appointed, are hereby authorized to administer) or otherwise, as the said secretary shall deem necessary and expedient, to ascertain the truth ; and upon proof being made to his satisfaction, that such debtor is unable to pay the debt for which he is imprisoned, and that he hath not concealed, or made any conveyance of his estate, in trust, for himself or with an intent to defraud the United States or deprive them of their legal priority, the said secretary is hereby authorized to receive from such debtor, any deed, assignment, or conveyance of the real or personal estate of such debtor, if any he hath, or any collateral security to the use of the United States; and upon a compliance by the debtor, with such terms and conditions as the said secretary may judge reasonable and proper, under all the circumstances of the case, it shall be lawful for the said secretary to issue his order, under his hand, to the keeper of the prison, directing him to discharge such debtor from his imprisonment under such execution, and he shall be accordingly discharged, and shall not be liable to be imprisoned again for the said debt ; but the judgment shall remain good and sufficient in law, and may be satisfied out of any estate which may then, or at any time afterwards, belong to the debtor.

**Sec. 2:** And be it further enacted. That if any person shall falsely take an oath or affirmation under this act, he shall be deemed guilty of perjury, and be subject to the pains and penalties provided in the third section of an act, intituled “An act for the relief of persons imprisoned for debt .”

**Sec. 3:** And be it further enacted. That the benefit of this act shall not be extended to any person imprisoned for any fine, forfeiture or penalty, incurred by a breach of any law of the United States, or for monies had and received by any officer, agent, or other person, for their use. **APPROVED, June 6, 1798.**

**CHAP. L. - An Act supplementary to an act intituled “An Act for the relief of persons imprisoned for Debt.”**

Be it enacted by the Senate and House of Representatives of the **United States of America** in Congress assembled, That any person imprisoned upon process issuing from any court of the **United States** in any Civil Action, against whom judgment has been, or shall be recovered, shall be entitled to the privileges and relief provided by an act, intituled "An act for the relief of persons imprisoned for debt," under the regulations and restrictions of the same act; after the expiration of thirty days from the time such judgment has been, or shall be recovered, though the creditor should not, within that time, sue out his execution, and charge the debtor therewith. **APPROVED, June 6, 1798.**

**CHAP. LI. - An Act respecting loan office and final settlement certificates, indents of interest, and the unfunded or registered debt credited in the books of the Treasury. **APPROVED, June 12, 1798.****

**BILL OF ATTAINDER:** A legislative act which inflicts punishment without a judicial trial. *Inland Steel Co. v NLRB* (CA7) 170 F2d 247, 12 ALR2d 240. **Congress is prohibited** from passing such an act by Art I § 9, clause 3, of the United States Constitution. **The same prohibition applies to the States. Art I § 10**, of the Constitution of the United States.

**CIVIL ACTION:** An action brought to enforce a civil right; an ordinary action as distinguished from a criminal action, or a special proceeding. *Wurth v Affeldt*, 265 Wis 119, 60 NW2d 708, 40 ALR2d 1376; the ordinary proceeding in a court of justice by one party against another for the redress or prevention of a legal wrong or for the enforcement or protection of a private right. 1 Am J2d Actions § 43; more broadly defined as any proceeding in a court of justice by which an individual pursues that remedy which the law affords him. *Stoll v Hawkeye Casualty Co.* (CA8 SD) 185 F2d 96, 22 ALR2d 899; comprehending every conceivable cause of action, whether legal or equitable, except such as are criminal in the usual sense that the judgment against the defendant may be a fine or imprisonment, or both. 1 Am J2d Actions § 44.

**CIVIL CONSPIRACY:** A combination of two or more persons by concerted action to accomplish an unlawful purpose, or a lawful purpose by Criminal or unlawful means, to the Injury of another. 16 Am J2d Consp § 43. To sustain an action, damage must have resulted from the combination. To warrant an injunction, damage must be threatened. National Fireproofing Co. v Mason Builders' Asso. (CA2 NY) 169 F 259.

**CIVIL RIGHTS ACTS:** Statutes adopted by Congress in the aftermath of the Civil War and in the more recent years of 1957 and 1964, primarily intended to implement the constitutional guaranties against denial of due process and equal protection of the laws to all persons irrespective of race or color. 15 Am J2d Civ R §§ 11 et seq. Guaranties in constitutions and statutes against denial of the rights of a person by reason of his or her race, color, religion, or previous condition of servitude. 15 Am J2d Civ R §§ 3, 4; statutes which prohibit discrimination against a person by reason of his race or color in denying him access to places of public accommodation, such as hotels, restaurants, and lunch counters; places of amusement and recreation, such as parks, theaters, and public resorts; the cars and vehicles of common carriers; and educational facilities maintained by public funds; and provide an aggrieved party the right to recover a penalty for violations. 15 Am J2d Civ R §§ 18 et seq.

**CIVIL WAR:** An armed struggle between opposing and contending forces of the same nation for the control of the government. 56 Am J1st War § 2. While protection of the law of war is not accorded to those engaging in an insurrection or rebellion against the constituted authority, unless a state of belligerency is recognized by the existing government, when hostilities attain dimensions which interfere with the exercise of the jurisdiction of the existing government in some of its territorial districts, a state of war exists. The War between the Federal government of the United States and the seceding Confederate States, although referred to as the "Civil War," sometimes as the "War of Rebellion" or "The Great Rebellion," was accompanied by the general incidents of an international war, and the rules of war, as recognized by the public law of civilized nations, were applied, even though the general principles and purposes of the Federal government were the re-establishment of national authority and the ultimate restoration of the seceding states and their citizens to their national relations without any view of subjugation by conquest. 56 Am J1st War § 3. **[The Civil War never ENDED, it was continued under the 1871 – Commercial Contract State of Insurrection by the Foreign Copyrighted legalized and commercialized UNITED STATES Bankrupt Corporations; that are using “UNJUST USURY BANKING and Hidden CONSTRUCTION MONETARY LABOR CONTRACTS” against the ‘Sovereign’ People of the United States.]**

**CIVIL WAR CLAIMS:** Claims arising under the captured and abandoned property act of 1863, which provided that property when captured should be sold and the proceeds paid into the United States treasury, and that any person claiming to be the Owner of property thus captured and sold might at any time within two years AFTER the Close of the Civil War bring suit in the court of claims [Bankruptcy Courts] for the proceeds and on satisfactory Proof of certain Facts [presently Non-UCC filings] recover its value, less some specified deductions. 54 Am J1st US § 109.

**CRIME:** An offense against sovereignty an act committed, or omitted, in violation of the public law which forbids or commands it. 21 Am J2d Crim L § 1. In some contexts, the term "crime" means any offense against the law, not excluding misdemeanors. 22 Am J2d Extrad § 21. On the other hand, the word is sometimes used in a more limited sense to embrace only the more serious offenses. 21 Am J2d Crim L § 1.

**CRIMINAL:** Adjective: **Relating to** or having the CHARACTER of Crime. People v Bradley, 60 Ill 390, 402. Noun: A person who has committed a crime, especially, if he is a recidivist or the crime is a serious or violent one. In the eyes of the law, a person is a criminal who has been adjudged guilty of a crime, and he continues to be a criminal so long as the judgment remains in force. Re Molineux, 177 NY 395, 69 NE 727.

**CHARACTER:** That which a person is as demonstrated by his acts and utterances, whether good or bad from the standpoint of morals; reputation. Michelson v United States, 335 US 469, 93 L Ed 168, 69 S Ct 213. Character consists of the qualities which constitute the individual, while reputation is the aura of opinions entertained concerning him. The former is **Interior**; the latter **External**. The One is the Substance [the living person]; the Other the SHADOW [the contracted person]. Character is what a person is. Reputation is what people say of him. But notwithstanding this distinction which is everywhere agreed upon, **the two words are sometimes used, even by Judges, as SYNONYMOUS**. United States v Hasky, 240 Ill 560, 88 NE 1031.

**ROUGH SHADOWING:** A practice, sometimes resorted to by detectives, of openly and publicly following and watching a person, usually as a means most effective to prevent his going away from the place. Such actual surveillance and pursuit may constitute an Actionable Wrong as suggestive of **criminality**, fatal to public esteem, and productive of **Public Contempt** or **Ridicule**. Shultz v Frankfort Marine Acci & Plate Glass Ins. Co. 151 Wis 537, 139 NW 386.

**RECIDIVIST:** One who has relapsed into crime after having been once convicted and punished? A habitual criminal.

**CRIMINAL ACTION:** An action by the sovereign that is the **State** or the **United States**, or instituted on behalf of the sovereign, against one charged with the commission of a criminal act, for the enforcement of the penalty or punishment prescribed by law. 1 Am J2d Actions § 43.

**CRIMINAL SYNDICALISM:** Any doctrine or precept advocating, teaching, or aiding and abetting the commission of crime, sabotage, or unlawful acts of force and violence or unlawful methods of terrorism, as a means of accomplishing a change in industrial ownership or control, or effecting any political change. 47 Am J1st Sedit etc. § 3.

**SOVEREIGN:** A ruler; a king; the Supreme Power in a government. "To the Constitution of the United States the term **Sovereign** is totally unknown. There is but one place where it could have been used with Propriety. But, even in that place it would not, perhaps, have comported with the delicacy of those who ordained and established that Constitution. They might have announced themselves '**Sovereign**' **People of the United States**: But, serenely conscious of the fact, they avoided the ostentatious declaration." Chisholm v Georgia (US) 2 Dall 419, 454, 1 L Ed 440, 455.

**SOVEREIGN IMMUNITY:** The principle that the **Sovereign CANNOT BE SUED in its own courts or in any other court without its CONSENT and PERMISSION**; a principle which applies with full force to the several States of the Union. 49 Am J1st States § 91.

**SOVEREIGN PEOPLE:** See **People of the state; People of the United States**.

**SOVEREIGN POWER:** The power to make and enforce laws.

**SOVEREIGNTY:** The power to govern; supreme political authority. That public authority which commands in civil society, and orders and directs what each citizen is to perform to obtain the end of its institution.

**CONTRACT:** Noun: A term which is simple in its superficial aspect but actually difficult of succinct definition, since nothing less than the whole body of applicable precedent will suffice for the purpose of definition. Williston, Contracts 3rd ed § 1; summarily defined as an agreement upon sufficient consideration to do, or refrain from doing, a particular lawful thing. 17 Am J2d Contr § 1. For the purposes of the Uniform Commercial Code, "contract" means **the total legal obligation** which results from the parties' agreement as affected by the code and other applicable rules of law. UCC § 1-201(1 1). In popular speech, the word "contract" is frequently used as meaning the work done under a contract. Independent Bridge Co. v Aetna Casualty & S. Co. 316 Pa 266, 175 A 644, 96 ALR 549; a work or improvement for the prosecution of which public authorities have entered into a contract. Independent Bridge Co. v Aetna Casualty & Surety Co. 316 Pa 266, 175 A 644, 96 ALR 549. **Within the meaning of the obligation of contract clause of the Federal Constitution, the term "contract" includes not only contracts as the word is ordinarily understood, but all instruments, ordinances and measures, by whatever name known, which embody the inherent qualities or purposes of valid contracts and carry like them their reciprocal obligations of good faith.** 16 Am J2d Const L §§ 438et seq. Verb: To enter into a binding obligation of contract.

**CONTRACT CARRIER BY MOTOR VEHICLE:** A private carrier by motor vehicle; a carrier which does not carry for all persons indiscriminately but only under **Individual Contracts** with the various customers whom it chooses to serve. Interstate Commerce Com. v A. W. Stickle & Co. (DC Okla) 41 F Supp 268 Motor Haulage Co. v Maltbie, 293 NY 338, 57 NE2d 41, 161 ALR 401. The question of who are **CONTRACT** carriers by motor vehicle under statutes relating to the use of highways by such carriers depends upon the particular operations of the carrier, as well as the individual statutory provisions, involved. Anno: 175 ALR 1342.

**CONTRACT CLAUSE:** That **Clause** contained in the first paragraph of the tenth section of the first article of the Federal Constitution, providing that **NO State SHALL PASS any law IMPAIRING the Obligation of Contract**. Trustees of Dartmouth College v Woodward (US) 4 Wheat 518, 4 L Ed 629.

**CONTRACT LABORERS:** Emigrants who, without sufficient means in their own hands or in those of their friends, agree in consideration of the payment of their passage, to accept designated employment in the United States at stated wages, usually the lowest possible rate. Church of Holy Trinity v United States, 143 US 457, 36 L Ed 226, 12 S Ct 511. See Convict Labor.

**CONTRACT LABOR LAW:** The federal statute regulating and restricting the practice of inducing **Immigration** by paying the expenses of travel to the **UNITED STATES** for the **purpose of obtaining CHEAP manual labor**. 3 Am J2d Aliens § 62.

**CONTRACT OF HIRE:** A contract whereby the use of a thing, or the services or labor of a person are stipulated to be given for a certain reward. Wingate v Wingate, 11 Tex 430, 437. As used in a state unemployment compensation law, the term means an agreement whereby one undertakes or obligates himself to render personal service for another for a remuneration to be paid because the service was rendered, regardless of the element of profit or loss resulting from the work. Fuller Brush Co. v Industrial Com. 99 Utah 97, 104 P2d 201, 129 ALR 511.

**CONTRACTOR:** Literally, a person who has assumed obligations as a party to a contract, but in common usage, a person who pursues an occupation or business, wherein he contracts to render services for others, including public bodies, in building, painting, excavating, etc., the most significant feature of which is that while he may have an "employer" in the broad sense of that term, he is not under direction in respect of the means by which his work is accomplished. Storm v Thompson, 185 Iowa 309, 170 NW 403, 20 ALR 658, 660; Smith v Milwaukee Builders & Traders' Exchange, 91 Wis 360, 367. As used in a mechanic's lien statute, a "contractor" is a person who furnishes labor and appliances necessary for

the work, and who pays therefor, but who [264] does not work or labor personally. Little Rock, H. S. & T. Railway v Spencer & Maney, 65 Ark 183, 47 SW 196. The word in a statutory provision giving **his EMPLOYEE a Right to Claim Compensation**, under the **Workmen's Compensation Act**, from the principal where specific conditions are met, has the same significance as "independent contractor," and the test in determining whether the **Employer** is a "contractor" is the same as that which determines whether a person who is himself claiming compensation is an **EMPLOYEE** or an independent contractor. **United States Fidelity & G. Co.** v Spring Brook, 135 Conn 294, 64 A2d 39, 13 ALR2d 769.

**CONTRACTORS' BONDS: Bonds of two types:** - (1) a **Performance Bond** which guarantees that the contractor will perform the contract and if he defaults and fails to complete the contract, the surety will complete the work or pay damages up to the limit of the bond; (2) a **LABOR and materials Payment Bond** which **guarantees** the **Owner** that **all Bills for Labor and Materials** contracted for and used by the contractor will be paid by the **SURETY** if the contractor defaults. 17 Am J2d Cent Bonds § 1.

**CONTRACTS MALA PROHIBITA: CONTRACTS** which are **not absolutely Void** in all instances because the acts to be performed thereunder are prohibited by statute, but are **Void or Voidable** according to the **Nature and Effect** of the act prohibited. 17 Am J2d Contr § 167. It is to be noted, however, that substantial authority supports the elimination of distinction based upon theories playing upon the terms "**mala in se**" and "**mala prohibita**. 17 Am J2d Contr § 167.

**CONTRACT SYSTEM:** The system in **VOGUE** in the management of the prisons whereby the **labor of prisoners** is **SOLD** or **FARMED OUT** by contract. People v Hawkins, 157 NY 1, 51 NE 257.

**LABOR:** Narrowly defined as purely physical toil. 31 Am J2d Exemp § 19; 31 Am J Rev ed Lab § 1. Services in a manual occupation; work requiring little skill or special training. 36 Am J1st Mech L § 53; 58 Am J1st Workm Comp § 91. Services in following a manual occupation rather than an intellectual pursuit. Michigan Trust Co. v Grand Rapids Democrat, 113 Mich 615, 71 NW 1102. Better defined as work with the hands or with the mind including the application of professional and trade skills. 31 Am J2d Exemp § 19; 31 Am J Rev ed Lab § 1. Toil with the brains as well as toil with the hands. Commonwealth v John T. Connor Co. 222 Mass 299, 110 NE 301. **In a broad but none the less accurate sense, services of a person whether they be rendered by his hands or by the application of learning and professional skill**, including the work of high-salaried corporate officers, engineers, architects, actors, painters, builders, etc. 31 Am J Rev ed Lab § 1. In political economy, the position held by workers collectively. 31 Am J Rev ed Lab § 1. **An effort is no less labor** because it is carried on with the **use of machinery** instead of hand tools. Timber Structures v C. W. S. Grinding & Machine Works, 191 Or 231, 229 P2d 623, 25 ALR2d 1358 (within the meaning of a statute **granting a mechanic's lien for labor performed**.)

**LABOR DONE:** A type of consideration frequently authorized by statute as acceptable in payment of a subscription to corporate stock. 18 Am J2d Corp § 261.

**LABORER:** One who performs: **LABORS**.

**LABOR LAWS:** Those **Constitutional Provisions, Statutes**, ordinances, and administrative regulations which regulate labor relations in such matters as hours of labor, wages, unemployment insurance, Sunday observance, **Preference of WAGE CLAIMS in BANKRUPTCY and INSOLVENCY proceedings**, minimum wages, collective bargaining, etc.

**MECHANICAL LABOR:** Work performed by a mechanic or one practicing a mechanical art; the shaping or uniting of materials into any structure, machine, or object, the construction of which requires the use of tools. Arizona Eastern Railroad Co. v Matthews, 20 Ariz 282, 180 P 159, 7 ALR 1149, 1155. Broadly, the work of a mechanic. **Labor performed according to Rule or Rote** rather than by use of the intellect.

**MECHANIC'S LIEN.** A **CLAIM** created by law for the purpose of securing a priority of payment of the price or value of work performed and materials furnished in erecting or repairing a building or other structure, usually attaching to the land as well as to the buildings erected thereon. Schwartz v Whelan, 295 Pa 425, 145 A 525, 65 ALR 277. A **LIEN** upon **moneys withheld** by a public body from a contractor in favor of a laborer or materialman for the amount of **his Claim for LABOR** or materials furnished the contractor upon the improvement under construction by him pursuant to a contract with the public body. Anno: 112 ALR 816.