

NOTICE

From the People of Texas

Texian Jural Society

(A Body Politic for the Administration of Justice)

To:

**The Honorable Yvonne Davis
State of Texas Representative**

IN THE MATTER OF

H.B. No. 2167

In The Texas House of Representatives

A BILL TO BE ENTITLED

AN ACT relating to the removal of a state or local officer for refusing or directing others to refuse to enforce state or federal law

THE JURAL SOCIETY

The Texian Jural Society is another way of describing the People of Texas. The Texian Jural Society is the Texas Body Politic comprised of the People of Texas who are self-governing and who choose to participate and assemble for the administration of justice in Texas. (Texian - "It is an indubitable fact that the inhabitants of Texas, literate and illiterate, have almost universally adopted the term Texian..." [Source: Texas Almanac 1858])

The Texian Jural Society:

DOES NOT engage in politics; and,
DOES NOT interfere with Public Officials in the performance of their Duties; and,
DOES NOT participate in the Insurrection and the Rebellion; and,

DOES participate in the Election of Public Officials in Texas; and,
DOES serve on Grand Juries when called upon in Texas; and,
DOES serve on Trial By Juries when called upon in Texas; and,
DOES participate in exercising the Powers of Governance reserved to the People of Texas; and,
DOES participate in Lawful Assemblies in Texas; and,
DOES assist their Public Officials when called upon i.e. emergencies in Texas; and,
DOES participate in the "Common Defence" in Texas; and,
DOES participate in Lawful Assemblies about Breach of Oath of Office of Public Officials; and,
DOES reserve all Powers of Governance not delegated in the State and National Constitutions.

NOTICE was heretofore made by Diplomatic Notice of the Nature of Sovereignty in Texas as being invested in the People by the Texian Jural Society dated 21st of April, 2012 and attached hereto.

The Tenth Amendment clearly states that the Powers not delegated to the State or the Federal governments are reserved to the People.

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

What Powers are reserved to the People? The Ninth Amendment answers that:

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

The People of Texas are the Body Politic in Texas with all of the reserved Powers not delegated, making them effectively the First Branch of Government and as the Powers of Government are derived from the People of Texas, the People are Supreme to the other three branches. Therefore, We the People are known in Law as the Jural Society, a Body Politic.

PUBLIC OFFICIALS OATH OF OFFICE

The Office of a Public Official begins through the election process as an Offer from the People. The taking of the Oath of Office is the acceptance on the part of the Public Official. The State and Federal Constitutions are the ruling documents defining the Limited Authorities of the Public Official. The sovereignty, which resides in the People of Texas in our system of government is unique to the rest of the world at large and is the reason for the greatness of our system. In the American and Texas system of government, the Elected Public Official is an Agent acting on behalf of the Sovereignty, i.e. the People of Texas to perform a Specific Limited Authority. A Public Official who acts outside of the Subject Matter of that delegated Authority is in Breach of their Oath to the People.

Maxim of Law

"The power which is derived cannot be greater than that from which it is derived."

OATH. A declaration made according to law, before a competent tribunal or officer, to tell the truth; or it is the act of one who, when lawfully required to tell the truth, takes God to witness that what he says is true. It is a religious act by which the party invokes God not only to witness the truth and sincerity of his promise, but also to avenge his imposture or violated faith, or in other words to punish his perjury if he shall be guilty of it. 10 Toull. n. 343 a 348; Puff. book, 4, c. 2, s. 4; Grot. book 2, c. 13, s. 1; Ruth Inst. book 1, ch. 14, s. 1; 1 Stark. Ev. 80; Merl. Repert. Convention; Dalloz, Dict. Serment: Dur. n. 592, 593; 3 Bouv. Inst. n. 3180.

2. It is proper to distinguish two things in oaths;

- 1. The invocation by which the God of truth, who knows all things, is taken to witness.**
- 2. The imprecation by which he is asked as a just and all-powerful being, to punish perjury.**

Bouvier's 1856

Presumption of Good Faith

It is presumed that all parties to this issue are acting in Good Faith and will further act in Good Faith to restore the Peace and Dignity within the Land of Texas.

Factual Background

The following statements are facts based upon the founding documents ratified by the People of Texas and thereby represent the Law of the Land in Texas:

Sovereignty in Texas Resides in the People

"We, therefore, the Delegates, with plenary powers, of the People of Texas.....do now constitute a free, sovereign, and independent republic, and are fully invested with all the rights and attributes which properly belong to independent States; [Texas Declaration of Independence]

1.) The Declaration of Independence is prior to the formation of the government therefore the People of Texas constitute the free, sovereign and independent republic. The government was created after the Declaration of Independence therefore the Texas government exists by way of a direct grant of Authority from the People of Texas. From that time to this, the People of Texas have always reserved the right to alter, reform or even abolish the government as they see fit.

Checks and Balances

2.) Our system of Checks and Balances was created by the People through the Constitution in great measure to de-centralize power. In Texas, as well as our Sister States the People created a system of what the Supreme Court in 1791 calls "Diffused Sovereignty". Our system of Law Enforcement in this country also reflects that system of Diffused Power or de-centralized power.

Enumerated and Limited Powers

3.) In Texas, we have a system of Enumerated Power, meaning that any Public Official has Enumerated Power that is delegated Power or Authority. Their Authority is therefore limited in scope to that which has been delegated to them. Any attempt to exercise authority which has not been delegated to them is Null and Void and has no validity in Law; it is further, a usurpation and a betrayal of the trust of the People.

4.) Federal Authority is limited based upon the Constitution at Article 1, Section 8, Clause 17:

"To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, ..."

The geographical boundaries of Federal Authority only extend to the District of Columbia and ceded land purchased pursuant to the Constitution within each of the States such as Post Offices, Forts etc; i.e., the Federal authority is limited within the States to only those areas within the States with which to execute their Enumerated Powers.

THE DISTURBANCE OF THE PEACE AT ISSUE

The Sheriff and House Bill Number 2167

5.) Recently, many of our Sheriffs in Texas and other states have declared that they will not enforce certain **unconstitutional** Federal Laws concerning the right to bear arms. As a result of this position by these and other Sheriffs, there has been a move across the country to pass legislation at the State level aimed at removing those Sheriffs from Office.

6.) The Peace Officer is the Supreme Law Enforcement Official because he or she has the jurisdiction **over the dry land** and that is why they can remove any other Public Official from their respective County. The Peace Officers are known in our tradition of Law as Conservators of the Peace meaning (the Sheriff, the Constable, the Coroner, the Justice of the Peace) and act as a check and balance to one another. These Offices act as a direct trust from the People to protect the Land on behalf of the Sovereignty, i.e., the People of Texas. Anyone who has a right to take Land from another person has to go through the Sheriff or the Constable to enforce a claim.

7.) One of the Sheriffs paramount duties is to protect the People of Texas in his or her county from both State and Federal encroachment when Federal or State Officials Usurp their Enumerated Power. **HB No 2167 is not about removing Sheriffs from Office, it is a Usurpation of the Sheriff's Office to gain jurisdiction over the dry land.**

8.) The Office of the Sheriff was created by the People thousands of years ago by Acts of the People and was not created by the Constitution or the Legislature. The Sheriff provides the valuable interface between the People and the government and as such sits outside of the government and is not subject to the State Legislature in the Sheriff's aforementioned capacity. Their Duty is to Keep the Peace and the organic Fundamental Law of the Land (Common Law) is their venue. Their Offices exist within the First Branch of Government (We the People), by Custom and Usage which are higher forms of Law than Statutes. As the Office of the Sheriff is outside the government, the Constitution calls for him or her to be commissioned by the Governor to specifically be able to work internally within the government. The duties the Sheriff performs internally within the government are subject to State and Federal Statutes, **ONLY** as those Statutes are within the enumerated powers of the government.

9.) As to the States, the United States Supreme Court has ruled on this issue in **Mack and Printz v. United States, 521 U.S. 898 (1997)**, quoting Justice Scalia in the majority opinion:

"The federal government may neither, issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program. Such commands are fundamentally incompatible with our constitutional system of dual sovereignty." He continues, "States are not subject to federal direction." And further, "The Federal Government may not compel the states to enact or enforce a federal regulatory program."

10.) The attempted "Gun Grab" by the current administration is an example of such a Usurpation by the Federal Authority. The Power over the Right to Bear Arms in Texas was never delegated to the Federal or the State Government. On the contrary, the Bill of Rights and specifically the Right to Bear Arms are excepted out of the Enumerated Powers and the Subject Matter delegated to the Legislature.

NOTICE TO RESTORE THE PEACE

BE IT NOTICED, That the People of Texas have had a long standing trust in their Public Officials and have seldom exercised their Powers in full, however that trust has become tenuous, therefore **let it be known** that the People of Texas with the reserved Powers of a Body Politic will exercise their Powers from this point forward; and,

FURTHER BE IT NOTICED, That the Common Law is the Rule of Decision in Texas both by the Constitution as well as by the Statute. [CIVIL PRACTICE AND REMEDIES CODE, TITLE 2. SUBTITLE A. CHAP 5. Sec. 5.001]

"SEC. 13. The Congress shall, as early as practicable, introduce, by statute, the common law of England, with such modifications as our circumstances, in their judgment, may require; **and in all criminal cases the common law shall be the rule of decision.**" [Bold for emphasis] [Republic of Texas Constitution Article 4 Section 13]

Maxim of Law

"A maxim is so called because its dignity is chiefest, and its authority most certain, and because universally approved by all." [Bouvier 1856, Co. Litt. 11.]

"To be able to know is the same as to know."

DISTURBANCE OF THE PEACE IN QUESTION:

BE IT NOTICED, That House Bill Number 2167 is a direct assault upon the check and balance architecture of the government defined by the Constitution the People of Texas have put in place, and therefore the Subject Matter of this Bill is not within the Enumerated Powers of the Texas Legislature; and,

FURTHER BE IT NOTICED, That the Rule of Decision in Texas is the Maxim of Law which states **"A mandatory cannot exceed the bounds of his authority,"** which means in this application that a Lawmaker in Texas not only was never delegated the powers to control the Right to Bear Arms but that this power is clearly excepted out of the Power of the Lawmakers in Texas as another Maxim of Law states **"Power should be strictly interpreted,"** meaning Lawmakers cannot use their Powers to expand their Powers; and,

FURTHER BE IT NOTICED, That House Bill Number 2167 **IS NOT** about removing Peace Officers from Office when they refuse to enforce Federal Public Policy, **but IT IS an attempted overthrow of the constituted government and a theft of the jurisdiction over the dry land from the People of Texas whether intended or not;** and,

FURTHER BE IT NOTICED, That the Lawmakers were never delegated Power over the Land of Texas, nor were they delegated the Power to control our Peace Officers in their defence of the Land on

behalf of the People, as the maxim states "The power which is derived cannot be greater than that from which it is derived,"

DISTURBANCE OF THE PEACE IN QUESTION:

BE IT NOTICED. That the enumerated Federal Powers are limited geographically to the ten square mile area known as the DISTRICT OF COLUMBIA, and within Texas they are geographically limited to the land ceded to perform the Federal enumerated Duties, such as Forts, Ports and Post Offices; and,

FURTHER BE IT NOTICED, That the State cannot use their Power to increase the Power of the Federal government or to increase it's geographical jurisdiction, as the Maxim of Law states, "A mandatory cannot exceed the bounds of his authority," and further, "The power which is derived cannot be greater than that from which it is derived."

DISTURBANCE OF THE PEACE IN QUESTION:

BE IT NOTICED, That among the Powers reserved by the People of Texas is the Power of Nullification and should this Bill be approved in the Legislature, the People of Texas have reserved the Power to Nullify said legislation and to remove Public Officials from Office by the Juridical Proceedings of the Law for a Breach of their Oath of Office to the People of Texas as the Maxim of Law which is the Rule of Decision in Texas states:

Maxim of Law

"In the presence of the superior power, the minor power ceases."

NOTICE TO REMEDY AND RESTORE THE PEACE:

It is presumed by the People of Texas that the Honorable Yvonne Davis has acted in Good Faith in her zeal to perform the duties of the Office she holds in addressing a social problem. **However, the People of Texas respectfully Demand that the Honorable Yvonne Davis remove this Bill from consideration in the State Legislature within ten (10) days from the receipt of this Notice or face the grave constitutional question concerning the Breach of your Oath of Office brought about by the said Bill whether intended or not. The People of Texas respectfully Demand the said withdrawal of the HB 2167, to Restore the Peace and Dignity in Texas as to your Oath of Office between the People of Texas and yourself.**

IN CONCLUSION, It is a paramount Duty of the State Legislature of Texas to interpose the sovereignty granted them by the People of Texas against Federal pre-emption. This issue is not about guns but rather it is an assault upon our Texas system of government. In the words of Thomas Jefferson

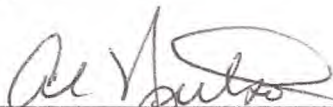
in the Declaration of Independence writing of King George, "He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation." The Introduction of H.B. 2167 in its essence is an attempt to subject the people of Texas to a jurisdiction foreign to our Constitution and is further in the words of Thomas Jefferson an "Act of pretended legislation."

We the People of Texas applaud our Sheriffs for taking this stand against Federal intrusion and we hereby stand behind them in the Performance of their Duties.

God Bless our Peace Officers in Texas.

MAY 13, 2013

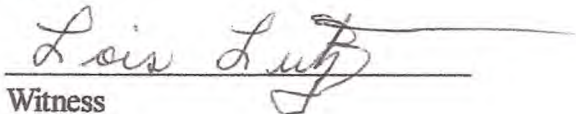
Date



Chairman of the Texian Jural Society, May 9, 2013 Session



Witness



Witness

[THE USE OF CAPITALIZATION IN THIS NOTICE IS FOR EMPHASIS ONLY]