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NOTICE AND DEMAND

From the People of Texas

Texian Jural Society

(A Body Politic for the Administration of Justice)

To:

**The Honorable Rick Perry
Governor
the State of Texas**

**The Honorable David Dewhurst
Lieutenant Governor
the State of Texas**

**The Honorable Nathan Hecht
Chief Justice of the Texas Supreme Court**

**The Honorable Sharon Keller
Presiding Judge of the Texas Court of Criminal Appeals**

**The Honorable Joe Straus
Speaker of the Texas House of Representatives**

**The Honorable Nandita Berry
Texas Secretary of State**

IN THE MATTER OF

“the Reserved Powers of the People of Texas”

BACKGROUND

41
42
43 WHEREAS, The People in Texas constitute the Sovereignty in Texas; and,
44

45 WHEREAS, The People of Texas in affirming their Sovereignty do so by acknowledging
46 the “Laws of Nature and of Nature's God” which is the source of their Sovereignty; and,
47

48 WHEREAS, The People of Texas created and authorized the legislative, judicial and
49 executive branches of government; and,
50

51 WHEREAS, The People of Texas have delegated limited powers and limited subject matter
52 upon the branches of the government; and,
53

54 WHEREAS, The People of Texas have retained oversight over the powers and subject
55 matter delegated to the branches of government; and,
56

57 WHEREAS, The People of Texas have reserved all powers and subject matter not
58 delegated to the branches of the government to themselves; and,
59

60 WHEREAS, Said exercise of reserved powers can be invoked independently of the
61 branches of government created; and,
62

CAUSE OF NOTICE AND DEMAND

63
64
65 WHEREAS, The branches of the government have repeatedly trespassed upon the
66 “Reserved Powers of the People” to the point that the trespasses have become so frequent
67 and so comprehensive as to become onerous and unconscionable; and,
68

69 FURTHER, The bulk of said trespasses and encroachments have been initiated by the
70 federal government to the detriment of the People of Texas while the Texas Public Officials
71 have refused to exercise the Powers granted them by the People to check and balance an
72 overreaching federal government; and,
73

74 FURTHER, The branches of the government have become so overbearing in the exercise of
75 the powers delegated to them that many Public Officials act as though the government is
76 the source of the rights of the People; and,
77

78 FURTHER, The trespasses mentioned above are dealt with in more detail in the section
79 titled THE DISTURBANCE OF THE PEACE AT ISSUE; and,
80

81 FURTHER, While we applaud the recent stands Texas Public Officials have taken against
82 federal encroachment, the trespasses have become so pervasive and encompassing as to
83 merit the People of Texas standing up with the Texas Public Officials, but also Demanding
84 the “Reserved Powers of the People” be honored by Texas Public Officials; and,

85 **REMEDY**

86
87 **THEREFORE, The People of Texas hereby Demand that the appropriate Texas Public**
88 **Officials themselves honor, and further instruct those under their supervision to honor the**
89 **“Reserved Powers of the People of Texas”; and,**

90
91 **FURTHER, Reference to remedy in this matter is detailed later in this NOTICE AND**
92 **DEMAND in the section titled NOTICE TO RESTORE THE PEACE toward the end of**
93 **this Notice; and,**

94
95 **CAVEAT**

96
97 **WHEREAS, As the People are the Sovereignty in Texas, all immunity to Texas Public**
98 **Officials flows from the Sovereign; and,**

99
100 **FURTHER, Any acts done by Texas Public Officials outside of their enumerated powers**
101 **are not only NULL AND VOID as they lack the proper source of the authority, but the**
102 **Texas Public Official is personally liable for the unauthorized actions; and,**

103
104 **FURTHER, The People of Texas are not endeavoring to harm or prosecute anyone, the**
105 **People of Texas want the checks and balances of power in our government restored; and,**

106
107 **FURTHER, With an abundance of caution to Texas Public Officials, the drift from our**
108 **original footing has become such a familiar environment that one can no longer recognize**
109 **how far off course one is now; and,**

110
111 **FURTHER, While Texas Public Officials did not create the current environment, but**
112 **rather inherited the current state of affairs, they are still responsible for the restoration of**
113 **the checks and balances in Texas; and,**

114
115 **FURTHER, The following FINDINGS OF FACT have been produced to show how far we**
116 **have drifted from our original footing; and,**

117
118 **THEREFORE, Meeting the People of Texas DEMANDS, can become the first step toward**
119 **IMMUNITY from a tainted and inherited past, or its lack may become the EVIDENCE for**
120 **tacit participation of attempting to implement a foreign jurisdiction in Texas and a betrayal**
121 **of one's own People, as this NOTICE AND DEMAND will be prosecuted to its full**
122 **conclusion for the purpose of RESTORING THE PEACE IN TEXAS according to the Law**
123 **in Texas; and,**

124
125 **PEOPLE ARE ALWAYS EITHER MAINTAINING THEIR FREEDOM OR THEY ARE**
126 **HEADED INTO A DESCENT INTO TYRANNY. THERE IS NO NEUTRAL GROUND.**
127 **THE PEOPLE OF TEXAS ONCE AGAIN HAVE THE DECISION BEFORE THEM THE**
128 **HEROES OF THE ALAMO STOOD FOR, TYRANNY OR FREEDOM. PEOPLE MUST**

129 ACTIVELY CHOOSE FREEDOM AND IF THEY DO NOT ACTIVELY CHOOSE
130 FREEDOM, TYRANNY WILL OVERTAKE THEM.
131

132 FINDINGS OF FACT

133
134 The following Findings of Fact are drawn from the compacts already in place between the
135 People in Texas and her Sister States. The quotes used herein are not hearsay, but are
136 quotes from original source documents of the founding of our country or from people who
137 participated in the events which founded our country and therefore have first hand,
138 personal knowledge of the events as they transpired. These are not political statements or
139 opinions from so-called experts. These Findings are also from self-evident truths
140 understood by the writers of the documents.
141

142 *“at the Revolution, the sovereignty devolved on the people, and*
143 *they are truly the sovereigns of the country, but they are*
144 *sovereigns without subjects, and have none to govern but*
145 *themselves; the citizens of America are equal as fellow citizens,*
146 *and as joint tenants in the sovereignty.*

147 *From the differences existing between feudal sovereignties and*
148 *governments founded on compacts, it necessarily follows that*
149 *their respective prerogatives must differ. Sovereignty is the right*
150 *to govern; a nation or State sovereign is the person or persons*
151 *in whom that resides. In Europe, the sovereignty is generally*
152 *ascribed to the Prince; here, it rests with the people; there, the*
153 *sovereign actually administers the government; here, never in a*
154 *single instance; our Governors are the agents of the people,*
155 *and, at most, stand in the same relation to their sovereign in*
156 *which regents in Europe stand to their sovereigns. Their*
157 *Princes have personal powers, dignities, and preeminences; our*
158 *rulers have none but official; nor do they partake in the*
159 *sovereignty otherwise, or in any other capacity, than as private*
160 *citizens.”*

161
162 *Chisholm v. Georgia (1793)*
163 *United States Supreme Court*
164

165 [*Chisholm v. Georgia is not being quoted here as a Supreme Court decision, but rather the*
166 *Justice quoted here is James Wilson, a Delegate and Floor Manager at the Constitutional*
167 *Convention who had personal, first-hand knowledge of the founding structure of our*
168 *government and serve as evidence of the same and not hearsay and opinion.*]

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The self-evident truths set forth in this Notice are drawn from the conclusions that flow from the founding architecture of our system of government which has been the envy of the world. This same architecture is also the principal impediment to the tyrant and the cause of rage to those who wish to force their views on their neighbors against their neighbors will; and,

Our founding principles were not put in place because it was the political view of a group of people. Our founding fathers put the architecture of our government in place because it was their best attempt to design a system in harmony with natural law and the laws of the universe. They realized there is a natural penalty for disobeying a natural law, which is only a reflection of reality; and,

This country was founded upon the "laws of nature and of nature's God". The natural law is self executing and always prevails. It is slow to convict and it grants mercy to the recalcitrant to comply; and,

Great civilizations fail because natural law enforces its own laws. The seeds of one's destruction are sown by one's own actions. Great governments fail because the People who are oppressed always win. The People always win because the natural law always prevails and afterward, the People will prevail as long as they prevail in the natural law; and,

The question before you is, which side of the line will you be standing on when the gavel of the natural law comes down. It will condemn you or vindicate you, but the choice is yours.

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“It is error alone which needs the support of government. Truth can stand by itself.”

[Thomas Jefferson]

SUMMARY

“.... at the Revolution, the sovereignty devolved on the people, and they are truly the sovereigns of the country, but they are sovereigns without subjects, and have none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty.” Chisholm v. Georgia (1793) united States Supreme Court; and,

"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;" Delegates of the People of Texas in General Convention on the 2nd day of March 1836; and,

"All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times the unalienable right to alter, reform, or abolish their form of government, in such manner as they may think expedient." [Texas Constitution – take your pick]; and,

Convention to Ratify the Constitution of the United States; WEDNESDAY, November 28, 1787, -- Mr. WILSON. “But, in this Constitution, the citizens of the United States appear dispensing a part of their original power in what manner and what proportion they think fit. They never part with the whole; and they retain the right of recalling what they part with.” and,

“It astonishes me to find that so many should be contented to live under a system which leaves to their governors the power of taking from them the trial by jury, freedom of religion and of the press, freedom of commerce, habeas corpus laws, and of yoking them with a standing army” [Thomas Jefferson]; and,

"I consider trial by jury as the only anchor yet imagined by man by which a government can be held to the principles of its constitution." [Thomas Jefferson]; and,

253 **STANDING TO EXECUTE**
254 **NOTICE AND DEMAND**

255
256 **The Declaration of Independence affirms that the People in Texas and in America are given**
257 **their Rights by God, and as God-given Rights, they are unalienable; and,**
258

259 **People may choose not to exercise these Rights or allow themselves to be deceived into**
260 **believing they do not have them, but they cannot alienate these Rights from themselves;**
261 **and,**
262

263 **That the People of Texas are the parties to the compact known as the Texas Declaration of**
264 **Independence and the People of Texas have Equal Footing in the union of states with the**
265 **People of the original thirteen colonies, who ratified and authorized the unanimous**
266 **Declaration of Independence of 1776; and,**
267

268 **Only the People are parties to the constitutional compacts, because before Public Officials**
269 **take Office, they are a party to the Compact as one of the People and in fact, only the**
270 **People who are parties to the Compact, can hold Public Office, as there is no other**
271 **covenanting party beside the People; and,**
272

273 **The branches of the government are not parties to the Constitutional Compacts as they**
274 **lack the Power to covenant and are mere fictions apart from the natural human with**
275 **Lawful capacity sitting in the Office created by the People in the Constitution; and,**
276

277 *"The power which is derived cannot be greater than that from which it is derived." [Bouvier*
278 *1856] meaning the created cannot rule over the creator; and,*
279

280 **Texas and her sister states in the Union are nations in their own right and are the parties to**
281 **the compact known as the federal constitution only insofar as the state offices are filled by**
282 **an elected party, being one of the People as a party to the compact; and,**
283

284 *"The several states composing the United States of America are not united on the*
285 *principle of unlimited submission to their general government; but by a compact*
286 *under the style and title of a Constitution for the United States, and of amendments*
287 *thereto, they constituted a general government for special purposes [and] delegated*
288 *to that government certain definite powers and whensoever the general government*
289 *assumes undelegated powers, its acts are unauthoritative, void, and of no force. To*
290 *this compact each state acceded as a state, and is an integral party, its co-states*
291 *forming, as to itself, the other party. The government created by this compact was*
292 *not made the exclusive or final judge of the extent of the powers delegated to itself,*
293 *since that would have made its discretion, and not the Constitution the measure of*
294 *its powers."* [Thomas Jefferson]; and,
295

296 **The content of this NOTICE AND DEMAND is limited to the Common Law, the above-**

297 mentioned Declarations of Independence, the Texas Constitutions not repugnant to the
298 Common Law, a Constitution for the United States not repugnant to the Common Law, and
299 the self-evident deductions made from the fact that the Powers NOT delegated to the
300 branches of the government, are retained by the People; and,

301

302 That all other counterfeit Declarations, Constitutions or rule making masquerading as
303 Law, gained by Duress and Color of Law, were and are NULL AND VOID ON THEIR
304 FACE being repugnant to the Common Law; therefore,

305

306 Any Texian singly, or jointly with other Texians, may enforce the provisions of the
307 Declarations of Independence, the Constitutions not repugnant to the Common Law or the
308 organic Common Law by which said Constitutions were constructed, as these compacts are
309 binding upon the whole of the People and the Land of Texas, above water and under water;
310 and,

311

312 THE JURAL SOCIETY

313

314 The Texian Jural Society [or Society of Jurists] is the lawful manner of describing the
315 People of Texas in their capacity of exercising their Reserved Powers of Governance; and,

316

317 It is the Texas Body Politic comprised of the whole of the People of Texas who are self-
318 governing and who choose to exercise their reserved powers by consenting to participate in,
319 and assemble for, the administration of justice in Texas; (*Texian - "It is an indubitable fact
320 that the inhabitants of Texas, literate and illiterate, have almost universally adopted the term
321 Texian..." [Source: Texas Almanac 1858]); and,*

322

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

326

327 From that time to this, the People of Texas have always reserved the right to alter, reform
328 or even abolish the government as they see fit; and,

329

330 *"All political power is inherent in the people, and all free governments are founded
331 on their authority, and instituted for their benefit; and they have at all times the
332 unalienable right to alter, reform, or abolish their form of government, in such
333 manner as they may think expedient." [All Texas Constitutions since 1836]*

334

335 That in the use of the words "*ordain and establish*" in the Preamble to the Texas
336 Constitution, the People of Texas DID NOT yield any of their sovereign powers, but have
337 reserved to themselves full sovereign prerogative, to exercise oversight over their own
338 creation;

339

340 *Constitution of the State of Texas (1845)*

341 *Preamble*

342 *“We, the people of the republic of Texas, ordain and establish this constitution.”*
343 *and,*

344
345 **Sovereignty in Texas Resides in the People**
346

347 *The Unanimous*
348 *Declaration of Independence*
349 *made by the*
350 *Delegates of the People of Texas*
351 *in General Convention*
352 *on the 2nd day of March 1836*
353

354 *“We, therefore, the Delegates, with plenary powers, of the People of Texas.....do*
355 *now constitute a free, sovereign, and independent republic, and are fully invested*
356 *with all the rights and attributes which properly belong to independent States;”*
357 *and,*
358

359 **From the time of the Texas Declaration of Independence, the People of Texas have**
360 **constituted a free, sovereign and independent republic; and,**
361

362 **The Ninth and Tenth Amendments to the Constitution for the United States clearly state;**
363

364 *[Ninth] “The enumeration in the Constitution, of certain rights, shall not be construed to*
365 *deny or disparage others retained by the people.”*

366 *[Tenth] “The powers not delegated to the United States by the Constitution, nor prohibited*
367 *by it to the States, are reserved to the States respectively, or to the people.”;*
368

369 **The Eleventh Amendment to the Constitution for the United States was an extended**
370 **clarification of the Ninth and Tenth Amendments placing limits on the Judiciary in relation**
371 **to the People;**
372

373 *[Eleventh] “The Judicial power of the United States shall not be construed to extend*
374 *to any suit in law or equity, commenced or prosecuted against one of the United*
375 *States by Citizens of another State, or by Citizens or Subjects of any Foreign State.”*
376

377 **The Eleventh Amendment to the Constitution did not repudiate or correct the decision**
378 **expressed by the Supreme Court in Chisholm v. Georgia, but rather placed constitutional**
379 **constraints on the Judiciary to further clarify the limits of their Enumerated Powers in**
380 **regard to the People; and,**
381

382 **The People of Texas are joint tenants [tenancy in common] in the sovereignty on the land,**
383 **both above and under water, in Texas and are superior to their government, which is a**
384 **creation of the People of Texas and inures to their heirs and assigns forever as a perpetual**
385 **covenant running with the land; and,**
386

387 **That at the time of the Texas Declaration of Independence, the People of Texas held all the**
388 **power of a sovereign or a king, therefore the delegation of a portion of their authority to a**

389 public official does not diminish their sovereignty any more than a king does not diminish
390 his crown by commanding a subject to perform a task for him, he rather establishes his
391 crown; and,
392

393 *Remarks of James Wilson in the Pennsylvania Convention to Ratify the*
394 *Constitution of the United States; WEDNESDAY, November 28, 1787, A. M. -- Mr.*
395 *WILSON. "But, in this Constitution, the citizens of the United States appear*
396 *dispensing a part of their original power in what manner and what proportion they*
397 *think fit. They never part with the whole; and they retain the right of recalling what*
398 *they part with."* and,
399

400 **The Land of Texas**
401 **and**
402 **The Law of the Land in Texas**
403

404 **The following quote from the 1845 Texas Constitution, ratified by the People of Texas,**
405 **clearly states the Land in Texas remains with the People of Texas, who still remain a**
406 **republic and the Land of Texas is to remain with the People as it was before the Union as a**
407 **perpetual condition of joining the Union; and,**
408

409 *Constitution of the State of Texas (1845)*

410 *ARTICLE VII. General Provisions.*

411 *SEC. 20. "The rights of property and of action, which have been acquired under the*
412 *constitution and laws of the republic of Texas, shall not be divested; nor shall any*
413 *rights or actions which have been divested, barred, or declared null and void by the*
414 *constitution and laws of the republic of Texas, be re-invested, revived, or re-instated*
415 *by this constitution; but the same shall remain precisely in the situation [in] which*
416 *they were before the adoption of this constitution."*; and,
417

418 **In March of 1845, the Congress of the Republic of Texas petitioned the People of Texas and**
419 **the People of Texas consented to propose that the branches of the government of Texas be**
420 **changed to operate as a state in the Union;**
421

422 *Joint Resolution for Annexing Texas to the United States*

423 *Approved March 1, 1845*

424 *"Second, said state when admitted into the Union, after ceding to the United States*
425 *all public edifices, fortifications, barracks, ports and harbors, navy and navy yards,*
426 *docks, magazines and armaments, and all other means pertaining to the public*
427 *defense, belonging to the said Republic of Texas, shall retain funds, debts, taxes and*
428 *dues of every kind which may belong to, or be due and owing to the said Republic;*
429 *and shall also retain all the vacant and unappropriated lands lying within its limits,*
430 *to be applied to the payment of the debts and liabilities of said Republic of Texas,*
431 *and the residue of said lands, after discharging said debts and liabilities, to be*
432 *disposed of as said State may direct; but in no event are said debts and liabilities to*
433 *become a charge upon the Government of the United States."* and,

434
435 **In July of 1845, the Congress of the Republic of Texas, having earlier obtained the consent**
436 **of the People of Texas, proposed to join the Union and operate the Texas government as a**
437 **state in the Union by passing the following Ordinance on July 4, 1845;**
438

439 **AN ORDINANCE**

440 *Whereas, the Congress of the United States of America has passed resolutions*
441 *providing for the annexation of Texas to that Union, which resolutions were*
442 *approved by the President of the United States on the first day of March, 1845; and*
443 *whereas, the President of the United States has submitted to Texas the first and*
444 *second sections of the said resolution, as the basis upon which Texas may be*
445 *admitted as one of the States of the said Union; and whereas, the existing*
446 *government of the republic of Texas has assented to the proposals thus made, the*
447 *terms and conditions of which are as follow:*

448
449 **"JOINT RESOLUTION for annexing Texas to the United States.**

450 *"Resolved by the Senate and House of Representatives of the United States of*
451 *America in Congress assembled, That Congress doth consent that the territory*
452 *properly included within, and rightfully belonging to the republic of Texas, may be*
453 *erected into a new State, to be called the State of Texas, with a republican form of*
454 *government, to be adopted by the people of said republic, by deputies in convention*
455 *assembled, with the consent of the existing government, in order that the same may*
456 *be admitted as one of the States of this Union.*

457 *"2. And be it further resolved, That Second. Said State, when admitted into the*
458 *Union, after ceding to the United States all public edifices, fortifications, barracks,*
459 *ports, and harbors, navy and navy yards, docks, magazines, arms and armaments,*
460 *and all other property and means pertaining to the public defence belonging to the*
461 *said republic of Texas, shall retain all the public funds, debts, taxes, and dues of*
462 *every kind which may belong to or be due and owing to the said republic; and shall*
463 *also retain all the vacant and unappropriated lands lying within its limits, to be*
464 *applied to the payment of the debts and liabilities of said republic of Texas; and the*
465 *residue of said lands, after said debts and liabilities, to be disposed of as said State*
466 *may direct; but in no event are said debts and liabilities to become a charge upon*
467 *the government of the United States.*

468 *....Done in convention at the city of Austin, republic of Texas, July 4, 1845."*; and,

469
470 **The Land in Texas that was transferred from the Republic of Texas to the State of Texas**
471 **and the United States respectively, was not the Land owned by the People of Texas, but was**
472 **the Land, the People of Texas had formerly ceded [leased] to the Republic of Texas**
473 **government for the performance of their duties and hence, the land necessary to perform**
474 **those duties, was transferred along with the duties; and,**

475

476 *Constitution of the State of Texas (1845)*

477 *ARTICLE VIII. Schedule.*

478 *SEC. 8 “.....The legislature shall also adopt such measures as may be required to*
479 *cede to the United States, at the proper time, all public edifices, fortifications,*
480 *barracks, ports, harbors, navy and navy yards, docks, magazines, arms and*
481 *armaments, and all other property and means pertaining to the public defence, now*
482 *belonging to the republic of Texas; and to make the necessary preparations for*
483 *transferring to the said United States all custom-houses and other places for the*
484 *collection of impost duties and other foreign revenues.*

485 *SEC. 9. It shall be the duty of the President of Texas, immediately after the*
486 *inauguration of the governor, to deliver to him all records, public money,*
487 *documents, archives, and public property of every description whatsoever, under the*
488 *control of the executive branch of the government; and the governor shall dispose of*
489 *the same in such manner as the legislature may direct.” and,*

490

491 **The Sovereignty in Texas, being within the People who still own the land within the**
492 **boundaries of Texas and the only land owned by the state or ceded [leased] to the federal**
493 **branches of the government is by the delegated authority of the People of Texas; and,**

494

495

Nationality of the People of Texas

496

497 **The People of Texas, when joining the Union, retained their sovereign status and their**
498 **nationality as Texians, as evidenced in the first phrase of the Preamble of the 1845 Texas**
499 **Constitution, “We, the people of the republic of Texas”;**

500

501 *Constitution of the State of Texas (1845)*

502 *Preamble*

503 *“We, the people of the republic of Texas, acknowledging with gratitude the grace*
504 *and beneficence of God, in permitting us to make a choice of our form of*
505 *government, do, in accordance with the provisions of the joint resolution for*
506 *annexing Texas to the United States, approved March first, one thousand eight*
507 *hundred and forty-five, ordain and establish this constitution.” and,*

508

509 **In the Union of States each State is a nation clearly by right according to its constituted**
510 **elements; and,**

511

512 **The United States must own land to be a Nation in its own right, to support the test of being**
513 **a Nation, according to the Law of Nations; and,**

514

515 **The United States does not own land within the states [District of Columbia is ceded**
516 **(leased) to them by the States] and any federal agency acquiring land within the states must**
517 **do so by an act, or by the permission of the respective state legislature by cession [leased];**
518 **and,**

519

520 *Constitution for the United States of America*

521 *Article 1 [Section 8]*
522 *“To exercise exclusive Legislation in all Cases whatsoever, over such District (not*
523 *exceeding ten Miles square) as may, by Cession of particular States, and the*
524 *Acceptance of Congress, become the Seat of the Government of the United States,*
525 *and to exercise like Authority over all Places purchased by the Consent of the*
526 *Legislature of the State in which the Same shall be, for the Erection of Forts,*
527 *Magazines, Arsenals, dock-Yards, and other needful Buildings; --And”*
528

529 **The United States, according to the Law of Nations, in a purely legal sense is not a nation**
530 **and cannot sustain the test of nationality; and,**
531

532 **The People of Texas, their Land and their constituted government are a nation like their**
533 **sister states within the Union of States and together form a federated republic; and,**
534

535 *THE LAW OF NATIONS*

536 *VATTEL [1758]*

537 *BOOK I. OF NATIONS CONSIDERED IN THEMSELVES*

538 *CHAP. I. OF NATIONS OR SOVEREIGN STATES.*

539 *§ 10. Of states forming a federal republic.*

540 *“Finally, several sovereign and independent states may unite themselves together by*
541 *a perpetual confederacy, without ceasing to be, each individually, a perfect state.*
542 *They will together constitute a federal republic: their joint deliberations will not*
543 *impair the sovereignty of each member, though they may, in certain respects, put*
544 *some restraint on the exercise of it, in virtue of voluntary engagements. A person*
545 *does not cease to be free and independent, when he is obliged to fulfil engagements*
546 *which he has voluntarily contracted.”; and,*
547

548 **The founding documents of the Union of States affirmed the above structure with the**
549 **People as the Sovereignty and not the Ruler or the State; and,**
550

551 **The federal level of government was formed as three separate independent agencies to**
552 **perform specific and limited duties on behalf of the Union of States; therefore,**
553

554 **The People of Texas, 1) have retained their land within Texas; 2) have retained their**
555 **republic, meaning all the powers of an independent state; 3) own the state and federal**
556 **governments they created, and 4) maintain their nationality as Texians; and,**
557

558 **Reserved Powers of Governance of the People**

559
560 *The Unanimous*
561 *Declaration of Independence*
562 *made by the*
563 *Delegates of the People of Texas*
564 *in General Convention*

565 *on the 2nd day of March 1836*

566
567 *"and that the people of Texas do now constitute a free, Sovereign, and*
568 *independent republic, and are fully invested with all the rights and attributes*
569 *which properly belong to independent nations;"*

570
571 **The People of Texas not only reserved powers to themselves, they also retained the**
572 **oversight over the powers delegated, to ensure that Public Officials would stay within their**
573 **limited authority by retaining the right to recall those powers they delegated;**

574
575 **Remarks of James Wilson in the Pennsylvania Convention to Ratify the**
576 **Constitution of the United States; WEDNESDAY, November 28, 1787, A. M. --**
577 **Mr. WILSON. "...But, in this Constitution, the citizens of the United States appear**
578 **dispensing a part of their original power in what manner and what proportion they**
579 **think fit. They never part with the whole; and they retain the right of recalling what**
580 **they part with.";** and,

581 **The Body Politic**

582
583
584 **The People of Texas DO NOT need to obtain permission from any branch of the**
585 **government when they exercise their God-given Powers and Rights; and,**

586
587 **The People of Texas did reserve Powers of Governance to themselves to prosecute a matter**
588 **from its' inception to its' full execution completely outside of the branches of government**
589 **by the use of the People's Governing Institutions, of which the following are a partial list**
590 **including, but not limited to:**

591
592 **Power of Lawful Assembly for Informal, Formal or Parliamentary purposes for**
593 **exercising their Reserved Powers, including Assemblies, Conventions,**
594 **Conferences, Convocations, etc. [Analogous to the Texas Legislature]**
595 **Duty as Jurists to serve on the Grand Jury and Trial By Jury to apply the**
596 **Common Law [Analogous to the Texas Judiciary]**
597 **People's Public Records for Public Notices, as well as Judicial, Non-Judicial and**
598 **Juridical Proceedings**
599 **Offices of the Peace Officers [Texas Rangers at the state level, Sheriff, Constable,**
600 **Coroner, Justice of the Peace at the local level] for the Enforcement of Due**
601 **Process of Law [Analogous to the Executive Branch]**

602
603 **The Grand Jury and Trial By Jury are ancient institutions of the People and are the most**
604 **essential checks for safeguarding a free society;**

605
606 *"I consider trial by jury as the only anchor yet imagined by man by which a*
607 *government can be held to the principles of its constitution."* [Thomas
608 *Jefferson]; and,*

609

610 The separate branches of the government have access to the Grand Jury and Trial By Jury
611 when the taking of Life, Liberty or Property is in question in regards to one of the People;
612 and,

613
614 The Grand Jury and Trial By Jury are independent of the branches of the government and
615 can be convened by the People independent of any branch of the government; and,

616
617 Every Public Official is a party to the Jural Society and after they leave Public Office, they
618 return to participate in the Jural Society; and,

619
620 That among the Powers reserved by the People of Texas is the Power of Nullification and
621 the People of Texas have reserved the Power to Nullify any unconstitutional or unlawful
622 acts within the branches of government and to remove any Public Officials from Office by
623 Lawful Proceedings for a Breach of their Oath of Office to the People of Texas, as the
624 Maxim of Law states: "*In the presence of the superior power, the minor power ceases.*"
625 [*Bouvier 1856*]; and,

626

627 Organic Law

628

629 The organic Common Law is made up of those unchangeable laws, principles or maxims
630 that all men and women are subject to, being the Natural Law, where Peace Officers,
631 Jurors and Judges must take the dispute in question and reason their way to a just
632 conclusion by the said principles of the Common Law; and,

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

635 This was described in the Declaration of Independence as "*the laws of nature and nature's*
636 *God*", being the Law of the Land; and,

637

638 Texas is founded on the Common Law - Rule of Law where the presumption is you are
639 innocent until YOUR ACCUSER PROVES you are guilty AND NOT the Law of the Ruler
640 in which you are presumed to be guilty until YOU PROVE YOURSELF innocent; and,

641

642 All criminal laws in Texas [life, liberty and property], that are repugnant to the Common
643 Law are NULL and VOID as they lack the source of true law and they lack the delegated
644 authority from the sovereign, the People;

645

646 *"Our legislators are not sufficiently appraised of the rightful limits of their power;*
647 *that their true office is to declare and enforce our natural rights and duties, and to*
648 *take none of them from us. No man has a natural right to commit aggression on*
649 *the equal rights of another; and this is all from which the laws ought to restrain*
650 *him; every man is under the natural duty of contributing to the necessities of the*
651 *society; and this is all the laws should enforce on him; and, no man having the right*
652 *to be the judge between himself and another, it is his natural duty to submit to the*

umpirage of an impartial third [party]. When the laws have declared and enforced all this, they have fulfilled their functions; and the idea is quite unfounded, that on entering into society we give up any natural right.” [Thomas Jefferson]; and,

That the People of Texas reserved the Common Law to themselves, as well as the supreme judgeship as Jurists over Life, Liberty and Property and therefore any takings of the same must be done with the consent of the People [i.e. Trial By Jury, etc.];

The Common Law was excepted from the powers granted by the People to the Texas and federal government, and the Common Law is a Reserved Power of the People of Texas and was made the Rule of Decision within the Texas and federal governments, not subject to statutory authority; and,

Due Process of Law cannot be suspended in reference to the People, even in times of War and National Emergency; on the contrary, in times of Necessity, when the Courts are in disarray, the government has a duty to restore the Courts and Due Process of Law for the People; and,

Conservators of the Peace

The Offices of the Conservators of the Peace [Peace Officers] were created by the People, our Ancestors, hundreds of years ago and inure to us by Custom and Usage, not by statute, which are higher forms of Law than Statutes and the Offices of the Peace Officers were not created by the Texas Constitutions or the Texas Legislature; and,

The Texas Peace Officers, defined as the Sheriff, the Constable, the Coroner, the Justice of the Peace and Texas Rangers, act as a check and balance to one another, as these Offices are a direct trust from the People to protect the Land on behalf of the Sovereignty, i.e., the People of Texas; and,

The Texas Peace Officer is the Supreme Law Enforcement Official, because he or she has the jurisdiction over the land, both above and under water, and it is their Duty to Keep the Peace and enforce the Organic Fundamental Law of the Land (Common Law) and to further protect the People of their respective jurisdictions from all encroachments, including pre-emptive encroachments by state and federal authorities; and,

The Office of the Conservator of the Peace is the most complex Office existing within the structure of our government, as the Office sits outside the three branches of government, existing within the reserved Powers of Governance of the People of Texas, but interfaces and has functions that support the executive branch of the government and further, is not subject to the State Legislature in his or her Common Law jurisdictional duties; and,

“An attention to the powers and duties of the sheriff will disclose, I think, a peculiar propriety in the compound mode of election and appointment, directed by our constitution. He executes the process of courts, and, in his county, is the principal

698 *conservator of the peace: so far he is an executive officer, and should be appointed*
699 *by the governour. He returns jurors: for this reason, he should be chosen by the*
700 *people. Invested with the double character, he should receive his authority partly*
701 *from both. ... he is, in a considerable degree, independent, and may, therefore, be*
702 *presumed impartial in the exercise of his very important duties and powers.”*

703 *Collected Works of James Wilson, [Supreme Court Justice - Circa 1790's] Vol. 2.*

704

705 **As the state and federal government have no delegated authority over the Land, except in**
706 **the administration of their enumerated Powers [i.e. Post Offices], they are presented a**
707 **problem when they have to administrate the International Law, Maritime and Admiralty**
708 **Law and Equity Law within a County over matters of Life, Liberty and Property or the**
709 **Reserved Powers of the People; and,**

710

711 **The Sheriff is commissioned by the Governor of Texas within the county to allow access for**
712 **legal process from outside the county for state and federal officials to exercise their**
713 **enumerated duties within a county through the appropriate Peace Officer; and,**

714

715 **The Sheriff has a Duty to determine whether the party issuing the process has jurisdiction**
716 **over the matter in question which is determined by Common Law - Due Process of Law**
717 **and not by the Texas Legislature; and,**

718

719 *“The ministerial power of the sheriff is of great importance to the impartial*
720 *administration of justice, and to the internal peace and tranquillity of the*
721 *commonwealth. With regard to process issuing from the courts of justice, the*
722 *sheriff's power and duty is, to execute it, not to dispute its validity: though the writ*
723 *be illegal, the sheriff is protected and indemnified in serving it. From this general*
724 *rule, however, one exception must be taken and allowed. He must judge, at his peril,*
725 *whether the court, from which the process issued, has or has not jurisdiction of the*
726 *cause.”*

727 *Collected Works of James Wilson, [Supreme Court Justice - Circa 1790's] Vol. 2.*

728

729 **The Sheriff has the duty to determine if the individual within the county has in some way**
730 **consented to this process, usually in the form of a contract which is being enforced; and,**

731

732 **Although the Sheriff must remain in the position of a disinterested third party, their**
733 **primary duty is to make sure the Common Law as the Rule of Decision is being observed**
734 **by the subordinate bodies of Law and making certain the Officers have jurisdiction in the**
735 **matter [Admiralty, Maritime, Equity etc.] and the means of doing this is the observance of**
736 **Common Law - Due Process of Law [not statutory Due Process of Law]; and,**

737

738

STATE AND FEDERAL BRANCHES OF GOVERNMENT

739

740

Checks and Balances

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Our system of Checks and Balances was created by the People, through the Constitution in great measure to de-centralize power, as the Texas Constitution creates three separate co-equal branches of government which are not united into one governmental structure; and,

THERE IS NO SUCH CREATION IN THE CONSTITUTION AS A STATE OR FEDERAL GOVERNMENT, as the reference to a state or federal government is a euphemism simply referring to the whole of the government, and NOT a single entity; and,

“I do verily believe that if the principle were to prevail of a common law being in force in the United States (which principle possesses the general government at once of all the powers of the state governments, and reduces us to a single consolidated government), it would become the most corrupt government on the earth.” [Thomas Jefferson]; and,

The architecture of our governmental system has a built-in Separation of Enumerated Powers between the branches of the government at both the state and federal levels of the government, as well as a Separation of Enumerated Powers between the state and federal levels of government themselves; and,

The branches of the state and federal government may not combine the branches into a single state government or single federal government with the branches being separate divisions of the whole without being guilty of overthrowing the government set forth by the People; and,

The federal branches of the government may not make the States into subdivisions of the federal government, nor may the States consent to being a subsidiary of the federal government; and,

The State of Texas may not make the Counties of Texas into subdivisions of the State, as the Counties in Texas preceded the forming of the government in Texas and were represented by Delegates at the signing of the Texas Declaration of Independence; and,

The subdivision of Texas into counties was a directive from the People of Texas when they ratified the Constitution for the Republic of Texas in 1836, Article 4, Section 11 and the legislature has a duty to ensure boundary lines of the adjacent counties do not encroach upon one another; and,

The Texas system of government is a republic, not a democracy, based upon the "*Law of nature and of nature's God*"[*Declaration of Independence*], where the people practice self-governance, are governed only with their consent and as a whole body politic constitute a republic within themselves; and,

That the Constitution for the united States created a system of diffused sovereignty between

786 the state and federal branches of government in which they are sovereign to one another
787 within their Enumerated Powers; and,

788
789 That the state or federal branches of the government may neither pre-empt the
790 Enumerated Powers of another branch of the government, nor may they agree to yield their
791 Powers or a portion of their Powers to another branch of the government; and,

792
793 When any branch of the government pre-empts the Enumerated Power or Powers of
794 another branch of the government, the branch being pre-emptively acted upon, has a duty
795 to interpose its sovereign Powers against the pre-emptive branch of government, whether
796 the pre-emptive actions are intentional or unintentional; and,

797
798 All branches of the government have a duty to maintain the Powers granted to them by the
799 People, to restore and maintain the balance of power within the State and the Union; and,

800

801 Nature of Enumerated and Delegated Authority

802

803 *"I consider the foundation of the Constitution as laid on this ground: That 'all*
804 *powers not delegated to the United States, by the Constitution, nor prohibited by it to*
805 *the States, are reserved to the States or to the people' (10th Amendment). To take a*
806 *single step beyond the boundaries thus specifically drawn around the powers of*
807 *Congress, is to take possession of a boundless field of power, no longer susceptible*
808 *to any definition."* [Thomas Jefferson]

809

810 *"A mandatory cannot exceed the bounds of his authority,"*[Jenk. Cent. 53. Bouvier 1856]
811 *"The power which is derived cannot be greater than that from which it is derived."* [Bouvier
812 1856]

813

814 Remarks of James Wilson in the Pennsylvania Convention to Ratify the Constitution for
815 the United States;

816

817 *December 4, 1787, a.m.—Mr. James Wilson. "There are two kinds of government;*
818 *that where general power is intended to be given to the legislature, and that where*
819 *the powers are particularly enumerated. In the last case, the implied result is, that*
820 *nothing more is intended to be given, than what is so enumerated,"*

821 *MONDAY, November 26, 1787, P. M. "The states should resign to the national*
822 *government that part, and that part only, of their political liberty, which, placed in*
823 *that government, will produce more good to the whole than if it had remained in the*
824 *several states. While they resign this part of their political liberty, they retain the free*
825 *and generous exercise of all their other faculties, as states, so far as it is compatible*
826 *with the welfare of the general and superintending confederacy.";* and,

827

828 The Preamble to the Texas Constitution states that *"the people"* *"ordain and establish this*
829 *constitution"*, and further, the Preamble sets the scope, purpose and the charter of
830 authority for the remainder of the Constitution and if anything in the body of the

831 Constitution is repugnant to the Preamble, it is Null and Void on its face; and,

832

833 *"Everything is dissolved by the same mode in which it is bound together.*

834 *Unumquodque dissolvatur eo modo quo colligatur. " [Bouvier 1856]*

835

836 That the Texas or Federal Lawmakers were never delegated Power over the Land of Texas,
837 nor were they delegated the Power to control our Peace Officers in their defence of the
838 Land on behalf of the People, as the maxim states *"The power which is derived cannot be*
839 *greater than that from which it is derived,"*; and,

840

841 Subject Matter Authority

842

843 The People of Texas made the Common Law the Rule of Decision in Texas by the
844 Constitution and the Texas Legislature enacted the Common Law as the Rule of Decision
845 by Statute which is required of the Texas Legislature by the Constitution; and,

846

847 *[Republic of Texas Constitution Article 4 Section 13]*

848 *"SEC. 13. The Congress shall, as early as practicable, introduce, by statute, the*
849 *common law of England, with such modifications as our circumstances, in their*
850 *judgment, may require; and in all criminal cases the common law shall be the rule*
851 *of decision."*

852

853 *[Statutory Law Cite - CIVIL PRACTICE AND REMEDIES CODE, TITLE 2.*
854 *SUBTITLE A. CHAP 5. Sec. 5.001, included herein by reference as if fully set forth]*

855

856 The language used here to describe the Common Law is such that the People of Texas did
857 not adopt the Common Law, but reflects the understanding that all men are subject to the
858 Common Law as it cannot be adopted, nor can it be repealed, as it is universal in its nature;
859 and,

860

861 By the use of the term "Rule of Decision" it reflects the understanding that all Laws
862 applicable in Texas shall be read in harmony with the Common Law; and,

863

864 The use of "Rule of Decision" is a statutory term referencing Common Law as the Rule of
865 Decision, while acknowledging statutory law is subordinate and subject to the Common
866 Law; and,

867

868 The Common Law as defined by Supreme Court Justice James Wilson [circa 1790's] is as
869 follows:

870

871 *"Under this head it is to be observed that the common law, in its true extent,*
872 *includes the law of nations, the civil law, the maritime law, the law of mercantile &*
873 *the law of each particular country, in all cases in which those laws are particularly*
874 *applicable."* HISTORY OF JAMES WILSON'S LAW LECTURES by Mark
875 David Hall; and,

876
877 **The Common Law, being the Rule of Decision makes all enactments VOID which are**
878 **repugnant to the Common Law [Not to be confused with the Common Law of England**
879 **which may refer to Common Law Procedure and at other times to the Common Law itself];**
880 **and,**

881
882 **That it has been the habit of certain counselors to advise that the Common Law has been**
883 **superseded in Texas by statute and is therefore not binding upon ones actions; therefore,**
884

885 **The above-mentioned statement is but a Color of Law deception that applies to Common**
886 **Law Procedure and NOT to the Common Law itself, which is very much the Ruling Law in**
887 **Texas; and further,**

888
889 **That Statutes cannot supersede the Constitution; and,**

890
891 **That Texas Public Officials actions outside of their enumerated and delegated authority,**
892 **are NULL and VOID as they lack the source of true law and delegated authority from their**
893 **sovereign, the People; and,**

894
895 *“Whensoever the general government assumes undelegated powers, its acts are*
896 *unauthoritative, void, and of no force.” [Thomas Jefferson]*

897
898 **That the state or federal branches of the government cannot use their Power to increase**
899 **their Power or jurisdiction, as the Maxim of Law states, "A mandatory cannot exceed the**
900 **bounds of his authority,"and further, "The power which is derived cannot be greater than**
901 **that from which it is derived."; and,**

902
903 **That Federal Authority over Land is limited based upon the Constitution at:**

904
905 *Article 1, Section 8, Clause 17: "To exercise exclusive Legislation in all Cases*
906 *whatsoever, over such District (not exceeding ten Miles square) as may, by Cession*
907 *of particular States, and the Acceptance of Congress, become the Seat of the*
908 *Government of the United States,"; and,*

909
910 **Within Texas, they are geographically limited to the land ceded [leased] to perform the**
911 **Federal enumerated Duties, such as Forts, Ports and Post Offices; and,**

912
913 **It should be stated that violations of Subject Matter enumerated authority have no statute**
914 **of limitations and charges can be filed at any time in the future for the rest of a Public**
915 **Officials life and can become a liability against the Public Officials estate even after their**
916 **death, hence, it behooves Public Officials to stay within the limits of their authority; and,**

917
918 **Public Officials Oath of Office**

919
920 **The Office of a Public Official begins through the election process as an Offer from the**

921 **People and the taking of the Oath of Office becomes the acceptance on the part of the**
922 **Public Official; the State and Federal Constitutions being the ruling documents [terms and**
923 **conditions] defining the limited nature of the Powers of the Public Official; and,**
924

925 **The sovereignty, which resides in the People of Texas in our system of government is unique**
926 **to the rest of the world at large, for in the American and Texas system of government, the**
927 **relationship between the People and the branches of government, being that of a Principal**
928 **to an Agent who is acting on behalf of the Sovereignty, i.e. the People of Texas, to perform a**
929 **Specific Limited Authority as defined by the Constitution [both written and unwritten];**
930 **and,**

931
932 **In the words of Thomas Jefferson in the Declaration of Independence referencing**
933 **the unwritten constitution, "*He has combined with others to subject us to a***
934 ***jurisdiction foreign to our constitution and unacknowledged by our laws; giving his***
935 ***Assent to their Acts of pretended Legislation.*"; and,**
936

937 **A Public Official who acts outside of the Subject Matter of that delegated Authority is at a**
938 **minimum, in Breach of their Oath to the People; and,**
939

940 ***“OATH. A declaration made according to law, before a competent tribunal or***
941 ***officer, to tell the truth; or it is the act of one who, when lawfully required to tell***
942 ***the truth, takes God to witness that what he says is true. It is a religious act by***
943 ***which the party invokes God not only to witness the truth and sincerity of his***
944 ***promise, but also to avenge his imposture or violated faith, or in other words to***
945 ***punish his perjury if he shall be guilty of it.***

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

947 ***1. The invocation by which the God of truth, who knows all things, is taken***
948 ***to witness.***

949 ***2. The imprecation by which he is asked as a just and all-powerful being, to***
950 ***punish perjury.*“ [Bouvier's 1856]; and,**
951

952 **The above definition represents the nature of the Oath where the Public Official takes the**
953 **“*God of truth*” as his or her witness and consents for a just God “*to punish his perjury if he***
954 ***shall be guilty of it.*”, and,**
955

956 **Common Law Duty To Serve and Good Faith Immunity**

957

958 **All Public Officials are delegated a grant of authority by the people to exercise their offices**
959 **as a single individual to perform a singular, limited task and therefore the elected Public**
960 **Official is operating under the Common Law Duty To Serve and therefore does not have**
961 **the discretion of performing the duties of his or her office with partiality, but must serve all**
962 **of the People and perform all of his or her duties delegated, without discriminating against**
963 **certain duties or People; and,**
964

965 **The sovereignty devolved to the People after the American Revolution within the Colonies**

966 and after the Battle for Independence in Texas, meaning, Public Officials serve at the will
967 of their sovereign, the People; and,

968
969 The People grant the Public Officials, with Good Faith Immunity, to protect them from
970 malicious actions of others, as well as their own Good Faith errors made while executing
971 the duties of their Office; Good Faith Immunity being predicated upon the proper
972 discharge of their duties according to the limitations of the authority delegated to them by
973 the People; and,

974

975

Caveat

976

977 While a Remedy to this NOTICE AND DEMAND does not indemnify a Texas Public
978 Official from a damage committed by that Texas Public Official against a single individual,
979 it is an opportunity for him/her to rely on Good Faith Error, but after this NOTICE AND
980 DEMAND, all Texas Public Officials WILL NOT HAVE A GOOD FAITH DEFENSE for
981 damages caused to Texians, for exceeding the delegated authority of their Office under the
982 law; and,

983

984 *"To be ignorant of the law is gross negligence"*

985

[Ballantine]

986

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

988

This maxim is applied to the duty of every one to know the law.

989

Idem est scire aut scire debet aut potuisse"

990

[Bouvier 1856]

991

992 All Texas Public Officials, under Oath, take their Office under the Common Law "DUTY
993 TO SERVE" whose full meaning is included herein by reference as if fully set forth, and
994 the introduction of laws and legal systems into Texas, except in the manner proscribed by
995 the People of Texas will be considered as an introduction of a foreign jurisdiction with the
996 intent of overthrowing the system of government in Texas proscribed by the People of
997 Texas; and,

998

999 Texas and federal Public Officials DO NOT have the Power to Contract outside of their
1000 delegated powers; and,

1001

1002 The People of Texas DO NOT have the Power to Contract their powers away to the
1003 branches of the government either voluntarily or involuntarily, nor do the branches of the
1004 government have the Power to Contract away their Powers to other branches of the
1005 government or to the People either voluntarily or involuntarily; and,

1006

1007 Reliance on Silent Presumptions of obtaining consent, suretyship and acceptance and other
1008 defenses such as, "tacit procuration", "benefit of discussion", "need to know", outside of
1009 the Common Law Rule of Decision will be used as Evidence of the Color of Law crimes
1010 they represent; and,

1011
1012 **Should you let this Good Faith opportunity slip by to set the Facts straight ON THE**
1013 **RECORD, your Default to this NOTICE AND DEMAND can be used as Evidence against**
1014 **you in a COURT OF RECORD in the future; and,**

1015
1016 *"Abundant caution does no harm.*
1017 *Abundaans cautela non nocet."*
1018 *[11 Co. 6. Bouvier 1856]*

1019
1020 **It should be restated that violations of Subject Matter authority have no statute of**
1021 **limitations and charges can be filed at any time in the future for the rest of one's life and**
1022 **can become a liability against one's estate even after their death; and,**

1023
1024 **Declarations of necessity do not suspend the Natural Rights of the People, nor do they**
1025 **suspend the Reserved Powers of the People, nor do they expand the Enumerated Powers of**
1026 **Public Officials; and,**

1027
1028 **Reliance upon powers of necessity, whether lawful in their inception or not, have expired**
1029 **due to Operation of Law, as one cannot use necessity to escape or circumvent the**
1030 **limitations of one's delegated and enumerated duties as a perpetual state; and,**

1031
1032 **The Law of Necessity as a Maxim of the Common Law cannot suspend itself, neither can it**
1033 **suspend the Common Law; and,**

1034
1035 **One cannot create a necessity either by his or her incompetence or by a deliberate act and**
1036 **then invoke the law of necessity without incurring liability to themselves [you cannot create**
1037 **a necessity to invoke the law of necessity]; and,**

1038
1039 *"The law of necessity is the law of time, that is, time present.*
1040 *Lex necessitatis est lex temporis, i.e. instantis."*
1041 *[Hob. 159. Bouvier 1856]*

1042
1043 *"Necessity is the law of a particular time and place.*
1044 *Necessitas est lex temporis et loci."*
1045 *[8 Co. 69; H. H. P. C. 54. Bouvier 1856]*

1046
1047 *"Necessity excuses or extenuates delinquency in capital cases, but not in civil.*
1048 *Necessitaas excusat aut extenuat delictum in capitalibus, quod non operatur idem in civilibus.*
1049 *Vide Necessity." [Bouvier 1856]*

1050
1051 **That Public Officials cannot declare the entire area of Texas as a "Battlefield" to extend**
1052 **their Powers beyond those delegated: and,**

1053
1054 **That Public Officials in Texas CANNOT use the Laws of Necessity [i.e. emergency, ad**
1055 **infinitum] to circumvent the restraints of delegated power beyond the duration of the**

1056 Necessity itself, without incurring liability to themselves; and,
1057
1058 Public Officials become tacit conspirators to the Abuse of Power when they know or should
1059 have known that such Abuse of Power is ongoing and does nothing to stop it; and,
1060
1061 Reliance upon Silent Presumptions to circumvent the Open and Notorious requirements to
1062 perfect the Necessity will be used as evidence to prove the Necessity was Null and Void in its
1063 inception; and,
1064
1065 Reliance upon Silent Presumptions to keep the Public Conscience from being shocked will
1066 be treated as the Abuse of Power it is, by its' nature; and,
1067
1068 That any People or Society which habitually violates the “*Laws of Nature and of Nature's*
1069 *God*” [Natural Law] and does not heed its warnings, pronounces a judgment upon
1070 themselves they cannot and will not evade; and,
1071
1072 IN CONCLUSION, It is a paramount Duty of the Texas Public Officials to interpose the
1073 powers granted them by the People of Texas against Federal pre-emption, as in the words
1074 of Thomas Jefferson in the Declaration of Independence writing of King George, "*He has*
1075 *combined with others to subject us to a jurisdiction foreign to our constitution and*
1076 *unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation.*"; and,
1077

1078 THE DISTURBANCE OF THE PEACE AT 1079 ISSUE

1080
1081 Injustice is at a minimum, a disturbance of the Peace; and,
1082

1083 *LAW OF NATIONS by Emmerich de Vattel*

1084 *Book II CHAP. V.*

1085 *OF THE OBSERVANCE OF JUSTICE BETWEEN NATIONS.*

1086 *“§ 63. Necessity of the observance of justice in human society.*

1087 *JUSTICE is the basis of all society, the sure bond of all commerce. Human*
1088 *society, far from being an intercourse of assistance and good offices, would*
1089 *be no longer any thing but a vast scene of robbery, if no respect were paid to*
1090 *this virtue, which secures to every one his own. It is still more necessary*
1091 *between nations than between individuals; because injustice produces more*
1092 *dreadful consequences in the quarrels of these powerful bodies politic, and it*
1093 *is more difficult to obtain redress. The obligation imposed on all men to be*
1094 *just is easily demonstrated from the law of nature. We here take that*
1095 *obligation for granted (as being sufficiently known), and content ourselves*
1096 *with observing that it is not only indispensably binding on nations (Prelim. §*
1097 *5), but even still more sacred with respect to them, from the importance of its*
1098 *consequences.”*
1099

1100 **The Texian Jural Society is choosing to address the following breaches in principle, trusting**
1101 **that these issues can be resolved by peaceful resolution without harming or filing**
1102 **complaints against individuals that may be in violation of the below mentioned breaches;**
1103 **and,**

1104
1105 **The following trespasses are not intended to be a complete list of violations, but are a**
1106 **trespass upon the architecture and fundamental structure of the government the People of**
1107 **Texas authorized; and,**

1108
1109 **AT ISSUE IS, The various branches of the Texas government have trespassed upon the**
1110 **reserved Powers of the People by not honoring Common Law - Due Process of Law**
1111 **requirements according to the organic fundamental Law of the Land, as each of these**
1112 **Institutions is available in our system of law to be accessed by either Public Officials within**
1113 **the branches of the government or by the People themselves without the permission of the**
1114 **other; and,**

1115
1116 **Due Process of Law -**

1117
1118 **Due Process of Law is an integral part of the Common Law and as such, is the**
1119 **Rule of Decision by which the branches of the government are bound, in both**
1120 **Texas, as well as at the federal level.**

1121
1122 **Due Process of Law is not only the Law in Texas, it is a necessary feature of**
1123 **any system of Law where the Accused is innocent until proven guilty by their**
1124 **Accuser.**

1125
1126 **The Federal Government has, through declaring Necessities [i.e. Emergency**
1127 **Powers, War Powers, Martial Rule, etc.], attempted to create a state of**
1128 **perpetual emergency to escape the limitations of their Enumerated Powers.**
1129 **This is a self-evident truth by the decades of operating under War and**
1130 **Emergency Powers. These variously named Necessities are Null and Void on**
1131 **their face by the Operation of Law once they are severed from the Source of**
1132 **Law which delegated the power to them in the first place. Acts of necessity**
1133 **issued by Public Officials to expand their Powers beyond their Enumerated**
1134 **Powers is a deliberate Abuse of Power.**

1135
1136 **None of the Emergency Powers can suspend Due Process of Law. Even in**
1137 **times of War, Due Process of Law is to be restored immediately, not to be taken**
1138 **as an opportunity to use Summary Process as an extended feature of the**
1139 **Emergency.**

1140
1141 **The time taken to craft this Notice and Demand and execute delivery to each**
1142 **of you is Evidence of the Color of Law sham that these emergencies**
1143 **perpetrate.**

1144

1145 **The branches of the Texas government have a Duty to Interpose their**
1146 **Sovereign Powers against federal Pre-Emption of all kinds, but especially in**
1147 **relation to Due Process of Law.**

1148
1149 **Breach - The branches of the Texas government have become intentional or**
1150 **unintentional tacit perpetrators of these above-mentioned schemes.**

1151
1152 **We the People of Texas DEMAND that the branches of the Texas government**
1153 **CEASE their subservience to these sham emergency doctrines of the branches**
1154 **of the federal government, which have no basis in Law, but are rooted in the**
1155 **Agendas of those who seek to change the Source of Law in Texas and America.**

1156
1157 **We Notice you to act in an Abundance of Caution, for in the future your**
1158 **actions may not be sanctioned as emergencies, but rather tacit conspirators to**
1159 **change the Source of Law in Texas.**

1160
1161 **Summary Process of Law has been put in place for decades in place of Due**
1162 **Process of Law, not as an Emergency Measure, but as an attempt to overthrow**
1163 **the Source of Law and hence the government in Texas.**

1164
1165 **We DEMAND that you restore Due Process of Law in Texas.**

1166
1167 **Peoples Repository of Public Records –**

1168
1169 **This is the valuable interface between government and the People, including,**
1170 **but not limited to, Judicial, Juridical and Non-Judicial Proceedings.**

1171
1172 **Breach – Government Officials are exercising discretion over what documents**
1173 **can be recorded in the Peoples Public repositories in direct violation of their**
1174 **Common Law Duty To Serve and in some cases are Obstructing Justice by**
1175 **interfering with the Court of Record, which the Public Record Repository**
1176 **becomes in certain Lawful Proceedings.**

1177
1178 **Conservators of the Peace – [Sheriffs, Constables, Coroners, Justice of the Peace,**
1179 **at the local level and Texas Rangers at the state level]**

1180
1181 **These Offices exist outside the branches of the government as they were**
1182 **created by the People and they are not statutorily created Offices. They have**
1183 **a dual role, 1) where they operate within the Reserved Powers of the People**
1184 **administering the Common Law, and 2) they are to function according to**
1185 **legislative state statutes, within the limited scope of enumerated authority of**
1186 **the respective state or federal branch of government and have the Duty to**
1187 **determine the jurisdiction of each through Common Law - Due Process of**
1188 **Law.**

1190 **Breach – The Conservators of the Peace have duties to perform both within**
1191 **the governments delegated Powers and also within the Peoples Reserved**
1192 **Powers, however the Texas branches of the government are not recognizing**
1193 **their limitations regarding the duties of these Officers in reference to the**
1194 **Reserved Powers of the People.**
1195

1196 **Grand Jury and Trial By Jury**

1197

1198 **These institutions are ancient with no one knowing their origin and are**
1199 **Offices created by Custom and Usage of the People long before Texas and the**
1200 **united States were a thought in our Founding Fathers minds. They are**
1201 **institutions of the People and they are available to the branches of the**
1202 **government for its use according to its statutes and it is a duty of the People to**
1203 **serve upon them. The Grand Jury and the Trial By Jury can be accessed by**
1204 **the federal, state and county levels of government. However, the independent**
1205 **Grand Jury and the independent Trial By Jury can be convened by the**
1206 **People independent of the federal, state and county governments.**
1207

1208 **However, the Grand Jury and Trial By Jury were NOT delegated to the Texas**
1209 **branches of government to exercise exclusive control over them.**
1210

1211 **Breach – Texas Public Officials are exercising unconscionable control over the**
1212 **Peoples Reserved Powers regarding the Grand Jury and Trial By Jury.**

1213 **Breach – The Office of the District Attorney is a Federal Office and has no**
1214 **control over the Grand Jury and Trial By Jury.**
1215

1216 **The People's Powers of Governance exist in the Texian Jural Society for the administration**
1217 **of justice as well as for conflict resolution over the balance of power; and,**
1218

1219 **Nowhere in the enumerated Powers of the state or federal government are the above**
1220 **mentioned Peoples Institutions delegated to the branches of the government to exercise**
1221 **authority over them, rather, the opposite is true, that these Offices are reserved and sit with**
1222 **the People and are independent of branches of the government; and,**
1223

1224 **Many Texas Public Officials assert that the People of Texas must go through the**
1225 **appropriate branch of government to access the remedy being sought, and are in essence,**
1226 **asserting that the government has authority over the process by which the People exercise**
1227 **their "reserved powers"; and,**
1228

1229 **As this is an enumerated power never contemplated by the People, for if the People need**
1230 **the permission of the branches of the government to access the exercise of the Jural**
1231 **Societies reserved powers, then the branches of the government can control the outcome of**
1232 **the "reserved powers" by controlling the access to the "reserved powers"; and,**
1233

1234 **On the contrary, the People have not only reserved the powers to themselves, but have also**

1235 reserved to themselves the process by which they are exercised; and,

1236

1237 The trespass by Public Officials over the "reserved powers of the People of Texas" is an
1238 attack upon the checks and balances of our system of government, an attack upon the very
1239 foundations of our governmental system; and,

1240

1241 A Prudent Man will recognize the transgression and respond to this Notice and Demand in
1242 a positive way to restore the balance of power within our system of government; and,

1243

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

1244

"A mandatory cannot exceed the bounds of his authority,"

1245

[Jenk. Cent. 53. Bouvier 1856]

1246

1247

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

1248

[Bouvier 1856]

1249

1250 NOTICE TO RESTORE THE PEACE

1251

1252 Presumption of Good Faith

1253

1254 The Texian Jural Society commenced these lawful proceedings according to Common Law
1255 Notice and Grace in which it is presumed that all parties to this issue are acting in Good
1256 Faith and will further act in Good Faith to restore the Peace and Dignity within the Land
1257 of Texas; and further,

1258

1259 A Public Official does not retain the right to rely on silent presumptions, but has a
1260 Common Law Duty to Serve as to answering when challenged as to exercising powers not
1261 within their delegated authority; and,

1262

1263 Demand

1264

1265 That we respectfully Demand that you respond to this Notice within Thirty (30) Days of
1266 receipt according to the following remedies; and,

1267

1268 Remedy

1269

1270 That we DEMAND the above-mentioned Breaches be cured by:

1271

1272 The appropriate Texas Public Officials named on the title page of this NOTICE
1273 AND DEMAND, by immediately giving Orders to the appropriate Texas Public
1274 Officials instructing them to respect the Reserved Powers of the People as
1275 identified above;

1276

OR

1277 That the Texas Public Officials named on the title page of this NOTICE AND
1278 DEMAND, request that Liaisons be appointed representing both the Texas
1279 Branches of the government and appointed People from the Texian Jural Society
1280 to meet face to face or by teleconference with the Agenda being the above-
1281 mentioned Breaches;

1282 OR

1283 That the Texas Public Officials, named on the title page of this NOTICE AND
1284 DEMAND, may remedy the afore-mentioned Breaches by directing the Texas
1285 Attorney General to deliver an Attorney Generals Directive to the appropriate
1286 Texas Public Officials instructing them in the limits of their Office in regards to
1287 the Peoples Reserved Powers mentioned above; and,

1288
1289 That the Texas Public Officials, named on the title page of this NOTICE AND
1290 DEMAND, may remedy the perpetual state of color of law emergency attempted
1291 by the federal branches of the government, by interposing the sovereignty
1292 granted them by the People of Texas against said color of law and declare it to be
1293 the tyranny that it is; and,

1294
1295 That should you respond in the manner Demanded, this matter will be deemed closed and
1296 the Breach in your Oath of Office will be deemed remedied; and,

1297
1298 That should you refuse to respond, the People of Texas have no alternative but to interpret
1299 your actions as a willful and deliberate attempt to take part in the Usurpation and
1300 Insurrection toward the Texas Bill of Rights and the Peoples Reserved Powers and will
1301 constitute an act of Deliberate Indifference and Silent Hostility ON THE RECORD toward
1302 the People of Texas, who reserve the right to bring to bear the grave constitutional question
1303 concerning the Breach of your Oath of Office, exceeding your delegated authority and
1304 actions of Bad Faith by any and all appropriate Lawful measures; and,

1305
1306 THE BRANCHES OF THE TEXAS GOVERNMENT MUST REMEDY THE ABOVE
1307 MENTIONED BREACHES OR FACE THE GRAVE CONSTITUTIONAL ISSUE THAT
1308 THEY ARE PARTICIPATING IN THE INTRODUCTION OF OR A CONTINUATION
1309 OF A JURISDICTION FOREIGN TO TEXAS, WITH THE INTENT OF
1310 OVERTHROWING THE PEOPLE OF TEXAS REPUBLICAN FORM OF
1311 GOVERNMENT; and,

1312 1313 Default

1314
1315 Should this NOTICE AND DEMAND be ignored, the People of Texas reserve all rights and
1316 remedies to prosecute this matter to the full extent of the Law; and,

1317
1318 Should any of the above-mentioned Texas Public Officials on the title page of this NOTICE
1319 AND DEMAND ask for a reasonable extension of time during the time allotted to answer,
1320 said extension shall not be unreasonably withheld; and,

1321

1322 **BE IT KNOWN**

1323
1324 **This NOTICE AND DEMAND by the People of Texas is not an attempt to convict any**
1325 **Public Official in Texas, it is rather, an opportunity for Texas Public Officials to work with**
1326 **the People of Texas to reverse the unintended consequences of an inherited web of deceit.**
1327

1328 **However, it is also a Line Drawn in the Sand where there is no neutral ground and to be**
1329 **silent is to choose to perpetuate the deceit.**
1330

1331 **The seeds of one's destruction or reward are sown into the choices they make. Depending**
1332 **upon how you respond to this NOTICE AND DEMAND, will either free you or convict you**
1333 **according to the Natural Law. The choice before you is Freedom or Tyranny.**
1334

1335 **We the People of Texas have acted in part in this NOTICE AND DEMAND to deal with our**
1336 **own liability according to the Natural Law in the above-mentioned Breaches so that we**
1337 **may proceed in the future with clean hands.**
1338

1339 **The DEMANDS made in this Notice are not comprehensive as we know compliance with**
1340 **the Demands takes time, but they are a first step and we ask you to take that first step with**
1341 **us.**
1342

1343 **We the People of Texas applaud our Conservators of the Peace for taking a stand against**
1344 **both State and Federal intrusion and we the People of Texas as the Texian Jural Society**
1345 **hereby stand behind them in the Performance of their Duties.**
1346

1347 **God Bless our Peace Officers in Texas**
1348

1349 **[THE USE OF CAPITALIZATION IN THIS NOTICE IS FOR EMPHASIS ONLY]**

1350 **[REMAINING SPACE ON THIS PAGE INTENTIONALLY LEFT BLANK]**
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1365 On the 17th Day of the 7th Month of the year of our Lord Jesus,
1366 the Christ, Two Thousand and Fourteen, Anno Domini,

1367 A TEXIAN JURAL SOCIETY AD HOC ASSEMBLY, CONVENING FOR THE PURPOSE,
1368 APPROVED THIS NOTICE AND DEMAND FROM THE PEOPLE OF TEXAS
1369 TO CERTAIN State of Texas PUBLIC OFFICIALS

1370 **IN THE MATTER OF**

1371 **“The Reserved Powers of the People of Texas”**
1372
1373

1374 **TO BE HANDED, by Certified Process, TO:**

1375 **The Honorable Rick Perry, Governor**
1376 **The Honorable David Dewhurst, Lieutenant Governor**
1377 **The Honorable Nathan Hecht, Chief Justice of the Texas Supreme Court**
1378 **The Honorable Sharon Keller, Presiding Judge of the Texas Court of Criminal**
1379 **Appeals**
1380 **The Honorable Joe Straus, Speaker of the Texas House of Representatives**
1381 **The Honorable Nandita Berry, Texas Secretary of State**

1382
1383 **AT THE SEAT OF THE State of Texas GOVERNMENT IN Austin, Texas.**
1384

1385 **Sealed:**
1386

1387 The 17th Day of the 7th Month in the Year of our
1388 Lord Jesus, the Christ, Two Thousand and 14, Anno Domini.

1389

Autograph of File

1390

1391 **Raymond benRaymond; barAbba, Chairman Select**
1392 Ad Hoc Assembly for Preparation of NOTICE and DEMAND
1393 In Matter of: The Reserved Powers of the People of Texas
1394 To: Certain State of Texas Public Officials
1395 Texian jural society
1396

1397
1398 **Attest:**
1399

1400 The 20th Day of the 7th Month in the Year of our
1401 Lord Jesus, the Christ, Two Thousand and 14, Anno Domini.

1402

Autograph of File

1403

1404 **Alan Dean; Hutson, Clerk**
1405 Texian jural society

