

Titles of Nobility Amendment

A

Compilation

of

Documents

and

Papers

Relating to

the Ratification

of

The Titles of Nobility Amendment

ARTICLE XIII

to the

Constitution of the United States-of America

by

Brian H. March

April 28, 1995

Albuquerque, New- Mexico

Titles of Nobility Amendment

DEDICATION

To David M. Dodge (a.k.a. Columbo), a man for whom I have the utmost respect; To Thomas Dunn, without his encouragement and strength, I don't think that I could have continued. I thank them, from the bottom of my heart, for allowing me the privilege of knowing them, learning from them, discovering with them, and having the adventure of my life.

To my parents, Arnold H. and Betty J. March; if it were not for them I would not be. I love you Mom and Dad, Thank You for being there for me.

To my wife, Victoria B. March, without her loving patience, understanding, grammatical help and sacrifices, this project could not have been started, or completed. To Velma Grigg, without her enthusiasm, I would probably not have started this project in the first place. To Gary Hunt, Outpost of Freedom, who, in the final analysis helped to reorganize and put the final touches on my pride and joy.

And, Finally, to the American People who will have the intestinal fortitude to take these truths and use them to restore the Republican form of government that was given us just 219 years ago.

Titles of Nobility Amendment

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Titles of Nobility Amendment

1. INTRODUCTION WITH BRIEF EXPLANATION OF DOCUMENTS

Since 1991, when David and Thomas accepted me into this research project, I have had the honor of working with them on this most intriguing story.

My intention, with these writings and documents, is to make a very complex subject more easily understood. Anyone who obtains this information will, hopefully, gain a basic understanding of the subject. The result should be:

- A) a concrete foundation to work from,
- B) a good understanding of what to expect from government representatives, and how to respond to their arguments,
- C) an understanding of the fact that the Amendment was ratified, on or before, March 12, 1819,
- D) that it was widely accepted as such, and not in error, as some government representatives might suggest,
- E) a good understanding of the real meaning of this "enforcer" to the Constitution.

The reader will understand that over the last four years, 99% of the responses received from representatives of the United States Government have lacked credibility. There is an overwhelming amount of documentary evidence on the ratification procedure, ratification of, acceptance and meaning of this amendment. From the beginning of the letter writing in 1991, to date, the government representatives who insist this amendment was not ratified, have seemed unable to find even one Circular from the President of the United States, the Congress or the Secretary of State, to the Governors of the Several States and/or Territories stating, "This amendment was published erroneously." They are unable to explain why it was not ratified. Of course, we are speaking of the players of that era, 1813 - 1825. We have checked the journals of the President, Congress and the Secretary of State and have found nothing, not a Circular or letter.

If you wanted to change the course of history, contrary to a lawful enactment, what would be the means by which you could accomplish that task? You could wait until the players of the enactment died, or destroy or burn any records of its existence, and pretend that it doesn't exist for a few generations, until it is gone and forgotten. All of these methods were employed to try and erase the ratification of the Titles of Nobility Amendment. We have much more documentation that is not addressed here, which will be addressed in subsequent works. The means by which the "demise of the Titles of Nobility Amendment" was almost accomplished will be addressed in much greater detail, later.

Titles of Nobility Amendment

This project was put together with the purpose of providing a means by which anyone can learn how to assert the Law of the Land. There is no guarantee that courts will honor the law, (which is all that should be honored), but without the evidence being submitted, there is no possibility that they will.

The first affidavit, along with the documents identified within the affidavit, provide Prima facie evidence of the foundation upon which the ratification was based. Most states have published the Titles of Nobility Amendment somewhere during the period of 1818 to 1876. Most states, in their "Rules of Evidence", also provide that any publication by state or federal government may be entered into the record.

It is suggested that you go to your law library and find the statutes, codes, acts and/or laws from that period (1818 -- 1876) and review them. Generally, the United States Constitution is the first entry in the book. It is followed by the amendments to the Constitution, and here is where you may find the Titles of Nobility Amendment. It may only appear for a year, or two, so you should review all of the years indicated. Use the included list of states/territories (D-25) as a guide. Make copies of the frontispiece of the book, as well as the amendments, which should be added to the documents mentioned above.

This package (Affidavit, Exhibits and copy of your states version of the Titles of Nobility Amendment) can be submitted as evidence in court, or recorded in the public records. Certified copies of the public records can then be entered into the court record. You may need to attach them to a motion, petition or judicial notice, depending on the "rules of evidence".

I hope that you will understand the significance of what you are reading. If the Law of the Land is asserted in every courtroom in the country, it will not be long before it is again recognized as fundamental to the preservation of our Liberty.

Remember, "Just because something is not officially recognized does not mean it doesn't exist."

"Nothing need be said to illustrate the importance of the prohibition of titles of nobility [titles of honor]. This may truly be denominated the cornerstone of republican government; for so long as they are excluded there can never be serious danger that the government will be any other than that of the people.

Alexander Hamilton - FP #84

Titles of Nobility Amendment

II.

ARTICLE XIII

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatsoever., from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

(Note.- The 13th article of amendments to the Constitution was proposed at the second session of the eleventh Congress.)

(Note: Virginia provided the final ratification which adopted the Titles of Nobility Amendment as the 13th article of amendment to the Constitution, on, or before, March 12, 1819)

Affidavit

I, Brian H. March, hereby deposes and states the following facts, that:

1. That I have, along with David Dodge and Thomas Dunn, extended many hours of research in the matter of the ratification of the Titles of Nobility Amendment to the Constitution of the United States of America;

2. That said Amendment was ratified and recognized as the Thirteenth Amendment to the Constitution of the United States of America for over 56 years;

3. That conclusive proof of these facts are attached hereto, and identified as follows:

a. Exhibits A-1 thru A-10, which are identified as true and correct copies of documents on file with the National Archives and Records Administration, an entity of the United States government, which documents set forth the requirements required to ratify said Titles of Nobility Amendment, as per Article V of the Constitution of the United States of America; further, said documents establish, unequivocally, that only the ratification by Virginia was necessary to complete the ratification process and establish said Titles of Nobility Amendment as a part of the Constitution of the United States of America and the law of the land;

b. Exhibits XA-2 thru XA-10, and identified as copies of those documents certified as true and correct and identified as Exhibits A-1 thru A-10, these copies being of the same documents, although clearer and more legible;

c. Exhibits B-1 thru B-9, which are identified as a cover letter and copies from various law books, as identified in the cover letter, said letter being a certification as to the authenticity of the subsequent copies, executed by Thomas D. Burney, Rare Law Book Librarian, Law Library, Library of Congress, with particular emphasis on Exhibit B-2, which confirms that ratification, by Virginia, of the Titles of Nobility Amendment:

d. Exhibit C-1 thru C-46, which are identified as an affidavit confirming the authenticity of the copies from various law books, as identified in the affidavit, said affidavit being a certification as to the authenticity of the subsequent copies, executed by Deborah M. Kozerski, Law Librarian, University of New Mexico, Albuquerque, New Mexico;

4. That the above documents provide conclusive proof of the Ratification of the Titles of Nobility Amendment, on or before March 12, 1819, and that, as such, said Amendment was, is, and will continue to be, the Law of the Land;

5. That there is no record of repeal of said Titles of Nobility Amendment.

6. That the attached documents are prima facie proof of same.

7. That I am prepared to testify, in a court of law, to the truth of the statements made herein, should I be called to do so.

I, Brian H. March, certify that the above statements and facts are true and correct, to the best of my belief and knowledge, on this 12 day of May, the year of our Lord, Nineteen hundred and ninety-95,

CERTIFIED CORRECT

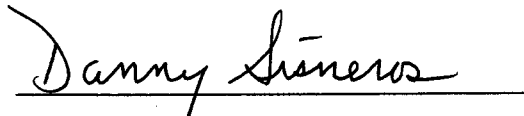


Brian H. March
c/o 4845 Los Serranos Court, N.W.
Albuquerque, New Mexico

Witnesseth:



dated: 5/12/95



dated: 5/12/95

(Valid only if all signatures are in blue ink)

Sir

From the great delay in publishing, in the pamphlet form, the laws of the session preceding the last, much inconvenience and some injury to the public mind have been experienced: and the resolution of the senate instructing their printer to publish the laws for the use of the senate, as they pass, we consider as expressive in a strong degree of their sense of the delay. I am afraid of a repetition of the delay with respect to the laws of the last session, having as yet observed the examination of but a very small portion of them. Can you give me an assurance when they will be completed? If you have any doubt of your own ability to finish them by the meeting of congress it will be highly necessary to call to your aid a sufficient force for the purpose.

Circular to the governors

23^d of March 1813

EXHIBIT XA-2

Sir

Some time since there was transmitted from this department to the executives of the several states, to be submitted to the legislatures thereof, a resolution of congress, proposing an amendment to the constitution of the U. S. which had for its object the prevention of any citizen accepting any title of nobility, present pension or office from any foreign prince or power. As the decisions on this resolution of the legislatures of some of the states, and among them that of Virginia has not been received, I have to request your excellency to furnish me with an authenticated copy of the same, with a view to ascertain the fate of the proposition in question.

= James Monroe.

Mr Dallas

24th of March 1813.

Sir

It is considered fair and proper that the government should give the security required by law on the appeal in the case of the Ariadne. I have in consequence now the honor to request that you will cause it to be given in such manner as may be most convenient.

Domestic Letters, Volume 16, page 208.

Circular to the Governors

23^d of March 1813

Sir

Some time since there was transmitted from this department to the executives of the several states, to be submitted to the legislatures thereof, a resolution of congress, proposing an amendment to the constitution of the U. S. which had for its object the prevention of any citizen accepting any title of nobility, present, pension or office from any foreign prince or power. As the decisions on this resolution of the legislatures of some of the states, and among them that of Virginia has not been received, I have to request your excellency to furnish me with an authenticated copy of the same, with a view to ascertain the fate of the proposition in question.

James Monroe.

EXHIBIT

A-2

235

In the House of Representatives
of the United States

December 31st 1817

Resolved, That the President of the
United States be requested to cause to be
laid before the House of Representatives,
information of the number of states, which
have ratified the thirteenth article of
the amendments to the constitution of
the United States, proposed at the
second session of the eleventh Congress.

Attest,

Wm. Dougherty CRR

EXHIBIT XA-3

5 Jan 1838
I have the honor to inform you by direction of the Secretary that the "American" at Baltimore will be employed for publishing the Laws of the present session of Congress.

Messrs Lacombe & Roberts, of the U.S. Senate.

D. B. presents his compliments to Messrs Lacombe & Roberts and has the honor by direction of the Secretary to ask them if there be a news paper printed at Harrisburg the seat of Government in Pennsylvania, which they would recommend to publish the acts of the 15th Congress, as a substitute for one of the papers in Phila. which was employed to publish the Laws of the 14th Congress.

John C. Spencer House of Rep.

5 Jan 1838
Sir, I have the honor to furnish you with the enclosed copy of a letter from Mr. Pleasanton, the 5th Auditor of the Treasury to whom the one from you to this Dept of the 31st of Dec. was referred, containing the information which I ask for Mr. Bates, one of your constituents.

EXHIBIT XA-4 - 12 A

(Circular.)

Governors of Virginia So. Carolina & Connecticut.
Gen. P. B. Austin Andrew Pickens Oliver Wolcott.

7 Jan 1838
Sir, The House of Representatives of the U.S. having passed a Resolution requesting the President to cause to be laid before the House information of the number of states which have ratified the 15th article of the Amendments to the Constitution of the U.S. proposed at the 3rd session of the eleventh congress of which a copy is enclosed. I am directed by the President to request information of your Excellency, whether the Legislature of the State of _____ have finally acted upon it, and if they have, to cause to be transmitted to this Dept. authenticated Documents of their proceedings & determination concerning it.

12 A

Domestic Letters, Volume 17, page 103.

*Confidential
2/10/17*

(Circular.)

Governors of Virginia, So. Carolina, & Connecticut.
Jas. P. Preston Andrew Pickens Oliver Wolcott.

7 Jan^y. 1797

Sir,

The House of Representatives of the U. S. having passed a Resolution requesting the President to cause to be laid before the House information of the number of states which have ratified the 13th article of the Amendments to the Constitution of the U. S. proposed at the 2^d session of the eleventh congress of which a copy is enclosed, I am directed by the President to request information of your Excellency, whether the Legislature of the State of _____ have finally acted upon it, and if they have, to cause to be transmitted to this Dep^t authenticated Documents of their proceedings & determination concerning it.

J. Q. A.

EXHIBIT

A-4

To the house of representatives

Pursuant to a resolution of the house of representatives of the 31st of dec^r last requesting information of the number of states which had ratified the 13th article of the amendments to the constitution of the United States, I transmit to the house a detailed report from the secretary of state, which contains all the information that has been received upon that subject. No time will be lost in communicating to the house the answers of the governors of the states of South Carolina and Virginia, to the enquiries stated by the secretary of state to have been recently addressed to them, when they are received at that department.

Washington february 4. 1818 (signed)

James Monroe

EXHIBIT XA-5

The President of the United States

Department of State 3^d february

The secretary of state, to whom was referred a resolution of the house of representatives of the 31st of december last requesting information of the number of states which have ratified the thirteenth article of the amendments to the constitution of the United States, proposed at the second session of the eleventh congress, has the honor respectfully to report to the president, that it appears, by authentic documents, on file in the office of the department of state, that the said article was ratified -

- By 1. Maryland, on the 25th of december, 1810.
2. Kentucky, on the 31st of january, 1811.
3. Ohio, on the 31st of january, 1811.
4. Delaware, on the 2nd of february, 1811.
5. Pennsylvania, on the 6th of february, 1811.
6. New Jersey, on the 13th of february, 1811.
7. Vermont, on the 24th of october, 1811.
8. Tennessee, on the 21st of november, 1811.
9. Georgia, on the 13th of december, 1811.
10. North Carolina, on the 23^d of december, 1811.
11. Massachusetts, on the 27th of february, 1812.
12. New Hampshire, on the 10th of december, 1812.

That

EXHIBIT XA-6

That it further appears, by authentic documents, also on file, that the said article was rejected -

By 13. New York, on the 12th of march, 1812.

14. Rhode Island, on the 15th of september, 1814.

That 15. It was submitted to the legislature of the state of Connecticut at May session, 1811; but that, as late as the 22nd of April, 1813, according to a letter of that date from governor Smith, no final decision had taken place thereon: that in pursuance of the resolution of the house of representatives in conformity to which this report is made, the secretary of state addressed a letter to the governor of Connecticut, and enclosed to him, at the same time, a copy of the proposed amendment to the constitution, requesting information as to any final decision in relation to it, and that the answer to said letter, under date of the 22nd ultimo was accompanied by a copy of resolutions of the general assembly of that commonwealth, declaring that the amendment was not ratified.

That 16. On the 29th of november, 1811. a report was made by a committee of the senate of South Carolina, recommending the adoption of the amendatory article, which report was agreed to, and ordered to be sent to the house of representatives, in which house a report was also made on the subject on the 7th of december, 1813, recommending the rejection of the said article, but which report does not appear to have been definitively acted upon by that house: That the secretary of state addressed to the governor of South Carolina a letter, with a copy of the amendment, of a like tenor to that which he addressed to the governor of Connecticut, to which he has not hitherto received any answer.

And that 17. A similar letter accompanied also by a copy of the amendment was written by the secretary of state to the governor of Virginia, from whom, up to this period, no answer has been received, at the department of state, on the subject.

All which is respectfully submitted

EXHIBIT XA-7

Nov-18
Messages and Papers of the Presidents, 1789-1897, by James D. Richardson, Volume II, page 29.

February 27, 1818.

To the House of Representatives of the United States:

I communicate herewith to the House of Representatives a copy of a letter from the governor of the State of South Carolina to the Secretary of State, together with extracts from the journals of proceedings in both branches of the legislature of that Commonwealth, relative to a proposed amendment of the Constitution, which letter and extracts are connected with the subject of my communication to the House of the 6th instant.

JAMES MONROE.

EXHIBIT XA-8

customary tribunal & the usual course of law, and according to the suggestion of the Attorney General, justice will be done to all the parties interested.

Moses Broadwell, Cincinnati, Ohio.

Sir,

I duly rec'd your letter of the 9th of this month containing information that a settlement is about to be formed by a company in the neighborhood of Lake Pepin on the Mississippi and requesting to be notified of the opinion of this Govt on the propriety of the proposed settlement, and of the title upon which it is founded. I lose no time in signifying to you that the proposed plan is entirely disapproved of, and that the title referred to is not recognized or admitted by this Government.

William Wirt, U.S. Attorney General.

Sir,

I have the honor to inform you, that I have before the President your letter of the 19th of this month and that he is desirous of obtaining your opinion upon the questions submitted to you at his instance by this Dept in the case of the Pennsylvania railroad, as soon as you can conveniently give one, preferring as he does upon for an immediate decision, not to await the final judgment of the Supreme Court in the case of Houston & Moore, to which you refer.

EXHIBIT XA-9

Charles N. Dick, Philad^a

Sir,

The communication of the President to Congress on the ratification of the thirteenth amendment of the Constitution of the U.S., and to which you allude in your letter to me of the 10th of this month,

and not conclusive as to the rejection of that amendment, and it is still not definitely known at this Dept. whether it may not have been adopted by a sufficient number of states to make it a part of the law of the land. From this explanation you will readily understand that the circumstances under which your request has been postponed remain unaltered and that the expediency of forwarding it to you is opposed by the same difficulty that existed prior to the date of your letter.

Upon a return from the Executive of Virginia, for which an application has been made by this Dept., it will be known with precision what is the fate of the proposed amendment, and no time will be lost in communicating it to you.

The President has just sent a message to Congress, by which you will perceive that the views of the Senate of Hamburg have not escaped the attention of this Government, in the matter referred to. The message will probably be printed with the proceedings of Congress & appear in the public prints, in a few days.

EXHIBIT XA-10

- J. D. A.

Geo. W. L. Marr, & Tho. Claiborne, of the House of Reps.

21 March 1818.

Gentlemen,

I have the honor to inform you that your letter of the 18th of this month, recommending Dr. John R. Bedford for the Secretaryship of the Alabama Territory, was duly rec'd, & laid before the President of the U. S.

- J. D. A.

Messrs A. & J. W. Pickle, New York.

24 March.

Gentlemen,

I duly rec'd your letter of the 16th of this month, with the 1st & 2^d Nos. of the Academician. You will please to send the future Nos. to this Dept. as they are published and you may consider it as a subscription for one set. A short...



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WASHINGTON, D.C. 20540

OFFICE OF THE LAW LIBRARIAN
OFFICE (202) 707-5065
FAX (202) 707-1820

September 30, 1993

To: Brian H. March
David M. Dodge
Tom Dunn

Dear Sirs:

This is to certify that I am the Rare Law Book Librarian, Library of Congress, and in that capacity I made for you three (each) true copies of the list below:

1. Outside cover of Acts of Assembly, 1818-19 (Office Law)
2. Cover page of "Acts Passed at a General Assembly of the Commonwealth of Virginia... (Dated 1819).
3. Page 50 (from above), starts with, "four freeholders subject to such levy,..."
4. Page 62 (from above), starts with, "An act, relating into one the several..."
5. Page 63 (from above), starts with, "ecutive may appoint for that purpose. It..."
6. Outside cover of, "Justice of the Peace," "Potter," KFN 7920.P68 1828."
7. Inside page (from no. 6), "... Justice of the Peace, ... By Henry Potter, ... 1828."
8. Next page (from no. 6), starts with, "United States of America."
9. Inside the book (from no. 6), starts with, "The Constitution of the United States of America."
10. Page 404 (from no. 6), starts with, "such majority, then from the persons.." and ends with, "the last article was proposed at the second session of Eleventh Congress and was ratified."

I hope this is of help to you all, in your quest to find the truth, in our past.

Sincerely,

Thomas D. Burney

Thomas D. Burney

Rare Law Book Librarian
Law Library
Library of Congress
Washington, DC 20540

EXHIBIT B-1

ACTS

PASSED AT A

GENERAL ASSEMBLY

OF

THE COMMONWEALTH

OF

VIRGINIA,

BEGUN AND HELD AT THE CAPITOL, IN THE

CITY OF RICHMOND,

ON MONDAY, THE SEVENTH DAY OF DECEMBER IN THE YEAR OF OUR
LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTEEN, AND
OF THE COMMONWEALTH THE FORTY-THIRD.

EXHIBIT B-2

RICHMOND:

PRINTED BY THOMAS BITCHEL,
Printer to the Commonwealth.

1819.

Exhibit "D-D"
Page 1 of 5

University of Toledo Law Library Microfiche

four freeholders subject to such levy, to award a *supersedeas* to the order of court whereby such levy was laid.—if, upon the inspection of a copy of such order, it shall appear that the levy has been laid contrary to law; and, at the same time, it shall be lawful to award a *certiorari* to cause the record of such levy to be certified into the superior court of law having jurisdiction over such county. When such record shall be so certified, the superior court shall proceed, without delay, to reverse or affirm the order laying the said levy, as to them may seem right. Whenever such *supersedeas* and *certiorari* shall be granted, it shall be lawful for the court of the county, without waiting the final decision thereof, at any time, to rescind the order laying the said levy; and to proceed forthwith again to lay the county levy according to law, and to cause the same to be collected in the manner herein before provided.—In like manner, if the order aforesaid be reversed by the superior court, the county court may proceed, at any time afterwards, to lay the levy according to law. In all cases, in which any county levy shall be laid after the June term of such county court, the sheriff or collector shall be allowed five months, from the time of such levy, for collecting and accounting therefor. If any sheriff or collector shall, at any time, collect any money levied as aforesaid, and such levy shall be afterwards rescinded or reversed in the manner aforesaid, such sheriff or collector shall forthwith return the money, so collected, to the person or persons from whom it shall have been received; and, in failure thereof, he and his securities, his and their executors and administrators, shall be liable to the same recovery and damages, as is provided in case of his failure to pay other money due from him as collector of his county levies.

Commencement.

§ 15. This act shall commence and be in force from and after the first day of January eighteen hundred and twenty; except so much thereof as authorizes the judges of the superior courts of law to issue a *supersedeas* and *certiorari* to correct an erroneous county levy, and as relates to the power of the county courts, and the duty of the sheriff or collector consequent thereon, which shall commence and be in force from and after the passing thereof.

New edition of the laws to be published.

Constitution of the United States.

Declaration of Rights, and

Constitution of this State, to be inserted therein.

List of other laws & parts of laws.



CHAPTER XXXV.—An act providing for the re-publication of the laws of this Commonwealth.—[Passed March 12th, 1819.]

1. Be it enacted by the General Assembly, That there shall be published an edition of the laws of this Commonwealth, in which shall be contained the following matters, that is to say:

The constitution of the United States, and the amendments thereto.

A declaration of rights made by the representatives of the good people of Virginia, assembled in full and free convention, which rights do pertain to them, and their posterity, as the basis and foundation of government.

The constitution or form of government agreed to, and resolved upon, by the delegates and representatives of the several counties and corporations of Virginia.

An ordinance, to enable the present magistrates and officers to continue the administration of justice, and for settling the general mode of proceedings in criminal and other cases, till the same can be more amply provided for. The sixth section only. Passed July third, seventeen hundred and seventy-six.

An act, re: acts of the pa: this Commonv enteen hundre

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An act, conc ed. December t ty-one.

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prescribe the order, in which the several laws shall be published in the code, carefully classing them according to their subject matter, without reference to the time of their passage; to note particularly, the time of the enactment of each provision of the law, and to make such brief notes of explanation and reference, as he shall deem proper; he shall cause to be made proper marginal notes of the contents of each section, and a full and complete index to the whole code; and he shall cause the proof sheets to be carefully examined during the publication. He shall be allowed to employ, with the approbation of the Executive, one or more clerks or assistants, to aid in the discharge of the duties aforesaid; and he, with the clerks or assistants aforesaid, shall be allowed by the Executive a reasonable compensation for their services, to be paid out of the public treasury. Upon his certificate that the laws aforesaid have been carefully examined, and that he finds them correctly printed, they shall be received in evidence in the same manner as the originals.

5. And whereas Thomas Ritchie hath agreed to undertake the publication of the code aforesaid, in manner aforesaid, and to deliver to the Executive, for the use of the Commonwealth, four thousand copies thereof, well printed, bound and lettered as aforesaid, at the price of six dollars for each copy, three thousand copies whereof are to be delivered on or before the first day of December, and the residue, on or before the first day of January next.

Be it therefore further enacted. That the Executive shall be and they are hereby authorized and required to contract with the said Thomas Ritchie, for the delivery of the said four thousand copies of the code aforesaid, at the times, and for the price aforesaid.—When the said copies shall be received, it shall be the duty of the Executive to retain ten copies thereof, in the council chamber, for the use of the Executive department of the government, and to distribute the residue, or so many thereof as may be necessary, in the manner following:—five copies to the clerk of each house of the General Assembly, for the use of the said houses, respectively;—one copy to each of the judges of the court of appeals, general court, and superior courts of chancery;—one copy to each of the judges of the courts of the United States resident within this State;—one copy to the treasurer, auditor, and register, each for the use of his department: one copy to the president and directors of the literary fund, and to the president and directors of the board of public works, each, for the use of their boards respectively; one copy to Thomas Jefferson, James Madison, and James Monroe, each:—one copy to the superintendent of this edition of the laws;—one copy to the attorney general, and to each attorney prosecuting for the Commonwealth, in any court within this State;—one copy to each clerk of any court of record, within this Commonwealth, for the use of the court;—and one copy to each justice of the peace, within this Commonwealth.

6. The sum necessary for the purchase aforesaid shall be paid out of any money in the treasury not otherwise appropriated; and may be drawn for upon the order of the Executive, at any time after the said copies shall have been delivered: *Provided,* however, That it shall be lawful at any time for the Executive to cause to be paid

ed by, such superintendant?

He may appoint one or more clerks to assist him.

Their compensation.

How the work shall be authenticated.

Contract with Thomas Ritchie to print such edition, revised.

Duty of the Executive in relation thereto.

How the copies shall be distributed.

At what times, they shall be paid for.

Proviso, that two dollars may be paid in advance; bond and security being given by Mr. Ritchie

EXHIBIT

B-4

I, Benjamin Watkins Leigh, appointed by the act of Assembly, providing for the re-publication of the Laws of this Commonwealth, passed March 12, 1819, superintendent of the said publication, do hereby certify, that the Laws printed in this first volume, have been carefully examined, and that (with the exception of the errors noted in the table of errata,) I find them correctly printed.

B. W. LEIGH.

Richmond, 1819.

ERRATA.

- Page 64, § 5, line 18, for *Lackland*, read *Markland*.
68, § 1, line 7, before word *be*, read *for remedy whereof*.
116, § 69, line 9, for *of the fines*, read *of all the fines*.
181, § 3, line 10, for *proceed to all*, read *proceed to do all*.
209, § 61, last word, for *according*, read *accordingly*.
220, line 24, before the word *general*, read *judges of the*.
225, c. 68, § 1, line 3, after *Harrison*, read *Wood*.
272, § 19, line 2, before *to inspect*, read *freely*.
277, § 5, line 2, before *required*, read *empowered and*.
314, § 8, line 43, after "for serving ~~an~~ attachment on the body," re
63 instead of 53 cents.
325, § 13, line 8, for *next neighbouring*, read *next or neighbouring*.
336, line 3, for *land lies*, read *lands lie*.
376, § 3, line 12, for *he or she have*, read *he or she shall have*.
378, § 16, lines 5 and 6, for *in one*, read *in any one*.
416, line 1, for *one*, read *the*.
438, § 67, line 7, omit word *free*, at the end of the line.
466, c. 119, § 1, line 10, between the words *patent, grant*, read *or*.
479, line 8, (from bottom,) for *attained*, read *obtained*.
548, § 1, line 8, after *under-sheriff*, read *serjeant*.
599, line 12, omit word *any*, at the beginning of the line.

EXHIBIT B-5

The Revised Code

OF THE

LAWS OF VIRGINIA :

BEING

A COLLECTION OF ALL SUCH ACTS

OF THE

GENERAL ASSEMBLY,

OF A PUBLIC AND PERMANENT NATURE, AS ARE NOW IN FORCE,

WITH A GENERAL INDEX.

TO WHICH ARE PREFIXED,

THE CONSTITUTION OF THE UNITED STATES:

THE DECLARATION OF RIGHTS,

AND

THE CONSTITUTION OF VIRGINIA.

Published pursuant to an act of the General Assembly, entitled "An act providing for the re-publication of the Laws of this Commonwealth," passed March 12, 1819.

VOLUME I.

RICHMOND:

PRINTED BY THOMAS RITCHIE,
PRINTER TO THE COMMONWEALTH.

1819.

EXHIBIT

B-6



1. The electors shall meet in their respective states, and vote by ballot for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then, from the persons having the highest number, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the senate shall choose the vice president: a quorum for the purpose shall consist of two thirds of the whole number of senators; and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice president of the United States.

ARTICLE 13.

1. If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

C. 8.

A Declaration of Rights made by the Representatives of the Good People of VIRGINIA, assembled in full and free Convention; which rights do pertain to them, and their Posterity, as the basis and foundation of Government.

A. D. 1776
A. R. C. 1.

[Unanimously adopted, June 12, 1776.]

1. THAT all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.
2. THAT all power is vested in, and consequently derived from, the people; that Magistrates are their trustees and servants, and at all times amenable to them.
3. THAT government is, or ought to be, instituted for the common benefit, protection and security, of the people, nation, or community: of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right, to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.
4. THAT no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of Magistrate, Legislator, or Judge, to be hereditary.
5. THAT the Legislative and Executive powers of the state should be separate and distinct from the Judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, and return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.
6. THAT elections of members to serve as representatives of the people, in Assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives, so elected, nor bound by any law to which they have not, in like manner, assented, for the public good.
7. THAT all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives

EXHIBIT

EXHIBIT

B-7

THE
OFFICE AND DUTY
OF A
JUSTICE OF THE PEACE,

Ch. 11, 12

AND
A Guide

To Sheriffs, Coroners, Clerks, Constables,

AND
OTHER CIVIL OFFICERS.

According to the Laws of North-Carolina,

WITH AN

APPENDIX

Containing the Declaration of Rights and Constitution of this State
the Constitution of the United States, with the Amendments
thereto; and a Collection of the most approved Forms.

BY HENRY POTTER,
Judge of the United States District Courts of North Carolina;

Corrected to the present time.

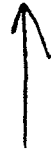
SECOND EDITION.

RALEIGH:
PRINTED BY AND FOR J. GALES & SON,
1838.

EXHIBIT

EXHIBIT B-8

1828 →



such majority; then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States; the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the house of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed. And if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President. — A quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any Emperor, King, Prince, or Foreign Power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

The 1st and 2d Articles of the above amendments were proposed by the two Houses of Congress to the several States, at the First Session of the First Congress, but although recognized at the 488th page of volume 4, of the Laws of the United States, it does not appear that they have been ratified.

The 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, and 12th Articles of the Amendments were proposed by the two Houses of Congress to the several States at the First Session of the First Congress, and were ratified by the States.

The 13th Article of the Amendments was proposed to the several States at the First Session of the Third Congress, and was ratified.

The Amendment, relative to the mode of electing President and Vice-President of the United States, was proposed by the two Houses of Congress to the several States at the First Session of the Eighth Congress, and was duly ratified.

The last article was proposed at the Second Session of Eleventh Congress and was ratified.

PRECEDENTS.

Should the Form sought for, not be found in the Appendix, the Reader is desired to look for it under the proper Head, in the body of the Work.

AFFRAYS.

(Warrant for.)

State of North-Carolina, Wake County.

Whereas of yeoman, hath this day made oath before me, one of the Justices of the Peace for the said county, that on the day of in the year of our Lord A. B of yeoman, and B C of yeoman, at in the said county, in a tumultuous manner made an Affray, wherein the person of the said was beaten and abused by them, the said A B and B C, without any lawful or sufficient provocation given them, or either of them, by him the said:

These are, therefore, to command you, forthwith to apprehend the said and bring them before me or some other Justice of the Peace for the said county, to answer the premises, and to find sureties, as well for their personal appearance at the next court of pleas and quarter sessions to be holden for the said county, then and there to answer an indictment to be preferred against them by the said, for the said offence, and also for keeping the peace in the mean time towards the State and all the citizens thereof, and especially towards him, the said. Herein fail not as you will answer the contrary at your peril.

Given under my hand and seal at in the said county, the day of in the year of our Lord

H L....(seal.)

EXHIBIT

B-9

ASSAULT AND BATTERY.

(Warrant for.)

State of North Carolina, Wake County.

To any Constable of the said County, and to all lawful Officers to execute and return.

Whereas complaint hath been made before me, one of the Justices of the Peace in and for the said county, that upon the day of in the said county, planter, that of aforesaid, planter, did, on the day of violently assault and beat him, the said, at in the said county. These are therefore to command you, forthwith to apprehend the said and to bring him before me, or some other Justice of the

EXHIBIT

September 1, 1993

A F F A D A V I T

I Deborah M. Kozerski, Law Librarian, at the Law Library, University of New Mexico, Albuquerque, New Mexico, of legal age and of sound mind, do solemnly swear/affirm the following:

On August 31, 1993, I witnessed Brian H. March make two(2) true copies of the 16 books listed below, with Article 13 as part of the United States Constitution, in each said book. I personally went through each of the 16 aforementioned books and verified that each contains Article 13 of the United States Constitution, which reads as follows:

Article XIII. (13)

If any citizen of the United States shall accept, claim, receive, or retain, any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

The list of books is as follows: 1) Revised Statutes of Colorado--1868; 2) Revised Laws of Indiana--1831; 3) Revised Statutes of Indiana--1838; 4) Laws of Iowa--1838-1839; 5) Statutes of the Territory of Kansas--1855; 6) Revised Laws of Missouri--1825; 7) Statutes of Missouri--1835; 8) Laws of Nebraska--1857; 9) Laws of Nebraska--1859; 10) Laws of Nebraska--1860; 11) Laws of the Territory of Nebraska--1861; 12) General Statutes of Nebraska--1873; 13) Statutes of Ohio--1831; 14) Pennsylvania Digest of Laws--1824; 15) Public Laws of the State of Rhode Island--1822; 16) The Compiled Laws of Wyoming--1876.

Deborah M. Kozerski

Date: Sept. 1, 1993

Witnessed: Brian H. March

Date: 9/1/93

Witnessed: _____

Date: _____

EXHIBIT C-1

THE
REVISED STATUTES
OF
COLORADO:

AS PASSED AT THE
SEVENTH SESSION OF THE LEGISLATIVE ASSEMBLY,
CONVENED ON THE SECOND DAY OF DECEMBER, A. D. 1867.

ALSO, THE
ACTS OF A PUBLIC NATURE PASSED AT THE SAME SES-
SION, AND THE PRIOR LAWS STILL IN FORCE.

TOGETHER WITH
THE DECLARATION OF INDEPENDENCE, THE CONSTITUTION OF THE
UNITED STATES, THE ORGANIC ACT, AND THE
AMENDMENTS THERETO.

PUBLISHED BY AUTHORITY.

CENTRAL CITY:
PRINTED BY DAVID C. COLLIER, AT THE REGISTER OFFICE.
1868.

EXHIBIT C-2

TERRITORY OF COLORADO, }
SECRETARY'S OFFICE, } SS.

I, FRANK HALL, Secretary of Colorado Territory, do hereby certify that I have delivered to DAVID C. COLLIER, Public Printer, true and correct copies of all LAWS, JOINT RESOLUTIONS, and MEMORIALS, together with the Revised and Consolidated Statutes, now on file in my office, passed at the SEVENTH SESSION of the Legislative Assembly of the Territory of Colorado, begun at Golden City on the 2d day of December, A. D. 1867, and adjourned to Denver on the 9th day of December, A. D. 1867.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the Territory of Colorado.

[L. S.] Done at Denver, this 22d day of January, in the year of our Lord, one thousand eight hundred and sixty-eight.

FRANK HALL,
Secretary of Colorado Territory.

EXHIBIT C-3

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EXHIBIT C-4

ARTICLE XII.

1. The electors shall meet in their respective states and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state as themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice-president, shall be vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers in the list, the senate shall choose the vice-president; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice-president of the United States.

ARTICLE XIII.

1. If any citizen of the United States shall accept, claim, receive, or retain, any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor,

EXHIBIT

C-5

king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

ARTICLE XIV.

1. Neither slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

[NOTE.—The 11th article of the amendments to the constitution was proposed at the second session of the third congress ; the 12th article, at the first session of the eighth congress ; and the 13th article, at the second session of the eleventh congress.]

EXHIBIT C-6

THE
REVISED LAWS

OF
INDIANA,

IN WHICH ARE COMPRISED ALL SUCH ACTS OF A GENERAL
NATURE AS ARE IN FORCE IN SAID STATE;

ADOPTED AND ENACTED BY THE
GENERAL ASSEMBLY

AT THEIR FIFTEENTH SESSION.

TO WHICH ARE PREFIXED ,

*THE DECLARATION OF INDEPENDENCE, THE CONSTITUTION OF
THE U. S., THE CONSTITUTION OF THE STATE OF INDIANA,*

AND)

*SUNDRY OTHER DOCUMENTS, CONNECTED WITH THE POLITICAL HISTORY
OF THE TERRITORY AND STATE OF INDIANA.*

ARRANGED AND PUBLISHED BY
AUTHORITY OF THE GENERAL ASSEMBLY.

INDIANAPOLIS:

PRINTED BY DOUGLASS AND MAGUIRE

1831.

EXHIBIT C-7

if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death, or other constitutional disability, of the President.

2. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States.

ARTICLE 13.

Citizenship
forfeited, &c.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, or shall, without the consent of congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

ACT OF VIRGINIA.

An Act to authorize the Delegates of this State in Congress, to convey to the United States in Congress assembled, all the Right of this Commonwealth to the Territory North Westward of the river OHIO.

[PASSED DECEMBER 20, 1783.]

Preamble.

1. WHEREAS the Congress of the United States did, by their act of the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several states in the Union, having claims to waste and unappropriated lands in the Western Country, a liberal cession to the United States, of a portion of their respective claims for the common benefit of the Union:

2. And whereas this Commonwealth did, on the second day of January, in the year one thousand seven hundred and eighty-one, yield to the Congress of the United States, for the benefit of the said States, all right, title, and claim, which the said Commonwealth had to the territory North-West of the river Ohio, subject to the conditions annexed to the said act of session:

3. And whereas the United States in Congress assembled, have, by their Act of the thirteenth of September last,

EXHIBIT

C-8

THE
REVISED STATUTES

OF THE
STATE OF INDIANA,

ADOPTED AND ENACTED BY THE GENERAL ASSEMBLY AT THEIR

TWENTY-SECOND SESSION.

TO WHICH ARE PREFIXED

THE DECLARATION OF INDEPENDENCE, THE CONSTITUTION OF THE U. S., THE
CONSTITUTION OF THE STATE OF INDIANA,

AND SUNDRY OTHER DOCUMENTS CONNECTED WITH THE POLITICAL HISTORY OF THE

TERRITORY AND STATE OF INDIANA.

ARRANGED, COMPILED, AND PUBLISHED BY
AUTHORITY OF THE GENERAL ASSEMBLY.

INDIANAPOLIS:
DOUGLASS & NOEL, PRINTERS.

1838.

EXHIBIT C-9

of the Senate; the President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the vote shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states, shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death, or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States.

ARTICLE 13.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

ACT OF VIRGINIA.

AN ACT to authorize the Delegates of this State in Congress, to convey to the United States in Congress assembled, all the right of this Commonwealth to the Territory north westward of the river Ohio.

[PASSED DECEMBER 20, 1783.]

1. WHEREAS the Congress of the United States did, by their act of the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several states

EXHIBIT C-10

THE STATUTE LAWS

OF THE

TERRITORY OF IOWA,

ENACTED AT THE FIRST SESSION OF THE LEGISLATIVE ASSEMBLY
OF SAID TERRITORY, HELD AT BURLINGTON, A. D. 1838-'39,

EXHIBIT C-11

PUBLISHED BY AUTHORITY.



DU BUQUE:
RUSSELL & REEVES, PRINTERS.
1839.

CERTIFICATE.

I, WILLIAM B. CONWAY, Secretary of the Territory of Iowa, having compared the following pages with the "engrossed bills" deposited in my office, do hereby certify, that they contain true and correct copies of the Statute Laws and Joint Resolutions passed at the first session of the Legislative Assembly of said Territory, 1838-39.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, this 23d day of July, A. D. 1839.

WM. B. CONWAY,
Secretary of the Territory.

EXHIBIT C-12

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president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the House of Representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by States, the representation from each State having one vote; a quorum for that purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the vice president: a quorum, for that purpose, shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice president of the United States.

ARTICLE XIII.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or under them, or either of them.

EXHIBIT

C-14

THE STATUTES
OF THE
TERRITORY OF KANSAS;

PASSED AT THE FIRST SESSION OF THE LEGISLATIVE ASSEMBLY, ONE THOUSAND
EIGHT HUNDRED AND FIFTY-FIVE.

TO WHICH ARE AFFIXED

THE DECLARATION OF INDEPENDENCE,

AND THE

CONSTITUTION OF THE U. STATES,

AND THE

ACT OF CONGRESS ORGANIZING SAID TERRITORY,

AND OTHER

ACTS OF CONGRESS

HAVING IMMEDIATE RELATION THERETO.

EXHIBIT C-15

PRINTED IN PURSUANCE OF THE STATUTE IN SUCH CASE MADE AND PROVIDED.

SHAWNEE M. L. SCHOOL:
JOHN T. BRADY, PUBLIC PRINTER.
1855.

I hereby certify that the printed acts contained in this volume are true copies of the original rolls on file in the office of the Secretary of the Territory of Kansas, with the exception of such corrections of clerical errors and mistakes as are authorized to be made by the act entitled "An act concerning the statutes and legislative proceedings," and that the said acts are correctly published in the book entitled "The Statutes of the Territory of Kansas."

SAMUEL A. LOWE,
Superintendent.

SHAWNEE MANUAL LABOR SCHOOL, }
October, 1855. }

EXHIBIT C-16

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

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

ARTICLE X.

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

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

1. The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State as themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice President, shall be Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers in the list, the Senate shall choose the Vice President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States.

ARTICLE XIII.

If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of

EXHIBIT

C-17

the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

[NOTE.—The 11th article of the amendments to the Constitution was proposed at the second session of the third Congress; the 12th article, at the first session of the eighth Congress; and the 13th article, at the second session of the eleventh Congress.]

TREATY OF CESSION.

Treaty between the United States of America and the French Republic.

The President of the United States of America and the First Consul of the French Republic, in the name of the French people, desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the 8th Vendemaire, an 9, (30 September, 1800), relative to the rights claimed by the United States in virtue of the treaty concluded at Madrid the 27th of October, 1795, between his Catholic Majesty and the said United States, and willing to strengthen the union and friendship which at the time of the said convention was happily re-established between the two nations, have respectively named their plenipotentiaries, to wit: the President of the United States of America, by and with the advice and consent of the Senate of the said States, Robert R. Livingston, minister plenipotentiary of the United States, and James Monroe, minister plenipotentiary and envoy extraordinary of the said States, near the government of the French Republic; and the First Consul, in the name of the French people, the French citizen Barbe Marbois, minister of the public treasury, who, after having respectively exchanged their full powers, have agreed to the following articles:

ART. 1. *Whereas*, by the article the third of the treaty concluded at St. Ildefonso, the 9th Vendemaire, an 9, (1st October, 1800), between the First Consul of the French Republic and his Catholic Majesty, it was agreed as follows: "His Catholic Majesty promises and engages on his part to retrocede to the French Republic, six months after the full and entire execution of the conditions and stipulations herein relative to his royal highness, the Duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it; and such as it should be after the treaties subsequently entered into between Spain and other States." *And, whereas*, in pursuance of the treaty, and particularly of the third article, the French Republic has an incontestible title to the domain and the possession of the said territory; the First Consul of the French Republic desiring to give to the United States a strong proof of his friendship, doth hereby cede to the United States, in the name of the French Republic, forever, and in full sovereignty, the said territory, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic in virtue of the above-mentioned treaty, concluded with his Catholic Majesty.

ART. 2. In the session made by the preceding article are included the adjacent islands belonging to Louisiana, all public lots and squares, vacant lands, and all public buildings, fortifications, barracks and other edifices, which are not pri-

EXHIBIT C-18

Copy 2 - Duplicate
7/18/42 - REID.

Wade and McKinley

LAWS
OF THE

State of Missouri;

REVISED AND DIGESTED

BY AUTHORITY

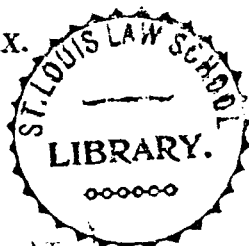
OF THE

GENERAL ASSEMBLY.

IN TWO VOLUMES.

WITH AN APPENDIX.

.....
VOL. I.
.....



Vol II - bound in leather

Published according to an act of the General Assembly, passed

21st February, 1825.

ST. LOUIS:

Printed by E. Charless, for the State.

.....
1825.

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TREATY OF CESSION.

and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-president: a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice-president of the United States.

ARTICLE 13.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

[See, as connected with this subject, ante. art. 1, sec 9, clause 7, page 20.]

[NOTE.—The 11th article of the amendments to the constitution, was proposed at the second session of the third congress: the 12th article, at the first session of the eighth congress: and the 13th article, at the second session of the eleventh congress.]



TREATY OF CESSION.

Treaty between the U. States of America and the French republic. 30 April, 1803

The president of the United States of America, and the first consul of the French republic, in the name of the French people, desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the 3th Vendemiaire, an 9 (30th September, 1800) relative to the rights claimed by the United States, in virtue of the treaty concluded at Madrid the 27th October, 1795, between his catholic majesty and the said United States, and willing to strengthen the union and friendship which at the time of the said convention was happily re-established between the two nations, have respectively named their plenipotentiaries, to wit, the president of the United States of America, by and with the advice and consent of the senate of the said states, Robert R. Livingston, minister plenipotentiary of the United States, and James Monroe, minister plenipotentiary and envoy extraordinary of the said states, on the government of the French republic; and the first consul, in the name of the French people, the French citizen Barbe Marbois, minister of the public treasury, who, after having respectively exchanged their full powers, have agreed to the following articles:

Desire of the parties to remove all source of misunderstanding relative to the construction of the treaty of Madrid, of the 27th October, 1795, &c. And to strengthen the union and friendship of the two nations.

EXHIBIT C-21

THE
REVISED STATUTES
OF THE
STATE OF MISSOURI,

REVISED AND DIGESTED BY THE EIGHTH GENERAL ASSEMBLY DURING THE YEARS

ONE THOUSAND EIGHT HUNDRED AND THIRTY-FOUR, AND ONE

THOUSAND EIGHT HUNDRED AND THIRTY-FIVE.

EXHIBIT C-22

TOGETHER WITH

THE CONSTITUTIONS OF MISSOURI AND OF THE UNITED STATES.

PRINTED AND PUBLISHED UNDER THE DIRECTION OF THE SUPERINTENDENT

APPOINTED BY THE GENERAL ASSEMBLY FOR THAT PURPOSE.

ST. LOUIS.

PRINTED AT THE ARGUS OFFICE.

1835.

Pursuant to the "Act concerning the Revised Statutes," passed on the 21st of March, 1835, the undersigned, a committee appointed to superintend the publication of the Revised Statutes, does hereby certify, that the text of the Revised Statutes, contained in this volume, has been examined and compared by him, with the transcript from the original rolls, furnished by the Secretary of State, of the acts passed by the eighth general assembly, and directed to be published in the Revised Statutes; and that this volume was printed under the authority conferred by law.

A. A. KING.

October 10th, 1835.

EXHIBIT C-23

ARTICLE IX.

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

ARTICLE X.

The powers not delegated to the United States by the constitution, nor prohibited by it to these states, are reserved to the states respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII.

1. The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice-president, shall be vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-president: a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice-president of the United States.

* ARTICLE XIII.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen

EXHIBIT

C-24

of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

[NOTE.—The 11th article of the amendments to the constitution, was proposed at the second session of the third congress; the 12th article, at the first session of the eighth congress; and the 13th article, at the second session of the eleventh congress.]

EXHIBIT C-25

LAWS, JOINT RESOLUTIONS, AND MEMORIALS,

PASSED AT THE

THIRD SESSION OF THE LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF NEBRASKA,

BEGUN AND HELD AT OMAHA CITY, N. T.,

JANUARY 5th, A. D. 1857.

TOGETHER WITH

THE CONSTITUTION OF THE UNITED STATES

AND THE ORGANIC LAW.

PRINTED AND PUBLISHED BY AUTHORITY.

BROWNVILLE, N. T.
ROBERT W. FURNAS, TERRITORIAL PRINTER.
1857.

EXHIBIT C-26

CERTIFICATES.

OMAHA CITY, N. T., MARCH 30th, 1857.

I hereby certify that I have, this day, transmitted to ROBERT W. FURNAS, Territorial Printer, correct copies of all the Laws passed by the Legislative Assembly of Nebraska Territory, at its Third Session, begun and held at Omaha City, January 5th, 1857.

T. B. CUMING,
Secretary of Nebraska Territory.

I hereby certify that the following are true and correct copies of the Laws passed by the Legislative Assembly of Nebraska Territory, at its Third Session, begun and held at Omaha City, January 5th, 1857, and transmitted to me by T. B. CUMING, Secretary of Nebraska Territory.

ROBERT W. FURNAS,
Public Printer for Nebraska Territory.

EXHIBIT C-27

for as President, and of all persons voted for as Vice-Presidents, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest number, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum, for that purpose, shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

When citizenship shall be forfeited.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

EXHIBIT

C-28

A. B. Co.

Laws, Joint Resolutions and Memorials

PASSED AT THE FIFTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF NEBRASKA,

BEGUN AND HELD AT OMAHA CITY, N. T.,

SEPTEMBER 21, A. D. 1859.

TOGETHER WITH

THE CONSTITUTION OF THE UNITED STATES

AND THE

ORGANIC LAW.

EXHIBIT C-29

—
PUBLISHED BY AUTHORITY.
—

THOMAS MORTON, of the "Nebraska City News," and
THEODÓRE H. ROBERTSON, of the "Omaha Nebraskian,"
PUBLIC PRINTERS FOR THE TERRITORY.

1859.

SECRETARY'S OFFICE,
Omaha City, Nebraska Territory, }
December 20th, 1858. }

I hereby certify that I have this day delivered to Thomas Morton, of the "Nebraska City News," and Theodore H. Robertson, of the "Omaha Nebraskian," Territorial Printers, true and correct copies of all the Laws, Joint Resolutions and Memorials, passed by the Legislative Assembly of Nebraska Territory at the session begun and held at Omaha city, N. T., September 21, A. D. 1858.

J. STERLING MORTON,
Secretary of Nebraska Territory.

We hereby certify that the following are true and correct copies of the Laws, Joint Resolutions and Memorials passed by the Legislative Assembly of Nebraska Territory, at the session begun and held at Omaha city, N. T., September 21, A. D. 1858, and delivered to us by J. Sterling Morton, Secretary of Nebraska Territory.

Omaha, N. T., December 20, 1858.

THOMAS MORTON,
THEODORE H. ROBERTSON,
Territorial Printers.

EXHIBIT C-30

ARTICLE XII.

Mode of elect-
ing president
and vice presi-
dent of the
United States.

1. The electors shall meet in their respective states and vote by ballot, for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the persons voted for as president, and in distinct ballots the person voted for as vice president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the president of the Senate; the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest number, not exceeding three, on the list of those voted for as president, the House of Representatives shall choose immediately, by ballot, the president. But, in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the vice president; a quorum, for that purpose, shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice president of the United States.

ARTICLE XIII.

When citizen-
ship shall be
forfeited.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

EXHIBIT C-31

210.00
141.67

68.43

Laws, Joint Resolutions and Memorials

PASSED AT THE SIXTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF NEBRASKA,

BEGUN AND HELD AT OMAHA CITY, N. T.,

DECEMBER 5, A. D. 1859.

TOGETHER WITH

THE CONSTITUTION OF THE UNITED STATES

AND THE

ORGANIC LAW.

PUBLISHED BY AUTHORITY.

THOMAS MORTON,
OF THE "NEBRASKA CITY NEWS,"
PRINTER.

1860.

EXHIBIT C-32

ARTICLE XII:

Mode of electing
president and
vice-president of
the United
States.

1. The electors shall meet in their respective states at
vote by ballot, for president and vice president, one
whom, at least, shall not be an inhabitant of the same
state with themselves; they shall name in their ballots the
persons voted for as president, and in distinct ballots the
person voted for as vice president; and they shall make
distinct lists of all persons voted for as president; and
all persons voted for as vice president, and of the number
of votes for each, which lists they shall sign and certify,
and transmit sealed to the seat of government of the
United States, directed to the president of the Senate; the
president of the Senate shall, in the presence of the Senate
and House of Representatives, open all the certificates, and
the votes shall then be counted; the person having the
greatest number of votes for president, shall be the pres-
ident, if such number be a majority of the whole number of
electors appointed; and if no person have such majority,
then from the persons having the highest number, not ex-
ceeding three, on the list of those voted for as president,
the House of Representatives shall choose immediately, by
ballot, the president. But, in choosing the president, the
votes shall be taken by states, the representation from
each state having one vote; a quorum for this purpose shall
consist of a member or members from two-thirds of the
states, and a majority of all the states shall be necessary to
choice. And if the House of Representatives shall not choose
a president, whenever the right of choice shall devolve upon
them before the fourth day of March next following, then
the vice president shall act as president, as in the case of
the death or other constitutional disability of the president.

2. The person having the greatest number of votes as
vice president, shall be the vice president, if such number
be a majority of the whole number of electors appointed,
and if no person have a majority, then from the two highest
numbers on the list, the Senate shall choose the vice presi-
dent; a quorum, for that purpose, shall consist of two-thirds
of the whole number of senators, and a majority of the
whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office
of president, shall be eligible to that of vice president of
the United States.

ARTICLE XIII.

When citizen-
ship shall be
forfeited.

If any citizen of the United States shall accept, claim,
receive, or retain any title of nobility or honor, or shall,
without the consent of Congress, accept and retain any
present, pension, office, or emolument of any kind whatever,
from any emperor, king, prince or foreign power, such per-
son shall cease to be a citizen of the United States, and
shall be incapable of holding any office of trust or profit
under them, or either of them.

EXHIBIT

C-33

Laws, Joint Resolutions and Memorials,

PASSED AT THE EIGHTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF NEBRASKA,

BEGUN AND HELD AT OMAHA CITY, N. T.,

DECEMBER 2, A. D., 1861,

TOGETHER WITH

THE CONSTITUTION OF THE UNITED STATES,

AND THE

ORGANIC LAW.

—————
PUBLISHED BY AUTHORITY.
—————

OMAHA CITY:
TAYLOR & McCLURE, PRINTERS,
1862.

EXHIBIT C-34

ment of the United States, directed to the president of the Senate; the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest number, not exceeding three, on the list of those voted for as president, the House of Representatives shall choose immediately, by ballot, the president. But, in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a president, whenever the right of choice shall devolve upon them before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the present.

2. The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the vice-president; a quorum, for that purpose, shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice-president of the United States.

ARTICLE XIII.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

When citizenship shall be forfeited.

EXHIBIT C-35

THE
GENERAL STATUTES

OF THE
STATE OF NEBRASKA,

COMPRISING ALL LAWS OF A GENERAL NATURE IN FORCE,
SEPTEMBER 1, 1873.

COMPILED FROM THE REVISED STATUTES OF 1866, AND THE VARIOUS SESSION LAWS
SINCE ENACTED, INCLUDING THE ACTS PASSED AT THE NINTH AND
TENTH SESSIONS OF THE LEGISLATURE OF 1873.

BY

GUY A. BROWN,

COMMISSIONER APPOINTED FOR THAT PURPOSE.

WITH HEAD NOTES, MARGINAL NOTES, AND GENERAL INDEX;

*INCLUDING ALSO, A LIST OF ACTS OF A GENERAL NATURE, PASSED IN 1873,
AND REFERENCES TO THE PAGES OF THIS VOLUME,
WHERE THEY MAY BE FOUND;*

TO WHICH ARE PREFIXED, THE DECLARATION OF INDEPENDENCE, THE ARTICLES OF CONFEDERATION, THE CONSTITUTION OF THE UNITED STATES, THE CONSTITUTION OF THE STATE OF NEBRASKA, THE TREATY IN RELATION TO THE LOUISIANA PURCHASE, THE ORGANIC ACT OF THE TERRITORY OF NEBRASKA, THE ENABLING ACT, AND PROCLAMATION OF THE PRESIDENT, ADMITTING NEBRASKA INTO THE UNION.

PUBLISHED BY AUTHORITY OF LAW.

LINCOLN:
JOURNAL COMPANY, STATE PRINTERS.
1873.

EXHIBIT C-36

Entered, according to Act of Congress, in the year 1873, by
GUY A. BROWN,
In trust for the State of Nebraska, in the office of the Librarian of Congress.

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distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest number, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But, in choosing the president, the vote shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

Mode of elect-
ing president
and vice-presi-
dent of the
United States.

2. The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-president; a quorum, for that purpose, shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice-president of the United States.

EXHIBIT C-39

ARTICLE XIII.

If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office or emolument, of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

If any citizen of
the U. S. shall
accept any
title, present,
etc., from any
foreign power,
etc.

3477

ACTS

OF

A GENERAL NATURE,

ENACTED, REVISED AND ORDERED TO BE REPRINTED,

AT THE FIRST SESSION

OF THE

TWENTY-NINTH GENERAL ASSEMBLY

OF THE

STATE OF OHIO.

VOL. XXIX.

PUBLISHED BY AUTHORITY.

COLUMBUS:

PRINTED BY OLMSTED & BAILHACHE,

1831.

UNIVERSITY OF MICHIGAN
SCHOLARSHIP DEPARTMENT
1915
ALBION, MICH.
MEXICO

EXHIBIT C-40

ber be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest number, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President: but in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed: and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of Senators; and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ARTICLE XIII.

If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

[Note. The 11th article of the amendments to the Constitution, was proposed at the second session of the third Congress: the 12th article, at the first session of the eighth Congress; and the 13th article, at the second session of the eleventh Congress.]

EXHIBIT

C-41

A

DIGEST

OF THE

Laws of Pennsylvania,

FROM THE YEAR

ONE THOUSAND SEVEN HUNDRED,

TO THE

THIRTIETH DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND TWENTY-FOUR.

WITH SOME

REFERENCES TO REPORTS OF JUDICIAL DECISIONS.

BY JOHN PURDON.

PHILADELPHIA:

PUBLISHED BY MCARTY & DAVIS, No. 171 MARKET STREET.

1824.

EXHIBIT C-42

EASTERN DISTRICT OF PENNSYLVANIA, TO WIT:

BE IT REMEMBERED, That on the fifth day of March, in the forty-ninth year of the Independence of the United States of America, A. D. 1825,

M'CARTY & DAVIS,
of the said district, have deposited in this office the title of a book, the right whereof they claim as proprietors, in the words following, to wit:

A Digest of the Laws of Pennsylvania, from the year one thousand seven hundred, to the thirtieth day of March, one thousand eight hundred and twenty-four. With some References to Reports of Judicial Decisions. By John Purdon.

In conformity to the act of the Congress of the United States, intituled, "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned."— And also to the act, entitled, "An Act supplementary to an act, entitled, 'An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned,' and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

D. CALDWELL,
Clerk of the Eastern District of Pennsylvania.

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 Constitution of Pennsylvania
 A list of Statute Words and Phrases

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C-44

(Amendments.)

electing the President and Vice-President.

and vote by ballot, for President and Vice-President ; one of whom at least shall not be an inhabitant of the same state with themselves ; they shall name in their ballots, the person voted for as President, and in distinct ballots, the person voted for as Vice-President ; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each ; which lists they shall sign and certify, and transmit sealed,* to the seat of the government of the United States, directed to the president of the Senate ; the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates,† and the votes shall then be counted ; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed. And if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President ; but in choosing the President, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice ; and if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed ; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President ; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States.

[The following article was proposed by Congress to the several states for their adoption as part of the constitution, and has been ratified by the state of Pennsylvania, and some of the other states, but had not, in March 1825, been ratified by the number of states required by the fifth article of the constitution, and is therefore as yet, no part of the constitution of the United States.]

Eleventh Congress. Second Session. November 27th, 1809.

Citizens not to receive titles or presents from foreign powers.

ART. XIII. If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honour, or shall, without the consent of Congress, accept and retain any pension, office or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them. [See Const. U. S. Art. 1. S. ix. §. 7.]

* Before the first Wednesday in January, by the same Act.

† On the second Wednesday in February, by the same Act.

EXHIBIT

C-45



THE
PUBLIC LAWS

OF THE

State of Rhode-Island

AND

PROVIDENCE PLANTATIONS,

AS REVISED BY A COMMITTEE, AND FINALLY ENACTED BY
THE HONORABLE GENERAL ASSEMBLY, AT THEIR
SESSION IN JANUARY, 1822.

To which are prefixed

THE CHARTER, DECLARATION OF INDEPENDENCE, ARTICLES OF
CONFEDERATION, CONSTITUTION OF THE UNITED
STATES, AND PRESIDENT WASHINGTON'S
ADDRESS OF SEPTEMBER, 1796.

PUBLISHED BY AUTHORITY.

Ignorantia legis neminem excusat.
IGNORANCE OF THE LAW IS NO EXCUSE FOR ITS VIOLATION.

PROVIDENCE :
PRINTED AND PUBLISHED BY MILLER & HUTCHENS.

EXHIBIT C-46

RHODE-ISLAND DISTRICT, &c.



BE it remembered, that on the seventh day of May, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-sixth year of the independence of the United States of America, MILLER & HUTCHENS, of said District, deposited in this office, a title of a book, the right whereof they claim as proprietors, in the words following, to wit :

“ The Public Laws of the State of Rhode-Island and Providence Plantations, as revised by a committee, and finally enacted by the honorable General Assembly, at their session in January, 1822. To which are prefixed the Charter, Declaration of Independence, Articles of Confederation, Constitution of the United States, and President Washington’s Address of September, 1796.”

In conformity to an act of Congress of the United States, entitled “ An act for the encouragement of learning, by securing the copies of maps, charts and books to the authors and proprietors of such copies during the time therein mentioned ;” and also to an act, entitled “ An act for the encouragement of learning, by securing the copies of maps, charts and books to the authors and proprietors of such copies during the time therein mentioned, and extending the benefit thereof to the art of designing, engraving and etching historical and other prints.”

Witness :

BENJAMIN COWELL,
Clerk of Rhode-Island District.

EXHIBIT

C-47

ARTICLE 13.

If any citizen of the United States shall accept, claim, receive or retain, any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

[*Note.*—The eleventh article of the amendments to the constitution was proposed at the second session of the third Congress ; the twelfth article, at the first session of the eighth Congress ; and the 13th article, at the second session of the eleventh Congress.]

PRESIDENT WASHINGTON'S ADDRESS

Of September, 1796.

TO THE PEOPLE OF THE UNITED STATES.

Friends and Fellow-Citizens,

The period for a new election of a citizen to administer the executive government of the United States, being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country ; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interests, no deficiency of grateful respect for your past kindness ; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been an uniform sacrifice of inclination to the opinion of duty, and to

EXHIBIT

C-48

THE COMPILED

LAWS OF WYOMING

INCLUDING ALL THE

Handwritten mark resembling a stylized 'P' or 'B' with a diagonal line through it.

LAWS IN FORCE IN SAID TERRITORY AT THE CLOSE OF
THE FOURTH SESSION OF THE LEGISLATIVE ASSEMBLY OF SAID
TERRITORY, TOGETHER WITH SUCH LAWS OF THE UNITED STATES
AS ARE APPLICABLE TO SAID TERRITORY; ALSO THE TREATIES MADE WITH
THE SIOUX AND SHOSHONE TRIBES OF INDIANS IN THE YEAR
1868; WITH A SYNOPSIS OF THE PRE-EMPTION, HOME-
STEAD AND MINING LAWS OF THE UNITED STATES.

EXHIBIT C-49

PUBLISHED BY AUTHORITY OF THE ACT OF THE FOURTH LEGISLATIVE ASSEMBLY OF
SAID TERRITORY, ENTITLED
"AN ACT TO COMPILE AND PUBLISH THE LAWS OF WYOMING IN ONE VOLUME."

J. R. WHITEHEAD, SUPERINTENDENT OF COMPILATION.

H. GLAFCKE:
LEADER STEAM BOOK AND JOB PRINT, CHEYENNE, WYOMING.

1876.

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EXHIBIT C-50

two highest numbers on the list, the senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ARTICLE XIII.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of congress, accept or retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

ARTICLE XIV.

1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XV.

1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

2. The congress shall have power to enforce this article by appropriate legislation.

EXHIBIT C-51

V. GOVERNMENT CLAIMS& RESPONSES
Regarding various aspects of the ratification
of the
Titles of Nobility Amendment

Following are claims made by government officials (from January 1991, through February 1995), with (Historically based) responses to their claims. Regardless of their absurdity, the responses from the government officials are what can be anticipated by those who assert the Titles of Nobility Amendment. If one did not know or really investigate this issue the government representatives have made what might appear to be convincing arguments. Their arguments fall into ten general categories, which will be described below.

The following is a list of people, with their respective titles, who appear to be involved in the continuing cover-up of the ratification of the Titles of Nobility Amendment.

Herman V. Ames, PhD -- in 1897, authored "The Proposed Amendments to the Constitution."

Senator George Mitchell -- Former US Senate Majority Leader.

Milton Gustafson - Chief, Civil Reference Branch, National Archives.

Michael J. Kurtz -- Acting Assistant Archivist, National Archives.

Jack Maskell -- Legislative Attorney, Library of Congress.

Christopher M. Runkel - Acting General Counsel, National Archives.

Carol Shubinski -- Law Fellow for US Senator Paul Simon.

Some other players are:

Russ Christensen - A person that Senator Mitchell wrote to about Article XIII, even though Russ had never inquired about anything to Senator Mitchell, much less Article XIII.

Lamar Smith - Member of Congress, 21st District of Texas, - Initially favorable to the truth.

I. NOT RATIFIED TIMELY

In a letter dated February 13, 1991, from Senator Mitchell to David Dodge (D-13), we find the following allegations regarding why the Titles of Nobility Amendment could not have been ratified;

"Article XIII did not receive the three-fourths vote required from the states within the time limit to be ratified"

There are no provisions in Article V, of the United States Constitution, which establish time limits on amendments, therefore, Congress has no authority to establish-any, unless it is a part of the amendment, as proposed. Time limits for ratifying amendments were first implemented in the early 1900's. There were no limits on the early amendments, which is confirmed by the alleged ratification of the 27th Amendment over two hundred years after it was first introduced.

This argument is the most meager of all, and appears to be a first effort to discourage continued investigation of the matter. As you will see, stop-gap measures are added as the investigation continues. Interestingly, as you follow this narrative, you might wonder why there was no "written record" from the past that could be easily referred to.

H. AN INSUFFICIENT NUMBER OF STATES RATIFIED THE AMENDMENT

In various letters Senator Mitchell I, Milton Gustafson, Michael Kurtz, Jack Maskell, Christopher M. Runkel and Carol Shubinski, all claimed that not a sufficient number of states had ratified by 1812, and that, since 21 states had joined the union by 1819, it would require 16 states to ratify the Thirteenth Amendment on the date it was actually ratified.

In George Mitchell's letter of March 20, 1991 (D-14), he makes the argument that it doesn't matter if Virginia ratified the Amendment.

"However, regardless of whether the State of Virginia did ratify the proposed Thirteenth Amendment to the Constitution on March 12, 1819, this approval would not have been sufficient to amend the Constitution. In 1819, there were 21 states in the United States and any amendment would have required approval of] 6 to amend the Constitution. According to your own research, Virginia would have been only the thirteenth state to approve the proposed Amendment.

Later, in his January 3, 1992 letter (D-15), Mitchell backs off a bit when he alludes to a Supreme Court solution. He is correct in asserting that there is no Court ruling on the matter when he says:

... even if Virginia had agreed to the Amendment in 1819, it is unclear if this would have been sufficient to adopt the Amendment as several States had entered the United States between the years of 1810, when it was introduced in the Senate, and 1819. This would raise Constitutional issues on which I am unaware of any Supreme Court rulings.

In Milton Gustafson's Reference Report (undated) (D-18), we find similar attempts to establish the method of counting ratification votes.

"Thus, in 1812, when there were 18 states, only 12 ratified the proposed Amendment (14 states were needed). In 1818, when there were 21 states, there were only 12 ratifications, but 16 were needed for the A Amendment to become part of the Constitution.

In that same Reference Report (D-18), Gustafson acknowledges that he is not sure of what the circumstances really were. This is indicative of the lack of written record, which leads us to believe that the government's arguments are merely speculative, and defensive.

"I do not know if those four states [Louisiana, Indiana, Mississippi, and Illinois] were positively excluded from the process of ratifying the titles of nobility amendment, if they were excluded by inadvertence, or if they were included

In Jack Maskell's report of March 21, 1994, to Steven Schiff (D-21), we hear the same argument presented, again lacking any substantial proof

"However, even if the Commonwealth of Virginia had ratified the proposal in 1819, as claimed by some, such ratification would have made only the thirteenth state to ratify the provision by

that year. In 1819, there were 21 States in the Union, and the requisite number of states to ratify the proposal by the required 3/4ths of the States would have been 16 States.

Christopher Runkel, in his letter of May 17, 1994 (D-23), reflects that there were twelve ratifications of the Amendment. Conspicuously, no evidence is offered of the count required.

"Records in the National Archives indicate that, between December, 1810, and December, 1812, 12 states officially notified the executive branch that they had ratified the proposed amendment..."

Carol Shubinski, in a letter dated March 7, 1995 (D-24), follows the same logic, even though, in the early 1800's, this principle of counting all states that were members of the Union had never been established.

"By 1812, twelve states had ratified the amendment. However, in order to become part of the Constitution, thirteen states would have had to ratify it because 18 states had joined the Union by 1812. No state has ratified the amendment sine 1812.

This Amendment was sent out for ratification in 1810. At that time, there were 17 states that were a part of the Union, which means 13 states were needed for ratification. In addition, at that time, there were also territories. In 1810, as today, these territories had representation in the US House and Senate, but they were not allowed to vote on anything. As indicated in the Exhibits (A-1 – A-10) there is absolutely no doubt that only the original 17 states were involved in the entire ratification process of the Titles of Nobility Amendment. In those Exhibits, the additional states which joined the Union from 1812 to 1819 were totally ignored (Louisiana, Indiana, Mississippi, and Illinois). At no time did the President of the United States, the Secretary of State, or the Congress, invite the four new states to join in the process of ratification, nor did they include these additional states on the inquiry list. There is no record of any of the four new states governors or legislators complaining, or objecting, nor did their representatives in the US House or Senate. Silence is acquiescence!

After the comprehensive list (D-5) of February 4, 1818 was given to the House of Representatives, it was clear that if South Carolina or Virginia ratified, this Amendment would have been adopted. The letter from President Monroe to the House of Representatives (D-6), on February 27, 1818, makes it clear that South Carolina had voted not to ratify. As a result of this letter, Virginia clearly knew, at this point, that she was the last to vote on the ratification of this Amendment. If representatives of Virginia voted against, it would fail. If they voted to ratify, this Amendment would become part of the United States Constitution. Virginia acted, by means of common law (Virginia's acknowledgment by publication affirmed their position on the matter). The Virginia Legislature had the "Titles of Nobility Amendment" published as a ratified amendment in the Codes of Virginia. Virginia's Legislature had copies sent to President Monroe, James Madison, and Thomas Jefferson, and gave instructions that 4,000 more copies be printed for use in schools, courts, &c. (See Exhibits B-1 – B-9)

Research into whether or not the states that entered the Union subsequent to 1812 and prior to 1919, indicates that their respective state houses NEVER received any inquiry asking whether they had ratified, or not, There is no record that Congress, any Secretary of State, or President, from 1812 thru 1819, ever attempted to inform, inquire or otherwise submit to any

of the new states any pretense of their involvement in the ratification process. Further, there is no record of ever having the matter before the legislatures themselves, though each one of them did "publish" the Titles of Nobility Amendment as a ratified amendment to the Constitution, after Virginia did.

There is no "written record" of the method for determining which states would be included in the ratification process, "three fourths of the several States" (Article V, Constitution), when an amendment is proposed or "three fourths of the several States" when an amendment is ratified? The answer is best illustrated by the fact that those familiar with the original Constitution chose only to inform and query those states which were members of the Union at the time the Titles of Nobility Amendment was submitted for ratification (1810, 17 states).

III. PREVIOUS PRINTINGS OF TITLES OF NOBILITY AMENDMENT WERE PRINTED IN ERROR

In communications from Mitchell and Kurtz, the arguments were that all of the copies of the United States Constitution by the States and/or Territories which included Amendment Thirteen were printed in error. They allege that only a few were published. They also claim that there was some confusion over South Carolina.

George Mitchell, in his letter of February 13, 1991 (D-13), attempts to excuse the "errors" of the past.

"All editions of the Maine Constitution printed after 1820 exclude the proposed amendment; only the originals contain this error.

He refers to "mistakes" in that same letter:

"When the Thirteenth Amendment was originally printed in 1820, the year Maine and Massachusetts separated, the Maine legislature mistakenly printed the proposed Amendment in the Maine Constitution as having been adopted

To date, we cannot find the 1820 Maine publication showing Article XIII as a ratified Amendment! We have found Maine legislative publications showing Article XIII as a ratified Amendment in 1825 and 183 1. So much for exclusion after 1820! (See D-25)

Later, in Mitchell's letter of January 3, 1992 (D-15), he suggests "confusion" over the matter.

"Some editions of the Constitution were printed as though the Amendment had been ratified because there was apparently some confusion over which states had agreed to this Amendment. An official inquiry into the matter showed that although the South Carolina Senate had passed the Amendment, the South Carolina House had not-concurred with the Senate.

Michael Kurtz, in his letter (D-20) of March 3, 1994, explains away the past as "error".

"The inclusion of this proposed Amendment in some publications issued by some states apparently was done in error.

In Maskell's report of March 21, 1994 (D-22), we also see how casually the competence of those former statesmen is denigrated.

"The printing of various copies or editions of the United States Constitution in the early 1800's with the proposed 'Thirteenth Amendment' included in the publications was a common error in that era.

Some editions? Twenty-five States and/or Territories, with 77 different official publications of this amendment, as ratified, is some? (See D-25) Also, there are no documents to support the idea that there was confusion over South Carolina. Quite the contrary. As you can see from Exhibits A-1 – A-10, there was absolutely no confusion!

Going back to Mitchell's letter of January 3, 1992 (D-15), we find him excusing Virginia (who should, more than anybody, know what they were doing), assuring us that they had made a "mistake".

"There is no definitive evidence that Virginia ever ratified this Amendment. Although the Virginia Howe Journal includes a copy of the Constitution with the Proposed 13th Amendment printed as though it had been adopted, this was a Common mistake at the time arising from the confusion over the number of states which had ratified the Amendment.

In 1812, Virginia passed the Titles of Nobility Amendment in the House of Delegates. It was then sent to the Senate, read twice, and tabled. After an inquiry from James Monroe, a Virginian, and Secretary of State, the Virginia Senate held a special session in 1813/1814. Virginia's House and Senate records have been located, with the exception of the Journal for 1799 and the Special Session of 1813/1814. Virginia did not publish the amendment in their House Journal, however they did publish this as a ratified amendment in their republication of the Codes of Virginia in 1819. (D-9) As for it being a "common mistake", at the time, only one state, Pennsylvania, published it before 1819! (See D-25)

IV. HISTORICAL PROOF?

Senator Mitchell and Jack Maskell both rely upon the "Proposed Amendments to the Constitution of the United States During the First Century of its History", by Herman V. Ames, a man who was alleged to "give a concise history of the issue."

Mitchell, in his letter of January 3, 1992 (D-15), finds an ally from the past, Herman Ames.

"I have enclosed several pages from The Proposed Amendment to the Constitution of the United States During the First Century of its History by Herman Ames which were provided by the Congressional Research Service and give a concise history of the issue.

Maskell, in his report (D-22) confirms this proof from the past by reference to a "comprehensive study" performed by Ames.

"As explained by historian Herman V. Ames in his comprehensive -study of proposed amendments, this confusion 'led to a resolution of inquiry, as a result of which it was discovered that the House of Representatives of South Carolina had not confirmed the action of the Senate, and so the amendment had not been adopted'

Maskell (D-22) continues to use this "historian" to substantiate the government's feeble arguments.

"Ames explained that some of the general public, however, 'continued to think that this amendment had been adopted, and this misconception was perpetuated for over a third of a century in editions of the Constitution and school histories. |

Herman V. Ames had the task of explaining 1370 proposed Amendments to the United States Constitution, one of which was the "Titles of Nobility" Amendment. Ames spent all of five short paragraphs on the "concise history" of this Amendment. Why is it that in this "concise history" he mentions confusion over South Carolina, when there obviously was not any? He neglects to mention that 25 States and/or Territories had officially published this amendment as a ratified amendment some 77 times over a period of 57 years (that we have located to date). And, finally, Ames says that there was no information regarding Virginia. As is clear, there was quite a bit known about Virginia's actions, for example, as the House vote, in 1812, read twice in the Senate, then tabled. After it was known, with precision, that Virginia was the deciding vote (February 27, 1818, D-6), the legislators of Virginia convened (December 17, 1818, D-8) and agreed to do an omnibus bill which would include the re-publication of Virginia's Codes, including the United States Constitution and the amendments thereto, including Article XIII, the Titles of Nobility Amendment. Are Ames' efforts credible considering these significant omissions? Ironically, Ames agrees, *in part*, with our position, and states in his report, after 1812, "[t]he Amendment lacked only the vote of one state of being adopted." Curiously, these government representatives don't talk about that part of the report. (D-12)

V. LACK OF INFORMATION

Milton Gustafson alleges that there is a lack of files relating to the Titles of Nobility Amendment. Gustafson's undated Reference Report (D-18) demonstrates the problem with substantiating the ratification of the Amendment, or, more precisely, the inability to prove that it was not ratified.

"I can only report what we find in the files relating to that amendment, and the records in those files do not address the question.

Gustafson (as do the others) seems to have a hard time looking at the documentation contained in the National Archives where he works. The "unratified amendment" box for Article XIII, in the National Archives, and the microfilms of the domestic correspondence of the Secretary of State, are kept in separate locations. The "written record" clearly supports the ratification, as opposed to non-ratification, of the Titles of Nobility Amendment. When put together, they paint a complete picture, yet the National Archives chooses to ignore this information. (See Exhibits A-1 – A-10)

VI. "EQUAL FOOTING DOCTRINE"

Jack Maskell argues that the "equal footing doctrine" (full and equal privileges) was recognized, as currently perceived by the government, since the founding of our Nation. He concludes that each state entering the Union would be included in the ratification process.

In Maskell's report of March 21, 1994 (D-22), he lays the foundation for this insupportable claim.

"As each State is entered into the Union, it is admitted on an 'equal footing' with all other States. The 'equal footing doctrine' is one which has been known and recognized in government and constitutional practice theory since the founding of our Nation. As each state is entered in the Union with full and equal privileges concerning the laws of the United States, which would include full consideration and participation in the ratification process.

If one looked into the history of "Equal Footing" doctrine, one would find that, from the very beginning it was not applied equally. The "Equal Footing" doctrine came from the Northwest Ordinance, adopted in July, 1787, and the United States Constitution, adopted in September, 1787. There were several requirements that the territories had to satisfy prior to "admission" as a state. Among those were: 1) a certain population figure had to be achieved, 2) the territory had to convene a constitutional convention; 3) the people of the territory had to adopt a constitution that guaranteed a republican form of government; 4) the United States Congress had to approve the proposed state's constitution; 5) the territory had to accept the United States Constitution, including amendments, at the time of admission. After these requirements were met, the territory was accepted, on an "Equal Footing", along with the rest of the States. There were, however, obvious exceptions. Of the 13 original colonies, two, Connecticut and Rhode Island, continued under British Charters until 1818 (Connecticut) and 1842 (Rhode Island). At the same time, both of these colonies had full voting rights in the US Congress, and were invited, from the beginning, to vote on all amendments to the United States Constitution, etc.

After adopting a Constitution and satisfying all other conditions of the Northwest Ordinance, Connecticut, in 1821, published their first Laws, Codes, and Statutes. This publication included Connecticut's new Constitution and the United States Constitution, which, lo and behold, contained Article XIII as a ratified Amendment. The four territories that became states between 1812 and 1819 also published Article XIII as a ratified Amendment, several times, after Virginia ratified this Amendment. As you can see, it was a farce to come up with "Equal Footing" to include new states in the ratification process, when it had begun before they became states. Common sense would dictate that once the process was begun in the United States Senate, and a territory had no voting rights, for or against a proposed amendment, they could be manipulated into voting the way the majority of Congress wanted. A territory's entrance into the Union as a state could be made contingent upon the way they voted.

VII. EX POST FACTO

Jack Maskell and Christopher M. Runkel both attempt to further the validity of the "equal footing" doctrine by citing another amendment, concerning pay raises for Congress, as an example.

Maskell, in his March 21, 1994 report (D-22) establishes his claim as follows:

"The most recent practical application and example of this doctrine in the area of constitutional amendments has been the recent ratification of the so-called 'Madison Amendment' concerning congressional pay, the 27th Amendment. That Amendment was proposed by the Congress and sent to the States on September 25, 1789. Six of the then 14 States

had approved the amendment by 1791. The 27th Amendment was not formally ratified and accepted, however, until the 38th State (Michigan, on May 7, 1992) approved the amendment. Since the number of States had increased to 50 before the requisite approval of 3/4ths of the existing States had been received, the required number of States approving became 38.

Chris Runkel, in his letter dated May 17, 1994 (D-23) attempts to supplant the Supreme Court's authority for interpretation of the Constitution, and replace it with that of the OLC (Office of Legal Counsel), a Department of Justice function.

"Additional support for this conclusion is provided by a 1992 opinion of the Department of Justice's Office of Legal Counsel (OLC). The OLC expressly concluded that 38 states would have to ratify what was popularly known as the 'Congressional Pay Amendment' before it became a part of the Constitution 16 Op. O.L.C. 100, 101 (1992) (preliminary print). The OLC also concluded that, once the Archivist received 'formal instruments of ratification' from 38 States, the Archivist would be required to certify that the Congressional Pay Amendment had 'become valid, to all intents and purposes, as a part of the Constitution.' Id at 101.

Runkel (D-23) now explains how OLC received this authority.

"The OLC's opinion is significant because the OLC is authorized by Congress to resolve questions of law that affect executive branch operations. See 28 U.S.C. 511 (1988). The OLC's 1992 opinion is directly on point with the question of how many states would have to ratify the Titles of Nobility amendment before the Acting Archivist could certify under I U.S. C S 106b that the amendment had become valid to all Intents and purposes, as a part of the Constitution.

Runkel (D-23) now tells us that what OLC has determined to be true constitutes rules that should have been abided with by those who wrote the Constitution.

"Only 11 States had adopted the Constitution when Congress submitted the Congressional Pay Amendment to the States in 1789 for ratification. Therefore, like the Titles of Nobility amendment, the Congressional Pay Amendment was submitted by Congress for ratification at a time when the 'several States' numbered fewer than 50. The OLC did not conclude, however, that the Archivist should have certified that the Congressional Pay Amendment had become part of the Constitution once NARA [National Archives and Records Administration] had received official notice of ratification from 9 of those 11 States. Rather, the OLC concluded that the Archivist's authority to certify the Congressional Pay Amendment depended upon NARA's receipt of official notice of ratification from 38 States.

The 27th Amendment was proposed in 1787 and was allegedly adopted in 1992; the Titles of Nobility Amendment was proposed in 1810, and adopted in 1819. There is no concise history detailing what happened with the 27th, as there is with the Titles of Nobility. The Titles of Nobility Amendment was recognized as an actual amendment to the United States Constitution for a period of over 56 years, with a massive circulation of official publications indicating that it was ratified.

The Constitution, Article 1, Section 9, clause 3, prohibits "ex post facto Law". How, then, can an agency established in 1988, possibly mandate what the law was in 1819?

VIII. TRIVIALITY OF THE AMENDMENT

In statements from Jack Maskell and Carol Shubinski, the argument regarding the intent of the Titles of Nobility Amendment was in question. Or, is this an attempt to reduce the significance of the Amendment, since their contentions of non-ratification are so weak?

Maskell tells us, in his report of March 21, 1994 (D-22), that:

"Finally, the belief that the language of the proposed 'Titles of Nobility' Amendment would in some way prohibit, bar or eliminate attorneys, judges, corporations, or chartered national or state banks, and would rectify injustice concerning 'political prisoners' in our penal system, appears to require an interpretation of constitutional language which is unprecedented and unsupported in case law or direct legislative history.

Carol Shubinski, in a letter dated March 7, 1995 (D-24) assures us of our intelligence, and then tells us what she wants us to believe the Titles of Nobility Amendment is all about.

"As you know, the amendment would revoke the citizenship of anyone who accepted a title of nobility or a gift from a foreign state, or who married a person of royal blood without the consent of Congress."

Although Maskell and Shubinski take opposite approaches to the argument of what is meant by the Titles of Nobility Amendment, they are both mistaken. We do know that the Founders felt so strongly on the matter that they prohibited the Congress and the States from granting any Titles of Nobility in both the Articles of Confederation and the subsequent Constitution of the United States of America.

There appears to be much more than just a concern over whom one married, or whether George Bush would be knighted by the Queen, when this Amendment was ratified. In 1819 we were just recently out of the War of 1812. Thousands had lost their lives, and a degree of confusion, and relief reigned after the war. The stimuli for the war may have been the same stimuli for the Amendment, itself. We can understand the concern of Madison, and the House of Representatives when they finally declared war against Great Britain. Frost's Pictorial History of the United States of America (D-1) gives us a far better understanding of the concerns of our Founders than Jack Maskell or Carol Shubinski ever could. The fifth reason for declaration of war accuses Great Britain of *"Employing secret agents within the United States, with a view to subvert our government, and dismember our union.*

Considering that "secret agents" would not enter the United States wearing "titles" such as "prince", or "duke", it might be significant to understand that by 1812, there was grave concern over the threat of subversive destruction of the concepts of the Founders. So much so, that a Declaration of War was necessary to attempt to prevent this incursion.

Is it possible that the evils of federalism had begun to fester as a sore in the side of the "Great Experiment" that early in our history? Is it possible that those "agents" were not all purged during, and after the War of 1812? Is it possible that those agents waited two generations, until after 1849, to work their evils and "erase" the very Amendment that was ratified to remove them from this country, and their threat thereto? Is it possible that the cancer still exists in this country, today, and that some of those named above are guilty of violation of the very amendment they now attempt to keep in that grave long ago created for it? Is it possible

that if we were to resurrect the Titles of Nobility Amendment, we would have begun the process of eradication of a cancer that has eaten at the very heart and soul of this country for two hundred years, and restore us to the prosperity that was originally intended by the Founding Fathers?

IX AUTHORITY FOR RATIFICATION

Christopher Runkel argues, in his letter of May 17, 1994 (D-23),

"The 'provisions of the Constitution' to which S 106b refers are those found In Article V, which states that:

'The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses In the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal suffrage In the Senate.'

"...when ratified by the legislatures of three *fourths* of the thereof [several States]...." It does not say three fourths when an amendment was proposed or three fourths when ratified. (See Exhibits A-1 – A-10)

Runkel (D-23) continues:

"At most, 13 States have officially notified NARA of their ratification of the Titles of Nobility amendment."

After 5 1/2 months of work, the opinion from the National Archives, and the Acting National Archivist reviewing this opinion, said, *"At most, 13 states have officially notified NARA of their ratification of the Titles of Nobility Amendment"*? From the very beginning of this issue, all of the government agencies contacted, including the National Archives, would state, "12 states", only. We are submitting an F.O.I.A. request to the National Archives to obtain a copy of all 13 ratifications.

While we observe the desperate acts of the current government attorneys in their attempt to argue that "mistakes" were made by those that lived during the period of ratification of the Titles of Nobility Amendment, and that the attorneys of today know what really happened, even though they have been unable to provide any proof of their claims. We should recognize two other factors as significant, in terms of what was intended then, and whether these people (the attorneys) have any say in the matter.

Prior to the War of Independence, there were bar attorneys (graduates of the "Inner Temple") practicing law in some of the colonies. Some colonies had already removed this threat by outlawing attorneys who were bar members. The bar was unable to reestablish itself until

AFTER the Civil War, as the ABA. At which time they continued the cover up of the Titles of Nobility Amendment.

In Runkel's letter (D-23) of May 17, 1994, he cites Dillon v. Gloss (256 U.S. 368, 376-77), where the Supreme Court tells us what authority the Secretary of State and the National Archives have in the matter. The case states that *"the...amendment became effective when the necessary number of States had ratified it, not when the Secretary of State issued a certificate... we conclude that the extent of the Acting Archivist's authority with respect to amendments ... is 'ministerial' in nature."* If this is true, then the States, and only the States, can acknowledge ratification of the Titles of Nobility Amendment. As is clearly demonstrated by the evidence included with this information, the States had no doubt in their minds when they published the Titles of Nobility Amendment as ratified and a part of the Constitution of the United States of America.

X. COVER-UP

What happened, then, to the Titles of Nobility Amendment? With the voluminous amounts of written evidence of ratification and acceptance of the Amendment in the period from 1819, to beyond the middle of that century, it is difficult to understand how the Amendment could just be disposed of. Surely, if there were error in the acceptance thereof, there would be a record of the "order" confirming the errors. Even an "order" of this nature would probably have been sufficient to provide a neat "paper trail" for the extinction of the Amendment, considering the apparent attitude of many who did not like the idea of the Titles of Nobility Amendment. Conspicuously, there was no one then willing to stand and take responsibility for generating such an order. It is far easier, if deceit is an objective, to allude to a document prepared many years before, and whose author can no longer defend, or deny, the veracity of what is said. The only reference that we are able to find was not provided by the government representatives, as they have produced nothing to prove their allegations.

We, however, have sought to be as thorough and fair as possible, in our investigation. The only documents that we were able to find which could be used to "explain away" the Titles of Nobility Amendment were notations in law books, which offer a rather flimsy explanation. Though there are many, we are including only one, from Illinois. Further, our investigation has been unable to find any correspondence, letter, order, enactment or Circular directing the inclusion of this notation. In the published "Revised Statutes of Illinois", the Titles of Nobility Amendment shown as ARTICLE XIII in 1823, 1827, 1833 and 1839. Then, in the same publication, in 1845, we find the Amendment missing, and a note included, which reads:

[Note--In former editions of the laws of Illinois, there is an amendment printed as article thirteen, prohibiting citizens from accepting titles of nobility, &c., from foreign governments. But by a message of the President of the United States of February 4, 1818, in answer to a resolution of the House of Representatives, it appears that this amendment had been ratified by only twelve States, and therefore had not been adopted See vol. 4, of the printed papers of the first session of the 15th Congress, No. 76. 1 (D-11)

Titles of Nobility Amendment

Interestingly, the letter (D-5) referred to is the letter that prompted Virginia to act on the matter. The period between the beginning of the War of 1812 and the letter (D-5) of February 4, 1818 was surely one of confusion. The Congressional building had been burned by the British during the war, and important records were lost. When Virginia's Representatives and Senators were notified by the February 4, 1818 letter (D-5), she responded by acknowledging ratification of the amendment.

All publications of the Titles of Nobility Amendment were subsequent to the letter, which makes this argument rather weak, and conspicuous. Further, we have been unable to locate any documents sent to any state which requests, removal of, or denies existence of, the Titles of Nobility Amendment. The wording, however, of all of the notations we have found is too similar to be coincidental. The government has also been unable to provide any document that would justify what appears to be a covert action by various individuals in state government to "annul" the Titles of Nobility Amendment. It took nearly two generations for this "error" to be brought forward. During that time, most of those with knowledge of the problem had passed on. Could it be that this action could never have been taken in their presence?

Titles of Nobility Amendment

VI. Identification of Discussion Documents, attached as D-#

1*	Pictorial History of the United States of America, John Frost (1844)		War of 1812
2	James Monroe, Secretary of State	Circular to the Governors	Mar 23, 1813
3	House of Representatives	President	Dec 31, 1817
4*	J. Q. Adams, Secretary of State	Virginia, S. Carolina & Conn.	Jan 7, 1818
5 *	Pres. James Monroe	House of Representatives	Feb 4, 1818
6*	Pres. James Monroe	House of Representatives	Feb 27, 1818
7	J. Q. Adams, Sec. of State	Charles Buck	Mar 21, 1818
8*	Virginia General Assembly		1818
9*	The Revised Code of the Laws of Virginia		1819
10	Justice Of The Peace, Henry Potter,		1828
11*	Revised Statutes Of The Laws of the State of Illinois		1845
12*	Herman V. Ames, PhD	The Proposed Amendments To The Constitution Of The United States During The First Century Of Its History	1897
13*	George Mitchell	David Dodge	Feb 13, 1991
14*	George Mitchell	David Dodge	Mar 20, 1991
15*	George Mitchell	Russ Christensen	Jan 3, 1992
16	George Mitchell	David Dodge	Feb 14, 1992
17	David Dodge	George Mitchell	Mar 3, 1992
18*	Milton O. Gustafson	Reference Report	undated
19	Lamar Smith	Dr. Trudy Peterson	Feb. 16, 1994
20*	Michael I. Kurtz	Lamar Smith	Mar 3, 1994
21	Steven Schiff	Brian Much	Apr 6, 1994
22*	lack Maskell	report to Steven Schiff	Mar. 21, 1994
23*	Christopher Runkel	Opinion on Titles of Nobility	May 17,1994
24*	Carol Shubinski	Brian March	Mar 7, 1995
25*	List of states/territories and record of acceptance		Mar. 15, 1995
26	Definitions		
27	Affidavit by Brian H. Much		April 29, 1995

* indicates documents referenced in the "Government Claims & Responses" portion.

THE
PICTORIAL HISTORY
OF
THE UNITED STATES
OF AMERICA,
FROM THE
DISCOVERY BY THE NORTHMEN
IN THE
TENTH CENTURY
TO
THE PRESENT TIME.

BY JOHN FROST, LL.D.

PROFESSOR OF BELLES LETTRES IN THE CENTRAL HIGH SCHOOL OF PHILADELPHIA.

EMBELLISHED WITH
THREE HUNDRED AND FIFTY ENGRAVINGS FROM ORIGINAL DRAWINGS, BY W. CROOME.

IN FOUR VOLUMES.

VOL. IV.

PHILADELPHIA:
PUBLISHED BY BENJAMIN WALKER,

No. 20, SOUTH FOURTH STREET.

1844.

EXHIBIT D-1

all hope of reparation was cut off, and the President sent a message to Congress, in which he set forth a series of acts of Great Britain, hostile to the United States, as an independent and neutral nation. After enumerating many aggressions on the part of that nation, he proceeded: "Our moderation and conciliation have had no other effect than to encourage perseverance, and to enlarge pretensions. We behold our sea-faring citizens still the daily victims of lawless violence, committed on the great common and highway of nations, even within sight of the country which owes them protection. We behold our vessels, freighted with the products of our soil and industry, or returning with the honest proceeds of them, wrested from their lawful destinations, confiscated by prize-courts, no longer the organs of public law, but the instruments of arbitrary edicts; and their unfortunate crews dispersed and lost, or forced or inveigled, in British ports, into British fleets: whilst arguments are employed in support of these aggressions, which have no foundation but in a principle supporting equally a claim to regulate our external commerce in all cases whatsoever.

"We behold, in fine, on the side of Great Britain, a state of war against the United States; and on the side of the United States, a state of peace towards Great Britain.

"Whether the United States shall continue passive under these progressive usurpations, and these accumulating wrongs; or, opposing force to force, in defence of their natural rights, shall commit a just cause into the hands of the Almighty Disposer of events, avoiding all connections which might entangle it in the contests or views of other powers, and preserving a constant readiness to concur in an honourable re-establishment of peace and friendship, is a solemn question, which the constitution wisely confides to the legislative department of the government. In recommending it to their early deliberations, I am happy in the assurance that the decision will be worthy the enlightened and patriotic councils of a virtuous, a free, and a powerful nation."

This message was referred in the House of Representatives,

to the committee on foreign relations. After a serious consideration of its contents, they reported a bill declaring war between the United Kingdoms of Great Britain and Ireland, and their dependencies, and the United States of America, and their territories, accompanied by a report, setting forth the causes that impelled to war, of which the following is a summary. For,

Firstly. Impressment of American citizens, while sailing on the seas, the highway of nations, dragging them on board their ships of war, and forcing them to serve against nations in amity with the United States; and even to participate in aggressions on the rights of their fellow-citizens when met on the high seas.

Secondly. Violating the rights and peace of our coasts and harbours, harassing our departing commerce, and wantonly spilling American blood, within our territorial jurisdiction.

Thirdly. Plundering our commerce on every sea; under pretended blockades, not of harbours, ports, or places invested by adequate force; but of extended coasts, without the application of fleets to render them legal: and enforcing them from the date of their proclamation, thereby giving them virtually retrospective effect.

Fourthly. Committing numberless spoliations on our ships and commerce, under her orders in council, of various dates.

Fifthly. Employing secret agents within the United States, with a view to subvert our government, and dismember our union.

Sixthly. Encouraging the Indian tribes to make war on the people of the United States.

The bill reported by the committee of foreign relations, passed the House of Representatives, on the 4th of June, by a majority of thirty, in one hundred and twenty-eight votes, and was transmitted to the Senate for its concurrence. In the Senate it was passed by a majority of six, in thirty-two votes. On the 18th of June, it received the approbation of the President, and on the next day was publicly announced. By this act the President was authorized to "apply the whole

Sir

From the great delay in publishing, in the pamphlet form, the laws of the session preceding the last, much inconvenience and some injury to the public mind have been experienced; and the resolution of the senate instructing their printers to publish the laws for the use of the senate, as they pass, we consider as expressive in a strong degree of their sense of the delay. I am afraid of a repetition of the delay with respect to the laws of the last session, having as yet observed the examination of but a very small portion of them. Can you give me an assurance when they will be completed? If you have any doubt of your own ability to finish them by the meeting of congress it will be highly necessary to call to your aid a sufficient force for the purpose.

Circular to the governors

23^d of march 1813

EXHIBIT D-2

Sir

Some time since there was transmitted from this department to the executives of the several states, to be submitted to the legislatures thereof, a resolution of congress proposing an amendment to the constitution of the U. S. which had for its object the prevention of any citizen accepting any title of nobility, pension or office from any foreign prince or power. As the decisions on this resolution of the legislatures of some of the states, and among them that of Virginia has not been received, I have to request your excellency to furnish me with an authenticated copy of the same, with a view to ascertain the fate of the proposition in question.

= James Monroe.

Mr Dallas

24th of march 1813.

Sir

It is considered fair and proper that the government should give the security required by law on the appeal in the case of the *Arriadre*. I have in consequence now the honor to request that you will cause it to be given in such manner as may be most convenient.

Arthur St. Clair

Wm. H. Hunt

In the House of Representatives
of the United States

December 31st 1817

Resolved, That the President of the
United States be requested to cause to be
laid before the House of Representatives,
information of the number of states, which
have ratified the thirteenth article of
the amendments to the constitution of
the United States, proposed at the
second session of the eleventh Congress.

Attest,

Wm. Daugherty CRR

EXHIBIT D-3

5 January 1818

Sir, I have the honor to inform you, by direction of the Secretary, that the "American" at Baltimore will be employed for publishing the laws of the present session of Congress.

- D. B.

Messrs Lacock & Roberts, of the U.S. Senate.

5 Jan'y.

D. B. presents his compliments to Messrs Lacock & Roberts and has the honor by direction of the Secretary to ask them if there be a news paper printed at Harrisburg the seat of Government in Pennsylvania, which they would recommend to publish the acts of the 15th Congress, as a substitute for one of the papers in Phila. which was employed to publish the laws of the 14th Congress.

John C. Spencer. House of Rep.

5 Jan'y.

Sir, I have the honor to furnish you with the enclosed copy of a letter from Mr. Pleasonton, the 5th Auditor of the Treasury, to whom the one from you to this Dept. of the 31st of Dec. was referred, containing the information which ask for Mr. Bates, one of your constituents.

EXHIBIT D-4

= J. J. A.

(Circular.)

Governors of Virginia So. Carolina & Connecticut.
Sas. P. Austin Andrew Pickens Oliver Wolcott.

7 Jan'y.

Sir, The House of Representatives of the U.S. having passed a Resolution requesting the President to cause to be laid before the House information of the number of states which have ratified the 15th article of the Amendments to the Constitution of the U.S. proposed at the 2d session of the eleventh Congress of which a copy is enclosed, I am directed by the President to request information of your excellency, whether the Legislature of the State of _____ have finally acted upon it, and if they have, to cause to be transmitted to this Dept. authenticated Documents of their proceedings & determination concerning it.

= J. J. A.

Report Book, Volume 3, page 15.

To the house of representatives

Pursuant to a resolution of the house of representatives of the 31st of dec^r last requesting information of the number of states which had ratified the 13th article of the amendments to the constitution of the United States, I transmit to the house a detailed report from the secretary of state, which contains all the information that has been received upon that subject. No time will be lost in communicating to the house the answers of the governors of the states of South Carolina and Virginia, to the enquiries stated by the secretary of state to have been recently addressed to them, when they are received at that department.

Washington february 4. 1818 (signed)

James Monroe

EXHIBIT D-5

The President of the United States

Department of State 3^d february

The secretary of state, to whom was referred a resolution of the house of representatives of the 31st of december last requesting information of the number of states which have ratified the thirteenth article of the amendments to the constitution of the United States, proposed at the second session of the eleventh congress, has the honor respectfully to report to the president, that it appears, by authentic documents, on file in the office of the department of state, that the said article was ratified -

- By 1. Maryland, on the 25th of december, 1810.
2. Kentucky, on the 31st of january, 1811.
3. Ohio, on the 31st of january, 1811.
4. Delaware, on the 2nd of february, 1811.
5. Pennsylvania, on the 6th of february, 1811.
6. New Jersey, on the 13th of february, 1811.
7. Vermont, on the 24th of october, 1811.
8. Tennessee, on the 21st of november, 1811.
9. Georgia, on the 13th of december, 1811.
10. North Carolina, on the 23^d of december, 1811.
11. Massachusetts, on the 27th of february, 1812.
12. New Hampshire, on the 10th of december, 1812.

That

EXHIBIT

D-5

That it further appears, by authentic documents, also on file, that the said article was rejected -

By 13. New York, on the 12th of march, 1812.

14. Rhode Island, on the 15th of september, 1814.

That 15. It was submitted to the legislature of the state of Connecticut at May session, 1811; but that, as late as the 22nd of April, 1813, according to a letter of that date from governor Smith, no final decision had taken place thereon: that in pursuance of the resolution of the house of representatives in conformity to which this report is made, the secretary of state addressed a letter to the governor of Connecticut, and enclosed to him, at the same time, a copy of the proposed amendment to the constitution, requesting information as to any final decision in relation to it, and that the answer to said letter, under date of the 22nd ultimo was accompanied by a copy of resolutions of the general assembly of that commonwealth, declaring that the amendment was not ratified.

That 16. On the 29th of november, 1811. a report was made by a committee of the senate of South Carolina, recommending the adoption of the amendatory article, which report was agreed to, and ordered to be sent to the house of representatives, in which house a report was also made on the subject on the 7th of december, 1813, recommending the rejection of the said article, but which report does not appear to have been definitively acted upon by that house: That the secretary of state addressed to the governor of South Carolina a letter, with a copy of the amendment, of a like tenor to that which he addressed to the governor of Connecticut, to which he has not hitherto received any answer.

And that 17. A similar letter accompanied also by a copy of the amendment was written by the secretary of state to the governor of Virginia, from whom, up to this period, no answer has been received, at the department of state, on the subject.

All which is respectfully submitted

EXHIBIT 0-5

Monroe

Messages and Papers of the Presidents, 1789-1897, by James D. Richardson, Volume II, page 29.

February 27, 1818.

To the House of Representatives of the United States:

I communicate herewith to the House of Representatives a copy of a letter from the governor of the State of South Carolina to the Secretary of State, together with extracts from the journals of proceedings in both branches of the legislature of that Commonwealth, relative to a proposed amendment of the Constitution, which letter and extracts are connected with the subject of my communication to the House of the 6th instant.

JAMES MONROE.

EXHIBIT D-6

customary tribunal & the usual course of law, not doubting
according to the suggestion of the Attorney General, that ample
justice will be done to all the parties interested.

- 194

Moses Broadwell, Cincinnati, Ohio.

20 March

Sir,

I duly rec'd your letter of the 9th of Feb^y, giving
information that a settlement is about to be formed by a company
in the neighborhood of Lake Pepin on the Mississippi, and requesting
to be notified of the opinion of this Govern^t on the propriety of the
proposed settlement, and of the title upon which it is founded. I
lose no time in signifying to you that the proposed plan is entirely
disapproved of, and that the title referred to is not recognized or
admitted by this Government.

- 195

William Wirt, U.S. Attorney General.

21 March

Sir,

I have the honor to inform you, that I have laid
before the President your letter of the 19th of this month, and that he
is desirous of obtaining your opinion upon the questions submitted to you
at his instance by this Dep^t in the case of the Pennsylvania militia, &
as soon as you can conveniently give one, preferring, as he has called
upon for an immediate decision, not to await the final judgment of the
Supreme Court in the case of "Houston" &c. to which you refer.

EXHIBIT D-7

- 196

Charles N. Duck, Philad^a.

21 March

Sir,

The communication of the President to Congress concerning
the ratification of the thirteenth amendment of the Constitution of the
U.S., and to which you allude in your letter to me of the 10th inst.

was not conclusive as to the rejection of that amendment, and it is still not definitely known at this Dept. whether it may not have been adopted by a sufficient number of states to make it a part of the law of the land. From this explanation you will readily comprehend that the circumstances under which your signature has been postponed remain unaltered, and that the expediency of forwarding it to you is opposed by the same difficulty that existed prior to the date of your letter.

Upon a return from the Executive of Virginia, for which an application has been made by this Dept., it will be known with precision what is the fate of the proposed amendment, and no time will be lost in communicating it to you.

The President has just sent a message to Congress, by which you will perceive that the views of the Senate of Hanburg have not escaped the attention of this Government, in the matter referred to. The message will probably be printed with the proceedings of Congress, & appear in the public prints, in a few days.

EXHIBIT D-7 - I. D. A.

Geo. W. L. Marr, & Tho. Claiborne, of the House of Reps.

21 March 1818.

Gentlemen,

I have the honor to inform you that your letter of the 18th of this month, recommending Dr. John R. Bedford for the Secretaryship of the Alabama Territory, was duly rec'd, & laid before the President of the U.S.

- I. D. A.

Mess^{rs} A. & J. W. Pickle, New York.

24 March.

Gentlemen,

I duly rec'd your letter of the 16th of this month, with the 1st & 2^d Nos. of the Academician. You will please to send the future Nos. to this Dept. as they are published and you may consider it as a subscriber for one set of that work.

ACTS

✓
B

PASSED AT A

GENERAL ASSEMBLY

••

THE COMMONWEALTH

••

VIRGINIA,

BEGUN AND HELD AT THE CAPITOL, IN THE

CITY OF RICHMOND,

ON MONDAY, THE SEVENTH DAY OF DECEMBER, IN THE YEAR OF OUR
LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTEEN, AND
OF THE COMMONWEALTH THE FORTY-THIRD.

==== EXHIBIT D-8

RICHMOND:

PRINTED BY THOMAS FITCHIE,
Printer to the Commonwealth.

Exhibit "D-D"
Page 1 of 5

1819.

University of Toledo Law Library Microfiche

four freeholders subject to such levy, to award a *supersedeas* to the order of court whereby such levy was laid.—if, upon the inspection of a copy of such order, it shall appear that the levy has been laid contrary to law; and, at the same time, it shall be lawful to award a *certiorari* to cause the record of such levy to be certified into the superior court of law having jurisdiction over such county. When such record shall be so certified, the superior court shall proceed, without delay, to reverse or affirm the order laying the said levy, as to them may seem right. Whenever such *supersedeas* and *certiorari* shall be granted, it shall be lawful for the court of the county, without waiting the final decision thereof, at any time, to rescind the order laying the said levy; and to proceed forthwith again to lay the county levy according to law, and to cause the same to be collected in the manner herein before provided.—In like manner, if the order aforesaid be reversed by the superior court, the county court may proceed, at any time afterwards, to lay the levy according to law. In all cases, in which any county levy shall be laid after the June term of such county court, the sheriff or collector shall be allowed five months, from the time of such levy, for collecting and accounting therefor. If any sheriff or collector shall, at any time, collect any money levied as aforesaid, and such levy shall be afterwards rescinded or reversed in the manner aforesaid, such sheriff or collector shall forthwith return the money, so collected, to the person or persons from whom it shall have been received; and, in failure thereof, he and his securities, his and their executors and administrators, shall be liable to the same recovery and damages, as is provided in case of his failure to pay other money due from him as collector of his county levies.

Commencement.

§ 15. This act shall commence and be in force from and after the first day of January eighteen hundred and twenty; except so much thereof as authorizes the judges of the superior courts of law to issue a *supersedeas* and *certiorari* to correct an erroneous county levy, and as relates to the power of the county courts, and the duty of the sheriff or collector consequent thereon, which shall commence and be in force from and after the passing thereof.



CHAPTER XXXV.—An act providing for the re-publication of the laws of this Commonwealth.—[Passed March 12th, 1819]

New edition of the laws to be published.

1. *Be it enacted by the General Assembly,* That there shall be published an edition of the laws of this Commonwealth, in which shall be contained the following matters, that is to say:

Constitution of the United States.

The constitution of the United States, and the amendments thereto.

Declaration of Rights, and

A declaration of rights made by the representatives of the good people of Virginia, assembled in full and free convention, which rights do pertain to them, and their posterity, as the basis and foundation of government.

Constitution of this State, to be inserted therein.

The constitution or form of government agreed to, and resolved upon, by the delegates and representatives of the several counties and corporations of Virginia.

List of other laws & parts of laws.

An ordinance, to enable the present magistrates and officers to continue the administration of justice, and for settling the general mode of proceedings in criminal and other cases, 'till the same can be more amply provided for. The sixth section only. Passed July third, seventeen hundred and seventy-six.

An act, repe acts of the pari this Commonwe enteen hundred

An act, to su certain acts of December the seven.

An act, to pr lution of the t third, one thous

An act, for c the Northern N Fairfax, Baron Scotland. Pas

An act, for c the bounds of t Passed in one t

An act, for ern Neck, in th and eighty-five

An act, conc Passed Decem ninety-six.

A resolution. ty into effect t Neck. Agreee teen hundred a

An act, to a to convey to th right of this C the river Ohio. seven hundred

An act, conc to the United S dred and eighty

An act, auth unite with com running a line this Commonw twenty-second.

An act, for t tity of territor: gress assemble ment. Passes and eighty-nine

An act, conc into an indepe seventeen hund

An act, for tween this Stat by certain com purposes. Pas hundred.

An act, conc ed. December th ty-one.

prescribe the order, in which the several laws shall be published in the code, carefully classing them according to their subject matter, without reference to the time of their passage; to note particularly, the time of the enactment of each provision of the law, and to make such brief notes of explanation and reference, as he shall deem proper; he shall cause to be made proper marginal notes of the contents of each section, and a full and complete index to the whole code; and he shall cause the proof sheets to be carefully examined, during the publication. He shall be allowed to employ, with the approbation of the Executive, one or more clerks or assistants, to aid in the discharge of the duties aforesaid; and he, with the clerks or assistants aforesaid, shall be allowed, by the Executive, a reasonable compensation for their services, to be paid out of the public treasury. Upon his certificate that the laws aforesaid have been carefully examined, and that he finds them correctly printed, they shall be received in evidence in the same manner as the originals.

5. And whereas Thomas Ritchie hath agreed to undertake the publication of the code aforesaid, in manner aforesaid, and to deliver to the Executive, for the use of the Commonwealth, four thousand copies thereof, well printed, bound and lettered as aforesaid, at the price of six dollars for each copy, three thousand copies whereof are to be delivered on or before the first day of December, and the residue, on or before the first day of January next.

Be it therefore further enacted, That the Executive shall be and they are hereby authorized and required, to contract with the said Thomas Ritchie, for the delivery of the said four thousand copies of the code aforesaid, at the times, and for the price aforesaid.—When the said copies shall be received, it shall be the duty of the Executive to retain ten copies thereof, in the council chamber, for the use of the Executive department of the government, and to distribute the residue, or so many thereof as may be necessary, in the manner following:—five copies to the clerk of each house of the General Assembly, for the use of the said houses, respectively;—one copy to each of the judges of the court of appeals, general court, and superior courts of chancery;—one copy to each of the judges of the courts of the United States resident within this State;—one copy to the treasurer, auditor, and register, each for the use of his department; one copy to the president and directors of the literary fund, and to the president and directors of the board of public works, each, for the use of their boards respectively; one copy to Thomas Jefferson, James Madison, and James Monroe, each;—one copy to the superintendent of this edition of the laws;—one copy to the attorney general, and to each attorney prosecuting for the Commonwealth, in any court within this State;—one copy to each clerk of any court of record, within this Commonwealth, for the use of the court;—and one copy to each justice of the peace, within this Commonwealth.

6. The sum necessary for the purchase aforesaid shall be paid out of any money in the treasury, not otherwise appropriated; and may be drawn for upon the order of the Executive, at any time after the said copies shall have been delivered: *Provided*, That it shall be lawful, at any time, for the Executive to cause to be paid

ed by, such superintendent?

He may appoint one or more clerks to assist him.

Their compensation.

How the work shall be authenticated.

Contract with Thomas Ritchie to print such edition, related.

Duty of the Executive in relation thereto.

How the copies shall be distributed.

At what times, they shall be paid for.

Proviso, that \$500 dollars may be paid in advance, bond and security being given by J. C. Ritchie.

EXHIBIT D-8

The Revised Code

OF THE

LAWS OF VIRGINIA :

BEING

A COLLECTION OF ALL SUCH ACTS

OF THE

GENERAL ASSEMBLY,

OF A PUBLIC AND PERMANENT NATURE, AS ARE NOW IN FORCE,

WITH A GENERAL INDEX.

TO WHICH ARE PREFIXED,

THE CONSTITUTION OF THE UNITED STATES:

THE DECLARATION OF RIGHTS,

AND

THE CONSTITUTION OF VIRGINIA.

Published pursuant to an act of the General Assembly, entitled "An act providing for the re-publication of the Laws of this Commonwealth," passed March 12, 1819.

VOLUME I.

RICHMOND:

PRINTED BY THOMAS RITCHIE,

PRINTER TO THE COMMONWEALTH.

1819.

EXHIBIT D-9



I, Benjamin Watkins Leigh, appointed by the act of Assembly, providing for the re-publication of the Laws of this Commonwealth, passed March 12, 1819, superintendent of the said publication, do hereby certify, that the Laws printed in this first volume, have been carefully examined, and that (with the exception of the errors noted in the table of errata,) I find them correctly printed.

B. W. LEIGH.

Richmond, 1819.

ERRATA.

- Page 64, § 5, line 18, for *Lackland*, read *Markland*.
68, § 1, line 7, before word *be*, read *for remedy whereof*.
116, § 69, line 9, for *of the fines*, read *of all the fines*.
181, § 3, line 10, for *proceed to all*, read *proceed to do all*.
209, § 61, last word, for *according*, read *accordingly*.
220, line 24, before the word *general*, read *judges of the*.
225, c. 68, § 1, line 3, after *Harrison*, read *Wood*.
272, § 19, line 2, before *to inspect*, read *freely*.
277, § 5, line 2, before *required*, read *empowered and*.
314, § 8, line 43, after "for serving an attachment on the body," read
63 instead of 53 cents.
325, § 13, line 8, for *next neighbouring*, read *next or neighbouring*.
336, line 3, for *land lies*, read *lands lie*.
376, § 3, line 12, for *he or she have*, read *he or she shall have*.
378, § 16, lines 5 and 6, for *in one*, read *in any one*.
416, line 1, for *one*, read *the*.
438, § 67, line 7, omit word *free*, at the end of the line.
466, c. 119, § 1, line 10, between the words *patent, grant*, read *or*.
479, line 8, (from bottom,) for *attained*, read *obtained*.
548, § 1, line 8, after *under-sheriff*, read *serjeant*.
599, line 12, omit word *any*, at the beginning of the line.

EXHIBIT D-9

1. The electors shall meet in their respective states, and vote by ballot for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves; electing the president shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then, from the persons having the highest number, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the senate shall choose the vice president: a quorum for the purpose shall consist of two thirds of the whole number of senators; and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president, shall be eligible to that of vice president of the United States.

ARTICLE 13.

1. If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

C. 8.

A Declaration of Rights made by the Representatives of the Good People of VIRGINIA, assembled in full and free Convention; which rights do pertain to them, and their Posterity, as the basis and foundation of Government.

A. D. 1776
A. R. C. 1.

[Unanimously adopted, June 12, 1776.]

1. THAT all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

2. THAT all power is vested in, and consequently derived from, the people; that Magistrates are their trustees and servants, and at all times amenable to them.

3. THAT government is, or ought to be, instituted for the common benefit, protection and security, of the people, nation, or community: of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right, to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

4. THAT no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of Magistrate, Legislator, or Judge, to be hereditary.

5. THAT the Legislative and Executive powers of the state should be separate and distinct from the Judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, and return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

6. THAT elections of members to serve as representatives of the people, in Assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good.

7. THAT all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives

EXHIBIT

D-9

THE
OFFICE AND DUTY
OF A
JUSTICE OF THE PEACE,

A Guide

To Sheriffs, Coroners, Clerks, Constables,

AND
OTHER CIVIL OFFICERS.

According to the Laws of North-Carolina

WITH AN

APPENDIX

Containing the Declaration of Rights and Constitution of this State
the Constitution of the United States, with the Amendments
thereto; and a Collection of the most approved Forms.

BY HENRY POTTER,

Judge of the United States' District Courts of North Carolina

Corrected to the present time.

SECOND EDITION.

RALEIGH:

PRINTED BY AND FOR J. GALES & SONS.

1838.

EXHIBIT

D-10

1828 →

↑

such majority; then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States; the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the house of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed. And if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President. — A quorum for the purpose shall consist of two-thirds of the whole number of Senators; and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any Emperor, King, Prince, or Foreign Power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

The 1st and 2d Articles of the above amendments were proposed by the two Houses of Congress to the several States, at the First Session of the First Congress, but although recognized at the 488th page of volume 4, of the Laws of the United States, it does not appear that they have been ratified.

The 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, and 12th Articles of the Amendments were proposed by the two Houses of Congress to the several States at the First Session of the First Congress, and were ratified by the States.

The 13th Article of the Amendments was proposed to the several States at the First Session of the Third Congress, and was ratified.

The Amendment, relative to the mode of electing President and Vice-President of the United States, was proposed by the two Houses of Congress to the several States at the First Session of the Eighth Congress, and was duly ratified.

The last article was proposed at the Second Session of Eleventh Congress and was ratified.

PRECEDENTS.

Should the Form sought for, not be found in the Appendix, the Reader is desired to look for it under the proper Head, in the body of the Work.

AFFRAYS.

(Warrant for.)

State of North-Carolina, Wake County.

Whereas of , yeoman, hath this day made oath before me, one of the Justices of the Peace for the said county, that on the day of , in the year of our Lord , A. B of , yeoman, and B C of yeoman, at , in the said county, in a tumultuous manner made an Affray, wherein the person of the said was beaten and abused by them, the said A B and B C, without any lawful or sufficient provocation given them, or either of them, by him the said :

These are, therefore, to command you, forthwith to apprehend the said and bring them before me or some other Justice of the Peace for the said county, to answer the premises, and to find sureties, as well for their personal appearance at the next court of pleas and quarter sessions to be holden for the said county, then and there to answer an indictment to be preferred against them by the said , for the said offence, and also for keeping the peace in the mean time towards the State and all the citizens thereof, and especially towards him, the said . Herein fail not; as you will answer the contrary, at your peril.

Given under my hand and seal at , in the said county, the day of , in the year of our Lord

H L.....(seal.)

ASSAULT AND BATTERY.

(Warrant for.)

State of North Carolina, Wake County.

To any Constable of the said County, and to all lawful Officers to execute and return.

Whereas complaint hath been made before me, one of the Justices of the Peace in and for the said county, that upon the within of the said county, planter, that of , afore-said, planter, did, on the day of , violently assault and beat him, the said , at said county. These are therefore to command you, forthwith to apprehend the said and to bring him before me, or some other Justice of the

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3

3

REVISED STATUTES

OF THE

STATE OF ILLINOIS,

ADOPTED BY

THE GENERAL ASSEMBLY OF SAID STATE, AT ITS REGULAR
SESSION, HELD IN THE YEARS, A. D., 1844-'5.

TOGETHER WITH

AN APPENDIX,

CONTAINING

ACTS PASSED AT THE SAME AND PREVIOUS SESSIONS, NOT INCORPORATED
IN THE REVISED STATUTES, BUT WHICH
REMAIN IN FORCE.

REVISED AND PREPARED FOR PUBLICATION, WITH NOTES,
INDEX, &c. BY M. BRAYMAN.

PUBLISHED BY AUTHORITY OF THE GENERAL ASSEMBLY.

SPRINGFIELD:

WILLIAM WALTERS, PRINTER, FOR WALTERS & WEBER, PUBLIC PRINTERS.

1845.

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ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

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

ARTICLE X.

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.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

1. The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate; the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

[NOTE.—In former editions of the laws of Illinois, there is an amendment printed as article thirteen, prohibiting citizens from accepting titles of nobility, &c., from foreign governments. But by a message of the President of the United States of February 4, 1818, in answer to a resolution of the House of Representatives, it appears that this amendment had been ratified by only twelve States, and therefore had not been adopted. See vol. 4, of the printed papers of the first session of the 15th Congress, No. 76.]

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PREFACE.

This work is based upon the results of a careful search for proposed amendments in the Government documents covering the first century of the history of the Constitution. In many instances, especially during the last quarter of the century, the text of the proposed amendment is not given in either the journals or the Congressional Globe or Record, and in some cases the subject of the amendment is not even stated. In nearly all these cases it was possible to secure the text by consulting the file of the original printed drafts of resolutions and bills, which are to be found in the Senate document room, in Washington.

It is probable that some amendments proposed by the various State legislatures have not been found, owing to the fact that some of these proposed amendments were not presented to Congress, and hence were not included in the Government records. Some cases of this kind have been found through an examination of the circular letters from the governors of the States proposing them directed to the governor of Massachusetts, which are on file in the Massachusetts archives in the State house at Boston. A complete list of such propositions would necessitate an examination of the journals of the legislative bodies in all the States, most of which are still in manuscript form only, but it is believed that the most important propositions of this class have been found. It is scarcely possible that all the proposed amendments presented to Congress have been included, although care has been taken to reduce the omissions to a minimum.

Acknowledgments are due to Mr. Amzi Smith, superintendent of the Senate document room, Washington; to Mr. Andrew H. Allen, Chief of the Bureau of Rolls and Library, Department of State, Washington; to Mr. S. M. Hamilton, of the same Department, and to Mr. L. B. Proctor, secretary of the New York State Bar Association. All of these gentlemen courteously extended to me every facility for the examination of documents placed in their charge.

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Above all I desire to express my indebtedness to Prof. Albert Bushnell Hart, of Harvard University, at whose suggestion the investigation of this subject was first undertaken, and to whose aid and encouragement its completion is in large measure due.

PHILADELPHIA, Pa., October 7, 1897.

THE PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES DURING THE FIRST CENTURY OF ITS HISTORY.

By HERMAN V. AMES, Ph. D.

CHAPTER I.

A GENERAL SURVEY OF THE ATTEMPTS TO SECURE AMENDMENTS.

I. ORIGIN OF THE AMENDING POWER IN THE CONSTITUTION OF THE UNITED STATES: PROCEEDINGS OF THE FEDERAL CONVENTION.

The "fathers" of the Constitution were not sanguine enough to suppose that the organic law which they had framed was so perfect that it would never need to be altered.¹ The experience of the Government under the "Articles of Confederation" had produced the conviction that there was need of a system of amendment by which the Constitution could be made to conform to the requirements of future times.

The specific provisions of Article V, which defines the manner of securing amendments to the Constitution, were not so much the result of institutional growth—as is true of so many of the provisions of the Constitution—as of mature deliberation and the spirit of compromise which characterized the work of the Convention. An examination of English and colonial precedents and of the State constitutions in force in 1787, as well as of the debates in the Federal Convention, proves the truth of this statement.² The framers were here entering

¹ See Mr. Iredell's speech in North Carolina convention. Elliot's Debates, iv. 177. Report of New York State Bar Association, vol. XIII, p. 138.

² However, the idea that provision should be made in the instrument of government itself for the method of its amendment is peculiarly American. Provision for the regular and orderly amendment of an instrument of government first appears in The Pennsylvania Frame of Government of 1683. A similar provision reappears in the Act of Settlement of 1683, The Pennsylvania Frame of 1686, and The Pennsylvania Charter of Privileges of 1701. Each of these documents provides that it shall not be altered, changed, or diminished "without the consent of the governor" and six parts of seven of the assembly." No other colonial charter contained any provision for amendment. For text of above charter see Poore, Charters and Constitutions, II.

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Subsequently there were three attempts, when the amendments were being considered in the Senate, to add an additional paragraph containing sentiments similar to the preamble quoted from Mr. Madison, all of which, however, proved unsuccessful. That the social-compact theory was popular in that day is shown by one of these resolutions,¹ which opens with the declaration that "there are certain natural rights, of which men, when they form a social compact, can not deprive or divest their posterity, among which are the enjoyment of life and liberty," etc. Another declares that magistrates are the trustees and agents of the people, and are therefore "at all times amenable to them."² The third asserts that the Government ought to be instituted for the common benefit and protection and security of the people, and that "the doctrine of nonresistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind."³

Two further attempts were made in the Senate to add a further guaranty of individual liberty.⁴ One of these proposed amendments declared that "every freeman restrained of his liberty is entitled to a remedy, to inquire into the lawfulness thereof, and to remove the same, if unlawful, and that such remedy ought not to be denied or delayed."⁵ The other proposition was similar, only still more explicit. Both were rejected.

99. TITLES OF NOBILITY.

The provisions of the Constitution forbidding any person holding office under the United States Government, without the consent of Congress, from accepting any present or title from any king, prince, or foreign State did not seem sufficiently stringent to some of the State conventions.⁶ The ratifying conventions of Massachusetts, New Hampshire, New York, and, later, Rhode Island,⁷ proposed amendments either forbidding Congress from ever granting its consent, or for the accomplishment of the same end proposed eliminating the clause "without the consent of Congress."⁸ A similar change was proposed in the Senate and twice in the House of the First Congress, during the discussion of the subject of amending the Constitution, but failed to meet the approval of either

¹ App., No. 267.

² App., No. 268.

³ App., No. 269.

⁴ App., Nos. 272, 273.

⁵ Const., Art. I, sec. 9, cl. 8.

⁶ App., Nos. 9, 22, 75, 118.

branch.¹ No further amendments on this subject were presented until 1810. Early in that year Senator Reed of Maryland introduced an amendment relative to the acceptance of titles of nobility by American citizens.²

The resolutions were referred to a select committee of three, and twice afterwards recommended to a larger committee, who finally reported them in a modified form. Several amendments were presented during the debate, one of which was accepted. It was in these words: "If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them."³ Thus amended, the article passed the Senate by a vote of 19 yeas to 5 nays. The amendment was immediately considered in the House and passed by that body on the 1st day of May, only three yeas being cast against it.

Unfortunately, the Annals of Congress and contemporary newspapers do not give any of the debate upon this interesting proposition. The only light thrown upon the subject by the Annals is the remark of Mr. Macon, who said "he considered the vote on this question as deciding whether or not we were to have members of the Legion of Honor in this country."⁴ What event connected with our diplomatic or political history suggested the need of such an amendment is not now apparent.⁵

¹ App., Nos. 203, 240, 263.

² App., No. 299.

³ App., No. 397.

⁴ Annals of Congress, Eleventh Congress, second session, p. 2050. The files of four of the leading papers of the time have been examined without any additional light being thrown on the question.

⁵ It is possible that the presence of Jerome Bonaparte in this country a few years previous, and his marriage to a Maryland lady, may have suggested this measure. An article in Niles' Register (vol. LXXII, p. 166), written many years after this event, refers to an amendment having been adopted to prevent any but a native-born citizen from being President of the United States. This is of course a mistake, as the Constitution in its original form contained such a provision; but it may be possible that the circumstances referred to by the writer in Niles relate to the passage of this amendment through Congress in regard to titles of nobility. The article referred to maintains that at the time Jerome Bonaparte was in this country the Federalist party, as a political trick, affecting to apprehend that Jerome might find his way to the Presidency through "French influence," proposed the amendment. They thought the Democratic party would oppose it as unnecessary, which would thus appear to the public as a further proof of their subservency to French influence. "The Democrats, to avoid this imputation, concluded to carry the amendment. 'It can do no harm' was what reconciled it to all."

Possibly there was no particular event which suggested it, but it probably was only another means of expressing that animosity against foreigners and everything foreign, which manifested itself in various ways in the trying period just previous to the war of 1812.¹ That the amendment was in the line of popular sentiment may be inferred, otherwise we can not account for the nearly unanimous vote it received in Congress and the favorable reception it met with from the States.²

The amendment lacked only the vote of one State of being adopted.³ It received the ratification of twelve States, and was passed by the Senate of South Carolina. It was generally supposed that the amendment had been concurred in by the requisite majority of the States. In the official edition of the Constitution of the United States, prepared for the use of the members of the House of Representatives of the Fifteenth Congress, the article appears as the thirteenth amendment to the Constitution.⁴ This led to a resolution of inquiry,⁵ as a result of which it was discovered that the house of representatives of South Carolina had not confirmed the action of the senate, and so the amendment had not been adopted.⁶ However, the general public continued to think that this

¹ I am indebted to Professor McMaster for this suggestion. Good examples of the anti-foreign spirit may be seen in the laws enacted at this time by some of the States. In Kentucky a bill prohibiting the citation of the decision of any British court or any British treaty on law was proposed. With difficulty Henry Clay succeeded in obtaining an amendment limiting the restriction to such decisions as had been rendered, and to such works as had been written, since July 4, 1776. In this form it passed. In Pennsylvania a similar bill was introduced in 1809, and passed in 1810, and remained on the statute books for a generation. Schurz, *Life of Henry Clay*, i, pp. 48-50; McMaster, iii, pp. 417-418. For other attacks on the same spirit was the action of the House of Representatives of the Commonwealth of Pennsylvania. February 10, 1814, by a vote of 47 to 38 the House passed the following resolution: "Resolved, That this House dispense with the use of the Mace." *Journal of the 24th House of Representatives of Pennsylvania*, (1813-14) pp. 283, 292, 309.

² It passed both branches of the Legislature of Pennsylvania unanimously. *Journal of Senate of Penn.* (1810-11) p. 180; *Journal of House of Representatives* pp. 290, 291.

³ See list given after App., No. 399.

⁴ Also given in Vol. i, p. 71 of "The Laws of the United States of America." Philadelphia and Washington, 1815.

⁵ *Annals of Congress*, Fifteenth Congress, first session, p. 530; *Niles' Register*, Vol. xiv, p. 160.

⁶ App., No. 399. Certified copy of the proceedings of the State Legislature of South Carolina in Bureau of Rolls and Library, Department of State. The minutes of the House of Representatives of South Carolina do not state the reasons for their opposition. Thus four States rejected it, viz. New York, Connecticut, Rhode Island, and South Carolina. Virginia does not appear from the records in the State Department to have taken any action.

amendment had been adopted,¹ and this misconception was perpetuated for over a third of a century in editions of the Constitution and school histories.²

100. DUELING.

Another attempt to regulate the behavior of American citizens by constitutional amendment arose out of the growth of public sentiment inimical to the practice of dueling; the first was presented in 1828, by Mr. Long of North Carolina, and was intended to prevent the practice of duelling.³ Ten years later two other resolutions were introduced. The reason for their presentation at this time is apparent. On the 24th of February, 1838, Jonathan Cilley, a member of Congress from Maine, was killed in a duel with William J. Graves of Kentucky, also a member of Congress. On the 5th of March, Mr. Morgan of Virginia introduced the first of these resolutions, restricting all who should be connected with a duel, even including the seconds or the bearer of the challenge, from holding office.⁴ The attempt to expel Graves from the House took place in the following December. Mr. Cushman of New Hampshire, a Northern man, offered a similar amendment.⁵ This was the last attempt to amend the Constitution in this particular.

101. POOR RELIEF.

The disposition to make the Constitution a code of laws reached the fullest expression in an amendment to invest the central Government with the power and duty of legislating for the care of the poor. This suggested a radical departure from the system then in use and since followed. This amendment was proposed by the convention which ratified the Constitution in Rhode Island in 1790. It provided "that Congress should have power to establish a uniform rule of inhabitation and settlement of the poor of the different States throughout the United States."⁶

¹ Illustration, see *Niles' Register*, Vol. xx, pp. 191, 255.

² Illustrative of this, the following: "A History of the United States of America," by H. J. Olney, A. M., New Haven, 1836. "Constitution of the United States of America." Printed by Francis Hart & Co., 63 Cortland street, New York. (No date.) "A History of the United States," by John Frost, Philadelphia, 1842. In "History of the United States," by Emma Willard, New York, 1829, it appears as the xv amendment. The first twelve sent out by the First Congress all being given as if ratified.

³ App., No. 587.

⁴ App., No. 685.

⁵ App., No. 667.

⁶ App., No. 122.

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380. **Judiciary: Composition, term of office, and removal.**
1807, Nov. 6, 10th Cong., 1st sess. By Mr. Tiffin of Ohio; referred to a select com. S. J., pp. 28, 27, 131, 132; Annals, pp. 321, 322, 390.
381. **Judiciary: Removal of judges.**
1808, Jan. 25, 10th Cong., 1st sess. By Mr. Robinson of Vermont, in the Senate, referred to select com. Annals, pp. 99. (From legislature of Vermont.) *Journal of Senate of Pennsylvania* (1807-08) pp. 105-107. The legislatures of Rhode Island and Delaware disapproved. Annals, 11th Cong., 1st sess., p. 631. *Journal of Senate of Pennsylvania* (1807-08) pp. 238-240.
382. **Judiciary: Removal of judges.**
1808, Jan. 30, 10th Cong., 1st sess. By Mr. Campbell of Tennessee; referred to Com. of the Whole. H. J., p. 318; Annals, p. 1623.
383. **Judiciary: Term of office; Removal; Impeachment.**
1808, Feb. 23, 10th Cong., 1st sess. By Mr. Maclay of Pennsylvania, in Senate; by Mr. Whitehill in House, from the legislature of Pennsylvania; read; to select com. S. J., pp. 160, 170; Annals, p. 153, 160. *Journal of Senate of Pennsylvania* (1807-08) pp. 163-170.
384. **Commerce: Importation of slaves punishable.**
1808, Feb. 23, 10th Cong., 1st sess. By Mr. Maclay of Pennsylvania, from the legislature of Pennsylvania; read. S. J., pp. 172, 173; Annals, p. 134. *Journal of Senate of Pennsylvania* (1807-08) pp. 174, 333. Amer. State Papers, Misc. I, p. 718.
385. **Judiciary: Term and removal.**
1808, Feb. 24, 10th Cong., 1st sess. By Mr. Whitehill of Pennsylvania, from the legislature of Pennsylvania; read; to Com. of Whole. H. J., pp. 402-403; Annals, pp. 1690-1692. See No. 383.
386. **Legislative: Recall of Senators.**
1808, Feb. 29, 10th Cong., 1st sess. By Mr. Clopton of Virginia, from the legislature of Virginia; passed by the legislature Feb. 9, 1808; read twice; to Com. of the Whole. H. J., pp. 422, 423; Annals, p. 1696. Disapproved of by the legislatures of Maryland, Massachusetts, Vermont, New Jersey, Tennessee, Georgia. *Journal of Senate of Pennsylvania* (1807-08) pp. 224, 118, 312; *Ibid.*, (1808-10) p. 88; *Ibid.*, (1810-11) p. 37; *Ibid.*, (1811-12) p. 85; also ante p. 66, note 1.
387. **Legislative and Executive Officers: Government contractors excluded from office; Members of Congress excluded from office.**
1808, Mar. 1, 10th Cong., 1st sess. By Mr. Van Horn of Maryland; tabled; to Com. of the Whole. H. J., p. 423; Annals, p. 1714.
388. **Legislative: Removal of Senators.**
1808, Apr. 11, 10th Cong., 1st sess. By Mr. Giles of Virginia, in the Senate, from the legislature of Virginia. Annals, p. 325. See No. 386.
389. **Judiciary: Removal of judges.**
1808, Apr. 12, 10th Cong., 1st sess. By Mr. Adams of Massachusetts, from the legislature of Massachusetts; referred to select com. S. J., p. 271; Annals, p. 331; Resolves of Massachusetts, Vol. xii, A (pp. 212-213), pp. 118-119. Resolution repealed by the next session of the legislature and instructions revoked. *Ibid.* (p. 317), p. 211.
390. **Legislative: Article 1: Term one year, and election of Representatives.**
391. **Legislative: Article 2: Term of Senators three years.**
392. **Executive: Choice of, Article 3: By lot from the retiring Senators.**
393. **Executive: Article 4: Compensation.**
394. **Executive: Legislative: Article 5: Vice-Presidency abolished; Speaker of Senate.**

395. **Executive: Article 6: Appointing power limited.**
396. **Executive: Article 7: Power to fill vacancies and make removals.**
1808, April 12, 10th Cong., 1st sess. By Mr. Hillhouse of Connecticut; read. S. J., p. 273; Annals, pp. 355-358; speech in full in American Register (1808), Chap. 11.
397. **Judiciary: Impartial tribunal to determine disputes between the General and State governments.**
1809, June 4, 11th Cong., 1st sess. American State Papers, Vol. II, No. 205, pp. 2-7. Niles' Reg. XLIII, Suppl. p. 24. Passed by the legislature of Pennsylvania Apr. 3. *Journal of House of Representatives of Pennsylvania* (1808-09) pp. 615-629, 662-667, 798, 843, 910. *Journal of Senate of Pennsylvania* (1808-09) pp. 238 et seq.
- 1809, Annals, pp. 2253, 2270; 2290. American Register (1809), pp. 150-175, Disapproved by the legislature of Massachusetts. Resolves of Massachusetts, Vol. xii, p. 365. For resolutions of disapproval from the legislatures of eight other States, see ante p. 160, note 3.
- 397a. **Commerce: Limit duration of embargo.**
1809, June 19, Resolution of the legislature of Massachusetts. Resolves of Massachusetts, Vol. xii (p. 350), pp. 475-477; Massachusetts Senate Journal, Vol. xxx, p. 86; House Journal, Vol. xxx, p. 123. Disapproved by the legislature of Delaware (December, 1809) and the legislature of Maryland (January-February, 1810). Massachusetts Archives, Legislative Docs., 6816, 6823. Disapproved of also by the legislatures of Vermont, New Hampshire, New Jersey, Pennsylvania, North Carolina, and Tennessee. *Journal of Senate of Pennsylvania* (1809-10) pp. 88-89, 166-168; *Ibid.*, (1810-11) pp. 37-41; *Ibid.*, (1811-12) pp. 95-96. Ante p. 234, note 4.
- 397b. **Commerce: Limit duration of embargo.**
1809, Resolution of the general assembly of Connecticut approving the resolution of the legislature of Massachusetts. American Register, 1809, p. 161.
398. **Judiciary: Composition, term, removal.**
1809, Dec. 4, 11th Cong., 2d sess. By Mr. Pope of Kentucky; read twice; to com. S. J., pp. 22, 28, 29; Annals, pp. 480, 483.
- **399. **Personal Relations: Titles of nobility.**
1810, Jan. 18-Apr. 27, 11th Cong., 2d sess. By Mr. Reed of Maryland; read twice; to select com. of three; reported with amendment; considered; re-committed to a select com. of five; reported with amendment; reconsidered; reported further amended; considered; amendment by Mr. Reed and Mr. Lloyd; considered; amendment to last report passed (23 to 1). Mr. Pope's amendment rejected (12 to 14). Further amended; read third time, and passed (19 to 5).
Apr. 27-May 1. Received in the House; read; to Com. of the Whole; considered in May 1. Com. of the Whole; reported; read third time; passed (87 to 3). S. J., pp. 83, 84, 92, 93, 96, 117, 121, 127, 140, 246, 295, 296, 335, 350, 361, 362, 363, 372, 380, 385, 386; H. J., pp. 400, 611, 645, 646; Annals, pp. 550, 547, 549, 571, 572, 576, 635, 671, 672, 1077, 2048, 2559.
Ratified by the legislatures of the following States: Maryland, Dec. 25, 1810; Kentucky, Jan. 31, 1811; Ohio, Jan. 31, 1811; Delaware, Feb. 2, 1811; Pennsylvania, Feb. 6, 1811; New Jersey, Feb. 13, 1811; Vermont, Oct. 21, 1811; Tennessee, Nov. 21, 1811; Georgia, Dec. 13, 1811; North Carolina, Dec. 21, 1811; Massachusetts, Feb. 27, 1812; New Hampshire, Dec. 10, 1812; total 12. Rejected by New York, March 12, 1811 (by the Senate); Connecticut, May session, 1813; South Carolina, approved by the Senate, Nov. 28, 1811; postponed by the House, Dec. 7, 1811; reconsidered; committee reported unfavorably; not considered, Dec. 7, 1813; Rhode Island, Sept. 15, 1814; total 4.
Virginia, action is not recorded in journals or Department of State. Annals of Congress, 15th Cong. 1st sess. pp. 530, 565, 1074; H. J., 95, 251, 252. Letter of

- **399.** Personal Relations: Titles of nobility—Continued.
John Q. Adams, Secretary of State, Report Book (Dec. 1817, July 1821), pp. 14-15; Bureau of Rolls and Library, Department of State. For reprints of the certified copies of the action of the various State legislatures, in Bureau of Rolls and Library, Department of State, see Documentary History of the Constitution of the United States, Vol. II, pp. 452-515. (Bulletin of the Bureau of Rolls and Library of the Department of State, No. 7.)
400. Executive offices: Senators and Representatives excluded from civil office.
1810, May 1. 11th Cong., 2d sess. By Mr. Macon of North Carolina; read; tabled. H. J., pp. *630, 640; Annals, p. 3728.
401. Executive offices: Senators and Representatives excluded from civil office.
1810, Dec. 10. 11th Cong., 3d sess. By Mr. Macon of North Carolina; read; to Com. of the Whole; considered; to select com.; reported; considered in form. Mr. Hubbard's amendment failed; House concur with Com. of the Whole (71 to 40); Speaker declared question lost; appeal taken, but Chair sustained and amendment failed. H. J., pp. *25, 26, 61, 90, 181-185, 210, 211, 212, 213, 214, 215, 217, 218, 219; Annals, pp. *363, 458, 841, 897, 905.
402. Judiciary: Removal of judges.
1811, Jan. 29. 11th Cong., 3d sess. By Mr. Wright of Maryland; motion to consider lost. H. J., pp. *189, 190; Annals, pp. *830, 837.
403. Executive: Appointments to civil office of relatives of Senators or Representatives prohibited.
1811, Jan. 30. 11th Cong., 3d sess. By Mr. Quincy of Massachusetts; referred to Com. of the Whole; attempt to amend in Com. of the Whole by Mr. Wright. H. J., pp. *181-186.
404. Finance: Duties on exports.
1812, Mar. 12. 12th Cong., 1st sess. By Mr. Mitchell of New York; read; tabled. H. J., p. *387; Annals, p. *1201.
405. Judiciary: Removal of judges.
1812, Apr. 13. 12th Cong., 1st sess. By Mr. McKim of Maryland; read and tabled. H. J., p. *387; Annals, p. *1317.
- 405a. Legislative: Term of Senator four years.
1812, Resolution of the legislature of Tennessee. Niles' Register (Dec. 5, 1812), Vol. III, p. 224; Vol. VI, p. 16.
406. Legislative: Election of Representatives by districts.
407. Executive: Choice of: Election of electors by districts.
1813, Jan. 18. 12th Cong., 2d sess. By Mr. Pickens of North Carolina; committed to Com. of the Whole. H. J., pp. *183, 184; Annals, p. *948.
408. Legislative: Election of Representatives by districts.
1813, Jan. 20. 12th Cong., 2d sess. By Mr. Turner of North Carolina, from the legislature of North Carolina; read twice; to select com. S. J., pp. *178, 180; Annals, pp. *57, 58.
- *409.** Executive: Choice of: Election of electors by districts.
1813, Jan. 20-Feb. 17. 12th Cong., 2d sess. By Mr. Turner of North Carolina, from the legislature of North Carolina; read twice; to select com.; report; amendments made; considered in Com. of the Whole, and agreed to as amended by com.; Mr. German's amendment lost; read third time; passed Senate (22 to 9).
Feb. 18. Received in the House; read twice; to Com. of the Whole. S. J., pp. *129-128, 130, 189, 212, 213, 217, 219, 220, 221, 226, 227, 228, 229; H. J., pp. 319, 327; Annals, pp. *57-58, 77, 80, 91, 1084, 1082.

410. Finance: Tax on exports.
411. Commerce: Internal improvements, roads.
412. Commerce: Internal improvements, canals.
413. Finance: National Bank.
1813, July 10. 13th Cong., 1st sess. By Mr. Jackson of Virginia; read; tabled. H. J., pp. *190-191; Annals, p. 431.
- 413a. Legislative and Executive: Uniform mode of electing Senators, Representatives, and electors.
1813, Dec. 14. 13th Cong., 2d sess. By Mr. Wright, in House, for a com. to devise uniform mode; com. appointed. Niles' Register, Vol. V, p. 272.
414. Executive: Choice of: Election of electors by districts.
1813, Dec. 20. 13th Cong., 2d sess. By Mr. Pickens of North Carolina; read; to Com. of the Whole; considered; House concur with Com. of the Whole in disagreement (83 to 64). H. J., pp. *50-51, 90, 96, 107, 257; Annals, pp. *797, 798, 849.
415. Finance: Tax on exports.
416. Commerce: Internal improvements, roads.
417. Commerce: Internal improvement, canals.
418. Finance: National Bank.
1814, Jan. 5. 13th Cong., 2d sess. By Mr. Jackson of Virginia; read; tabled; considered by Com. of the Whole; report their agreement to the House. H. J., pp. *102, 251, 257; Annals, p. *848.
419. Legislative: Term of Senators four years.
1814, Feb. 9. 13th Cong., 2d sess. By Mr. Grundy of Tennessee, in the House, from the legislature of Tennessee; passed Oct. 17, 1813; to Com. of the Whole. Annals, p. 1284; Niles' Register, Vol. V, p. 297. Resolutions of non-concurrence from the legislature of Massachusetts, New Hampshire, Vermont, Rhode Island, Maryland, and North Carolina. Jour. of Senate of Penn. (1813-14) pp. *198; Ibid (1814-15) p. 18; app. pp. 9-12, 32.
- 419a. Legislative: Term of Senators four years.
1814, Nov. 9. Resolution of the legislature of Georgia. Jour. of Senate of Pennsylvania (1814-15) p. 17. Niles' Register, Vol. X, p. 177. Resolutions of the legislatures of North Carolina (Dec. 19, 1815) and Ohio (Feb. 27, 1816) of non-concurrence. Archives of Massachusetts. House Misc. 8105, 8183; Annals 14th Cong., 1st sess., p. 385. Resolutions of Rhode Island, Louisiana, and New Hampshire of non-concurrence. Jour. of Senate of Penn. (1814-15) p. 38; Ibid, (1816-17); app. pp. 20, 25; Ibid, (1817-18) p. 156.
- 419b. Legislative: Term of Senators four years.
1814, Feb. 21. Resolutions of the legislature of Pennsylvania. Journal of the Senate of Pennsylvania (1813-14) pp. 182, 203, 229, *238, *273; Journal of House of Reps. (1813-14) *70-71; 200, 320, 357. For resolutions of non-concurrence, see No. 419.
420. Finance: Tax on exports.
421. Commerce: Internal improvements, roads.
422. Internal improvements, canals.
1814, Sept. 27. 13th Cong., 3d sess. By Mr. Jackson of Virginia; referred to Com. of the Whole; considered; recommitted; postponed indefinitely. H. J., pp. *31, 39, 41, 62, 556; Annals, pp. *24, 323, 1101.
423. Finance: National Bank: Congress: Power to establish.
1814, Sept. 27. 13th Cong., 3d sess. By Mr. Jackson of Virginia; referred to Com. of the Whole; considered by com. and struck out. H. J., pp. *31, 39; Annals, *24-239, 538.
424. Legislative: 1. Apportionment of Representatives to free persons.
425. Finance: Apportionment of direct taxes to free persons.

United States Senate
WASHINGTON, DC 20510-1902

February 13, 1991

Mr. David M. Dodge

Dear Mr. Dodge:

Thank you for writing to share with me the results of your research on the proposed Thirteenth Amendment to the Constitution. I appreciate your taking the time to do so.

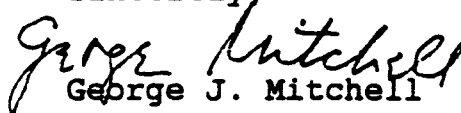
When the Thirteenth Amendment was originally printed in 1820, the year Maine and Massachussetts separated, the Maine Legislature mistakenly printed the proposed Amendment in the Maine Constitution as having been adopted. As you know, this was a mistake, as it was not ratified.

Article XIII did not receive the three-fourths vote required from the states within the time limit to be ratified. All editions of the Maine Constitution printed after 1820 exclude the proposed amendment; only the originals contain this error.

I also noted your comments on the war in the Persian Gulf. I am enclosing a copy of a recent statement on the situation to share with you my thoughts in greater detail.

Again, thank you for writing.

Sincerely,


George J. Mitchell

Enclosure

EXHIBIT D-13

United States Senate

WASHINGTON, DC 20510-1902

March 20, 1991

Mr. David M. Dodge

Dear Mr. Dodge:

Thank you for writing back to further comment on the issue of the proposed Thirteenth Amendment to the Constitution.

You have obviously done a great deal of research on this topic and I appreciate knowing of your continued interest in this matter. However, regardless of whether the state of Virginia did ratify the proposed Thirteenth Amendment to the Constitution on March 12, 1819, this approval would not have been sufficient to amend the Constitution. In 1819, there were 21 states in the United States and any amendment would have required approval of 16 states to amend the Constitution. According to your own research, Virginia would have only been the thirteenth state to approve the proposed amendment.

Again, thank you for writing.

With best regards,

Sincerely,

George Mitchell

George J. Mitchell

EXHIBIT D-14

United States Senate

WASHINGTON, DC 20510-1902

January 3, 1992

Mr. Russ Christensen

Dear Mr. Christensen:

Thank you for contacting me about the proposed 13th Amendment to the Constitution which would have prohibited American citizens from accepting titles of nobility from foreign governments. I appreciate hearing from you and regret the delay in my response.

Mr. Dunn and Mr. Dodge have apprised me of their findings. Upon receipt of their research, I requested my staff to contact the Congressional Research Service for additional information on this proposed Amendment. Some editions of the Constitution were printed as though the Amendment had been ratified because there was apparently some confusion over which states had agreed to this Amendment. An official inquiry into the matter showed that although the South Carolina Senate had passed the Amendment, the South Carolina House had not concurred with the Senate.

There is no definitive evidence that Virginia ever ratified this Amendment. Although the Virginia House Journal includes a copy of the Constitution with the proposed 13th Amendment printed as though it had been adopted, this was a common mistake at the time arising from the confusion over the number of states which had ratified the Amendment.

In addition, even if Virginia had agreed to the Amendment in 1819, it is unclear if this would have been sufficient to adopt the Amendment as several states had entered the United States between the years of 1810, when it was introduced in the Senate, and 1819. This would raise Constitutional issues on which I am unaware of any Supreme Court rulings. I have enclosed several pages from The Proposed Amendments to the Constitution of the United States During the First Century of Its History by Herbert Ames which were provided by the Congressional Research Service and give a concise history of this issue.

Again, thank you for writing.

With best wishes,

EXHIBIT D-15

Sincerely,

George Mitchell
George J. Mitchell

Enclosure

United States Senate

WASHINGTON, DC 20510-1902

February 14, 1992

Mr. David M. Dodge

Dear Mr. Dodge:

We have now corresponded for some time on the basis of your premise that there is a "hidden" thirteenth Amendment.

I do not accept your premise. The factors of the twentieth century world which you find alarming, such as the growth of insurance companies, the number of lawyers, the shortcomings of the penal system and other elements, are not amenable to control by Constitutional Amendment. Your contention that members of the Senate each receive \$2 million payments to preserve a century old conspiracy is unfounded.

With best regards,

Sincerely,


George J. Mitchell

EXHIBIT D-16

March 3, 1992

George J. Mitchell
176 Russell Senate Office Bldg.
Washington, D.C. 20510-1902

Re: Your letter of 2/14/92

Dear George:

Thank you for a most interesting response to my letter of January 17. However, I must admit to being somewhat perplexed over the statement:

Your contention that members of the Senate receive \$2 million payments to preserve a century old conspiracy is unfounded.

since, I never made any such contention. I wrote you about the 1819 amendment that prohibited titles of nobility; and, not about the secret 13th amendment that was introduced to the Committee of the Whole [Senate] on April 8, 1864, and *Resolved*, as S.R. 16., on the same date [Source: *Congressional Globe*, 38th Congress, 1st Session p. 1489-90]. This is the amendment that "guts" the Bill of Rights and makes everybody subservient to the will of the judges: "The military shall always be subordinate to the existing judicial authority over citizens." [Sec.3.] As the country was then in the midst of civil war, the "existing judicial authority" was martial law. It was necessary to "disappear" the original 13th in order to change the purpose of the government from servants, to the people, into Masters over them.

While initially rejected by the House, on June 15th, it was finally adopted on January 31, 1865, without ever being read into the record, as S.No. 16. The House vote is recorded on p. 531 of the *Congressional Globe*, 38th Congress, 2nd Session. On the 2nd of February, 1865, Lincoln signed S.R. 16. Thus, evoking a joint resolution, of a critical nature, protesting this presidential meddling, even though Lincoln was apparently one of the *drafters* [National Archives, ratified amendments file].

It would appear from the events surrounding these dates, as well as the tone of the debates in Congress, that there were extenuating circumstances, the most crucial of which was the limited borrowing capacity of the United States. With out assurances that collection of the debt could be enforced against the survivors, it would not have been possible to continue the war or finance the reconstruction that followed. Because such an encumbrance would be a *taking without just compensation* within the prohibitions of the fifth amendment [and similar

EXHIBIT D-17

provisions in all State constitutions], it was necessary to grant broad new powers to the central government to achieve these ends. Section 10 of this secret amendment granted authority to the Supreme Court of the United States to declare *void* any state law that obstructed recovery. 'Tis no coincidence that two and a half months later, Lincoln was assassinated...April 15th...the day taxes are due. Most ironical was the Sec. 12 provision: "...the descendants of Africans shall not be citizens."

On February 12, 1992, the *Wall Street Journal* reported the finding of about 5,200 factual errors in the top 10 history textbooks. Do you suppose this will lead to a variety of correct answers? They say that Lincoln preserved the union. Does this mean, that like fruit, he brought it to a boil - and then canned it?

Tom tells me you've agreed to a public dialog on some of the issues we've been corresponding about. It would be nice if we could include some discussion on the secret treaty making rights under the rules of the Senate. As I am sure you know, the treaty provision of Article VI, cl. 2, permits the Law of the Land to be supplanted by treaties which are automatically secret under the *Standing Rules of the Senate*, Rule XXX, unless declassified under 30.1b. The Ninth Amendment is an estoppel against the use of this right to deny or disparage rights retained by the people.

It is always a pleasure to hear from you and I look ahead, hopefully, to a time when the art officiality is more sublime.

EXHIBIT D-17



REFERENCE REPORT

INQUIRY: Proposed Amendment on Titles of Nobility

REPORT: In the 2nd Session of the 11th Congress, which met from November 27, 1809 to May 1, 1810, the Senate and House of Representatives approved, by two thirds vote in each House, a resolution proposing an Amendment to the Constitution. Although there is no date on the resolution, records show that it was approved by the Senate on April 27, 1810, and by the House of Representatives on May 1, 1810.

The text of the resolution reads: "If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them."

According to the records relating to this proposed Amendment in the National Archives (Record Group 11), it was ratified by 12 States in the period from December 10, 1810, to December 9, 1812.

In response to a resolution from the House of Representatives dated December 21, 1817, the Secretary of State reported on February 4, 1818, that 12 States had ratified the Amendment, that New York and Rhode Island had rejected it, that Connecticut had taken no action, and that there were no replies from South Carolina or Virginia. A copy of this report is in Report Books (Vol. 3 p. 15) among the records of the Department of State (Record Group 59). The original of the report is among the records of the House of Representatives (Record Group 233).

Thus, in 1812, when there were 18 States, only 12 had ratified the proposed Amendment (14 States were needed). In 1818, when there were 21 States, there were still only 12 ratifications, but 16 were needed for the Amendment to become part of the Constitution.

A list of States with ratification dates, is attached.

Milton O. Gustafson

MILTON O. GUSTAFSON
Chief, Civil Reference Branch

EXHIBIT

D-18

<u>State</u>	<u>Date of Ratification</u>
Maryland	December 25, 1810
Kentucky	January 29, 1811
Ohio	January 31, 1811
Delaware	February 2, 1811
Pennsylvania	February 6, 1811
New Jersey	February 13, 1811
Vermont	October 24, 1811
Tennessee	November 21, 1811
Georgia	December 13, 1811
North Carolina	December 23, 1811
Massachusetts	February 27, 1812
New Hampshire	December 9, 1812
New York	Rejected on March 12, 1812
Rhode Island	Rejected on September 15, 1814
Connecticut	No action
South Carolina	No reply; no record in file
Virginia	No reply; no record in file
Louisiana	Entered Union in 1812, no record in file
Indiana	Entered Union in 1816, no record in file
Mississippi	Entered Union in 1817, no record in file
Illinois	Entered Union in 1818, no record in file

EXHIBIT D-18

LAMAR SMITH
21st DISTRICT, TEXAS
JOHN W. LAMPMANN
ADMINISTRATIVE ASSISTANT



COMMITTEE ON THE BUDGET
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME
AND CRIMINAL JUSTICE
SUBCOMMITTEE ON INTERNATIONAL LAW,
IMMIGRATION, AND REFUGEES
HOUSE REPUBLICAN
POLICY COMMITTEE

2443 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20518-4321
(202) 225-4236

Congress of the United States
House of Representatives

February 16, 1994

Dr. Trudy Peterson
Acting National Archivist
8th and Pennsylvania Ave., NW
Washington, D.C. 20408

Dear Dr. Peterson,

As a result of a friend's interest, I am inquiring about the "Titles of Nobility" amendment enumerated as Article XIII in the Constitution. The earlier publication and then disappearance of this amendment raises some interesting questions.

It has been brought to my attention that a new report from the Civil Reference Branch claims the amendment wasn't ratified because of the ex post facto addition of four new states, even though all four of these states published this amendment as a part of the Constitution in their official publications at the time. It appears that this amendment was ratified and widely accepted.

It is my understanding that Gary L. Brooks, Chief of the legal services staff, has been assigned the responsibility for overseeing this matter for the National Archives. I would appreciate knowing the National Archives' position on the ratification of this amendment.

Thank you for your time and assistance.

Sincerely,

Lamar Smith
Lamar Smith
Member of Congress

LS:jy

EXHIBIT D-19

PLEASE REPLY TO:

1100 N.E. LOOP 410
SUITE 84C
SAN ANTONIO, TX 78208
(210) 821-6024

221 E. MAIN STREET
SUITE 318
HOUSTON, TX 78864
(512) 218-4221

1008 JUNCTION HIGHWAY
KERRVILLE, TX 78028
(210) 895-1414

33 EAST TOWNS STREET
SUITE 302
SAN ANGELO, TX 76903
(915) 853-3971

201 WEST WALL STREET
SUITE 104
MIDLAND, TX 79701
(817) 887-5232

National Archives



Washington, DC 20408

MAR - 3 1994

The Honorable Lamar Smith
House of Representatives
Washington, DC 20515

Dear Mr. Smith:

This is in response to your February 16, 1994, letter about the "Titles of Nobility Amendment."

The Archivist of the United States is governed by 1 U.S.C. 106b:

Whenever official notice is received at the National Archives and Records Administration that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Archivist of the United States shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.

Among the records in the National Archives relating to the proposed 13th Article of Amendments to the Constitution, on titles of nobility (Record Group 11, General Records of the U.S. Government), there are official notices of ratification from 12 States. Before 1950 the Secretary of State was the official who received the official notices and published Amendments after they were ratified. In 1818 the Secretary of State reported to Congress that 12 States had ratified the proposed Amendment. There is no official notice from any state dated after 1818 that it had ratified the proposed Amendment. The proposed Amendment was never included in any official version of the Constitution printed by the Department of State. The inclusion of this proposed Amendment in some publications issued by some states apparently was done in error.

I understand that the Legal Services Staff of the National Archives and Records Administration is preparing a memorandum on this subject, and I will send you a copy as soon as it is completed.

We hope this information is of assistance. If there are any further questions, the staff of our Civil Reference Branch would be pleased to help. You may contact them by writing to the Civil Reference Branch (NNRC), National Archives and Records Administration, Washington, DC 20408. The telephone number is (202) 501-5395.

Sincerely,

Michael J. Kurtz

MICHAEL J. KURTZ
Acting Assistant Archivist
for the National Archives

EXHIBIT D-20

STEVEN SCHIFF
FIRST DISTRICT, NEW MEXICO

COMMITTEES:
SCIENCE, SPACE, AND TECHNOLOGY
JUDICIARY
STANDARDS OF OFFICIAL CONDUCT
GOVERNMENT OPERATIONS
SUBCOMMITTEE ON HUMAN RESOURCES AND
INTERGOVERNMENTAL RELATIONS
RANKING MEMBER
REPUBLICAN RESEARCH COMMITTEE
TASK FORCE ON CRIME
CHAIRMAN

Congress of the United States
House of Representatives
Washington, DC 20515-3101

April 6, 1994

PLEASE REPLY TO:

WASHINGTON OFFICE:
1009 LONGWORTH BUILDING
WASHINGTON, DC 20515-3101
(202) 225-6316

DISTRICT OFFICE:
625 SILVER AVENUE, SW
SUITE 140
SILVER SQUARE
ALBUQUERQUE, NM 87102
(505) 766-2538

Brian March
PO Box 26512
Albuquerque, NM 87125

Dear Brian:

Enclosed you will find a copy of the Congressional Research Service (CRS) response to my inquiry on your behalf regarding Article 13, the proposed Amendment on Titles of Nobility, Gifts and Emoluments from foreign governments.

The CRS contends that although this Article was widely reported in journals of the time as an official Amendment to the Constitution, it was never legally ratified by the States. So, at this time it is not a recognized Amendment to the Constitution, since it has never been ratified by the requisite 3/4ths of the States in the Union.

Keep in mind that as each State is entered into the Union, it is admitted on an "equal footing" with all the other States, entitling it to full and equal privileges concerning the laws of the United States, including full participation in the ratification process. A recent example of the application of the "equal footing doctrine" is Article 27, the recently approved Constitutional Amendment regarding congressional pay. This Article was proposed in 1789 when the Union consisted of 13 States. Since there are now 50 States in the Union, 3/4ths of the States, or 38 were required to approve Article 27 as an Amendment to the Constitution, which was finally ratified on May 7, 1992, when Michigan approved it.

I hope that the Congressional Research Service analysis of the situation surrounding Article 13 is interesting to you and that the information they have provided is of use to you in your continuing research.

Sincerely,

Steven Schiff
Steven Schiff

SS:md
Enclosures: As stated

EXHIBIT D-21



March 21, 1994

TO : Honorable Steven Schiff
Attention: Mark Moores

FROM : American Law Division

SUBJECT : Proposed Amendment on Titles of Nobility, Gifts, and
Emoluments from Foreign Governments

This memorandum is submitted in response to your request regarding a constitutional amendment proposed in 1810 regarding the prohibition of American citizens receiving titles of nobility, or any presents, emoluments or office, without the consent of Congress, from a foreign king or foreign government (referred to by some as the "Thirteenth Amendment"). It is generally understood by historians and constitutional scholars, and certified by the Archivist of the United States, that this particular proposed amendment, after submission to the States by the Congress, received formal ratification from the legislatures of only twelve States, and therefore has failed to receive the required 3/4ths approval from the States for ratification.¹

Despite the recorded official notification and certification from only twelve States, certain individuals have argued that this "lost" amendment has in fact been ratified by the requisite number of States, and that a conspiracy at all levels of government, and involving the courts and the legal profession, has kept the fact of this amendment's existence from coming to light.² As discussed with your office by telephone, and as indicated in the materials provided to your office, this contention by these individuals concerning the ratification of this proposed amendment has been examined in the past by this Service, and has been found to be substantially without merit and, at this time, incapable of empirical substantiation. Because of the demands and workload of the staff of

¹ Records from the National Archives and Records Administration show that the last, and 12th State to ratify this provision was New Hampshire, December 9, 1812; note also United States General Services Administration; see Ames, *The Proposed Amendments to the Constitution of the United States During the First Century of Its History*. Annual Report of the American Historical Association For the Year 1896, pt. 2 (1896), 188-189; Justice Joseph Story, *Commentaries on the Constitution*, Vol 3, § 1346 (1833); Killian, *The Constitution of the United States of America - Analysis and Interpretation*, Senate Doc. 99-16, 99th Cong., 1st Sess., at 51; Leonard Levy, *Encyclopedia of the American Constitution*, Vol 4, at p. 1899 (1986). As noted by William Rawle in 1829, this proposed amendment "has been adopted by some of the states; but not yet by a sufficient number." Rawle, *A View of the Constitution of the United States* 120 (2d ed. 1829).

² Note self-published document "Titles of Nobility ... and Other Usurpations" (undated).

EXHIBIT

10-22

the Congressional Research Service on current legislative and legal issues for the Congress, we will be able to provide only a very brief response to the issues again raised by your constituent. Please be respectfully advised that the statutory mission of our agency, and the constraints of our budget and demands on our limited personnel make it impossible for us to engage in any continuing or direct dialogue with your constituent regarding these issues.

Briefly, from official and authoritative sources, and from commonly accepted legal and constitutional principles, it may be concluded that:

1. The printing of various copies or editions of the United States Constitution in the early 1800's with the proposed "Thirteenth Amendment" included in the publication was a common error in that era.

Although the South Carolina Senate approved the proposal, and a select committee of the house reported it favorably, the South Carolina House of Representatives failed to pass the measure, and took no action upon it after December 7, 1813.³ Many people assumed, upon approval by the Senate of South Carolina, that the amendment had been ratified, and certain publications, printing copies of the Constitution after that date, included the "Thirteenth Amendment" concerning titles of nobility. As explained by historian Herman V. Ames in his comprehensive study of proposed amendments, this confusion "led to a resolution of inquiry, as a result of which it was discovered that the House of Representatives of South Carolina had not confirmed the action of the Senate, and so the amendment had not been adopted." Ames explained that some of the general public, however, "continued to think that this amendment had been adopted, and this misconception was perpetuated for over a third of a century in editions of the Constitution and school histories."⁴

The printing of an edition or a copy of the Constitution with the proposed amendment in it is, of course, not a substitute for nor even necessarily indicative of a formal ratification by the legislature of a State. Problems in communications before the common advent of the radio, the telephone, or even the telegraph, were, of course, notorious in the early history of our nation. However, even in more modern times, problems in communications and understandings occur, such as in the more recent mistaken notification by two States that there had been a formal adoption of the call for a constitutional convention on a proposed amendment in 1979, when in fact only one house of the bicameral legislature had approved the measure at that time.⁵

³ See House Documents, 15th Cong., 1st Sess., Doc. No. 129 (March 2, 1818), *Message from the President of the United States, Transmitting a Letter from the Gov. of South Carolina*.

⁴ Ames, *supra* at 188-189.

⁵ Note applications of Arkansas and Indiana inadvertently reporting passage in 1979. Both houses of the legislature of those States did eventually approve the measure. See 125 *Cong. Rec. S. 3231* (daily ed. March 22, 1979). Discussed in CRS Report 92-729, *Amending the United States Constitution: by Congress or by Constitutional Convention*, September 18, 1992, at 13, n. 63.

2. There is no current official indication, nor official record of formal notification received, that both houses of the legislature of the Commonwealth of Virginia formally ratified this proposed amendment.⁶ However, even if the Commonwealth of Virginia *had* ratified the proposal in 1819, as claimed by some, such ratification would have made only the thirteenth State to ratify the provision by that year. In 1819, there were then 21 States in the Union, and the requisite number of States to ratify the proposal by the required 3/4ths of the States would have been 16 States.⁷

As each State is entered into the Union, it is admitted on an "equal footing" with all other States. The "equal footing doctrine" is one which has been known and recognized in governmental and constitutional practice and theory since the founding of our Nation.⁸ As such, each State is entered into the Union with full and equal privileges concerning the laws of the United States, which would include full consideration and participation in the ratification process.

The most recent practical application and example of this doctrine in the area of constitutional amendments has been the recent ratification of the so-called "Madison Amendment" concerning congressional pay, the 27th Amendment. That amendment was proposed by the Congress and sent to the States on September 25, 1789. Six of the then 14 States had approved the amendment by 1791. The 27th Amendment was not formally ratified and accepted, however, until the 38th State (Michigan, on May 7, 1992) approved the amendment.⁹ Since the number of States had increased to 50 before the requisite approval of 3/4ths of the existing States had been received, the required number of States approving became 38.

3. Finally, the belief that the language of the proposed "Titles of Nobility" amendment would in some way prohibit, bar or eliminate attorneys, judges, corporations, or chartered national or state banks, and would rectify injustices concerning "political prisoners" in our penal system,¹⁰ appears to require an

⁶ House Documents, 15th Cong., 1st Sess., Doc. No. 76. *Message from the President of the United States ...* (February 6, 1818). No response from Virginia as of February 3, 1818.

⁷ On December 14, 1819, Alabama became the 22nd State, and ratification would have required 17 States.

⁸ *Coyle v. Smith*, 221 U.S. 559 (1911); *Case v. Toftus*, 39 F. 730, 732 (C.C.D.Ore. 1889); note early statutory promulgation of doctrine by the Continental Congress in the Northwest Ordinance, July 13, 1787, "An Ordinance for the Government of the Territory of the United States Northwest of the River Ohio," Art. V, 5 Journals of Congress 752-754 (1823 ed.), reprinted in C. Tansil (ed.), *Documents Illustrative of the Formation of the Union of the American States*, H. Doc. No. 398, 69th Cong., 1st Sess. (1927), 47, 54. As to "equal footing" in admission clauses of States generally, see Hanna, *Equal Footing in the Admission of States*, 3 *Baylor Law Review* 519, n.1, 523-524 (1951).

⁹ See 57 F. R. 21187-88, May 19, 1992; 138 *Cong. Rec.* S6948, H3505, (daily ed. May 20, 1992). New Jersey also ratified on the same date.

¹⁰ See note 2, *infra*, at pp. 1 - 27.

EXHIBIT

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interpretation of constitutional language which is unprecedented and unsupported in case law or direct legislative history. For an interpretation of a constitutional provision with somewhat comparable and analogous language, one may wish to refer to Article I, Section 9, clause 8, of the United States Constitution which does, in fact, expressly bar the United States from granting any "Title of Nobility", and prohibits, without the consent of the Congress, the receipt of presents, titles, offices and emoluments from foreign governments by federal officers or employees.¹¹ Article I, Section 10, clause 1, similarly prohibits the States from granting titles of nobility. As stated in 1833 by the noted constitutional scholar, Joseph Story, in commenting on this proposal, described by him as "a general prohibition against any citizen whatever, whether in private or in public life, accepting any foreign title of nobility":

An amendment for this purpose has been recommended by congress; but, as yet, it has not received the ratification of the constitutional number of states to make it obligatory, probably from a growing sense, that it is wholly unnecessary.¹²

"Titles of nobility" have thus always been prohibited from being granted by the United States or by any State under our Constitution; and gifts, offices, titles and compensation ("emoluments") from foreign governments have been prohibited for federal officers and employees without the consent of the Congress. These provisions have been interpreted in conformance with their expressed intent and the plain meaning of the language used, rather than in a capricious manner which in some attenuated way attempts to outlaw government and regulatory licensing, professional certifications required and/or recognized by a State, or the granting of corporate charters by governmental entities.


Jack Maskell
Legislative Attorney

¹¹ Among the Framers concern with "titles of nobility" were the problems of "hereditary distinctions" in a republican democracy, note Rawle, *supra* at 119; see e.g. Franklin's objection to individuals "entailing ... an Honour on their Posterity" (Albert Henry Smith, ed. *The Writings of Benjamin Franklin*, 9:161-163); Jefferson's criticism "that experience has shewn that the hereditary branches of modern governments are the patrons of privilege and prerogative, and not of the natural rights of the people" (Julian P. Boyd, ed. *The Papers of Thomas Jefferson*, 7:105-8); see also Tucker, *Blackstone's Commentaries*: "But even where it is conceded that distinctions of rank and honours were necessary to good government, it would by no means follow that they should be hereditary" 1: App. 216-22 (1803). Material reproduced in Kurland and Lerner, *The Founders' Constitution* (1987). As to gifts and emoluments clause, see *Elliot's Debates*, Volume V, p. 467 (Mr. Pinckney of South Carolina); Story, *supra* at §§ 1345, 1346; note, for example, interpretations at 13 Op. Atty. Gen. 537 (1871); 24 Op. Atty. Gen. 116 (1902); 40 Op. Atty. Gen. 513 (1947); 34 Comp. Gen. 331 (1955); 37 Comp. Gen. 138 (1957); 44 Comp. Gen. 130 (1964); 44 Comp. Gen. 227 (1964); 49 Comp. Gen. 819 (1970).

¹² Joseph Story, *Commentaries on the Constitution*, Vol. 3 § 1346 (1833).

National Archives



Washington, DC 20408

Date : May 17, 1994
Reply to :
Attn of : N-GC
Subject : "Titles of Nobility" amendment
To : NN

This is in response to your November 26, 1993, request for our opinion concerning whether the Acting Archivist (N) must certify that a measure known as the "Titles of Nobility" amendment became part of the Constitution of the United States in 1819.

The 2d Session of the 11th Congress, which met from November 1809 to March 1810, approved, by two-thirds vote in each House, a resolution proposing the following amendment to the Constitution:

If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

Records in the National Archives indicate that, between December 1810 and December 1812, 12 States officially notified the executive branch that they had ratified the proposed amendment, which we will refer to hereafter as "the Titles of Nobility amendment" or "the amendment." At the time Congress submitted the amendment to the States for ratification, the Union comprised 17 States. By December 9, 1812, the date the 12th State, New Hampshire, ratified the amendment, this number had increased to 18.

Records in the National Archives also indicate that, in response to a resolution passed by the House of Representatives in December 1817, the Secretary of State reported on February 4, 1818, that he had received official notice of ratification of the amendment from 12 States. The Secretary of State further reported that he had received no response from Virginia to his written request for information concerning any final decision by that State regarding the amendment. The Union comprised 21 States in 1818.

EXHIBIT D-23

On November 22, 1993, you received an oral request that the Acting Archivist certify that the Titles of Nobility amendment became part of the Constitution on March 12, 1819. This request came from private citizens David Dodge, Tom Dunn, and Brian March, who offered the following arguments in support of their proposition. First, that because there were 17 states when Congress submitted the Titles of Nobility amendment to the States for ratification, the amendment became part of the Constitution once 13 States had ratified. Second, that the 13th State, Virginia, ratified the amendment on March 12, 1819.¹

You forwarded the oral request to us for review. You also made a written request for a legal opinion concerning the Acting Archivist's ability to certify that the Titles of Nobility amendment became part of the Constitution in 1819.

We have completed our review of this matter. For the following reasons, we conclude that the Acting Archivist has no authority to certify that the Titles of Nobility amendment became a part of the Constitution in 1819.

Section 106b of Title 1, United States Code (U.S.C.) (1988) states that:

Whenever official notice is received at the National Archives and Records Administration that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Archivist of the United States shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.

The "provisions of the Constitution" to which § 106b refers are those found in Article V, which states that:

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all

¹ In addition to making an oral request that the Acting Archivist certify the amendment, Messrs. Dodge, Dunn, and March submitted a bound volume of materials in support of their request.

Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal suffrage in the Senate.

We conclude that the Acting Archivist's authority under 1 U.S.C. § 106b to certify that an amendment has become valid, to all intents and purposes, as a part of the Constitution is limited to situations where she determines that the National Archives and Records Administration (NARA) has received "official notice" of an amendment's ratification from at least 38 States. This conclusion is based on the plain language of Article V, which conditions the Acting Archivist's certification on the receipt of official notice of ratification from "three-fourths of the several States." Three-fourths of the States comprising the United States is 38 States.

Additional support for this conclusion is provided by a 1992 opinion of the Department of Justice's Office of Legal Counsel (OLC). The OLC expressly concluded that 38 States would have to ratify what was popularly known as the "Congressional Pay Amendment" before it became a part of the Constitution.² 16 Op. O.L.C. 100, 101 (1992) (preliminary print). The OLC also concluded that, once the Archivist received "formal instruments of ratification" from 38 States, the Archivist would be required to certify that the Congressional Pay Amendment had "become valid, to all intents and purposes, as a part of the Constitution." *Id.* at 101.

The OLC's opinion is significant because the OLC is authorized by Congress to resolve questions of law that affect executive branch operations. See 28 U.S.C. § 511 (1988). The OLC's 1992 opinion is directly on point with the question of how many States would have to ratify the Titles of Nobility amendment before the Acting Archivist could certify under 1 U.S.C. § 106b that the amendment had become valid, to all intents and purposes, as a part of the Constitution.

² The Congressional Pay Amendment became the Twenty-seventh Amendment to the Constitution in May 1992.

Only 11 States had adopted the Constitution when Congress submitted the Congressional Pay Amendment to the States in 1789 for ratification. Therefore, like the Titles of Nobility amendment, the Congressional Pay Amendment was submitted by Congress for ratification at a time when the "several States" numbered fewer than 50. The OLC did not conclude, however, that the Archivist should have certified that the Congressional Pay Amendment had become part of the Constitution once NARA had received official notice of ratification from 9 of those 11 States. Rather, the OLC concluded that the Archivist's authority to certify the Congressional Pay Amendment depended upon NARA's receipt of official notice of ratification from 38 States.

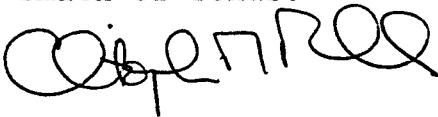
The Acting Archivist has no authority to determine, as a matter of law, whether any amendment, including the Titles of Nobility amendment, is actually a part of the Constitution. See Dillon v. Gloss, 256 U.S. 368, 376-77 (1921) (the Eighteenth Amendment became effective when the necessary number of States had ratified it, not when the Secretary of State issued his certificate under the predecessor statute to 1 U.S.C. § 106b). The Acting Archivist also has no authority to determine whether a State has properly ratified an amendment. See Leser v. Garrett, 258 U.S. 130, 137 (1922) (Secretary of State could not inquire into whether State properly ratified Nineteenth Amendment; "duly authenticated" official notice of ratification was "conclusive" upon Secretary). Given the similarities between the fact pattern involving the Congressional Pay Amendment and the facts of the instant case, and given the OLC's opinion regarding the number of States needed to ratify the Congressional Pay Amendment in 1992, we conclude that the extent of the Acting Archivist's authority with respect to amendments is the determination of whether official notice of ratification has been received from 38 States. See United States v. Sitka, 845 F.2d 43, 47 (2d Cir.), cert. denied, 488 U.S. 827 (1988) (certification authority found in 1 U.S.C. § 106b is "ministerial" in nature); United States ex rel. Widenmann v. Colby, 265 F. 998, 999-1000 (D.C. Cir. 1920), aff'd, 257 U.S. 619 (1921) (same). See also 16 Op. O.L.C. at 117.

At most, 13 States have officially notified NARA of their ratification of the Titles of Nobility amendment.³ Because

³ We reach no conclusion as to whether Virginia actually ratified the amendment or whether NARA has received "official notice" of any ratification. For the reasons set forth in the body of this opinion, the first issue is one that the Acting Archivist cannot resolve as a matter of law. As for the second issue, it need not be decided

official notice is needed from 38 States to trigger the exercise of the authority set forth in 1 U.S.C. § 106b, we conclude that the Acting Archivist may not certify that the amendment has become valid, to all intents and purposes, as a part of the Constitution of the United States. We also conclude, for the reasons set forth above, that the Acting Archivist possesses no authority to determine whether the Titles of Nobility amendment became a part of the Constitution in 1819.

I will be providing copies of this opinion to Messrs. Dodge, Dunn, and March (via Mr. March), and Representative Lamar Smith of Texas.



CHRISTOPHER M. RUNKEL
Acting General Counsel

by NARA so long as the number of States that have ratified the amendment remains at a total so far from 38.

EXHIBIT D-23

STROM THURMOND, SOUTH CAROLINA
ALAN K. SIMPSON, WYOMING
CHARLES E. GRASSLEY, IOWA
ARLEN SPECTER, PENNSYLVANIA
HANK BROWN, COLORADO
FRED THOMPSON, TENNESSEE
ION KYL, ARIZONA
MIKE DEWINE, OHIO
PENCER ABRAHAM, MICHIGAN

JOSEPH R. BIDEN, JR., DELAWARE
EDWARD M. KENNEDY, MASSACHUSETTS
PATRICK J. LEAHY, VERMONT
HOWELL HEFLIN, ALABAMA
PAUL SIMON, ILLINOIS
HERBERT KOHL, WISCONSIN
DIANNE FEINSTEIN, CALIFORNIA
RUSSELL D. FEINGOLD, WISCONSIN

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

March 7, 1995

Brian H. March
4845 Los Serranos Ct. N.W.
Albuquerque, NM 87120

Dear Mr. March:

Senator Simon forwarded me your research concerning the Titles of Nobility Amendment to the United States Constitution and asked me to look into it. It appears you have spent a lot of time researching this issue. The amendment never became part of the Constitution because it has never been ratified by three-fourths of the states.

In 1810, Senator Reed of Maryland introduced a proposed thirteenth amendment to the Constitution. As you know, the amendment would revoke the citizenship of anyone who accepted a title of nobility or a gift from a foreign state, or who married a person of royal blood, without the consent of Congress. Two-thirds of both the House of Representatives and the Senate voted in favor of the proposed amendment in 1810 and sent it to the states for ratification. By 1812, twelve states had ratified the amendment. However, in order to become part of the Constitution, thirteen states would have had to ratify it because 18 states had joined the Union by 1812. No state has ratified the amendment since 1812.

The Titles of Nobility Amendment is one of four proposed amendments supposedly still pending before the states. This possibility came to light when, in 1992, the final requisite states voted to ratify the twenty-seventh amendment, over 200 years after it was first introduced, concerning pay raises for members of Congress. Senator Robert C. Byrd introduced a resolution in 1992 to eliminate the possibility of ratifying these forgotten amendments, including the titles of nobility amendment, but the resolution never came to a vote.

The Constitution does contain provisions concerning nobility, which apply to the federal and state governments rather than to all citizens as the 1810 proposed amendment did. Art. I, Sec. ix, paragraph 8 and Art. I, Sec. x, paragraph 1 prohibit the state and federal governments from granting titles of nobility. The Constitution also prohibits government officials from accepting titles of nobility without obtaining the consent of Congress.

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I am enclosing the research you gave to Senator Simon. Thanks again for bringing this matter to our attention. My best wishes.

Cordially,

Carol Shubinski

Carol Shubinski
Law Fellow
Senator Paul Simon

EXHIBIT D-24

Titles of Nobility Amendment

LIST OF STATES AND/OR TERRITORIES, WITH THE YEARS SHOWING ARTICLE XIII (TITLES OF NOBILITY AMENDMENT) AS RATIFIED As of March 15, 1995

Colorado	1861, 1862, 1864, 1865, 1866, 1867, 1868
Connecticut	1821, 1824, 1835, 1839
Dakota	1862, 1863, 1867
Florida	1823, 1825, 1838
Georgia	1819, 1822, 1835, 1837, 1846
Illinois	1822, 1827, 1833, 1839
Indiana	1824, 1831, 1838
Iowa	1838, 1839, 1842, 1843
Kansas	1855, 1861, 1862, 1868
Kentucky	1822
Louisiana	1825, 1828, 1838
Maine	1825, 1831
Massachusetts	1823
Michigan	1827, 1833
Mississippi	1824, 1839
Missouri	1825, 1835, 1840, 1841, 1845
Nebraska	1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1873
New York	(date unknown)
North Carolina	1819, 1828
Northwestern Territories	1833
Ohio	1819, 1824, 1831, 1833, 1841
Pennsylvania	1818, 1824, 1831
Rhode Island	1822
Virginia	1819
Wyoming	1870, 1876

Laws of the United States of America 1815

This represents 25 States, or territories, with 77 publications which demonstrate the common acknowledgment of ratification. This list is not inclusive of all publications, only those that we have been able to research, to date.

EXHIBIT D-25

Titles of Nobility Amendment

LIST OF OTHER PUBLICATIONS
WHICH DEMONSTRATE THE RATIFICATION OF
ARTICLE XIII (TITLES OF NOBILITY AMENDMENT)

1. JUSTICE OF THE PEACE, by Henry Potter, Federal Judge in North Carolina for over 56 years.
2. THE RIGHTS OF AN AMERICAN CITIZEN, by Benjamin L. Oliver, 1832
3. A HISTORY OF THE UNITED STATES, by John Frost, LL.D., 1837
4. A HISTORY OF THE UNITED STATES (NEW EDITION, WITH ADDITIONS AND CORRECTIONS), by John Frost, LL.D., 1837
5. THE AMERICAN POLITICIAN, by M. Sears, 1842
6. THE POLITICAL TEXT BOOK, by Edward Currier, 1842
7. LIVES OF THE HEROES OF THE AMERICAN REVOLUTION, by John Frost, LL.D., 1848
8. A HISTORY OF THE UNITED STATES, by John Frost, LL.D., 1849
9. THE TRUE REPUBLICAN, by Jonathan French, 1849
10. THE TREASURY OF HISTORY; BEING A HISTORY OF THE WORLD, by Henry Bill, 1850
11. ECHOES FROM THE CABINET, by Dayton & Wentworth, 1855
12. THE STATE REGISTER (LOUISIANA), by A. W. Bell, 1855
13. CONSTITUTION OF THE UNITED STATES, by C. A. Cummings (undated)

EXHIBIT D-25

Titles of Nobility Amendment

DEFINITIONS

From: Noah Webster 1828

Bouvier's Law Dictionary 1848

Black's Law Dictionary 1891

Note: Because they are so similar, the definitions have been consolidated.

"Emolument": - One who gains profit or advantage.

"Foreign Power": - **"Power"** - a sovereign state; a controlling group; possession or control; authority or influence, political or otherwise.

"Honour": - One having dominion, advantage or privilege over another.

"Nobility": - Exalted rank - high social position.

"Title of Nobility": - An order of men, in several countries, to whom special privileges are granted.

"privileges": - To grant some particular right or exemption.

From a court case, in *Horst v. Moses*, 48 Ala. 123, 142 (1872), which gave the following description of **"Titles of Nobility"**:

"to confer a title of nobility, is to nominate to an order of persons to whom privileges are granted at the expense of the rest of the people. It is not necessarily heredity, and the objection to it arises more from the privileges supposed to be attached, than to the otherwise empty title or order. These components are forbidden separately in the term 'privilege', 'honor', and 'emoluments', as they are collectively in the term 'title of nobility'. the prohibition is not affected by any consideration paid or rendered for the grant."

cult -- ritual observances involved in worship of, or communication with, the supernatural or its symbolic representations. A cult includes the totality of ideas, activities, and practices associated with a given divinity or social group. It includes not only ritual activities but also the beliefs and myths centering on the rites. The objects of the cult are often things associated with the daily life of the celebrants. The English scholar Jane Harrison pointed out the importance of the cult in the development of religion. Sacred persons may have their own cults. The cult may be associated with a single person, place, or object or may have much broader associations. There may be officials entrusted with the rites, or anyone who belongs may be allowed to take part in them. -The New Columbia Encyclopedia, 1975.

EXHIBIT D-26

Titles of Nobility Amendment

Of course, any similarity between cults and courts is purely coincidental. The lawyers, today, before the ones wearing black robes - "If it please the court, ...May I approach the bench? ... May I have a word with my client?... May I go to the bathroom?" Read the final sentence in the government authorized under the Constitution which prohibited from engaging in cult-like practices; and, the titles of nobility amendment was the enforcing clause.

Here are some brief thoughts on the possible meanings today:

1- We have a governmental system that was set up with three separate and distinct branches (Executive, Legislative & Judicial), known as separation of powers within a Republic Form of Government (Art. IV, Sec. 4, Constitution). This was to insure that each branch provided a check and balance against the other branches. It is clear, then, that, since all three branches are controlled by attorneys, lawyers, esquires, (of which 90%, or more, are members of the ABA) which means this one group creates the laws, implements the laws, adjudicates the laws, sometimes putting themselves above the laws and profit from those laws; that this makes them people with privileges, immunities, and emoluments above others. Assuming you say yes, that would mean they have taken on a title of nobility or honor and have, therefore, lost their citizenship status. They cannot hold any office of profit or trust under them or either of them.

2- The Federal Reserve Bank (when it was created on December 24, 1913) was, and is, unconstitutional (as was the Bank of the United States 1 & 2 in the late 1700's and early 1800's) because of the special privilege created for it. Wouldn't titles of nobility be created when a few people, and not Congress, as mandated in the United States Constitution (Congress has no authority to delegate that power away), decides what the interest rate will be, and create money out of thin air? When the Federal Reserve Bank was created, congress was filled with people having titles of nobility or honor.

EXHIBIT D-26

GREAT DEBATES IN AMERICAN HISTORY

From the Debates in the British Parliament on the Colonial Stamp Act (1764-1765) to the Debates in Congress at the Close of the Taft Administration (1912-1913)

EDITED BY

MARION MILLS MILLER, LITT.D. (PRINCETON)
Editor of "The Life and Works of Abraham Lincoln," etc.

IN FOURTEEN VOLUMES

EACH DEALING WITH A SPECIFIC SUBJECT, AND CONTAINING A SPECIAL INTRODUCTION BY A DISTINGUISHED AMERICAN STATESMAN OR PUBLICIST

VOLUME FOUR

SLAVERY FROM 1790 TO 1857

With an Introduction by CHARLES FRANCIS ADAMS
Author of "Lee at Appomattox," etc.



CURRENT LITERATURE PUBLISHING COMPANY
NEW YORK

TITLES OF NOBILITY
DEBATE



J. D. Adams

EXHIBIT

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immigrants from the war-racked countries of Europe. Upon what terms to admit them became a pressing matter with Congress, and early in the session a bill was presented in the House of Representatives to establish a more stringent rule of naturalization than that of 1790. Its provisions were substantially those which prevail to-day. It was debated off and on, from December 22, 1784, until January 8, 1795, when it was passed and sent to the Senate, where certain amendments were proposed, which were accepted by the House on January 26, 1795. In the debate in the House general principles of citizenship were presented which are of interest to-day, as well as certain principles applicable to the conditions of the time, which strikingly present the temper of our early statesmen. In the debate on general principles John Page [Va.], James Madison [Vt.], John Nicholas [Vt.], Samuel Dexter [Mass.], and Abraham Baldwin [Ga.] were opposed to stringent requirements in the way of oaths and attestations, and Theodore Sedgwick [Mass.], and William Vans Murray [Md.] in favor of them.

On the specific question of the renunciation of titles to nobility William B. Giles [Va.], Mr. Madison, and Mr. Page were in favor of renunciation, and William L. Smith [S. C.], Mr. Dexter, Richard Bland Lee [Va.], Fisher Ames [Mass.], and Mr. Murray were opposed to it.

Upon the question of duration of residence Samuel Smith [Md.] advocated a term of ten years and Mr. Baldwin and Thomas Fitzsimons [Pa.] a term of five years.

ON NATURALIZATION

HOUSE OF REPRESENTATIVES, DECEMBER 22, 1794—JANUARY 8, 1795

Mr. PAGE disliked the requirement of an oath of allegiance by the applicant for citizenship. He trusted that a Constitution ~~manch admired~~, and with such wholesome laws, will be an inducement to many good men to become citizens, and that, should ~~had men come among us~~, they will be discountenanced by the more virtuous class of citizens and, if necessary, be punished

by the laws. He hoped that good schools would soon be spread over all the States, and, hence, that good sense and virtue will be so generally diffused among us that emigrants will be unable to corrupt our manners. Even at present, he relied so much on the virtue and discernment of his fellow citizens, the power of the law, and the energy of Government as to apprehend no danger from emigration in the United States.

Mr. SEDGWICK.—America, if her political institutions should, on experience, be found to be wisely adjusted, and she shall improve her natural advantages, had opened to her view a man-rich and glorious prospect than ever was presented to man. She had chosen for herself a government which left to the citizen as great a portion of freedom as was consistent with a social compact. All believed the preservation of this government, in its purity, indispensable to the continuance of our happiness. The foundation on which it rested was general intelligence and public virtue; in other words, wisdom to discern, and patriotism to pursue, the general good. He had pride in believing his countrymen more wise and virtuous than any other people on earth; hence he believed them better qualified to administer and support a Republican government. This character of Americans was the result of early education, aided, indeed, by the discipline of the Revolution. In that part of the country with which he was best acquainted, the education, manners, habits, and institutions, religious and civil, were republican. The community was divided into corporations, in many respects resembling independent republics, of which almost every man, the qualifications were so small, was a member. They had many important and interesting concerns to transact. They appointed their executive officers, enacted by-laws, raised money for many purposes of use and ornament. Here, then, the citizens early acquired the habits of temperate discussion, patient reasoning, and a capacity of enduring contradiction. Here the means of education and instruction are instituted and maintained; public libraries are purchased and read; these are the proper schools for the education of republican citizens; thus are to be planted the seeds of republicanism. If you will cultivate the plants which are to be reared from these seeds you will gather an abundant harvest of long-continued prosperity.

Much information might be obtained by the experience of others if, in despite of it, we were not determined to be guided only by a visionary theory. Behold the ancient republics of Greece and Rome; see with what jealousy they guarded the rights of citizenship against adulteration by foreign mixture.

EXHIBIT

D-26

The Swiss nation in modern times had not been less jealous on the same subject. Indeed, no example could be found in the history of man to authorize the experiment which had been made by the United States. It seemed to have been adopted by universal practice as a maxim that the republican character was no way to be formed but by early education. In some instances, to form this character, those propensities which are generally considered as almost irresistible, were opposed and subdued. And shall we alone adopt the rash theory that the subjects of all governments—despotic, monarchial, and aristocratic—are, as soon as they set foot on American ground, qualified to participate in administering the sovereignty of our country? Shall we hold the benefits of American citizenship so cheap as to invite, nay, almost bribe, the discontented, the ambitious, and the avaricious of every country to accept them?

It was said, in support of what was termed our liberal policy, that our country wanted commercial capital; that we had an immense tract of vacant territory; and that we ought not, with the avarice of a miser, to engross to ourselves the exclusive enjoyment of our political treasures; but he had never been convinced that we ought to make so great a sacrifice of principle for the rapid accumulation of commercial capital. He had never been convinced that, by an improvement of our own resources, it would not accumulate as fast as might be for the public benefit. We heard much of equality. Property was, in some sense, power; and the possession of immense property generated daring passions which scorned equality, and with impatience endured the restraints of equal laws. Property was undoubtedly to be protected as the only sure encouragement of industry, without which we should degenerate into savages. But he had never been convinced that the anxiety with which we wished an accumulation of capital, in the hands of individuals, was founded on correct republican reflection. The ardent ambition inspired by the possession of great wealth, and the power of gratifying it which it conferred, had, in many instances, disturbed the public peace, and, in not a few, destroyed liberty.

The vacant lands, which some, with so much avidity, wished to see in the occupation of foreigners, he considered as the best capital stock of the future enjoyment of Americans; as an antidote against the poison of luxury; as the nursery of robust and manly virtue; and as a preventive of a numerous class of citizens becoming indigent and, therefore, dependent. Whenever the time should arrive (and may that period be very distant) when there should no longer be presented to the poor a

decent competence and independence, as the effect of industry and economy (which would generally be the case when lands were no longer to be obtained on their present easy and reasonable terms), then that description of men, now perhaps the most happy and virtuous, would become miserable to themselves and a burden to the community.

He considered America as in possession of a greater stock of enjoyment than any other people on earth. That it was our duty to husband it with care; yet he could not altogether exclude such virtuous individuals as might fly here, as to an asylum, against oppression. On the one hand, he would not dissipate our treasures with the thoughtless profusion of a prodigal; nor would he, on the other, hoard them, as in the unfeeling grasp of a miser. Our glorious fabric has been cemented by the richest blood of our country, and may it long continue to shelter us against the blasts of poverty, of anarchy, and of tyranny.

Mr. MADISON, like Mr. Page, was opposed to the requirement of the oath of allegiance. It was hard to make a man swear that he preferred the Constitution of the United States, or to give any general opinion, because he may, in his own private judgment, think monarchy or aristocracy better, and yet be honestly determined to support this Government as he finds it.

Mr. NICHOLAS opposed the word "moral" in an amendment requiring that the applicant for citizenship furnish attestations of his "good moral character." This word might be hereafter implied to mean something relative to religious opinions.

Mr. SEWICK remarked that the word "moral" is opposed to "immoral" and has no particular reference whatever to religion, or whether a man believes anything or nothing. It has no reference to religious opinions. We can everywhere tell, by the common voice of the world, whether a man is moral or not in his life without difficulty. In some States of the Union adultery is not punishable by law, yet it is everywhere said to be an immoral action.

Mr. Madison spoke on the resolution that if an American citizen chose to expatriate himself he should not be allowed to enter into the list of citizens again without a special act of Congress and of the State from which he had gone.

He said that he did not think that Congress, by the Constitution, had any authority to readmit American citizens at all. It was granted to them to admit only aliens.

Mr. DEXTER held that a man cannot expatriate himself without the express consent of the nation of which he is a subject.

Mr. MURRAY would infer that this country had a right to naturalize foreigners, because she has naturalized them; and that this country, by its laws, having accepted the allegiance of an alien, the alien had a right to offer that allegiance. The very proviso to naturalize an alien, without inquiry as to the consent of his own country having been previously obtained, seems to be predicated on the principle for which he contended—that a man has the right to expatriate himself without leave obtained: if he has not, all our laws of this sort, by which we convert an alien into a citizen completely, must be acknowledged to be a violation of the rights of nations. How far a man, after having been naturalized at a period of life when his reason enabled him to choose, and to enter into a solemn obligation, and, after he has expressly entered into it, has a right, without the consent of the society, to quit that society, might be another question. After a citizen throws off his allegiance to this country, by leaving it and entering into a new obligation to some other nation, though he may have a right so to do, he has no right to return to his allegiance here without the consent of this society; and it is not a question of right, but of policy, how far we will readmit him to citizenship. It was, however, necessary that a man, casting off the allegiance of one country, must complete the act of dissolution in another. Therefore he considered that law of Virginia a strange solecism which provides for the throwing off allegiance within the community. The consequences of such a principle are not only destructive to the very form and body of civil society, but are unnatural. They present a civilized being belonging to no civil society on earth; for, in the intermediate state in which he stands, between the allegiance and country he has just disowned, and the allegiance and country to which he may intend to pledge himself, he is in the imaginary state of nature, which is, in reality, an unnatural state, for a being whose every faculty and quality constitute him a moral agent, surrounded by essential relations, and, of course, impel him to discharge duties of a social nature.

The British Government, by a want of conformity between their first principle, as laid down in their law books, and the practice of Parliament, have shown us a singular mixture of old principles which the nation has outgrown. It is a maxim with them that allegiance cannot be dissolved by any change of time or place, nor by the oath of a subject to any foreign power; yet

they naturalize by act of Parliament. They accept what they declare, by their theory of civil law, cannot be rightfully offered: nay, for one century the throne of England has presented monarchs who were foreigners. William of Orange was a Prince, but he was a subject, too, of a foreign power; and George the First was a member of the Germanic body. There is little danger that citizens, who are worthy of being so, will throw off their allegiance from the United States. The amendment which prohibits their readmission to a participation of all the rights of citizenship will be a sufficient penalty, if any be necessary. Though they may have a right to expatriate themselves, there cannot be inferred a right of returning; for every body politic must have the right of saying upon what terms they will accept any addition of aliens to their numbers; and the expatriated man, no longer belonging to this society, and being an alien, the Government may choose whether he ever shall enjoy its privileges again.

Mr. BALDWIN expressed the strongest disapprobation at the idea of expatriating all those of our citizens who may have become subjects or citizens of another country. Many of them had been made citizens without any solicitation of their own and merely as a mark of esteem from the government under which they lived. They had no design whatever of renouncing their country. Yet the House of Representatives, all at once, declares them incapable of returning to their former situation.

Mr. GRUES proposed a new clause which was, in substance, that all such aliens who had borne any hereditary titles, or titles of nobility in other countries, should make a renunciation of such titles before they can enjoy any right of citizenship. Mr. Q. said if we did anything to prevent an improper mixture of foreigners with the Americans this measure seemed to him one that might be useful.

Mr. W. SMITH was entirely opposed to the motion. The mind of the public is completely guarded against the introduction of titles and they will never be current here. You cannot hinder a man from calling another a viscount. You cannot declare this a crime.

He doubted whether the House had, by the Constitution, any right of making such a law. They were directed not to grant any titles, but their authority did not extend to the taking away of titles from persons who were not born in the country. The Marquis de Lafayette has been distinguished all over the Continent by the title of Marquis. Mr. S. hoped that he would one

day be again in America and then he would very likely be called Marquis again. By this law it would be illegal.

Why might there not be an interdiction against persons connected with the Jacobin Club? Why not forbid the wearing of certain badges of distinction used by Jacobins?

Mr. MADISON approved of the motion. He regarded it as exactly to the business in hand, to exclude all persons from citizenship who would not renounce forever their connection with titles of nobility. The propriety of the thing would be illustrated by this reflection: that, if any titled orders had existed in America before the Revolution, they would infallibly have been abolished by it.

We have been reminded of the Marquis de Lafayette. He had the greatest respect for that character; but, if he were to come to this country, this very gentleman would be the first to recommend and acquiesce in the amendment on the table. He had urged the necessity of utterly abolishing nobility in France, even at a time when he thought it necessary for the safety of the state that the King should possess a considerable portion of power.

Mr. GIBBS declared that the requirement was in conformity with the Constitution, which declared no titled character admissible to any civil rank. The measure is a proper safeguard.

A revolution is now going onward to which there is nothing similar in history. A large portion of Europe has already declared against titles, and when the innovations are to stop no man can presume to guess. There is at present no law in the United States by which a foreigner can be hindered from voting at elections, or even from coming into this House; and, if a great number of these fugitive nobility come over, they may soon acquire considerable influence. The tone of thinking may insensibly change in the course of a few years and no person can say how far such a matter may spread.

Mr. DEXTER opposed the resolution. He imagined that, by the same mode of reasoning, we might hinder His Holiness the Pope from coming into this country. And why not? priestcraft had done more mischief than aristocracy.

Mr. MADISON said that the question was not perhaps so important as some gentlemen supposed; nor of so little consequence as others seemed to think it. It is very probable that the spirit of republicanism will pervade a great part of Europe. It is hard to guess what numbers of titled characters may, by such an event, be thrown out of that part of the world. What can be more reasonable than that, when crowds of them come

here, they should be forced to renounce everything contrary to the spirit of the Constitution?

Mr. PAGE was for the motion. It did not become that House to be afraid of introducing democratical principles. Titles only give a particular class of men a right to be insolent, and another class a pretence to be mean and cringing. The principle will come in by degrees and produce mischievous effects here as well as elsewhere. If such men do come here, nothing can be more grateful to a republican than to see them renounce their titles. This does not amount to any demand of making them renounce their principles. If they do not aspire to be citizens they may assume as many titles as they think fit. Equality is the basis of good order and society, whereas titles turn everything wrong. Mr. P. said that a scavenger was as necessary to the health of a city as any one of its magistrates. It was proper, therefore, not to lose sight of equality and to prevent, as far as possible, any opportunities of being insolent. He did not want to see a duke come here and contest an election for Congress with a citizen.

Mr. LEE.—As to mere empty names, as to sounds, we must be very corrupt, we must be very ignorant, if we could be alarmed by them. And in this free country every man had a right to call himself by what name or title he pleased; and, if the mover thought proper to change his name for any other name, sound, or title, it would neither add to nor diminish his real worth and importance; it would not give qualities to his heart which he had not before, nor detract from those he had. What were the mischiefs experienced in Europe from privileged orders? They did not flow from the names by which those orders were distinguished; they arose from the exclusive preference and privileges which those orders possessed in political rights and in property. Without these their titles would have been mere empty gewgaws, ridiculous in the extreme, and unworthy of the acceptance of any man of common sense. Titles, then, did not produce the mischiefs; but the privileges annexed to titles. In this country every citizen was equal to his fellow-citizen in political rights; and the laws of the respective States had wisely provided that property could not be accumulated in such a degree in the hands of individuals as to give them an improper influence in society. By the equal distribution of estates individuals are prevented from being so rich as to trample upon the necks of their equals. Great accumulations of property are more likely, in fact, to introduce the effects of aristocracy than are the ridiculous names by which individuals

may be distinguished. If it was the corrupting relation of lord and vassal which rendered a foreigner an unfit member of an equal republican government, he feared that this reasoning applied to the existing relation of master and slave in the Southern country (rather a more degrading one than even that of lord and vassal) would go to prove that the people of that country were not qualified to be members of our free republican Government. But he knew that this was not the case. Though in that House the members from the State of Virginia held persons in bondage, he was sure that their hearts glowed with a zeal as warm for the equal rights and happiness of men as gentlemen from the other parts of the Union where such degrading distinctions did not exist. He rejoiced that notwithstanding the unfavorable circumstances of his country in this respect, the virtue of his fellow-citizens shone forth equal to that of any other part of the nation.

Mr. DEXTER would vote for the resolution if the gentleman would agree to an amendment, which was: "And, also, in case any such alien shall hold any person in slavery, he shall renounce it and declare that he holds all men free and equal."

Mr. GILES realized the sarcastic purpose of the gentleman's amendment, but deprecated it as an ungenerous sling at the members from the Southern States, who were contending as best they could with a local evil. As for himself, he lamented and detested slavery; but, from the existing state of the country, it was impossible at present to help it. He himself owned slaves. He regretted that he did so, and, if any member could point out a way in which he could be properly freed from that situation, he should rejoice in it. The thing was reducing as fast as could prudently be done.

Mr. MAWSON mentioned regulations adopted in Virginia for gradually reducing the number of slaves. None were allowed to be imported into the State. The operation of reducing the number of slaves was going on as quickly as possible. The mention of such a thing in the House had, in the mean time, a very bad effect on that species of property, otherwise he did not know but what he should have voted for the amendment of Mr. Dexter. It had a dangerous tendency on the minds of these unfortunate people.

Mr. AMES.—Can the advocates of Mr. Giles's amendment even affect apprehensions that there is any intention to introduce a foreign nobility as a privileged order? If they can, such diseases of the brain were not bred by reasoning and cannot be cured by it. Still less should we give effect by law to chimerical

whimsies. For what is the tendency of this counterfeit alarm? Is it to rouse again the sleeping apparitions which have disturbed the back country? Is it to show that the mock dangers which they have pretended to dread are real? Or, is it to mark a line of separation between those who have the merit of maintaining the extremes of political opinions and those whom this vote would denounce as stopping at what they deem a wise moderation? If that is the case, it seems that the amendment is intended rather to publish a creed than to settle a rule of naturalization.

Mr. MURRAY had no alarming apprehensions of nobility. There had once been in this House a baronet. He was there for two years before it was known, and it was then discovered that a baronet was a thing perfectly harmless. As for titles of nobility, he believed that all the sensible part of the community looked upon the whole as stuff. When Mr. M. contemplated this subject it reminded him of Holbein's "Dance of Death." He saw not a bug in this country but the ghosts of nobility.

The amendment of Mr. Giles, relative to forswearing nobility, and that of Mr. Dexter, relative to forswearing slavery, were both voted down.

Mr. MURRAY then moved to extend the period of residence from five to ten years.

Mr. BALDWIN said this was opposed to the Constitution which required a Senator to have lived only nine years in the country.

Mr. S. SMITH was for the longer term, that the prejudices which the aliens had imbibed under the government from whence they came might be effaced, and that they might, by communication and observance of our laws and government, have just ideas of our Constitution and the excellence of its institution before they were admitted to the rights of a citizen.

Mr. FITSIMONS thought that ten years were much too long a time for keeping an alien from being a citizen—it would make this class of people enemies to your Government. He was firmly of opinion that emigrants deserved to be encouraged; and to discourage them was an idea which till this day he had never heard either in or out of the House. Nature seems to have pointed out this country as an asylum for the people oppressed in other parts of the world. It would be wrong, therefore, to first admit them here, and then treat them for so long a time so harshly.

Mr. Murray's amendment was negatived.

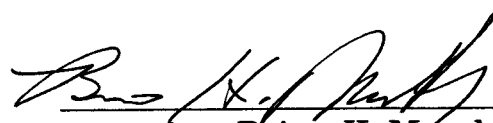
Affidavit

I, Brian H. March, hereby deposes and states the following facts, that:

1. That I have, along with David Dodge and Thomas Dunn, extended many hours of research in the matter of the ratification of the Titles of Nobility Amendment to the Constitution of the United States of America;
2. I have purchased from the National Archives, Washington, D.C., United States of America, the entire microfilm of the domestic journals of the Secretary of State for the period of 1787 thru 1822.
3. This record contains all known official domestic correspondence by the Secretary of State for the period indicated.
4. I have read each and every letter in this record.
5. In that record there is NO circular, letter or any manner of correspondence which states, or even suggests, that the Titles of Nobility Amendment was never ratified.
6. That I have searched the records of the Congress for the period 1815 thru 1850 and can find no circular, letter or any manner of correspondence that states that the Titles of Nobility Amendment was never ratified.
7. That I, or others under my supervision, have reviewed the entire official correspondence of the Presidents of the United States for the period of 1810 thru 1850, and can find no circular, letter or any manner of correspondence that states that the Titles of Nobility Amendment was not ratified.
8. That I have been told by officials of the US government that publications of the Titles of Nobility Amendment, the True Thirteenth Amendment to the Constitution, were published in error during the early part of the nineteenth century, and that they are unable to produce any document that states that the Titles of Nobility Amendment was never ratified.

I, Brian H. March, certify that the above statements and facts are true and correct, to the best of my belief and knowledge, on this 12 day of May, the year of our Lord, Nineteen hundred and ninety-five,

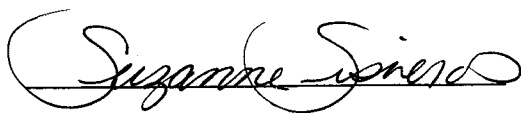
CERTIFIED CORRECT



Brian H. March

c/o 4845 Los Serranos Court, N.W.
Albuquerque, New Mexico

Witnesseth:



dated: 5/12/95



dated: 5/12/95

VII. For Your Consideration...

A few quotes from history may, well, help balance your thoughts on the issues presented herein, and provide an appropriate conclusion, thereto.

-- *"Our rulers will become corrupt, our people careless... the time for fixing every essential right on a legal basis is while our rulers are honest, and ourselves united. From the conclusion of this war we shall be going downhill. It will not then be necessary to resort every moment to the people for support. They will be forgotten therefore, and their rights disregarded. They will forget themselves, but in the sole faculty of making money, and will never think of uniting to effect a due respect for their rights. The shackles, therefore, which shall not be knocked off at the conclusion of this war, will remain on us long, will be made heavier and heavier, until our rights shall revive or expire in a convulsion.*

Thomas Jefferson, on comments in notes on the State of Virginia,
Query 17, p. 161, 1794.

-- *"It is important, likewise, that the habits of thinking, in a free country, should inspire caution, in those entrusted with its administration, to confine themselves within their respective constitutional spheres; avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against the invasions of the other, has been evinced by experiments, ancient and modern; some of them in our country, and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.*

George Washington, in his farewell address - September 17, 1796

-- *"If a nation expects to be ignorant and free... it expects what never was and never will be.*

Thomas Jefferson

I am most Respectfully yours, &c.

Brian H. March

Brian H. March

[A GIFT]

THE REST OF THE STORY

If there is a stain on the record of our forefathers, a dark hour in the earliest history of the American colonies, it would be the hanging of the so-called "witches" at Salem.

But that was a pinpoint in place and time --- a brief lapse of hysteria. For the most part, our seventeenth-century colonists were scrupulously fair, even in fear.

There was one group of people they feared with reason --- a society, you might say, whose often insidious craft had claimed a multitude of victims, ever since the Middle Ages in Europe.

One group of people were hated and feared from Massachusetts to Virginia. The magistrates would not burn them at the stake, although surely a great many of them were baffled by them.

In the first place, where did they come from? Of all who sailed from England to Plymouth in 1620, not one of those two-legged vermin was aboard. "Vermin." That's what the colonists called them. Parasites who fed on human misery, spreading sorrow and confusion wherever they went. "Destructive," they were called.

And still they were permitted coexistence with the colonists. For a while, anyway. Of course, there were colonial laws prohibiting the practice of their infamous craft. Somehow a way was always found around those laws.

In 1641, Massachusetts Bay colony took a novel approach to the problem. The governors attempted to starve those "devils" out of existence through economic exclusion. They were denied wages, and thereby it was hoped that they would perish.

Four years later, Virginia followed the example of Massachusetts Bay, and for a while it seemed that the dilemma had been resolved.

It had not. Somehow, the parasites managed to survive, and the mere nearness of them made the colonists' skin crawl.

In 1658 in Virginia the final solution: Banishment. Exile. The "treacherous ones" were cast out of the colony. At last, after decades of enduring the psychological gloom, the sun came out and the birds sang and all was right with the world. And the elation continued for a generation.

I'm not sure why the Virginians eventually allowed the outcasts to return, but they did. In 1680, after twenty-two years, the despised ones were readmitted to the colony on the condition they be subjected to strictest surveillance.

How soon we forget!

For indeed, over the next half-century or so, the imposed restrictions were slowly, quietly swept away. And those whose treachery had been feared since the Middle Ages ultimately took their place in society.

You see, the "vermin" that once infested colonial America, the parasites who preyed on the misfortune of their neighbors until finally they were officially banished from Virginia, those dreaded, despised, outcast masters of confusion were lawyers. (from Paul Harvey's THE REST OF THE STORY)

Declaration Of Independence

In Congress, July 4, 1776.

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. — We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. — Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world. — He has refused his Assent to Laws, the most wholesome and necessary for the public good. — He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them. — He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only. — He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures. — He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people. — He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within. — He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands. — He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers. — He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries. — He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance. — He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures. — He has affected to render the Military independent of and superior to the Civil power. — 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: — For quartering large bodies of armed troops among us: — For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States: — For cutting off our Trade with all parts of the world: — For imposing taxes on us without our Consent: — For depriving us in many cases, of the benefits of Trial by Jury: — For transporting us beyond Seas to be tried for pretended offenses: — For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies: — For taking away our Charters, abolishing our most valuable Laws and altering fundamentally the Forms of our Governments: — For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever. — He has abdicated Government here, by declaring us out of his Protection and waging War against us. — He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people. — He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation. — He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands. — He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions. — In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people. — Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends. — We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

John Hancock

(Connecticut)

Roger Sherman
Sam'l Huntington
Wm. Williams
Oliver Wolcott

(Delaware)

Caesar Rodney
Geo. Read
Tho. M'Kean

(Georgia)

Burton Gwinnett
Lyman Hall
Geo. Walton

(Maryland)

Samuel Chase
Wm. Paca

Thos. Stone

Charles Carroll of
Carrollton

(Massachusetts)

Sam'l. Adams
John Adams
Robt. Treat Paine
Elbridge Gerry

(New Hampshire)

Josiah Bartlett
Wm. Whipple
Matthew Thornton

(New Jersey)

Richd. Stockton
Jno Witherspoon
Fras. Hopkinson
John Hart
Abra. Clark

(New York)

Wm. Floyd
Phil. Livingston
Fras. Lewis
Lewis Morris

(North Carolina)

Wm. Hooper
Joseph Hewes
John Penn

(Pennsylvania)

Robt. Morris
Benjamin Rush
Benja. Franklin
John Morton
Geo. Clymer
Jas. Smith
Geo. Taylor

James Wilson

Geo. Ross

(Rhode Island)

Step. Hopkins
William Ellery

(South Carolina)

Edward Rutledge
Thos. Heyward, Junr.
Thomas Lynch, Junr.
Arthur Middleton

(Virginia)

George Wythe
Richard Henry Lee
Th. Jefferson
Benja. Harrison
Thos. Nelson, jr.
Francis Lightfoot Lee
Carter Braxton

