The present law forbids member banks of the Federal Reserve System to transact banking business, except under regulations of the Secretary of the Treasury, during an emergency proclaimed by the President pursuant to; 12 U.S. Code § 95 - Emergency limitations and restrictions on business of members of Federal Reserve System; designation of legal holiday for national banking associations.

BANK HOLIDAY OF 1933 defined: Presidential Proclamations No. 2039, issued March 6, 1933, and No. 2040, issued March 9, 1933, temporarily suspended banking transactions by member banks of the Federal Reserve System. Normal banking functions were resumed on March 13, subject to certain restrictions. The first proclamation, it was held, had no authority in law until the passage on March 9, 1933, of a ratifying act (12 U.S.C.A. § 95b). Anthony v. Bank of Wiggins, 183 Miss. 885, 184 So. 626. The present law forbids member banks of the Federal Reserve System to transact banking business, except under regulations of the Secretary of the Treasury, during an emergency proclaimed by the President. 12 U.S.C.A. § 95. Black’s Law Dictionary Revised Fourth Edition (page 185)

BANKING defined: The business of receiving money on deposit, loaning money, discounting notes, issuing notes for circulation, collecting money on notes deposited, negotiating bills, etc. Bank v. Turner, 154 Ind. 456, 57 N.E. 110. The business of banking, as defined by law and custom, consists in the issue of notes payable on demand intended to circulate as money when the banks are banks of issue; in receiving deposits payable on demand; in discounting commercial paper; in making loans of money on collateral security; in buying and selling bills of exchange; in negotiating loans, and dealing in negotiable securities issued by the government, state and national, and municipal and other corporations. Mercantile Bank v. New York, 121 U.S. 138, 156, 7 S.Ct. 826, 30 L.Ed. 895; In re Prudence Co., D. C.N.Y., 10 F.Supp. 33, 36. Having a place of business where deposits are received and paid out on checks and where money is loaned on security is the substance of the "business of banking." Marvin v. Kentucky Title Trust Co., 218 Ky. 135, 291. S.W. 17, 18, 50 A.L.R. 1337; State of Kansas ex rel. Boynton v. Hayes, C.C.A.Kan., 62 F.2d 597, 600. Black’s law Dictionary Revised Fourth Edition (page 186)

Whereas defined pursuant to; 12 U.S. Code § 95 - Emergency limitations and restrictions on business of members of Federal Reserve System; designation of legal holiday for national banking associations; exceptions; “State” defined:

(a) In order to provide for the safer and more effective operation of the National Banking System and the Federal Reserve System, to preserve for the people the full benefits of the currency provided for by the Congress through the National Banking System and the Federal Reserve System, and to relieve interstate commerce of the burdens and obstructions resulting from the receipt on an unsound or unsafe basis of deposits subject to withdrawal by check, during such emergency period as the President of the United States by proclamation may prescribe, no
member bank of the Federal Reserve System shall transact any banking business except to such extent and subject to such regulations, limitations and restrictions as may be prescribed by the Secretary of the Treasury, with the approval of the President. Any individual, partnership, corporation, or association, or any director, officer or employee thereof, violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $10,000 or, if a natural person, may, in addition to such fine, be imprisoned for a term not exceeding ten years. Each day that any such violation continues shall be deemed a separate offense.

(b) (1) In the event of natural calamity, riot, insurrection, war, or other emergency conditions occurring in any State whether caused by acts of nature or of man, the Comptroller of the Currency may designate by proclamation any day a legal holiday for the national banking associations located in that State. In the event that the emergency conditions affect only part of a State, the Comptroller of the Currency may designate the part so affected and may proclaim a legal holiday for the national banking associations located in that affected part. In the event that a State or a State official authorized by law designates any day as a legal holiday for ceremonial or emergency reasons, for the State or any part thereof, that same day shall be a legal holiday for all national banking associations or their offices located in that State or the part so affected. A national banking association or its affected offices may close or remain open on such a State-designated holiday unless the Comptroller of the Currency by written order directs otherwise.

(2) For the purpose of this subsection, the term “State” means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

Whereas defined pursuant to; 12 U.S.C. § 95b: US Code - Section 95B: Ratification of acts of President and Secretary of the Treasury under section 95a: The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by section 95a of this title, are approved and confirmed.

Whereas defined pursuant to; 12 U.S.C. § 95a: US Code - Section 95A: Regulation of transactions in foreign exchange of gold and silver; property transfers; vested interests, enforcement and penalties.

(1) During the time of war, the President may, through any agency that he may designate, and under such rules and regulations as he may prescribe, by means of instructions, licenses, or otherwise - (A) investigate, regulate, or prohibit, any transactions in foreign exchange, transfers of credit or payments between, by, through, or to any banking institution, and the importing, exporting, hoarding, melting, or earmarking of gold or silver coin or bullion, currency or
securities, and (B) investigate, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest, by any person, or with respect to any property, subject to the jurisdiction of the United States; and any property or interest of any foreign country or national thereof shall vest, when, as, and upon the terms, directed by the President, in such agency or person as may be designated from time to time by the President, and upon such terms and conditions as the President may prescribe such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes; and the President shall, in the manner hereinabove provided, require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in this subdivision either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this subdivision, and in any case in which a report could be required, the President may, in the manner hereinabove provided, require the production, or if necessary to the national security or defense, the seizure, of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person.

(2) Any payment, conveyance, transfer, assignment, or delivery of property or interest therein, made to or for the account of the United States, or as otherwise directed, pursuant to this section or any rule, regulation, instruction, or direction issued hereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect to anything done or omitted in good faith in connection with the administration of, or in pursuance of and in reliance on, this section, or any rule, regulation, instruction, or direction issued hereunder.

(3) As used in this subdivision the term "United States" means the United States and any place subject to the jurisdiction thereof; Provided, however, That the foregoing shall not be construed as a limitation upon the power of the President, which is hereby conferred, to prescribe from time to time, definitions, not inconsistent with the purposes of this subdivision, for any or all of the terms used in this subdivision. As used in this subdivision the term "person" means an individual, partnership, association, or corporation. (4) The authority granted to the President by this section does not include the authority to regulate or prohibit, directly or indirectly, the importation from any country, or the exportation to any country, whether commercial or otherwise, regardless of format or medium of transmission, of any information or informational materials, including but not limited to, publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds. The exports exempted from
regulation or prohibition by this paragraph do not include those which are otherwise controlled for export under section 2404 of title 50, Appendix, or under section 2405 of title 50, Appendix to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States, or with respect to which acts are prohibited by chapter 37 of title 18.

Act of Insolvency: Corporate U.S.; Federal Reserve System; Federal Reserve Banks

FRAUDULENT BANKING defined: Receipt of deposit by banker who knows that bank is insolvent at the time. Black’s law Dictionary Sixth Edition (page 662)

"Insolvency" under the Bankruptcy Code is defined in § 101. "Technical" insolvency is a situation in which a firm is unable to meet its current obligations as they come due, even though the value of its assets may exceed its liabilities. Under U.C.C., a person is insolvent who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they fall due or is insolvent within the meaning of the Federal Bankruptcy Law. U.C.C. § 1-201(23). Black’s law Dictionary Sixth Edition (page 797)

ACT OF INSOLVENCY defined: Within the meaning of the national currency act, an act which shows a bank to be insolvent, such as nonpayment of its circulating notes, bills of exchange, or certificates of deposit; failure to make good the impairment of capital, or to keep good its surplus or reserve; in fact, any act which shows that the bank is unable to meet its liabilities as they mature, or to perform those duties which the law imposes for the purpose of sustaining its credit. Hayden v. Chemical Nat. Bank, C.C.A.N.Y., 84 Fed. 874, 28 C.C.A. 548; Kullman & Co. v. Woolley, C.C.A. Miss., 83 F.2d 129, 132; Garvin v. Chadwick Realty Corporation, 212 Ind. 499, 9 N.E.2d 268, 271. Black’s Law Dictionary Revised Sixth Edition (page 44)

CLASUSULA REBUS SIC STANTIBUS defined: A tacit condition said to attach to all contracts meaning that they cease to be obligatory as soon as the state of facts out of which they arose has changed. This principle was used to demand payment on a contract value for value when the currency in which payment had been specified had become worthless through inflation - depreciation. Black’s Law Dictionary Sixth Edition (page 250)

FEDERAL RESERVE NOTES defined: Form of currency issued by Federal Reserve Banks in the likeness of noninterest bearing promissory note payable to bearer on demand. The federal reserve note (e.g. one, five, ten, etc. dollar bill) is the most widely used paper currency. Such have replaced silver and gold certificates which were backed by silver and gold. Such reserve notes are direct obligations of the United States. Black’s Law Dictionary Revised Sixth Edition (page 613)

MONEY defined: In usual and ordinary acceptation it means coins and paper currency used as circulating medium of exchange, and does not embrace notes, bonds, evidences of debt, or other personal or real
estate. Lane v. Railey, 280 Ky. 319, 133 S.W.2d 74, 79, 81. A medium of exchange authorized or adopted by a domestic or foreign government as a part of its currency. U.C.C. § 1-201(24). See also Currency; Current money; Flat money; Legal tender; Near money; Scrip; Wampum. Black’s Law Dictionary Revised Sixth Edition (page 1005)

PUBLIC MONEY defined: Revenue received from federal, state, and local governments from taxes, fees, fines, etc. See Revenue. Black’s Law Dictionary Revised Sixth Edition (page 1005)

DEPOSIT defined: v. To commit to custody, or to lay down; to place; to put; to let fall (as sediment). Jefferson County ex rei. Grauman v. Jefferson County Fiscal Court, 273 Ky. 674, 117 S.W.2d 918, 924. To lodge for safe-keeping or as a pledge to intrust to the care of another. White v. Greenlee, 330 Mo. 135, 49 S.W.2d 132, 134.

Deposit, n. A bailment of goods to be kept by the bailee without reward, and delivered according to the object or purpose of the original trust. In general, an act by which a person receives the property of another, binding himself to preserve it and return it in kind. The delivery of chattels by one person to another to keep for the use of the bailor. The giving of the possession of personal property by one person to another, with his consent, to keep for the use, benefit, and safekeeping of the first or of a third person. Something intrusted to the care of another, either for a permanent or a temporary disposition. Money placed with a person as an earnest or security for the performance of some contract, to be forfeited if the depositor fails in his undertaking. It may be deemed to be part payment, and to that extent may constitute the purchaser the actual owner of the estate. The act of placing money in the custody of a bank or banker, for safety or convenience, to be withdrawn at the will of the depositor or under rules and regulations agreed on. Also, the money so deposited, or the credit, which the depositor receives for it. Deposit, according to its commonly accepted and generally understood meaning among bankers and by the public, includes not only deposits payable on demand and subject to check, but deposits not subject to check, for which certificates, whether interest-bearing or not, may be issued, payable on demand, or on certain notice, or at a fixed future time. A quantity of ore or other mineral substances occurring naturally in the earth; as, a deposit of gold, oil, etc. See Bailment; Earnest money; Escrow.

General Classification: According to the classification of the civil law, deposits are of the following several sorts: (1) Necessary, made upon some sudden emergency, and from some pressing necessity; as, for instance, in case of a fire, a shipwreck, or other overwhelming calamity, when property is confided to any person whom the depositor may meet without proper opportunity for reflection or choice, and thence it is called "miserable depositum." (2) Voluntary, which arises from the mere consent and agreement of the parties. The common law has made no such division. The civilians again divide deposits into "simple deposits," made by one or more persons having a common interest, and "sequestrations," made by one or more persons, each of whom has a different and adverse interest in controversy touching it; and these last are of two sorts, "conventional," or such as are made by the mere agreement of the parties without any judicial act; and "judicial," or
such as are made by order of a court in the course of some proceeding. Thus, under Louisiana statutes, it is said that the difference between "sequestration" and "deposit" is that the former may have for its object both movable and immovable property, while the latter is confined to movables. There is another class of deposits called "involuntary," which may be without the assent or even knowledge of the depositor; as lumber, etc., left upon another's land by the subsidence of a flood. An "involuntary" deposit is one made by the accidental leaving or placing of personal property in the possession of any person without negligence on the part of the owner. Another class of deposits is called "irregular," as when a person, having a sum of money which he does not think safe in his own hands, confides it to another, who is to return to him, not the same money, but a like sum when he shall demand it. A regular deposit is a strict or special deposit; a deposit, which must be returned in specie; i.e., the thing deposited must be returned. A quasi deposit is a kind of implied or involuntary deposit, which takes place where a party comes lawfully to the possession of another person's property, by finding it. Particularly with reference to money, deposits are also classed as general or special. A general deposit is where the money deposited is not itself to be returned, but an equivalent in money (that is, a like sum) is to be returned. It is equivalent to a loan, and the money deposited becomes the property of the depositary. A special deposit is a deposit in which the identical thing deposited is to be returned to the depositor. The particular object of this kind of deposit is safekeeping. In banking law, this kind of deposit is contrasted with a "general" deposit, as above; but in the civil law it is the antithesis of an "irregular" deposit. A gratuitous or naked deposit is a bailment of goods to be kept for the depositor without hire or reward on either side, or one for which the depositary receives no consideration beyond the mere possession of the thing deposited. Properly and originally, all deposits are of this description; for according to the Roman law, a bailment of goods for which hire or a price is to be paid, is not called "depositum" but "locatio." If the owner of the property pays for its custody or care, it is a "locatio custodire;" if, on the other hand, the bailee pays for the use of it, it is "locatio rei." (See Locatio.) But in the modern law, a gratuitous or naked deposit is distinguished from a "deposit for hire," in which the bailee is to be paid for his services in keeping the article. There is also a specific deposit, which exists where money or property is given to a bank for some specific and particular purpose, as a note for collection, money to pay a particular note, or property for some other specific purpose. See also Certificate of deposit; Involuntary deposit; Security deposit.

For bank deposit, see Bank. Black’s Law Dictionary Revised Sixth Edition (page 438, 439)

DEMAND DEPOSIT defined: Bank deposit, which may be withdrawn at any time by the depositor, without prior notice to bank. Compare Time deposit. Black’s Law Dictionary Revised Sixth Edition (page 439)

DEPOSITARY defined: The party or institution (e.g. bank or trust company) receiving a deposit. One with whom anything is lodged in trust, as "depositary" is the place where it is put. A trustee; fiduciary; one to whom goods are bailed to be held without recompense. The obligation on the part of the depositary is that he keep the thing with reasonable
care, and, upon request, restore it to the depositor, or otherwise deliver it, according to the original trust. This term should not be confused with "depository" which is the physical place of deposit. Black’s Law Dictionary Revised Sixth Edition (page 439)

Anyone can present Federal Reserve notes to any Federal Reserve Bank and demand redemption in public money — i.e. legal tender United States notes and coins. A Federal Reserve note is a fixed obligation or evidence of indebtedness, which pledges redemption (12 USC 411) in public money to the note holder.

"Issue" means the first delivery of a bill or note, complete in form to a person who takes it as a holder. Bills Of Exchange Act 1882

HOLDER defined: The holder of a bill of exchange, promissory note, check, or other commercial paper, is the person who has legally acquired possession of the same, by indorsement or delivery, and who is entitled to receive payment of the instrument. Person who is in possession of a document of title or an instrument or an investment security drawn, issued or endorsed to him or to his order, or to bearer or in blank. U.C.C. § 1-201(20). Black’s Law Dictionary Sixth Edition (page 731)

"Offer and Acceptance" (contract law)
"if the offeror proffers property or services and the offeree having a reasonable opportunity to return or refuse, exercises any ownership or rights over the property or keeps the benefits of any service then the offer is accepted."

"Acceptance"
"An agreement either by express act or implication by conduct to the terms of an offer so that a binding contract is formed."

EXECUTED NOTE defined: Promissory note, which has been signed and delivered. Black’s Law Dictionary Sixth Edition (page 567)

CERTIFICATE OF INDEBTEDNESS defined: 2. Unsecured promissory note issued by a corporation, giving the holder a claim to the unpledged assets of the issuer. Barron's Dictionary of Banking Terms Fourth Edition (page 83)

Executio est finis et fructus legis defined: Execution is the end and fruit of the law. Black’s Law Dictionary Sixth Edition (page 568)

Cujus per errorem dati repetitio est, ejus consulto dati donatio est defined: Whoever pays by mistake what he does not owe, may recover it back; but he who pays, knowing he owes nothing; is presumed to give.

MERCHANT ACCOUNTS defined: Accounts between merchant and merchant, which must be current, mutual, and unsettled, consisting of debts and credits for merchandise. Black’s Law Dictionary Sixth Edition (page 987)

MERCHANT defined: One who is engaged in the purchase and sale of goods; a trafficker; a retailer; a trader. Term commonly refers to person who purchases goods at wholesale for resale at retail; i.e. person who
Certified Mail Article Number:

operates a retail business (retailer). A person who deals in goods of
the kind or otherwise by his occupation holds himself out as having
knowledge or skill peculiar to the practices or goods involved in the
transaction or to whom such knowledge or skill may be attributed by his
employment of an agent or broker or other intermediary who by his
occupation holds himself out as having such knowledge or skill. U.C.C. §
2-104(1). A man who traffics or carries on trade with foreign countries,
or who exports and imports goods and sells them by wholesale. Merchants
of this description are commonly known by the name of "shipping
See Commercial law; Mercantile law. Statute merchant. See Statute.
Black’s Law Dictionary Sixth Edition (page 987)

LAW MERCHANT defined: Body of law governing commercial transactions
which had its origin in common law of England regulating merchants. See
U.C.C. § 1-103. See also Commercial law; Mercantile law; Uniform

ACQUITTANCE defined: contracts. An agreement in writing to discharge a
party from an engagement to pay a sum of money. It is evidence of
payment. It differs from a release in this, that the latter must be
under seal, while an acquittance need not be under seal. Poth. Oblig. n.
781. In Pennsylvania, a receipt, (q.v.) though not under seal, has
nearly the same effect as a release. 1 Rawle, R. 391. Vide 3 Salk. 298,
pl. 2; Off. of Ex. 217 ; Co. Litt. 212 a, 273 a. A Law Dictionary Adapted To
The Constitution And Laws Of The United States Of America And Of The Several States Of The
American Union by: John Bouvier Revised Sixth Edition, 1856

The United States does not have any employees, because there is no
longer a United States (CIVILITER MORTUUS). No more reorganization.
After over 200 years of operating under bankruptcy, it's finally over.
(Executive Order 12803) Do not personate one of the creditors or
shareholders or you will go to Prison.18 U.S.C. 914

Creditors of the united states

http://www.law.cornell.edu/uscode/text/18/914

CIVIL OFFICER defined: By this term are included all officers of the
United States who hold their appointments under the national government,
whether their duties are executive or judicial, in the highest or the
lowest departments; of the government, with the exception of officers of
the army and navy.

http://www.presidency.ucsb.edu/ws/?pid=23625

Executive Order 12803 - Infrastructure Privatization
CIVILITER MORTUUS defined: Civilly dead; one who is considered as if he were naturally dead, so far as his rights are concerned. A Law Dictionary Adapted To The Constitution And Laws Of The United States Of America And Of The Several States Of The American Union by: John Bouvier Revised Sixth Edition, 1856

DEAD defined: Something which has no life; figuratively, something of no value.

U.S. Supreme Court
EX PARTE GARLAND, 71 U.S. 333 (1866)
71 U.S. 333 (Wall.)
EX PARTE GARLAND.
December Term, 1866
[71 U.S. 333, 334] ON the 2d of July, 1862, Congress, by 'An act to prescribe an oath of office, and for other purposes,'1 enacted:


The UNITED STATES OF AMERICA was never enfranchised as a corporation by the People. The UNITED STATES OF AMERICA is a Fiction a non-existent plaintiff since no State or government enfranchised their corporation’s existence.

UNKNOWN PERSONS defined: Persons whose identities cannot be ascertained.
Black’s Law Dictionary Sixth Edition (page 1536)

SUBSTITUTION OF PARTIES defined: In pleading, the replacement of one party to an action by another party because of death, incompetency, transfer of interest, or in case of a public official who is a party to an action, his death or separation from office. Fed.R.Civ.P. 17(a), 25. See also Real party in interest; Revival of action. Black’s Law Dictionary Sixth Edition (page 1430)

REAL PARTY IN INTEREST defined: Person who will be entitled to benefits of action if successful, that is, the one who is actually and substantially interested in subject matter as distinguished from one who has only a nominal, formal, or technical interest in or connection with it. Maryland Cas. Co. v. King, Okl., 381 P.2d 153, 156. Under the traditional test, a party is a "real party in interest" if it has the legal right under the applicable substantive law to enforce the claim in question. White Hall Bldg. Corp. v. Profexray Division of Litton Industries, Inc., D.C.Pa., 387 F.Supp. 1202,1204. Real party in interest within rule that every civil action in federal courts must be prosecuted in name of real party in interest is the one, who, under applicable substantive law, has legal right to bring suit, Boeing Airplane Co. v. Perry, C.A.Kan., 322 F.2d 589,591; and not necessarily person who will ultimately benefit from the recovery. First Nat. Bank of Chicago v. Mottola, D.C.Ill., 302 F.Supp. 785,791,792. See Fed.R.Civil P. 17. Under Fed.R.Civil P. 17(a), a guardian, executor, bailee, and the like, may sue in his own name without joining the party for whom the action is brought. Black’s Law Dictionary Sixth Edition (page 1264)
(c) Clerk's Office Hours; Clerk's Orders.
(1) Hours. The clerk's office—with a clerk or deputy on duty—must be open during business hours every day except Saturdays, Sundays, and legal holidays. But a court may, by local rule or order, require that the office be open for specified hours on Saturday or a particular legal holiday other than one listed in Rule 6(a)(4)(A).
(2) Orders. Subject to the court's power to suspend, alter, or rescind the clerk's action for good cause, the clerk may:
(A) issue process;
(B) enter a default;
(C) enter a default judgment under Rule 55(b)(1); and
(D) act on any other matter that does not require the court's action.
(d) Serving Notice of an Order or Judgment.
(1) Service. Immediately after entering an order or judgment, the clerk must serve notice of the entry, as provided in Rule 5(b), on each party who is not in default for failing to appear. The clerk must record the service on the docket. A party also may serve notice of the entry as provided in Rule 5(b).
(2) Time to Appeal Not Affected by Lack of Notice. Lack of notice of the entry does not affect the time for appeal or relieve—or authorize the court to relieve—a party for failing to appeal within the time allowed, except as allowed by Federal Rule of Appellate Procedure (4)(a).

Whereas defined pursuant to; Rule 71.1. Condemning Real or Personal Property:
(g) Substituting Parties. If a defendant dies, becomes incompetent, or transfers an interest after being joined, the court may, on motion and notice of hearing, order that the proper party be substituted. Service of the motion and notice on a nonparty must be made as provided in Rule 71.1(d)(3).

(h) Trial of the Issues.

Whereas defined pursuant to; Rule 25(a) Federal Rules of Civil Procedure] Substitution of Parties (a) Death. (1) Substitution if the Claim Is Not Extinguished. If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

Whereas defined pursuant to; Rule 17 Federal Rules of Civil Procedure Plaintiff and Defendant; Capacity; Public Officers
(a) Real Party in Interest.
(1) Designation in General. An action must be prosecuted in the name of the real party in interest. The following may sue in their own names without joining the person for whose benefit the action is brought:
(A) an executor;
(B) an administrator;
(C) a guardian;
(D) a bailee;
(E) a trustee of an express trust;
(F) a party with whom or in whose name a contract has been made for another's benefit; and
(G) a party authorized by statute.

(2) Action in the Name of the United States for Another's Use or Benefit. When a federal statute so provides, an action for another's use or benefit must be brought in the name of the United States.

(3) Joinder of the Real Party in Interest. The court may not dismiss an action for failure to prosecute in the name of the real party in interest until, after an objection, a reasonable time has been allowed for the real party in interest to ratify, join, or be substituted into the action. After ratification, joinder, or substitution, the action proceeds as if it had been originally commenced by the real party in interest.

(b) Capacity to Sue or Be Sued. Capacity to sue or be sued is determined as follows:
(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;
(2) for a corporation, by the law under which it was organized; and
(3) for all other parties, by the law of the state where the court is located, except that:
(A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and
(B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.

Whereas pursuant to; Rule 43 Federal Rules of Civil Procedure Taking Testimony

(a) IN OPEN COURT. At trial, the witnesses’ testimony must be taken in open court unless a federal statute, the Federal Rules of Evidence, these rules, or other rules adopted by the Supreme Court provide otherwise. For good cause in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location.

(b) AFFIRMATION INSTEAD OF AN OATH. When these rules require an oath, a solemn affirmation suffices.

(c) EVIDENCE ON A MOTION. When a motion relies on facts outside the record, the court may hear the matter on affidavits or may hear it wholly or partly on oral testimony or on depositions.

Whereas defined pursuant to; [50 U.S. Code § 23] - Jurisdiction of United States courts and judges:

After any such proclamation has been made, the several courts of the United States, having criminal jurisdiction, and the several justices and judges of the courts of the United States, are authorized and it shall be their duty, upon complaint against any alien enemy resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President may have
established, to cause such alien to be duly apprehended and conveyed before such court, judge, or justice; and after a full examination and hearing on such complaint, and sufficient cause appearing, to order such alien to be removed out of the territory of the United States, or to give sureties for his good behavior, or to be otherwise restrained, conformably to the proclamation or regulations established as aforesaid, and to imprison, or otherwise secure such alien, until the order which may be so made shall be performed.

SAVINGS TO SUITORS CLAUSE defined: That provision in 28 U.S.C.A. § 1333(1) which gives the U.S. District Courts original jurisdiction, "exclusive of the courts of the state" of any civil case of admiralty or maritime jurisdiction, "saving to suitors in all cases all other remedies to which they are otherwise entitled." The "saving to suitors" clause of the section of the Judiciary Act implementing constitutional provision extending federal judicial powers to cases of admiralty and maritime jurisdiction means that a suitor asserting an in personam admiralty claim may elect to sue in a "common law" state court through an ordinary civil action, and in such actions, the state courts must apply the same substantive law as would be applied had the suit been instituted in admiralty in a federal court. Shannon v. City of Anchorage, Alaska, 478 P.2d 815, 818. Black’s Law Dictionary Sixth Edition (page 1343)


FOREIGN NATION or STATE defined: A nation totally independent of the United States of America. The constitution authorizes congress to regulate commerce with "foreign nations." This phrase does not include an Indian tribe, situated within the boundaries of a state, and exercising the powers of government and sovereignty. 5 Pet. R. 1. Vide Nation. A Law Dictionary Adapted To The Constitution and Laws of the United States of America and of the Several States of the American Union by John Bouvier Revised Sixth Edition, 1856

Whereas defined pursuant to; For purposes of this chapter— (a) A “foreign state”, except as used in section 1608 of this title, includes a political subdivision of a foreign state or an agency or instrumentality of a foreign state as defined in subsection (b). (b) An “agency or instrumentality of a foreign state” means any entity— (1) which is a separate legal person, corporate or otherwise, and (2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and (3) which is neither a citizen of a State of the United States as defined in section 1332(c) and (e) of this title, nor created under the laws of any third country. (c) The “United States” includes all territory and waters, continental or insular, subject to the jurisdiction of the United States.

Whereas defined pursuant to: The 11th Amendment states “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 an
Foreign State."

Conventio vincit legem defined: The agreement of the parties overcomes
or prevails against the law. Story, Ag. Sec. See Dig. 16, 3, 1, 6. A Law
Dictionary Adapted To The Constitution and Laws of the United States of America and of the
Several States of the American Union by John Bouvier Revised Sixth Edition, 1856

Non debere alii nocere quod inter alios actum esset defined: No one
ought to be injured by that which has taken place between other parties.
Black’s Law Dictionary Sixth Edition (page 1052)

PUBLIC ACTS defined: are those which have a public authority, and which
have been made before public officers, are authorized by a public seal,
have been made public by the authority of a magistrate, or which have
been extracted and been properly authenticated from public records.
Black’s Law Dictionary Sixth Edition (page 26)

ILLEGAL defined: Contrary to law; unlawful. 2. It is a general rule,
that the law will never give its aid to a party who has entered into an
illegal contract, whether the same be in direct violation of a statute,
against public policy, or opposed to public morals. Nor to a contract,
which is fraudulent, which affects the defendant or a third person.
3. A contract in violation of a statute is absolutely void, and, however
disguised, it will be set aside, for no form of expression can remove
the substantial defect inherent in the nature of the transaction; the
courts will investigate the real object of the contracting parties, and
if that be repugnant to the law, it will vitiate the transaction. 4.
Contracts against the public policy of the law are equally void as if
they were in violation of a public statute; a contract not to marry any
one is therefore illegal and void. See Void. 5. A contract against the
purity of manners is also illegal; as, for example, a agreement to
cohabit unlawfully with another, is therefore void; but a bond given for
past cohabitation, being considered as remuneration for past injury, is
binding. 4 Bouv. Inst. n. 3853. 6. All contracts which have for their
object, or which may in their consequences, be injurious to third
persons, altogether unconnected with them, are in general illegal and
void. Of the first, an example may be found in the case where a
sheriff's officer received a sum of money from a defendant for admitting
to bail, and agreed to pay the bail, part of the money which was so
exact. 2 Burr. 924. The case of a wager between two persons, as to the
character of a third, is an example of the second class. Cowp. 729; 4
Camp. 152; 1 Rawle, 42; 1 B. & A. 683. Vide Illicit; Unlawful. A Law
Dictionary Adapted To The Constitution and Laws of the United States of America and of the
Several States of the American Union by John Bouvier Revised Sixth Edition, 1856

ILLEVIABLE defined: A debt or duty that cannot or ought not to be
levied. Nihil set upon a debt is a mark for illeviable. A Law Dictionary
Adapted To The Constitution and Laws of the United States of America and of the Several
States of the American Union by John Bouvier Revised Sixth Edition, 1856

INJUNCTION defined: remedies, chancery, practice, An injunction is a
prohibitory writ, specially prayed for by a bill, in which the
plaintiff's title is set forth, restraining a person from committing or

CONVERSION defined: torts. The unlawful turning or applying the personal goods of another to the use of the taker, or of some other person than the, owner; or the unlawful destroying or altering their nature. Bull. N. P. 44; 6 Mass. 20; 14 Pick. 356; 3 Brod. & Bing. 2; Cro. Eliz. 219 12 Mod. 519; 5 Mass. 104; 6 Shepl. 382; Story, Bailm. Sec. 188, 269, 306; 6 Mass. 422; 2 B. & P. 488; 3 B. & Ald. 702; 11 M. & W. 363; 8 Taunt. 237; 4 Taunt. 24. 2. When a party takes away or wrongfully assumes the right to goods which belong to another, it will in general be sufficient evidence of a conversion but when the original taking was, lawful, as when the party found the goods, and the detention only is illegal, it is absolutely necessary to make a demand of the goods, and there must be a refusal to deliver them before the conversion will, be complete. 1 Ch. Pr. 566; 2 Saund. 47 e, note 1 Ch. Pl. 179; Bac. Ab. Trover, B 1 Com. Dig. 439; 3 Com. Dig. 142; 1 Vin. Ab. 236; Yelv. 174, n.; 2 East, R. 405; 6 East, R. 540; 4 Taunt. 799 5 Barn. & Cr. 146; S. C. 11 Eng. C. L. Rep. 185; 3 Bl. Com. 152; 3 Bouv. Inst. n. 522, et seq. The refusal by a servant to deliver the goods entrusted to him by his master, is not evidence of a conversion by his master. 5 Hill, 455. 3. The tortious taking of property is, of itself, a conversion 15 John. R. 431 and any intermeddling with it, or any exercise of dominion over it, subversive of the dominion of the owner, or the nature of the bailment, if it be bailed, is, evidence of a conversion. 1 Nott & McCord, R. 592; 2 Mass. R. 398; 1 Har. & John. 519; 7 John. R. 254; 10 John. R. 172 14 John. R. 128; Cro. Eliz. 219; 2 John. Cas. 411. Vide Trover. A Law Dictionary Adapted To The Constitution and Laws of the United States of America and of the Several States of the American Union by John Bouvier Revised Sixth Edition, 1856

ACT OF MAN defined: Every man of sound mind and discretion is bound by his own acts, and the law does not permit him to do any thing against it; and all acts are construed most strongly against him who does them. Plowd. 140. 2. A man is not only bound by his own acts, but by those of others who act or are presumed to act by his authority, and is responsible civilly in all such cases; and, in some cases, even when there is but a presumption of authority, he may be made responsible criminally; for example, a bookseller may be indicted for publishing a libel which has been sold in his store, by his regular salesmen, although he may possibly have had no knowledge of it. A Law Dictionary Adapted To The Constitution and Laws of the United States of America and of the Several States of the American Union by John Bouvier Revised Sixth Edition, 1856

Should this not be true then let the record be corrected or it will stand as truth. Time is of the essence.

ITA EST defined: Lat. So it is; so it stands. Black’s Law Dictionary Revised Fourth Edition (page 966)
UNDER EXECUTIVE ORDER OF THE PRESIDENT

issued April 5, 1933

all persons are required to deliver
ON OR BEFORE MAY 1, 1933
all GOLD COIN, GOLD BULLION, AND
GOLD CERTIFICATES now owned by them to
a Federal Reserve Bank, branch or agency, or to
any member bank of the Federal Reserve System.

Executive Order

PROHIBITING THE HOLDING OF GOLD COIN, GOLD BULLION, AND
GOLD CERTIFICATES.

By virtue of the authority vested in me by Section 5 of the Act of October 6, 1917, as amended by Section 2 of the Act of March 3, 1933, I, Franklin D. Roosevelt, President of the United States, find that the circulation of gold coin, gold bullion, and gold certificates has become so excessive as to impose an undue burden on the national economy and to threaten the safety and soundness of the Federal Reserve System and the monetary system of the United States. Therefore, I do hereby order and direct:

Section 1: For the purpose of this regulation, the term "gold coin" means the whole ounce of fine gold, and the term "gold bullion" means gold bullion at the rate of $20.67 per fine ounce. Gold coin and gold bullion shall be deemed to be owned by an individual, corporation, association, or entity where the gold coin or gold bullion is in the possession of such an individual, corporation, association, or entity, and where the gold coin or gold bullion is so possessed by such individual, corporation, association, or entity as to indicate that such individual, corporation, association, or entity has title to such gold coin or gold bullion.

Section 2: All persons and entities required to deliver gold coin and gold bullion to a Federal Reserve Bank or branch or agency or to any bank or agency of the Federal Reserve System shall deliver all such gold coin and gold bullion to the Federal Reserve Bank or branch or agency or to any bank or agency of the Federal Reserve System as the Secretary of the Treasury may designate, and such delivery shall be made at the time and place and in the manner and form as the Secretary of the Treasury may direct.

Section 3: The Secretary of the Treasury may, in his discretion, exempt any person, firm, corporation, or association from the provisions of this Executive Order if he determines that such exemption is necessary to the public interest.

Section 4: Any gold coin, gold bullion, or gold certificates delivered to a Federal Reserve Bank or branch or agency or to any bank or agency of the Federal Reserve System shall not be subject to any penalty or forfeiture.

Section 5: This Executive Order shall be effective immediately and shall remain in effect until the expiration of the period of emergency as determined by the President.

FRANKLIN D. ROOSEVELT
President of the United States
April 5, 1933

GOLD CERTIFICATES may be identified by the words "GOLD CERTIFICATE" appearing thereon. The serial number and the Treasury seal on the face of a GOLD CERTIFICATE are printed in YELLOW. Be careful not to confuse GOLD CERTIFICATES with other issues which are redeemable in gold but which are not GOLD CERTIFICATES. Federal Reserve Notes and United States Notes are "redeemable in gold" but are not "GOLD CERTIFICATES" and are not required to be surrendered.

Special attention is directed to the exceptions allowed under Section 2 of the Executive Order.

CRIMINAL PENALTIES FOR VIOLATION OF EXECUTIVE ORDER $10,000 fine or 10 years imprisonment, or both, as provided in Section 9 of the order.

Secretary of the Treasury.
EXECUTIVE ORDER (Enlarged for your convenience)

FORBidding THE HOARDING OF GOLD COIN, GOLD BULLION AND GOLD CERTIFICATES.

By virtue of the authority vested in me by Section 5 (b) of the Act of October 6, 1917, as amended by Section 2 of the Act of March 9, 1933, entitled "An act to provide relief in the existing national emergency in banking, and for other purposes," in which amending Act Congress declared that a serious emergency exists, I, Franklin D. Roosevelt, President of the United States of America, do declare that said national emergency still continues to exist and pursuant to said section do hereby prohibit the hoarding of gold coin, gold bullion, and gold certificates within the continental United States by individuals, partnerships, associations and corporations and hereby prescribe the following regulations for carrying out the purposes of this order.

Section 1. For the purposes of this regulation the term "hoarding" means the withdrawal and withholding of gold coin, gold bullion or gold certificates from the recognized and customary channels of trade. The term "person" means any individual, partnership, association or corporation.

Section 2. All persons are hereby required to deliver on or before May 1, 1933, to a Federal Reserve Bank or branch or agency thereof or to any member bank of the Federal Reserve System all gold coin, gold bullion and gold certificates now owned by them or coming into their ownership on or before April 28, 1933, except the following:

(a) Such amount of gold as may be required for legitimate and customary use in industry, profession or art within a reasonable time including gold in use in refining and in stocks of gold in reasonable amounts for the usual trade requirements of owners mining and refining such gold.

(b) Gold coin and gold certificates in an amount not exceeding in the aggregate $100.00 belonging to any one person, and gold coins having a recognized special value to collectors of rare and unusual coins.

(c) Gold coin and bullion earmarked or held in trust for a recognized foreign government or foreign central bank or the Bank for International Settlements.

(d) Gold coin and bullion licensed for other proper transactions (not involving hoarding) including gold coin and bullion imported for re-export or held pending application for re-export licenses.

Section 3. Until otherwise ordered by any person becoming the owner of any gold coin, gold bullion or gold certificates after April 28, 1933, shall, within three days after receipt thereof, deliver same in the manner prescribed in Section 2; unless such gold coin, gold bullion or gold certificates are held in any of the purposes specified in paragraph (a), (b) or (c), Section 2; or unless such gold coin, or gold bullion is held for purposes specified in paragraph (d) or Section 2 and the person holding it is, with respect to such gold coin or bullion, a licensee or applicant for license pending action thereupon.

Section 4. Upon receipt of gold coin, gold bullion or gold certificates delivered to it in accordance with Section 2 or 3, the Federal reserve bank or member bank will pay therefore an equivalent amount of any form of coin or currency coined or issued under the laws of the United States.

Section 5. Member banks shall deliver all gold coin, gold bullion and gold certificates owned or received by them (other than as exempted under the provision of the Section 2) to the Federal reserve banks of their respective districts and receive credit or payment therefor.

Section 6. The Secretary of the Treasury, out of the sum made available to the President by Section 501 of the Act of March 9, 1933, will in all proper cases pay the reasonable cost of transportation of gold coin, gold bullion or gold certificates delivered to a member bank or Federal Reserve Bank in accordance with Section 2, 3, or 5, and including the cost of insurance, protection, and such other incidental costs as may be necessary, upon production of satisfactory evidence of such costs. Voucher forms for this purpose may be procured from the Federal reserve banks.

Section 7. In cases where the delivery of gold coin, gold bullion or gold certificates by the owners thereof within the time set forth above will involve extraordinary hardship, the Secretary of the Treasury may, in his discretion, extend the time within which such delivery must be made. Applications for such extension must be made in writing under oath addressed to the Secretary of the Treasury and filed with a Federal reserve bank. Each application must state the date to which the extension is desired, the amount and location of the gold coin, gold bullion and gold certificates in respect of which such application is made and the facts showing extension to be necessary to avoid extraordinary hardship or difficulty.

Section 8. The Secretary of the Treasury is hereby authorized and empowered to issue such further regulations as he may deem necessary to carry out the purposes of this order and to issue licenses thereunder, through such offices or agencies as he may designate, including licenses permitting the Federal reserve banks and member banks of the Federal Reserve System, in return for an equivalent amount of other coin, currency or credit, to deliver, earmark or hold in trust gold coin and bullion to or for persons showing the need for the same for any of the purposes specified in Paragraphs (a), (c) and (d) of Section 2 of these regulations.

Section 9. Whoever willfully violates any provision of this Executive Order or of these regulations or of any rule, regulation or license issued there under may be fined not more than $10,000 or if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director or agency of any corporation who knowingly participates in any such violation may be punished by a like fine, imprisonment, or both.

This order and these regulations may be modified or revoked at any time.

THE WHITE HOUSE
April 5, 1933

FRANKLIN D. ROOSEVELT
Exempt Private Property defined pursuant to; Property; property interest. The terms property and property interest include, but are not limited to, money, checks, drafts, bullion, bank deposits, savings accounts, debts, indebtedness, obligations, notes, guarantees, debentures, stocks, bonds, coupons, any other financial instruments, bankers acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership or indebtedness, letters of credit and any documents relating to any rights or obligations thereunder, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, cestui que trust, estate, vendors' sales agreements, land contracts, leaseholds, ground rents, real estate and any other interest therein, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks or copyrights, insurance policies, title insurance policy, safe deposit boxes and their contents, annuities, pooling agreements, services of any nature whatsoever, contracts of any nature whatsoever, and any other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future or contingent in perpetuity.

Notice to Agent is notice to Principle; Notice to Principle is Notice to Agent. All are without excuse. Including but not limited to; successors and or assigns, d/b/a/ the U.S., all Enclaves, Insular Possessions, Territories, together with all Cities, Municipalities, Counties, Townships, etc., all sundry employees, agents, officers, officials, independent contractors, and all a/k/a: PUBLIC SERVANTs commencing this binding contract.

NOTICE: PUBLIC ACTS defined: are those which have a public authority, and which have been made before public officers, are authorized by a public seal, have been made public by the authority of a magistrate, or which have been extracted and been properly authenticated from public records. Black’s Law Dictionary Sixth Edition (page 26)
Certified Mail Article Number:

Affidavit

Sui Juris, known as: John, of the genealogy of Doe, in my private capacity, freeborn spiritual being on the land state the facts contained herein are true, correct, complete, and not misleading, to the best of my personal first hand knowledge and belief. Being of sound mind, competent, over the age of 18, with my specific common law right not to be bound by any contract or obligation which I have not entered into knowingly, willingly, voluntarily, and without misrepresentation, duress, or coercion, whereby I did not sign nor consent. I am not now nor have ever been a CITIZEN, RESIDENT, THING, nor a U.S. Citizen nor a Fourteenth Amendment Federal Citizen or Employee, I am not bound by sworn oath or oath of office. Whereas I hereby disclaim Clauses One and Two of Section One to the Fourteenth Amendment, together with Article Four Section Three Clause Two. I do hereby certify, verify, state, claim and declare forever in perpetuity without abandonment; Real Property (on Earth); Personal Property (body); and Ecclesiastical Property (soul) together with all trusts, probate, rights, titles, interests droit, droit both absolute and contingent, “Without the U.S.” “Rights” includes remedies. Should this not be true then let the record be corrected or it will stand as truth. Time is of the essence.

This my free will, voluntary act and deed true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver under my hand and seal, explicitly reserving all un-a-lien-able rights without prejudice;

By:__________________________________________

Sui Juris; John of the genealogy of Doe Bailor for JOHN DOE Bailee

Probatio plena; Richard, Roe Third Party Witness
"Sealed and delivered in the presence of us."

Probatio plena; Jane, Doe Third Party Witness
"Sealed and delivered in the presence of us."

STATE OF ILLINOIS )
COUNTY OF COOK   )

CERTIFICATE OF ACKNOWLEDGMENT

On this date the man/woman named above, in his/her stated capacity, personally appeared before me to execute this acknowledgement that this instrument was signed, sealed, and delivered as their free will, voluntary act and deed to make, execute, seal, acknowledge and deliver under their hand and seal verified and authenticated for the uses and purposes therein mentioned.

DATE ________________________________

Signature of NOTARY PUBLIC

AFFIX

NOTARY SEAL

IF REQUIRED

Date Commission Expires ____________