

Inferior Legislative Courts (Administrative Agencies) of Idaho
Analysis and Interpretation

Article I court - a specialized court that is quasi-judicial and quasi-administrative in nature, created by Congress as an extension of its **legislative power under Article I** of the Constitution rather than as an organ of the judicial branch of government under Article III. Examples include the Tax Court, bankruptcy courts, and territorial courts. Also called **legislative court**.

Article III court (Also called **constitutional court**).

--Random House Webster's Law Dictionary

According to the Idaho Constitution, the district courts are "legislative courts" as defined above, and as such, are inferior, non-constitutional, non-judicial courts.

CONSTITUTION OF THE STATE OF IDAHO

ARTICLE V JUDICIAL DEPARTMENT

SECTION 2. JUDICIAL POWER -- WHERE VESTED. The judicial power of the state **shall be vested in** a court for the trial of impeachments, a Supreme Court, **district courts, and such other courts inferior to the Supreme Court as established by the legislature**. The courts shall constitute a unified and integrated judicial system for administration and supervision by the Supreme Court. **The jurisdiction of such inferior courts shall be as prescribed by the legislature**. Until provided by law, no changes shall be made in the jurisdiction or in the manner of the selection of judges of existing inferior courts.

Legislative enactment compiled in the Idaho Code confirms the legislative establishment of the lower "inferior" courts:

TITLE 1

COURTS AND COURT OFFICIALS
CHAPTER 7
DISTRICT COURTS

1-701. DISTRICT COURTS ESTABLISHED. ***District courts are hereby established*** to be held in each of the counties of the state which have been or may hereafter be organized by law, for the purpose of hearing and determining all matters and causes arising under the laws of this state.

According to the above authorities, it is undisputed that the DISTRICT COURTS OF THE STATE OF IDAHO were established by the LEGISLATURE. Legislative courts are of an inferior nature and they are administrative agencies NOT judicial bodies:

In the Encyclopedia of the American Constitution, UCLA Law Professor Emeritus Kenneth L. Karst writes:

“In essence ***a legislative court is merely an administrative agency with an elegant name***. While Congress surely has the power to transfer portions of the business of the federal judiciary to legislative courts, a wholesale transfer of that business would work a fundamental change in the status of our independent judiciary and would seem vulnerable to constitutional attack.” --From the Encyclopedia of the American Constitution, MacMillan Publishing Co. (1986), volume 3, page 1144.

In light of the above authoritative claim, as far as I am concerned, by deceiving me, and others, into thinking that the state’s legislative “DISTRICT COURTS” are constitutional courts when they are nothing more than administrative agencies, a despicable fraud is being perpetrated against the people. Case law confirms:

“When enforcing mere statutes, judges of all courts do not act judicially, (and thus are not protected by “qualified” or “limited immunity,”) --SEE: *Owen v. City*, 445 U.S. 662; *Bothke v. Terry*, 713 F2d 1404) but merely act as an extension as an agent for the involved agency -- but only in a “ministerial” and not a “discretionary

capacity..." *Thompson v. Smith*, 154 S.E. 579, 583; *Keller v. P.E.*, 261 US 428; *F.R.C. v. G.E.*, 281, U.S. 464.

It is undisputed that a constitutional court is a court that is ESTABLISHED by the National constitution under Article III or perhaps by a valid Organic State Constitution. Idaho courts were established by the state legislature NOT by any Constitution. They are not "unconstitutional," they are "non-constitutional." Even U.S. Bankruptcy courts are not Article III "judicial" courts, nor are bankruptcy court judges Article III considered to be "judges." See *Northern Pipeline v. Marathon Pipeline*. HYPERLINK ["/wiki/Case_citation"458 U.S. 50](#) (HYPERLINK ["/wiki/1982"1982](#)), which was a case in which the HYPERLINK ["/wiki/Supreme_Court_of_the_United_States"Supreme Court of the United States](#) held that HYPERLINK ["/wiki/Article_III_of_the_United_States_Constitution"Article III](#) HYPERLINK ["/wiki/Jurisdiction"jurisdiction](#) could not be conferred on HYPERLINK ["/wiki/Article_I_and_Article_III_tribunals"non-Article III](#) courts (i.e. courts without the independence and protection given to Article III judges).

Case cites in support of the administrative nature of the DISTRICT COURT:

"It is well settled in administrative law that: "It is the accepted rule, not only in state courts, but, of the federal courts as well, that when a judge is enforcing administrative law they are described as mere 'extensions of the administrative agency for superior reviewing purposes' as a ministerial clerk for an agency..." 30 Cal. 596; 167 Cal 762.

"A judge ceases to sit as a judicial officer because the governing principals of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments and rationale for that of the agency. Additionally, courts are prohibited from their substituting their judgements for that of the agency."* *AISI v. U.S.*, 568 F.2d 284. *[This case cite may be erroneous.]

". . . judges who become involved in enforcement of mere statutes (Public or Private, civil or criminal in nature), act as mere "clerks" of the involved agency..." K.C.

Legislative Courts: The Canter Case

American Ins. Co. v. Canter
1 Pet. (26 U.S.) 511 (1828)

Legislative courts, so-called because they are created by Congress in pursuance of its general legislative powers, have comprised a significant part of the federal judiciary. **HYPERLINK \l "f45"45 The distinction between constitutional courts and legislative courts** was first made in *American Ins. Co. v. Canter*, **HYPERLINK \l "f46"46** which involved the question of the admiralty jurisdiction of the territorial court of Florida, the judges of which were limited to a four-year term in office. Said Chief Justice Marshall for the Court: **"These courts, then, are not constitutional courts, in which the judicial power conferred by the Constitution on the general government, can be deposited. They are incapable of receiving it.** They are **legislative courts**, created in virtue of the general right of sovereignty which exists in the government, or in virtue of that clause which enables Congress to make all needful rules and regulations, respecting the territory belonging to the United States. **The jurisdiction with which they are invested, is not a part of that judicial power which is defined in the 3rd article of the Constitution**, but is conferred by Congress, in the execution of those general powers which that body possesses over the territories of the United States." **HYPERLINK \l "f47"47** The Court went on to hold that **admiralty jurisdiction can be exercised in the States only in those courts which are established in pursuance of Article III** but that the same limitation does not apply to the territorial courts, for in legislating for them "Congress exercises the combined powers of the general, and of a state government." **HYPERLINK \l "f48"48**

Canter postulated a simple proposition: **"Constitutional courts exercise the judicial power described in Art. III of the Constitution; legislative courts do not and cannot."** **HYPERLINK \l "f49"49** A two-fold difficulty attended this proposition, however. Admiralty jurisdiction is included within the "judicial power of the United States" specifically in Article III, requiring an explanation how this territorial court could receive and exercise it. Second, if territorial courts could not exercise Article III power, how might their decisions be subjected to appellate review in the Supreme Court, or indeed in other Article III courts, which could exercise only Article III judicial power? **HYPERLINK \l "f50"50** Moreover, if in fact some "judicial power" may be devolved upon courts not having the constitutional security of tenure and salary, what prevents Congress from undermining those values intended to be protected by Article III's guarantees by giving jurisdiction to non-protected entities that, being subjected to influence, would be bent to the popular will?

Attempts to explain or to rationalize the predicament or to provide a principled limiting

point have from *Canter* to the present resulted in "frequently arcane distinctions and confusing precedents" spelled out in cases comprising "landmarks on a judicial 'darkling plain' where ignorant armies have clashed by night". [HYPERLINK \l "f51"51](#) Nonetheless, Article I courts are quite usual entities in our judicial system. [HYPERLINK \l "f52"52](#)

[HYPERLINK \l "t45"\[Footnote 45\]](#) In *Freytag v. CIR*, [HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=501&invol=868"501 U.S. 868](#) (1991), a controverted decision held Article I courts to be "Courts of Law" for purposes of the appointments clause. Art. II, Sec. 2, cl. 2. See *id.*, 888-892 (majority opinion), and 901-914 (Justice Scalia dissenting).

[HYPERLINK \l "t46"\[Footnote 46\]](#) [HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=26&invol=511"26 U.S. \(1 Pet.\) 511](#) (1828).

[HYPERLINK \l "t47"\[Footnote 47\]](#) *Id.*, 546.

[HYPERLINK \l "t48"\[Footnote 48\]](#) In *Glidden Co. v. Zdanok*, [HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=370&invol=530" \l "544"370 U.S. 530, 544 -545](#) (1962), Justice Harlan asserted that Chief Justice Marshall in the *Canter* case "did not mean to imply that the case heard by the Key West court was not one of admiralty jurisdiction otherwise properly justiciable in a Federal District Court sitting in one of the States. . . . All the Chief Justice meant . . . is that in the territories cases and controversies falling within the enumeration of Article III may be heard and decided in courts constituted without regard to the limitations of that article. . . ."

[HYPERLINK \l "t49"\[Footnote 49\]](#) *Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, [HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=458&invol=50" \l "106"458 U.S. 50, 106](#) (1982) (Justice White dissenting).

[HYPERLINK \l "t50"\[Footnote 50\]](#) That the Supreme Court could review the judgments of territorial courts was established in *Durousseau v. United States*, [HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=10&invol=307"10 U.S. \(6 Cr.\) 307](#) (1810). See also *Benner v. Porter*, [HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=50&invol=235" \l "243"50 U.S. \(9 How.\) 235, 243](#) (1850); *Clinton v. Englebrecht*, [HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=80&invol=434"80 U.S. \(13 Wall.\) 434](#) (1872); *Balzac v. Porto Rico*, [HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=258&invol=298" \l "312"258 U.S. 298, 312 -313](#) (1922).

[HYPERLINK \l "t51"\[Footnote 51\]](#) *Northern Pipeline Const. Co. v. Marathon Pipe Line*

Co., HYPERLINK "<http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=458&invol=50>" \ "90"458 U.S. 50, 90, 91 (1982) (Justice Rehnquist concurring). The "darkling plain" language is his attribution to Justice White's historical summary.

HYPERLINK \ "t52"[Footnote 52]. In addition to the local courts of the District of Columbia, the bankruptcy courts, and the U. S. Court of Federal Claims, considered infra, these include the United States Tax Court, formerly an independent agency in the Treasury Department, but by the Tax Reform Act of 1969, Sec. 951, 83 Stat. 730, 26 U.S.C. Sec. 7441, made an Article I court of record, the Court of Veterans Appeals, Act of Nov. 18, 1988, 102 Stat. 4105, 38 U.S.C. Sec. 4051, and the courts of the territories of the United States. Magistrate judges are adjuncts of the District Courts, see infra, n. 105, and perform a large number of functions, usually requiring the consent of the litigants. See Gomez v. United States, HYPERLINK "<http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=490&invol=858>"490 U.S. 858 (1989); Peretz v. United States, HYPERLINK "<http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=501&invol=923>"501 U.S. 923 (1991). The U. S. Court of Military Appeals, strictly speaking, is not part of the judiciary but is a military tribunal, 10 U.S.C. Sec. 867, although Congress designated it an Article I tribunal and has recently given the Supreme Court certiorari jurisdiction over its decisions.

=====

Here is the clear and unambiguous statement of legislative intent regarding the operation of the "laws" [Statutes] of the corporation called "STATE OF IDAHO:"

I.C. 9-303. STATUTES -- CLASSIFICATION -- PUBLIC OR PRIVATE.

Statutes are public or private. A private statute is one which concerns only certain designated individuals, and affects only their private rights. All other statutes are **public, in which are included statutes creating or affecting corporations.**

=====

In the above code, the phrase "in which are included" is exclusive and restrictive, not expansive! It must be strictly construed, and in conformance with Idaho Code 9-102:

9-102. QUESTIONS OF LAW ADDRESSED TO COURT. **All questions of law arising upon the trial, including** the admissibility of testimony, the facts preliminary to such admission, and **the construction of statutes** and other writings, and other rules of evidence, **are to be decided by the court when submitted** and before the trial proceeds, and all discussions of law are to be addressed to the court. **Whenever the knowledge of the court is by this chapter made evidence of a fact, the court is to declare such knowledge to the jury, who are bound to accept it.**

This statute dictates that a "JUDICIAL NOTICE" may be submitted to the court, and that the court MUST inform the jury, who are bound to accept as truth, the FACT and KNOWLEDGE gained by the court through the "JUDICIAL NOTICE," that, in the clause,

"in which are included those statutes creating and affecting corporations"
the phrase "in which are included" is NOT expansive but restrictive. To be expansive, the statute must read, "the term 'included' is expansive, and refers to subjects not mentioned in this section."

However, it has been deemed that the words "includes" and "including" may be expansive, but the word "included" is not. That fact notwithstanding, the correct phrase should have been "in which are **also** included," and the subjects included and not mentioned, but indicated by the word "also" must be enumerated in order to constitute proper legal notice of the law to those upon whom it is purported to operate.

It is a conclusive presumption, grammatically, and according to law, that only corporations created by the State are affected by the public statutes. I did not derive my existence entirely, or in any way, from the law; I was not created by the State, nor am I a corporation; therefore, I am not affected by public statutes.

The **IDAHO CASE** below further proves, by the entry in the **Compiler's Notes to Idaho Code 9-102**, that the phrase "in which are included" as used in I.C. 9-303 is not, and cannot, by Rule of Law, be expansive.

Inclusio Unius Est Exclusio Alterius.

"Where a statute specifies certain things, the designation of such things excludes all others. *Peck v. State*, 63 **Idaho** 375, 120 P.2d 820 (1941); *Meader v. Unemployment Comp. Div. of Indus. Accident Bd.*, 64 **Idaho** 716, 136 P.2d 984 (1943).

This is a maxim of the law that has been codified in the compilation of the Idaho Code, Annotated, and supported by Idaho case law. This declaration of YOUR OWN law must be applied, is incontrovertible and must be recognized and secured by sworn, lawful officers and by the courts of the state of Idaho. The Latin is translated into English in this way:

"The inclusion of one is the exclusion of another. The certain designation of one person is an absolute exclusion of all others." 11 Coke, 58b.

The same settled principle of law has also been expressed in many other ways:

Enumeratio unius est exclusio alterius, The specification of one thing is the exclusion of a different thing. [A corporation is one thing, but a non-corporate human being is a different thing.] [Emphasis mine.]

The expression of one thing is the exclusion of another. Co. Litt. 210a. The express mention of one thing [person or place] implies the exclusion of another. [Emphasis included.]

Expressio unius personae est exclusio alterius. Co. Litt. 210. The mention of one person is the exclusion of another. [A corporation is a status of person and when corporations are mentioned, all other non-corporate persons, or flesh and blood men and women, are excluded.] [Emphasis mine.]

Entities cannot be made subject to the public statutes, or to any law, by implication:

Expressum facit cessare tacitum. That which is expressed makes that which is implied to cease. [The expression of statutes creating or affecting corporations makes the implication that public statutes create or affect non-corporate entities "to cease."] [Emphasis mine.]

A maxim of the law is well defined:

"A maxim of law is an **established principle** or proposition. **A principle of law universally admitted**, as being just and consonant. They are principles and authorities, and part of the general customs or **common law of the land**; and are of the same strength as acts of parliament. [or of a legislature.] **Maxims of the law are holden for law**, and all other cases that may be applied to them shall **be taken for granted**. The alterations of any of the maxims of the common law are dangerous." [Emphasis mine.] Bouvier's Law Dictionary.

A maxim of law is **an established principle or proposition**. A principle of law **universally admitted**, as being **a correct statement of the law**, or as agreeable to

natural reason. Coke defines a maxim to be a 'conclusion of reason,' and says that it is so called '*quia maxima ejus dignitas et certissima auctoritas, et quid maxime omnibus probetur*'. Co. Litt. 11a. He says in another place: 'A maxime is a proposition to be of all men confessed and **granted without prooffe, argument, or discourse**.'" Id. 67a.

The maxims of the law included herein ARE the law that you are bound by oath to uphold, and as such they are also essential to the due process of law, my right to which you are also bound by oath to the Constitution for the United States of America to uphold under the due process clause of the Fifth and the Fourteenth Amendments.

Due process of law. Law in its **regular** course of administration through courts of justice. Due process of law in each particular case means **such an exercise of the powers of the government as the settled maxims of law permit and sanction**, and **under such safeguards for the protection of individual rights as those maxims prescribe** for the class of cases to which the one in question belongs. -- Black's Law Dictionary, Sixth Ed., page 500:

Therefore, when the Idaho Code 9-303 declares that included in the public statutes are those statutes creating or affecting corporations, it means that those statutes creating or affecting corporations are the ONLY statutes known as public statutes, and that those statutes can create, affect and be applied only to, corporations. Or as the supporting case law confirms, "Where a statute," in this case 9-303, "specifies certain things," such as the statutes creating or affecting corporations, "the designation of such things," the corporate statutes, "excludes all others." According to Idaho law, no other statutes can be contained in the Idaho public statutes than those statutes that create or affect corporations.

Nothing more, not one word, can be added to the legislature's plain language declaring their legislative intent clearly and inclusively. This is known as "Black Letter Law." And since this conclusive presumption is rooted in a maxim of the law, it is to be granted, accepted and applied without proof, argument or discourse, discourse meaning "conversation" or "talk." The matter is settled and there is nothing to even talk about. Any violation of this proposition would be a violation of the law.

It is undisputed that, by definition, I am not a corporation, *ipso facto*, I am neither created by nor am I affected by, the Idaho public statutes, nor am I subject to them. This fact is deemed to be a conclusive presumption.

Any application of the statutes as in my case is not only a due process violation—it is the very definition of tyranny.

As far as the definitions, as cited in the above Idaho Codes, of "Public Law" and of "person" are concerned,

"It is **axiomatic** that the statutory definition of the term **excludes unstated meanings** of that term." --*Meese v. Keene*, 481 U.S. 465 (1987).

AX' IOM, n. [Gr. authority, an authoritative sentence, or that which is assumed, from worthy, and to think worthy, to esteem; Eng. to ask, that which is asked, sought or esteemed.]

1. A self evident truth, or a proposition whose truth is so evident at first sight, that no process of reasoning or demonstration can make it plainer; as, "the whole is greater than a part."
2. An established principle in some art or science; a principle received without new proof; as, "things which are equal to the same thing, are equal to one another."

--Webster's 1st edition 1828.

AXIOMAT'ICAL, a. Pertaining to an axiom; having the nature of self evident truths or received principles.

LAW, n. [L. lex; from the root of lay. See lay. A law is that which is laid, set or fixed, like statute, constitution, from L. statuo.]

1. A rule, particularly an established or permanent rule, prescribed by the supreme power of a state to its subjects, for regulating their actions, particularly their social actions. Laws are imperative or mandatory, commanding what shall be done; prohibitory, restraining from what is to be forborn; or permissive, declaring what may be done without incurring a penalty. The laws which enjoin the duties of piety and morality, are prescribed by God and found in the Scriptures.

Law is beneficence acting by rule.

MAX'IM, n. [L. maximum, literally the greatest.]

1. An established principle or proposition; a principle generally received or admitted as true. It is nearly the same in popular usage, as axiom in philosophy and mathematics.

It is a maxim of state, that countries newly acquired and not settled, are matters of burden, rather than of strength.

It is their maxim, love is love's reward.

POS'TULATE, n. [L. postulatum, from postulo, to demand, from the root of posco, to ask or demand. The sense is to urge or push.]

A position or supposition assumed without proof, or one which is considered as self-evident, or too plain to require illustration.

A self-evident problem, answering to axiom, which is a self-evident theorem.

PRIN'CIPLE, n. [L. principium, beginning.]

1. In a general sense, the cause, source or origin of any thing; that from which a thing proceeds; as the principle of motion; the principles of action.
4. In science, a truth admitted either without proof, or considered as having been before proved. In the former sense, it is synonymous with axiom; in the latter, with the phrase, established principle.
5. Ground; foundation; that which supports an assertion, an action, or a series of actions or of reasoning. On what principle can this be affirmed or denied? He justifies his proceedings on the principle of expedience or necessity. He reasons on sound principles.
6. A general truth; a law comprehending many subordinate truths; as the principles of morality, of law, of government, &c.
7. Tenet; that which is believed, whether truth or not, but which serves as a rule of action or the basis of a system; as the principles of the Stoics, or of the Epicureans.

SEN'TENCE, n. [from L. *sententia*, from *sentio*, to think.]

4. A maxim; an axiom; a short saying containing moral instruction.

--Webster's 1st edition

axiomatic

adjective FORMAL

obviously true and therefore not needing to be proved:

--Cambridge International Dictionary of English

axiomatic

Function: *adjective*

Etymology: Middle Greek *axiOmatikos*, from Greek, honorable, from *axiOmat-*, *axiOma*

1 : taken for granted : [HYPERLINK "/dictionary/self-evident"SELF-EVIDENT](#) <an *axiomatic* truth>

2 : based on or involving an [HYPERLINK "/dictionary/axiom"axiom](#) or system of axioms <*axiomatic* set theory>

--Merriam-Webster's Online Dictionary

Function: *noun*

Etymology: Latin *axioma*, from Greek *axiOma*, literally, something worthy, from *axioun* to think worthy, from *axios* worth, worthy; akin to Greek *agein* to weigh, drive -- more at [HYPERLINK "/dictionary/agent"AGENT](#)

1 : a maxim widely accepted on its intrinsic merit

2 : a statement accepted as true as the basis for argument or inference : [HYPERLINK "/"dictionary/postulate+"POSTULATE](#) 1

3 : an established rule or principle or a self-evident truth

--Merriam-Webster's Online Dictionary

axiomatic

obvious and not needing proof

--Cambridge Dictionary of American English

Axiomatic

evident without proof or argument of or pertaining to an [HYPERLINK "/wiki/axiom"axiom](#)

Wiktionary

axiom (*plural* [HYPERLINK "/wiki/axioms"axioms](#))

(philosophy) A [HYPERLINK "/wiki/self-evident"self-evident](#) and necessary [HYPERLINK "/wiki/truth"truth](#); a [HYPERLINK "/wiki/proposition"proposition](#) which it is necessary to take for granted; a proposition whose truth is so evident that no reasoning or [HYPERLINK "/wiki/demonstration"demonstration](#) can make it plainer. For example, "The whole is greater than a part."

(mathematics) A [HYPERLINK "/wiki/theorem"theorem](#) that cannot be [HYPERLINK "/wiki/proved"proved](#) and is therefore fundamental, necessary, and [HYPERLINK "/wiki/assumed"assumed](#). Axioms form the [HYPERLINK "/wiki/basis"basis](#) of a mathematical [HYPERLINK "/wiki/system"system](#).

An established [HYPERLINK "/wiki/principle"principle](#) in some art or science that is universally received.

The axioms of political economy cannot be considered absolute truths.

--Wiktionary

Axiomatic

Of, relating to, or resembling an axiom; self-evident: "It's axiomatic in politics that voters won't throw out a presidential incumbent unless they think his challenger will clean house" (Peter Grier, *Christian Science Monitor* August 16, 1996).

--The American Heritage[®] Dictionary of the English Language: Fourth Edition, 2000

axiom

1. A self-evident or universally recognized truth; a maxim: *"It is an economic axiom as old as the hills that goods and services can be paid for only with goods and services"* (Albert Jay Nock). **2.** An established rule, principle, or law. **3.** A self-evident principle or one that is accepted as true without proof as the basis for argument; a postulate.

--The American Heritage[®] Dictionary of the English Language: Fourth Edition. 2000

axiomatic

1. of, relating to, or resembling an axiom; unquestionably true; self-evident.

The value of time is axiomatic.

The Wordsmyth English Dictionary-Thesaurus

Words related to axiom. Related Words [HYPERLINK "/live/home.php?script=search&matchid=42433&matchtarget=4243301&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"tenet](#) , [HYPERLINK "/live/home.php?script=search&matchid=23398&matchtarget=2339803&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"law](#) , [HYPERLINK "/live/home.php?script=search&matchid=12115&matchtarget=1211501,1211502&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"doctrine](#) , [HYPERLINK "/live/home.php?script=search&matchid=11457&matchtarget=1145702&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"dictum](#) , [HYPERLINK "/live/home.php?script=search&matchid=16626&matchtarget=1662604&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"fundamental](#) , [HYPERLINK "/live/home.php?script=search&matchid=8314&matchtarget=831403&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"commonplace](#) , [HYPERLINK "/live/home.php?script=search&matchid=32449&matchtarget=3244901&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"precept](#) , [HYPERLINK "/live/home.php?script=search&matchid=25492&matchtarget=2549201&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"maxim](#) , [HYPERLINK "/live/home.php?script=search&matchid=3744&matchtarget=374403&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"belief](#) , [HYPERLINK "/live/home.php?script=search&matchid=1837&matchtarget=183701&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"aphorism](#)

DOGMATIC

Definition 1. of, pertaining to, or characteristic of dogma. Synonyms [HYPERLINK "/live/home.php?script=search&matchid=12114&matchtarget=1211401&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"doctrinaire](#) , [HYPERLINK "/live/home.php?script=search&matchid=2733&matchtarget=273302&returnFields=PRO,DEF,SIC,DER,C](#)

RF,INF,EXA,SYC,SYN,SIM,SYL,PHR"authoritative (2) , HYPERLINK "/live/home.php?
script=search&matchid=6061&matchtarget=606101,606103&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"canonical (1,3) Similar Words
HYPERLINK "/live/home.php?
script=search&matchid=2863&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"axiomatic , HYPERLINK "/live/home.php?
script=search&matchid=2732&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"authoritarian Definition 2. asserting beliefs and opinions as though they were proven facts. Synonyms HYPERLINK "/live/home.php?
script=search&matchid=30708&matchtarget=3070802&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"persistent (2) , HYPERLINK "/live/home.php?
script=search&matchid=28954&matchtarget=2895401&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"opinionated Crossref. Syn. HYPERLINK "/live/home.php?
script=search&matchid=12114&matchtarget=1211401&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"doctrinaire Similar Words HYPERLINK "/live/home.php?
script=search&matchid=40896&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"stubborn , HYPERLINK "/live/home.php?
script=search&matchid=27470&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"narrow-minded , HYPERLINK "/live/home.php?
script=search&matchid=21666&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"intolerant , HYPERLINK "/live/home.php?
script=search&matchid=21159&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"inflexible Related Words HYPERLINK "/live/home.php?
script=search&matchid=33451&matchtarget=3345101&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"puritanical , HYPERLINK "/live/home.php?
script=search&matchid=29110&matchtarget=2911001&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"orthodox , HYPERLINK "/live/home.php?
script=search&matchid=28954&matchtarget=2895401&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"opinionated , HYPERLINK "/live/home.php?
script=search&matchid=30035&matchtarget=3003503&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"partisan , HYPERLINK "/live/home.php?
script=search&matchid=11461&matchtarget=1146102&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"didactic

ABSOLUTE

Definition 4. free of any external standard; not relative. Example absolute truth. Crossref. Syn. HYPERLINK "/live/home.php?

script=search&matchid=30570&matchtarget=3057004&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"perfect , HYPERLINK "/live/home.php?
script=search&matchid=45725&matchtarget=4572504&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"very , HYPERLINK "/live/home.php?
script=search&matchid=6522&matchtarget=652201&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"categorical , HYPERLINK "/live/home.php?
script=search&matchid=3270&matchtarget=327004&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"bare , HYPERLINK "/live/home.php?
script=search&matchid=32179&matchtarget=3217904&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"positive Similar Words HYPERLINK "/live/home.php?
script=search&matchid=20923&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"independent , HYPERLINK "/live/home.php?
script=search&matchid=21692&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"intrinsic , HYPERLINK "/live/home.php?
script=search&matchid=21280&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"innate , HYPERLINK "/live/home.php?
script=search&matchid=21228&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"inherent , HYPERLINK "/live/home.php?
script=search&matchid=44535&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"ultimate , HYPERLINK "/live/home.php?
script=search&matchid=44089&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"true , HYPERLINK "/live/home.php?
script=search&matchid=16626&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"fundamental

Definition 5. unquestionable; positive. Example absolute certainty. Synonyms
HYPERLINK "/live/home.php?

script=search&matchid=21020&matchtarget=2102001&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"indubitable , HYPERLINK "/live/home.php?
script=search&matchid=20993&matchtarget=2099301&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"indisputable , HYPERLINK "/live/home.php?
script=search&matchid=45031&matchtarget=4503101&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"unquestionable , HYPERLINK "/live/home.php?
script=search&matchid=44692&matchtarget=4469201&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"undeniable (1) , HYPERLINK "/live/home.php?
script=search&matchid=8408&matchtarget=840803&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"complete (3) , HYPERLINK "/live/home.php?
script=search&matchid=29301&matchtarget=2930102&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"outright (2) , HYPERLINK "/live/home.php?

script=search&matchid=44829&matchtarget=4482901&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"unequivocal , HYPERLINK "/live/home.php?

script=search&matchid=45030&matchtarget=4503002&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"unqualified (2) , HYPERLINK "/live/home.php?

script=search&matchid=41485&matchtarget=4148501&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"sure (1) , HYPERLINK "/live/home.php?

script=search&matchid=44996&matchtarget=4499602&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"unmitigated (2) Crossref. Syn. HYPERLINK "/live/home.php?

script=search&matchid=396&matchtarget=39601&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"actual , HYPERLINK "/live/home.php?

script=search&matchid=29301&matchtarget=2930101&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"outright , HYPERLINK "/live/home.php?

script=search&matchid=7646&matchtarget=764609&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"clear , HYPERLINK "/live/home.php?

script=search&matchid=12407&matchtarget=1240701&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"downright , HYPERLINK "/live/home.php?

script=search&matchid=15532&matchtarget=1553204&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"flat Similar Words HYPERLINK "/live/home.php?

script=search&matchid=7646&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"clear , HYPERLINK "/live/home.php?

script=search&matchid=44807&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"undoubted , HYPERLINK "/live/home.php?

script=search&matchid=6775&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"certain , HYPERLINK "/live/home.php?

script=search&matchid=2863&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"axiomatic , HYPERLINK "/live/home.php?

script=search&matchid=6522&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"categorical , HYPERLINK "/live/home.php?

script=search&matchid=10676&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"decided , HYPERLINK "/live/home.php?

script=search&matchid=21861&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"irrefutable , HYPERLINK "/live/home.php?

script=search&matchid=32179&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"positive , HYPERLINK "/live/home.php?

script=search&matchid=10812&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"definite , HYPERLINK "/live/home.php?

script=search&matchid=1228&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"unambiguous {ambiguous}

AUTHORITATIVE

Definition 1. having or displaying authority. Synonyms [HYPERLINK "/live/home.php?script=search&matchid=25387&matchtarget=2538701&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"masterly](#) , [HYPERLINK "/live/home.php?script=search&matchid=32362&matchtarget=3236201&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"powerful \(1\)](#) Crossref. Syn. [HYPERLINK "/live/home.php?](#)

[script=search&matchid=6061&matchtarget=606102&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"canonical](#) , [HYPERLINK "/live/home.php?script=search&matchid=8249&matchtarget=824901&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"commanding](#) , [HYPERLINK "/live/home.php?script=search&matchid=25384&matchtarget=2538401&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"masterful](#) , [HYPERLINK "/live/home.php?script=search&matchid=20599&matchtarget=2059902&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"imperative](#) Similar Words [HYPERLINK "/live/home.php?](#)

[script=search&matchid=8249&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"commanding](#) , [HYPERLINK "/live/home.php?](#)

[script=search&matchid=2732&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"authoritarian](#) , [HYPERLINK "/live/home.php?](#)

[script=search&matchid=30567&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"peremptory](#) , [HYPERLINK "/live/home.php?](#)

[script=search&matchid=20599&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"imperative](#) Definition 2. accepted as correct and true; considered a reliable source of information; official. Example an authoritative edition of Blake's poems. Synonyms [HYPERLINK "/live/home.php?](#)

[script=search&matchid=210&matchtarget=21001&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"accepted](#) , [HYPERLINK "/live/home.php?](#)

[script=search&matchid=1981&matchtarget=198101,198102&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"approved {approve \(vt 1,2\)}](#) , [HYPERLINK "/live/home.php?](#)

[script=search&matchid=34752&matchtarget=3475201&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"reliable](#) Crossref. Syn. [HYPERLINK "/live/home.php?](#)

[script=search&matchid=40219&matchtarget=4021907&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"standard](#) , [HYPERLINK "/live/home.php?](#)

[script=search&matchid=6061&matchtarget=606103&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"canonical](#) , [HYPERLINK "/live/home.php?](#)

[script=search&matchid=12157&matchtarget=1215701&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"dogmatic](#) , [HYPERLINK "/live/home.php?](#)

[script=search&matchid=2728&matchtarget=272802&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"authentic](#) Similar Words [HYPERLINK "/live/](#)

home.php?

script=search&matchid=34394&matchtarget=7&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"recognized {recognize (vt)} , HYPERLINK "/live/home.php?

script=search&matchid=40219&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"standard , HYPERLINK "/live/home.php?

script=search&matchid=2728&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"authentic , HYPERLINK "/live/home.php?

script=search&matchid=28626&matchtarget=3&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"official Related Words HYPERLINK "/live/home.php?

script=search&matchid=40863&matchtarget=4086304&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"strong , HYPERLINK "/live/home.php?

script=search&matchid=504&matchtarget=50401&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"administrative , HYPERLINK "/live/home.php?

script=search&matchid=44089&matchtarget=4408904&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"true , HYPERLINK "/live/home.php?

script=search&matchid=7606&matchtarget=760605&returnFields=PRO,DEF,SIC,DER,CRF,INF,EXA,SYC,SYN,SIM,SYL,PHR"classic

The Wordsmyth English Dictionary-Thesaurus.

=====

WHAT IS MEANT BY THE PHRASE "IN WHICH ARE INCLUDED"

Here is the extensive and in fact all-inclusive research on the phrase, "**in which are included**."

It is NEVER expansive; it's constituents are ALWAYS exclusively the ONLY "things" that fall "within the meaning of the term defined."

Again, we begin with the Idaho Code and cite other State Codes:

TITLE 9 EVIDENCE CHAPTER 3 PUBLIC WRITINGS

9-303. STATUTES -- CLASSIFICATION -- PUBLIC OR PRIVATE. Statutes are public or private. A private statute is one which concerns only certain designated individuals, and affects only their private rights. All other statutes are public, in which are included statutes creating or affecting corporations.

UTAH CODE 78-26-4. Public and private statutes defined.

Statutes are public and private. A private statute is one which concerns only certain designated individuals, and affects only their private rights. All other statutes are public, in which are included statutes creating or affecting corporations.

No Change Since 1953.

Montana Code 1-1-106. Public and private statutes. Statutes are public or private. A private statute is one which concerns only certain designated individuals and affects only their private rights. All other statutes are public, **in which are included** statutes creating or affecting corporations.

History: En. Sec. 3186, C. Civ. Proc. 1895; re-en. Sec. 7904, Rev. C. 1907; re-en. Sec. 10548, R.C.M. 1921; Cal. C. Civ. Proc. Sec. 1898; re-en. Sec. 10548, R.C.M. 1935; R.C.M. 1947, 93-1001-10.

5. In Mitch Modeleski's [HYPERLINK \l "4"4](http://www.supremelaw.org/fedzone11/htm/chaptr12.htm) book [HYPERLINK "http://www.supremelaw.org/fedzone11/htm/chaptr12.htm"](http://www.supremelaw.org/fedzone11/htm/chaptr12.htm) [The Federal Zone](#) [HYPERLINK \l "14"14](#), Modeleski spends an entire *chapter* on the legal definition of the word "includes". If the word "includes" occurs in a statute before a list of things, are things that are *not* on that list automatically *excluded* from it? Obviously, a phrasing such as "includes only" or "means and includes" means that other things are excluded, while "includes but is not limited to" means that other things are not necessarily excluded; but what if "includes" occurs by itself? While someone who's been around the courts a while might answer, "It depends on the context", Modeleski is not so easily satisfied. He cites Treasury Decision 3980, part of which says that "includes" with no modifiers should be construed to exclude everything not following it.

Additionally, a Usenet acquaintance of mine referred me to Powers exrel. *Dovon v. Charron R.I.*, 135 A. 2nd 829-832 (a state court case), in which the judge's opinion states: "Where a general term in Statute is followed by the word 'including,' the primary import of specific words following quoted words is to indicate restriction rather than enlargements." [Note that *United States v. Condo*, 741 F.2d 238, 239 (9th Cir.1984), cert denied, 469 U.S. 1164 (1985) directly contradicts this.]

Since no court case has ever come to light where this interpretation of "includes" is used on the Buck Act, it's still a nebulous sticking point. My guess is that the original intent of the law, as appears in Congressional transcripts, would decide whether or not "the term 'state' includes D.C." should be interpreted to mean "the term 'state' includes what is normally meant by 'state', plus D.C." or as the more questionable "the term 'state' includes only D.C.".

It was only on May 29th, 2002 that we published a J.A.I.L. News Journal (JNJ) that stated, "Statutes are public or private. A private statute is one which concerns only certain designated individuals, and effects only their private rights. All other statutes are public, **in which are included** statutes creating or effecting corporations." C.C.P. 1895-1899, 1898.

[HYPERLINK "usc_sup_01_28.html"](#)[TITLE 28](#) > [HYPERLINK "usc_sup_01_28_10_I.html"](#)[PART I](#) > [HYPERLINK "usc_sup_01_28_10_I_20_5.html"](#)[CHAPTER 5](#) > § 127 [HYPERLINK "usc_sec_28_00000126----000-.html"](#)[Prev](#) | [HYPERLINK "usc_sec_28_00000128----000-.html"](#)[Next](#)
§ 127. Virginia

Virginia is divided into two judicial districts, to be known as the Eastern and Western districts of Virginia. Eastern District

The Eastern District comprises the counties of Accomac, Amelia, Arlington, Brunswick, Caroline, Charles City, Chesterfield, Dinwiddie, Elizabeth City, Essex, Fairfax, Fauquier, Gloucester, Goochland, Greenville, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Powhatan, Prince Edward, Prince George, Prince William, Princess Anne, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warwick, Westmoreland, and York.

Court for the Eastern District shall be held at Alexandria, Newport News, Norfolk, and Richmond. Western District

(b) The Western District comprises the counties of Albemarle, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Clarke, Craig, Culpeper, Cumberland, Dickenson, Floyd, Fluvanna, Franklin, Frederick, Giles, Grayson, Greene, Halifax, Henry, Highland, Lee, Louisa, Madison, Montgomery, Nelson, Orange, Page, Patrick, Pittsylvania, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wythe.

Court for the Western District shall be held at Abingdon, Big Stone Gap, Charlottesville, Danville, Harrisonburg, Lynchburg, and Roanoke.

(c) Cities and incorporated towns are included in that district **in which are included** the counties within the exterior boundaries of which such cities and incorporated towns are geographically located or out of the territory of which they have been incorporated.

=====

Whitmore, William Henry, 1836-1900.

A bibliographical sketch of the Laws of the Massachusetts Colony from 1630 to 1686.

Boston, Rockwell and Churchill. 1890

In which are included the body of liberties of 1641, and the records of the Court of Assistants, 1641-1644... Published by order of the City Council of Boston.

Reel: 37, No. 15

The history of Virginia, in four parts. I. The history of the first settlement of Virginia, and the government thereof, to the year 1706. II. The natural productions and conveniences of the country

CHAP. I. Of the Bounds and Coast of Virginia.

And until the Plantations became more familiar to *England*, it was so continued. But in Process of Time, the Name of *Virginia* was lost to all, except to that Tract of Land lying along the Bay of *Chesapeak*, and a little to the Southward, **in which are included** *Virginia* and *Maryland*; both which, in common Discourse, are still very often meant by the Name of *Virginia*.

NOTE: Secs 301 –336 are primarily concerned with standards for establishing the authenticity of records offered for use in court proceedings.]

§1228.124 Agency request.

The head of any executive agency may request the transfer of records to or from his or her agency. Approval shall be requested by letter addressed to the NARA (NWML), **in which are included**:

- (a) A concise description of the records to be transferred, including the volume in cubic feet;
- (b) A statement of the restrictions imposed on the use of records;
- (c) A statement of the agencies and persons using the records and the purpose of this use;
- (d) A statement of the current and proposed physical and organizational locations of the records; and
- (e) A justification for the transfer including an explanation of why it is in the best interests of the Government.

[45 FR 5705, Jan. 24, 1980. Redesignated at 50 FR 15723, Apr. 19, 1985, and amended at 50 FR 26934, June 28, 1985. Redesignated and amended at 55 FR 27434, July 2, 1990; 63 FR 35829, July 1, 1998]

CHAPTER XI. OF TREASON AGAINST THE UNITED STATES.

In respect to the forfeiture, the meaning seems to be, that congress shall not impose a forfeiture beyond the term of the offender's life, but it may be abolished altogether, and in this sense, it has been understood and acted on in the law, for the punishment of certain crimes against the United States, passed on the 30th of April, 1790, the language of which is as follows: -- no conviction or judgment for any of the offences aforesaid, (**in which are included** treason, murder, robbery, piracy, and other crimes,) shall work corruption of blood or any forfeiture of estate.

HYPERLINK http://constitution.org/wr/rawle_11.txt http://constitution.org/wr/rawle_11.txt

HYPERLINK ["/cacodes/index.html](/cacodes/index.html)"California Codes

HYPERLINK ["/cacodes/ccp.html](/cacodes/ccp.html)"California Code of Civil Procedure
CODE OF CIVIL PROCEDURE SECTION 1895-1917

1898. Statutes are public or private. A private statute is one which concerns only certain designated individuals, and affects only their private rights. All other statutes are public, **in which are included** statutes creating or affecting corporations.

HYPERLINK <http://caselaw.lp.findlaw.com/cacodes/ccp/1895-1917.html> <http://caselaw.lp.findlaw.com/cacodes/ccp/1895-1917.html>

Fish Habitat Conservation Act (Introduced in House)

HR 1679 IH

102d CONGRESS

1st Session

H. R. 1679

To protect, restore, and conserve important fish habitat.

IN THE HOUSE OF REPRESENTATIVES

April 9, 1991

(b) FISH HABITAT PROTECTION PURPOSES- The purposes of any unit of the System **in which are included** any lands, waters, or interests acquired pursuant to this Act shall include, with respect to those lands, waters, or interests, the following:

- (1) Conservation, protection, and enhancement of fish, wildlife, plants, and their habitats, with primary attention to fish habitats.
- (2) Preservation and enhancement of the water quality of aquatic habitats.
- (3) Protection of species listed as endangered or threatened, or identified as candidates for that listing, pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).
- (4) Conservation of migratory birds.
- (5) Protection of corridors for the migration and dispersal of fish, wildlife, and plants.
- (6) Fulfillment of obligations of the United States relating to fish and wildlife under international agreements.
- (7) Provision of opportunities for scientific research, environmental education, and recreational fishing, to the extent compatible with the other purposes stated in this subsection.

HOMOCIDE

The Spanish code has like those of Italy and France special punishments for parricide (417) and for assassination, **in which are included** killing for reward or promise of reward or by inundation (418), and for aiding another to commit suicide (421). Both the Italian and the Spanish codes afford a special mitigation to infanticide committed to avoid dishonour to the mother of the infant or her family.

HYPERLINK <http://www.1911ency.org/H/HO/HOMICIDE.htm> <http://www.1911ency.org/H/HO/HOMICIDE.htm>

The Empire In These Days

Speaker

MacDonald, The Right Honourable
Malcolm High Commissioner for the
United Kingdom

Date	14 Jan 1943
Introduced by:	MacBeth, John C.M. President, The Empire Club of Canada

Published in: *The Empire Club of Canada Speeches 1942-1943* (Toronto, Canada: The Empire Club of Canada, 1943) pp. 288-301

The three main divisions of the Empire: the Colonial Empire, India, and the British Commonwealth of Nations **in which are included** all the Dominions and Britain itself, with a discussion of each including examples and illustrations of points made showing the current position of the British Empire.

Another post from The West Briton and Cornwall Advertiser, newspaper, 3 Feb 1887, Thursday.

Wesleyan Methodism In Cornwall - Throughout Great Britain, for local administrative purposes, Wesleyan Methodism is divided into 35 "districts," **in which are included** 750 "circuits."

From Black's Law Dictionary, fourth edition, here is the definition for the word "include":

include. To confine within, hold as in an inclosure, take in , attain, shut up, contain, **inclose**, comprise, comprehend, embrace, involve. *Including* may, according to context, express an enlargement and have the meaning of *and* or *in addition to*, or merely specify a particular thing already included within general words theretofore used.

inclose. To surround; to encompass; to bound; fence, or hem in, on all sides.

It is stated in the above definition that the verb **include** is clearly restrictive and only has limited scope. On the other hand the participle, **including** (but not limited to) enlarges the scope.

=====

The state of Idaho is a federal corporate territory with a Federal Tax ID #.

"Idaho's Federal Tax ID number is 82-6000-966."

From: HYPERLINK "http://cl.idaho.gov/Portal/ICL/alias__naswa/tabID__5801/DesktopDefault.aspx"http://cl.idaho.gov/Portal/ICL/alias__naswa/tabID__5801/DesktopDefault.aspx

It is also listed as a "private company" in Dunn and Bradstreet, "doing business" as a

“legislative body” with Butch Otter as the “contact” person. As chief executive of the executive branch, this encroachment violates the Separation of Powers Doctrine and is the very definition of tyranny. Furthermore, the Clearfield Doctrine is *stare decisis*. When governments descend to the level of a corporation they cease to be a governmental entity, but as a private person, subject to suit.

**Furthermore, ALL of the alleged judges in the state of Idaho are MAGISTRATES!
See the Idaho Code below.**

TITLE 19
CRIMINAL PROCEDURE
CHAPTER 5
COMPLAINT AND WARRANT OF ARREST

19-503.WHO ARE MAGISTRATES. The following persons are magistrates:

1. The justices of the Supreme Court.
2. The district judges.
3. Magistrates of the district court.

The authority of these “inferior officers” is clearly defined by the code. This IS the definition of a magistrate and the declaration of what a magistrate can do:

TITLE 19
CRIMINAL PROCEDURE
CHAPTER 5
COMPLAINT AND WARRANT OF ARREST

19-502.DEFINITION OF MAGISTRATE. A magistrate is an officer having power to issue a warrant for the arrest of a person charged with a public offense.

MORE DEFINITIONS OF MAGISTRATE

“ . . . in America, one of the class of inferior judicial officers, such as justices of the peace and police justices.”

“The word ‘magistrate’ does not necessarily imply an officer exercising any judicial functions, and might very well be held to embrace notaries and commissioners of deeds. - Black’s.

A magistrate is a “judge or justice of an inferior court . . . the jurisdiction of which is restricted to the trial of misdemeanors and the conducting of preliminary hearings upon charges of more serious offenses.” --Ballentine’s Law Dictionary, 3rd ed.

MAGISTRATE. A public civil officer, invested with the executive government or some branch of it. –Webster’s 1st ed. 1828.

Other online law dictionaries:

Magistrate. a minor official with limited judicial powers, as a justice of the peace or judge of a police court.

MAGISTRATE - a person who performs the functions of a judge but does not have the power to issue a court order.

MAGISTRATE, mun. law. A public civil officer, invested with some part of the legislative, executive, or judicial power given by the constitution. In a narrower sense this term includes only inferior judicial officers, as justices of the peace.

2. The president of the United States is the chief magistrate of this nation; the governors are the chief magistrates of their respective states.

3. It is the duty of all magistrates to exercise the power, vested in them for the good of the people, according to law, and with zeal and fidelity. A neglect on the part of a magistrate to exercise the functions of his office, when required by law, is a misdemeanor. Vide 15 Vin. Ab. 144; Ayl. Pand. tit. 22; Dig. 30, 16, 57; Merl. Rep. h. t.; 13 Pick. R. 523. –Bouvier’s

Latin *magistratus* magistracy, magistrate, from *magistr-* *magister* master, political superior]

1 : a civil or judicial official vested with limited judicial powers <a family support ~> <a traffic ~>

2 a : a municipal, state, or federal judicial officer commonly authorized to issue warrants, hear minor cases, and conduct preliminary or pretrial hearings

b : an official (as a judge) authorized to perform the role or function of a magistrate <~ means an officer having power to issue a warrant for the arrest of a person charged with a public offense *Arizona Revised Statutes*>

Any individual who has the power of a public civil officer or inferior judicial officer, such as a [HYPERLINK "http://legal-dictionary.thefreedictionary.com/Justice+of+the+Peace"](http://legal-dictionary.thefreedictionary.com/Justice+of+the+Peace) Justice of the Peace.

The various state judicial systems provide for judicial officers who are often called magistrates, justices of the peace, or police justices. **The authority of these officials is**

restricted by statute,

[IF THIS IS TRUE, WHICH IT IS, THEN THE IDAHO CODE (STATUTE) IS EXPLICIT AS TO THE RESTRICTIONS OF A MAGISTRATE!]

and jurisdiction is commonly limited to the county in which the official presides. The position may be elected or appointed, depending on the governing state statute. The exact role of the official varies by state; it may include handling hearings regarding violations of motor vehicle codes or breaches of the peace, presiding over criminal preliminary hearings, officiating marriages, and dispensing civil actions involving small sums of money.

In a few states, an officer of the court at the lowest level which hears small claims lawsuits, serves as a judge for charges of minor crimes, and/or conducts preliminary hearings in criminal cases to determine if there is enough evidence presented by the prosecution to hold the accused for trial.

HYPERLINK "<http://www.investorwords.com/2866/local.html>" Local HYPERLINK "<http://www.businessdictionary.com/definition/judicial-officer.html>" judicial officer, sitting in a magistrate's court. Though magistrates may or may not have any HYPERLINK "<http://www.businessdictionary.com/definition/formal.html>" formal HYPERLINK "<http://www.businessdictionary.com/definition/legal.html>" legal HYPERLINK "<http://www.businessdictionary.com/definition/qualification.html>" qualification, they generally can hear criminal and some HYPERLINK "<http://www.businessdictionary.com/definition/civil-case.html>" civil cases and commit offenders for HYPERLINK "<http://www.businessdictionary.com/definition/trial.html>" trial by a judge and HYPERLINK "<http://www.businessdictionary.com/definition/jury.html>" jury. Their HYPERLINK "<http://www.businessdictionary.com/definition/decision.html>" decisions (unlike those of the HYPERLINK "<http://www.businessdictionary.com/definition/judge.html>" judges) do not set HYPERLINK "<http://www.businessdictionary.com/definition/precedent.html>" precedents for other HYPERLINK "<http://www.businessdictionary.com/definition/court.html>" courts to follow.

In the case *State v. Harrold* the Idaho court in its wisdom declared that the oath of a magistrate (lacking the words, “so help me God,” was adequate for what a magistrate does, and that it excludes all other oaths and imprecations. So a true judicial “judge” would have to take an oath WITH the imprecation “so help me God.” A magistrate can “hear and report,” but can NOT hear and “determine.” In a court of record the magistrate “is independent of the tribunal,” meaning the jury or the sovereign in the court—me.

ARTICLE III AUTHORITIES

ARTICLE III

Section 1.

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;--between a State and Citizens of another State;--between Citizens of different States;--between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3.

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

JUDICIAL POWER

Characteristics and Attributes of Judicial Power

Judicial power is the power "of a court to decide and pronounce a judgment and carry it into effect between persons and parties who bring a case before it for decision." HYPERLINK \l "f122"122 It is "the right to determine actual controversies arising between diverse litigants, duly instituted in courts of proper jurisdiction." HYPERLINK \l "f123"123 Although the terms "judicial power" and "jurisdiction" are frequently used interchangeably and jurisdiction is defined as the power to hear and determine the subject matter in controversy between parties to a suit HYPERLINK \l "f124"124 or as the "power to entertain the suit, consider the merits and render a binding decision thereon," HYPERLINK \l "f125"125 the cases and commentary support, indeed require, a distinction between the two concepts. Jurisdiction is the authority of a court to exercise judicial power in a specific case and is, of course, a prerequisite to the exercise of judicial power, which is the totality of powers a court exercises when it assumes jurisdiction and hears and decides a case. HYPERLINK \l "f126"126

HYPERLINK \l "t122"[Footnote 122]. Justice Samuel Miller, *On the Constitution* (New York: 1891), 314.

HYPERLINK \l "t123"[Footnote 123]. *Muskrat v. United States*, HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=219&invol=346" \l "361"219 U.S. 346, 361 (1911).

HYPERLINK \l "t124"[Footnote 124]. *United States v. Arrendondo*, HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=31&invol=691"31 U.S. (6 Pet.) 691 (1832).

HYPERLINK \l "t125"[Footnote 125]. *General Investment Co. v. New York Central R. Co.*, HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=271&invol=228" \l "230"271 U.S. 228, 230 (1926).

HYPERLINK \l "t126"[Footnote 126]. *William v. United States*, HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=289&invol=553" \l "566"289 U.S. 553, 566 (1933) ; *Yakus v. United States*, HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=321&invol=414" \l "467"321 U.S. 414, 467 -468 (1944) (Justice Rutledge dissenting).

=====

"Shall Be Vested." --The distinction between judicial power and jurisdiction is especially pertinent to the meaning of the words "shall be vested" in Sec. 1. Whereas all the judicial

power of the United States is vested in the Supreme Court and the inferior federal courts created by Congress, neither has ever been vested with all the jurisdiction which could be granted and, Justice Story to the contrary, [HYPERLINK \l "f133"133](#) the Constitution has not been read to mandate Congress to confer the entire jurisdiction it might. [HYPERLINK \l "f134"134](#) Thus, except for the original jurisdiction of the Supreme Court, which flows directly from the Constitution, two prerequisites to jurisdiction must be present: first, the Constitution must have given the courts the capacity to receive it, [HYPERLINK \l "f135"135](#) and, second, an act of Congress must have conferred it. [HYPERLINK \l "f136"136](#) The fact that federal courts are of limited jurisdiction means that litigants in them must affirmatively establish that jurisdiction exists and may not confer nonexistent jurisdiction by consent or conduct. [HYPERLINK \l "f137"137](#)

[HYPERLINK \l "t133"\[Footnote 133\]](#) *Martin v. Hunter's Lessee*, [HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=14&invol=304"](http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=14&invol=304) \l "328" 14 U.S. (1 Wheat.) 304, 328 -331 (1816). See also 3 J. Story, *Commentaries on the Constitution of the United States* (Boston: 1833), 1584-1590.

[HYPERLINK \l "t134"\[Footnote 134\]](#) See, e.g., *Turner v. Bank of North America*, [HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=4&invol=8"](http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=4&invol=8) \l "10" 4 U.S. (4 Dall.) 8, 10 (1799) (Justice Chase). A recent, sophisticated attempt to resurrect the core of Justice Story's argument is Amar, *A Neo-Federalist View of Article III: Separating the Two Tiers of Federal Jurisdiction*, 65 B. U. L. Rev. 205 (1985); and see Symposium: *Article III and the Judiciary Act of 1789*, 138 U. Pa. L. Rev. 1499 (1990) (with articles by Amar, Meltzer, and Redish). Briefly, the matter is discussed more fully infra, Professor Amar argues, in part, from the text of Article III, Sec. 2, cl. 1, that the use of the word "all" in each of federal question, admiralty, and public ambassador subclauses means that Congress must confer the entire judicial power to cases involving those issues, whereas it has more discretion in the other six categories.

[HYPERLINK \l "t135"\[Footnote 135\]](#) Which was, of course, the point of *Marbury v. Madison*, [HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=5&invol=137"](http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=5&invol=137) 5 U.S. (1 Cr.) 137 (1803), once the power of the Court to hold legislation unconstitutional was established.

[HYPERLINK \l "t136"\[Footnote 136\]](#) *The Mayor v. Cooper*, [HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=73&invol=247"](http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=73&invol=247) \l "252" 73 U.S. (6 Wall.) 247, 252 (1868); *Cary v. Curtis*, [HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=44&invol=236"](http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=44&invol=236) 44 U.S. (3 How.) 236 (1845); *Sheldon v. Sill*, [HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=49&invol=441"](http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=49&invol=441) 49 U.S. (8 How.) 441 (1850); *United States v. Hudson & Goodwin*, [HYPERLINK "http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=11&invol=32"](http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=11&invol=32) \l "33" 11 U.S. (7 Cr.) 32, 33

(1812); *Kline v. Burke Construction Co.*, HYPERLINK "<http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=260&invol=226>" 260 U.S. 226 (1922). It should be noted, however, that some judges have expressed the opinion that Congress' authority is limited to some degree by the Constitution, such as by the due process clause, so that a limitation on jurisdiction which denied a litigant access to any remedy might be unconstitutional. Cf. *Eisentrager v. Forrestal*, 174 F. 2d 961, 965-966 (D.C.Cir. 1949), *revd. on other grounds sub nom, Johnson v. Eisentrager*, HYPERLINK "<http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=339&invol=763>" 339 U.S. 763 (1950); *Battaglia v. General Motors Corp.*, 169 F.2d 254, 257 (2d Cir.), *cert. den.*, HYPERLINK "<http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=335&invol=887>" 335 U.S. 887 (1948); *Petersen v. Clark*, 285 F. Supp. 700, 703 n. 5 (D.N.D. Calif. 1968); *Murray v. Vaughn*, 300 F. Supp. 688, 694-695 (D.R.I. 1969). The Supreme Court has had no occasion to consider the question.

HYPERLINK "\l "t137"Footnote 137] *Turner v. Bank of North America*, HYPERLINK "<http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=4&invol=8>" 4 U.S. (4 Dall.) 8 (1799); *Bingham v. Cabot*, HYPERLINK "<http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=3&invol=382>" 3 U.S. (3 Dall.) 382 (1798); *Jackson v. Ashton*, HYPERLINK "<http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=33&invol=148>" 33 U.S. (8 Pet.) 148 (1834); *Mitchell v. Maurer*, HYPERLINK "<http://www.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=293&invol=237>" 293 U.S. 237 (1934).

Trial by jury

Section 2 provides that the trial of crimes, except impeachment cases, must be by jury. The trial must be held in the state where the crime was committed, or, if it was not committed in any particular state, in such a place as should have been previously set forth by the Congress.

The HYPERLINK "/wiki/Sixth_Amendment_to_the_United_States_Constitution" Sixth Amendment further provides that the trial must be held not only in the state, but also in the district where the crime was committed, which district should have been previously set forth by the Congress, and that the jury must be impartial and chosen from that same state and district.