

THE MYTH OF THE TERM "LAW OF THE LAND"

Most all people have a preconceived idea that the words Law of the Land, means the Constitution, some think it means Treaties because of what the US Supreme Court had stated about treaties being supreme. Still others think it means the Declaration of Independence.

These are all myths perpetrated by Government for so long that even patriot people believe this to be. I don't believe that anyone has really read, in the law dictionaries, the real definition of "Law of the Land". I have not seen one author bring this up as long as I have been in the battle with government. I had put some of this material on email about 10 months ago and got no response.

I start with Ballentine's Law Dictionary 3rd Ed. 1969. Page 714 and only the pertinent part to keep this short as you can read the rest.

"law of the land. The term in a constitutional provision that `no person ought to be taken, imprisoned, or divested of his freehold, liberty or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty, or property but by the **law of the land,**" is synonymous with **due process of law.** State V Balance, 229 NC 764, 51 SE 2d 731, 7 ALR 2d 407"

STATE v. BALLANCE, 229 N.C. 764 (1949)
51 S.E.2d 731
STATE v. OWEN BALLANCE.
Supreme Court of North Carolina.
(Filed 4 February, 1949.)

1. Appeal and Error 51b; Criminal Law 85b

A single decision, rendered by a divided Court, which decision is irreconcilable with a subsequent decision of the Supreme Court upon a related matter, does not properly call for the application of the doctrine of stare decisis.

2. Same

The doctrine of stare decisis will not be applied to preserve and perpetuate error.

3. Constitutional Law 20c

The term "law of the land" as used in our State Constitution is synonymous with "due process of law." Art. I, sec. 17.

There are many other cases that is based on this reasoning that the term "law of the land" is nothing more than "due process of law" AND NOT all the myths you believe that it is the constitution, etc. etc..

Now that it has been ascertained that the term "Law of the Land" is really "due process of law," by many law dictionaries and the foregoing case, we have to look to the following case for more information before I go to the definition of "due process of law." Pay particular attention to the bolded words and note this case also sites State v Ballance and others on the both phrases being one in the same.

North Carolina Reports
TREANTS ENTERPRISES, INC. v. ONSLOW COUNTY, 320 N.C. 776 (1987)
360 S.E.2d 783

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Article I, section 1 places among the inalienable rights of the people, "life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness." Section 19 of the same article provides that no person shall be "deprived of his life, liberty, or property, but by the law

of the land." **A single standard determines whether the Onslow County ordinance passes constitutional muster imposed by both section 1 and the "law of the land" clause of section 19:** the ordinance must be rationally related to a substantial

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government purpose. **This is the requirement article I, section 1 imposes on government regulation of trades and business in the public interest.** Roller v. Allen, 245 N.C. 516, 96 S.E.2d 851 (1957); **State v. Balance, 229 N.C. 764, 251 S.E.2d 731 (1949);** State v. Harris, 216 N.C. 746, 6 S.E.2d 854 (1940). The "law of the land" clause of section 19 imposes the same requirement. In re Hospital, 282 N.C. 542, 193 S.E.2d 729 (1973)

Please note that this case talks about trade and business which necessitates a contract and not a "fundamental Right." This leads us to look at the definition of "due process of law" in Ballentine's Law Dictionary at page 380. Again, I quote only portions pertinent to what I am exposing. The rest you can read by obtaining Ballentine's at any good Law library. The first sentence shows the impossibility of understanding.

"Due process of law. A phrase **impossible of precise definition;** one which asserts a fundamental principle of justice rather than a specific rule of law."

Many people say the Constitution is Law, so it is the Rule of Law. Yet due process of law dispenses with any specific rule of law. So what is left? Contract!

Webster's 1828 American Dictionary of the English Language to look at the word used, "definition." **DEFINITION.** 3. In *lexicography*, an explanation of the signification of a word or term, or of what a word is understood to express."

So the legal law dictionary can not determine what the phrase "due process of law" really means and therefore can not, by definition, determine what the term "Law of the Land" is either because the court stated the terms are synonymous.

Here is yet the meaning of the word "definition" **Words And Phrases, Definition, Pg 387**

"Generally, `definition' is simply a **substitute of phraseology.** Pettus v. State, 27 So. 2d, 539, 200 Miss. 397."

Oh, what phraseology are they substituting?

"`Definition,' says Webster, is an explanation of the signification of a word, or of what a word is understood **to express.**" cite omitted.

"The word `definition' is in itself difficult to **define.** What would be impossible under a given state of facts would be possible under another."

The word define is not used in the definition of due process for good reason and here is the reason why, from Webster's supra.

DEFINE. 1. To determine or describe the end or limit; as, to *define* the extent of a kingdom or country.

4. To determine or ascertain the extent of the meaning of a word; to ascertain the signification of a term; to explain what a word is understood to express;

And yet another, **Words And Phrases, Define, Page 377**

"`Define' means to state **precisely** the meaning of, to fix or determine with precision."

"`Define' means to limit, to express with precision the essential **constituents of a term,** whereby to furnish an adequate explanation of its significance."

Notice the difference between "definition" and "define"

The court and dictionary states it is impossible to define "Law of the land/due process of law," because it can not be ascertained. So you do not ask "them" for a definition but rather ask; "define the word for me, as I do not want a definition?"

Ballentine's Law page 96

"Ascertain. To make certain; to fix; to establish with certainty; to establish judicially, that is by the finding and judgement or decree of a court."

Since this cannot be done that is why Professor Felix Cohen, stated that "due process of law is transcendental nonsense."

So, we go back to further definition of due process of law on page 380 in the second paragraph. This squares with what the court stated in TREANTS ENTERPRISES, INC. Supra about trade, business, and ordinance. This is a very critical read so read it slowly because due process of law DOES NOT

PERTAIN to fundamental rights, only contract. But first, because there is no remedy there can be no due process because the remedy is found in all contracts and that is the only due process you are going to get. Therefore, that is why they say it is impossible to define. And all the people feel that Law of the Land means everything but what it really means and think that due process and law of the land are two different things. You can not argue fundamental Rights with due process and the second paragraph states why.

"`Due process of law' implies and comprehends the administration of laws equally applicable to all under established **RULES** which **DO NOT VIOLATE FUNDAMENTAL PRINCIPLES OF PRIVATE RIGHTS**, and in a competent tribunal possessing jurisdiction of the cause and proceeding by hearing and notice."

Here they are telling you that DUE PROCESS means the rules cannot interfere with fundamental Rights because you have no contract with anyone but the Lord Almighty for Fundamental Rights. Therefore, government has no grant of authority, through it's courts, to define and cannot, by definition, describe due process of law in Fundamental Rights. In other words they have no contract wherein they gave you fundamental Rights. Even Judge Bork stated at his bid for confirmation that there is no such Rights written into the Constitution and he asked who could show them to him. Not a word was spoken.

So after reading this, and you can go further and I suggest you do, for this is but only a primer, why would you ever claim due process of law when even the highest authority cannot, by definition, explain it? The Law Dictionaries say it is impossible to specific definition? Why would you now use two terms that mean the same? Would not that be redundant by saying "I have not received **due process of law** as the **law of the land** says I should?"

In reality this is what you are saying , "I have not received due process of law as the due process of law says I should." Ok fine, now describe what is the due process that you have been denied? Where is the contract for your remedy to be applied? Hummm, if there is none why are you in court seeking due process? How can "they" bring you into a tribunal if there is no contract to conjure up something that can not be specifically defined?

Just what due process is afforded you when none of the dictionaries can **define** it. And Dictionaries are used by men to ascertain terms and yet this due process of law definition says it can not be as it is an impossibility in law. So now you know why the Professor stated that it was transcendental nonsense. Now the myth of "Law of the Land" is exposed for what it is, a fraud because it really is "transcendental nonsense."

Sincerely

The Informer