

**OVERVIEW OF ADMIRALTY / MARITIME LAW – March 15, 2004 – 2<sup>nd</sup> of 4 parts**  
**By Jean Blame Keating**

**DISCLAIMER:** I found these tapes to be difficult to listen to and, therefore, the nuggets of information were not readily digestible, so I have done a complete transcript of the four tapes in an effort to make the contents of the tapes more accessible, and in this transcript form, each can rearrange and organize the data to their own use. I found the author to be quite arrogant and ego driven, and there are many points that I take personal exception to. You be your own evaluator of the data.

**Tape 1 of 4:**

Admiralty Court has two different tribunals:

1. “Instant Court” of Admiralty Jurisdiction is under US Const. Art. 3, Sec.. 2.
2. “Prize Phase” of Admiralty Jurisdiction is under the WAR POWERS ACT, Art 1, Sec 8, Clause 11. Law of Prize is a military venue and, when they do a “capture”, it is done under the WPA, Art. 1, Sec. 8, Clause 11. A “Seizure” under the civilian venue is done under the US Const., Art. 3, Sec. 2.
3. All is being orchestrated by the Lord High Admiral, the President of the US.
4. All or your judges on the bench today are commissioned vice admirals under the King’s Bench.
5. The IRS Code 9.17 states “All assets or seizures are done under the Supplementary Rules, A B C D F G, under the Insurrection and Rebellion Act passed, the first of two Acts was passed 8/6/1861; the second was passed 7/17/1862. See Vol. 12 of the US Statutes-at-Large.

Maritime Law has two distinct forms:

Emergency Bank Act was passed by Roosevelt March 9, 1933, aka War Powers Act, and Section 2 amended the Trading With The Enemy Act, originally passed 10/6/1917 to include domestic transactions and made citizens of the US Enemies. Section 5b in the original Act excluded domestic transactions and citizens of the US.

- “Constitution of no Authority” by Lysander Schooner. There is an unlimited grant of power.
- “A View of the Constitution” by Anthony Stokes
- Read the “Protocols of Zion”, 11 and 12, by Victor E. Marsden.  
<http://www.biblebelievers.org.au/przion1.htm>

You cannot sue anyone under the Common Law in an Admiralty Court.

Title 11, Sec. 109, all citizens of the US are debtors in bankruptcy.

Title 26, Sec. 6305, Upon certification from the Secretary, the Commissioner shall collect the obligation as though it were a tax. It means they are collecting an insurance premium. Everything is insurance under contributions. Tribulations are contributions.

Legans sink; flotsam floats.

Olivio v. Belois, case number 3076

**Learn how to put a writ together the right way.**

Federal Common Law, 31 Lawyer's edition, Get it and read it. Law, Equity, and the 57 Rules of Admiralty were merged. Under the Rules of Civil Procedure in 1966.

Erie v. Tompkins decision,

Federal Rule Decisions, vol. 34, p. 325, 150 pages lay out all of the changes of everything they did in 1966.

Waiver and Consent. Ramsey v. Alegria, 1827 Supreme Court decision, this is why, if you do not go into the court, they arrest you, use coercion to bring you into the court to make you make a general appearance so they can get Venue, not jurisdiction. Venue is territorial. Your zip code identifies your military venue under the guise of the IRS. They want you to come into the court and ID yourself, which gives them venue, then they assess your obligation under the contract so formed. The presumption is that you are the Debtor.

August 25, 1983, the Federal Register designated all of your military districts by zip code, which identifies the IRS District, because they do not want you to know that you are in military districts. Each has a Provost Marshall over each district. Then they put a Provost Marshall General under the Bureau of War out of Washington, DC over the Provost Marshalls.

A person was held in a state jail without a charge. The Provost Marshall was called and he told the jail people that if the person was not released, they would be arrested. You have rights and remedies. They get you to go in and waive your remedy.

Title 46, 781 and 782 – Public Vessels Act

Mathew 24 and 25:

CATRONA 297 Fed.Supp. p. 827, 1924 District Court decision. In admiralty, they fictionalize the vessel; they make the vessel a juristic person. Public Vessels Act, 1925 – they fictionalized the vessels. In 1920, they passed the Suits in Admiralty Act, where the US waived judicial and sovereign immunity and they consented to be sued. In Admiralty, that is where your article 3 court is. That is where your common law is. Under the Admiralty. Every state case should be moved under Title 28, Sec. 1446 - Move to Federal court as a Federal Question under the constitution, Art. 3, Sec. 2 gives the District Court original jurisdiction of all Admiralty Maritime claims. Rule 9(a) says you can do that.

Rule 9(a) – Do your negative averment.

Title 28, Sec. 1333 – Gives the District Court original jurisdiction exclusive of the courts of the state. These courts do not have jurisdiction under Admiralty. Nature = Admiralty jurisdiction; Cause = Venue in Maritime Law.

Defense – Privity and Knowledge means that if you commit an overt act that contributes to the loss, you cannot collect on the claim. The government created the problem by overselling Gold Contracts. They want everybody to pay for the loss through contributions.

Joint Tort Seizure Act – Every state has passed a Joint Tort Seizure Act. A Tort Seizure is any person who has committed an injury or a civil wrong. Every time they bring you into court, it is a Maritime Tort.

Blerk's Practice. This is what they were using in the colonies when they were suppressing the colonists. Blerk's Practice says that a maritime tort is the same thing as assumpsit on contract of debt. It is a Chose In Action. See Corpus Juris Secundum, Vol. 2, under Admiralty, Section 150 to 166, Court of Common Pleas, Municipal Court, Etc, all came from the old English Admiralty. What you should be doing is a Letter of Undertaking or Stipulation per *Monroe v. Alabama*.

A general appearance under Admiralty is when you go in there and recognize the court, which is a fiction. If you recognize the plaintiff, who is a legal fiction, and you recognize the defendant, who is a legal fiction. When you give them your name, What is a court? A court is where a contract is made. Every time you give these people any information. Go read George Mercer.

He wrote the book on Contracts. Also, Tulane Law Review, vol. 55, written by a professor on contributions and indemnity and it is all Maritime Law. **There are four types of indemnity: There is 1. Express Contract; 2. Implied Contract; 3. Statutorily; and, 4 Indemnity Restitution. Two types of Contribution: 1. Pro Rata; and, 2. Degree of Fault.**

Common Law is your divine law. You have to have a corpus delicti (body of an offense); there has to be a victim.

**Expatriation under Title 8, Sec. 1481, sub section 6 which says that you have to do a formal renunciation of the citizenship under the War Powers Act.** If you read Title 50, sec. 7c, your sole remedy is under this section and the Acts passed in pursuance thereof. You have to do it with the Attorney General because he is the property custodian of Title 50 and the Appendix, Sections 1 through 10. This is where you will find this Trading With The Enemy Act.

**Sue the government in the Suits and Admiralty act, and they will run from you.** The Truth In Admiralty Act is in Title 46, section 742, Suits in Admiralty. Title 46, section 781 is the Public Vessel Act. Title 46, section 740 is The Extension Act. You sue them in Suits in Admiralty.

Isaiah 24:5; This is what Planet X is about. This planet is going out of orbit.  
Mathew 25

In Admiralty, you have a remedy to get out of this. When you go into court, you have to make a special appearance. A guy went into court and said I am here without prejudice, without waiving any rights, remedies, statutorial or procedural. This comes out of UCC 1-207. **If you waive any rights or defenses, you have made a general appearance. The court has venue and can impose the liability on you because of the contract that you have. If you recognize the court, the defendant, or the plaintiff, the court has venue.**

*Cactus Pipe and Supply Company v. MN MONTMARTRE* 756 f. 2d 1103-1113 (1985) by waiver and consent. See *RAMSAY v. ALLEGRE* 12 Wheat p. 611 (1827).

*Freight, Inc.*, The creditors rights can be the subject of a complaint in Admiralty.

All Admiralty Cases are in the rem, res (race)

Black's, 5<sup>th</sup> Ed., page 713: **In Rem** – A technical term used to designate proceedings or actions instituted *against the thing*, in contradistinction to personal actions, which are said to be *in personam*.

An "action in Rem" is a proceeding that takes no cognizance of owner but determines right in specific property against all of the world, equally binding on everyone. *Flesch v. Circle City Excavating and Rental Corp.*, 137 Ind.App. 695, 210 N.E.2d 865, 868. It is true that, in a strict sense, a proceeding *in*

*rem* is one taken directly against property, and has for its object the deposition of property, without reference to the title of individual claimants; but, in a larger and more general sense, the terms are applied to actions between parties, where the direct object is to reach and dispose of property owned by them, or of some interest therein. Such are cases commenced by attachment against the property of debtors, or instituted to partition real estate, foreclose a mortgage, or enforce a lien. *Pennoyer v. Neff*, 95 U.S. 714, 24 L.Ed. 565. In the strict sense of the term, a proceeding “in rem” is one which is taken directly against property or one which is brought to enforce a right in the thing itself.

Actions in which the court is required to have control of the thing or object and in which an adjudication is made as to the object which binds the whole world and not simply the interests of the parties to the proceeding. *Flesch v. Circle City Excavating & Rental Corp.*, 137 Ind.App. 695, 210 N.E.2d 865.

See also **In personam; In rem jurisdiction; Quasi in rem.**

Black’s, 5<sup>th</sup> Ed., page 1172 – 1173: **Res** – The subject matter of a trust or will. In the civil law, a thing; an object. As a term of the law, this word has a very wide and extensive signification, including not only things which are objects of property, but also such as are not capable of individual ownership. And in old English law it is said to have a general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By “*res*,” according to the modern civilians, is meant everything that may form an *object of rights*, in opposition to “*persona*,” which is regarded as a subject of rights. “Res,” therefore, in its general meaning, comprises actions of all kinds; while in the restricted sense it comprehends every object of right, except actions. This has reference to the fundamental division of the institutes, that all law relates either to *persons*, to *things*, or to *actions*.

Res is everything that may form an object of rights and includes an object, subject-matter or status. In *re Riggle’s Will*, 11 A.D.2d 51, 205 N.Y.S.2d 19, 21, 22. The term is particularly applied to an object, in an action, or as the object against which, directly, proceedings are taken. Thus, in a prize case, the captured vessel is “*the res*”; and proceedings of this character are said to be *in rem*. (See *In Personam; In Rem*.) “Res” may also denote the action or proceeding, as when a cause, which is not between adversary parties, is entitled “In re \_\_\_\_\_.”

**Classification** – Things (*res*) have been variously divided and classified in law, e.g., in the following ways: (1.) Corporeal and incorporeal things; (2.) movables and immovables; (3.) *res mancipi* and *res nec mancipi*; (4.) things real and things personal; (5.) things in possession and choses (i.e., things) in action; (6.) fungible things and things not fungible (*fungibles vel non fungibiles*); and, (7.) *res singulae* (i.e., individual objects) and *universitates rerum* (i.e., aggregates of things). Also persons are for some purposes and in certain respects regarded as things.

UCC 1-201 – Rights are remedies.

Ohio Revised Statutes, 1301.102 – Definitions. Section (ee): Presumption - The tryer of the facts shall presume the facts are true if facts are not put into the record to show a contrary finding. All of these courts are courts of Assumpsit. Assumpsit means I agree or I undertook to indemnify the public and national debt under the Doctrine of Contributions, which is an Admiralty and Maritime insurance policy, under *Delivio v. Beloit* 3076, so you are a debtor under contract.

They are working on presumptions. What is the presumption? That you are the debtor. They want you to come in there and identify yourself and then pay your obligation under the contract under a Maritime Tort, which is the same thing as a Maritime contract.

HJR 192, (June 5, 1933), The Emergency Banking Act, which was codified into Title 31, section 5118 (2)(d). It is hereby declared to be against public policy for any contract or obligation to contain a clause

which purports to give the obligee the right to demand payment in any kind of specific coin or currency of the US. In 1977, it was amended to allow gold and silver coins, but they are still not legal tender. They are still not using money as legal tender. FRN are not money; they are private bills of credit aka bills of exchange.

Under the UNCOTIL United Nations Commission On Trade and International Law, they superceded Article 3 of the UCC in December 5, 1988 in New York City. It is no good anymore under this convention. They have an International UCC and it tells you how to do these bills of exchange. There are 96 articles in this convention, and it tells you how to do the International Bill of Exchange.

International Bill of Exchange

Bank checks are International bills of exchange.

The United Nations Treaty is the Supreme Law of the Land, not the Constitution.

72 judges and commissioners, called the National Conference of Commissioners, put the UCC together in 1940. They did it from the NIL 196 Negotiable Instruments Law 196, which comes from the English Bill of Exchange Act of 1691 and 1692.

### **Tape 2 of 4:**

Get rid of your citizenship and get out of Amendments 11 through 26, which is the De Facto government. If you get rid of your Citizenship, you are a “neutral”. In order to be on a bank board, you have to give up your citizenship.

If you are in Common Law and do not have any contracts, they will not take you into court. Don't give them VENUE.

You have to do an expatriation with John Ashcroft ,in writing, notarized, in order to get out of your citizenship and back to the organic constitution, etc.

You must terminate your social security account by using form 521 ANNULMENT OF SOCIAL SECURITY CONTRACT.

These people are not your enemy. They are doing their job and they are doing it right. We ARE NOT playing right and we have to learn to obey the rules.

See ninth amendment; eighth amendment - jury trial; title 8, 1481, section 6.

“Federal Government – Its True Nature and Character” by Abel Upsur, a Supreme Court Justice. Everything is under the British Crown.

IRS uses secret liens, by operation of law:

1. General Averaging Claim – contributions,
2. Salvage Claim –
3. Wage Claim – Seaman's wages, SSA, FICA, etc.
4. Maritime Tort -

Title 10, sections 51 through 61

Waring vs. Clark, 46 US p. 441, 1847. One of the best cases.

Special commission is required in “Prize proceedings”, which is a “Letter of Marquis” and they are still being issued. “Do you have a Letter of Marquis under the King’s Bench, which is a special commission to collect revenue”.

The Bible is a Law Book; the Common Law is the Divine Law. See Mathew 24; Daniel 12:11; 11:31; 9:27;

Planet X,

Bank mortgage foreclosure – get a copy of the bank charter.

“Protocols of Zion” by Victor E. Marsden see <http://www.biblebelievers.org.au/przion1.htm>.

Cactus Pipe & Supply Company v. MN MONTMARTRE 756 f. 2d 1103 (1985) by waiver and consent [see RAMSAY v. ALLEGRE 12 WHEAT p. 611 (1827)]

In admiralty, the first thing they have to do to have in rem jurisdiction?

Read the CATRONA 297 F, pg, 827 [1924] case., You cannot come in and deny or defend in an Admiralty proceeding. State courts do not have a commission. They are doing a civilian seizure of the rate. The judge is trying to get you to come in and make a general appearance so he can get jurisdiction over this trust so he can collect a claim under “General Averaging Contributions”, which is a maritime Tort based on negligence.

You are a ward of the court under Admiralty. Go read Garrett vs. McCormick, 1943 decision. It is a **cestui que trust** – He who has a right to a beneficial interest in and out of an estate the legal title to which is vested in another. The person who possesses the equitable right to property and receives the rents, issues, and profits thereof; the legal estate of which is vested in a trustee. Beneficiary of trust. Black’s 5<sup>th</sup>, p. 208.

You must do a Financing Statement and a Security Agreement when you do a UCC 1 filing.

You have a trust fund. They are after the trust fund. They are out to arrest the trust. In order for them to get in rem jurisdiction, they have to arrest the trust. They have to have constructive custody or actual possession of the trust. There are only two ways that they can get that.

1. They have to get it through the owner so they have to have the owner come in and make a general appearance. That is why an in rem proceeding is always involving title. You cannot come into an Admiralty proceeding unless you have an interest in the vessel or the rate, which is the subject matter of the complaint. The only way that you can have an interest in that is to have a statutory lien. That is what a UCC 1 Financing Statement and Security agreement are a statutory lien, and that is what gives you the authority to sue under Rule 9a.

## **Settlement -**

**Counterclaim** – If you have two claims that arise from the same transaction under Rule 13, you have to do a mandatory counterclaim. If you do not do a mandatory counterclaim, which is a setoff, a recoupment, you lose it because you “waived” it. Now they are going to address their claim that you have already made a general appearance, thus giving them venue and jurisdiction, and they are going to impose liability on you. Where is their lien? Where is their bond?

**Recoupment** –

Duhlos v. Truman, 2000 to 2003. Duhlos tried to take a barge down the canal, which was not deep enough and wound up on a sandbar. Then he tried to do a Quiet Title under abandoned property. The judge said that he had to post a bond if he wanted to pursue the matter. The bond replaces you. You have to be a lien holder or claimant to bring a claim in admiralty. See Catrona case. You can do it by judgment or execution.

1975-1980 Corpus Juris Secundum, in the footnotes it states that the recognizance bond used by all of the courts comes from the old English Admiralty. Stipulations and Bonds, Sections 156-160; 2003 revision deleted this information. A letter of Undertaking or a Stipulation is the same thing as a bond.

What you are doing is bringing a chosen action against yourself as the res in an in rem proceeding in Admiralty.

**1924 New York Federal District Court two page decision as to how to proceed in Admiralty** – You have to be a Claimant to intervene in Admiralty in Rule 24a – Intervenor

Federal Rules of Civil Procedure, Rule 24a – Intervener.

In Admiralty, you have a Plaintiff, a Defendant, and an Intervener. You are trying to come in as an Intervener because that is the only way you can win in Admiralty without giving the court jurisdiction and venue. Once you give them Venue, you are the Debtor. You have subrogated yourself. The word “Subrogation” means substitution. You have substituted yourself for the Debtor / Defendant under the bankruptcy laws, Title 11, Section 109 and the fourth section of the fourteenth amendment, which says that no citizen or resident of the United States can challenge the validity of the public and national debt.

Planet X and this Admiralty information is being shielded from the public. These are National Security matters, military in nature, Department of Defense. They are under the Insurrection and Rebellion Act. Right of War - Jusbelli or Jurebelli. This is why you do not want to be a citizen.

When you are out of their system, you will receive an “Apostille”. You ask for it Title 8, Section 1481, Sub Section 6. Do a formal renunciation or annulment in writing with the U.S. Attorney.

You use International Bills of Exchange instead of FRNs. UN Commission on Trade, Law and International Law, December 5, 1988 in New York. This superceded Article 3 of the UCC. Get out of the corporation.

Great whore of Babylon. Project Wormwood. Look it up on the Internet.

FICA –

FDIC – See CFR 226.1 of the Truth in Lending require disclosure of the insurers.

Police – policy. A Prize procedure operates under Policy. [www.constitution.org/jk/jk\\_017.htm](http://www.constitution.org/jk/jk_017.htm), Tells you why you cannot use Common Law in Admiralty Court.

**Lesson 17 - LECTURE XVII OF THE DISTRICT AND TERRITORIAL COURTS OF THE UNITED STATES.** See handout attached.

Title 10, Section 7355 – Tells how these special commissioners are appointed using Letters of Marquis.

RCL (Ruling Case Law)

Nefne, vol. 1 of Ruling Case Law.

If you want to be free, you have to be diligent. You have to know what is going on in the courts.

Shifton Origin of the Word.

Admiralty Maritime Code – Prize if done by the Military; Seizure if done civilly.

In the new “money”, there is a magnetic strip in the money that can be tracked. The magnetic strip is laced with crack cocaine so it can be confiscated under forfeiture. They are not charging these people with a crime. If you do not get out of this system, you will not survive.

Senator Wayne Stump of Arizona. Court of Common Law for filing an At Law Action. He went into the DC Code – US Supreme Court (Circuit Court of the DC.) High Court of Justice.

The US Supreme Court is the High Court of Admiralty. This court has Article 1 and Article 3 Jurisdiction. United States District Court for the District of Columbia; Disbanded in 1988.

### **Tape 3 of 4:**

How to find Remedies and Recourse, and stay out of jail.

Protocols of Zion #10 & 11 by Victor Marsden – “Liberalism produced democratic states . . . “

Post Erie Federal Common Law, 31<sup>st</sup> Lawyers Edition, page , John P. Ludington, LLB  
“What happen to American Jurisprudence?” By Albert J. Schwepps,

Erie vs. Hawkins, 1938, Harry Tompkins was walking down a railroad track right of way at 4:00 am. He had been using the path for 20 years and he, therefore, had established right of way pursuant to the Law of Prescription. A door was open on one of the cars and it struck him, knocked him under the train, and the train ran over his arm. His arm was severed. He hired some attorneys who filed in Federal court. The court ruled that he was on a right-of-way under the common law, and the Erie Railroad had the obligation of making sure there were no obstructions in his way on this path. They could not decide which law to apply, Federal general maritime law, or local common law. Doctrine of Conflict of Laws = Do you apply Federal Maritime law or do you apply state local laws, which is your common law. Jesury Act of 1789, Section 34, Rules and decisions in all courts shall be the statutes of the states, which is your English common law. Under the common law, you have a right-of-way once you have established a path on a

right-of way. They ruled that the railroad was negligent because they left the door open, and a \$30,000 judgment was awarded. Erie RR appealed, and it was affirmed. Then it went to the Supreme Court (The Lord High Court of Admiralty) by Certiorari, and the case was reversed because they were applying was the Federal Common Law and not the English Common Law. Federal Common Law is Admiralty Maritime Law. August 14, 1935 – Social Security was passed. Three years before the Erie decision. Remember the four kinds of indemnification and the two types of contribution, pro rata and degree of fault. So now you have “degree of fault” and contributory negligence. There is no Common Law since there is no money. The law that they applied was the Doctrine of Jettison or Contributions; he is a tort seizer. He was under a trespass, instead of having a right-of-way, under the Federal Common Law. He had the obligation under Federal Common Law of getting out of the way of the door and to make sure there are no obstructions. He has the obligation, not the railroad. This reverses the roles of the libelant and the Libelee. Now he is liable because he was not watching and was not diligent, so he was guilty of contributory negligence. He did not get anything. What they are not telling you with the Erie decision is that they changed (150 years of the law) the rules of decisions from the English Common Law to the Federal Common Law. In the Erie decision, they used case law. Nowhere in the Judicial Act of 1789 does it say that you can use state decisions to make rules of decisions, but that is what they are doing. If you study the Federal Common Law, they are making law by decisions. That is why each district applies a different rule in this Admiralty; depending on what district you are in. These judges are legislating law by acting as the Judicial, Legislative and Executive branches of government, all rolled into one. UCC is indicative of the Federal Common Law of Admiralty in Maritime Transactions. All common law crimes have been made commercial because they changed the rules of decisions because there is no money.

Albert Sweppes is a smart man, a Seattle Bar Association lawyer, is one of the few who understands the Erie Railroad case.

Walter Cox, a real Supreme Court Justice, wrote a historical review. The three commissioners that did the Revised Statutes of 1873 and 1874 did so without any authority whatever. Thomas Jefferson Durant did the third revision, which was never approved by the Congress or the Senate. The President signed it into law. That is what your Title 1-50 is. Title 26 is De Facto Law. What they did was illegal. None of these codes are legal and this is where your insurrection and rebellion acts came from that are in Title 50, sec. 212-213. You cannot bring Maritime law inland. Read Title 18, sec. 7 – A citizen of the US is a vessel by legal definition. This is where the Extra Territorial jurisdiction of the US.

Read *Waring v. Clark*, 5 How. 146 U.S.J. 446. There has been great debate as to what is meant by the “high seas”. A road, a haven or even a river not within the body of the county is high sea in the idea of civilians. *Infra Corpus Comitatus* means inside the body of the county. See handout, p.6, and read Lecture XVII attached. It is on District and Territorial Courts of the US under the Common Law and Admiralty. It says for every liability, you have a remedy.

Read the 8 volumes of Confiscation Cases.

Safest place to be when the catastrophe comes is at least the 2500 foot level.

Read Isaiah 13, 24, 19 – “Peoples hearts will melt from fear”.

They have been misapplying the law in the courts under *Swift v. Tyson*. It did away with the Federal general common law.

You have to follow the procedures; the procedures are laid out in there and they tell you what it is. You cannot even defend; that is why they shut you down when you go into their court and that is why in criminal cases, they assign an attorney to you because they know that no one knows how to proceed in this thing. They get everybody and that is why everybody winds up in the gray-bar hotel.

You've got to have your paperwork. If you do not have your paperwork, you cannot do this. You have to have a lien interest. You have to be the lien holder. You cannot come into Admiralty if you are not a lien holder. You cannot come into Admiralty unless you are a claimant. A claimant is a person with a lien. It does not have to be a maritime lien. I gave you the four classes of cases or claims upon which a maritime lien occurs as an operation of law: 1. General Averaging; 2. Salvage Claim; 3. Wage Claim; and 4. Maritime Tort.

You can do a Letter of Undertaking or a Stipulation, get it Notarized and you have got yourself a Recognizance Bond in Admiralty. That is why you have to use procedure. The attorney in the *CACTUS PIPE & SUPPLY COMPANY v. MN MONTMARTRE* 756 f.2d 1103 (1985), went into the court and got nailed. Cactus was the supply company and they sued one of the freighters that carried the pipe because they had an accident and damaged the goods. They sued the vessel but they did not arrest the vessel. Because they did not arrest the vessel, they did not have in rem jurisdiction, so what did the attorney do? He made a general appearance and that waived the requirement of arrest and for constructive custody of the vessel, so the court would have in rem jurisdiction. Then the court got in personam jurisdiction and imposed that on the attorney, which transfers the liability to him, all in one move.

Federal Removal Act 1446 – See Title 28, section 1441 – 1447.

State courts do not have subject matter jurisdiction in Admiralty, not even concurrently.

Common Law Pleadings by Joseph H. Kofflers and Alison Reppy.

“Benedict on Admiralty” – Changing the face of America, vol.1, section 23, page 137 states that the Savings Clause of the Judiciary Act of the Judicial Code (that is where you find Title 28, section 1333). The federal district courts will have original jurisdiction of all claims in Admiralty Maritime Law, Savings to Suiters, and remedy in Common Law where Common Law is provided for. Therefore, you can take an Admiralty Maritime Claim and adjudicate it in a state court if the Common Law gives you a remedy. The problem is that now, this was back in 1789, and you do not have any Common Law anymore. They have reversed everything, and now you have to go through Admiralty to get to your Common Law. If you get out of the system, you can use the Common Law; You can do a Replevin. Get “Common Law Pleadings” by Joseph H. Koffler.

Look up Exeture ? Court – A Revenue Court under Admiralty Law for the collection of revenue.

The Huntress Case – All revenue is Admiralty Maritime Law.

Federal Removal Act – If an action is brought against you in state court, remove it to Federal court and file a Motion To Dismiss for lack of Jurisdiction. Only Federal Courts have original jurisdiction in Admiralty Maritime Law.

Get the book “Growing on the Right side of the brain by Debbie Edwards

If they have already injured you, the only thing you can do is go into Title 42, Section 1983. The only remedy you have is to challenge jurisdiction, and if you waive that by giving them venue, how are you going to do anything?

Truth in Admiralty Act – You have to go into District Court; that is where your Article III, Section II bestowed original jurisdiction Admiralty Maritime Law on the District Court on all federal and Maritime claims, under the constitution, Title 28, Section 1333.

State courts do not have in rem jurisdiction but they are getting it because people are sticking their heads into these courts, and the courts are hanging one and all.

Federal Court for Due Process violations of lack of jurisdiction.

See Corpus Juris Secundum, Vol. 6, what constitutes an appearance in court. If you accept service by mail, you are making an appearance in the court. That is why you have to send the papers back. A friend of his (Keating's) went to prison for two years, he was assessed \$18,000.00 in fines and court costs, and the court sent him a notice of a hearing because he had not paid it after he was released. They were going to revoke his parole and put him back in prison. They bundled up the paperwork and sent it back to the court. They went to the courtroom for the hearing and the courtroom was empty and closed. He went into the courtroom, looked around, and then went to the clerk's office. The clerk said, "What are you doing here?" He said, "Well, I am here for the hearing." The clerk said, "We cancelled the hearing because you sent the papers back." He did not make an appearance so they did not have jurisdiction. Classical example where he got away without paying \$18,000 in fines and court costs.

Three ways the courts get jurisdiction over you:

1. SS 5 application
2. US Postal Service, a foreign quasi corporation owned by the postal union of Switzerland. It has nothing to do with the government. When you accept mail, you are entering into a Suretyship contract. Know the difference between Guarantee and Surety. When you
  - a. Did you know if you are a Surety and you pay a debt for a debtor and you are in subrogation to the creditor, you have the right of indemnification from the Creditor, you have the same rights as the creditor, if you can collect from other joint tort seizures. Remember, whenever you suffer a loss, everybody has to pay for that person's loss. You are a co-Tort Seizure, a co-Surety and a co-Debtor all rolled into one. You can bring in the original debtor as the intervener in a third-party complaint under Rule 13a of the Federal Rules of Civil Procedure.
3. Citizenship.

You can put the judges name on the complaint as a co-tort seizure.

"Do not fear him who can take your life; fear him who can take you soul."

Tape 4 of 4

Denying jurisdiction and staying out of jail. The *res*, which is the subject matter of the complaint, has to be within the territorial jurisdiction of the court before they can have *in rem* jurisdiction. That is why they have to "arrest" the vessel. Where do they get this territorial jurisdiction under the Insurrection and Rebellion Act of 1861? They have a Provost Marshall over territorial Provost Marshalls.

When you are served, return the papers to them. This is how they get venue. Appearance does not Mean going into the court physically. The word Appearance has been defined as the act of appearing, the act of presenting one's self as in the state or form of one appears. The capacity in which you appear that determines whether it is a general or special appearance.

Corpus Juris Secundum, Vol. 6, page 4: "This title covers acts and proceedings by which parties to civil actions in general place themselves before the court personally or by representation. The nature, the requisites, and the validity of the entry are notice of appearance, filing and service thereof. There is also a discussion of what constitutes general or special appearance and the operations effect thereof as a submission to the jurisdiction and waiver of the objections thereof or of the objections of process of service thereof. There is also a consideration of withdrawal of appearance in the effect of failure to appear. . . ."

**Appearance** – (Black's 5<sup>th</sup>, page 89) A coming into court as party to a suit, either in person or by attorney, whether as plaintiff or defendant. The formal proceeding by which a defendant submits himself to the jurisdiction of the court. The voluntary submission to a court's jurisdiction.

In civil actions the parties do not normally actually appear in person, but rather through their attorneys. Also, at many stages of criminal proceedings, particularly involving minor offenses, the defendant's attorney appears on his behalf. See e.g. Fed.R.Crim.P. 43.

An appearance may be either general or special; the former is a simple and unqualified or unrestricted submission to the jurisdiction for some specific purpose only, not for all the purposes of the suit. A special appearance is for the purpose of testing the sufficiency of service or the jurisdiction of the court; a general appearance is made where the defendant waives defects of service and submits to the jurisdiction. *Insurance Co. of North America v. Kunin*, 175 Neb. 260, 121 N.W.2d 372, 375, 376.

**"I am here without prejudice and without waiving any rights, remedies or defenses, statutory or procedural."** What is your defense? Lack of jurisdiction! No in rem jurisdiction, and you waive it if you make an appearance. So, what you have to do is make a special appearance, and you do that by stating **on the record** that you are there without prejudice, without waiving any rights or remedies. NOTE: You cannot invoke "unalienable rights" because you have none in Admiralty. The constitution does not apply in an Admiralty court.

Example: You have been served; you have returned paperwork to the court; therefore, the court does not have venue or jurisdiction. However, the court will usually try to force you to appear. If you are supposed to appear, you have to go down there and go into the court but you are not making an appearance. Generally it is the case that the court will have you arrested and coerce you into making an appearance.

Keating related a story in which a person had filed a Negative Averment before the court date. When he was in the court room, the court advised him that the case was continued until next week. When he returned to the court the next week, the courtroom was empty and the bailiff advised him that his case had been dismissed.

Remember, this is a game. These actors go to school to learn how to get you. They laugh all the way to the bank every time they get you.

A person in the audience asked about accepting for value. Keating's response was, "Hell no, I do not acceptance or return. If you accept it that means you have made an appearance. This is why these guys are all going to jail. That is why Roger Elvick is in jail right now, and eighteen other guys that are in prison.

It does not work in a criminal case. I have used it outside the court, but they usually send it back. It is like a hot potato. You keep going back and forth and usually wind up in a notarial protest”.

What Roger should be doing is a counterclaim. **There is no provision for redemption in Admiralty.** The only thing that is provided for in Admiralty is counterclaim or setoff and it is mandatory that you do a counterclaim when two claims arise from the same transaction. It is mandatory. If you do not file the counterclaim, you lose and you do not get your setoff. That is why Elvick and these guys are going to jail. You cannot get a setoff or pultz settlement and closure of the account, which is what the words are they are using. They are using real estate terms. When things go to closing, they do pultzality transfers the credits from the debit side to the credit side. The fiduciary debtor transmits the accounts to the fiduciary debtor to the creditor. It is called double entry bookkeeping accounting entries, but that is not what is going on in the courtroom.

This is what Jack, is all wet about. A complaint is called a Bill in Liable. It is not a three-party draft. If you dishonor it and return it, they will go to foreclosure and sell your account. They are using your account, but the Complaint is a Bill in Liable in Admiralty. If you accept it, you give them venue and jurisdiction.

Catrona case just states that you just have to have a lien. It can be any kind of lien, even a UCC3 common law lien.. Schwietzer put a lien on a judge; the judge died, and now they cannot settle the estate because the lien is still on, and they cannot take it off. That is one of the reasons they arrested Schweitzer and are prosecuting him. He is in jail.

The Law mandates that the county recorders have to file your filings. They do not have the legal authority to not record your stuff. as long as it is in the right form and it is completed properly, they have to file it. Under the War Powers Act, you can put the Provost Marshall on them to either file the documents, or go to jail.

14<sup>th</sup> Amendment gave corporations the right to sue. Read the Railroad cases. A legal fiction cannot come into a court and sue. But you can in Admiralty. That is why you have to go into Admiralty to get your relief. You have to come in on the Article III side of the court in Admiralty – That is where the Common Law is District Court of the united states. See Title 18, section 3231. The Article II Admiralty side is the executive court spelled in all capitals UNITED STATES DISTRICT COURT.

Audience asked how to stay out of jurisdiction. State the phrase given above, as follows: [“I am here without prejudice and without waiving any rights, remedies or defenses, statutory or procedural.”](#)

What is a defense? A remedy. What is a defense in Admiralty? The Contribution. What is Privity?

**Privity** – (Black’s 5<sup>th</sup>, page 1079): Mutual or successive relationship to the same rights of property. In its broadest sense, “Privity” is defined as mutual or successive relationships to the same right of property, or such an identification of interest of one person with another as to represent the same legal right. Petersen v. Fee Intern, Ltd., D.C.Okl., 435 Supp. 938, 942. Derivative interest founded on, or growing out of , contract, connection, or bond of union between parties; mutuality of interest. Hodgson v. Midwest Oil Co., C.C.A. Wyo., 17 F.2d 71, 75. Thus, the executor is in Privity with the testator, the heir with the ancestor, the assignee with the assignor, the donee with the donor, and the lessee with the lessor. Litchfield v. Crane, 123 U.S. 549, 8 S.Ct 210, 31 L.Ed. 199.

Concept of “privity” pertains to the relationship between a party to a suit and a person who was not a party, but whose interest in the action was such that he will be bound by the final judgment as if he were a party. *Foltz v. Pullman Inc.*, Del.Super., 319 A.2d 38, 41.

What is a Tort Seizure? Are we all joint Tort Seizures? You became a joint tort seizure when you ratified the Peril of the Sea that Franklin D. Roosevelt created by signing up for social security. You became a joint tort seizure under the Contribution. Since you are a joint tort seizure, you can collect from all of the co sureties, co debtors, and co tort seizure under Contribution. A tort Seizure is one who commits a legal injury or wrong. That is why every state has adopted the Joint Tort Seizures Act. Look for it in the Revised Statutes.

You make a Declaration that you are there by Special Appearance, as a third-party intervener on the grounds that you have a security interest in the subject matter of the complaint that supercedes of the Plaintiff. The court is making the presumption that they have title and they do not. You are there in what appears to be a Title dispute. When you are in an in rem proceeding, you are in a title dispute. You have an interest in the “res which is the subject matter of the complaint. It is not a question of whether you are the principal or not. It is a question of who has the perfected security interest. Who is the lien holder? If they continue, they are acting without jurisdiction and they are civilly liable and you can sue them in Admiralty. Ask the judge if he has a special commission or a letter of marquee from the governor allowing the judge to collect revenue for the De Facto government.

Read Ruling Case Law, Vol. 1.

They have to have a lien before they can come into Admiralty. Your superior lien proves that they have no claim. They presume that they have a lien until you prove otherwise.

**Keating related where he purchased \$600 worth of merchandise from Wal-Mart using a closed account check.** He later gave them a promissory note in that amount. The attorney for Wal-Mart called from the Arkansas headquarters to find a way to settle the matter. Keating had them do a post settlement and counterclaim to close the account using his exemption. The matter is closed. **(I have a major problem with this. This is why all of those people in IDAHO were going to jail about a year and half ago for issuing closed account checks to merchants on purchase transactions. And, as I recall, Wal-Mart was one of those creditors.)**

Read: “The Origin of Consciousness and the Breakdown of the Bicameral Mind” by Julian James, a professor at the University of Princeton. Every civilization that has perished did so because everyone became left-brained. That is what they are doing to your children in the public schools.

**(Keating is an egotist and can’t sing his own praises long or loud enough. He does so at a cost of his own credibility.)**

You have got to go in there, every thing is being done in reverse and he is trying to get you right-side brain thinking so you can cope.

No state court has subject matter jurisdiction and it cannot be waived. All you have to do a Petition For Removal, the case is then remanded back to the court of original jurisdiction. You are playing with people who are playing hardball. They are not going to lay down just because you have learned what they are doing. You have to be prepared.

If they have an action against you, you can file a Void Judgment. In the event a court decision is rendered against you WITH PREJUDICE which means you cannot bring it up again, you can still take it to a higher court and get it reversed.

The President of the United States is the Lord High Admiral. The President is taking over the government. See the 11<sup>th</sup> Protocol of Zion. There is nothing good in the Constitution. Anytime you are under a National Emergency or a Declaration of War, the constitutional is suspended. They suspended it under the Reconstruction Act and Abraham Lincoln suspended Habeas Corpus.

Pope Cardenelli ordered the assassination of Lincoln. John Wilkes Booth was the assailant, who was a member of the Knights of Columbus and was a high ranking Mason, as were the Stewarts who were involved.

Winding up in jail:

Audience: “Do you put yourself in jail?”

Keating: “Yes! It is like Monopoly. You do not pass GO, you go directly to jail and you do not get a “Get out of jail” card.”

Audience: “How do I get out of jail when they put me there?”

Keating: “By making an appearance. Subrogating yourself to the defendant. You want to be nice to these people. They can find you in contempt because you are acting like a belligerent.” They are operating under jus belli. Remember, they have a dual jurisdiction. They are a court in Admiralty and they are a court under the World Powers Act. The states are acting under federal courts. They are acting like a Federal Court under the federal judge who is giving them their rights under the World Powers Act of 1933. What rights do you have as an enemy of the United States under the Emergency Bank Act of March 9, 1933.

**Jus Belli** – The law of War. The law of nations as applied to a state of war, defining in particular the rights and duties of the belligerent powers themselves, and of neutral nations. That which may be done without injustice with regard to an enemy. Black’s 5<sup>th</sup>, page 771.

In court, do not wait for your case to be called. Visit the court but do not make an “appearance”. Do not wait for them to call you name. Ask them if this case is going to be called. If they ask you if you are the Defendant, state that you are there as the third-party intervener or the authorized representative of that case. UCC § 1303.42 - If you sign as the Authorized Representative on the signature line, you do not incur any liability.

What you want to do is get rid of your citizenship and get rid of your contract. Your whole record from A to Z that has everything on you in there. Every cop gets this manual that is put out by forensic or Court of Justice., Lord High Court of Admiralty. Under the Judicer Act of 1873, they changed the name from the Courts of Justice to the High Court of Admiralty, they removed probate, they removed divorce department and the equity department. The Supreme Court is the High Court of Admiralty.

Ask them, “Do you have a special commission under title X, section 7355 of the UCMJ to collect revenue under the Vice Admiral Robert Taft under Admiralty Maritime venue and law”. All municipal judges have to have a bond, and it has to be filed with the County Treasurer’s office. They also have to have an Oath of Office. If the bond and the oath are missing, you can have the Provost Marshall clean out the nest.

Any time you are in jail, you have to have a friend on the outside to help you.

An attorney cannot have a law practice and sit on the bench at the same time. If an attorney is serving as a temporary judge, it is illegal. He does not have an Oath of Office and a bond. Writ of Quo Warranto, conflict of interest. Title 28 Section 1651, All Writs Act.

Audience: "If you are in jail or in prison, how do you get out"?

Keating: "Do a Habeas Corpus." You have to do a Habeas Corpus under the War Powers Act of 1933 to the president of the United States. There was a guy in Louisiana who got a guy out of prison in three days. He did it to Ronald Reagan, President at that time. The President is the KING PIN and has the authority. If you do your Expatriation, get rid of your contract, name the as the Respondent John Ashcroft, the Attorney General, and you name as the Respondent George Bush, the President.

US v. Athens Armory, a case under which they arrested these people under the Insurrections and Rebellion Act.

Audience: "Once you get out under the Habeas Corpus Act, does that keep you out?"

Keating: "Yes." Remember, you are the enemy of the US. These state courts are acting as federal courts. They did an overlay. They federalized these states. That is why the states accept funding from the federal government.

Audience: "Since the state courts cannot act in Admiralty, can we go back and file . . ."

Keating: You can file a habeas corpus in a federal district court under the original jurisdiction.

Audience: ". . .we can go back to the state court and file a void judgment with the Habeas Corpus that you filed in federal court?"

Keating: "Yes. The state court has no subject matter jurisdiction.

Audience: "Anyone can do this?"

Keating: "People do not do this because they do not go into the right venue and the right jurisdiction. Admiralty is where your jurisdiction is."

Audience: "When you file a void judgment, do you file it in the same court and maybe even the same judge?"

Keating: "You would file it in the higher court when you file it."

Title 28, Section 2254, State prisoner in state custody; 2255 is federal prisoner.

The fastest way to a man's heart is through his pocket book.

Audience: "If we have few minutes, can we talk about debt, foreclosure, mortgages, bank promissory notes?"

Keating: "A mortgage foreclosure is a consent judgment. Most of them are illegal because you have three days to cancel the contract and the banks do not disclose that. Another thing, under the FDIA (Federal Deposit Insurance Act) under the FDIC (Federal Deposit Insurance Corporation), they have to disclose the insurance company information – that is another violation. Any account in a bank is a Demand Deposit Account and it is insured by the FDIA under the FDIC under Title 12. All credit cards are insured. The banks collect the money if you default on the loan. Mortgages are the same thing.

Audience: "If they break the law by not putting that insurance information in the contract. . ."

Keating: "It voids the contract."

I'll show you how to get out of your mortgage. What we will do is rescind your contract and ask for your deposit back on the grounds that the contract violates the Truth In Lending under Title 15, Section 2261. We are going to ask for the deposit back. We do not call it a promissory note. We call it a deposit. That is what created the money, not your check. If they do not give you the deposit back, they cannot demand the money.

Audience: "I found in the banking books that in 1926 that in the process, they actually state in there that the bank can issue the note back to you in two ways: 1. a certified check; or, 2. credit.

You can cancel the mortgage because it is illegal.

Audience: “But they can give it to you as credit”.

(Banks cannot lend their credit and it states that in their charters.)

I suggest that you do a UCC1 on it because now you have a secured interest in it.

A Bottomry Bond – Bond secured by mortgage of ships. Black’s 5<sup>th</sup>, page 162.

It is like a Bottomry bond. That is all that these mortgage are. All of these things come from Admiralty. The owner of the ship used to put the bottom of the boat up as collateral to a creditor in exchange for money. That was back when they had real money. So lets say he wanted to do repairs on his vessel, he would mortgage the bottom of the boat because that is the part that contracts the water.

Admiralty Maritime law is the most coercive law in existence.

Audience: “Under Admiralty Maritime law, who is absolutely exempt from prosecution?”

Keating: “Neutrals or non citizens. There are only two types of citizenship. There is Federal citizenship and there is state citizenship, and they are both under the 14<sup>th</sup> Amendment. There is no such thing as De Jure. Why would anyone want to be a citizen? Citizen comes from the Latin word civitas, which means civil. It is a Roman mercantile civil law term. Citizen in Rome were divided into two parts. Non-citizens did not get the protection of the army. Citizens had to pay tribute and they had to go out and fight for the Emperor. The real problem here is the American People. The government is just a mirror back to the people.

Audience: Repeat of previously asked question: “On the conviction by the state and currently served, what can you do, can you go back and reverse it now?”

Keating: “You can sue them for lack of jurisdiction. This is why you have to go to this Suits and Admiralty Act. You can sue them for lack of subject matter jurisdiction. Go back into your Admiralty side of the court. They do not have subject matter jurisdiction. They’ve got a rule, remember, these judges have taken an oath to uphold the **lex mercatoria**, by implication of their office. They have done their damndest to hide this stuff so you guys will not find out what your remedy is. You can cause these people a lot of problems if you do it right.

Lex mercatoria – The law merchant; commercial law. That system of laws which is adopted by all commercial nations, and constitutes a part of the law of the land. It is part of the common law. Black’s 5<sup>th</sup>, page 821.

Audience: mentioned working in groups to help others get out of jail.

Keating: “I recommend that you get some Habeas Corpuses together, have them in your computer, have them ready to go when you need them. I can show you how to do that. I have all of the forms. We need to get this Petition For Removal onto a disc.”

Writ of Mandamus – For administrative agency to exhaust their administrative remedy.

Writ of Prohibition – When the Admiralty impinges upon the Common Law. Catherine Banes v. Catherine James, an 1830 supreme court decision.

Quo Warranto –

International Bill of Exchange – Web site <http://www.uncitral.org/>, Article II tell you how to do an International Bill of Exchange, UNCITRAL United Nations Commission on International Trade Law, Document 20-12.

Keating: “I have all of the forms.”

Expatriation has to be submitted through the Attorney General. All you are doing with Expatriation is getting rid of your citizenship.

Sole Corporation is all properties sold under the King reverts back to the King's Bench. That is what the king is – a gigantic corporation. NW Proprietary Properties owns three quarters of New Jersey.

Civil Death – not necessary if you just get out of their jurisdiction.

Use of Treaties – He will bring up treaties in a future session.

Read “Law of Admiralty” by Grant Gilmore and Charles Black, Jr., both professors at Yale University. He goes into secret liens, he goes into general averaging, and he goes into salvage, Wage, Insurance, Port. That book is quoted more in Admiralty cases than any other resource.

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