

A Legal Question: Definitions, and Responses

Can the Bank Loan its Money or Credit?

1. **"In the federal courts, it is well established that a national bank has no power to lend its credit to another by becoming surety, indorser, or guarantor for him."** *Farmers and Miners Bank v. Bluefield Nat 'l Bank*, 11 F 2d 83, 271 U.S. 669; **"A national bank has no power to lend its credit to any person or corporation."** *Bowen v. Needles Nat. Bank*, 94

F 925, 36 CCA 553, certiorari denied in 20 S. Ct 1024, 176 US 682, 44 LED 637

2. 12 U.S. Code § 83: (a) **General prohibition - No national bank shall make any loan or discount on the security of the shares of its own capital stock.**

3. Banks call their privately created money nicer names, like "credit", "demand deposits", or "checkbook money". QUOTE: " **"A bank can lend its money, but not its credit."** *First Nat'l Bank of Tallapoosav. Monroe*. 135 Ga 614, 69 SE 1124, 32 LRA (NS) 550. "... **the bank is allowed to hold money upon personal security; but it must be money that it loans, not its credit.**" *Seligman v. Charlottesville Nat. Bank*, 3 Hughes 647, Fed Case No.12, 642, 1039."

What is Fraud

Fraud, In the sense of a court of equity, properly Includes all acts, omissions, and concealments which involve a breach of legal or equitable duty, trust, or confidence justly reposed, and are injurious to another, or by which an undue and unconscientious advantage is taken of another.

Act or course of deception, an intentional concealment, omission, or perversion of truth, to

(1) gain unlawful or unfair advantage,

(2) induce another to part with some valuable item or surrender a legal right, or

(3) inflict injury in some manner. Willful fraud is a criminal offense which calls for severe penalties, and its prosecution and punishment,

(4) is not bound by the statute of limitations. Business Dictionary

Results of Fraud

1. **"Fraud vitiates (voids) the most solemn Contracts, documents and even judgments" [U.S. vs. *Throckmorton*, 98 US 61, at pg. 65].**

2. **"It is not necessary for rescission of a contract that the party making the misrepresentation should have known that it was false, but recovery is allowed even though misrepresentation is innocently made, because it would be unjust to allow one who made false representations, even innocently, to retain the fruits of a bargain induced by such representations." [Whipp v. Iverson, 43 Wis 2d 166].**

3. **"Any false representation of material facts made with knowledge of falsity and with intent that it shall be acted on by another in entering into contract, and which is so acted upon, constitutes 'fraud,' and entitles party deceived to avoid contract or recover damages." *Barnsdall Refining Corn. v. Birnam Wood Oil Co.* 92 F 26 817.**

Common Law Is The Real Law

This page was taken off the government site in Jan. 2013 because people were entering it into the court and the judges complained to the US Courts .Gov. website. The law never changed, but they hid this little fact. I entered it into a case against a debt collector and brought out that attorneys aren't allowed in a common law court. It messed up the judge and the attorney. The judge said he would call us with his decision on the case. It was a draw, neither of us got what we wanted. The judge said he didn't want to set a precedence. Bill Thornton at 1215.org is where you can learn about the common law court and how to do it. Here are some court cases that you can use to back up your claim of common law. Amendment 7 U S Constitution: "In suits at **common law**, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the **common law**."

"THE COMMON LAW IS THE REAL LAW, the Supreme Law of the land, the rules, regulations, policy and statutes are not the law" Self v Rhay, 61 Wn 2nd 261. If they are forcing anything but American Common Law on you, it's a fraud.

Terry v Ohio, 392 US 1, 40 "The doctrine of Sovereign Immunity is one of the Common-Law immunities and defenses that are available to the Sovereign."

Perry v United States 294 U.S. 330 "The sovereignty of the United States resides in the people, and Congress cannot invoke the sovereignty of the people to override their will as declared in the Constitution."

A statutory or constitutional court (whether it be an appellate or supreme court) may not second guess the judgment of a common law court of record. The Supreme Court of the USA acknowledges the **common law as supreme**: "The judgment of a court of record whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it." Ex parte Watkins, 3 Pet., at 202-203. [cited by SCHNECKLOTH v BUSTAMONTE, 412 U.S. 218, 255 (1973)]

"No right is held more sacred, or is more carefully guarded by the **common law**, than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law. As well said by Judge Cooley: 'The right to one's person may be said to be a right of complete immunity; to be let alone.' Cooley, Torts, 29."