**anthony dominick, jr.**

**Attornatus Privatus**

**in**

**‘Federal Court’**

**at**

**district courts of the united States**

**for the Northern District of California**

**San Francisco Division**

**:anthony-ll: [dominick] ) CASE:**

 **)**

 **Claimant )**

 **) WRIT OF ERROR**

 **v. ) REGARDING FEES**

 **) ORDER TO RESCIND**

**KAMALA DEVI HARRIS, )**

**SHAYNE M CHRISTMAN, LUIS F. RAMOS, )**

**JOSEPH E. TOLL, JAMES E. ALLEN, )**

**JASON DEITSCHMAN, CHAD DAVID FINKE, )**

**THOMAS ALLEN RASCH, TINA GRESIO, )**

**BILLY MYERS AND )**

**HURSHEL VERNON MYERS: )**

 **)CLERK ACTION REQUIRED**

 **Defendants**  )

**------------------------------------)--------------------------**

**WRIT OF ERROR – ORDER TO RESCIND ORDER**

**WRIT OF ERROR**

**1. COMES NOW THE ABOVE ENTITLED COURT OF RECORD AND issues a writ of error against the ORDER provided by**

 KANDIS A. WESTMORE **titled “ORDER DENYING APPLICATION TO**

**PROCEED IN FORMA PAUPERIS WITH LEAVE TO AMEND”. The order was a violation of the authority of this Court of Record, committed outside of the presence of the court by way of writing and entering an order filed August 25th without leave of court. Contrary to the order given by the COURT, magistrate WESTMORE submitted an order, which was filed August 25th in the Federal Building in Oakland, California. This is in violation of U.S.C 18 section (3). (3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.**

 **THE COURT COMES NOW, ON ITS OWN MOTION, to review the review the facts, record, and process resulting in the**

**ORDER DENYING APPLICATION TO PROCEED IN FORMA PAUPERIS WITH LEAVE TO AMEND and filed August 25h**

**SUMMARY**

**2. In this case two basic jurisdictional points were**

**asserted: anthony dominick, jr. is one of the people of California, and the district court of the united States for Northern District of California is a court of record. General jurisdiction over the subjects was acquired upon filing and service of the claim. Each order from the court of record restated the basis of jurisdiction.**

**3. The court of record clearly stated in the law of the case, defining a court a record, that the tribunal is independent of the magistrate. Magistrate in a court of record do not make decisions and do not write orders without leave of court.**

**4. Contrary to the requirements of the court of record, the magistrate assumed the mantle of a tribunal and proceeded accordingly. The magistrate went right ahead and issued said order without a seal.**

 **The purpose of this finding of a writ of error is to restore the orderly decorum and dignity of the court and to correct defective impromptu process and usurpation of legislative and court powers taken by the magistrate without leave of court. The magistrate assumed the power and duties of the tribunal in this court of record, contrary to the characteristics of a court of record.**

**DETAIL**

**5. The following is organized into five sections:**

 **I. Judicial cognizance**

 **II. Findings of fact**

**III. Discussion and Conclusions of Law**

 **IV. Orders**

**I.**

**JUDICIAL COGNIZANCE**

**6. As in prior orders, this court takes judicial cognizance of and decrees the following:**

**7. JUDICIAL COGNIZANCE. Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law Dictionary, 5th Edition, page 760.]**

**8. The sovereignty of the state resides in the people thereof... [California Government Code, Section 100(a)]**

**9. The people of this state do not yield their sovereignty to the agencies which serve them. [California Government Code, Sections 11120 and 54950.]**

**10. Laws, whether organic or ordinary, are either written or unwritten. [California Code of Civil Procedure, Section 1895.]**

**11. A written law is that which is promulgated in writing, and of which a record is in existence. [California Code of Civil Procedure, Section 1896]**

**12. The organic law is the Constitution of Government, and is altogether written. Other written laws are denominated statutes. The written law of this State is therefore contained in its Constitution and statutes, and in the Constitution and statutes of the United States. [California Code of Civil Procedure, Section 1897]**

**13. Any judicial record may be impeached by evidence of a want of jurisdiction in the Court or judicial officer, of collusion between the parties, or of fraud in the party offering the record, in respect to the proceedings. [California Code of Civil Procedure, Section 1916]**

**14. ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves..... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472.]**

**15. The very meaning of 'sovereignty' is that the decree of the sovereign makes law. [American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.]**

**16. The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. [Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.]**

**17. A consequence of this prerogative is the legal ubiquity of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice. (Fortesc.c.8. 2Inst.186) His judges are the mirror by which the king's image is reflected. 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.**

**18. ....This declaration of rights may not be construed to impair or deny others retained by the people. [California Constitution, Article 1, Declaration Of Rights Sec. 24.]**

**19. The state cannot diminish rights of the people. [Hertado v. California, 100 US 516.]**

**20. The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice. [Davis v. Wechsler, 263 US 22, 24.]**

**21. Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them. [Miranda v. Arizona, 384 US 436, 491.]**

**22. There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights. [Sherer v. Cullen, 481 F 946.]**

**23. Whereas, the people of California have presented a constitution....and which, on due examination, is found to be republican in its form of government.... [Act [of Congress] for the Admission of California Into the Union, Volume 9, Statutes at Large, Page 452.]**

**24. Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. [In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.]**

**25. The State of California is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land. [California Constitution, Article 3, Sec. 1.]**

**26. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; anything in the Constitution or Laws of any State to the Contrary notwithstanding. [Constitution for the United States of America, Article VI, Clause 2.]**

**27. COURT. The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be. [Black's Law Dictionary, 5th Edition, page 318.]**

**28. COURT. An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times and places previously determined by lawful authority. [Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070; Black's Law Dictionary, 4th Edition, page 425]**

**29. COURT OF RECORD. To be a court of record a court must have four characteristics, and may have a fifth. They are:**

**A. A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426] See exhibit** B for expanded text from **Ex parte Gladhill, 8 Metc. Mass**.

**B. Proceeding according to the course of common law [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]**

**C. Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231]**

**D. Has power to fine or imprison for contempt. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]**

**E. Generally possesses a seal. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]**

**Some of these cases referenced in A-E (above) are found in exhibits A and B (below). These exhibits include further text which characterizes a court of record beyond what is available in Black’s law dictionary. In particular, the case law explains in a more exhaustive manner that in a court of record, the magistrate is independent of the tribunal. This means the magistrate (all judges are magistrates) cannot make any decision. A tribunal, generally, is any person or institution with authority to judge, adjudicate on, or determine claims or disputes—whether or not it is called a tribunal in its title.**

**30. The following persons are magistrates: ...The judges of the superior courts.... [California Penal Code, Sec. 808.]**

**31. ...our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgement in all their points, that is to wit, the Great Charter as the common law.... [Confirmatio Cartarum, November 5, 1297" "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation.]**

**32. Henceforth the writ which is called Praecipe shall not be served on any one for any holding so as to cause a free man to lose his court. Magna Carta, Article 34.**

**33. 18 U.S.C. § 401, grants the federal courts broad powers to punish acts of criminal contempt. This power, however, can only be exercised if not barred by a congressionally established five-year statute of limitations.**

**This general federal contempt statute states:**

**A court of the United States shall have the power to punish by fine or imprisonment, at its discretion, such contempt of its authority, and none other, as –**

**(1) Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;**

**(2) Misbehavior of any of its officers in their official transactions;**

**(3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.**

**Rather remarkably, this general contempt statute provides the only existing congressional guidance regarding what types of acts actually constitute contempt for the authority of a court.**

**In order to establish a criminal violation of § 401(l), the following four elements must be established beyond a reasonable doubt:**

**(1) misbehavior,**

**(2) in or near the presence of the court,**

**(3) with criminal intent,**

**(4) that resulted in an obstruction of the administration**

 **of justice.**

**34. Indirect contempt occurs outside the presence of the court. Direct contempt occurs within the presence of the court.**

**35. CCP 1222. The judgment and orders of the court or judge,**

**made in cases of contempt, are final and conclusive.**

**36. 28 U.S.C. § 1361 – Action to compel an officer of the United Status to perform his duty. The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff. (Added Pub. L. 87-748, § 1(a), Oct 5, 1962, 76 Stat. 744.)**

**II. FINDING OF FACT**

**37. THIS COURT FINDS the following facts to be certain:**

**38. The record, which can be seen in the documents filed on**

**August 26th 2017, shows that the magistrate did not act in**

**in accordance with the foundational rules of a court of record. Instead, the magistrate conducted herself as a tribunal in her own court on her own authority, without concurrence of all parties and without any supporting authorization from the court. She acted as a tribunal, imposing her own decisions. Without proper authority, the magistrate stepped out of her function as a magistrate and assumed a de facto cloak of a tribunal while sitting as a magistrate.**

**39. The magistrate is not supposed to act as a referral or tribunal in a court of record. In addition to paragraph 29. A-E, see exhibits A and B for text which characterizes a court of record – in particular that the tribunal (the decision making body) is independent of the magistrate (the one clothed in power who conducts that proceedings.) This is in violation of 18 U.S.C. § 401, section (3).**

**40. In her order without seal, Magistrate WESTMORE decided that certain codes were applicable to this case and that the claimant didn’t comply with those rules of the USC concerning** i**n forma pauperis statute.**

**41. Furthermore, the magistrate mischaracterized the claimant as proceeding pro se rather than in pro per. A pro se litigant represents himself. A in sui juris litigant do not represent themselves. He is himself.**

**III. DISCUSSION AND CONCLUSIONS OF LAW**

**42. It is the design of our systems of jurisprudence that courts**

**have no jurisdiction until a party comes forth and declares a**

**cause needing resolution. The particular jurisdiction depends**

**upon how the cause is declared by the plaintiff. Jurisdiction**

**may be administrative, at law, in equity, or in any of many other formats. In this case the jurisdiction is at law in a court of record under the sovereign authority of a people of California.**

**43. It is essential to understand what are a sovereign, a**

**magistrate, a court, and a court of record.**

**44. A court is "The person and suit of the sovereign; the place**

**where the sovereign sojourns with his regal retinue, wherever**

**that may be." [emphasis added] –Black’s Law 4th edition 425-6.**

**45. Who is the sovereign? It is the people either in plural**

**or in singular capacity. In singular capacity, in this case,**

**it is Thomas Tait, one of the people as contemplated**

**in the preambles of the 1849 Constitution for California, the**

**1879 Constitution for the State of California, and the 1789**

**Constitution for the United States of America.**

**46. California, the State of California, and the United States**

**of America have no general sovereignty. Theirs is a clipped**

**sovereignty. Whatever sovereignty they have is limited to their**

**respective constitutionally defined spheres of control. The**

**general sovereignty is reserved to the people without diminishment.**

**47. It is by the prerogative of the sovereign whether and how**

**a court is authorized to proceed. In this case, the chosen form**

**of the court is that of a court of record.**

**48. A qualifying feature of a court of record is that the**

**tribunal is independent of the magistrate appointed to conduct**

**the proceedings.[[1]](#footnote-1)**

**49. The magistrate is a person appointed or elected to perform**

**ministerial service in a court of record. His service is**

**ministerial because all judicial functions in a court of record**

**are reserved to the tribunal, and, by definition of a court of**

**record, that tribunal must be independent of the magistrate. The**

**non-judicial functions are "ministerial" because they are**

**absolute, certain and imperative, involving merely execution of**

**specific duties arising from fixed and designated facts.[[2]](#footnote-2)**

**V. WRIT & ORDERS**

**50. The court hereby issues a writ of error concerning the ORDER DENYING APPLICATION TO PROCEED IN FORMA PAUPERIS WITH LEAVE TO AMEND**

 **That order she filed is rescinded. The case is order to continue without any fees due or paid.**

**51. Further, the magistrate, claimant, and defendants are invited to each file and serve on all other interested parties a brief no later than Sept 20th, 2017 to show cause to this court why this order should not take effect or should be modified. The court, mindful of the rights of the parties and the importance of fair play, will liberally construe the arguments presented.**

**THE COURT**

**By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **anthony dominick, jr.**

**Attornatus Privatus**

EXHIBIT A

William Gladhill, Petitioner

SUPREME COURT OF MASSACHUSETTS, MIDDLESEX

49 Mass. 168; 1844 Mass. LEXIS 86; 8 Met. 168

October, 1844, Decided

DISPOSITION: [\*\*1] Applicant's entitled to be admitted a citizen.

***The following text has been taken from the case having the heading and referencial information immediately above:***

It possesses all the characteristics of a court of record. It is to be held by a learned, able and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution. In general, all judicial officers, by the constitution, hold their offices during good behavior, except justices of the peace,whose office is limited to the term of seven years. There is also a provision, 1833 Mass. Acts 64, § 8, for the appointment of special justices to hold the court whenever the standing justice shall be interested in any suit or

prosecution, or shall be unable, from any cause, to hear and determine any matter pending in said court. This indicates

the establishment of a court, or judicial, organized tribunal, having attributes and exercising functions, independently of

the person of the magistrate designated generally to hold it, and distinguishes it from the case of a justice of the peace,

on whom, personally, certain judicial powers are conferred by law. There is no doubt it is a court of record.

We have no doubt it is a court of record. Sect. 6 directs the keeping of a fair record, and a subsequent act, cited

hereafter, authorizes the appointment of a clerk for the same purpose. It is not necessary to decide here whether a

justice's court is a court of record. The point is left undecided in Smith v. Morrison, 22 Pick. 430. That a writ of error will lie on a justice's judgment, has been well settled. Gay v. Richardson, 18 Pick. 417; and the object of a writ of error is to remove a record. It will not lie to a judgment of a probate court, because not technically [\*\*4] a court of record.

Smith v. Rice, 11 Mass. 507. Probably the result may be, from an examination of all the statutes regulating the

jurisdiction of justices of the peace, that their courts will be regarded, to some purposes, as courts of record, but not so

in all respects.

EXHIBIT B

**COREAN JONES, et al., Appellants, v. EDWARD JONES, et al., Respondents.**

**[NO NUMBER IN ORIGINAL]**

**COURT OF APPEALS OF MISSOURI, KANSAS CITY**

**188 Mo. App. 220; 175 S.W. 227; 1915 Mo. App. LEXIS 67**

**March 1, 1915, Decided**

**PRIOR HISTORY: [\*\*\*1] Appeal from Jackson Circuit Court.--Hon. O. A. Lucas, Judge.**

***The following text has been taken from the case having the heading and referencial information immediately above:***

**Jackson County, Mo., Cir. Ct. R. 22, in using the expression "court of record," used it advisedly and in its strict**

**legal sense and intended thereby to exclude all hearings before courts not of record, such as justices of the peace,**

**commissioners, referees and the like. The predominant idea in all definitions of the term "court" is that it is a permanent**

**organization for the administration of public justice; and it is not applied to a special tribunal occasionally called into**

**existence by particular exigencies and that ceases to exist with such occasion. This is exactly what a referee's tribunal is.**

**The word "court" cannot be deemed or held to include a referee unless that meaning can be found in the language used or is necessarily gathered from the context or connection in which the term is used.**

Again, it is not seen how a hearing before a referee can be said to be the trial or hearing of a case in a court of record. The referee is merely an officer of the court for a specified purpose. [34 Cyc. 804.] It is true he exercises judicial powers and authority, but they are of limited scope and jurisdiction, as is also the time within which he may act. [24 Am. & Eng. Ency. of Law, 229.] By statute he has only the powers of a justice of the peace in the matter of compelling the attendance of witnesses and of punishment for contempt. [Sec. 2003, R. S. 1909.] He has no such extensive powers as has the court on a trial without a jury, though the practice and conduct of the case before the referee is largely as if the case were in that situation. [34 Cyc. 811.] A court of record is a judicial tribunal having attributes and exercising functions independently of the person of the

magistrate designated generally to hold it and proceeding according to the course of the common law. [Ex parte

Thistleton, 52 Cal. 220; Bucher v. Thompson, 32 P. 498.] A court of record is defined to be a court where the acts and

proceedings are enrolled **[\*\*\*18]** in parchment for a perpetual memorial and **[\*\*231]** testimony. [3 Blackstone's Com.

24; Erwin v. U. D., 37 F. 470, l. c. 488; Bellas v. McCarty, 10 Watts (Pa.) 13, l. c. 24; Wheaton v. Fellows, 23 Wend.

(N. Y.) 375, l. c. 377.] The privilege of having these enrolled memorials constitutes the great leading distinction in

English and American law between courts of record and courts not of record. [Hahn v. Kelly, 34 Cal. 391, l. c. 422.]

Referee's courts can no more be considered courts of record than a justice court. The latter keeps a record it is true, but

since it does not proceed according to the course of the common law, and is confined strictly to the authority given it by

statute, it cannot be termed a court of record in the sense in which that term is used. [Thomas v. Robinson, 3 Wend. (N.

Y.) 267.] Likewise the tribunal, if such it may be called, created by the appointment of a referee, is an inferior and

subordinate tribunal. Referees are mere creatures of the statute. Their powers are special and limited. They are mere

officers of the court for a specific purpose. [Betts v. Letcher, 46 N.W. 193, **[\*\*\*19]** l. c. 195.] Hence in holding their

sittings they cannot set up a tribunal which is the court itself, or which can be termed a court of record or a hearing in a court of record. It would seem that [HN8] the rule in using the expression "court of record" used it advisedly and in its

strict legal sense and intended thereby to exclude all hearings before courts not of record, such as justices of the peace,

commissioners, referees and the like. The predominant idea in all definitions of the term "court" is that it is a *permanent*

organization for the administration of public justice; and it is not applied to a special tribunal occasionally called into

**[\*233]** existence by particular exigencies and that ceases to exist with such occasion. [Streeter v. Paton, 7 Mich. 341, l.

c. 347.] This is exactly what a referee's tribunal is, and nothing more. It cannot be said that the hearing before him is a

hearing in a court of record because his report is treated as the verdict of a jury, or that in theory it takes place before the court.

… Again, [HN10] the word "court" cannot be deemed or held to include a referee unless that meaning can be found in the

language used or is necessarily gathered from the context or connection in which the term is used. [In re Cobb, 112 F.

655.] And where it is intended that referees shall be included in the term "courts," legislative bodies have been carefulto insert a statement to that effect. [See the National Bankrupt Act of July 1, 1898, 30 U.S. Stats. 544; [\*\*\*21] US v. Liberman, 176 F. 161, l. c. 163.] The judgment is affirmed. All concur.

**CERTIFICATE OF SERVICE**

 **I, First Last, declare that I am an United States citizen with work address at 123 ABC Street in City, State. I am over the age of eighteen and not a party in the above entitled action (**17-cv-04485-kaw)**.**

 **I work at ############ and competent to serve papers. The undersigned caused a copy of the following:**

**WRIT OF ERROR REGARDING FEES**

**to be served on the party in this action by placing a true copy thereof in a sealed envelope, and served via FIRST CLASS MAIL by placing said envelope with sufficient postage in the basket designated for outgoing U.S. Mail to the party addressed as follows:**

**DEFENDANTS**

**ADDRESSES**

**I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on 9/4/2017 at City, California.**

 **\_\_\_\_\_**

 **First Last**

1. One characteristic of a court of record: A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426] [↑](#footnote-ref-1)
2. Official's duty is "ministerial" when it is absolute, certain and imperative, involving merely execution of a specific duty arising from fixed and designated facts. [Long v. Seabrook, 260 S.C. 562, 197 S.E.2d 659, 662; Black's Law Dictionary, Fifth Edition, p 899 [↑](#footnote-ref-2)