



"Those who say it cannot be done should not interfere with those of us who are doing it"© - S. Hickman

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Against the Grain

207,182

The Informer

BLACK'S LAW DICTIONARY IS A "Specialty" dictionary.

Here is correspondence from one man, with the Black's Law Dictionary publisher, West Publishing Company, and the responses are from an attorney named Geller. It consists of three letters and the responses thereto. Please see how they dance around the questions and the fact they do not deny certain facts is prima facie they exist. I will not comment on other statements the attorney made but what an eye opener i.e "specialty" dictionary. Letters and responses are identified as LTR 1 and RES 1 and so on. I think you will find it interesting

LETTER #1

West Publishing Company

Re: Black's Law Dictionary, 5th Ed.

Dear Mr. Geller;

1. Why is it that the Table of British Regnal Years is in your book and not the Presidents of the United States?

2. Is it because this book is still the British rules of definition for the British colony called America by treaties of 1606, 1782 and 1792/3 with the King?

Awaiting your answers and thank you for your time.

Albert.

RESONSE.#1

RE: Black's Law Dictionary Inclusion of British Regnal Years.

Dear Mr. Albert:

Thank you for your letter asking why the British Regnal Years rather than the Presidents of the United States are listed in the 5th Edition of Black's Law Dictionary.

The Table of British Regnal Years is necessary because many terms in the dictionary refer to British statutes, which are cited according to the British King or Queen who was reigning at the time of their enactment by Parliament. For example, the entry for "Vagrant act" refers to British statutes enacted during the reigns of George II, George III and George IV. Without the Table of British Regnal Years, an American reader might not know that these statutes date from 1727-1830.

Because the statutory citation system in the United States does not refer to the President in office at the time of its enactment, no Table of Presidents is needed. This isn't to say that including such a table is a bad idea. We include, for example, a table of all the Supreme Court Justices even though their names are not necessary to an understanding of the cases they've decided. I guess the reason we don't have a Table of Presidents is that we see Black's as a "specialty" dictionary, and so are willing to give up page space for items peculiarly of interest to our readers, items they might have trouble finding elsewhere. A list of political office holders, the United States Presidents, is not of peculiar interest to legal researchers and is readily available elsewhere.

Hope this helps. Please let me know if I can be of any further assistance.

Sincerely yours,

WEST PUBLISHING COMPANY David A. Spitzer

LETTER #2

West Publishing Company

Dear David,

Your explanation of why BRITISH REGNAL LIST is included in Black's Law Dictionary is plausible; but I don't see any explanation of WHY English common law is the common law of the U.S..

I looked in Black's for "English Common Law" and couldn't find it. I couldn't even find "England!" Am I to understand England does not legally exist? I don't even see an entry for Great Britain.

In "The American Constitution" (a contradiction of terms) by Kelly & Harbison, Norton Press, revised edition, pg 95, they admitted that none of the so called "original 13 States" with the possible exception of Mass. were ever organized pursuant to a plebiscite (even in the first N.J. and N.C. Constitution it states it was never presented to the people). They admit that put to a vote, We the People would have rejected the American Rebellion.

Accordingly, I searched Black's Law Dictionary for mention of the REFERENDUM whereby We the People ratified the Revolution. Please tell me where to look, under what heading, so that I may discover how many Englishmen voted for Independence, and how many voted for King and Country. Where do I find the date and results of the American referendum?

Someone said, tongue -in-cheek, that The United States of America is defined as "fake UNION of factious American States." Isn't that a joke?

Some Dictionary defined United States of America as a FEDERAL REPUBLIC. Maybe my grammar is rusty, but that sounds like a "REPUBLIC WHICH IS PART OF A FEDERATION," don't you think so too? If I remember correctly, the U.S. Constitution says:

"Direct taxes shall be apportioned among the several States WITHIN THIS UNION." Why do you not have a definition in Black's for the phrase "among the several states"?

Sincerely,

RESPONSE #2

Re: Black's Law Dictionary.

Dear Mr. Albert:

Thank you for your letter of May 13, in which you asked several questions about Black's Law Dictionary. I am enclosing a copy of your letter for your reference.

First, English common law is at least the basis for the common law in most of the U.S. because most states have enacted "reception statutes." The omission of this term from Black's is an error that has been corrected for the next edition.

Although we do not have an entry for "English common law," we do cover the subject under "Common law." There is no entry for "England" or "Great Britain" for the same reason we do not have entries for every other country in the world - we try to limit coverage to terms of relevance to the legal profession.

There is no entry for the "referendum" ratifying the American Revolution because no such referendum took place.

Although we don't have an entry for "among the several states," the relevant part of the quote, "Apportionment," is defined, under the subheading of "Taxes," as the "selection of the subjects to be taxed" and the "laying down [of] the rule by which to measure the contribution which each of these subjects shall make to the tax." It is not clear to me what an additional definition of the phrase "among the several states" would add.

Finally, although I am happy to explain the entries and definitions found in Black's, and am anxious to correct any errors or omissions, I have neither the time nor the inclination to discuss politics or economics with you. Questions about the legitimacy of what is commonly accepted as our form of government, or about the way in which we are taxed, really don't have anything to do with how those terms are defined in Black's.

Sincerely yours

Sincerely yours,

WEST PUBLISHING COMPANY David A. Spitzer

Ho, Ho, a nerve was struck, getting to close and only in two letters? Is this an endless correspondence? Read his last response after I wrote to ask about a particular reception statute.

RESPONSE #3

Re: Black's Law Dictionary.

Dear Mr. Albert:

I apologize in advance for how rude this will sound, but I am very busy, and cannot afford the luxury of endlessly corresponding with you. I will answer your latest questions, but will not be able to reply to further queries.

First, the proposed definition of reception statutes for the next edition of Black's is as follows:

Reception statutes. State statutes passed after independence or statehood, adopting the common law of England to the extent not superseded by state or federal law. Northwest Calf Farms, Inc. v. Poirer, Ind. App., 499 N.E.2d 1165, 1169. The adoption is only of those principles applicable to the local situation. Johnson v. Amstutz, 101 N.M. 94, 95, 678 P.2d 1169, 1170. The statutes adopt not just those precedents which happen to have been announced by English courts at the close of the sixteenth century, but rather a system of law whose outstanding characteristic is its adaptability and capacity for growth. Minonk State Bank v. Grassman, 95 Ill.2d 392, 394, 447 N.E.2d 822, 823, 69 Ill. Dec. 387, 388.

Second, I believe that you have misunderstood my comment about the irrelevance of taxation questions to the definitions of taxation terms. I did not make that statement in the abstract, but rather in response to the sarcastic, or perhaps merely joking, tone of your May 13 letter. You seemed to be questioning the legitimacy of our form of government and our methods of taxation, both of which may be legitimate political and legal questions. But the terms of that debate: "state," "apportionment," "tax," etc., have normative definitions that have been accepted by the courts and the legislatures.

Black's does not establish the meaning of its terms, but rather reports how those terms are used in the courts and legislatures. I get many letters from people trying to establish a legal point by getting the definition of a word in Black's changed. That is not our place and we won't do it. If our definitions are considered authoritative, it is because we reflect how terms are currently used by the courts and legislatures. We are relied upon because of the faithfulness of that reflection. We do not lead the courts and the legislatures; they lead us.

Sincerely,

WEST PUBLISHING COMPANY David A. Spitzer

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WESTLAW West Publishing

Okay, people, read the Reception Statute Definition very carefully. All the cites are corporate/law merchant. Now ask the question, what is "a system of law whose outstanding characteristic is its adaptability and capacity for growth?" Common law doesn't grow, it remains stable. By that I mean the common law of God, the Biblical Law of the Word of God. Since corps are all cited, isn't that prima facie of the law merchant or the Law of Hammurabi or the modern Uniform Commercial Code of the law-merchant that can and does change constantly according to business practices?

Now read closely, because most people don't and that is why we get into trouble. We don't take the time to digest and redigest what we read to make sure we understand just what we read. Are the sentences I copy here from above contradictory.

1. "But the terms of that debate: "state," "apportionment," "tax," etc., have normative definitions that have been accepted by the courts and the legislatures."
2. "If our definitions are considered authoritative, it is because we reflect how terms are currently used by the courts and legislatures. We are relied upon because of the faithfulness of that reflection. We do not lead the courts and the legislatures; they lead us".

In #1 who are the courts and legislatures accepting the definitions from if not from Black's

Law Dict.?

In #2 how can their definitions be authoritative if they say they are led by the courts and legislatures? Can it be that the courts and legislatures MAKE up their own definitions for each particular part of a statute and then Black's Law prints them as authoritative?

See, there is a wealth of information one can gather from the responses when you take the time to ponder over them.

Have a good day.