

Explanation of:

[Joint] Tenancy in Common - Unity of Possession

Definition of SOVEREIGN

“A sovereign¹ is one in whom supreme power is vested. He may delegate whatever of his total authority he wishes. He can consent² to whatever outside authority he may choose³ or none at all. However, he cannot be “subject” to outside authority; this would be in contradiction to sovereignty.” (Black’s Law Dictionary, 6th Ed.)

Chisholm v Georgia (circa 1793)

Supreme Court Justice James Wilson⁴ said each American is a "**sovereign without subjects**" in Chisholm v Georgia (circa 1793). In that same decision he said that the sovereignty was held by each of us as cotenants in a "**tenancy in common**".

The Common Law

Tenancy in common happens where there is a unity of possession merely.

Unity of Possession: Law & Legal Definition

Unity of possession means that each co-tenant is entitled to possession of the whole sovereignty (the property) and every part thereof, subject to the same right in the other co-tenants. Unity of possession is the essential dynamic present in all tenancies in common.

¹The sovereign in this land is “We the People”. Therefore, In this land the sovereignty is a single property held as a tenancy in common by all the people.

² This Black’s Dictionary definition conceals and does not speak to the fact that in this land the people are cotenants in a tenancy in common with regard to their sovereignty. Therefore, a single cotenant cannot act as a “sovereign” with regard to this definition; one needs the concurrence of the other cotenants to “delegate” or “consent” to matters regarding the sovereignty of the people held as a tenancy in common.

³ Since consent to outside authority is voluntary then the sovereign can un-choose with equal impunity; i.e., volunteer out.

⁴ James Wilson, a common law lawyer from Scotland, cast deciding vote for the Declaration of Independence. He was floor manager at the constitutional convention. Then at the Pennsylvania Constitutional Ratification Convention he spoke for over one week (Mon thru Saturday) each morning and afternoon in Philadelphia, on the record (it was recorded in shorthand), describing the “whys” and “what-fors” for each part of the new Constitution for the united States. When arguing about what the U.S. Constitution says, go to this book. The Olde Galatia Church has a copy which people can come and read.