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To: "AJack R. Venrick" <jacksranch@skynetbb.com>
Sent: Saturday, January 10, 2009 5:48 PM
Subject: Writ of Quo Warranto - A Challenge To A Public Official Who Has Abused or Neglected or Usurped a Public Office



To All Public Officials Who Has Abused or Neglected or Usurped a Public Office

<http://legal-dictionary.thefreedictionary.com/Writ+of+quo+warranto>

Quo warrantc

0.06 sec.

(redirected from *Writ of quo warranto*)

A legal proceeding during which an individual's right to hold an office or governmental privilege challenged.

In old English practice, the writ of quo warranto—an order issued by authority of the king—was one of the most ancient and important writs. It has not, however, been used for centuries, since the procedure and effect of the judgment were so impractical.

Currently the former procedure has been replaced by an *information in the nature of a quo warranto*, an extraordinary remedy by which a prosecuting attorney, who represents the public at large, challenges someone who has usurped a public office or someone who, through abuse or



or neglect, has forfeited an office to which she was entitled. In spite of the fact that the remedy of quo warranto is pursued by a prosecuting attorney in a majority of jurisdictions, it is ordinarily regarded as a civil rather than criminal action. Quo warranto is often the only proper legal remedy; however, the legislature can enact legislation or provide other forms of relief.

Statutes describing quo warranto usually indicate where it is appropriate. Ordinarily it is proper to try the issue of whether a public office or authority is being abused. For example, it might be used to challenge the Unauthorized Practice of a profession, such as law or medicine. In such situations, the challenge is an assertion that the defendant is not qualified to hold the position she claims—a medical doctor, for example.

In some quo warranto proceedings, the issue is whether the defendant is entitled to hold the office he claims, or to exercise the authority he presumes to have from the government. In addition, proceedings have challenged the right to the position of county commissioner, treasurer, school board member, district attorney, judge, or tax commissioner. In certain jurisdictions, quo warranto is a proper proceeding to challenge individuals who are acting as officers or directors of business corporations.

A prosecuting attorney ordinarily commences quo warranto proceedings; however, a statute may authorize a private person to do so without the consent of the prosecutor. Unless otherwise provided by statute, a court permits the filing of an information in the nature of quo warranto after an exercise of sound discretion, since quo warranto is an extraordinary exercise of power and is not to be invoked lightly. Quo warranto is not a right available merely because the appropriate legal documents are filed. Valid reason must be indicated to justify governmental interference with the individual holding the challenged office, privilege, or license.



license.

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quo warranto (kwoh wahr-rah-n-toe) n. the name for a writ (order) used to challenge another's right to either public or corporate office or challenge the legality of a corporation to its charter (articles).

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QUO WARRANTO, remedies. By what authority or warrant. The name of a writ issued in the the name of a government against any person or corporation that usurps any franchise or office, office, commanding the sheriff of the county to summon the defendant to be and appear before the court whence the writ issued, at a time and place therein named, to show "quo warranto" he claims the franchise or office mentioned in the writ. Old Nat. Br. 149; 5 Wheat. 291; 15 Mass. 125; 5 Ham. 358; 1 Miss. 115.

2. This writ has become obsolete, having given way to informations in the nature of a quo warranto at the common law; Ang. on Corp. 469; it is authorized in Pennsylvania by legislative sanction. Act 14 June, 1836. Vide 1 Vern. 156; Yelv. 190; 7 Com. Dig. 189; 17 Vin. Ab. 177.

3. An information in the nature of a quo warranto, although a criminal proceeding in form, in in substance, is a civil one. 1 Serg. & Rawle, 382.

A Law Dictionary, Adapted to the Constitution and Laws of the United States. By John Bouvier.



Bouvier. Published 1856.

**So the political ruling class never empowers you,
but always empowers themselves to keep you powerless!**

**It's the same thing for the corporate ruling class, the legislative ruling class
and the media ruling class. They all say you can't be trusted with responsibility
for your own protection. but at the same time, they abdicate their responsibility to protect you.**

**They refuse to prosecute and put away the bad guys. And so the jailhouse revolving door spins:
take them in, turn them out. And it's open season on the rest of US.**

Wayne LaPierre

NRA Executive Vice President