

**TREATISE –
Liberty**

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Liberty

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The author of this book does not give legal advice. Remedies are available if you know where to look for them. The purpose of this book is to reveal and compile the sources of some of these remedies that can be found in millions of pages of case law, statutes, codes, laws, rules, and regulations. This book is intended to decrease the time it takes to discover the components of your remedies and their application. It is the responsibility of the readers to understand their remedies, to seek assistance if necessary, and to apply proper and complete concepts to reach a successful conclusion to a dispute. This book does not exhaust the information that might be needed to successfully settle a dispute.

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Books

America – National or Federal?

Each state, in ratifying the Constitution, is considered a sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation, the new Constitution will, if established, be a federal and not a national Constitution. The Federalist, No. 39, James Madison

In Search of Liberty

Liberty, sir, is the primary object, ...the battles of the Revolution were fought, not to make 'a great and mighty empire', but 'for liberty'. Patrick Henry

What Does Accepted for Value Mean?

Agree with thine adversary quickly, while thou art in the way with him; lest at any time the adversary deliver thee to the judge, and the judge deliver thee to the officer, and thou be cast into prison. Verily I say unto thee, Thou shalt by no means come out thence, till thou hast paid the uttermost farthing.

Matthew 5:25-26

Booklets

1 *When There is No Money* FREE

For thus saith the Lord, Ye have sold yourselves for nothing, and ye shall be redeemed without money. Isaiah 52:3

2 *Liberty* FREE

Now the Lord is that Spirit: and where the Spirit of the Lord is, there is Liberty. II Corinthians 3:17

3 *The Natural Order of Thing* FREE

Owe no one anything, except to love one another; for he who loves his neighbor has fulfilled the law. Romans 13:8

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4 *Sovereignty* FREE

Even in almost every nation, which has been denominated free, the state has assumed a supercilious pre-eminence above the people who have formed it. Hence, the haughty notions of state independence, state sovereignty, and state supremacy. Justice Wilson, *Chisholm v. Georgia*, 2 Dal. (U.S.) 419, 458 (1792)

5 *The Legal System for Sovereign Rulers* FREE

The Lord shall judge the people with equity. Psalms 98:9

6 *The Negative Side of Positive Law* FREE

Therefore, one must be wise and attentive, since there are those among us who make kings and set up princes outside His law. Hosea 8:4

7 *Resident/Minister* FREE

You may also buy some of the temporary residents living among you and members of their clans born in your country, and they will become your property.

Leviticus 25:45

8 *Introduction to Law Merchant* FREE

Stand fast, therefore, in the liberty with which Christ hath made us free, and be not entangled again with the yoke of bondage. Galatians 5:1

9 *Society of Slaves and Freedmen* FREE

If men, through fear, fraud, or mistake should in terms renounce or give up any natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being a gift of ALMIGHTY GOD, it is not in the power of man to alienate this gift and voluntarily become a slave. Samuel Adams 1772

10 *Introduction to Corporate Political Societies* FREE

Finally, be strong in the Lord and in the strength of his might. Put on the whole armor of God, that you may be able to stand against the wiles of the devil. For we are not contending against flesh and blood, but against principalities, against the powers, against the world rulers of this present darkness, against the spiritual hosts of wickedness in heavenly places. Ephesians 6:10-12

11 *Superior Law, Higher Law, My Law* FREE

You have rights antecedent to all earthly governments' rights that cannot be repealed or restrained by human laws; rights derived from the Great Legislator of the Universe. John Adams

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**Now the Lord is that Spirit: and where the Spirit of the Lord is,
there is Liberty. II Corinthians 3:17**

**Emphasis is added throughout this writing by underlining.
Quoted passages are bolded.**

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TREATISE – Liberty

INTRODUCTION

It has been said religion is a term referring to one's views of his relations to his Creator. This writing is intended to aid understanding of Creation, Creator, our role in Creation, and the will of God as expressed in the Holy Bible and other affiliated or supplemental documents.

Religion. 1. concern over what exists beyond the visible world, differentiated from philosophy in that it operates through faith or intuition rather than reason, and generally including the idea of the existence of a single being, a group of beings, an eternal principle, or a transcendent spiritual entity that has created the world, that governs it, that controls its destinies, or that intervenes occasionally in the natural course of its history, as well as the idea that ritual, prayer, spiritual exercises, certain principles of everyday conduct, etc., are expedient, due, or spiritually rewarding, or arise naturally out of an inner need as a human response to the belief in such a being, principle, etc.

The Random House Dictionary of the English Language, 1967

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Religion. **Religion, in its most comprehensive sense, includes a belief in the being and perfections of God, in the revelation of his will to man, in man's obligation to obey his commands, in a state of reward and punishment, and in man's accountability to God.**

American Dictionary of the English Language, Webster, 1828

One of the important attributes God desired to instill in His people was being free of enslavement, maintaining one's free will and liberty provided by the Creator, and proclaiming liberty throughout the land.

...and proclaim liberty throughout the land unto all the inhabitants thereof: Leviticus 25:10

But who looks into the perfect law, the law of liberty, and perseveres, being no hearer that forgets but a doer that acts, he shall be blessed in his doing. James 1:25

For, brothers, you have been called to liberty; only use not liberty for an occasion to the flesh, but by love and serve one another. Galatians 5:13

Now the Lord is that Spirit: and where the Spirit of the Lord is, there is Liberty. II Corinthians 3:17

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The perfect law is the “law of liberty”, freedom from servitude and restraint by another or from some combination of men; therefore, be careful when entering into agreements or contracts. Valid agreements or contracts are only those entered into knowingly, voluntarily and intentionally as to the terms and facts with no hidden or secret information or facts of importance to the parties. History tells us there may be some men with little honor and integrity who may attempt to secretly get you to agree or acquiesce to being a debtor or presumed to be in a servile or bondage situation. These warnings are also in the Bible.

Stand fast, therefore, in the liberty with which Christ hath made us free, and be not entangled again with the yoke of bondage.

Galatians 5:1

Owe no one anything, except to love one another; for he who loves his neighbor has fulfilled the law. Romans 13:8

In Proverbs 22:26, we find: “**Be not thou one... of those who are sureties for debts.**” Proverbs 22:7, tell us, “**the borrower is servant to the lender.**” In 2 Kings 4:7, we are told to get rid of the debt “**and live thou and thy children on the rest.**” And in John 8:33, following the more famous line “**And ye shall know the truth and the truth shall make you free**”, is a directive to never be in bondage to any man.

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The word bondage means slavery and subject to the will or rules of another. One in bondage must have a means or remedy for release from such a condition; bondage or slavery being contrary to the essence of man and against the laws of nature and of nature's God.

Do you see that liberty of the people is an important aspect of God's will? What is meant by the word *liberty*?

LIBERTY. 1. Freedom from restraint.

American Dictionary of the English Language, Noah Webster, 1828

LIBERTY. Absence of servitude and restraint.

Ballentine's Law Dictionary, 3rd Ed., 1969

LIBERTY. 1. Freedom from arbitrary or despotic government or control. 2. freedom from external or foreign rule; independence. 3. freedom from control, interference, obligation, restriction, hampering conditions, etc.; power or right of doing, thinking, speaking, etc., according to choice. 4. Freedom from captivity, confinement, or physical restraint.

The Random House Dictionary of the English Language, 1967

[T]he term [liberty] has received much consideration and some of the included things have been definitely stated. Without doubt, it denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of

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the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men.'

Nebbia v. People of State of New York,
291 U.S. 502, 547 (1934)

LIBERTY. Freedom from restraint. The power of acting as one thinks fit, without any restraint or control, except from the laws of nature. ... Natural liberty is the right which nature gives to all mankind, of disposing of their persons and property after the manner they judge most consonant to their happiness, on condition of their acting within the limits of the law of nature, and that they do not in any way abuse it to the prejudice of other men. *Bouvier's Law Dictionary*, 1856

In the quote from Bouvier above the term “disposing” is used It is defined as: **To manage, to part with to another, to put into another's hand or power, to place in any condition.**

American Dictionary of the English Language, Webster, 1828

The reference above to nature, or we might say “*the Laws of Nature, and of Nature's God*” as it is written in the Declaration of Independence, denotes that all mankind possesses the liberty of disposing of or managing their persons and property. This concept would also apply to being bound by a promise, which generally meant

all his property was viewed as security for his promise. People have freewill to make promises. Note that the definitions for liberty all came from political sources, so they will naturally incorporate fictions.

1 – PERSONS and PROPERTY

We need a good understanding of the terms “person” and “property” to safeguard our liberty, because these are two of the terms historically used to circumvent man’s natural condition of liberty. A proper explanation of the words person and property as used in law is quite lengthy, and all the supporting documentation is too detailed for this brief discussion of God’s will for liberty for the people.

Nevertheless, a brief explanation of *person* and *property* is appropriate. These legal terms are not of nature or God, but are contrivances of man. Generally, the term *person* is used to give man or men an artificial character like wearing a mask representing a position or office established by man. The terms *person* and *property* represent rights granted and protected by another, usually said to be a sovereign power, with corresponding duties or obligations owing from the *person* to the grantor. These may be rights man already possesses in nature, but not in the society utilizing civil law. We could say *persons* and *property* are legal concepts.

Creditors often apply both terms in a commercial venue according to merchant law representing things of value that are attachable. That

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is to say, the terms often refer to the idea that service, labor or payment is due to another. One would need to know the system of law, the type of government, and the context of the writing in which the word is used. Overall, if man's natural condition and divinity with freedom and liberty is the apex for life, liberty and pursuit of happiness, then the only way to go from there is various conditions of servitude or restraint all the way down to bondage or slavery for which the term *person* is the generally accepted label.

Man (homo) is a term of nature; person (persona), of civil law.

Bouvier's Law Dictionary, (1914), Maxim of Law, p. 2136

In *Dred Scott v. Sandford*, 19 How. at 693 (1856), we find those who had been in the condition of slavery were not considered either as people or citizens. **“The two clauses in the US constitution “which refer to them as persons whom it was lawful to deal in as articles of property and to hold as slaves.”** See also, *A Dictionary of Law*, Anderson, 1893

Slaves are looked upon in all codes in two lights, as persons, and as property.

Commonwealth v Thomas Aves, 36 Mass. (18 Pick.) 193, 195-6 (1836)

...persons and property are subjected to all kinds of restraints and burdens...

Jacobson v. Com. Of Massachusetts, 197 U.S. 11 (1905)

...every State possesses exclusive jurisdiction and sovereignty over persons and property within its territory.

Pennoyer v. Neff, 95 U.S. 714, 722 (1877)

The two terms go hand in hand and, as we saw, a slave wears both the label of person and property. There may be some confusion when the expression *natural person* is used, as distinguished from artificial person.

But the natural man receiveth not the things of the Spirit of God: for they are foolish unto him: neither can he know *them*, because they are spiritually discerned. I Corinthians 2:14

There we see *natural man* is lacking spirituality. Then what is to be said of a natural person? In *Pembina Con. Silver Mining v. Pennsylvania*, 125 U.S. 181, 189 (1887), one find that natural persons are members of the body politic owing allegiance to the State. Before one goes around pledging allegiance to human or corporate institutions, it may be wise to investigate further to determine if this is what your Creator had in mind for your liberty.

The numerous quotes above do not paint a pretty picture, if it is liberty one seeks. Again, I say, there are many factors to consider but those quotes give an adequate picture for this presentation. Of course, those terms can have a more dignified use.

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.

Union Pac. R. Co. v. Botsford, 141 U.S. 250, 251 (1891)

That quote may sound better but we would need to understand what is meant by “authority of law”. Such is the difficulty in explaining law and legal concepts, since there are so many words and phrases to understand in discussing one issue. One should also realize devious minds can alter legal definitions to fool those who lack knowledge.

The following quote is also useful in seeking understanding of the character of liberty. It comes from the supreme court of Wisconsin with regard to a slave who was no longer in a “slave state” but was present in Wisconsin.

Here, he is entitled to the full and complete protection of our laws; as much as any other human being, so long as he is unclaimed. He may sue and be sued; he may acquire and hold property; he is, to all intents and purposes, a free man, until a lawful claim is made for him; and this claim must be made by the person whom his service is due, under the laws of the state from which he escaped. No one else can interfere with him. If no claim is set up to his service or labor by the person to whom

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his service or labor is due, there is no power or authority, or person on earth, that can derive any advantage from his former condition, or assert it, to his prejudice. So long as the owner does not choose to assert his claim, the cottage of the fugitive in Wisconsin is as much his castle – his property, liberty and person are as much the subject of legal protection, as those of any other person.

In re Sherman M. Booth, 3 Wisc. 13, 27 (1854)

There are some questionable words and legal concepts in the statement made above, but I think you get the picture. If someone desires to diminish your liberty, whether that is another man, or an artificial person known as a corporation including a municipal corporation, or a government, de jure or de facto, it might be wise to ask the claimant to produce the evidence that establishes his valid claim against you.

The only reason, I believe why a free man is bound by human laws, is, that he binds himself.

Justice Wilson, *Chisholm v. Georgia*, 2 Dall. (U.S.) 419, 455 (1793)

2 – THE GREAT PRINCIPLE

It should be mentioned here that liberty does not mean anarchy, mob rule, or a people operating without law; and law does not necessarily mean the statutes or codes of man.

Throughout the Germanic law books of the Middle Ages, says Heusler, runs the idea that law is 'a quest of the creature for the justice and truth of his creator.' All notion of arbitrary will was foreign to it.

The Spirit of the Common Law, by Roscoe Pound,
Dean of Harvard Law School, 1921, p. 65

What is law? In its primary and highest sense, ...it might be defined simply as the expressed will of God.

Thoughts on Codification of the Common Law,
by Albert Mathews, 1882.

For the whole law is fulfilled in one word, "You shall love your neighbor as yourself. Galatians 4:14

Owe no one anything, except to love one another; for he who loves his neighbor has fulfilled the law. The commandments, "You shall not kill, commit adultery, You shall not covet," and any other commandment, are summed up in this sentence, "You shall love your neighbor as yourself." Love does no wrong to a neighbor; therefore love is the fulfilling of the law.

Romans 13:8-10

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We, in the American states, are fortunate that our founding principles sought to safeguard the liberty of the American people, which is supportive of the will of God.

This Great Principle was expressed by Samuel Adams. **“If men, through fear, fraud, or mistake should in terms renounce or give up any natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being a gift of ALMIGHTY GOD, it is not in the power of man to alienate this gift and voluntarily become a slave.”**

Samuel Adams, 1772

This Great Principle of the American people is well stated in *The unanimous Declaration of the thirteen united States of America*, also known as the Declaration of Independence, which overlays law, constitutions, and governments of America. **“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”**

This Great Principle is recognized by Justice Field in *Butchers' Union v. Crescent City*, 111 U.S. 746, 757 (1884). **“These inherent rights have never been more happily expressed than in the declaration of independence, that new evangel of liberty to the people: “We hold these truths to be self-evident” - that is, so plain that their truth is recognized upon their mere statement -**

"that all men are endowed" - not by edicts of emperors, or decrees of parliament, or acts of congress, but "by their Creator with certain inalienable rights," - that is, rights which cannot be bartered away, or given away, or taken away, except in punishment of crime - "and that among these are life, liberty, and the pursuit of happiness; and to secure these" - not grant them, but secure them - "governments are instituted among men, deriving their just powers from the consent of the governed."

I must interrupt to say the word *crime* is another tricky word. While we see the law of God speaks of wrongs one may do to another, crime denotes an act said to be against the wishes of a governing body or sovereign ruler and is applied against persons. *Sovereign* is another one of those tricky words.

This Great Principle is reiterated in *Hale v. Everett*, 53 N.H. 9, 16 Am Rep. 82 (1868). **"An 'unalienable right,' within the meaning of the [New Hampshire] Constitution, is in its nature one which cannot be surrendered to government or society because no equivalent can be received for it, and one which neither government or society can take away..."**

This Great Principle is addressed in *Billing v. Hall*, 7 Cal. 1, 6 (1857). **"Section first of Article 1, of the Constitution of California, declares that 'all men are by nature free and independent, and have certain inalienable rights, amongst which**

are those of enjoying and defending life and liberty, acquiring possession, protecting property, and pursuing and obtaining safety and happiness.’ This principle is as old as the Magna Charta. It lies at the foundation of every constitutional government.

This Great Principle was espoused by Patrick Henry as found in many writings including *Historical Look at Government: Being a Review of Judge Story’s Commentaries on the Constitution of the United States*, by Abel P. Upshur, New York: VAN EVRIE, HORTON & CO., No. 162 Nassua Street, 1868. **“In the Convention of Virginia, Patrick Henry said: ‘Liberty, sir, is the primary object. Liberty, the greatest of all earthly blessings -- give us that precious jewel, and you may take away everything else.’ And, with an eloquence more powerful than that which shook the throne of Macedon, he demonstrated that the battles of the Revolution were fought, not to make ‘a great and mighty empire,’ but ‘for liberty’.”**

This Great Principle is also noted in *Bowshier v. Synar*, 478 U.S. 714, 721, 722 (1986). **“We noted recently that “[t]he Constitution sought to divide the delegated powers of the new Federal Government into three defined categories, Legislative, Executive, and Judicial.”** *INS v. Chadha*, 462 U.S. 919, 951 (1983). **The declared purpose of separating and dividing the powers of government, of course, was to “diffus[e] power the better to**

secure liberty." *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 635 (1952) (Jackson, J., concurring). Justice Jackson's words echo the famous warning of Montesquieu, quoted by James Madison in *The Federalist* No. 47, that "'there can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates'" *The Federalist* No. 47, p. 325 (J. Cooke ed. 1961).

Even a cursory examination of the Constitution reveals the influence of Montesquieu's thesis that checks and balances were the foundation of a structure of government that would protect liberty. The Framers provided a vigorous Legislative Branch and a separate and wholly independent Executive Branch, with each branch responsible ultimately to the people. The Framers also provided for a Judicial Branch equally independent with "[t]he judicial Power."

This Great Principle is expressed in *Laird v. Tatum*, 408 U.S. at 28 (1972). – "The Constitution was designed to keep the government off the backs of the people."

This Great Principle is recognized in *Schnieder v. Smith*, 390 U.S. 17, 25 (1967): "The purpose of the Constitution and Bill of Rights, unlike more recent models promoting a welfare state, was to take government off the backs of people."

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This Great Principle is expressed by Justice Holmes in *Olmstead v. United States*, 277 U.S. 438, 478 (1928): **The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man’s spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the government, the right to be let alone – the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment. ... Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers.”**

This Great Principle is expressed in *Shapp v Butera*, 348 A.2d 910: **“Under the Constitution of the Commonwealth, all power is inherent in the people and no person or branch of government has any more power than is provided by that absolute framework of government.”**

Why is the statement about limited government important? If government is without limitation, then the people will surely be without liberty. If the liberty of the people is to continue, governments must be limited to defined, special authority.

The Great Principle of life, liberty and property of the people was noted in *EEOC v. Wyoming*, 460 U.S. 226, 270 (1983). **“It was also clear from the contemporary debates that the Founding Fathers intended the Constitution to establish a federal system. As James Madison, “the Father of the Constitution,” explained to the people of New York: “The powers delegated by the proposed Constitution to the Federal Government, are few and defined. ...**

“There can be no doubt that Madison's contemporaries shared this view. See, e. g., Letter of Roger Sherman and Oliver Ellsworth to the Governor of Connecticut (Sept. 26, 1787), reprinted in 3 Farrand, supra n. 2, at 99 (description of proposed Constitution) (The “powers [vested in Congress] extend only to matters respecting the common interests of the union, and are specially defined, so that the particular states retain their sovereignty in all other matters”).”

This Great Principle was further noted in *EEOC* of 1983 at Footnote 7: **In the first Resolution, Jefferson explained “[t]hat the several states composing the United States of America are not united on the principle of unlimited submission to their general government; but that, by compact, under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes, delegated to that government certain definite powers, reserving, each state to itself, the residuary mass of right to their own self-government; and that whensoever the general government**

assumes undelegated powers, its acts are unauthoritative, void, and of no force." Kentucky Resolution of 1798, reprinted in 4 J. Elliot, Debates on the Federal Constitution 540 (2d ed. 1863)."

Did you get the idea that the liberty of the people was of monumental importance? In fact, it could be said that liberty was the guideline – it was the “Great Principle” – by which all constitutions, law, and statutes were measured. Restraint of liberty was also said to be against public policy.

Whatever tends to restraint of liberty, commerce, and natural or legal right ... is against public policy and therefore void and not susceptible of enforcement.

Billingsly v. Clelland, 23 S.E. 812, 815

3 – LAW OF NATURE

Freedom and liberty mean operating within the law of nature, and of nature’s God. And that means loving your neighbor, doing what is beneficial to your neighbor. If one does wrong to his neighbor, the trial by jury is there to give a remedy or resolve the problem. Law is really quite simple; perversions of law and alteration of the natural order of things create confusion and chaos as volumes of statutes and codes fill the shelves of law libraries.

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If one may be wondering if there is a system of law that does recognize the will or laws of God and moral duties to correct or punish wrongs, and yet preserve liberty, the following information is provided for your contemplation.

LAW OF NATURE. The law of nature is that which God, the sovereign of the universe, has prescribed to all men, not by any formal promulgation, but by the internal dictate of reason alone. It is discovered by a just consideration of the agreeableness of human actions to the nature of man; and it comprehends all the duties which we owe either to the Supreme Being, to ourselves, or to our neighbors; as reverence to God, self-defense, temperance, honor to our parents, benevolence to all, a strict adherence to our engagements, gratitude, and the like...

A Law Dictionary, Bouvier, 1859

Man's laws being strengthless before God's laws (*Noy's Maxims*, 19,) consequently a human law directly contrary to the law of God, would be an absolute nullity. *Doctor & Student*, lib. 1, ch. 6. *Borden v. State*, 11 Ark. 519, 526 (1851)

In the supposed state of nature, all men are equally bound by the laws of nature, or to speak more properly, the laws of the Creator. They are imprinted by the finger of God on the heart of man. Thou shall do no injury to thy neighbor, is the voice of nature and reason, and it is confirmed by written revelation.

Samuel Adams, 1794, address to Massachusetts state legislature

COMMON LAW. That which derives its force and authority from the universal consent and immemorial practice of the people. A Law Dictionary, Bouvier, 1856

The common law is a system of rules which have been used by the universal consent and moral practice of the people, without receiving the express authority of the legislative power.

Institutes of American Law, John
Bouvier, 1851, Part 5, Title IX, No. 121

The “law” intended by the constitution is the common law that had come down to us from our forefathers, as it existed and was understood and administered when that instrument was framed and adopted. The framers of the constitution, and the people who adopted it, appreciated the protection afforded to life, liberty, property, and privileges, by the common law, and determined to perpetuate that protection by making its benign provisions in this respect the corner-stone principle of the fundamental law.

This construction is sustained by authority as well as principle. Judge Story says, “The clause ‘by the law of the land,’ in effect, affirms the right of trial according to the process and proceedings of the common law.” 3 Com. On Const. U.S. 2783. Tenny, J., in *Saco V. Wentworth*, 37 Maine, 171, says, “The ‘law of the land’, as used in the constitution, has long had an interpretation which is well understood and practically adhered to. It does not mean an act of the legislature.”

In Taylor v. Porter, 4 Hill, 145, Chief Justice Bronson says, “The words ‘law of the land,’ as here used, do not mean a statute.” *State of Maine v. Doherty*, 60 Me. 504, 509, 510 (1872)

[I]t was thought necessary to assume, in the utmost latitude, that the common law was the basis of our federal jurisprudence, as it was of the several States... But, although it is conceded that there is no express recognition or adoption of the common law, either in the Constitution or laws of the United States, it is contended that the Constitution pre-supposes, and is predicated upon the existence of the common law... Our law idiom is essentially of common law origin, yet not foreign.

Swift v. Tyson, 16 Pet. (U.S.) 1, 11-13 (1842)

The system of law in the several states was common law. The Constitution for the United States of America uses terms and concepts of the common law. It was firmly held that the common law was the best means of safeguarding the liberty of the people.

All grants of this kind [monopoly] are void at common law, because they destroy the freedom of trade, discourage labor and industry, restrain persons from getting an honest livelihood, and put it in the power of the grantees to enhance the price of commodities. They are void because they interfere with the

liberty of the individual to pursue a lawful trade or employment.

Butchers' Union Co. v. Crescent City Co.,
111 U.S. 746, 755-6 (1884), J. Field

It is generally recognized that the common law for men and women in the American states is founded upon the Holy Bible.

By the Common Law, and by the Bible, which is the foundation of the Common Law...

Wylly v Collins, 9 Georgia 223 (1851)

This system of religion (Christianity) is recognized part and parcel of the common law.

Shover v. The State, 10 English 263, Arkansas
Supreme Court Justice David J. Brewer

Christianity, general Christianity, is and always has been a part of the common law of Pennsylvania.

Sparhawk v. Union Passenger Railway,
54 Pa. (4 P.F. Smith) 401, 432 (1867)

As a matter of history, a man was once responsible for all harm done by animals or things which belonged to him regardless of his negligence. Mr. Justice Holmes sketches the development of this doctrine from Exodus xxi, 28, to comparatively recent years in *The Common Law*, pages 7-35.

Nash v. Lang, 167 N.W. 762, 764 (1929)

Christianity is part and parcel of the common law... Christianity has reference to the principles of right and wrong; to the obligations of natural justice; it is the foundation of those morals and manners upon which our society is formed: it is their basis. Remove this and they would fall, there would be no harmony, the law would be one of force.

City of Charleston v. Benjamin, 2 Strob. (S.C.) 508, 518 (1847)

The common law is not a law of force; it is merely the agreeable way things are done for a free people without the need or desire for legislative or executive decrees, and administrative rules or regulations. In other words, there is no superior human authority commanding them to act or not act in a particular manner. Within a common law system one finds *peace officers*, while in a different system of law you find *law enforcement officers*, where law is one of force.

Christianity is part of the common law of this state. It is not proclaimed by the commanding voice of any human superior, but expressed in the calm and mild accents of customary law. Its foundations are broad, and strong, and deep: they are laid in the authority, the interest, and affections of the people. Waiving all questions of hereafter, it is the purest system of morality, the firmest auxiliary, and only stable support of all human laws.

Updegraph v. Commonwealth, 11 Serg. & R. (Penn.) 394, 406, 407 (1824)

Liberty

The common law was important to the freedom and liberty of the people, and it has the backing of Holy truths and the Word of the Bible. With this information, you may wish to consider just who would be opposed to liberty for the people?

Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety.

Benjamin Franklin

Life without liberty is like a body without spirit.

Kahlil Gibran

Educate and inform the whole mass of the people... They are the only sure reliance for the preservation of our liberty.

Thomas Jefferson

By Byron Beers

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