

Superior Common Law Court

of the Utah Republic

Handbook and Procedural Manual

Organized by the People of the Utah Republic
in accordance with the unalienable rights given to us by our Creator,
and with the full power and authority indicated in Article VII of the Bill of Rights

Introduction

The Constitution for the United States of America requires that each State have a republican form of government. Since the People are the power and authority behind a republican form of government, it only follows that the People's Law, the Common Law, based on God's Laws, is the basis behind all laws in a republic.

The United States shall guarantee to every state in this union, a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence - Article IV, Section 4, Constitution for the United States of America

The definition of a "Republic" is as follows:

"Republic: A state in which the sovereign power resides in a certain body of the people (the electorate), and is exercised by representatives elected by, and responsible to, them;" - Webster's Collegiate Dictionary, Fifth Edition .

Over the past few years there has been a slow and steady drum beat of lies, distortions, and myths, concerning the Laws of God, and even God Himself. This attack on our Creator, His laws, and the unalienable rights He gave us, has been led by the Courts of this country, and is supported by the politicians we have elected, by the attorneys who serve in the civil courts, and by the news media, whose failure to report the truth has led to our current situation.

This has all been made possible through the lack of proper instruction about our responsibilities of protecting, defending, and honoring our sacred founding documents. We don't understand what our Founding Fathers gave us, because we have not been taught the truth.

Much of what has been said is centered on the validity of the system of Common Laws that our Founding Fathers adopted as the basis for the laws of this nation.

Over and over again we are told that the Common no longer exists and that anyone who talks about Common Law is some kind of a kook, or a nut. However, those who defame the Common Law cannot provide any information as to when or how Article 7 of the Bill of Rights was amended, or changed. The truth is, Article 7 has never been changed, and Common Law is still a the basis for all of the Laws of this Nation.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law. - Article VII, Bill of Rights

The banner on the web site for the U. S. Department of Justice declares:

"The common law is the will of mankind, issuing from the life of the people."

Common Law is the real thing. It is a real system of laws derived from centuries of work, of study, and of sacrifice by millions of people.

Common Law is the People's Law. It is designed to be administered by the People, for the sole benefit of the People. It preserves and protects the unalienable rights given to us by our Creator. It recognizes the equality of all men and women. Those who claim honors, or special privileges, have no place in Common Law.

Common Law is not trivial. It is not inconsequential as some would have you think. Common Law is what is most represented within Our Constitution, our Declaration of Independence, and Our Bill of Rights. Those documents were designed to limit, and to eliminate, the vicious Equity, Maritime or Admiralty Laws that our forefathers revolted against in our War of Independence from England.

Over and over again, the Supreme Court has recognized the validity, and the position, of the principles of Common Law within our daily lives.

Whether the jury was warranted in so finding or not is not a question for an appellate tribunal. That question cannot be reexamined by this Court. For the purposes of any examination of the case which it is competent for this Court to make under the Constitution of the United States and the laws of Congress, it must be assumed that the facts of the case have been correctly found by the jury. Repeated decisions of this Court have affirmed the doctrine, which is but a repetition of the constitutional provision upon the subject, that no fact tried by a jury shall be otherwise re-examinable in any court of the United States than according to the rules of the common law, and it is well known that the only modes known to the common law of reexamining the facts of a case after they have been found by a jury are the granting of a new trial by the court where the issue was tried, or to which the record was properly returnable, or by the award of a **venire facias de novo** by an appellate court, for some error of law which intervened in the proceedings. [62 U.S. 167] *Parsons v. Bedford*, 3 Pet. 447; *United States v. King*, 7 How. 845; *Richardson v. Doane*, 3 Dall. 102; *United States v. Eliason*, 16 Pet. 301; *Phillips v. Preston*, 5 How. 289. — *Barreda v. Silsbee* 62 U.S. (21 How.) 146 21 How. 146 (1858)

venire facias de novo: Practice. The name of a new writ of venire facias; this is awarded when, by reason of some irregularity or defect in the proceeding on the first venire, or the trial, the proper effect of that which has been frustrated, or the verdict become void in law: as, for example, when the jury has been improperly chosen, or an uncertain, ambiguous or defective verdict has been rendered. - *Bouvier's Law Dictionary - 6th Edition - 1856*

Not even the Supreme Court can review or re-examine a decision by a Common Law Jury, it has to go back to the Common Law Court that originally handled the case.

For those who think that Common Law is ancient law that no longer exists, consider the fact that the next citation is from a case that was heard by the Supreme Court in 1996.

But the practice of federal appellate reexamination of facts found by a jury is precisely what the People of the several States considered not to be good legal policy in 1791. Indeed, so fearful were they of such a practice that they constitutionally prohibited it by means of the Seventh Amendment.

That Amendment was Congress' response to one of the principal objections to the proposed Constitution raised by the Anti-Federalists during the ratification debates: its failure to ensure the right to trial by jury in civil actions in federal court. The desire for an explicit constitutional guarantee against reexamination of jury findings was explained by Justice Story, sitting as Circuit Justice in 1812, as having been specifically prompted by Article III's conferral of "appellate Jurisdiction, both as to Law and Fact" upon the Supreme Court. "One of the most powerful objections urged against the Constitution," he recounted, was that this authority "would enable that court, with or without a new jury, to reexamine the whole facts, which had been settled by a previous jury." *United States v. Wonson*, 28 F.Cas. 745, 750 (No. 16,750) (CC Mass).

The second clause of the Amendment responded to that concern by providing that, "in suits at common law . . . , no fact tried by a jury shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law." U.S.Const., Amendment 7. The Reexamination Clause put to rest "apprehensions" of "new trials by the appellate courts," *Wonson*, 28 F. Cas. at 750, by adopting, in broad fashion, "the rules of the common law" to govern federal court interference with jury determinations. The content of that law was familiar and fixed. "The common law here alluded to is not the common law of any individual state, for it probably differs in all, but it is the common law of England, the grand reservoir of all our jurisprudence;" *Dimick v. Schiedt*, 293 U.S. 474, 487 (1935) The Seventh Amendment "in effect adopted the rules of the common law, in respect of trial by jury, as these rules existed in 1791". It quite plainly barred reviewing courts from entertaining claims that the jury's verdict was contrary to the evidence.

At common law, review of judgments was had only on writ of error, limited to questions of law. See, e.g., *Wonson*, supra at 748; 3 W. Blackstone, *Commentaries on the Laws of England* 405 (1768). "The writ of error only lies upon matter of law arising upon the face of the proceedings; so that no evidence is required to substantiate or support it;" 1 W. Holdsworth, *History of English Law* 213-214 (7th ed. 1956); cf. *Ross v. Rittenhouse*, 2 Dall. 160, 163 (Pa. 1792) (McKean, C.J.). That principle was expressly acknowledged by this Court as governing federal practice in *Parsons v. Bedford*, 3 Pet. 433 (1830) (Story, J.). There, the Court held that no error could be assigned to a district court's refusal to allow transcription of witness testimony "to serve as a statement of facts in case of appeal," notwithstanding the right to such transcription under state practices made applicable to federal courts by Congress. This was so, the Court explained, because "the whole object" of the transcription was "to present the evidence here in order to establish the error of the verdict in matters of fact," *id.* at 445 -- a mode of review simply unavailable on writ of error, see

id. at 446, 448. The Court concluded that Congress had not directed federal courts to follow state practices that would change "the effect or conclusiveness of the verdict of the jury upon the facts litigated at the trial," id. at 449, because it had "the most serious doubts whether [518 U.S. 453] that would not be unconstitutional" under the Seventh Amendment, id. at 448.

This is a prohibition to the courts of the United States to reexamine any facts tried by a jury in any other manner. The only modes known to the common law to reexamine such facts, are the granting of a new trial by the court where the issue was tried, or to which the record was properly returnable; or the award of a venire facias de novo, by an appellate court, for some error of law which intervened in the proceedings. - Gasperini v. Center for Humanities, Inc. - No. 95-719, Argued April 16, 1996, Decided June 24, 1996, 518 U.S. 415

The truth is, The Constitution for the United States of America mentions three systems of law.

- Maritime, also known as Admiralty, or International Law
- Equity or Contract Law
- Common Law

Oliver Wendell Holmes, Jr., associate justice of the United States Supreme Court for over 30 years, draws an interesting conclusion from his years of study and research. He shows that all systems of law originated as a means of vengeance by the injured party against the aggressor.

Mr. Holmes explains that as far back as the Book of Exodus the doctrine of retribution is established.

- 28 ¶ If an ox gore a man or a woman, that they die: then the ox shall be surely stoned, and his flesh shall not be eaten; but the owner of the ox shall be quit.**
- 29 But if the ox were wont to push with his horn in time past, and it hath been testified to his owner, and he hath not kept him in, but that he hath killed a man or a woman; the ox shall be stoned, and his owner also shall be put to death.**
- 30 If there be laid on him a sum of money, then he shall give for the ransom of his life whatsoever is laid upon him. - Old Testament | Exodus 21:28 - 30**

Notice, in verse 30, that the owner is able to redeem his life with a sum of money. This is a very important option, as we will see later.

Rabbi, Yair Dividy, in his book *"The Tribes"* shows that the lost Tribes of Israel spread throughout Europe. They would have carried with them the laws to which they were accustomed, and, in fact, we do find laws that are very similar to the Biblical Laws coming from early German Law Books.

Greece and Rome also adopted similar laws and spread them throughout their empires.

Forms of these same laws were later adopted and enforced by the Catholic church. This further established these laws throughout Europe.

Eventually, the Roman Civil Laws and much of the Catholic Canon ruled the lives of the people over the entire European Continent.

An interesting change was made in the way the law was administered. In England, if a death occurred, the English King, claimed the thing that caused the death. Since this could be anything from a dagger, to a sword, to some farm animal, or a even a cart, it had the effect of bringing more wealth to the King. This was ultimately changed to where the instrument of death could be redeemed by a payment in money equal to the value of such instrument of death. Such payment went to the King.

God's law, as set forth in the Bible, was to help those who had suffered a damage cover their losses. This new change, with the money going to the "State" rewarded the state for the crimes of others, when the state had not been damaged.

Mr. Holmes used an example of a collision between two cargo ships. Under the English Admiralty Court, which gave rise to Admiralty or Maritime Law, the King was able to claim the ship that caused the collision along with its cargo.

Under Common Law only the person who is damaged is able to claim damages.

We strongly suspect that this is the primary reason why our Federal and State Courts are now operating under the provisions of Admiralty Law. Only under Admiralty Law can the Federal or State Government claim the fines that are imposed. It's a simple case of "Follow the Money."

Maritime Law is concerned with the code of conduct between the various nations of the earth. It has no power or authority over private individuals. Agreements and Treaties between the nations are not laws by which individuals are bound. Only governments and their agents are bound by Treaties.

The Constitution clearly states that all laws will be enacted by Congress, which body holds all of the Legislative Powers granted by the People. When the Constitution says "ALL," that's exactly what it means. Our Constitutions, both Federal and State, are laws that have been created by the People to control the actions of our government officers, and they say what they mean, and the mean exactly what they say.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. - Article 1, Section 1, Constitution for the United States of America

The Constitution also states that the Executive Branch, headed by the President, has the power to create Treaties with other nations, provided they are within the powers granted by the People. Giving the President the power to create Treaties does not violate the provisions of Article 1, Section 1 of the Constitution because Treaties are contracts between nations not legislative acts of a Congress. However, one of the checks and balances of our Constitution comes into play with the creation of Treaties. The Senate must approve the Treaty, and it cannot act beyond the powers granted by the People in their Constitution.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments. - Paragraph 2, Section 2, Article 2, Constitution for the United States of America

The requirement that treaties be must approved by the Senate is a very interesting concept. At the time the Constitution was written the Senators were appointed by the Legislature of each State, they were not elected by the People. Having the appointed representatives of the States approve of the treaties entered into, and the appointments proposed by the President, kept the States in control of the critical actions and activities of the Executive Branch. Now that the Senators are elected by the People they are more concerned with votes and re-election than they are with protecting the rights of their respective States. Changing the Constitution so the People elect the Senators destroyed a critical provision created by our Founding Fathers.

Treaties with other nations are administered under Maritime Law through the Supreme Court, and such inferior courts as the Legislature may create. Actions of Ambassadors and other government officials are subject to the Supreme Court.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; — to all Cases affecting Ambassadors, other public Ministers and Consuls; — to all Cases of admiralty and maritime Jurisdiction; — to Controversies to which the United States shall be a Party; — to Controversies between two or more States; — *between a State and Citizens of another State*;* — between Citizens of different States; — between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects. - Section 2, Article 3, Constitution for the United States of America

*** Modified by the 11th Amendment**

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

That's the sole powers granted to the Supreme Court.

The Supreme Court does not have the power to "Interpret" the meaning of the Constitution. It has no power to review any case from any other Court. And, the Controversies to which the United States shall be a Party applies only to those situations where the United States is involved in a case pursuant to the other powers that have been granted by the People.

Now let's look at that same paragraph, Section 2 of Article 3, of the Constitution for the United States of America in greater detail. We will go through it line by line to see exactly what powers have been granted to the Supreme Court.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution,

The only system of law the Federal Government has any power to administer under the Constitution is the Maritime, or International, Law. Therefore, the reference to law in this case means only International Law.

The reference to Equity refers to Equity Law, which is concerned with Contract resolution, and is so called because the early English Courts tried to decide contract cases in a manner so as to be equitable with the English Common Law.

the Laws of the United States,

The provision in the previous line that states "under this Constitution," when combined with the statement "the Laws of the United States" specifically restricts the Supreme Court to considering only that cases that properly fall within the powers granted by the People. These powers are defined in Article I, Section 8, and restrict the Legislature to creating laws only in those areas that are enumerated.

and Treaties made, or which shall be made, under their Authority;

Here again, only those treaties that have been properly entered into under the authority granted by the People.

— to all Cases affecting Ambassadors, other public Ministers and Consuls;

This is all in keeping with the power to function in international circles.

— to all Cases of admiralty and maritime Jurisdiction;

Further verification that the Federal Government can only function in Admiralty and Maritime Law jurisdiction.

— to Controversies to which the United States shall be a Party;

This is only logical. The Federal Government must be able to use the Supreme Court to settle controversies that have arisen pursuant to the its actions. As long as those actions have been in keeping with the properly authorized powers granted by the People this is not an extension of the powers granted to the Supreme Court.

— to Controversies between two or more States; — *between a State and Citizens of another State*;* — between Citizens of different States; — between Citizens of the same State claiming Lands under Grants of different States,

Since the Constitution is actually a treaty between the several States, it makes sense that any controversies between the States will be settled through the Supreme Court. It is impossible to take a controversy to one of the States and receive a fair hearing.

and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

And, this goes into international dealings.

Nothing in that paragraph says the Supreme Court has the power to interpret the meaning of the Constitution, or to have appellate review of the decisions rendered in matters concerning the actions of the People. In fact, the very next paragraph states that all trials, for all crimes, are to be held in the State where the crime is committed. Remember, the States are restricted to using Common Law.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed. - Paragraph 3, Section 2, Article 3, Constitution for the United States of America

Clearly, this states that the Trial of all Crimes shall be by Common Law Juries. Civil trial as called jury trials, but the jury has no ability to question the people before the court. In a Trial by Jury the members of the jury are referred to as Jurists and they question the people before the court and then render their decision. If you want to see a Common Law Court in action, simply look at the United States Supreme Court.

Civil court juries cannot, and do not rise to the provisions set forth by Common Law for a Trial by Jury.

Crimes not committed within the boundaries of a State will have occurred within the boundaries of a territory of the United States, in which case, Congress has the sole power to legislate as it sees fit, or will have been committed in International Territory, where again Congress is given the power to determine where the trial shall take place. Please note too, that even though Congress may determine where the trial will take place, they have no power to cause the trial to be anything other than a Common Law trial, which means Trial by Jury. At the time the Constitution was written, only Common Law Courts functioned with Juries.

Paragraph 3, Section 2, of Article 3 is a restriction against Congress and the Supreme Court trying to administer what rightfully belongs to the Common Law.

The Constitution prohibits the States from entering into Treaties. In essence this bars the States from using Maritime Law and restricts the States to the use of the Common Law.

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the obligation of Contracts, or grant any Title of Nobility. - Paragraph 1, Section 10, Constitution for the United States of America

When considered in conjunction with Article 7 of the Bill of Rights it is very clear that the Common Law Courts - the People's Law, and the People's Courts - hold all of the power and authority to deal with the crimes and punishment of the people.

Consider this 1985 statement by the U. S. Supreme Court.

"All codes, rules and regulations are applicable to the government authorities only, not human/Creators in accordance with God's laws. All codes, rules and regulations are unconstitutional and lacking in due process ..." Rodriques v Ray Donovan (U.S. Department of Labor), 769 F. 2d 1344, 1348 (1985)

The People are not subject to the codes, rules, and regulations created by our various levels of government. These are all unconstitutional and are not only lacking in due process, more than likely they are not enacted by the Legislature in accordance with the provisions of the several State Constitutions, or the Federal Constitution, and are therefore not binding upon the People. Even if the Legislature includes wording such that the rules may be written by the agency involved, it is unlawful, because the Legislature does not have the power to delegate its authority in any manner whatsoever. Only the government authorities are subject to the codes, rules, regulations, and the Executive Orders issued by the President, and by the various agencies of the government.

Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection and justifies no acts performed under it ; No one is bound to obey an unconstitutional law and no courts are bound to enforce it." 16 Am Jur 2nd Section 177

The laws arising under the Constitution are the Maritime, or International Laws. Congress is given no power to enact laws affecting the People.

Common Law is the time honored traditional system of law that was handed down to Moses when he was on Mount Sinai.

The Common Law Statutes

God's Law

We are now going to study the only system of law which was given by direct revelation from God. It is sometimes called the Law of the Covenant, but usually we refer to it as "God's Law." The Christian historian Eusebius says the gospel law which is centered in Christ was first revealed in the days of Adam.

Apparently each of the ancient patriarchs had this law, but it was recorded for the first time in our scriptures when it was put in the Torah (the books of the law) by Moses.

In the scripture it is referred to as the "perfect law." As the Psalmist says:

The law of the Lord is perfect, converting the soul: the testimony of the Lord is sure, making wise the simple. The statutes of the Lord are right, rejoicing the heart: the commandment of the Lord is pure, enlightening the eyes. - Old Testament - Psalms 19:7-8

Here we are told that the justice and goodness of God is reflected in his righteous commandments or God's law. They convert the soul. Furthermore, these commandments are so direct, so understandable, and so pure that anyone who proclaims and practices them is immediately perceived as being exceedingly wise even though by nature, he or she may be "simple" in both temperament and personal inclination.

We are assured that experience will teach us that the statutes of the Lord are truly inspired. They are right. They give us a sense of belonging to an orderly world which rejoices the soul. These commandments are also clear and pure so that they give us a sense of direction. They enlighten the eyes.

In summary, these passages suggest that one need not be schooled in the sophistry of legal lore to understand God's law. But one does need to know the law. As the Lord told Moses:

Teach them ordinances and laws ... shew them the way wherein they must walk, and the work that they must do. - Old Testament - Exodus 18:20

Today, probably not even one person in many thousands has gone through God's law carefully and methodically as you are doing in this present course of study. It is reassuring to know that a study of this law is in accordance with a commandment of God.

The Importance of Voluntary Obedience

Contrary to our corrupt system of Civil Laws, God's law is to be obeyed voluntarily rather than by compulsion. Therefore Moses read the entire law to his people and then we read:

Moses came and called for the elders of the people, and laid before their faces all these words which the Lord commanded him. And all the people answered together, and said, All that the Lord hath spoken we will do. And Moses returned the words of the people unto the Lord. - Old Testament - Exodus 19:7-8

When it says "Moses returned the words of the people unto the Lord," it simply means that they had heard the law, they understood the law, and they were willing to abide by it.

The People Were to Be Very Careful in Selecting Their Leaders

It will be recalled that the judges or "captains" were to be elected by each division of families. These families were divided by tens, fifties, hundreds, thousands, tens of thousands, etc., and Moses made it clear that he wanted the people to elect men of superb qualities.

Earlier, Moses was told by the Lord the type of men who should be elected judges. The Lord said:

And thou shalt teach them ordinances and laws, and shalt shew them the way wherein they must walk, and the work that they must do. Moreover thou shalt provide out of all the people able men, such as fear God, men of truth, hating covetousness; and place such over them, to be rulers of thousands, and rulers of hundreds, rulers of fifties, and rulers of tens: And let them judge the people at all seasons: and it shall be, that every great matter they shall bring unto thee, but every small matter they shall judge: so shall it be easier for thyself, and they shall bear the burden with thee. - Old Testament - Exodus 18:20-22

After the men had been taught the ordinances and the laws, then, and only then, were the righteous men to be chosen as judges.

The judges were to be "wise men, and understanding, and known among your tribes.

Take you wise men, and understanding, and known among your tribes, and I will make them rulers over you. - Old Testament - Deuteronomy 1:13

Judges and officers shalt thou make thee in all thy gates, which the LORD thy God giveth thee, throughout thy tribes: and they shall judge the people with just judgment. Thou shalt not wrest judgment; thou shalt not respect persons, neither take a gift: for a gift doth blind the eyes of the wise, and pervert the words of the righteous. - Old Testament - Deuteronomy 16:18-19

Judges are not to make decisions until after they have conducted a thorough investigation. They are to "inquire diligently" concerning the facts in each case.

Judges may not find a person guilty of a capital crime unless there are at least "two or three witnesses" who can prove his guilt. One witness is never sufficient. If proper witnesses cannot be found the prisoner must be released and left to the judgment of God, if he is guilty.

When a matter has been decided by a Common Law Jury it may not be appealed to any other Court in the Land. The matter has been settled. Honoring a judicial decree applies to everyone, especially to the complainants or the accused who might be inclined to object if the decision went against them.

Instructions to the Judges

It will also be recalled that Moses gave the following instructions to the first contingent of judges:

Hear the causes between your brethren, and judge righteously between every man and his brother, and the stranger that is with him. Ye shall not respect persons in judgment; but ye shall hear the small as well as the great; ye shall not be afraid of the face of man; for the judgment is God's: and the cause that is too hard for you, bring it unto me, and I will hear it." - Old Testament - Deuteronomy 1:16-17

On another occasion, Moses said:

Ye shall do no unrighteousness in judgment: thou shalt not respect [discriminate against] the person of the poor, nor honor the person of the mighty: but in righteousness shalt thou judge thy neighbor." - Old Testament - Leviticus 19:15

Under our Common Law System the Twelve Members of the Common Law Jury are the Judges of the case. They are referred to as Justices.

The Justices have the responsibility of selecting the appropriate penalty in each case.

The following statutes of God's Law list the maximum penalty but this is not mandatory.

The maximum penalty will only apply in extreme cases. That is why the justices are expected to apply whatever punishment is applicable to the circumstances of each case.

The Philosophy of Penology under God's Law

1. The object of each judgment is not to avenge the wrong, but to restore the victim or offended party to his original position as far as humanly possible. This is done by compensation for injuries suffered, loss of time at employment, the fear or other trauma to which the victim is subjected, or further damages appropriate to the circumstances. None of these fines or payments go to the court or to the government. Everything goes to the victim.

2. In addition to these damages, there could be punitive damages to discourage the offender from committing this offense in the future. Punitive damages also go to the victim.

3. In trespass cases, the offender must pay for whatever damages occurred plus one-fifth to discourage any trespass in the future.

4. The death penalty is mandatory for any premeditated or deliberate and intentional slaying of another. This is indicated in the following verse:

Moreover ye shall take no satisfaction for the life of a murderer, which is guilty of death: but he shall be surely put to death. - Old Testament - Numbers 35:31

Those who are sentenced to death will be turned over to the County Sheriff, who is the highest elected law enforcement officer in the County, for carrying out the sentence.

This scripture means that no "satisfaction" -- i.e. compensatory damages, labor, or goods -- can be worked out for a murderer. But in this same passage it clearly implies that "satisfaction" can be worked out for lesser offenses. This gives special meaning to the concept so frequently quoted:

Eye for eye, tooth for tooth, hand for hand, foot for foot, Burning for burning, wound for wound, stripe for stripe." - Old Testament - Exodus 21:24-25

In all of these offenses which did not involve the deliberate taking of human life, the offender is allowed to negotiate with the offended person to provide "satisfaction" so that he does not have to lose his eye, or be burned, or wounded, etc.

Ezra describes four devices by which the judges could compel an offender to provide "satisfaction" to his victim.

And whosoever will not do the law of thy God, and the law of the king, let judgment be executed speedily upon him, whether it be unto death, or to banishment, or to confiscation of goods, or to imprisonment. - Old Testament - Ezra 7:26

However, in the case of murder, a person could not be convicted unless there were at least two witnesses. The Lord said:

Whoso killeth any person, the murderer shall be put to death by the mouth of witnesses: but one witness shall not testify against any person to cause him to die. - Old Testament - Numbers 35:30

If there was only one witness and the accused did not confess, the judges would be required to release the prisoner unless someone came forth as a "corroborating" witness. Today, the second witness is often a crime laboratory technician testifying concerning hairs, fibers, blood or fingerprints at the scene of the crime which testifies against the offender. Of course, sometimes the testimony and items of evidence will not convince the jury and the offender is turned loose. But as we mentioned earlier this does not mean that the offender is "getting away with his

or her crime." It simply means that the offender's guilt and punishment is being left up to the judgment of God either in this life or the life to come.

When a fine is imposed on an individual and he, or she, refuses to pay, the justices may have him delivered to the County Sheriff for incarceration till he, or she, should pay all that is due.

It will be noticed that Ezra refers to banishment. This was the penalty when a person tried to destroy the culture of God's law and behaved like a heathen. When the offender refused to respond to love and persuasion, the judge could sentence him to live with the heathens and make the threat of death the penalty if he ever tried to return and continue corrupting God's people. In our day, this would more than likely be a sentence of incarceration.

The Major Offenses under God's Law

In the following codification we have endeavored to make it easy to find any provision of the law by listing each item alphabetically according to the type of offense. We have also tried to make each provision more readily understood in a modern context by adding a brief commentary where needed.

Even though some of the offenses in our list may not apply in today's world, they are included in order to more clearly show the mind of God. Therefore, hear the law of the Lord.

Abortion

The Law of the Covenant provided protection for both the mother and the unborn child:

If men strive, and hurt a woman with child, so that her fruit depart from her, and yet no mischief follow: he shall be surely punished, according as the woman's husband will lay upon him: and he shall pay as the judges determine. And if any mischief follow, then thou shalt give life for life. - Old Testament - Exodus 21:22-23

However, the judges would probably rule that the mother's death was not intentional and therefore the death penalty would not be mandatory. This leaves a wide range of penalties which the judges might impose to fit the circumstances and allow the offender to save his life. For example,

If there be laid on him a sum of money, then he shall give for the ransom of his life whatsoever is laid upon him. - Old Testament - Exodus 21:30

Adultery

See also: Fornication, Idolatry, Incest, and Rape.

Adultery is defined as an act of unlawful sexual intercourse between a married person and one of the opposite sex, whether married or single. Here are the commandments relating to this offense.

Thou shalt not commit adultery. - Old Testament - Exodus 20:14

He that committeth adultery with his neighbor's wife, the adulterer and the adulteress shall surely be put to death. - Old Testament - Leviticus 20:10

However, as we have mentioned, death is not mandatory. The justices have a number of options to provide a semblance of justice between the parties.

Nevertheless, as we shall see later, the threat of death is included for adultery in case the offenders are so profligate that the judges feel they should be forcibly banished from the community. The parties are told that if they remain in the community after a certain date, it will be at "the risk of their lives."

In John 8:3-11 a woman was taken in adultery and brought to Jesus. Her accusers reminded Jesus that the penalty for adultery could be stoning, but the Romans did not allow a person to be put to death for this type of offense. The scripture says they were "tempting him," because if he said to stone her, the Romans would arrest him. If he said not to stone her the accusers would say he was against Moses. But Jesus did not answer. In the first place there was something wrong with this situation because the accusers brought only the woman. The law required that both offenders -- the woman and the man -- be brought before the judge. But Jesus was not interested in technicalities. He had something more important to teach these "tempters."

He said, "He that is without sin ... let him first cast a stone at her." Then he stooped down and made markings in the dust of the pavement. One by one her accusers crept away. Then Jesus asked the woman, "Woman ... hath no man condemned thee? She said, "No man Lord, and Jesus said unto her, Neither do I condemn thee; go, and sin no more."

A modern translation adds a significant postscript that is not in the King James Version. It says: "And the woman glorified God from that hour, and believed on his name." So that is the happy ending to this story.

Animals: Responsibility of Owner

Many of us have lived in a country community and can vividly remember how frightening it was to have a mean bull escape onto the streets of the town. We may have even had a neighbor that had a mean rooster that would often attack children. Then there were stray cows and horses that would ruin our gardens or get into grain fields. The fixing of responsibility for the control of domestic animals involves a whole series of situations. God's law guided the judges as follows:

If an ox gore a man or a woman, that they die: then the ox shall be surely stoned, and his flesh shall not be eaten; but the owner of the ox shall be quit. - Old Testament - Exodus 21:28

In other words, it was treated as an accidental death that was to be occasionally expected from this type of animal. People were expected to be cautious in protecting themselves and their children from these neutered bulls which were often ill-tempered. God's law continued:

But if the ox were wont to push with his horn in time past, and it hath been testified to his owner, and he hath not kept him in, but that he hath killed a man or a woman; the ox shall be stoned, and his owner also shall be put to death. If there be laid on him a sum of money [in lieu of death], then he shall give for the ransom of his life whatsoever is laid upon him. - Old Testament - Exodus 21:29-30

The same rules apply to the goring of a child by an ox. If the ox attacked an employee or a servant, the law said:

If the ox shall push a manservant or a maidservant; he shall give unto their master thirty shekels of silver, and the ox shall be stoned. - Old Testament - Exodus 21:32

Then there is the situation where one ox attacks the ox of another. The law read:

And if one man's ox hurt another's, that he die; then they shall sell the live ox, and divide the money of it; and the dead ox also they shall divide. Or if it be known that the ox hath used to push in time past, and his owner hath not kept him in; he shall surely pay ox for ox; and the dead shall be his own. - Old Testament - Exodus 21:35-36

Another problem relates to stray animals or letting animals feed in another person's field:

If a man shall cause a field or vineyard to be eaten, and shall put in his beast, and shall feed in another man's field; of the best of his own field, and of the best of his own vineyard, shall he make restitution. - Old Testament - Exodus 22:5

if this offense includes a deliberate trespass, by putting the animals in another's field, there was not only the payment of damages but an additional penalty of one-fifth to discourage the offender from repeating such depredations in the future.

Of course, in our day we will be more likely to be dealing with pets, than with farm animals, but this gives a guideline to follow.

Appeals

Since Israel was organized in a hierarchy of tens, fifties, hundreds, thousands, etc., there was a direct line of appeal to insure the highest quality of justice possible. However there was also a provision to prevent the system from being abused or the final decision from being ignored or rejected. Here is what the law provided:

If there arise a matter too hard for thee in judgment, between blood and blood, between plea and plea, and between stroke and stroke, being matters of controversy within thy gates: then shalt thou arise, and get thee up into the place which the Lord thy God shall choose; And thou shalt come unto the priests the Levites, and unto the judge that shall be in those days, and inquire; and they shall shew thee the sentence of judgment: And thou shalt do according to the sentence, which they of that place which the Lord shall choose shall shew thee; and thou shalt observe to do according to all that they inform thee: According to the sentence of the law which they shall teach thee, and according to the judgment which they shall tell thee, thou shalt do: thou shalt not decline from the sentence which they shall shew thee, to the right hand, nor to the left. And the man that will do presumptuously, and will not hearken unto the priest that standeth to minister there before the Lord thy God, or unto the judge, even that man shall die: and thou shalt put away the evil from Israel. - Old Testament - Deuteronomy 17:8-12

This simply provides that a person can appeal clear up to the final authority if necessary, but once the final decree has been issued it has to be honored and carried out. It was a capital crime to stir up a mob against the final decree or refuse to carry it out.

Notice that this mandate applied to the decisions of a lower court that had been overruled on appeal. The lower justices were duty-bound to accept the final decision or suffer the consequences.

We too have a hierarchy established.

Each neighborhood should have its own Common Law Court for handling the cases that may come before the neighbors. The decision of this Court can be appealed to the Community Common Law Court, which can be taken to the County Common Law Court, and finally the State Common Law Court.

Remember, Article 7 of the Bill of Rights says that all decisions by a Common Law Jury must be appealed through Common Law Courts.

Arrest: Authority for

Officers were authorized to arrest offenders and put them "in ward" (in a watched-over place) or in custody until the final disposition of a case.

And they put him in ward, that the mind of the Lord might be shewed them. - Old Testament - Leviticus 24:12

And they put him in ward because it was not declared what should be done to him. - Old Testament - Numbers 15:34

It is also part of God's Law that any person, or group of citizens, who catch a person in the act of committing an offense can seize that person and bring him, or her, before the justices. This is called a "citizen's arrest." Two things were required for this type of arrest:

- The person seizing the offender had to be an actual witness to the offense.

- The person or group of persons who witnessed the crime had to be strong enough to immobilize the offender and take him into custody. Otherwise regular officers have to be summoned.
-

Arson or Fire-setting

Arson is defined as deliberately setting fire to the property of another person or setting fire to one's own property to collect insurance.

In ancient Israel there was no insurance, but it was customary for the neighbors to help build a new house or barn if one burned down. Of course, if a man burned down his barn or house just to get a new one, it would be arson and he would be punished instead of helped.

However, the more common problem was accidental fires:

If fire break out, and catch in thorns, so that the stacks of corn, or the standing corn, or the field, be consumed therewith; he that kindled the fire shall surely make restitution. - Old Testament - Exodus 22:6

Any of the more serious punishments will apply if the arsonist proves to be a pathological fire-bug, or loss of life results from the fire. The motive of revenge would also give the fire a criminal element which the justices would have to take into consideration in selecting the appropriate punishment.

One of the most dangerous types of arsonists is the psychopath who sets fire incidental to his sexual activities. These are extremely difficult "fire-bugs" to detect and they can destroy millions of dollars worth of property. Then there are "serial arsonists" like the one in California who went down the coast setting fires as he went. The damages were estimated at two billion dollars. The psychopathic arsonist tends to boast to someone what he has done and this is the principal means by which they are caught.

Assassination

See also: Murder.

This offense generally refers to the murder of a ruler or high official in the government. It is often employed by those who want to overthrow the government or terminate the administration of a particular party. In ancient times this was the most prevalent device employed by the "secret combinations" to seize political power or, as with the modern mafia, punish those who did not obey the orders of the secret band of leaders.

One of the greatest accomplishments of modern popular governments has been the "peaceful transfer of power." Nevertheless, in the United States there have been four presidential assassinations: Lincoln in 1865, Garfield in 1881, McKinley in 1901, Kennedy in 1963, and an attempted assassination of President Reagan in 1981.

In contrast to this consider the Roman Empire. Of the first 47 emperors, 24 were assassinated.

Assault

See: Battery.

Asylum

In ancient Israel, there were six cities set aside where fugitives could flee for safety until the charges against them could be adjudicated.

Down through the ages it has been terribly destructive to any society if the people begin feuding among themselves. This is where the offended parties take the law into their own hands. Mobs of vigilantes may also roam across the land doing the same thing.

People are tempted to do this where they feel the judicial process is too slow or the offender will get away without being adequately punished.

To discourage feuding, the Lord set it up so that a person suspected of a crime could flee to a city of asylum and remain there in safety until "due process" could be arranged. This whole process is carefully set forth in Deuteronomy, chapter 19.

In modern times the Nazis, Soviets and Communist Chinese have waged genocidal warfare against minorities and dissidents in their own countries, millions have been slaughtered. Any individual who could escape was offered political asylum in America, England, France, Switzerland, and certain other countries. Among the German-Jewish refugees were some of the foremost scientists who developed the atomic bomb that helped win World War II. Of those who did not escape, four to six million were sent to gas chambers or otherwise executed.

Banishment

See also: Enforcement of the Law, Penalties.

The object of law in a civilized country is to insure the peace and security of its inhabitants. Individual offenses are punished as they occur. However, when the pattern of the offenses become so frequent or so flagrant that the offender was considered a perpetual threat to the community it was not unusual to permanently banish (the Hebrew word is "root out") the offender from that region. Banishment was always accompanied by a declaration that if the person returned he would be killed.

Banishment was also frequently associated with the confiscation of property and the loss of the offender's inheritance.

Ezra mentions banishment as one of the remedies for the violations of God's law, and it is believed that since nearly all of the offenses which would destroy a Zion society carry the ultimate punishment of death, we have concluded that the intent of the Lord was to employ the threat of death to enforce the decree of banishment. As we go through the statutes of the law it will be observed that some rather minor offenses carry the maximum penalty, but this would only be justified where these minor offenses (such a violating the sabbath) have become so flagrant that the offender is spreading a spirit of rebellion and defiance which is inimical to the survival of a godly society. Under such circumstances a judgment of banishment under threat of death may then be the only viable remedy. In fact, it is likely in most cases where the judges make such a decisive pronouncement there will be electrifying motivation for some speedy repentance.

Battery

Battery is defined as the unlawful beating of another.

And if men strive together, and one smite another with a stone, or with his fist, and he die not, but keepeth his bed: If he rise again, and walk abroad upon his staff, then shall he that smote him be quit: only he shall pay for the loss of his time, and shall cause him to be thoroughly healed. - Old Testament - Exodus 21:18-19

Of course, such an altercation could result in much more serious consequences, and even result in the death of the victim. After considering all the circumstances, the justices would have to determine whether it was an accidental death provoked by an unexpected quarrel, or whether it was a deliberate attempt by the assailant to commit murder from the beginning.

The Law of the Covenant made rather generous allowances for violence occurring during the heat of a quarrel, but if there was evidence of a premeditated taking of life, death would be mandatory.

Bestiality

Bestiality is defined as sexual relations between mankind and an animal. This was one of the characteristics of pagan practices in some countries and was sometimes associated with idolatry. For this reason it was looked upon as extremely offensive to God and a threat to the entire culture of Israel. The Lord said:

Ye shall not walk in the manners of the nation, which I cast out before you: for they committed all these things, and therefore I abhorred them. - Old Testament - Leviticus 20:23

There were many things God abhorred among the heathens but bestiality was among the worst. The Lord told Moses:

Whosoever lieth with a beast shall surely be put to death. - Old Testament - Exodus 22:19

Neither shalt thou lie with any beast to defile thyself therewith: neither shall any woman stand before a beast to lie down thereto: it is confusion. - Old Testament - Leviticus 18:23

And if a man lie with a beast, he shall surely be put to death: and ye shall slay the beast. - Old Testament - Leviticus 20:15

The beasts were slain because often they had been trained to perform obscene acts.

And if a woman approach unto any beast, and lie down thereto, thou shalt kill the woman, and the beast: [Concerning the slaying of the beast, see the citation above.] They shall surely be put to death; their blood shall be upon them. - Old Testament - Leviticus 20:16

In certain situations the justices might allow some leniency where the offender is a young person or a first time offender and is bitterly remorseful for what had happened. In that case the justices have the option of allowing the offender to ransom his or her life as provided in Exodus 21:30.

In most cases, however, these offenses were considered to be such serious acts of debauchery that the death penalty was promptly administered, or, in fear of his life, the offender fled and became a permanent exile in some other region or country.

In modern times sexuality with animals has been associated with a number of scandals involving motion picture stars and habitual degenerates.

Blasphemy

Blasphemy is defined as any speech, act, portrayal, or device, which defames God.

And he that blasphemeth the name of the Lord, he shall surely be put to death, and all the congregation shall certainly stone him. - Old Testament - Leviticus 24:16

Idolatry (the worship of false gods) was considered a form of blasphemy and the penalty was death although the person could ransom his or her life under Exodus 21:30.

Jesus was accused of blasphemy when he said he could forgive sin; when he said he was the Son of God; also when he said they would someday see him "sitting on the right hand of power, and coming in the clouds of heaven.

Jesus was also accused of blasphemy when he said he could destroy "this temple" [meaning his body] and rebuild it in 3 days. Stephen was accused of blasphemy and stoned because he said he beheld a vision in which he saw the Son of Man standing on the right hand of God.

The apostles accused the people of Jerusalem of blasphemy for the way they treated Jesus and his disciples.

Of course, the penalty of death is not only not mandatory but would be considered to be extreme. Even the prosecution of someone for Blasphemy would seem to be severe. Any of the lesser punishments could be invoked which we mentioned under "penalties." It's up to the justices to determine what is appropriate.

Bond Servant

See: Servitude.

Borrowing

See also: Lending.

Borrowing was not begging. It was requesting money or the use of some animal or thing with the promise that the same would be returned in as good a condition as when it was borrowed:

And if a man borrow ought of his neighbor, and it be hurt, or die, the owner thereof being not with it, he shall surely make it good. - Old Testament - Exodus 22:14

However, if a man were hired to plow a field or perform some other service, and his animals were hurt or killed, the employer would not be held responsible since the risk of such injuries was included in the amount of the hire. The law stated:

But if the owner thereof be with it, he shall not make it good: if it be an hired thing, it came for his hire. - Old Testament - Exodus 22:15

The Psalms pronounced a judgment on those who borrowed but did not repay:

The wicked borroweth, and payeth not again. - Old Testament - Psalms 37:21

And the law provided stringent remedies to see that the delinquent borrower did pay:

And his lord was wroth, and delivered him to the tormentors [whip masters] till he should pay all that was due. - New Testament - Matthew 18:34

Of course we no longer use whipping as a punishment. However, another option is the confiscation of the goods or property of the debtor.

Breach of Trust

See: Embezzlement.

Bribery

Bribery is defined as giving money, goods, or promising some special advantage to induce a person to do something illegal or contrary to his will.

And thou shalt take no gift: for the gift blindeth the wise, and perverteth the words of the righteous. - Old Testament - Exodus 23:8

The penalty for bribery was left to the discretion of the judges. And, in our case will be left to the discretion of the justices.

If it involves a judge or some official of any kind it should mean immediate removal from office. There may also be heavy fines, or confiscation of property. In extreme cases there could be incarceration.

Bribery constitutes the most prevalent cause of corruption in governments and commercial institutions today. However, it is usually excused as merely "doing favors" and winning "good will" with one another.

For example, a contractor gives a building inspector a case of whiskey and asks him to overlook certain deficiencies. Is this bribery?

A politician promises certain special interest groups to pass laws giving this group subsidies or taxpayers' money or "entitlements" if they will vote for him.

A President tells a congressman he needs his vote on a certain bill and will give him no help at the next election unless he votes in favor of the bill the congressman had intended to oppose.

Bribery comes in many forms and flavors.

Burglary

Burglary is defined as the act of breaking into any building at any time to commit a theft or other felony.

Thou shalt not steal. - Old Testament - Exodus 20:15

If a thief be found breaking up [or breaking into a building], and be smitten that he die, there shall no blood be shed for him. - Old Testament - Exodus 22:2

In other words, it is considered an excusable homicide.

The next verse makes it clear that this is referring only to the killing of a burglar at night because it says:

If the sun be risen upon him, there shall be blood shed for him; for he should make full restitution; if he have nothing, then he shall be sold for his theft. - Old Testament - Exodus 22:3

In other words, if the burglary occurs in the daytime the thief can be identified and a restitution made by him. At nighttime the burglar cannot be identified and the property owner has no remedy. Therefore, slaying the burglar at night was an excusable homicide whereas deliberately slaying a burglar in the daytime was an unlawful killing unless, of course, it was done in self defense.

As we have mentioned earlier, a householder who slew a burglar in broad daylight must make restitution to his family for the unnecessary slaying of the burglar. The point here is that human life is sacred, and if the burglar could be identified and arrested there was no need to kill him. Nevertheless, circumstances in each case would be evaluated by the judge and justice rendered according to the facts.

Police records show that modern burglars often pose more of a threat to a home than merely stealing money and goods. Often when burglars find a woman alone or even a couple alone, they will sexually assault the woman and often beat the man senseless. Security against burglaries in our day means much more than merely protecting property.

Business Ethics

The instinct to violate business ethics is primarily greed, and there is no greater remedy than a conversion and a commitment to the Golden Rule. But in the absence of that, the moment a party to a transaction treats the other party differently than he would like to be treated himself, the temptation of fraud arises.

The Lord was very specific in referring to fraud. He said:

Thou shalt not defraud thy neighbour, neither rob him: the wages of him that is hired shall not abide with thee all night until the morning. - Old Testament - Leviticus 19:13

Then he went on to say:

Ye shall do no unrighteousness in judgment, in meteyard, in weight, or in measure. Just balances, just weights, a just ephah, and a just hin, shall ye have. - Old Testament - Leviticus 19:35-36

Later he emphasized the same point when he said:

Thou shalt not have in thy bag divers weights, a great and a small. Thou shalt not have in thine house divers measures, a great and a small. But thou shalt have a perfect and just weight, a perfect and just measure shalt thou have.... For all that do such things [as using dishonest weights and measures], and all that do unrighteously, are an abomination unto the Lord thy God. - Old Testament - Deuteronomy 25:13-16

It will be noted that the penalty is left to the discretion of the justices in all of these violations. The first rule will require complete reparation to the victim. The second rule will be an appropriate punishment to discourage the offender from repeating the offense. This could be in the form of fines, confiscation of property, or even incarceration in extreme cases.

Children: Their Rights and Responsibilities

The rights of children and the responsibilities of parents toward children are emphasized all through the scriptures. This includes important responsibilities of adults toward children other than their own. The scriptures state:

Thou shalt not avenge, nor bear any grudge against the children of thy people, but thou shalt love thy neighbour as thyself. - Old Testament - Leviticus 19:18

The rights of children are unalienable just as the God-given rights of their parents are unalienable. Members of the community were forbidden to punish children to get even with their parents or vice versa:

The fathers shall not be put to death for the children, neither shall the children be put to death for the fathers: every man shall be put to death for his own sin. - Old Testament - Deuteronomy 24:16

As children grew to maturity the Mosaic law required that they begin to assume responsibilities and conduct themselves according to the laws their parents had taught them. It is interesting that as soon as children reached "the age of accountability" (usually around eight) they were treated as adults where crimes were concerned. Judges might ameliorate the punishment because of youthfulness, but as far as the child was concerned, he or she knew that the full requirements of the law might be imposed upon them.

Special provisions were made for the criminal delinquent who became "stubborn and rebellious," and was a "glutton and a drunkard." The penalty for such defiant profligacy was death, providing, of course, the parents who were witnesses against him would cast the first stone.

As might be expected, there is no single instance recorded where this extremity was ever used, nevertheless, every son of Israel knew that it was a most serious offense to rebel against parents because it was a capital crime.

Juveniles were forbidden by God to hold their parents in disdain as many do in modern times.

The Lord required parents to teach their children eternal truths throughout their lives:

And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up. - Old Testament - Deuteronomy 6:7

Parents were to teach their children religious history so they would understand the purposes of God in giving certain commandments to the people and also help them understand why certain rituals and procedures were to be followed:

And when thy son asketh thee in time to come, saying, What mean the testimonies, and the statutes, and the judgments, which the Lord our God hath commanded you? Then thou shalt say unto thy son, We were Pharaoh's bondmen [slaves] in Egypt; and the Lord brought us out of Egypt with a mighty hand: and the Lord shewed signs and wonders, great and sore, upon Egypt ... and he brought us out from thence....And the Lord commanded us to do all these statutes, to fear the Lord our God, for our good always, that he might preserve us alive.... And it will be our righteousness, if we observe to do all these commandments before the Lord our God, as he hath commanded us. - Old Testament - Deuteronomy 6:20-25

Child Abuse

See also: Incest, Idolatry, Homosexuality.

Among pagan or apostate societies many children were subject to the most egregious cruelty, abuse and neglect. Historical records are replete with the gross mistreatment of children that are abhorrent to contemplate. When the Israelites apostatized, the prophets scorched them for their inhuman treatment of their children:

Yea, they sacrificed their sons and their daughters unto devils, and shed innocent blood, even the blood of their sons and of their daughters, whom they sacrificed unto the idols of Canaan: and the land was polluted with blood. - Old Testament - Psalms 106:37-38

Apostate Israelites received the wrathful curse of God for having their children burned alive in the red hot arms of Molech, a pagan idol with a furnace in its belly and hollow arms in which a child could be roasted. The mandate of the Lord proclaimed his law:

Thou shalt not let any of thy seed pass through the fire to Molech. - Old Testament - Leviticus 18:21

The exploitation of children in torturous forced labor, putting their daughters out to harlotry, or emasculating their sons to bring a higher price as slaves, were all part of the degradation of children during the days of Israel's apostasy.

But the deepest dungeons of hell were reserved for parents or other adults who sexually desecrated little children. God has given children into the custody of parents as a special gift from heaven. They are to be taught, trained and raised up to be righteous servants of the Most High. Any adults who violate that trust come under the same denunciation as that which Jeremiah pronounced when he said:

Forgive not their iniquity, neither blot out their sin from thy sight, but let them be overthrown before thee; deal thus with them in the time of thine anger. - Old Testament - Jeremiah 18:23

Children: Their Age of Accountability

Through the ages there has been a tendency to excuse the criminal conduct on the part of children or youths because it was assumed their misconduct was the result of inexperience or poor judgment. Even today this is the view of the school of Behavioral Psychology.

These scholars tend to blame crime and violence on "society" rather than individuals. Under this philosophy the people passed the Juvenile Delinquency Acts giving every state in the country a system of juvenile courts where the youth are assigned even if they have committed a violent adult crime. Too often these courts brushed aside violent crimes by children and youths or punished them very lightly.

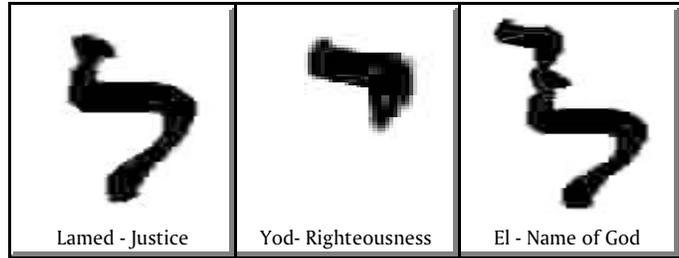
But it didn't work.

This policy of leniency and tolerating robberies, arson, muggings, rapes, drive-by shootings and even murders has produced the highest crime rate in the world. Some have come to feel that our entire civilization has reached an advanced state of decay.

It is interesting that God's law concerning children takes an entirely different approach.

According to God's law a child may be mischievous or a trouble maker, but no "sin" is attributed to that child by the Lord until after he or she has reached the age of accountability.

For the ordinary, normally developed child this has been designated by the Lord as age eight. This means that a child is "officially" innocent of any misbehavior until age eight even though the parents may have been held responsible for the child's injuries or damages to others.



Nevertheless, by the age of eight every child should clearly understand that any misconduct or violations of God's commandments in the future will come under the direct scrutiny of the justices as well as the heavens. The scripture says:

No one can be received ... unless he has arrived unto the years of accountability before God, and is capable of repentance. - Doctrine and Covenants 20:71

And again:

Their children shall be baptized for the remission of their sins when eight years old, and receive the laying on of hands. And they shall also teach their children to pray and to walk uprightly before the Lord. - Doctrine and Covenants 68:27-28

Making certain that children understand God's law becomes extremely important because under this system, all violations are adult violations.

At least "a violation is a violation" and there are no "juvenile" crimes as such.

Of course, when it comes to punishment or having the youthful offender provide "satisfaction" to the victim, the justices will take the age and experience of the offender into consideration.

Contracts

A contract is a compact or covenant between two or more people to do something which is enforceable under the law.

When an Israelite made a vow or contract, he was under a religious obligation as well as a legal duty to fulfill it:

If a man vow a vow unto the Lord, or swear an oath to bind his soul with a bond; he shall not break his word, he shall do according to all that proceedeth out of his mouth. - Old Testament - Numbers 30:2

In the Hebrew Alphabet each letter has a specific meaning. The letter that signifies Justice is the Lamed - also referred to as the Whip, or the Ox Goad. The letter that signifies Righteousness is the Yod - also referred to as the Hand, or the Hand of Righteousness. When you combine the Yod with the Lamed, as shown at the right, it spells El - one of the Hebrew names for God.

The name is pronounced Ayle. Those who are familiar with Jewish Traditions and the Jewish Religion, as well as those readers who have been through the Mormon Temple should immediately recognize this name of God.

Each time we raise our right hand to take an oath we spell the name of God with our body.

A vow by a minor could be disavowed by a father so that conniving people could not take advantage of a youth.

If a wife made a vow or contract, it could be disavowed by her husband for the very practical reason that in all likelihood he would have to provide the money or otherwise help fulfill the vow.

However, if the husband learns of the vow and keeps silent it is assumed that he has confirmed the vow made by his wife, and he will therefore be required to fulfill agreement if his wife does not.

Cults: Religious and Fraternal

A cult usually refers to a group who have become obsessed in their attachment to a person, a principle, or an idea which is extreme or bizarre, perhaps even hostile to the community or the country.

Cults are known for their signs, fraternal signals and sometimes their dress and hair styles.

It was customary among some of the heathens to identify themselves with fellow-cultists by cutting their hair and beards in a round style. Herodotus makes special mention of those who worshipped Bacchus by shaving or cutting their hair "round."

Concerning this the Lord says:

Ye shall not round the corners of your heads, neither shalt thou mar the corners of thy beard. - Old Testament - Leviticus 19:27

Another heathen custom which still prevails among many primitive peoples was cutting the flesh to show remorse for the death of a relative or friend. In Borneo the natives still cut off joints of fingers as funeral offerings. Often children are badly maimed before reaching adolescence because of this practice.

Another practice condemned by the Lord was tattooing or marking the body with elaborate religious symbols. The Lord declared:

Ye shall not make any cuttings in your flesh for the dead, nor print any marks upon you: I am the Lord. - Old Testament - Leviticus 19:28

Our Founding Fathers were well aware of the problems that could be caused by cults. On four different occasions they wrote provisions that would ban those who belonged to cults from holding any office of trust or profit under the laws of any of the States or the Federal government.

"Titles of nobility" were prohibited in both Article VI of the Articles of Confederation (1777) and in Article I, Sections 9 and 10 of the Constitution for the United States (1787);

No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, Prince or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept any present, emolument, office or title of any kind whatever from any King, Prince or foreign State; nor shall the United States in Congress assembled, or any of them, grant any title of nobility. – Article VI, Articles of Confederation

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State. – Article I, Section 9, Constitution for the United States of America

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility. – Article I, Section 10, Constitution for the United States of America

Although already prohibited by the Constitution, an additional "title of nobility" amendment was proposed in 1789, and again in 1810, known as the 13th Amendment.

The Founding Fathers wanted an Amendment that provided a punishment for those who defied the Law. The 1810 Amendment was properly ratified by the States and thus became a part of the Constitution, and thereby the law of the land.

Clearly, the founding fathers saw such a serious threat in "titles of nobility" and "honors" that anyone receiving them would forfeit their citizenship, and never again be able to hold any office in either the federal government or any of the several State governments.

Since the government prohibited them several times over four decades, and went through the amending process (even though "titles of nobility" were already prohibited by the Constitution), it's obvious that this Amendment carried much more significance for our Founding Fathers than is readily apparent today.

In Colonial America, lawyers trained lawyers but most held no "title of nobility" or "honor". There was no requirement that one be a lawyer to hold the position of district attorney, attorney general, or judge; a citizen's "counsel of choice" was not restricted to a lawyer; there were no state or national bar associations. The only organization that certified lawyers was the International Bar Association (IBA), chartered by the King of England, headquartered in London, and closely associated with the international banking system. Lawyers admitted to the IBA received the rank "Esquire" -- a "title of nobility".

Just holding a Title of Nobility is not the basic problem. The problem lies in the Oath that accompanies the granting of the Title. Remember, you never get anything for nothing. The Oath requires strict allegiance to the codes of the "Bar" Association. Even today, an Attorney's first obligation is not to his, or her, client, but to the court. This creates an immediate conflict of interest, because the Attorney has accepted payment from the client.

No man can serve two masters: for either he will hate the one, and love the other; or else he will hold to the one, and despise the other. Ye cannot serve God and mammon. – New Testament | Matthew 6:24

Most State Constitutions require that the members of the State Supreme Court and the office of Attorney General be held by members of the "Bar." This provision of the State Constitution is unlawful and unconstitutional pursuant to the True Constitution for the united States of America.

Why do We, the People of the United States of America, have to be subjected to a provision that forces us to elect people who are members of a private fraternal organization, a cult, as defined above, to represent us in our critical government functions?

Debts

See: Borrowing and Lending.

The policy of God's law was to avoid the curse of perpetual debt or the loss of one's inheritance because of debt. In most societies the greatest burden of the people consists of taxes on the land and accumulated interest on debts.

God's law did not provide for any taxes on land. Therefore, the government could not confiscate or foreclose on land for failure to pay taxes.

Debts could not extend beyond six years. The seventh year was called the "Lord's release."

Loans made to the poor were to be without interest or usury.

Mortgages or leases on land could not extend beyond 49 years. The fiftieth year was a time of Jubilee when debts were forgiven and the land had to be returned to the original owners. By this means each inheritance remained within each family on a perpetual basis.

Divorce

It is obvious that the Mosaic Law was designed to preserve the family and implement the marriage relationship. To maintain its integrity, adultery was considered to be almost as serious as murder.

To get marriage off to a good start not even war was allowed to disrupt it:

When a man hath taken a new wife, he shall not go out to war, neither shall he be charged with any business: but he shall be free at home one year, and shall cheer up his wife which he hath taken. - Old Testament - Deuteronomy 24:5

Jesus made it plain that God had intended the marriage vow to be so sacred that it could not be broken except for extremely serious reasons. However, the Pharisees tempted him by pointing out that Moses had authorized husbands in ancient Israel to put away their wives whenever they desired by simply giving them a bill or declaration of divorce:

And Jesus answered and said unto them, For the hardness of your heart he wrote you this precept. But from the beginning of the creation God made them male and female. For this cause shall a man leave his father and mother, and cleave to his wife; And they twain shall be one flesh: so then they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder. - New Testament - Mark 10:5-9

Up to this point, it almost appears that the Lord is holding the man primarily responsible for holding the marriage together. Later, however, the disciples of Jesus asked him further concerning this subject:

And he saith unto them, Whosoever shall put away his wife, and marry another, committeth adultery against her. And if a woman shall put away her husband, and be married to another, she committeth adultery. - New Testament - Mark 10:11-12

Nevertheless, God gave to his ordained servants the power to both seal and unseal. Therefore, when his servants feel that a divorce is warranted they have the power to grant a divorce and have it recognized in heaven.

A Common Law Court has the power to undo a marriage performed under the rules of Common Law, but no other.

Drunkenness

The vice of drunkenness is widely denounced throughout the scriptures. Its greatest element of evil is the suppression of reason and conscience so that a mild and inoffensive person can be turned into a raging maniac. Proverbs calls it "the wine of violence." Paul says "drunkards" shall not inherit the kingdom of God.

An habitual drunkard is suffering from an addiction and his most effective remedy is compulsory incarceration until he has "dried out." Ezra mentions imprisonment. Whipping, although not appropriate now, is also associated with public drunkenness. In listing all of the corrupt vices which Paul considered the most reprehensible, he includes the following:

Now the works of the flesh are manifest, which are these; adultery, fornication, uncleanness, lasciviousness, idolatry, witchcraft, hatred, variance, emulations, wrath, strife, seditions, heresies, envyings, murders, drunkenness, revellings, and such like: of the which I tell you before, as I have also told you in time past, that they which do such things shall not inherit the kingdom of God. - New Testament - Galations 5:19-21

Emasculation

See: Castration.

Embezzlement by a Trustee

Legal definition: The fraudulent appropriation to one's own use or benefit, the property or money entrusted to him by another.

If a man shall deliver unto his neighbour money or stuff to keep, and it be stolen out of the man's house; if the thief be found, let him pay double. If the thief be not found, then the master of the house shall be brought unto the judges, to see whether he have put his hand unto his neighbour's goods. - Old Testament - Exodus 22:7-8

If the investigation by the judges fails to implicate the custodian or trustee, then he shall take a sacred oath "in the name of God" that he is innocent and if he does so, he was to be considered absolved. Dr. Adam Clarke's comment on this principle is as follows:

Whatever goods were thus left in the hands of another person, that person, according to Mosaic law, became responsible for them: if they were stolen, and the thief was found, he was to pay double; if he could not be found, the oath of the person who had them in keeping, made before the magistrates, that he knew nothing of them, was considered a full acquittance.

If a trustee is careless and allows bailments to be stolen from him, "he shall make restitution unto the owner thereof."

If an animal is given into his custody and it is accidentally "torn in pieces, then let him bring it for witness, and he shall not make good that which was torn."

Elderly People Entitled to Respect

Under God's law there was a religious, family, and civilian responsibility toward the elderly and the infirm.

Thou shalt rise up before the hoary head, and honor the face of the old man, and fear thy God. - Old Testament - Leviticus 19:32

The means of enforcing this commandment is discretionary with the justices. However, public opinion and the reprimands of religious leaders were about the only enforcement devices employed by ancient Israel.

Employer-Employee Relationships

If a man hires another to work for him and the employee uses his own animals to plow, haul, etc., the injury or death of any such animals is considered to be the responsibility of the hired employee since his wage included the risk of such injuries.

Because an employer is in a superior position, the possibility of abuse called for a word of caution. The Lord holds employers responsible for the way they treat their employees:

Ye shall not therefore oppress one another; but thou shalt fear thy God: for I am the Lord your God. - Old Testament - Leviticus 25:17

Thou shalt not rule over him with rigour; but shalt fear thy God. - Old Testament - Leviticus 25:43

Thou shalt not oppress an hired servant that is poor and needy, whether he be of thy brethren, or of thy strangers that are in thy land within thy gates: at his day thou shalt give him his hire, neither shall the sun go down upon it; for he is poor, and setteth his heart upon it: lest he cry against thee unto the Lord, and it be sin unto thee. - Old Testament - Deuteronomy 24:14-15

Enforcement of the Law

See also: Penalties.

One of the unique features of God's law is the fact that it was not administered by a body of "professional law enforcement officers" but by the people themselves. Everybody had the responsibility to be on the alert for any violations of the law.

This explains why ancient Israel did not appear to have any corps of semi-military officers constantly policing the people to see if there were any violators. Instead, the judges waited until the people brought a complaint. Then the judges had the sacred responsibility to "inquire diligently" to see if the charges were true.

This also explains why there are no provisions in any of the several States Constitutions, or in the Federal Constitution, that grants any law enforcement powers to the State or to the Federal Government.

Our Founding Fathers understood that the Common Law belongs to the People, and it is designed to be administered by the People. The Founding Fathers specifically withheld all law enforcement powers because it is the responsibility of the People to watch over each other.

Only when charges are brought by witnesses to the crime, or by the party who has been damaged will the Court take action.

The Court monitors and guides the investigation as well as the hearing. As soon as the justices have all the facts at their disposal, they pass judgment.

Even the execution of the judgment depends to a large extent upon the people. God required the witnesses to "cast the first stone." This way the people were involved in the punishment, but, if the witnesses refused to follow through then their testimony is suspect. But this also stops the rest of the community from persecuting the defendant.

Exile

See: Enforcement of the Law and Banishment.

Eye for an Eye

Probably no aspect of the Law of the Covenant was more misunderstood than this provision. Here is what the scripture says:

And thine eye shall not pity: but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot. - Old Testament - Deuteronomy 19:21

The object of this provision was to threaten a comparable injury to the offender unless he made it up to his victim in compensation or some other form of "satisfaction". Another way of saying it would be, "He who hurts must be hurt or make full satisfaction to his victim." This policy is reflected in the passage which says:

Moreover ye shall take no satisfaction for the life of a murderer, which is guilty of death: but he shall be surely put to death. And ye shall take no satisfaction for him that is fled to the city of his refuge, that he should come again to dwell in the land, until the death of the priest. - Old Testament - Numbers 35:31-32

In other words, there were only two situations where satisfaction could not be negotiated between the offender and the victim. This authorized the working out of "satisfaction" or compensation in all other cases.

When we come to the discussion of "penalties," the application of the principle of reparation or satisfaction will be discussed in more detail.

Familiar Spirits

See: Spiritualism.

Father

See: Parents.

Fornication

See also: Adultery, Bestiality, Idolatry, Incest, Sodomy.

Fornication is defined as any unlawful sexual intercourse.

In all ages and dispensations, sexual purity has been required. As Paul wrote:

For ye know what commandments we gave you by the Lord Jesus. For this is the will of God, even your sanctification, that ye should abstain from fornication: That every one of you should know how to possess his vessel in sanctification and honor; Not in the lust of concupiscence, even as the Gentiles which know not God. - New Testament - 1st Thessalonians 4:2-5

Nevertheless, to avoid fornication, let every man have his own wife, and let every woman have her own husband. - New Testament - 1st Corinthians 7:2

And if a man entice a maid that is not betrothed, and lie with her, he shall surely endow her to be his wife. If her father utterly refuse to give her unto him, he shall pay money according to the dowry of virgins. - Old Testament - Exodus 22:16-17

Dr. Adam Clarke points out the practical wisdom of this provision. He says:

This was an exceedingly wise and humane law, and must have operated powerfully against seduction and fornication, because the person who might feel inclined to take advantage of a young woman knew that he must marry her, and give her dowry, if her

parents consented; and if they did not consent that their daughter should wed her seducer, in this case he was obliged to give her the full dowry which could have been demanded had she still been a virgin.

Fraud

See: Business Ethics.

Gossiping

Gossip is defined as idle chatter made up of rumors or tales about the misfortunes of others. Because of the scandalous nature of gossip, it spreads through the community like wild fire before the wind, and no amount of explanatory truth seems capable of catching up with it. Therefore, the Lord says:

Thou shalt not go up and down as a talebearer among thy people: neither shalt thou stand against the blood of thy neighbour: I am the Lord. - Old Testament - Leviticus 19:16

Thou shalt not raise a false report: put not thine hand with the wicked to be an unrighteous witness. - Old Testament - Exodus 23:1

Modern law provides a heavy penalty in damages where the reputation of a person has been injured by libelous or slanderous gossip. In some cases damages have been allowed even where the slander was true. This is on the basis that the offender deliberately spread the gossip for malicious purposes and with the intent of injuring the reputation of the victim.

Hate

Hate is defined as a passionate aversion or intense dislike which is aimed at some person or thing. Psychologically, hate feeds on itself and often festers into individual violence or collective mobocracy. This type of internalized passion for revenge or injury to another becomes particularly explosive when it involves close relatives or former friends. Therefore the Lord said:

Thou shalt not hate thy brother in thine heart: [but] thou shalt ... rebuke thy neighbor, and not suffer sin upon him. - Old Testament - Leviticus 19:17

Note that it is not hate to point out to a person that he or she is following a path that is leading to their own destruction. The Lord says each individual has a duty to try and help others if possible.

However, some people cannot stand criticism no matter how kindly or constructive it might be. Like small children they resist criticism by equating it with "hate" and throw a frenzied tantrum of protest by exclaiming, "That man hates me!" The Lord makes it clear that helping someone see the error of his ways is not to be equated with hate. But in those cases where the offender becomes violent and rises up against his well-meaning neighbor, the Lord says:

But if any man hate his neighbour, and lie in wait for him, and rise up against him, and smite him mortally that he die, and fleeth into one of these cities: Then the elders of his city shall send and fetch him thence, and deliver him into the hand of the avenger of blood, that he may die. Thine eye shall not pity him, but thou shalt put away the guilt of innocent blood from Israel, that it may go well with thee. - Old Testament - Deuteronomy 19:11-13

During his ministry Jesus told his disciples how to solve the problem of hate. This is probably the most difficult commandment set forth in the entire Sermon on the Mount. He said:

But I say unto you which hear, Love your enemies, do good to them which hate you, Bless them that curse you, and pray for them which despitefully use you. - New Testament - Luke 6:27-28

Handicapped Should Be Treated with Compassion and Kindness

The Lord has always required that his people who have been blessed with normal faculties and attributes, should show a very special kindness and consideration toward those less fortunate. He even indicates that those who take advantage of the handicapped are committing a sin against God. He said:

Thou shalt not curse the deaf, nor put a stumbling block before the blind, but shall fear thy God: I am the Lord. - Old Testament - Leviticus 19:14

Homosexuality

Homosexuality is defined as any unnatural sexual relations, but particularly with a person of the same sex. The Lord says:

Thou shalt not lie with mankind, as with womankind: it is an abomination. - Old Testament - Leviticus 18:22

If a man also lie with mankind, as he lieth with a woman, both of them have committed an abomination: they shall surely be put to death; their blood shall be upon them. - Old Testament - Leviticus 20:13

As we have already observed, the death penalty is mentioned in connection with a number of offenses but it was not mandatory except in the case of first degree murder. Nevertheless, it demonstrates the Lord's abhorrence toward this type of heinous offense when he says a sentence of death is permissible if the judges felt so inclined.

As in all cases, however, the object is reform, not revenge, and therefore both compassion and kindness would be employed to salvage as many offenders as possible.

Nevertheless, homosexuality has destroyed every civilization in which this form of depravity became established as an important part of the people's lifestyle. Paul wrote:

And likewise also the men, leaving the natural use of the woman, burned in their lust one toward another; men with men working that which is unseemly, and receiving in themselves that recompense of their error which was meet. - New Testament - Romans 1:27

Know ye not that the unrighteous shall not inherit the kingdom of God? Be not deceived: neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind. - 1st Corinthians 6:9

The same warning was given by Moses:

Defile not ye yourselves in any of these things: for in all these the nations are defiled which I cast out before you. - Old Testament - Leviticus 18:24

For whosoever shall commit any of these abominations, even the souls that commit them shall be cut off from among their people. - Old Testament - Leviticus 18:29

This meant death or banishment.

Apparently "lesbianism" had also crept into the culture and therefore women who tried to play the role of men or men who wore the clothes of women were denounced because the Lord knew their clothes simply advertised their professional debauchery. The Lord said:

The woman shall not wear that which pertaineth unto a man, neither shall a man put on a woman's garment: for all that do so are abomination unto the Lord thy God. - Old Testament - Deuteronomy 22:5

Human Sacrifices

In the days of ancient Israel, human sacrifices, particularly of children, was a common practice among the pagan nations.

Although the penalty for human sacrifice was death under the Law of Moses, nevertheless, the Israelites indulged in these wretched practices during the days of their apostasy. Hear the charges of God against Israel. He said:

Yea, they sacrificed their sons and their daughters unto devils, And shed innocent blood, even the blood of their sons and of their daughters, whom they sacrificed unto the idols of Canaan: and the land was polluted with blood. - Old Testament - Psalms 106:37-38

The Lord made capital punishment mandatory for this crime because it involved premeditated murder:

Again, thou shalt say to the children of Israel, Whosoever be of the children of Israel, or of the strangers that sojourn in Israel, that giveth any of his seed unto Molech [as human sacrifices]; he shall surely be put to death: the people of the land shall stone him with stones. And I will set my face against that man, and will cut him off from among his people; because he hath given of his seed to Molech, to defile my sanctuary, and to profane my holy name. - Old Testament - Leviticus 20:2-3

Idolatry

Idolatry is defined as an ardent devotion to or worship of something which is a substitute for the one true God.

Idolatry, by itself, was an insult to God by worshipping a stick, a stone, or some man-made image. However the degenerate aspects of pagan idolatry [which Israel gradually adopted] was depraved sexual orgies and human sacrifices. This is why the Lord denounced idolatry with such vehemence, and said:

He that sacrificeth unto any god, save unto the Lord only, he shall be utterly destroyed. - Old Testament - Exodus 22:20

If there be found among you, within any of thy gates which the Lord thy God giveth thee, man or woman, that hath wrought wickedness in the sight of the Lord thy God, in transgressing his covenant, And hath gone and served other gods, and worshipped them, either the sun, or moon, or any of the host of heaven, which I have not commanded; And it be told thee, and thou hast heard of it, and inquired diligently, and, behold, it be true, and the thing certain, that such abomination is wrought in Israel: Then shalt thou bring forth that man or that woman, which have committed that wicked thing, unto thy gates, even that man or that woman, and shalt stone them with stones, till they die. - Old Testament - Deuteronomy 17:2-5

Note the implication of the Lord in the following passage that idolatry, human sacrifices and obscene sexual practices were all part of the pagan idolatry. The Lord rebuked Israel, saying:

And they shall no more offer sacrifices unto devils, after whom they have gone a whoring. - Old Testament - Leviticus 17:7

As we have just mentioned, heathen idolatry almost invariably involved some form of fertility worship, implicating the worshippers in acts of degeneracy, bestiality, perversion, and promiscuous sexual indulgence.

Around 24,000 Israelites were destroyed by the Lord as a result of their involvement in the corrupting idol worship and immorality of Baal-Peor in Moab.

Dr. Adam Clarke says: "It is well known that Baal-Peor and Ashtaroth were worshipped with unclean rites; and that public prostitution formed a grand part of the worship of many deities among the Egyptians, Moabites, Canaanites, Greeks, and Romans.

Speaking of the abominable rites of heathen worship, the Lord refers to the sacrifice of children to Molech as well as the depraved immorality associated with pagan worship:

And thou shalt not let any of thy seed pass through the fire to Molech, neither shalt thou profane the name of thy God: I am the Lord. Thou shalt not lie with mankind, as with womankind: it is abomination. Neither shalt thou lie with any beast to defile thyself therewith: neither shall any woman stand before a beast to lie down thereto: it is confusion. Defile not ye yourselves in any of these things: for in all these the nations are defiled which I cast out before you....Ye shall therefore keep my statutes and my judgments, and shall not commit any of these abominations; neither any of your own nation, nor any stranger that sojourneth among you: (For all these abominations have the men of the land done, which were before you, and the land is defiled;) That the land spue not you out also, when ye defile it, as it spued out the nations that were before you. For whosoever shall commit any of these abominations, even the souls that commit them shall be cut off from among their people. Therefore shall ye keep mine ordinance, that ye commit not any one of these abominable customs, which were committed before you. - Old Testament - Leviticus 18:21-30

Incest

Incest is defined as "sexual cohabitation between near relatives."

Among primitive or degenerate heathen cultures it was customary to have the most promiscuous sexual relations within family groups or among close relatives. These often include elements of incest such as immoral relations between mothers and sons, fathers and daughters, brothers and sisters, etc. Sometimes, however, such unions were solemnized by actual marriage. This was particularly true of brothers and sisters, and became a regular practice in Egypt among the ruling Pharaohs. Concerning the problem of incest and relations within the boundaries of prohibited consanguinity, the Lord said:

After the doings of the land of Egypt, wherein ye dwelt, shall ye not do: and after the doings of the land of Canaan, whither I bring you, shall ye not do: neither shall ye walk in their ordinances. Ye shall do my judgments, and keep mine ordinances, to walk therein: I am the Lord your God. Ye shall therefore keep my statutes, and my judgments: which if a man do, he shall live in them: I am the Lord. None of you shall approach to any that is near of kin to him, to uncover their nakedness: I am the Lord. - Old Testament - Leviticus 18:3-6

Immorality between members of a family or close relatives carried the death penalty unless the judges allowed the offenders to ransom their lives with payments to the victim or to the high priest if the incest was by mutual consent.¹⁷

Jubilee

A jubilee is defined as a year-long celebration held every fifty years. It means a time of jubilation or rejoicing. The unique thing about the jubilee year is that it came right after a sabbath year. This means that there were two consecutive years of celebration and rest. This is made clear in the following scripture.

And thou shalt number seven sabbaths of years unto thee, seven times seven years; and the space of the seven sabbaths of years shall be unto thee forty and nine years. Then shalt thou cause the trumpet of the jubilee to sound on the tenth day of the seventh month, in the day of atonement shall ye make the trumpet sound throughout all the land. And ye shall hallow the fiftieth year, and **proclaim liberty throughout all the land unto all the inhabitants thereof; it shall be a jubilee unto you; and ye shall return every man unto his possession, and ye shall return every man unto his family. - Old Testament - Leviticus 25:8-10**

The highlighted words in this last verse were adopted by the American Founding Fathers and inscribed on the Liberty Bell. The Lord concludes by saying:

A jubilee shall that fiftieth year be unto you: ye shall not sow, neither reap that which groweth of itself in it, nor gather the grapes in it of thy vine undressed. - Old Testament - Leviticus 25:11

One can well imagine the rejoicing which took place during the jubilee year. All debts were forgiven. All mortgages were marked "paid." All those who were working to pay off debts, fines, or penalties for past offenses, were forgiven and told to return home. In other words, the whole nation started over with no obligation to work for a year -- a year's vacation -- no debts, no mortgages, and no one in prison. Interestingly, they had just completed the

49th year which was a sabbath, so they really had two years of vacation to go along with all the other reasons for celebrating.

A person would have to live during a jubilee to learn how the details were all worked out, both socially and economically, but in general terms it must have been the most glorious time in the history of each generation.

Judges

As we have indicated earlier, a "judge" in Israel was more than a judicial officer. He was a "ruler" who had responsibilities in a wide variety of administrative capacities. However, deciding disputes between contending parties was no small part of these responsibilities and therefore the title of "judge" was appropriate.

In our current Common Law situation we refer to our judges as justices. They serve no function under the Common Law other than their responsibility to conduct an investigation into the charges that have been brought and to render a true and just decision.

In ancient Israel the Judges and public officers were supposed to be of the highest caliber, and we are under the same obligation when we appoint our justices and Court officers:

Moreover thou shalt provide out of all the people able men, such as fear God, men of truth, hating covetousness; and place such over them, to be rulers of thousands, and rulers of hundreds, rulers of fifties, and rulers of tens: And let them judge the people at all seasons: and it shall be, that every great matter they shall bring unto thee, but every small matter they shall judge: so shall it be easier for thyself, and they shall bear the burden with thee. - Old Testament - Exodus 18:21-22

Judges were to be "wise men, and understanding, and known among your tribes, and I will make them rulers over you," so that they would have the confidence of the people.

They were to accept no gifts for "a gift doth blind the eyes of the wise, and pervert the words of the righteous."

Judges were to make decisions only after a thorough investigation. They were to "make diligent inquisition" concerning the facts in each case.

Judges were not to find a person guilty of a capital crime unless there were at least "two or three witnesses" who could prove his guilt. One witness was never sufficient. This did not mean that the guilty person got away with his or her crime. It simply meant that the case would be left to the judgment of God in the next world. It is too dangerous for a society to execute people on the word of a single witness who might be vindictive or otherwise motivated to make the allegation.

When a matter had been appealed to the chief judge or High Priest and the case had been settled, it was a capital offense to stir up insurrection against the decision. This applied to the parties in the case and also the judges of original jurisdiction who might be offended by a reversal.

Moses said to the judges:

Hear the causes between your brethren, and judge righteously between every man and his brother, and the stranger that is with him. Ye shall not respect [discriminate against] persons in judgment; but ye shall hear the small as well as the great; ye shall not be afraid of the face of man; for the judgment is God's: and the cause that is too hard for you, bring it unto me, and I will hear it. - Old Testament - Deuteronomy 1:16-17

Ye shall do no unrighteousness in judgment: thou shalt not respect [discriminate against] the person of the poor, nor honor the person of the mighty: but in righteousness shalt thou judge thy neighbor. - Old Testament - Leviticus 19:15

Juvenile Delinquency

See: Children.

Kidnaping

Kidnaping is defined as stealing a human being and holding that child or adult by force against his will, usually for ransom. However, during both ancient and modern times, women and children were often captured or kidnaped to be sold or forced into slavery.

The Lord made it clear how he felt about this cruel and inhuman practice:

And he that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death. - Old Testament - Exodus 21:16

If a man be found stealing any of his brethren of the children of Israel, and maketh merchandise of him, or selleth him; then that thief shall die; and thou shalt put evil away from among you. - Old Testament - Deuteronomy 24:7

Kidnaping was a heinous crime, but it would not automatically require the offender to be executed unless the victim was killed. In the absence of murder, the lesser penalties could be applied. However, the law allowed the judges to sentence the kidnaper to death if the circumstances warranted it. Kidnaping as such did not make the death penalty mandatory.

Kings -- Their Calling and Responsibilities

The Lord anticipated that after the Israelites entered the Promised Land, they would want a king:

When thou art come unto the land which the Lord thy God giveth thee, and shalt possess it, and shall dwell therein, and shalt say, I will set a king over me, like as all the nations that are about me. - Old Testament - Deuteronomy 17:14

Furthermore, the Lord knew that no matter how well meaning the Israelites might be in thinking a king would serve them better than their elected judges, experience would soon demonstrate that they would actually be abandoning the open and prosperous society of a government under elected judges, and subjecting themselves to the whims and high taxes of an autocratic sovereign.

The main difference between a king (even one approved by the people) and elected judges, is the fundamental fact that judges do not make laws. They have no legislative power. Kings, on the other hand, have always assumed the authority to issue personal edicts as laws. Kings somehow develop the idea that they are "sovereign." They rapidly acquire powers by asserting broad authority over the people and are backed up by the army. Those elements of power and aggrandizement soon corrupt both the king and the people. In one generation the people find themselves losing their freedom and drifting into tyranny.

Does that sound familiar today?

Even though we do not have a king – we have Presidents who issue edicts as laws.

However, the Lord said that a righteous king could avoid these pitfalls if he would accept the Lord's guidance. He therefore outlined certain principles which would tend to give the people a righteous king if he followed the restrictions laid down by the Lord. Here are the Lord's suggestions:

1. He must be a citizen of Israel and not a stranger. Our Founding Fathers expressed this by requiring the President be a natural born citizen.
2. He should be a person "whom the Lord thy God shall choose. We, the People, are told that we must carefully select honest men and women to represent us.

3. He should not try to "multiply horses" which was a common characteristic of pagan kings, especially the extravagant and war-making kings of Egypt. We are using our war machinery to spread a Democracy, instead of a Republic, around the world.
 4. The king was not to multiply wives. This was a common practice to bind other nations to the king. Some kings had several hundred wives taken from the principal families of surrounding territories.
 5. The king was not to "multiply to himself silver and gold," which would have to be extracted from the people. The unlawful taxes collected from the people add silver and gold to the coffers of the nation.
 6. The task of the king was to be a great scholar, judge, general, and righteous policy maker. To do this, he was to have his own personal copy of the law and he was to "read therein all the days of his life; that he may learn to fear the Lord his God, to keep all the words of the law and these statutes, to do them. Our President gives lip service to God, but does not demonstrate a true knowledge of the principles of God's Law and Justice.
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Land

No person was to look upon land as "his" but rather he was to consider it a stewardship from the Lord. As the Lord said:

The land shall not be sold for ever; for the land is mine; for ye are strangers and sojourners with me. - Old Testament - Leviticus 25:23

In other words, once a man and his family had received a stewardship inheritance in the promised land, they could not quit-claim the land lest it disinherit their children after them.

The most they could do was to lease the land for 49 years. Every fiftieth year (at the time of the Jubilee) the land went back to the family who originally received it as a stewardship. As a result, the cost of leasing land depended upon the length of time remaining until the next Jubilee.

In our day, the land still belongs to the Lord, but our culture is such that we do not celebrate the Jubilee every 50 years. Thus we have the ability to sell our land to others for their possession.

When our Founding Fathers named our unalienable rights they mentioned "Liberty." When the Declaration of Independence was written the word Liberty was to define the boundaries of our holdings. Our Liberty included our rights to the land we purchased.

With this in mind it is clear that the only true jurisdiction for any case concerning land, or land ownership, is in the Common Law Court.

In all of our transactions the Lord requires the utmost honesty on the part of both the buyer and the seller:

Ye shall not therefore oppress one another; but thou shalt fear thy God. - Old Testament - Leviticus 25:17

Our system of paying property tax to the county is fraught with problems. Not the least of which is that even though we have purchase our property and probably struggled in doing so, the county is the ultimate owner. Consider, if you will, if we fail to pay our property tax (annual rent on our property) the county simply evicts us and sells the property to someone else.

The county doesn't even try to hide its actions under the cover of eminent domain. Nor does the county pay the land owner anything for his, or her, property.

Property tax sets up a Communist Type Program to control the land.

Law of the Covenant

The scripture says, "the Law of the Lord is perfect. In this scripture it says it reflects the goodness of God even to "converting the soul." Furthermore, by learning this law, it makes even the "simple" seem wise.

The Lord knew that on the basis of the laws and principles in this book, every Israelite could be judged in a fair and just manner. So he said:

Take this book of the law, and put it in the side of the ark of the covenant of the Lord your God, that it may be there for a witness against thee. - Old Testament - Deuteronomy 31:26

Of course, if they had obeyed the law, it would be a witness for them. Therefore he wanted these laws taught to every generation of the Israelites. The Lord said:

And these words, which I command thee this day, shall be in thine heart: And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and thou risest up, And thou shalt bind them for a sign upon thine hand, and they shall be as frontlets between thine eyes. And thou shalt write them upon the posts of thy house, and on thy gates. - Old Testament - Deuteronomy 6:6-10

The Israelites took these last two verses literally. They wrote several scriptures on vellum, divided them between two boxes, and then wore one on the forehead and the other inside the upper arm. These became known as "prayer ornaments," or "phylacteries," which means a charm, a fortress, or a protection against evil.

But the important verse is number 6 where the Lord said he wanted these laws engraved on their hearts, not pieces of vellum.

The Lord also wanted it thoroughly understood that his laws were to apply to everyone throughout the land -- both strangers and Israelites. He said:

Ye shall have one manner of law, as well for the stranger, as for one of your own country: for I am the Lord your God. - Old Testament - Leviticus 24:22

Just so every Israelite and stranger would know the law, the Lord had it read to the whole nation on a special occasion. He told Moses how it should be done and we therefore read:

Moses wrote this law, and delivered it unto the priests the sons of Levi.... And Moses commanded them, saying, At the end of every seven years, in the solemnity of the year of release, in the feast of tabernacles, ... thou shalt read this law before all Israel in their hearing. Gather the people together, men, and women, and children, and the stranger that is within thy gates, that they may hear, and that they may learn, and fear the Lord your God, and observe to do all the words of this law: And that their children which have not known any thing, may hear, and learn to fear the Lord your God. - Old Testament - Deuteronomy 31:9-12

Lending

The Lord makes a distinction between lending for commercial purposes (for interest) and lending to a person in desperate need. He said:

If thou lend money to any of my people that is poor by thee, thou shalt not be to him as an usurer, neither shalt thou lay upon him usury. If thou at all take thy neighbor's raiment to pledge, thou shalt deliver it unto him by that the sun goeth down: For that is his covering only, it is his raiment for his skin: wherein shall he sleep? and it shall come to pass when he crieth unto me, that I will hear: for I am gracious. - Old Testament - Exodus 22:25-27

And if thy brother be waxen poor, and fallen in decay with thee; then thou shalt relieve him: yea, though he be a stranger, or a sojourner; that he may live with thee. Take thou no usury of him, or increase: but fear thy God; that thy brother may live with thee. Thou shalt not give him thy money upon usury, nor lend him thy victuals for increase. - Old Testament - Leviticus 25:35-37

It will be recalled that during the Jubilee, there was a forgiving of debts and a "time of release." But this occurred every seven years as well. The Lord said:

At the end of every seven years thou shalt make a release. And this is the manner of the release: Every creditor that lendeth ought unto his neighbor shall release it; he shall not exact it of his neighbor, or of his brother; because it is called the Lord's release. Of a foreigner thou mayest exact it again: but that which is thine with thy brother thine hand shall release; Save when there shall be no poor among you. - Old Testament - Deuteronomy 15:1-4

Note that this rule is to help Israelites who are poor. The Lord said this would no longer be necessary "when there shall be no more poor among you." The goal was to build a society like Enoch of old. Under the Law of the Covenant it has been demonstrated that both poverty and crime can be eliminated within a very short period of time.

Throughout this discussion the Lord continues to distinguish between commercial lending and lending to the poor. Concerning the poor, the Lord commends generosity and warns against stinginess just because the "year of release" is near when all debts will be forgiven.

If there be among you a poor man of one of thy brethren within any of thy gates in thy land which the Lord thy God giveth thee, thou shalt not harden thine heart, nor shut thine hand from thy poor brother: But thou shalt open thine hand wide unto him, and shalt surely lend him sufficient for his need, in that which he wanteth. - Old Testament - Deuteronomy 15:7-8

Beware that there be not a thought in thy wicked heart, saying, The seventh year, the year of release, is at hand; and thine eye be evil against thy poor brother, and thou givest him nought; and he cry unto the Lord against thee, and it be sin unto thee. Thou shalt surely give him, and thine heart shall not be grieved when thou givest unto him: because that for this thing the Lord thy God shall bless thee in all thy works, and in all that thou puttest thine hand unto. For the poor shall never cease out of the land: [because, as Moses would later learn, they would never equal the accomplishments of Enoch⁶⁶] therefore I command thee, saying, Thou shalt open thine hand wide unto thy brother, to thy poor, and to thy needy, in thy land. - Old Testament - Deuteronomy 15:9-11

Lying

Falsehood, misrepresentation, deceit, cheating, deception, are all treated here under the general topic of "lying." The Lord said:

Thou shalt not bear false witness against thy neighbor. - Old Testament - Exodus 20:16

Ye shall not steal, either deal falsely, neither lie one to another. - Old Testament - Leviticus 19:11

Notice that no specific penalty is mentioned for deceit or lying. This was left to the discretion of the judges.

Mayhem

Mayhem is defined as deliberately mutilating a person's body or injuring him so that he can no longer function with all his faculties. The Lord said:

And if men strive together, and one smite another with a stone, or with his fist and he die not, but keepeth his bed: If he rise again, and walk abroad upon his staff, then shall he that smote him be quit: only he shall pay for the loss of his time, and shall cause him to be thoroughly healed. - Old Testament - Exodus 21:18-19

Military Service

Moses was asked to set up the military service of Israel in such a way that it would be counted a great honor to serve in its ranks. Battalions were formed from each tribe.

This would tend to make each contingent anxious to uphold the standard of its tribe.

This same principle was used in setting up the Militia. Each unit of the militia was drawn from the citizens of a State. Thus the units were anxious to uphold the standards, and serve with honor for their State. The Militia was composed of every able bodied man over the age of 15.

Under the Republican form of government established by our Founding Fathers the Militia is still made up of the able bodied citizens of a State. The only difference is that in our present society the Militia would also include the able bodied women.

Then Moses was told to eliminate from the ranks of the armies of Israel any who would tend to be distracted by affairs at home:

And the officers shall speak unto the people, saying, What man is there that hath built a new house, and hath not dedicated it? let him go and return to his house, lest he die in the battle, and another man dedicate it. And what man is he that hath planted a vineyard, and hath not yet eaten of it? Let him also go and return unto his house, lest he die in the battle, and another man eat of it. And what man is there that hath betrothed a wife, and hath not taken her? Let him go and return unto his house, lest he die in the battle, and another man take her. - Old Testament - Deuteronomy 20:5-7

Moses was also told to eliminate any who were fearful or faint hearted:

And the officers shall speak further unto the people, and they shall say, What man is there that is fearful and faint-hearted? Let him go and return unto his house, lest his brethren's heart faint as well as his heart. - Old Testament - Deuteronomy 20:8

A dramatic illustration of how these principles worked in actual practice is found in Gideon's campaign against the Midianites. When Gideon had assembled 32,000 troops who were all duty-bound to fight, the Lord told Gideon to subject the army to a self-purging process as previously outlined by Moses. When this was done Gideon had only 10,000 men left. The others went home but participated later in the mopping up process. As for Gideon, he ended up with only 300 to put the Midianites to flight.

Modern armies tend to build elite corps out of their best fighting components and these make the first contact with the enemy. The reserve units, as well as the crews who build installations and set up occupation camps, follow along later. It is considered a great honor to be chosen for the elite corps or crack assault units. It was the same policy advocated by the Lord for the armies of ancient Israel as they went through the screening or selection process we have just described.

Mobocracy

Mobs, even for a "good cause," represent society at its lowest ebb. A mob usually ends up in the hands of the criminally minded who whip the crowd into a rash of violence, looting, and burning. The Lord had this in mind when he said:

Thou shalt not follow a multitude to do evil; neither shalt thou speak in a cause to decline after many to wrest judgment. - Old Testament - Exodus 23:2

This last phrase has reference to those who decline to accept a judgment of the court and who gather in a mob to "wrest judgment" or take the law into their own hands.

Mother

See: Parents.

Murders and Accidental Homicides

The law of the Covenant clearly distinguished between premeditated killing and accidental homicide. There were four types of homicide problems which the Law of the Covenant described.

1. First Degree Murder. This is the deliberate, premeditated killing of another human being. The mandatory penalty was death.

No amount of "satisfaction" could ameliorate the crime of murder. The scripture says: "He shall surely be put to death.

The conviction of a murderer had to be based on the testimony of two or more witnesses, otherwise the matter must wait on God's judgment.

The victim's nearest kinsman had the responsibility of bringing the murderer to trial and avenging his death.

2. Accidental homicide. The accidental killing of another was not punishable.

If the victim's kinsman accused the accidental killer of murder, then the latter could flee to the altar of the temple or to one of the cities of refuge after they were built. There he had to remain until he could have a fair trial. However, he had to be returned to the city where the killing occurred for his trial.

Just as in our current Common Law System the trial has to occur where the crime was committed.

If he were found innocent of deliberate homicide (murder), but the kinsman would not believe the findings of the judge, then the accused was to be sent back to the city of refuge and remain there until the High Priest died.

Once the alleged offender was assigned to a city of refuge, he was not allowed to give "satisfaction" to the avenger of blood in order to return home before the High Priest died. It was felt he might be tricked.

However, if he wandered from the city of refuge before the appointed time and was slain, the kinsman would not be punished because the accused had violated the limits of his sanctuary.

After the High Priest died, the accused could return to his own city and the avenger of blood or kinsman had to leave him unmolested.

The application of this law applied to "strangers" as much as it did to Israelites.

3. Excusable homicides:

"If a thief be found breaking up [breaking into a building], and be smitten [at nighttime] that he die, there shall no blood be shed for him." In other words, it would be considered excusable.

"If the sun be risen upon him, there shall be blood shed for him." To kill a person in broad day light was not excusable because the thief could be identified and apprehended with greater facility than at night. Therefore, it was not excusable.

4. Unsolved murders. In order to preserve the sanctity of human life, the Lord required that every murder be treated as a major issue whether the perpetrator was found or not. In those cases where "it be not known who hath slain him," the elders of the city nearest to the place where the body was found were required to take a heifer into "a rough valley, which is neither eared nor sown [still a wilderness], and shall strike off the heifer's neck...."

They would then wash their hands over the heifer and say, "Our hands have not shed this blood, neither have our eyes seen it. Be merciful, O Lord, unto thy people Israel, whom thou hast redeemed, and lay not innocent blood unto thy people of Israel's charge." The Lord said that in this manner "shalt thou put away the guilt of innocent blood from among you...."

Neighbors -- Duties Toward

The most valuable asset of a home is the environment of the neighborhood in which it is located. The purpose of God's law was to make every neighborhood a haven of security and peace. So the Lord declared:

Thou shalt not avenge, nor bear any grudge against the children of thy people, but thou shalt love thy neighbor as thyself. - Old Testament - Leviticus 19:18

This is the passage quoted by Jesus and identified as the second greatest commandment.

If thou meet thine enemy's ox or his ass going astray, thou shalt surely bring it back to him again. - Old Testament - Exodus 23:4

Thou shalt not see thy brother's ox or his sheep go astray, and hide thyself from them: thou shalt in any case bring them again unto thy brother. And if thy brother be not nigh unto thee, or if thou know him not, then thou shalt bring it unto thine own house, and it shall be with thee until thy brother seek after it, and thou shalt restore it to him again. In like manner shalt thou do with his ass; and so shalt thou do with his raiment; and with all lost things of thy brother's, which he hath lost, and thou hast found, shalt thou do likewise: thou mayest not hide thyself. Thou shalt not see thy brother's ass or his ox fall down by the way, and hide thyself from them: thou shalt surely help him to lift them up again. - Old Testament - Deuteronomy 22:1-4

Thou shalt not defraud thy neighbor, neither rob him. - Old Testament - Leviticus 19:13

Thou shalt not hate thy brother in thine heart: thou shalt in any wise [nevertheless] rebuke thy neighbor, and not suffer sin upon him. - Old Testament - Leviticus 19:17

The Lord imposed heavy duties on an Israelite concerning any of his neighbors who were poor. The poor were to be given generous assistance without usury.

If a poor neighbor could not pay his debts by the end of the Sabbath Year, the debt was to be written off and forgotten.

An Israelite was not to be reluctant to lend to a poor neighbor just because the Sabbath Year was near when the debt would be automatically cancelled.

Oaths

See also: Contracts

The oath was originally designed as the most solemn procedure for covenant-making. It involved not only a covenant with another person or society but also a covenant with God that the oath-taker would fulfill his promise. This is why the oath was always to be taken in the name of God and not in the name of anything else:

Thou shalt fear the Lord thy God, and serve him, and shalt swear by his name. - Old Testament - Deuteronomy 6:13

Once the oath was taken, it was to be given the highest priority in the life of the covenant-maker so that he made certain it was carefully fulfilled. This is the meaning of the third commandment:

Thou shalt not take the name of the Lord thy God in vain: for the Lord will not hold him guiltless that taketh his name in vain. - Old Testament - Exodus 20:7

Oaths have been primarily reserved for the temple, for the giving of testimony, the coronation of kings and queens, the initiation into an important office, initiation into the military, and the confirming of some important official act.

The oath was never intended to be a daily vehicle for confirming a questioned statement or some superfluous triviality. Nevertheless, with the passing of time, the Israelites followed the pagan practice of "swearing" by the heavens, the earth, the head, etc. that such and such was true or that such and such would be done. This type of "swearing" was actually a form of profanity -- an unauthorized type of oath which profaned the oath-taking procedure, and therefore the name of God.

This is why Jesus denounced this type of "market-place swearing" which was so common in his day. He said:

Swear not at all: neither by heaven; for it is God's throne: nor by the earth; for it is his footstool: neither by Jerusalem; for it is the city of the great King. Neither shalt thou swear by thy head; because thou canst not make one hair white or black. But let your communication be, Yea, yea; Nay, nay: for whatsoever is more than these cometh of evil. - New Testament - Matthew 5:34-37

Some interpreted this to mean that Jesus had outlawed sacred oaths. However, they missed the point. Jesus was talking about daily "communications" or conversation. It was the continuous "swearing" by the head, by the heavens, by the City of Jerusalem, etc., to which he objected. The sacred oath was an entirely different subject.

The use of the oath in judicial matters was an important part of the Law of the Covenant. For example:

If a man deliver unto his neighbor an ass, or an ox, or a sheep, or any beast, to keep; and it die, or be hurt, or driven away, no man seeing it: then shall an oath of the Lord be between them both, that he hath not put his hand unto his neighbor's goods; and the owner of it shall accept thereof, and he shall not [be required] to make it good. - Old Testament - Exodus 22:10-11

Parents

Under God's law parents had prime responsibilities, and they were entitled to a high degree of respect and appreciation.

Therefore the Lord said:

Honor thy father and thy mother: that thy days may be long upon the land which the Lord thy God giveth thee. - Old Testament - Exodus 20:12

And he that curseth his father, or his mother, shall surely be put to death. - Old Testament - Exodus 21:17

And he that smiteth his father, or his mother, shall surely be put to death. - Old Testament - Exodus 21:15

The only problem with these severe penalties was the fact that the parents had to cast the first stone. Furthermore, there was a ritual required of the law before the rebellious son could be declared anathema. The law read:

If a man have a stubborn and rebellious son, which will not obey the voice of his father, or the voice of his mother, and that, when they have chastened him, will not hearken unto them: Then shall his father and his mother lay hold on him, and bring him out unto the elders of his city, and unto the gate of his place; And they shall say unto the elders of his city, This our son is stubborn and rebellious, he will not obey our voice; he is a glutton, and a drunkard. - Old Testament - Deuteronomy 21:18-20

At this point the parents had to pick up a stone and be the first to strike their son down. We have no record of any instance where this ever took place. Instead, the parents would resort to some of the other options in lieu of death. For example:

If there be laid on him a sum of money, then he shall give for the ransom of his life whatsoever is laid upon him. - Old Testament - Exodus 21:30

Penalties

See also: Enforcement of the Law.

Some have thought the penalties under the Law of the Covenant were particularly harsh. It has been called a system of *lex talionis* or a law of revenge. This is because the phrase, "an eye for an eye" was interpreted to mean a literal destruction of the offender's eye when it was actually the threat of losing his eye that provided the motivation so the offender would give his victim "satisfaction" or compensation for damages.

In other words, the Law of the Covenant was specifically designed to give the victims of a tort or a crime the degree of compensation which the offense warranted.

It even provided a punitive element to teach the offender not to repeat his offense. Here are some examples of reparation plus punitive damages:

If the theft be certainly found in his hand alive, whether it be ox, or ass, or sheep; he shall restore double. - Old Testament - Exodus 22:4

If a man shall steal an ox, or a sheep, and kill it, or sell it; he shall restore five oxen for an ox, and four sheep for a sheep. - Old Testament - Exodus 22:1

Notice that if the stolen animal was still alive it could be returned to the owner with an additional animal of the same kind as punitive damages. However, if he had killed the animal it obviously could not be returned alive to the owner so it would make the offender subject to a much more severe penalty.

Furthermore, if he had sold the stolen animal or animals, it would be *prima facie* evidence to the judge that he was a cattle rustler and therefore the judge would require the offender to restore five oxen for every stolen ox, or four sheep for every stolen sheep. It is interesting to note the extremely severe penalty imposed on a person who was involved in commercial criminality. This law was intended to send the message throughout Israel that under the Law of the Covenant crime does not pay.

Here was the penalty for trespass:

Then they shall confess their sin which they have done: and he shall recompense his trespass with the principal thereof, and add unto it the fifth part thereof, and give it unto him against whom he hath trespassed. - Old Testament - Numbers 5:7

In case the authorities could not discover who owned the property that had been trespassed upon, here was the rule:

But if the man have no kinsman to recompense the trespass unto, let the trespass be recompensed unto the Lord, even to the priest; beside the ram of the atonement, whereby an atonement shall be made for him. - Old Testament - Numbers 5:8

The same principle applied where a person was injured or whose property had been damaged. The offender had to make "satisfaction" to the injured person or have the same injury imposed on him. This is the meaning of the following scripture:

And he that killeth a beast shall make it good; beast for beast. And if a man cause a blemish in his neighbor; as he hath done, so shall it be done to him; Breach for breach, eye for eye, tooth for tooth: as he hath caused a blemish in a man, so shall it be done to him again. - Old Testament - Leviticus 24:18-20

In all of these cases the offender could avoid being subjected to a similar injury to himself or property by providing "satisfaction." This was usually in the form of money damages.

If he did not have the money, he was required to sell his services under a bond, but it could not exceed six years.

There were only two instances where "satisfaction" was not allowed:

Moreover ye shall take no satisfaction for the life of a murderer, which is guilty of death: but he shall be surely put to death. And ye shall take no satisfaction for him that is fled to the city of his refuge, that he should come again to dwell in the land, until the death of the priest. - Old Testament - Numbers 35:31-32

We observed earlier that the penalty for offenses which would corrupt the culture of Israel was often "death," but in all cases other than the two exceptions just cited, the offender was usually assessed money damages:

The Poor

See also: Lending and Debts.

As we have already seen, the Law of the Covenant required more than mere compassion for the poor. It required constructive generosity. Although mankind are all created equal before the law, they are never equal in their circumstances. The purpose of God's law was to improve the equality of opportunity to obtain the necessities of life. There was a further mandate under God's law to encourage those who had been favored by circumstances to share with those less fortunate.

In fact, the law which was given directly from heaven to Moses imposes many responsibilities on the whole people which favored the poor. These, of course, were adapted to the circumstances of those days. The important element was simply that just because a person might be poor, it was no reason for treating him in a demeaning manner.

The long-range goal of the Law of the Covenant was to train the people to become directly involved in the economic system and help young people and the poor to be self-sustaining. The Lord even looked forward to the time when "there shall be no poor among you."⁴

Israel was not expected to do this for the whole world, but to demonstrate to the world that by living the Law of the Covenant poverty could be eliminated. Even "strangers" could participate in the system by coming under the Lord's law, but otherwise, they were considered outsiders.

Private Property

Under the Law of the Covenant, the base for the building of an inheritance was the inalienable rights associated with private property. Various passages refer to the protection of property.

When thou dost lend thy brother any thing, thou shalt not go into his house to fetch the pledge. Thou shalt stand abroad, and the man to whom thou doest lend shall bring out the pledge abroad unto thee. - Old Testament - Deuteronomy 24:10-11

Thou shalt not remove thy neighbor's landmark, which they of old time had set in thine inheritance, which thou shalt inherit in the land that the Lord thy God giveth thee to possess it. - Old Testament - Deuteronomy 19:14

Then they shall confess their sin which they have done: and he shall recompense his trespass with the principal thereof, and add unto it the fifth part thereof, and give it unto him against whom he hath trespassed. - Old Testament - Numbers 5:7

Under Penalties we have already seen how the theft of private property was rigorously prosecuted. The thief was required to compensate his victim two to five times what he had taken.

But in spite of all this, there was a time when the Lord allowed a little leniency. It was when the fruit was ripe in the orchards and the grain was ripe in the field:

When thou comest into thy neighbor's vineyard, then thou mayest eat grapes thy fill at thine own pleasure; but thou shalt not put any in thy vessel. When thou comest into the standing corn of thy neighbor, then thou mayest pluck the ears with thine hand; but thou shalt not move a sickle unto thy neighbor's standing corn. - Old Testament - Deuteronomy 23:24-25

Prostitution

A prostitute is defined as a person who engages in promiscuous sexual relations for pay.

Among the heathen nations, prostitution was a respectable institution. The pagan temples had professional prostitutes who were referred to as "temple virgins!"

Among the Israelites, during their apostasy, parents sometimes sold their daughters into prostitution.

Do not prostitute thy daughter, to cause her to be a whore; lest the land fall to whoredom, and the land become full of wickedness. - Old Testament - Leviticus 19:29

Public Nuisances

In every community there seem to be a few careless and indifferent souls who conduct their affairs without any concern for others. Where they create a public nuisance or a situation which would be dangerous for children, animals, or even adults, the Lord had this to say:

And if a man shall open a pit, or if a man shall dig a pit, and not cover it, and an ox or an ass fall therein; The owner of the pit shall make it good, and give money unto the owner of them; and the dead beast shall be his. - Old Testament - Exodus 21:33-34

Punishments

See: Penalties.

Ransom – an Offender May Ransom His Life

If there be laid on him a sum of money, then he shall give for the ransom of his life whatsoever is laid upon him. - Old Testament - Exodus 21:30



Rape

Rape is defined as forcible sexual intercourse against the will of the victim or sexual intercourse with a victim who is too young to give legal consent.

The Law of the Covenant stated:

But if a man find a betrothed damsel in the field, and the man force her, and lie with her: then the man only that lay with her shall die: But unto the damsel thou shalt do nothing; there is in the damsel no sin worthy of death: for as when a man riseth against his neighbor, and slayeth him, even so is this matter. - Old Testament - Deuteronomy 22:25-26

If a damsel that is a virgin be betrothed unto an husband, and a man find her in the city, and lie with her; Then ye shall bring them both out unto the gate of that city, and ye shall stone them with stones that they die; the damsel, because she cried not, being in the city; and the man, because he hath humbled his neighbor's wife: so thou shalt put away evil from among you. - Old Testament - Deuteronomy 22:23-24

Of course, if she could prove that she was intimidated and dared not cry out, the judges would treat her case accordingly.

If the problem was one of seduction of a maiden rather than forced rape, the rule was as follows:

If a man find a damsel that is a virgin, which is not betrothed, and lay hold on her, and lie with her, and they be found; Then the man that lay with her shall give unto the damsel's father fifty shekels of silver, and she shall be his wife; because he hath humbled her, he may not put her away all his days. - Old Testament - Deuteronomy 22:28-29

Sabbath Day

All through the scripture the sanctity of the sabbath day is emphasized:

Remember the Sabbath day, to keep it holy. Six days shalt thou labour, and do all thy work: but the seventh day is the Sabbath of the Lord thy God: in it thou shalt not do any work, thou, nor thy son, nor thy daughter, thy man-servant, nor thy maid-servant, nor thy cattle, nor thy stranger that is within thy gates. - Old Testament - Exodus 20:8-10

Speak thou also unto the children of Israel, saying, Verily my sabbaths ye shall keep: for it is a sign between me and you throughout your generations; that ye may know that I am the Lord that doth sanctify you. Ye shall keep the sabbath therefore; for it is holy unto you: every one that defileth it shall surely be put to death: for whosoever doeth any work therein, that soul shall be cut off from among his people. - Old Testament - Exodus 31:13-14

Servitude

No adult Israelite could be forced into servitude unless he was guilty of a theft and had been compelled to take up servitude in order to make retribution:

If the sun be risen upon him, there shall be blood shed for him; for he should make full restitution; if he have nothing, then he shall be sold for his theft. - Old Testament - Exodus 22:3

In our present society we would cause the guilty person to be incarcerated, which is a form of servitude.

And, just as the Lord made it clear that cruel masters who abused their servants would be accountable to him, we too have laws against cruel and unusual punishments.

Thou shalt not rule over him with rigor; but shalt fear thy God. - Old Testament - Leviticus 25:43

Sodomy

See: Homosexuality, Bestiality.

Sodomy is defined as any of the unnatural acts of sexual perversion attributed to the ancient city of Sodom near the Dead Sea which God destroyed by fire. It usually refers to anal sexuality or human sexual relations with animals.

These degenerate and perverted practices were popularized among pagan nations and had such a denigrating effect on the cultural and moral life of the people that they are often cited as the primary factor in the fall of major civilizations of the past.

Sodomy and similar practices were often associated with fertility worship and rituals identified with various forms of idolatry.

Spiritualism

Spiritualism is the belief in the occult -- that mankind on earth can communicate with the spirits of the dead through a seance or some mystical ritual.

And the soul that turneth after such as have familiar spirits, and after wizards, to go a whoring after them, I will even set my face against that soul, and will cut him off from among his people. - Old Testament - Leviticus 20:6

Among the wicked there has always been a concerted attempt to communicate with "familiar spirits" or occult powers to replace the principle of direct revelation from God. It will be recalled that when Saul could not get a message from the Lord by the Urim and Thummim he resorted to the services of a witch who had survived Saul's earlier order to have all of them killed.

Of course, the woman falsely pretended to bring up Samuel which is typical of those dealing with familiar spirits. God's prophets do not communicate their messages through witches or spiritual seances.

Stealing

Stealing or theft is defined as taking or appropriating another's property without the consent of the owner.

Thou shalt not steal. - Old Testament - Exodus 20:15

Strangers, Treatment of

God has always required that his chosen servants extend the greatest courtesy and consideration to the stranger "within your gates."

Moses emphasized this doctrine repeatedly as it was given to him by the Lord:

For the Lord your God is God of gods, and Lord of lords, a great God, a mighty, and a terrible, which regardeth not persons, nor taketh reward: He doth execute the judgment of the fatherless and widow, and loveth the stranger, in giving him food and raiment. Love ye therefore the stranger: for ye were strangers in the land of Egypt. - Old Testament - Deuteronomy 10:17-19

Tattooing

Among pagan nations, as we point out under "cults," it was customary to mark, scar or mutilate the body as an identification, a decoration, or a symbol of some heroic act. It was also a custom to cut off fingers or toes as funerary

offerings when someone died. This was frequently done by cutting off the fingers or toes of children. In fact the natives in Borneo do it today. All of these mutilating devices were abhorrent to the Lord.

Theft

See: Stealing.

Tithes

Tithes are defined as one-tenth of one's increase.

And all the tithe of the land, whether of the seed of the land, or of the fruit of the tree, is the Lord's: it is holy unto the Lord. And if a man will at all redeem ought of his tithes, he shall add thereto the fifth part thereof. - Old Testament - Leviticus 27:30-31

It should be observed that if a person wanted to purchase back something he had given as a tithe, he could do so by adding a fifth of its value.

The honest payment of tithes was considered an extremely sacred obligation to the Lord.

Transvestites

These are defined as those who adopt the dress and often the behavior of the opposite sex. This was often done by homosexuals and lesbians to advertise their sexual preferences. Therefore it was an abomination to the Lord.

The woman shall not wear that which pertaineth unto a man, neither shall a man put on a woman's garment: for all that do so are abomination unto the Lord God. - Old Testament - Deuteronomy 22:5

Trees -- In Wartime Spare the Fruit Trees

Trees were used by invading armies to build scaffolds and other devices connected with a siege -- or even to provide kindling for their armies. This resulted in the gradual denuding of the land. The Lord realized that an invading army would use some trees in spite of any command to the contrary, and therefore he restricted his mandate to the fruit trees -- at least, spare the fruit trees!

When thou shalt besiege a city a long time, in making war against it to take it, thou shalt not destroy the trees thereof by forcing an axe against them.... Only the trees which thou knowest that they be not trees for meat, thou shalt destroy and cut them down; and thou shalt build bulwarks against the city that maketh war with thee, until it be subdued. - Old Testament - Deuteronomy 20:19-20

Trespassing

This is defined as any trespass against the law of the Lord or the rights of another. This was usually an offense of the lesser variety and therefore the penalty, in addition to damages, was only one-fifth. The law stated:

Then they shall confess their sin which they have done: and he shall recompense his trespass with the principal thereof, and add unto it the fifth part thereof, and give it unto him against whom he hath trespassed. But if the man have no kinsman to recompense the trespass unto, let the trespass be recompensed unto the Lord, even to the priest. - Old Testament - Numbers 5:7-8

Usury

See: Lending.

Weights and Measures

Confidence in the market economy of Israel depended upon honest weights and measures.

Therefore the Lord said:

Ye shall do no unrighteousness in judgment, in meteyard, in weight, or in measure. Just balances, just weights, a just ephah, and a just hin, shall ye have: I am the Lord your God, which brought you out of the land of Egypt. - Old Testament - Leviticus 19:35-36

The penalty for dishonest weights and measures was left to the discretion of the judges. However, as Ezra pointed out, the options included not only whipping but confiscation of goods, imprisonment, or banishment.

Whipping

See: Penalties and Enforcing the Law.

Because of our present day laws against cruel and unusual punishment whipping is no longer an option.

Widows and Orphans

The law of the covenant is filled with provisions to protect the weak, the elderly, the infirm and the handicapped. In this same spirit it provided a strong warning against those who neglected, persecuted, or took advantage of widows and orphans:

Thou shalt not pervert the judgment of the stranger, nor of the fatherless; nor take a widow's raiment to pledge. - Old Testament - Deuteronomy 24:17

Witchcraft

See also: Spiritualism.

Thou shalt not suffer a witch to live. - Old Testament - Exodus 22:18

No, we are not interested in starting the Salem Witch Trials all over again. This is merely here to point out how much the Lord hates those who practice witchcraft.

Although this is the passage usually quoted to justify the killing of suspected witches, a modern translation says, "Thou shalt not suffer a murderer to live."⁶³

Notice that witchcraft is rated along with idolatry and other offenses that were subversive to the entire culture of Israel. The death penalty was not mandatory but it was invoked in the days of Saul and on other occasions. Banishment under threat of death would have been an option but that was seldom used. Witchcraft was punished by death even more consistently than the punishment of idolatry by death.

The Law of Witnesses

The role of witnesses was extremely important in the culture of the Law of the Covenant. It was equally important to root out professional false witnesses who would say anything for a price.

One witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sinneth: at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be established. - Old Testament - Deuteronomy 19:15

Thou shalt not bear false witness against thy neighbor. - Old Testament - Exodus 20:16

Conclusion

As we come to the completion of our review of what John Adams called God's "divine science" of law and good government, we cannot help but consider once again the writings of the Psalmist when he said:

The law of the Lord is perfect, converting the soul: the testimony of the Lord is sure, making wise the simple. The statutes of the Lord are right, rejoicing the heart: the commandment of the Lord is pure, enlightening the eyes. The fear of the Lord is clean, enduring for ever: the judgments of the Lord are true and righteous altogether. More to be desired are they than gold, yea, than much fine gold: sweeter also than honey and the honeycomb. Moreover by them is thy servant warned: and in keeping of them there is great reward. - Old Testament - Psalms 19:7-11

There is no better way to eliminate crime than the formula laid down by the Lord in what we now call The Common Law.

Topics for Reflection and Discussion

1. The widespread practice of abortion has been an abhorrent characteristic of the twenty civilizations that have been destroyed in the past. What do you think this portends for the future of the modern world?
2. Under God's law did the offense of "adultery" apply only where one or both of the parties were married? If it was cohabitation between unmarried individuals what is it called? In the case of adultery, which of the parties was to be brought before the judges? Read John 8:3-11. In that case why was the charge brought against the woman unlawful? Did the adulteress become a disciple of Christ?⁶⁸
3. In country life, stray animals are a nuisance. So are vicious animals. What was the remedy? But what if a farmer thought his neighbor was out of town and deliberately put his horses or cows in a neighbor's pasture? What was the additional penalty besides damages?
4. After a final appeal what could happen to a person who rejected the verdict and formed a mob to oppose it? If a person or group of people sees someone committing a crime, can they perform a "citizen's arrest"? Do you remember whether that is what happened to the British soldiers in the Boston massacre?
5. Define arson. In early America when there was no fire insurance, what did the people do when a house or barn accidentally burned down? What is a psychopathic arsonist? What did a "serial arsonist" do in California during the fall of 1993? How much damage resulted?
6. Why is the assassination of political leaders so threatening to a nation? Why should there be a place of safety or asylum for fugitives accused of a capital offense pending the holding of a trial? Why did America provide an asylum for refugees from the Axis nations during World War II? In what way did this policy prove a great benefit to the United States?
7. What is a "battery?" What is "bestiality?" Was this offense frequently associated with pagan worship and idolatry?
8. What is "blasphemy?" Is taking the name of the Lord in vain a form of blasphemy? In what way did the accusers of Jesus say he committed blasphemy which led to his crucifixion?
9. Does borrowing constitute begging? Did God's law require generosity wherever possible when a neighbor was reduced to the need of borrowing? Did a poor borrower have to pay interest? What was the remedy under God's law if a person went around borrowing from everybody and made no attempt to repay? Would this be effective today?
10. Why is burglary such a serious threat to the sanctity of a home? Why was the killing of a burglar at nighttime justified but not if a person was caught in a daytime burglary? In what way are burglaries more dangerous in our own time?
11. What could happen if the Golden Rule became the mainstay of American business practices? Did God's law have a remedy for the current rash of violent sex crimes? Under what conditions could a convicted offender petition for voluntary emasculation to save his life?
12. What could parents do to a juvenile delinquent who was totally rebellious and reprobate? Why do you think there is no record of this ever happening? Nevertheless, do you think it had a salutary effect?
13. Who had the primary responsibility for teaching children? Under God's law how old did a child have to be before his misbehavior was counted as a "sin" in the eyes of God?
14. How important does God consider a commitment made in a contract? What about a contract or oath made in the name of God? Why do you think a parent could disavow a contract made by a child? Why could a husband disavow a contract made by a wife without his knowledge?

15. How would you define a cult? Why did the Lord forbid the people to copy cult hair styles or make markings on the body? What was God's policy toward perpetual debt? Could a debt extend beyond six years?
16. Under God's law is it a sin to charge interest on a loan to the poor? What happened to a mortgage or a lease after 49 years?
17. Describe God's attitude toward divorce. Did God's priesthood power to seal also include the power to unseal? How serious is drunkenness in the eyes of God? Define "embezzlement."
18. How does God view the responsibilities of an employer? What are the responsibilities of an employee? What was the principal purpose of law enforcement in the eyes of the Lord? Describe the purpose of banishment or exile and explain how it worked.
19. Why is cultivating "familiar spirits" reprehensible to God? Define "fornication". When this and other immoral practices become widespread, does it put a nation in peril? What does the Lord say about "gossiping"?
20. How do you account for the widespread passion of hatred in the world today? What does the Lord say about it? What is God's attitude toward the elderly or the handicapped?
21. Give two reasons why God described homosexuality as an abomination in his sight. Does the scripture leave any doubt as to God's feelings concerning the sexual "alternate life style" being practiced by many thousands today?
22. Can you identify some of the principal practices that made idolatry popular worldwide? Did it often include human sacrifices, even of children?
23. What is "incest"? Pagan societies made incest commonplace within their family relationships. What did God say about it? Why is incest considered such a serious threat to the stability of the family relations in modern times?
24. What was the Lord's year of Jubilee? Why was it two years of celebration instead of just one? What happened to debts when the Jubilee arrived? What happened to unpaid mortgages? What happened to leases? What social and economic adjustments would have to be carefully planned so the Jubilee would be successful?
25. Name three qualities of character required for those chosen to be judges. Why could they receive no gifts? Could a person be found guilty of murder if there was only one witness? Did that mean the offender "got away" with his or her crime? When would the guilty person be punished?
26. Who was responsible for the investigating of a crime under God's law? Could a person be condemned to death for kidnaping even if the victim was not killed? Did the kings in ancient Israel have to be approved by the people? Why was a king required to be a profound student of God's law?
27. Under God's law was the land allowed to "rest" at regular intervals? Do farmers do this today? Why couldn't a person get a permanent lease on someone else's land?
28. What does it mean in the scripture when it says God's law was "perfect?" Does this mean perfect in form or perfect in administering justice? If the judges could not reach a decision concerning a certain case, where were they supposed to go for advice?
29. What were the "phylacteries"? WJewish people? What did the boxes contain? What was the rule concerning "interest" when making loans to the poor?
30. What is the rule under God's law when making loans to the poor? How often were debts to be completely forgiven? Did Enoch practice the law of consecration and reach a point where there were no poor among them?⁶⁸
31. What did the Levites do as a tribe to win for them the assignment of becoming the teachers, religious leaders, and civil servants of all the other tribes? Did they have a region of inheritance or just certain cities?

32. Who determined the penalty for lying? Define "mayhem". Were the armies of Israel an "elite corps" like the U.S. Marine corps or were they just run-of-the-mill recruits?
33. When the Israelites approached an enemy, what was the first thing they had to do? If that didn't work what were the two remaining options?
34. What is the word of the Lord concerning massive street protests or mobocracy? What are your favorite ways of peacefully opposing decisions or policies which you consider to be wrong?
35. How would you define first degree murder? If convicted, what penalty was mandatory? What is an "excusable homicide?" What is an "accidental homicide?" If a person seems obviously guilty but a judge or jury pronounces him "not guilty," and releases the offender, what assurance do we have that justice will ultimately prevail?
36. In assessing the value of your home, how important is the factor of a good neighborhood? What special responsibility did the Israelites have toward neighbors who were poor? Does this still apply to God's people today?
37. How sacred is an oath taken in the name of God? On a scale of one to ten, how do you think the oath to uphold the Constitution is "taken in vain" today?
38. Name five responsibilities parents have toward their children. Does it include education? How about training in morality and a proper attitude toward sexuality?
39. In terms of true justice, how valid is the principle that he or she who hurts must be hurt or provide full satisfaction to the injured party? Would this be practical in a modern society?
40. What would you think of the Canadian practice of allowing a person to "take the strap" (of three inches) and be whipped rather than serving six months in jail for a misdemeanor and losing his job? Did the law of God allow for such a strapping? Define a "poll tax." Is it the same for both rich and poor alike?
41. Name three unusual features in God's law concerning the poor. Explain why the sanctity of private property is essential for both freedom and personal security. How did the Lord say you could discern a false prophet?
42. Define "prostitution." Give two examples of a "public nuisance." Except for the crime of murder, was it possible for a person to ransom his life rather than suffer the death penalty? Give the two elements involved in the crime of rape. In what way is "keeping the sabbath day holy" a sign unto the Lord?
43. Can you think of several ways that a person could become a "servant" in ancient Israel? Was it usually a temporary arrangement? But what if a servant wanted to remain permanently?
44. Can you recall two responsibilities of the "Council of Seventy Elders" which are similar to those of the United States Senate? Define stealing. Why is the cultivating of "familiar spirits" and other occult forces denounced by the Lord as totally destructive to genuine spirituality?
45. In this study did you learn anything new concerning God's commandments relating to the treatment of "strangers"? How would you define a "tithe"? What was the "second tithe" in ancient Israel? What was its purpose?
46. Define a "transvestite." Why did the Lord speak out against it? The popularizing of sodomy and other degenerate practices is often brushed off as merely "an alternate life style." What impact have they had on past civilizations?
47. What did the Lord say about fruit trees in wartime? What did the Lord say about the responsibility of his people toward widows and orphans?
48. In what way does the United States Bureau of Standards attempt to protect the people from dishonest weights and measures, etc.? Would the same be true of the Pure Food and Drug Administration?

49. Explain the law of witnesses under God's law. If one witness saw the offender commit a homicide would an expert testifying that the offender's fingerprints broad dimensions of God's law, how would you evaluate it? What was the simple rule followed by King Benjamin which made it work? Would this same formula work today?

As the Children of Israel were scattered through all nations their laws influenced the law of the nations into which they went.

In 1154, Henry II became the first Plantagenet King of England. Among many achievements, Henry institutionalized common law by creating a unified system of law "common" to the country by incorporating and elevating local customs to national level. This ended local control and peculiarities, eliminated arbitrary remedies, and reinstated a jury system of citizens sworn on oath to investigate reliably all criminal accusations and civil claims.

The jury reached its verdict through evaluating common local knowledge, not necessarily through the presentation of evidence, a distinguishing factor from today's civil and criminal court systems.

King Henry II's creation of a powerful and unified court system, which curbed somewhat the power of canonical (church) courts, brought him, and England, into conflict with the church, most famously, with Thomas Becket, the archbishop of Canterbury. Things were resolved eventually, at least for a time, in Henry's favor when a group of his henchmen murdered Becket. For its part, the Church soon canonized Becket as a saint.

King Henry's Common Law was subverted through the actions of the Catholic Church and its leaders. Common Law was restored to the English people in 1215 when King John was forced to sign the Magna Carta.

Common Law is the system of laws that were claimed by the Founders of this Nation in the Declaration of Independence, and secured in both the Articles of Confederation and the Constitution for the United States of America.

There is another system of laws that is not mentioned anywhere in the Constitution. This is the Roman Civil laws. These are the laws under which the Roman Empire ruled a major portion of the then known world. These are the laws by which Rome forced its will upon the conquered nations.

English common law has long differed from continental civil law in regard to the manner in which witnesses give testimony in criminal trials. The common law tradition is one of live testimony in court subject to adversarial testing, while the civil law condones examination in private by judicial officers. See 3 W. Blackstone, Commentaries on the Laws of England 373-374 (1768).

These are the laws that our Founding Fathers fled Europe to escape, and which they wanted no part of. These are the laws that were purposely left out of the Constitution because Article 9 and Article 10 of the Bill of Rights specifically state that any powers not granted to the new government by the people were reserved to the people.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people. - Article IX, Bill of Rights

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. - Article X, Bill of Rights

The United States Supreme Court agrees with our position in this matter.

"There is no such thing as power of inherent Sovereignty in the government of the United States. In this country sovereignty resides in the People, and Congress can exercise no power which they have not, by their Constitution entrusted to it; All else is withheld." Julliard v Greenman, 110 U.S. 421 (1884)

In fact, the entire Bill of Rights was added as a further prohibition against the assumption of powers by the Federal Government in violation of the unalienable Common Law rights of the People. It should be pointed out that the only mention of Common Law is in Article 7 of the Bill of Rights. It must also be pointed out that there is a Preamble to the Bill of Rights that is almost never included because it contains language that is very restrictive to the unlawful actions of the several governments created by the People.

Congress of the United States begun and held at the City of New-York, on Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution. - The Preamble to The Bill of Rights

Equity Law is concerned with contracts and agreements that may have been breached by one or the other of the parties who entered into such contract or agreement.

Maritime Law and Equity Law are concerned with fictitious entities. They deal with treaties between the nations of the earth, and with contracts, which may be construed as treaties between Sovereign individuals. It should also be pointed out that no fictitious entity has any sovereignty of its own. What sovereignty it enjoys comes from what portions of their own sovereignty the people who created the fictitious entity decided to grant to it, with the further understanding that the people cannot lawfully grant powers they do not hold. It is impossible to give away something you do not own.

When our Governments issue licenses and permits they are selling things they do not own, and therefore have no right to sell or to let.

"It is settled by a long line of recent decisions of this Court that an ordinance which, like this one, makes the peaceful enjoyment of freedoms which the Constitution guarantees contingent upon the uncontrolled will of an official - as by requiring a permit or license which may be granted or withheld in the discretion of such official - is an unconstitutional censorship or prior restraint upon the enjoyment of those freedoms." Staub v. Baxley, 355 U.S. 313, 322 . And our decisions have made clear that a person faced with such an unconstitutional licensing law may ignore it and engage with impunity in the exercise of the right of free expression for which the law purports to require a license." Shuttlesworth v Birmingham (Alabama), 394 U.S. 147 (1969)

And again, the Supreme Court of the United States has ruled that nobody, which includes the State and Local governments, has the right to require any kind of license, charter, contract, or permission for someone to work at his, or her, chosen occupation.

The black is the original wording of the Declaration of Independence. The blue is the comments made by the Supreme Court. The red, has been added by Constitutional Concepts in order to define the meaning of the word "Let."

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 unalienable 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. Among these unalienable rights, as proclaimed in that great document, is the right of men to pursue their happiness, by which is meant the right to pursue any lawful business or vocation, in any manner not inconsistent with the equal rights of others, which may increase their prosperity or develop their faculties, so as to give to them their highest enjoyment. The common business and callings of life, the ordinary trades and pursuits, which are innocuous in themselves, and have been followed in all communities from time immemorial, must therefore be free in this country to all alike upon the same conditions. The right to pursue them, without let (To let is to grant a charter, a license, a privilege, or a contract to a person or group who has made a proposal) or hindrance, except that which is applied to all persons of the same age, sex, and condition, is a distinguishing privilege of citizens of the United States, and an essential element of that freedom which they claim as their birthright. -- BUTCHERS' UNION CO. v. CRESCENT CITY CO. - U. S. Supreme Court 111 U. S. 746

The government does not own the common business callings of life, nor do they own the ordinary trades and pursuits wherein the People earn their living, therefore they cannot sell them, lease them, or let them in any manner. The State has no right to license carpenters, real estate agents, electricians, doctors, lawyers, banks, or any other of the multitude of professions operating within the state.

The people retained all rights to their Life, Liberty, and pursuit of Happiness.

Even though the Constitutions for 46 of the 50 states require that an enacting clause preface each and every law created by the Legislature of the State, and the State Supreme Court in the other 4 states has ruled that an enacting clause is necessary, there are no provisions in the Constitution for the United States of America that require any form of an enacting clause. The reason being that the Constitution grants no power to create laws to govern or control the people.

The Constitution for the United States of America does not grant any law enforcement powers of any kind to the Federal Government. You cannot find the words, "Sheriff," "Marshall," "Agent," "Prosecutor," "Attorney," "Police," or any form of them, anywhere in the Constitution. Nor can you find the word "Prison." All law enforcement powers belong to the Common Law and were retained by the People.

Since this Court functions as the Superior Common Law Court for the Utah Republic, we want to point out that the Constitution for the State of Utah also does not grant any kind of law enforcement powers to the State of Utah.

It should also be pointed out that the Constitution for the State of Utah contains various unconstitutional and unlawful provisions because they violate the equality of the People, the very thing the government was organized to protect.

The Utah State Constitution specifies that the Attorney General and the various judges must be members of the BAR. The BAR is a private organization over which the People have no say or control. Requiring the Attorney General, and the Judges and other Officers of the Court, to be members of the BAR creates a privileged class in direct violation of the equality of all men established by the Declaration of Independence, and thereby violates the intentions of the Founders of this Nation.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State. - Paragraph 8, Section 9, Constitution for the United States of America

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility. - Paragraph 1, Section 10, Constitution for the United States of America

In order to further clarify and strengthen these two provisions of our Constitution, an Amendment was passed that not only included Titles of Nobility, but this time it clearly includes those who claim honors.

Amendment XIII
Passed by Congress May 1, 1810 - Ratified December 9, 1812

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, or shall without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them."

Even though many publications of the Constitution for the United States of America included this Amendment, the government now claims it was never adopted because Virginia failed to ratify the Amendment.

Constitutional Concepts Foundation has in its possession certified copies of the minutes from the New Hampshire legislature indicating their having received a letter from the governor of Virginia announcing the ratification of the said 13th Amendment. Further, in 1819, Virginia published their Laws and included the Constitution for the United States of America showing the true 13th Amendment in its proper place.

In 1825, Congress authorized the publication of the "*Military Laws of the United States.*" This publication includes the Constitution for the United States of America and shows the true 13th Amendment in its proper place.

Over and over again the various Territories published the laws of the Territory and included the Constitution for the United States of America showing the missing 13th Amendment in its proper place. The last publication we have located is the Territory of Wyoming in 1876. This is important because the Constitution gives the total control of the Territories to Congress. How, if the 13th Amendment was not properly ratified did it get printed over 30 times in Territorial publications spanning 64 years of time? We all of these men mistaken? I seriously doubt that.

Please note that this Amendment contains a prohibition against "honors." Honors, at that time, was defined as special privileges that were enjoyed by one group over the rest of the People. Attorneys, who claim the honor of being the only ones who can be seated as judges, be appointed as officers to practice before the court, and to hold the office of Attorney General, are in violation of the 13th Amendment and have lost their right to hold any office of trust or profit.

It is interesting to note that all of the various writs used by our courts today are based in Common Law. One of the very first things John Jay did when he assembled the first United States Supreme Court was to adopt the Common Law Writs used in England.

The writ of habeas corpus was preserved in the Constitution -- the only common law writ to be explicitly mentioned. See Art. I, § 9, cl. 2. Hamilton lauded "the establishment of the writ of habeas corpus" in his Federalist defense as a means to protect against "the practice of arbitrary imprisonments . . . in all ages, one of the favorite and most formidable instruments of tyranny." The Federalist No. 84, supra at 444. Indeed, availability of the writ under the new Constitution, along with the requirement of trial by jury in criminal cases, see Art. III, § 2, cl. 3, was his basis for arguing that additional explicit procedural protections were unnecessary. See The Federalist No. 83 at 433. Hamdi vs. Rumsfeld

The traditional use of the writ of mandamus in aid of appellate jurisdiction both at common law and in the federal courts has been to confine the court against which mandamus is sought to a lawful exercise of its prescribed jurisdiction. - Cheney vs. U. S. District Court - D. C.

The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law. This is a "drastic and extraordinary" remedy "reserved for really extraordinary causes." - Ex parte Fahey, 332 U.S. 258, (1947)

Here are some additional thoughts on Common Law that have been expressed by the United States Supreme Court.

This rule reflects two longstanding tenets of common law criminal jurisprudence: that the "truth of every accusation" against a defendant "should afterwards be confirmed by the unanimous suffrage of twelve of his equals and neighbors," 4 W. Blackstone, Commentaries on the Laws of England 343 (1769), and that an accusation which lacks any particular fact which the law makes essential to the punishment is . . . no accusation within the requirements of the common law, and it is no accusation in reason, Blakely vs. Washington

Ultimately, our decision cannot turn on whether or to what degree trial by jury impairs the efficiency or fairness of criminal justice. One can certainly argue that both these values would be better served by leaving justice entirely in the hands of professionals; many nations of the world, particularly those following civil law traditions, take just that course. There is not one shred of doubt, however, about the Framers' paradigm for criminal justice: not the civil law ideal of administrative perfection, but the common law ideal of limited state power accomplished by strict division of authority between judge and jury. As Apprendi held, every defendant has the right to insist that the prosecutor prove to a jury all facts legally essential to the punishment. Under the dissenters' alternative, he has no such right. That should be the end of the matter. Blakely vs. Washington

(a) The Confrontation Clause's text does not alone resolve this case, so this Court turns to the Clause's historical background. That history supports two principles. First, the principal evil at which the Clause was directed was the civil law mode of criminal procedure, particularly the use of *ex parte* examinations as evidence against the accused. The Clause's primary object is testimonial hearsay, and interrogations by law enforcement officers fall squarely within that class. Second, the Framers would not have allowed admission of testimonial statements of a witness who did not appear at trial unless he was unavailable to testify and the defendant had had a prior opportunity for cross-examination. English authorities and early state cases indicate that this was the common law at the time of the founding. And the "right . . . to be confronted with the witnesses against him," Amendment 6, is most naturally read as a reference to the common law right of confrontation, admitting only those exceptions established at the time of the founding. See *Mattox v. United States*, 156 U.S. 237, 243. *Crawford vs. Washington*

The right to confront one's accusers is a concept that dates back to Roman times. See *Coy v. Iowa*, 487 U.S. 1012, 1015 (1988); Herrmann & Speer, *Facing the Accuser: Ancient and Medieval Precursors of the Confrontation Clause*, 34 Va. J. Int'l L. 481 (1994). The founding generation's immediate source of the concept, however, was the common law. English common law has long differed from continental civil law in regard to the manner in which witnesses give testimony in criminal trials. The common law tradition is one of live testimony in court subject to adversarial testing, while the civil law condones examination in private by judicial officers. See 3 W. Blackstone, *Commentaries on the Laws of England* 373-374 (1768).

The most notorious instances of civil law examination occurred in the great political trials of the 16th and 17th centuries. One such was the 1603 trial of Sir Walter Raleigh for treason. Lord Cobham, Raleigh's alleged accomplice, had implicated him in an examination before the Privy Council and in a letter. At Raleigh's trial, these were read to the jury. Raleigh argued that Cobham had lied to save himself: "Cobham is absolutely in the King's mercy; to excuse me cannot avail him; by accusing me, he may hope for favour." 1 D. Jardine, *Criminal Trials* 435 (1832). Suspecting that Cobham would recant, Raleigh demanded that the judges call him to appear, arguing that "the Proof of the Common Law is by witness and jury: let Cobham be here, let him speak it. Call my accuser before my face. . . ." 2 How. St. Tr. at 15-16. The judges refused, *id.* at 24, and, despite Raleigh's protestations that he was being tried "by the Spanish Inquisition," *id.* at 15, the jury convicted, and Raleigh was sentenced to death.

Examinations of witnesses upon Interrogatories are only by the Civil Law. Interrogatories are unknown at common Law, and Englishmen and common Lawyers have an aversion to them, if not an Abhorrence of them. Draft of Argument in *Sewall v. Hancock* (1768-1769), in 2 *Legal Papers of John Adams* 194, 207 (K. Wroth & H. Zobel eds. 1965).

Many declarations of rights adopted around the time of the Revolution guaranteed a right of confrontation. See Virginia Declaration of Rights § 8 (1776); Pennsylvania Declaration of Rights § IX (1776); Delaware Declaration of Rights § 14 (1776); Maryland Declaration of Rights § XIX (1776); North Carolina Declaration of Rights § VII (1776); Vermont Declaration of Rights Ch. I, § X (1777); Massachusetts Declaration of Rights § XII (1780); New Hampshire Bill of Rights § XV (1783), all reprinted in 1 B. Schwartz, *The Bill of Rights: A Documentary History* 235, 265, 278, 282, 287, 323, 342, 377 (1971). The proposed Federal Constitution, however, did not. At the Massachusetts ratifying convention, Abraham Holmes objected to this omission precisely on the ground that it would lead to civil law practices:

The mode of trial is altogether undetermined; . . . whether the defendant is to be allowed to confront the witnesses, and have the advantage of cross-examination, we are not yet told. . . . We shall find Congress possessed of powers enabling them to institute judicatories little less inauspicious than a certain tribunal in Spain, . . . the Inquisition. - *Debates on the Federal Constitution* 110-111 (J. Elliot 2d ed. 1863).

Similarly, a prominent Antifederalist writing under the pseudonym Federal Farmer criticized the use of "written evidence" while objecting to the omission of a vicinage right: Nothing can be more essential than the cross-examining of witnesses, and generally before the triers of the facts in question. . . . Written evidence . . . is almost useless; it must be frequently taken *ex parte*, and but very seldom leads to the proper discovery of truth. - R. Lee, Letter IV by the Federal Farmer (Oct. 15, 1787), reprinted in 1 Schwartz, *supra*, at 469, 473. The First Congress responded by including the Confrontation Clause in the proposal that became the Sixth Amendment.

Thus we see that statements taken by police officers in the course of their investigations are not admissible under Common Law since the witness is not placed under oath, and more importantly, the accused does not have the ability to confront the witness.

It is also important to point out that so called "service by mail" is not lawful, in that the postman cannot testify as to who received the letter, or as to the contents of the letter. Even though a contract may permit service by U. S. Mail, only personal service is valid.

The historical record supports the proposition: that the Framers would not have allowed admission of testimonial statements of a witness who did not appear at trial unless he was unavailable to testify, and the defendant had been given a prior opportunity for cross-examination.

The text of the Sixth Amendment does not suggest any open-ended exceptions from the confrontation requirement to be developed by the courts. Rather, the "right . . . to be confronted with the witnesses against him," Amendment 6, is most naturally read as a reference to the right of confrontation at common law, admitting only those exceptions established at the time of the founding. See *Mattox v. United States*, 156 U.S. 237, 243 (1895); cf. *Houser*, 26 Mo. at 433-435.

As the English authorities above reveal, the common law in 1791 conditioned admissibility of an absent witness' examination on unavailability and a prior opportunity to cross-examine. The Sixth Amendment therefore incorporates those limitations. The numerous early state decisions applying the same test confirm that these principles were received as part of the common law in this country.

Did you know the Anglo-American system - Our system - of jurisprudence is the only one which developed out of what is called the Common Law, that is, the general law of private property known in the British Isles?

It is true - Common Law was designed through the centuries to secure the rights of individuals, you and me, to property and to make it difficult for property to be taken away from us by a government or governmental structure - bureaucracy - without due process of law. The Common Law was expounded over the years in hundreds of thousands of case decisions as a result of trials in which the Common Law jury acted as the Judges, and in which they exercised the authority to hear and decide questions of both Law and fact. Common Law deals with lawful relationships, powers and liabilities, and types of actions rather than theoretical definitions of abstract legal concepts. The Common Law was recognized, and adopted, by Our Founding Fathers as the basis of all law in America today.

The Common Law recognizes the true Power of Government lies in the hands of the common people and not in an elite group of power brokers. It is the terrible Equity, Maritime or Admiralty Laws, laws of contract, that steals this power from the people and centralizes it into the hands of a few power oriented men. The Common Law deals in real property whereas the Equity Laws deal in written abstractions of performance - agreements or contracts. In other words, Masters own their own property, work and destiny. We are all Masters when we truly own our own property. Slaves do not own property, they usually rent property and are compelled to perform upon or with that rented - tenured - property according to some agreement or contract.

It is from such controversies involving property that all of our Rights have come. Property is known as Substance at the Common Law, and includes hard Money in the form of gold and silver coin as required by Our federal Constitution and every other State Constitution as they were all drafted to be in perfect harmony one with another.

Controversies involving these matters carry with them a Law jurisdiction, a jurisdiction in which all of our Rights are found. The Justice in a Court of Common Law is an impartial referee of the dispute, and is bound to protect the Rights of the parties to the dispute, or he will have lost whatever jurisdiction he may have had, or claimed to have had. It is the Jury who decides whether or not the Facts of the case are valid and they also decide the Law. Does the law apply to the case at hand? Is the law correct for this case?, etc.

Under equity law, the judges have the sole power to decide law...

Gold and silver Coin are the only Things recognized at Law - within our Constitution - to be real and lawful money. Money is Substance in possession and not a Chose (thing) in action. When a debt is paid, at Law, the debt is extinguished; the debt no longer exists; the debt is paid. Debt can only be paid with gold or silver Coin, or certificates redeemable for gold or silver on demand, at par, in gold or silver Coins. This is the lawful meaning of the expression "tender in payment of debt", as found in Article I, Section 10 of the Constitution of the United States.

Federal Reserve Notes are not money - they are bills/notes and/or certificates of indebtedness, as indicated by the statement "Federal Reserve Note" on the face of each bill. Each and every Federal Reserve Note is owed back to the Federal Reserve Bank who lent them to us - plus, like most debts, the accrued interest.

Thomas Jefferson placed great emphasis on the concept of Rights. He said we did not bring the English Common Law, as such, to this continent; we brought the Rights of Man as evidenced through and by the tried and true ancient system of Common Law.

The Common Law of the States of the United States is the Common Law of England adopted by the original Constitution of the United States, so far as not modified by any alterations made by the Constitution of the State at the time of admission to the Union, and so far as not in direct conflict with the Constitution of the United States of America.

And the Common Law of the States may not be modified, limited nor abrogated by an act of either the Federal Congress, or a State Legislature, or by a ruling of some judge, or by any county board of commissioners, or any other servant of the people.

Federal and state bureaucracies are constantly writing and presenting code, rules or statutes in an attempt to circumvent the original Common Law foundation of Our Constitution. As we have already shown, the People are not subject to such codes, rules, regulations, or statutes, they apply only to government officials. A major part of the problem that we find ourselves in is a result of these unlawful attempts by legislatures, judges and bureaucracies to modify or abrogate Common Law and thus Our Constitution.

While, in England, Common Law was derived from feudal tenures in real property as held by a pyramid of proprietors, the land owners, holding their rights given them from the King, or Crown, on down the line. The American Revolution destroyed any and all allegiance to the British Crown, including the rights of all those who claimed an ownership in the land, and all feudal tenures and dues. All Rights of property in land in the United States became ALLODIAL TITLES in Allodial Freehold, existing under no lord or overlord whatsoever, including the authority of the Colony or State. The ties that bound property use or ownership to a higher or superior power were entirely and completely severed, destroyed and made as though they never existed.

This is the reason why our founding fathers considered that they had made every man a "King" on his own property. They got rid of the controls from the King and "castle keep" owners (feudalism) within property ownership.

In England, William Pitt summarized the concept of private property under Common Law, as follows:

"The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter; the rain may enter; but the King of England cannot enter; all his forces dare not cross the threshold of the ruined tenement."

As a result of all of this, the Common Law of the States is founded and grounded upon substantive titles in real property. No mere legislative enactment by Congress or State Legislature nor judicial ruling by Federal or State Courts can operate to deprive the People of their Rights at Law. This includes their Rights inherent in their Allodial Land Titles and to be Merchants and/or Traders at Law on the cash basis, and their Rights to access to Courts of Common Law and to a jurisdiction where their Rights are fully protected.

In the same vein no county or city ordinance, code, rule, policy, regulation or "law" can override these absolute guarantees of allodial land title. The same applies to corporate or private policies of business conduct which are often used to override Common Law or Constitutional guarantees. In other words, business or corporate policy cannot supersede the rights that the People secured when they created the Constitution.

As contrasted with the Common Law of England, the system of law as practiced on the Continent of Europe, the European Common Market, is called Civil Law, or Roman Civil Law, which is derived from the Law of the Ecclesiastical Chancellors. This is partly the ancient Law of Rhodes, the law of merchant traders upon commercial documents. The Civil Law is prosecuted by the Chancellor, the King's agent; he is not an impartial referee of the dispute.

This Civil Law of Roman origin has never been part of the Laws of England and has been declared to not be part of the Laws of the Realm by the Parliament and by many experts of England in jurisprudence, such as Coke, Blackstone and Sir John Fortescue.

"The Common Law is absolutely distinguished from the Roman or Civil Law systems." - People v Ballard, 155 NYS 2d 59

The Roman Civil Law has always been outside of Common Law, operating on SUMMARY PROCESS, in gross violation of our RIGHTS TO DUE PROCESS.

As English society developed over the years, situations were met in the Common Law for which the Courts could provide no relief by any precedent. These controversies did not involve property, or substance. The parties thus had no other recourse than to go to the King. And when they did, he delegated his first minister to solve these problems. The minister was called a Chancellor, the same title as used on the Continent, and the relief granted was called Equity.

This "Equity" meant what would be fair if the Common Law principle were extended and applied to the case at hand, as the Chancellor, in his sole discretionary judgment, chose to do.

There thus developed in England and in America two distinct systems of law and courts, each having a peculiar and particular application and jurisdiction.

- Equity is a jurisdiction in which the individual does not have any Rights, and one to which the individual can be subjected only if he volunteers or gives his informed consent.
- In the Common Law we have recognized inherent rights whereas in the Equity Law we have no rights whatsoever except those which may be bestowed upon us by the graces of the chancellor - judge - and wholly at his sole discretion.

In Equity there are no jury trials. The powers of the Common Law jury to hear and decide questions of both Law and Fact are exercised exclusively by the Chancellor. However, there may be "advisory juries" to advise the Chancellor of certain facts, but they are not permitted to hear any arguments regarding the Law.

Does this sound familiar today?

The controversies are decided by the Chancellor, who, besides being the Chief Prosecutor, or the Inquisitor, if you will, can go to any source he chooses, even to his own "conscience", to prove or justify his decision. In Equity, the parties do not have any Rights; the Constitution is stated by the Chancellor to be "frivolous;" and any so-called "rights" in his Court are actually "privileges" granted by the Chancellor, which he can also take away. Today this all powerful person is not called a Chancellor. He, or she, is called a Judge and he, or she, operates in all levels of "courts" throughout Our Land.

During the past century, the Congress of the United States and the Legislatures of the several States, as well as the Judges have presumed to exercise the authority to "merge" the procedures of Law and Equity. This is authority they do not have, yet this, too, is part of the problem we face today all over Our Land.

When we understand that a Court of Common Law proceeds "according to the course of the Common Law," and that the parties have a Right to trial by a Common Law jury, where the jury exercises the authority to hear and decide questions of both Law and Fact, we then can understand that if we are in a Court where the procedures have been "merged" with Equity, we are not in a Court of Common Law! Such a court does not recognize and refuses, to We The People, our rights secured by the Constitution to self and property.

We must realize that the principles of Common Law and of Equity are those as distinguished and defined in England, before the adoption of the Constitution of the United States of America. Any modifications in definition or practice of either Law or Equity in England since the adoption of the Constitution of the United States of America have no significance, bearing or authority in the United States, since we are no longer under the jurisdiction of either

Parliament or the Judges of England. Yet there are those in this country who claim that Equity jurisdiction, otherwise known as Chancery jurisdiction, in this country is the same in nature and extent as Equity jurisdiction in England!

Where the Constitution of the United States of America, or the Constitution of the State, mentions "law", it means "Common Law;" it does not mean any other "kind" of law! !

In addition to the above mentioned jurisdictions of Law - meaning Common Law - and Equity, which are the only Judicial jurisdictions authorized either by the Constitution of the United States of America, or by the Constitution of the State, as drafted in conformance thereto, and being second thereto, there is also a private, political jurisdiction which is operative only on those who volunteer into it's private domain, outside of the Constitution. It is known as Law Merchant (lex mercatoria) the private rule of the bankers and merchants.

It is this system of 'legal' snares that has all of We The People by the throat...."

Law Merchant is neither Law nor Equity, but is only raw, private, political power, alien and illegal to our Constitution whatsoever, and operates outside of the Constitution .

The Law Merchant is an independent, parallel system of law, like Equity or Admiralty. The Law Merchant is not even a modification of the Common Law; it occupies a field over which the Common Law does not and never did extend. Common Law deals with the Money of Substance belonging to the People (Gold and Silver Coins); while the Law Merchant deals with the law of Bills, Notes and Checks, (in other words, with negotiable instruments and commercial paper). The Law Merchant is closely allied to the Equity system of agreements and contracts which it uses extensively because the Constitutions of Our States recognize Equity law. Equity Law is the "back door" used by Law Merchants - bankers, etc. - to gain access to what used to be Allodial Title or absolute ownership previously enjoyed by all Americans.

Our Declaration of Independence charges that America had been progressively subjected to "a jurisdiction foreign to our Constitution," meaning the unwritten English Constitution. This foreign jurisdiction was a jurisdiction of lawless ad hoc equity derived out of the Roman Civil Law under the stark cover of such obscenities as the Writs of Assistance, which our Courts of today also claim to have the authority to issue, but which is not even defined in the 6th Edition of Bouvier's Law Dictionary, 1856.

The unlawful writ of Assistance, allowed summary plundering of the colonists' wealth and substance TO THE ADVANTAGE OF the East India Company which controlled the Parliament. Today, it allows the summary plundering of the American citizens' wealth and substance TO THE ADVANTAGE OF the banks and other financial (lending, insurance, etc.) institutions which control the Congress and State legislatures.

It has been recognized and stated for over one hundred years that "we have the best Congress that money can buy," although there are many that claim for what we spend we should have much better ! !

These Writs, even as only one wrong perpetrated by the commercial interests in the Parliament, were given authority by an Equitable jurisdiction called a debt action in assumpsit - assumpsit is an assumption of a fact, rather than the true fact itself.

Assumpsit - Contracts.

- **An undertaking either express or implied, to perform a parol agreement.**
- **An express assumpsit is where one undertakes verbally or in writing, not under seal, or by matter of record, to perform an act, or to pay a sum of money to another.**
- **An implied assumpsit is where one has not made any formal promise to do an act or to pay a sum of money to another, but who is presumed from his conduct to have assumed to do what is in point of law just and right**
 - ▶ **It is to be presumed that no one desires to enrich himself at the expense of another;**
 - ▶ **It is a rule that he who desires the antecedent, must abide by the consequent; as, if I receive a loaf of bread or a newspaper daily sent to my house without orders, and I use it without objection, I am presumed to have accepted the terms upon which the person sending it had in contemplation, that I should pay a fair price for it;**
 - ▶ **It is also a rule that every one is presumed to assent to what is useful to him. See Assent**

This action, which gave satisfaction pursuant to the customs of the Law Merchant, having been voluntarily entered into, had been an old debt action triable in a Court of Common Law (merely as a courtesy of the Common Law Courts, and not inherently a part of Common Law) (and triable by a Common Law Jury, as a protection to the Defendant), until lord Mansfield, Chief Justice of the Kings Bench, in 1760, arbitrarily and on his own authority, denied trial by jury in debt actions in assumpsit AND REMOVED THAT ACTION FROM THE Courts of Common Law into the Courts of Equity, where a trial by jury could not be had, and where there was merely a summary proceeding with no semblance of a "due process of Law". In other words, a merchant can, with a flick of his Pen, deprive anyone of their property without due process of Law.

Sound familiar?

This case is known as: **Moses v MacFerian 2 Burroughs 1005** and is the case that sparked the American Revolution and caused Thomas Jefferson to say that English law since that date (1760) should not ever be used over here as Equity/Merchant laws had become an instrument through which merchants could, from then on, assume power over anyone else's property solely at their discretion and whim.

It was this Equitable debt action in assumpsit which the Seventh Amendment of the Constitution of the United States was specifically meant to outlaw, by specifically providing that

"In suits at Common Law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved..."

The significance of this is pointed up by the fact that any controversy involving Money (Gold and Silver Coins) in an amount greater than twenty dollars, or any property such as real estate can only be tried in a Court of Common Law with the right of trial by jury who decides Law as well as the Facts of the case!

This means that any Mortgage Foreclosure action can be tried only in a Court of Common Law, and that the State Legislature has no Constitutional authority to provide that mortgage foreclosure actions shall be Equity actions! The State Legislature has no power to create a statute in violation of the principles of Common Law. After all, statutes are not real Law but are in reality "color" of Law only and therefore are only binding on the government officials and those who voluntary, and knowingly, agree to be bound.

This means that Sheriff's Sales as a result of these Equitable Mortgage Foreclosure actions are null and void!! And that the Sheriffs have participated in criminal confiscation of real property in violation of the Constitution and of their oaths of office! !

So, it can be seen that summary and arbitrary confiscation of income and property is nothing new in American tradition and history out of an illicit, meaning an unlawful and an unconstitutional, Equitable jurisdiction. It is precisely this Equitable jurisdiction wherein the Chancellor enforces the combination of unconstitutional Executive and Legislative Equity which is the jurisdiction foreign to our Constitution referred to in the Declaration of Independence. This is precisely what our American Revolution was all about and what our Bill of Rights was designed to prevent.

It is also a measure of the extent that the Bankers, both foreign and domestic, and other merchants, and their stooges, the lawyers and Judges, as well as the politicians of both major political parties, have betrayed the Public Trust and have attempted to place us in a Dictatorship of Unelected Rulers, being the "judges" and bureaucrats! !

Thus it can be seen that there is a direct similarity of our political and legal situation today with what it was in the years immediately preceding the Revolution of 1776. Only today we have a written Constitution that spells out our Rights and our freedoms, giving us precedents, whereas two hundred years ago they did not. We have the documents that clearly spell out the law under which our corrupt officials should be functioning. We have the documents that we can, and must, rely upon to restore our republican form of government.

We, the People of the United States of America, using our lawful powers, our Sovereign authority, and the unalienable rights given to us by our Creator, hereby issue notice that we will no longer be persecuted and prosecuted by our servants. We know that as others find the truth, and that as knowledge spreads across the country, our numbers will grow to where we once more enjoy the Liberty and Freedom that is rightfully ours.

The Common Law Jury members, acting as judges of the Law, were sworn to "Do equal law, and execution of Right, to all the King's subjects, rich and poor, without having regard to any person" and that they will deny no man Common Right; but they were NOT sworn to obey or execute any statute of the King, or of the King and Parliament. Indeed, they were virtually sworn NOT to obey or execute any statutes that are against "Common Right", or contrary to the Common Law, or "Law of the Land"; but to certify the King thereof "... that is, to notify the King that his statutes are against the Common Law;.... and then proceed to execute the Common Law, notwithstanding such legislation to the contrary.

The words of the oath on this point are these:

"That we deny no man Common Rights by virtue of the King's letters, nor none other mans', nor for none other cause; and in case any letters come to you contrary to the Law, that is, the Common Law that ye do nothing by such letters, but certify the King thereof, and proceed the execute the Law, that is, the Common Law, notwithstanding the same letters"

Such too is our case. As Common Law Juries are seated, they are bound by oath to uphold the Common Law of this Country. They have the obligation to strike down any laws in conflict with the Constitution and to so notify the public that those laws are null and void.

"No legislative act contrary to the Constitution can be valid." "The Constitution is, in fact, and must be regarded by judges as a fundamental law." - Federalist Papers #48, Alexander Hamilton

The Sheriff is a servant of the People. He is elected and paid by the People, and upon taking office he takes an oath, which is a binding contract with the People, to uphold the Constitution, the People's Law, and keep the peace. He is not a messenger of the civil courts, and owes them no allegiance.

In American Jurisprudence, on Sheriffs, Police and Constables, we find the following:

Origin of office: The office of sheriff is an ancient one, dating back to at least the time of Alfred, King of England, and the holder thereof has always been the chief executive officer and conservator of the peace in his shire or county. He is a county officer representing the executive or administrative power of the state within his county. In this country, the office is generally an elective one, and anciently in England, sheriffs were elected by freeholders of the county, although gradually, it became the custom for the Crown to appoint the Sheriff."

Abraham Lincoln stated the following on February 12, 1865:

"The people are the rightful masters of both Congress and the Courts. Not to overthrow the Constitution, but to overthrow the men who pervert the Constitution."

The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U. S. Constitution is the supreme Law of the Land, and any statute to be valid, must be in agreement. It is impossible for both the Constitution and a statute violating it to be valid. In such a dispute, one must prevail, and that is the Constitution.

In Volume 16, American Jurisprudence, 177, we find the following:

"The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted."

"Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it. . . .

A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby.

No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

The Constitution guarantees the right of a freeholder to protect his property from Criminal Trespass.

Civil law or equity law is the law of the ruler; Common Law is the law of the people.

It is the sworn duty of the Sheriff to obey and uphold the Constitution and to protect the property and Rights of the freeborn, Sovereign American individuals of the County.

County Sheriffs must be advised of the instances where unlawful acts of officials or agencies of government are committed. It is the duty of the Sheriff to protect the local citizens from such unlawful acts, even when they are committed "under color of law".

There is no lawful authority for Judges and the Courts to direct the law enforcement activities of a County Sheriff. The Sheriff is accountable and responsible only to the citizens who are inhabitants of his County. He is under Oath of Office, and need not receive unlawful Orders from Judges or the Courts. He is responsible to protect citizens, even from unlawful acts of officials of government. He should not allow his office to be used as an unlawful "lackey" of the Courts or Federal agents or agencies.

We, the People, Are the Government.

Since the formation of our Republic, the local County, or Parish, has always been the seat of government for the body politic, the People. A County, or Parish, government is the highest authority of government in our Republic as it is closest to the body politic, the People, who are, in fact, THE GOVERNMENT.

The Common Law of the States is founded and grounded upon substantive titles in real property, and no mere legislative enactment by Congress, State legislature or County Commissioners can alter that fact. Neither can judicial ruling by Federal, State or County Courts operate to deprive the People of their Rights at Law, including the Rights inherent in their Allodial Land Title Rights.

The Constitution for the United States of America, Article III, Section 2, authorizes Courts of Maritime Law and Courts of Equity. Neither of which have any force or impact on the People.

Equity is authorized for the Judicial Branch of the government, but nowhere does the Constitution for the United States of America authorize any Equity for either the Executive Branch or the Legislative Branch of our governments.

Our Constitution clearly defines three separate and distinct Branches of government.

- The Legislative Branch that holds all of the power to create what laws may be properly enacted under the provisions of the Constitution.
- The Executive Branch that is empowered to handle the day to day functions of government, as authorized under the provisions of the Constitution.
- The Judicial Branch that oversees the situations that arise from the proper functioning of our government in relation to the Maritime and Equity Law the Constitution permits the government to use.

There is a Fourth Branch of Government that is not as clearly defined. It is the People themselves. It is the People, who hold all of the Sovereignty, the Rights, the Powers, and the Authority. It is the People, using their Common Law, and their Common Law Courts, who ultimately control and oversee all of the government functions.

In other words, the promulgation and enforcement of Presidential/Congressional/Judicial edicts, dictates, rules, regulations or policies whether directly or through any Federal agent or agency such as the FBI, CIA, EPA, OSHA, IRS, etc. or with the aid and assistance of State or local lackeys is totally unauthorized.

The Constitutions of the Several States, as drafted in conformance to the Constitution for the United States of America, and being second thereto, do not, and cannot lawfully authorize either State Executive branch of government, or State Legislative branch of government a single bit Equity jurisdiction.

In other words, Federal, State and County governments, both Executive branch and Legislative branch, must be at Law working within the Common Law, and may not impose any form of Equity jurisdiction upon the People, by compulsion, fraud or otherwise, without their knowledge and informed consent; otherwise any such enactments become and are nullities and do not exist at Law, because the Rights of freeborn, Sovereign American individuals would be violated if they were to be forced to obey them.

If any agency of the Federal, State or County government, including the courts, would act as if it were Principal, and Freeman, against its true Principal, the People, this would be an inversion of the lawful principle of Sovereignty of the People. By so acting, any agency of the government, including the courts, would be a pretender to the power, and as a pretender, its acts would be a nullity and would not exist, at Law; that is to say, that it would be null and void, and of no force and effect, at Law. That, in fact, it would not be government at all, but would be a private, criminal operation, imposing a rule of force, fraudulently pretending to be government, since, in this country, the only legitimate function of government is to protect the Rights and Freedoms of the People. Such acts are not unlike the privately owned and operated Mafia who demands our money (taxes, fees, etc.) in exchange for them not committing violence against us or our property.

Each freeborn, Sovereign American individual has the authority and the Right to deny and to disavow all Equity jurisdiction, and to refuse to acquiesce to the jurisdiction of Courts of Equity, or to Equity jurisdiction of any Executive or Legislative branch of government agency or agent, State or Federal or County.

As was stated earlier, the Constitution for the United States of America, Article IV, Section 4, guarantees a Republican Form of government to every State. Common Law only functions in a true Republican form of government.

The United States shall guarantee to every state in this union, a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence - Section 4, Article IV, Constitution for the United States of America.

In order to destroy the ability of the People to reprimand those who are out of line, and to properly control the various functions of our government there has been an insidious attack on our System of Common Law. This attack is still going on, and will continue until enough of the People step forward and put a stop to it.

So that everyone know and understand the real definitions of the various forms of government we feel that they should be defined at this point in our discussion.

Republic: A form of government where God's law is supreme and the unalienable rights given to us by our Creator are fully protected. The people are superior to the government and are free to pursue and to enjoy their Life, Liberty and Pursuit of Happiness. Each Citizen retains their own Sovereignty and has control over his, or her, personal space. Neither the government, nor any Citizen, or group of Citizens, has the right, or the power, to violate, or to infringe upon the unalienable rights of another Citizen. The Sovereign Citizens are subject to God's Laws, primarily the Ten Commandments, the "Golden Rule," and especially, Love thy Enemy.

Democracy: A form of government where the majority rules. There are no unalienable rights, only the privileges granted to the minorities by the majority, which in our case the majority refers to as Constitutional Rights. This type of system is fraught with the ever present potential that the majority will make slaves of the minority, or, that power hungry men and women will subvert the system for their own benefit. God is outlawed, and God's laws are totally disregarded. Eventually the majority attempts to install themselves as the god of the nation. Today, in our court rooms, the attorneys "PRAY" to the judge for the orders they seek.

Oligarchy: A form of government where a select group of individuals have gained control over the actions and activities of the government and have placed themselves, and their cohorts, above the law, by claiming immunity from redress for themselves and their associates. Since anarchy is defined as a confusion of government, an Oligarchy is open anarchy.

Our Civil State Courts are nullities, and do not exist, either at Law or in Equity, because under our Constitution the States, as republican forms of government, are limited to functioning under the Common Law, and unelected State Judges have no jurisdiction at Law or in Equity, over any one or any thing, being in direct violation of each freeborn, Sovereign American individual's Right to a Republican Form of Government; which in this case is his Right to have an Elected Judge. This also includes the Right to Separation of Powers, because the Governor, as Chief Executive of the State, has no Judicial Power to delegate to an appointee. The Governor is of the Executive branch and lawfully has no say or jurisdiction within or over the Judicial branch.

The Governor of a State is not a Chancellor, appointed by a King or dictator, he is the duly elected chief officer of the Republic, even though he, or she, will not admit to such position. Nor are any officials appointed under him authorized to exercise any Judicial powers. Not even the Attorney General, who is merely the law advisor to the Governor. There can be no delegated power in Chancery law to be executed under the alien, outlawed and illegal Roman Civil Law, unless agreed to by the freeborn, Sovereign American individual.

That evil and alien jurisdiction, the de facto Equity jurisdiction of the Roman Civil Law, allows judges to enforce the unlawful summonses of IRS agents, Highway Patrol Officers, city policemen, building inspectors, OSHA agents, FDA agents, and the agents of all other equally unlawful regulatory bodies of so-called government, who attempt to impose a jurisdiction in which the Rights of freeborn, Sovereign American individuals are unrecognized and violated.

That evil and vicious Roman Civil Law allows the "judges" to have We, The People arrested, jailed, and property taken away from us, or our property to be criminally trespassed upon and destroyed; all without a Common Law Trial by Jury, or just compensation, or due process of law. These violent acts by unelected dictators are committed often over simple idiocies such as "willful failure to file" a paper or failure to properly fill out a form or unknowingly not following some obscure and stupid procedure, rule or regulation.

Under the Common Law, Our Constitution, no bureaucrat can dictate what happens to Our liberty or Our property. The only entity that can determine punishment, or pass sentence, upon a freeborn, Sovereign American individual is a lawfully constituted Common Law Jury, and even then, only when there has been damage done to another Sovereign so that a valid case may be presented to the Common Law Court.

Aiding and abetting the IRS, which are truly foreign agents to the States, and similar agencies in enforcing their unlawful summonses, fraudulent liens and assessments constitute an enforcement of the alien and evil Roman Civil Law and is in fact fascist totalitarianism.

In other words, a feudalistic real property law, in the guise of Equitable discharge of obligations to tender in Equity and not "pay" at Law, was instituted in violation of our Allodial Property Rights, and compels Sovereign American individuals into a feudalistic peonage, or involuntary servitude to the private banks (the Federal Reserve Bank, the National Banks, and the State Banks), all in violation of the Constitution of the United States of America. Because of the unlawful jurisdiction of the Law Merchant, we are not under Common Law, we do not have access to our Right to a Common Law Jury, and as a result our property can be, and every day is, taken without due process of Law. If we do not "perform the services" our property is taken from us by Equity courts imposing the Law Merchant.

The Sheriff, in unknowing and unthinking acceptance of this situation, has become the "bag man" for a bunch of private criminals, and thereby is committing crimes himself, and is therefore a criminal. It is a crime to violate the rights secured by the Constitution and his oath of office to support and defend the Constitution for the United States of America and the Constitution of his own State, it being drafted in conformance thereto, and being secondary thereto.

Article III, Section 2 of the Constitution for The United States of America, states in part:

"The Judicial Power shall extend to all Cases of Admiralty and Maritime jurisdiction;"

The following citation is from the Judicial Act of 1789.

At the very beginning of government under the Constitution , Congress conferred on the federal district courts exclusive cognizance "of all civil causes of admiralty and maritime jurisdiction, ; saving to suitors, in all cases, the right of a Common Law remedy, where the Common Law is competent to give it; . . ." (1 STAT 77, Section 9 (1789))

Congress enacted the Limited Liability Act on March 3, 1851. It is codified at Title 46, United States Code, Sections 181-189, as amended in 1875, 1877, 1935, 1936 and the Act of 1884. It intended to cover the entire subject of limitations, and to invest the U. S. District Courts with exclusive original cognizance of all cases of admiralty and maritime jurisdiction, exclusive of the States. This means that the States do not have any jurisdiction in admiralty and maritime matters, at all. And, since it is codified, it is enforceable upon the government and the government officials, but not the People.

Admiralty and maritime jurisdiction comprises two types of cases: (1) those involving acts committed on the high seas or other navigable waters, and (2) those involving contracts and transactions connected with shipping employed on the seas or navigable waters. In other words, the second type of case must have a direct connection with maritime commerce.

Suits in admiralty traditionally took the form of a proceeding in rem against the vessel, and, with exceptions to be noted, such proceedings in rem are confined exclusively to federal admiralty courts, because the grant of exclusive jurisdiction to the federal courts by the Judiciary Act of 1789 has been interpreted as referring to the traditional admiralty action, the in rem action, which was unknown to the Common Law.

in rem

This technical term is used to designate proceedings or actions instituted against the thing, in contradistinction to personal actions which are said to be in personam. Proceedings in rem include not only judgments of property as forfeited, or as prize in the admiralty, or the English exchequer, but also the decisions of other courts upon the personal status, or relations of the party, such as marriage, divorce, bastardy, settlement, or the like.

Courts of admiralty enforce the performance of a contract by seizing into their custody the very subject of hypothecation; for in these case's the parties are not personally bound, and the proceedings are confined to the thing in specie. - Bouvier's Law Dictionary - 6th Edition - 1856

State courts are forbidden by the Constitution to have Admiralty jurisdiction. While State courts are permitted to handle and try Admiralty cases if the suitor desires, but, it must be an Admiralty matter to begin with, otherwise there would be a Common Law remedy and the provisions of the Judiciary Act of 1789 would come into play. In other words, State Courts may only handle Admiralty cases when the Common Law courts would not be competent to handle it. More than this, it would need to be tried in a Common Law court, following Common Law procedures (not Equity procedures) with a Trial by a Common Law jury.

Therefore, any attempt by a State court to impose a judgment in rem is in violation of the Constitution and is null and void. When a sheriff attempts to enforce a judgment in rem he is attempting to impose the alien and unlawful Roman Civil Law, in violation of his oath of office, and he is thereby committing a criminal act.

The Sovereign American people are beginning to catch on to and realize the nature of the Dictatorship of Unelected Rulers that has been set up in this country, and They are no longer quietly accepting such vile treatments. As more and more People learn about, and understand the false system that has been imposed upon them, the ability of that system to function will be curtailed and eventually destroyed.

As the issues become clarified, each public official will need to make a decision: shall he be on the side of the Constitution and protect the Rights and freedoms of We The People, of which he is one, as required by his oath of office; or shall he be a party to the criminal usurpation of the Sovereignty of We The People?

The Sheriff is a key person in all of this: he can either be a tool of the evil forces who have set this up, and to so provide and continue the oppressive force that binds the innocent victims to the chains of slavery, all in the name of

"doing his duty", or he can be the instrument of liberation for We The People by preventing the imposition of the unconstitutional Equitable jurisdiction, the Roman Civil Law, upon Us, the victims and Our property and protecting Our Rights and freedoms.

As stated in the Declaration of Independence, we are endowed by our Creator with certain Unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.

Thomas Jefferson placed great emphasis on the concept of Rights. He said we did not bring the English Common Law, as such, to this continent; we brought the Rights of Man. The reason he made that statement is that it is from the Common Law controversies, all of which involved property, that all of our Rights have come to be recognized in the Law.

It is not the Right of property which is protected, but the Right to property. Property, as such, has no rights; but the individual -- the man -- has three great Rights, equally sacred from interference: the Right to his LIFE; the Right to his LIBERTY; the Right to his PROPERTY. ...

The three Rights are so bound together as to be essentially one Right, To give a man his life but deny him his liberty, is to take from him all that makes life worth living. To give him his liberty but take from him the property which is the fruit and badge of his liberty, is to still leave him a slave.

"Our rulers can have no authority over our natural rights, only as we have submitted to them. The rights of conscience we never submitted. We are answerable for them to our God. The legitimate powers of government extend to such acts only as are injurious to others." - Thomas Jefferson

This points up the significance of the requirement of the procedures of the Common Law that there be an injured party, that the injured party make a sworn complaint as to the injury that has been done to him by the alleged Defendant. That unless this is done, the Court does not have jurisdiction over the Defendant.

We have been told, from childhood, that we have unalienable Rights, and we do!

Unalienable means that they cannot be taken from us, and that we cannot be forced to give them up. There are those who point out that, strictly speaking, we cannot even give them up voluntarily. However, if we submit to those who would rule over us, it is true that our Rights were not taken from us -- as Thomas Jefferson said, -- "we have submitted to their rule." We have allowed ourselves to become their slaves. There is one important fact concerning slavery, of any sort, the institution of slavery depends upon the cooperation of the slaves! Without the cooperation of the slaves, there can be no slavery.

In Common Law Courts our Rights are protected. The Rules and Procedures of the Common Law Courts were established to protect our Property Rights -- to make it difficult for Property to be taken from someone without Due Process of Law. The Right to require That an injured party swear under oath as to damage or injury that he claims that you caused to him; the Right to a Corpus Delicti: The body of the offense: " the essence of the crime." Under the Common Law, the Courts do not have an automatic jurisdiction. The Common Law Rules and Procedures specify certain steps, or procedures, which must be done, and certain things which must not be done -- all as a protection to the Rights of the Accused. And, as we have pointed out previously, Rights are inherent in Property, and Property is inherent in Rights. We have the Right to have our controversy, once the Common Law Court has acquired jurisdiction, tried before a Common Law Jury of our Peers, wherein the Jury has the authority to hear and decide questions of both Law and Fact. There is no monkey business of pretending that arguments involving the Law must be held outside of the hearing of the Jury and that their supposed only function is to hear and decide questions of Fact presented in evidence and that the Judge will tell them what the Law is!

As evidence that the Founding Fathers operated under the Common Law, in addition to the wording of the Constitution of the United States of America, the following was included in the instructions to the Jury in the first case ever tried before the United States Supreme Court, as a court of original jurisdiction, which means that a Trial by Jury was held in front of the Supreme Court, with Chief Justice John Jay presiding:

"It is presumed, that juries are the best judges of facts; it is, on the other hand, presumably, that the courts are the best judges of law. But still both objects are within your power of decision. You have a right to take upon yourselves to judge both, and to determine the law as well as the fact in controversy." - STATE OF GEORGIA vs. BRAILSFORD . 3 Dall 1 (1794)

Our Property Rights are inseparable from our individual Rights and our individual Rights are inseparable from our Property Rights. Both types of Rights are protected in the Procedures and Due Process of the Courts of Common Law.

The Bill of Rights in our Federal and State Constitutions have to do with matters wherein We, the People, have restricted our Governments, at all levels, and their agents and agencies, to have no authority over at all to enact statutes, or to issue rules and regulations, binding on the individual, dealing with such Rights as are included and declared in the said Bill of Rights.

It should be emphasized that the Ninth Amendment includes all of the Common Law Rights which are not listed, or enumerated, anywhere else. In other words, the Bill of Rights are prohibitions against government at any level over the individual.

The Constitution authorizes Courts of Law and Courts of Equity. When the Constitution says Law, it means Common Law, because that's what the Founding Fathers meant when they said Law. In Courts of Law your Rights are protected by the Constitution and the Rules and Procedures of the Common Law, known as Due Process of Law; and the Bill of Rights was adopted to avoid misconstruction and abuse of powers, by the Judges; but in Courts of Equity, by the nature of Equity jurisdiction, you don't have any Rights.

Within the existing Equity Courts the only rights you might acquire for yourself are the terrible so-called Civil Rights, or Constitutional Rights, or the rights under the Uniform Commercial Code. These are much lesser rights than those given to us by our Creator, and secured by our Constitution because these rights are Natural God given rights whereas the other rights are not rights at all, but are merely privileges that have been granted by an artificial government of bureaucrats.

Based on the foregoing truths, We, the People of the Utah Republic, have determined to restore and to utilize our Common Law Courts in accordance with the unalienable rights granted by our Creator.

The Utah Republic Superior Common Law Court is an original jurisdiction court organized in Salt Lake County, Utah Republic.

The provisions of Common Law are very simple – Do no harm to another or to his, or her, property. Your word is your bond. Let Everything Be Done Decently and Orderly.

Therefore, the court will hear no cases wherein all parties have not executed a written agreement to be solely subject to the provisions of the Common Law and subject to the decisions of the Common Law Court, and completed the administrative procedures as outlined by our Savior in the New Testament.

Court Rules

Procedural Guidelines

Greetings:

Know all Good Men by these presents,

In the name of, and by the authority of, We, the People of the Utah Republic, do hereby set forth the Procedural Guidelines to be used in the conduct and administration of the Utah Republic Superior Common Law Court in and for the said Utah Republic. Said Rules effective immediately upon public notice and knowledge.

Rule 1.

Our Utah Superior Common Law Court, an original jurisdiction court, specifically adopts the explicit and express words of Article 1, Sections 1 and 2, of our Constitution for the State of Utah,

Section 1. [Inherent and inalienable rights.] All men have the inherent and inalienable right to enjoy and defend their lives and liberties; to acquire, possess and protect property; to worship according to the dictates of their consciences; to assemble peaceably, protest against wrongs, and petition for redress of grievances; to communicate freely their thoughts and opinions, being responsible for the abuse of that right.

Sec. 2. [All political power inherent in the people.] All political power is inherent in the people; and all free governments are founded on their authority for their equal protection and benefit, and they have the right to alter or reform their government as the public welfare may require.

Rule 2.

Our Utah Superior Court may appoint such officers as it feels are necessary for it to function in accordance with the desires of the People. These may include, but shall not be limited to, a Chief Justice, a Bailiff, one or more Marshals, one or more Justices of the Peace, and one or more Notaries Public, all of whom shall hold office at the pleasure of our appointing power, the People. At the start of the court there will be a vote by the Justices to select the court Foreman for that day.

Rule 3.

Our Utah Superior Court may convene anywhere in our Republic at the pleasure of our Justices, or wherever the need may arise as determined by the People.

Rule 4.

Our Utah Superior Court Clerk is the office of local county-court clerk and recorder where the court may be convened, who, by reason of being elected by the People of the Utah Republic, and is being paid by said People, is lawfully serving under the Utah Republic and due to common ignorance caused by other jurisdictions statutory process and the controlled title of nobility State Bar of Utah does not fully understand their true position.

Rule 5.

Our Utah Superior Court special terms will be enforced by militia protections, without arms, to prevent miscarriage of Justice based upon common knowledge by those who are engulfed in codes, statutes, rules, regulations, and orders, which are all a separate and voluntary jurisdiction not a part of our common law venue.

Rule 6.

Our Utah Superior Court rule of decision is "The Holy Scriptures", with Magna Charta, our organic law, and our original common law of England, as it was known at the time our Constitution for the United States of America was created.

Rule 7.

Our Utah Superior Court is a Court of Justice of first and last resort, hearing both matters in Law and matters of fact, civil and criminal jurisdiction in the same cause of action at the choice of the Justices.

Rule 8.

Our Utah Superior Court is a Court of Record via the office of county-court clerk and recorder.

Rule 9.

Our Utah Superior Court is empowered by the People to issue all Common Law writs ordering a defendant to do some act or to explain why inaction is appropriate; or a written motion or request seeking some court action, especially, a trial setting, or an entry of judgment, or a higher court's order directing a lower court to determine and enter a judgment in a previously removed case.

Rule 10.

Our Utah Superior Court approves of assistance of counsel by free choice of the parties, with no lawyers, solicitors, attorneys, proctors, advocates nor corporations unless leave is granted by our Utah Superior Court Justices.

Rule 11.

Our Utah Superior Court term is from day to day depending upon the matters before our Court, and may only function from Monday through Saturday of each week as determined by our Court Justices.

Rule 12.

Our Utah Superior Court will not deny, delay, nor sell, justice to anyone of any character whatsoever.

Rule 13.

Our Utah Superior Court Justices will be male and/or female over the age of 18 years of age.

Rule 14.

Our Utah Superior Court hereby adopts the standard Common Law format for pleadings, with special exceptions as granted by our Justices.

Rule 15.

Our Utah Superior Court explicitly reserves our Right to amend our Rules from time to time of necessity.

Rule 16.

Our Utah Superior Court explicitly reserves our Right to select and choose our Justices from our venue.

Rule 17.

Our Utah Superior Court is a self-governing body of Men and Women, of good character, well learned in Common Law.

Rule 18.

Before taking a vote on any question, the Foreman shall ask "Are you ready for the question?" If none speaks the Foreman shall rise to put the question and after he has risen, no Justice shall speak without permission from the Foreman.

Rule 19.

When two or more Justices rise at the same time, the Foreman shall call one to speak.

Rule 20.

After the court has been convened each of the Justices shall take a seat, which he/she shall be required to occupy during the court event and he shall not interrupt the proceeding or engage in conversation with anyone without permission of the Foreman.

ORGANIZATION OF COURT

Article 101.

The Utah Superior Court shall consist of Officers of the Court. Each shall recognize their true status under the Constitution for the United States of America and the Constitution for the State of Utah.

The Justices, who will serve on the Common Law Jury, shall be selected from those present at the beginning of the Court Proceedings.

Article 102.

The term of the Court shall be from January 1 to December 31 for each calendar year.

Each suit shall be assigned a docket # starting with the year, month, date, and the number of the action filed.

A ruling may overturn prior law thereby declaring a previous action null and void or amended in some manner or form.

Article 103.

Certain Officers of the Court shall have precedence according to the seniority of their service.

“There are two senior officers that started this court and have life time service to the court.”

- | | | |
|---------------------|---|------------------------|
| 1. Brent Hadlon; | - | Chief Justice |
| 2. James Comet; Jr. | - | Constitutional Officer |

Each shall have life time service unless they voluntarily remove themselves.

Article 104.

The records of the Court shall be stored and deposited with the Clerk of the Court who shall furnish copies thereof to any individual requiring and paying for them.

James Martin; IV is appointed Clerk for 2007.

The clerk is authorized to charge for copies and certifications.

The clerk shall establish a central file for all common law actions.

Article 105.

A Justice shall be assigned by the Clerk from the officers of the Court to hear any proceedings.

- In the event of a complaint, the Court Clerk shall assign a Justice of Peace to verify the need for a Common Law trial.
- The Plaintiff must obtain a local courtroom.
- The local clerk shall make a copy of the proceedings.
- The Plaintiff shall forward a certified copy of his, or her, complaint to the clerk's office.
- Appeal is to be filed with the Common Law Court Clerk.

Article 106.

The mailing address of the Clerk of Court shall be: (Withheld for obvious reasons)

Article 107.

The Clerk of the Court shall be designated a magistrate with all of the duties and powers of a justice for all claims which are subject to default or alternative relief.

- Alternative relief allows faster service on Habeas Corpus Petitions.
- The clerk may issue relief that is res judicata.
- The clerk may establish burden on a party to appeal res judicata decisions by requesting appellate relief to change the law.
- The clerk may establish rights or immunities in conformance to the Constitution and previous common law decisions without involved litigation and pleading.
- The clerk may not impair any litigant's right to appeal the Clerk's decision in any way.

- The Court may train justices for future litigation by appointing clerk of courts.

Article 108.

The appointment of Treasurer of the Utah state Superior Court has been assigned to _____ to serve the remaining term till 2007.

The Treasurer's duties are to collect any/all donations at the end of the court including filing fees, etc. as listed in # 1 herein as well as donations for the rental of the function facility or other needs, all notary fees, to pay all Court/function expenses and to provide a general ledger report at every function for all to view.

**COURT SET-UP AND
OPERATING PROCEDURES**

Court should be convened in a room that is large enough to have a table that is long enough to seat all 12 justices on one side of the table. There should also be room enough for at least 50 to 100 spectators, including the parties to the cases being heard.

There should be a sound system such that each justice has a microphone in front of them, and there should be two other microphones so the parties to the case can be heard clearly.

There should also be a microphone for the Chief Justice.

As the spectators enter the room there should be some arrangement where those who want to serve as Justices may volunteer their services. Those who are ultimately elected, by those assembled as spectators, to serve as Justices must not have any connection with the case being heard. Justices can be changed between cases so that conflicts of interest do not occur.

The first order of business, after the audience is seated, is to elect a Bailiff and a Marshal. The Chief Justice shall conduct the election. Nominations, and seconding, in accordance with rules of order, shall come from the audience and voting shall be by a show of hands. It shall be the duty of the Marshal to maintain order in the Court throughout the proceedings, and the Bailiff shall see that all parties to each case are in their proper places so as to be given a fair and honest hearing.

Cases being heard must have been submitted at least 30 days prior to the Court date so all proper notices and documents can be ready.

The Chief Justice of the Court, who is not one of the 12 Justices, nor does he have any vote in any of the matters before the court, supervises the flow of the Court activities. He also monitors the actions of the Justices to assure fairness, and even-handedness, in questioning the parties to the case. The Chief Justice also goes with the Justices when they retire to a private room to vote on the outcome of the case.

After the Justices are properly elected, and seated, the Chief Justice administers the Oath. Justices are seated from left to right, as you face the Justices from the spectator area, in the order in which they are chosen to serve. Sequence numbers should be placed before each Justice so they can be referred to by their proper number. The Oath is:

"I, (state your name) will deny no man or woman their God given Common Law Rights by virtue of the unlawful codes, rules, regulations, or other civil acts of the several States or the Federal Government and we will do nothing by such acts, but we will certify to the appropriate government concerning the validity thereof, and proceed to execute the provisions of the Common Law in accordance with truth, honesty, and integrity, so help me God."

The Court Clerk calls each case in order and the parties come forward to be questioned by the Justices.

Once the parties are situated at the respective microphones, then the Chief Justice administers the Oath, which is:

“In this matter before the Court, I hereby promise to tell the truth, the whole truth, and nothing but the truth, so help me God.”

After the Parties are sworn in, the Chief Justice identifies the conditions of the case and explains what is being sought by the parties. He then turns the case over to the Justices.

Each Justice, beginning with Justice number 1, is then permitted to ask such questions as he, or she, feels a need to ask in order to understand the situation being considered by the Court. This procedure continues until each Justice has had a chance to ask questions.

Once a Justice has quit asking questions and the questioning proceeds to the other Justice then those Justices may not ask additional questions until such time as all Justices have had an opportunity to ask their questions.

After Justice number 12 has completed his, or her, questioning, then the Chief Justice will ask if there are any more questions, and will control the additional questioning by calling on the Justice by referencing their sequence number.

When there are no more questions, then the Justices will retire to a private area where they can consult with each other concerning the case.

The Justices will vote among themselves, and continue to discuss the case, until such time as the Justices have reached a unanimous decision. At which time the Jury returns to the Court room to announce their decision. Such decision is recorded in the Court Records.

If the Justices cannot reach a unanimous decision, or if additional questions come up, then the Justices can go back to the Court room and seek answers to their new questions until they are once again ready to consult among themselves. This process is repeated until such time as a unanimous decision is reached, or until a decision is reached that the Jury is hopelessly deadlocked.

If the Jury is deadlocked, then the case can either be reset for another hearing when further facts and data can be presented so the jury can reach a final decision, or, the jury can simply rule in favor of the accused, on the basis that the accuser has failed to prove his, or her, assertions, and thereby end the process.

When all cases have been heard, then the jury is thanked and dismissed and everyone goes their way.

Brief - HELPING OTHERS

The purpose of a common law jurisdiction is to establish a “nation” or group of people with an independent set of laws so these individuals may be self-governing. This implies that we as free-men are bound to a certain set of laws that govern us in our dealings with others.

Many of our fellow-men attempt to help others gain common law relief without thought of the consequences of this action. The following problems have been incurred as a result of this “attempted help.”

Prisoner petitions have started that could have resulted in the freeing of individuals who have no intention of being bound by law.

Individuals who are seeking relief from just debts by using a common law jurisdiction.

Individuals who are attempting to make money from this system by selling information to others.

After the common law has freed a man, they fail to follow the rules of the land/our maker’s laws and contribute to the reformed free-man.

The court has adopted rules that will delay or hinder these actions and are as follows:

The man must prove his understanding of his true status under the Constitution for the United States of America.

Sovereignty and the study of common law must be acquired before the right to Habeas Corpus relief is issued.

The court will not impair the obligations of a contract on any just debt based on any argument about money systems.

The court requires full compensation to a state for criminal actions occurred before sovereignty was attained. (The court will not review criminal actions before sovereignty was litigated.)

An ongoing study of common law must be commenced by all men/women.

The court is writing rules that are not self-standing in that they require the study of other law to understand. (This forces individuals to help in this effort by requiring reading of rules.)

The court will not allow intervention or mass filings by individuals helping other prisoners.

The ongoing effort is to seek men/women who believe in the concept of "self-government" and full responsibility/liability. Informing other men who have no intention of participating in self-government by learning the laws and procedure for litigation is contradictory to this effort. Briefs and filings are being reviewed to limit common law relief to those who learn how to litigate it and follow the laws/rules of the land/and of our maker.

Synopsis: This venue is NOT trying to empty jails or eliminate the United States tax system. Nor will we accept any cases where the parties have not given written notice of their intent to be bound by the rules of Common Law and subject to the decisions of our Common Law Jury. Our goal is to be a self-governing responsible people who follow the laws of the land and our maker's laws.

These Utah Superior Court Rules are true, correct and certain; and, "Again, you have heard it was decreed to the ancients, that you shall not perjure yourselves, but keep up your vow to the Lord. But I tell you in short, Do not vow at all: not by heaven, for that is the throne of God; nor by the earth, because that is His footstool; nor by Jerusalem, for that is the city of the great King. Neither vow by your head, because you are not able to make a single hair white or black, But let your language be 'Yes, yes'; 'No, no; for whatever exceeds these proceeds from evil." – "Holy Scriptures" Matthew 5:33-37

JURY HANDBOOK

Abraham Lincoln said: **"Study the Constitution! Let it be preached from the pulpit, proclaimed in legislatures, and enforced in courts of justice."**

RIGHTS COME FROM GOD, NOT THE STATE!

"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, Second President of the United States

The purpose of this information is to revive, as Jefferson put it, "The Ancient Principles." It is not designed to promote lawlessness or a return to the jungle. The "Ancient Principle" refers to the Ten Commandments and the Common Law. The Common Law is, in simple terms, just plain common sense and has its roots in the Ten Commandments.

In 1776 we came out of bondage with faith, understanding, and courage. Even against great odds, and with much bloodshed, we battled our way to achieve liberty. Just like the Children Israel fleeing slavery and bondage under a corrupt and evil Egyptian Empire, our forefathers fled from the poverty and bondage of the Roman Civil Laws in Europe. And, just like the Children of Israel we had to redeem our "Promised Land" with the shedding of Blood.

Liberty is that delicate area between the force of government and the freewill of man. Liberty brings freedom of choice, it is the agency given to us by our Creator. It is the ability to choose which profession to work at, if, and when we will trade our goods and/or services, and to choose to travel freely and to live wherever one wishes.

But, it must be carefully pointed out that with every blessing comes a responsibility. We must not use our agency to force our will upon our fellow man. We cannot lawfully do such actions as will cause harm to our neighbor. After all, we are our brothers keeper.

Liberty leads to abundance. Abundance, if made an end in itself, will result in complacency, which leads to apathy. Apathy is the "let george do it" philosophy. This always brings dependency. For a period of time, dependents are often not aware they are dependent. They delude themselves by thinking they are still free - "we never had it so good." - "we can still vote, can 't we?" eventually abundance diminishes and dependency becomes known by its true nature: bondange!!!

There are very few ways out of bondage.

Bloodshed and war are often the only way out, but, in the past we had the option to flee to a new land, as the Children Israel did when they left Egypt, and as our forefathers did when they left Europe. Our problem today is that there is nowhere left to flee. No country on earth offers the Freedom and Liberty set forth in our Constitution.

Our founding fathers really did find a better way. Realizing that he who creates is always over and greater than that which he creates, they established a system by which an informed citizenry can control those acting in the name of government. Unfortunately, unless we are truly informed we cannot take full advantage of the system they gave us.

To be a good creator you must always remember the true "pecking order" or chain of command in this nation:

1. God created man and gave him his dominion and agency, thus making him Sovereign.
2. Man then created the Constitution in order to define the limits of the governments we were about to create.
3. Then, we created our governments for the sole purpose of uniting our efforts to defend and protect our God given rights.

The base of power was to always remain in We, the people.

Unfortunately, we have not been diligent in defending and protecting our rights. We have not taught our Children the truths behind this nation. We have lost much of the freedom and liberty given to us by our Creator because we

don't understand that we have elected greedy and corrupt men and women to represent us. People, who acting in the name of government, such as politicians, bureaucrats, judges, lawyers, have slowly and quietly stolen our freedoms.

As a result America has begun to function as a democracy instead of a republic.

A democracy is dangerous because it is a one-vote system as opposed to a republic, which is a three-vote system. We have three votes to check tyranny, not just one. American citizens have not been informed of their other two votes.

Our first vote is at the polls on election day when we pick those who are to represent us in the seats of government.

But what can be done if those elected officials just don't perform as promised or expected?

Well, the second two votes are the most effective means by which the common people of any nation on earth have ever had in controlling those appointed to serve them in government.

The second vote comes when you serve on a grand jury.

Before anyone can be brought to trial for a capital or infamous crime by those acting in the name of government, permission must be obtained from people serving on the grand jury!

The Minneapolis Star and Tribune in the March 27, 1987 edition, noted a purpose of the grand jury this way: "a grand jury's purpose is to protect the public from an overzealous prosecutor."

The third is the most powerful vote; this is when you are acting as a jury member during a courtroom trial. At this point, "the buck stops" with you!

It is in this setting that each juror has more power than the president, all of congress, and all of the judges combined!

Congress can enact a law, the president or some other bureaucrat can make an order or issue regulations, and judges may instruct or make a decision, but no juror can ever be punished for voting "not guilty!"

Any juror can, with impunity, choose to disregard the instructions of any judge or attorney in rendering his vote. If only one juror should vote "not guilty" for any reason, there is no conviction and no punishment at the end of the trial. Thus, those acting in the name of government must come before the common man to get permission to enforce a law.

Not only are you the law, but you are over the law!

As a juror in a trial setting, when it comes to your individual vote of innocent or guilty, you truly are answerable only to God almighty. The first amendment to the constitution was born out of this great concept. However, judges of today refuse to inform jurors of their true rights. The Minneapolis Star and Tribune in a news paper article appearing in its November 30, 1984 edition, entitled: "What judges don't tell the juries" stated:

"At the time of the adoption of the constitution, the jury's role as defense against political oppression was unquestioned in American jurisprudence. This nation survived until the 1850's when prosecutions under the fugitive slave act were largely unsuccessful because juries refused to convict."

"Then judges began to erode the institution of free juries, leading to the absurd compromise that is the current state of the law. While our courts uniformly state juries have the power to return a verdict of not guilty whatever the facts, they routinely tell the jurors the opposite."

"Further, the courts will not allow the defendants or their counsel to inform the jurors of their true power. A lawyer who made Hamilton's argument would face professional discipline and charges of contempt of court."

"By what logic should juries have the power to acquit a defendant but no right to know about the power? The court decisions that have suppressed the notion of jury nullification cannot resolve this paradox."

"More than logic has suffered. As originally conceived, juries were to be a kind of safety valve, a way to soften the bureaucratic rigidity of the judicial system by introducing the common sense of the community. If they are to function effectively as the 'conscience of the community,' jurors must be told that they have the power and the right to say no to a prosecution in order to achieve a greater good. To cut jurors off from this information is to undermine one of our most important institutions."

"Perhaps the community should educate itself. Then citizens called for jury duty could teach the judge a needed lesson in civics."

The information presented in this manual is designed to bring to your attention one important way our nation's founders provided to insure that you, not the growing army of politicians, judges, lawyers, and bureaucrats, rule this nation.

This manual will focus on the true power you possess as a juror.

This manual will explain how you got your power.

This manual will tell you why you have your power.

And it will remind you of the basis on which you must decide not only the facts placed in evidence before you, but it will also testify to you of your obligation to examine the validity of the laws being used, and show you how to determine the proper application of every law, rule, regulation, ordinance, or instruction given by any man or woman seated as a judge or attorney when you serve as a juror.

One juror can stop the tyranny imposed by an unlawful law with a "not guilty vote!" He can nullify a bad law in any court case, by "hanging the jury!"

I am only one, but I am one. I cannot do everything, but I can do something. What I can do, I should do and, with the help of God, I will do! - Everett Hale

The only power the judge has over the jury is their ignorance!

"We the people," must relearn a desperately needed lesson in civics.

The truth of this question has been answered by many testimonies and historical events. Consider the following:

JURY RIGHTS

"The jury has a right to judge both the law as well as the fact in controversy." - John Jay, 1st chief justice United States Supreme Court, 1789

"The jury has the right to determine both the law and the facts." - Samuel Chase, U.S. Supreme Court Justice, 1796, signer of the unanimous declaration

"The jury has the power to bring a verdict in the teeth of both law and fact." - Oliver Wendell Holmes, Jr., U.S. Supreme Court Justice, 1902

"The law itself is on trial quite as much as the cause which is to be decided." Harlan F. Stone, 12th chief justice, U.S. Supreme Court, 1941

"The pages of history shine on instance of the jury's exercise of its prerogative to disregard instructions of the judge..." - U.S. vs dougherty, 473 f 2nd 113, 1139, (1972)

LAW OF THE LAND

The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for a law which violates the constitution to be valid. This is succinctly stated as follows:

"All laws which are repugnant to the constitution are null and void." - Marbury vs Madison, 5 U.S. (2 Cranch) 137, 174, 176, (1803)

"Where rights secured by the constitution are involved, there can be no rule making or legislation which would abrogate them quot; - Miranda vs Arizona, 384 U.S. 436 p. 491.

"An unconstitutional act is not law; it confers no right; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed." - Norton vs Shelby County, 118 U.S. 425 p.442

"The general rule is that an unconstitutional statute, though having the form and the name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it.

No one is bound to obey an unconstitutional law and no courts are bound to enforce it." - 16th American Jurisprudence 2d, Section 177 - Late 2nd, Section 256

A SUMMARY OF THE TEN COMMANDMENTS

The ten commandments are God's Laws to govern men!

God commands us, for our own good, to give up wrongs and to do right!

His system always results in liberty and freedom!

The constitution and the bill of rights are built on this foundation, which provides for punitive justice. It is not until one damages another's person or property that he can be punished. The Civil Law system leads to bondage, and God's system leads to liberty! Read very carefully:

1. Thou shalt have no other gods before me.
2. Thou shalt not make unto thee any graven image.
3. Thou shalt not take the name of the lord thy god in vain.
4. Remember the Sabbath day to keep it holy.
5. Honor thy father and mother.
6. Thou shalt not murder.
7. Thou shalt not commit adultery
8. Thou shalt not steal.
9. Thou shalt not bear false witness.
10. Thou shalt not covet.

Directly above the chair of the Chief Justice of the United States Supreme Court is a tablet signifying the Ten Commandments. When the Speaker of the House in the U.S. Congress looks up, his eyes look into the face of Moses.

"The Bible is the book upon which this republic rests." - Andrew Jackson, Seventh President of the United States

"The moral principles and precepts contained in the scriptures ought to form the basis of all our civil constitutions and laws. All the miseries and evils which men suffer from, vice, crime, ambition, injustice, oppression, slavery, and war, proceed from the despising or neglecting the precepts contained in the bible." - Noah Webster

When the people fear the government you have tyranny; when the government fears the people, you have liberty.

Politicians, bureaucrats and especially judges would have you believe that too much freedom will result in chaos. Therefore, they tell us that we should gladly give up some rights for the good of the community. In other words, people acting in the name of government, say we need more laws and more police agencies to enforce these laws - even if we have to give up some more rights in the process. They believe the more laws we have, the more control, thus a better society. This theory may sound good on paper, and apparently many of our 'leaders' think this way, as evidenced by the thousands of new laws that are added to the books each year in this country. But, no matter how cleverly this argument is made, the hard fact is that whenever you give up a right you lose a "free choice"!

Control's real name is bondage!

The above argument leads to the conclusion that if giving up some rights, produces a better society, then by giving up all rights we could produce the perfect society.

We could chain everybody to a tree, for lack of trust. This may prevent a crime, but it would destroy our God given agency, which is the heartbeat of freedom!

It would also destroy trust, which is the foundation for dignity.

Rather than giving up rights, we should be giving up wrongs!

The opposite of control is not chaos. More laws do not make less criminals! We must give up wrongs, not rights, for a better society!

William Penn of the British House of Commons, once proclaimed:

"necessity is the plea for every infringement of human liberty; it is the argument of tyrants; it is the creed of slaves."

UNALIENABLE, (INALIENABLE) OR NATURAL RIGHTS!

Natural rights are those rights we claimed in our Declaration of Independence. The right to life, to liberty, and to the pursuit of our happiness. Embodied within these rights are our freedom of religion, speech, learning, travel, self-defense, etc. Hence laws and statutes which violate natural rights, though they have the color of law, are not law but imposters!

The U.S. constitution was written to protect these natural rights from being tampered with by our legislators. Further, our forefathers also wisely knew that the U.S. constitution would be utterly worthless to restrain government legislators unless it was clearly understood that the people had the right to compel the government to keep within the constitutional limits.

In a jury trial the jurors are the real judges!

Surprisingly, judges are actually just referees bound by the constitution!

Lysander Spooner in his book essay on the trial by jury wrote as follows:

"Government is established for the protection of the weak against the strong. This is the principal, if not the sole motive for the establishment of all legitimate government. It is only the weaker party that lose their liberties, when a government becomes oppressive. The stronger party, in all governments are free by virtue of their superior strength. They never oppress themselves. Legislation is the work of the stronger party; and if, in addition to the sole power of legislation, they have the sole power of determining what legislation shall be enforced, they have all power in their hands, and the weaker party are the subjects of an absolute government. Unless the weaker party have a veto, they have no power whatever in the government and ...no liberties...the trial by jury is the only institution that gives the weaker party any veto power upon the power of the stronger. Consequently it is the only institution that gives them any effective voice in the government, or any guaranty against oppression."

A JURY'S RIGHTS, POWERS AND DUTIES:

The charge to the jury in the first jury trial before the Supreme Court of the United States illustrates the true power of the jury. In the February term of 1794, the supreme (supreme is not capitalized in the constitution, however behavior is. Art. III) court conducted a jury trial and said:

"...it is presumed, that the juries are the best judges of facts; it is, on the other hand, presumed that the courts are the best judges of law. But still both objects are within your power of decision."

"You have a right to take upon yourselves to judge of both, and to determine the law as well as the fact in controversy." - State of Georgia vs. Brailsford, et al, 3 dall 1

"The jury has an unreviewable and unreversible power...to acquit in disregard of the instructions on the law given by the trial judge..." - U.S. vs Dougherty, 473 f 2nd 1113, 1139, (1972)

Hence, a jury's disregard to the limited and generally conviction-oriented evidence presented for its consideration, and the jury's disregard for what the trial judge wants them to believe is the controlling law in any particular case is not something to be scrupulously avoided, but rather encouraged. Those who would destroy the Jury's powers refer to this type of action as "jury lawlessness." Hence, to those who seek to destroy our rights - jury lawlessness means the willingness of the Jury to nullify bad law.

"jury lawlessness is the greatest corrective of law in its actual administration. The will of the state at large imposed on a reluctant community, the will of a majority imposed on a vigorous and determined minority, find the same obstacle in the local jury that formerly confronted kings and ministers." - U.S. vs Dougherty, note 32 at 1130

THE RIGHT OF THE JURY TO BE TOLD OF ITS POWER

Almost every jury in the land is falsely instructed by the judge when it is told it must accept as the law that which is given to them by the court, and that the jury can decide only the facts in the case. This is done to destroy the purpose of a common law jury, and to permit the imposition of tyranny upon the people.

"There is nothing more terrifying than ignorance in action." - Goethe - engraved on a plaque at the naval war college

"To embarrass justice by a multiplicity of laws, or to hazard it by confidence in judges, are the opposite rocks on which all civil institutions have been wrecked." - Johnson - engraved in the Minnesota State Capitol

Outside the supreme court chambers

"...the letter killeth, but the spirit giveth life." - II Corinthians 3 vs 6

"It is error alone which needs the support of government. Truth can stand by itself." - Thomas Jefferson

The jury's options are by no means limited to the choices presented to it in the courtroom. "The jury gets its understanding as to the arrangements in the legal system from more than one voice. There is the formal communication from the 'judge'. There is the informal communication from the total culture - literature, current comment, conversation; and, of course, history and tradition." - Dougherty, cited above, at 1135.

LAWS, FACTS AND EVIDENCE!

Without the power to decide the facts of the case, the validity of the law, and to examine the evidence to determine what is applicable, Juries cannot be a protection to the accused.

If people acting in the name of government are permitted by jurors to dictate any law whatever, they can also unfairly dictate what evidence is admissible or inadmissible and thereby prevent the whole truth from being considered.

Thus if government can manipulate and control both the law and evidence, the issue of fact becomes virtually irrelevant. In reality, true justice would be denied, leaving us with a trial by government and not a trial by jury!

How does tyranny begin?

One small step at a time. If it were a major adjustment, all at once, the People would revolt. Tyranny has to be imposed with stealth, with cunning, and with deceit.

Why are there so many laws?

A vast multiplicity of laws makes it virtually impossible for the People to follow the trail of deceit laid out by our elected representatives.

When people, acting in the name of government, violate ethics, they break their trust with "We, the people." The natural result should be, that "We, the people" pull back what power - honor and allegiance we have conferred. This should occur at the time of our national elections.

The possibility of losing of power creates fear for those losing the power. Fearing the loss of power, people acting in the name of government often seek to regain or at least hold their power. Hence, to legitimize their quest for control, unlawful laws and force are often instituted.

Unchecked power is the foundation of tyranny.

It is the juror's duty to use the jury room as a vehicle to stem the tide of oppression and tyranny. To prevent bloodshed by peacefully removing power from those who have abused it. The jury is the primary vehicle for the peaceable restoration of liberty, power and honor to "We, the people!"

Note carefully, that it is the jury that has the power to recall the power and authority granted to an elected official, based on the fact that such official has violated their Contract - Oath of Office - with the People and has therefore damaged the relationship between them. This damage is sufficient to bring the offender into a Common Law Court and have the jury remove them from office.

YOUR VOTE COUNTS!

Your vote of not guilty must be respected by all other members of the jury - it is the right and the duty of a juror to never, never, never yield his or her sacred vote - for you are not there as a fool, merely to agree with the majority, but as an officer of the court and a qualified judge in your own right. Regardless of the pressures or abuse that may be heaped on you by any other members of the jury with whom you may in good conscience disagree, you can await the reading of the verdict secure in the knowledge you have voted your own conscience and convictions - and not those of someone else. You are not a rubber stamp!

By what logic do we send our youth to battle tyranny on foreign soil, while we refuse to do so in our courts? How is it possible for Americans to denounce corruption and do nothing to correct the problem?

The jury judges the spirit, the motive and the intent of both the law and the accused, whereas the prosecutor only represents the letter of the law.

Therein lies the opportunity for the accomplishment of "liberty and justice for all." If you, and numerous other jurors throughout the state and nation begin and continue to bring in verdicts of not guilty in such cases where a man-made statute is defective or oppressive, these statutes will become as ineffective as if they had never been written.

"If ye love wealth better than liberty, the tranquility of servitude better than the animating contest of freedom, go home from us in peace. We ask not your counsels or your arms. Crouch down and lick the hands which feed you. May your chains set lightly upon you, and may posterity forget that ye were our countrymen." - Samuel Adams, Section II, Give me liberty or give me death!

PATRICK HENRY SHOCKED!

Young Christian attorney Patrick Henry saw why a jury of peers is so vital to freedom. It was march 1775 when he rode into a small town of Culpepper, Virginia. He was totally shocked by what he saw. There, in the middle of the town square was a minister tied to a whipping post, his back laid bare and bloody with the bones of his ribs showing. He had been scourged mercilessly like Jesus, with whips laced with metal.

Patrick Henry is quoted as saying: "when they stopped beating him, I could see the bones of his rib cage. I turned to someone and asked what the man had done to deserve such a beating as this."

The reply given him was that the man being scourged was a minister who refused to take a license. He was one of twelve who were locked in jail because they refused to take a license. A license often becomes an arbitrary control by government that makes a crime out of what ordinarily would not be a crime. It turns a right into a privilege! Three days later they scourged him to death.

This was the incident which sparked Christian attorney Patrick Henry to write the famous words which later became the rallying cry of the revolution.

"What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, almighty god! I know no what course others may take, but as for me, give me liberty or give me death!" Later he made this part of his famous speech at Saint John's Episcopal Church in Williamsburg, Virginia.

JURY OF PEERS

Our forefathers felt that in order to have justice, it was obvious that a jury of "peers" must be people who actually know the defendant. How else would they be able to judge motive and intent?

"Peers" of the defendant, like the rights of the jury have also been severely tarnished. Originally, it meant people of "equals in station and rank." (Black's law dictionary, 1910), "freeholders of a neighborhood," (bouvier's law dictionary, 1886), or a "a companion; a fellow; an associate." (Webster's 1828 dictionary of the english language).

WHO HAS THE RIGHT TO SIT ON A JURY?

Patrick Henry, along with others, was deeply concerned as to who has a right to sit on a jury. Listen to our forefather's wisdom on the subject of "peers".

"By the Bill of Rights of England, a subject has a right to a trial by his peers. What is meant by his peers? Those who reside near him, his neighbors, and who are well acquainted with his character and situation in life." Patrick Henry, (Elliot, the debates in the several state conventions on the adoption of the federal constitution, 3:579).

Patrick Henry also knew that originally the jury of peers was designed as a protection for neighbors from outside governmental oppression. Henry states the following, "why do we love this trial by jury? Because it prevents the hand of oppression from cutting you off...this gives me comfort - that, as long as I have existence, my neighbors will protect me." (Elliot, 3:545, 546)

Mr. Holmes, from Massachusetts, argued strenuously that for justice to prevail, the case must be heard in the vicinity where the fact was committed by a jury of peers.

"...a jury of the peers would, from their local situation, have an opportunity to form a judgment of the character of the person charged with the crime, and also to judge of the credibility of the witnesses." (Elliot, 2:110).

Mr. Wilson, signer of "the Unanimous Declaration," who also later became a supreme court justice, stressed the importance of the juror's knowing personally both the defendant and the witnesses. "Where jurors can be acquainted with the characters of the parties and the witnesses - where the whole cause can be brought within their knowledge and their view - I know no mode of investigation equal to that by a trial by jury: they hear every thing that is alleged; they not only hear the words, but they see and mark the features of the countenance; they can judge of weight due to such testimony; and moreover, it is a cheap and expeditious manner of distributing justice. There is another advantage annexed to the trial by jury; the jurors may indeed return a mistaken or ill-founded verdict, but their errors cannot be systematical." (Elliot, 2:516).

"Those people who are not governed by God will be ruled by tyrants." - William Penn

Edward Bushell and three fellow jurors learned this lesson well. They refused to bow to the court. They believed in the absolute power of the jury, though their eight companions cowered to the court. The four jurors spent nine weeks of torture in prison, often without food or water, soaked with urine, smeared with feces, barely able to stand, and even threatened with fines, yet they would not give in to the judge. Edward Bushell said, "my liberty is not for sale," though he had great wealth and commanded an international shipping enterprise. These "bumble heads", so the court thought, proved the power of the people was stronger than any power of government. They emerged total victors.

THE FIRST AMENDMENT

The year was 1670, and the case Bushell sat on was that of William Penn, who was on trial for violation of the "conventicle act." this was an elaborate act which made the Church of England the only legal church. The act was struck down by their not guilty vote.

Freedom of religion was established and became part of the English Bill of Rights and later it became the first amendment to the constitution of the United States. In addition, the right to peaceful assembly was founded.

Freedom of speech, and also habeas corpus. The first such writ of habeas corpus ever issued by the court of common pleas was used to free Edward Bushell. Later this trial gave birth to the concept of freedom of the press.

Had Bushell and his colleagues yielded to the guilty verdict sought by the judge and prosecutor. William Penn most likely would have been executed, as he clearly broke the law.

Then there would have been no Liberty Bell, No Independence Hall, no City of Philadelphia, and no state called Pennsylvania, for young William Penn, founder of Pennsylvania, and leader of the Quakers, was on trial for his life.

His alleged crime was preaching and teaching a different view of the bible than that of the Church of England. This appears innocent today, but then, one could be executed for such actions. He believed in freedom of religion, freedom of speech and the right to peaceful assembly. He had broken the government's law, but he had injured no one. Those four heroic jurors knew that only when actual injury to someone's person or property takes place is there a real crime. No law is broken when no injury can be shown. Thus there can be no loss or termination of rights unless actual damage is proven. Many imposter laws were repealed as a result of this case.

This trial made such an impact that every colony but one established the jury as the first liberty to maintain all other liberties.

It was felt that the liberties of people could never be wholly lost as long as the jury remained strong and independent, and that unjust laws and statutes could not stand when confronted by conscientious jurors.

Jurors today face an avalanche of imposter laws.

Jurors not only still have the power and the right, but also the duty and the obligation, to nullify bad laws by voting "not guilty". At first glance it appears that it is almost unfair, the power jurors have over government, but necessary when considering the historical track record of oppression that governments have wielded over private citizens.

In 1789 Thomas Jefferson warned that the judiciary if given too much power might ruin our republic, and destroy our rights! He repeated his warning many times over the course of his life.

"The new constitution has secured these [individual rights] in the executive and legislative departments; but not in the judiciary. It should have established trials by the people themselves, that is to say, by jury."

The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric.." (1820)

"...the federal judiciary; an irresponsible body (for impeachment is scarcely a scarecrow), working like gravity by night and by day, gaining a little to-day and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the states, and the government of all be consolidated into one....when all government...in little as in great things, shall be drawn to washington as the centre of all power, it will render powerless the checks provided of one government on another and will become as venal and oppressive as the government which we separated." 1821

"The opinion which gives to the judges the right to decide what laws are constitutional and what not, not only for themselves in their own sphere of action, but for the legislative and executive also in their spheres, would make the judiciary a despotic branch."

"...judges should be withdrawn from the bench whose erroneous biases are leading us to dissolution. It may, indeed, injure them in fame or fortune, but it saves the republic..."

NOW IT'S YOUR TURN!

You - as a juror - armed merely with the knowledge of what a COMMON LAW JURY really is and what your common law rights, powers and duties really are, can do more to re-establish "liberty and justice for all" in this State

and ultimately throughout all of the United States than all of our Senators and Representatives put together. WHY? Because even without the concurrence of all of your fellow jurors, in a criminal trial, you, with your single vote of "NOT GUILTY" can nullify every rule of "law" that is not in accordance with the principles of natural, God-given, Common or Constitutional Law. It is precisely this power of nullification that makes the trial by JURY one of our most important RIGHTS. It can protect and preserve all of the citizen's other RIGHTS.

Filing Suits at Common Law

Filing fees: A filing fee is necessary to cover the cost of operating the court and processing documents. The fee schedule is subject to change with as much advance notice as possible being given in the event of changes. The fee schedule will be modified to add items as necessary, or to adjust the fees in order to fully cover the services offered by the Court. Fees may be waived when necessary by requesting a waiver.

Sovereignty donation:	\$5.00
Filing a case:	1 oz. 99% Fine Silver
Citation(s):	1 oz. 99% Fine Silver
Court function rental donation:	\$5.00

Proper conduct at functions

**Disorderly conduct, including profanity is NOT acceptable.
All ringers/sounds of cell phones or pagers are to be turned off.**

Ringings of Cell phones and pagers will be charged \$1.00 by constable.

Notice: Rules may be Amended or added without notice. Amended or added rules are on file with the Court clerk.

Executed in the county of Salt Lake, Utah Republic, this twenty-eighth day of May, in the year of our Lord, Jesus Christ, Two Thousand Seven, A.D.

Witness _____	Dated:	Seal
Witness _____	Dated:	Seal