

NOTES ON THE MAGNA CARTA

And the Rule of Common Law



Freedom Begins with an Understanding of the Magna Carta

B r o o k y R S t o c k t o n

Notes on the Magna Carta

Version 1.0



Brooky R Stockton, PhD
Pastor / Professor Theology, ret.
PO Box 884
Tijeras, New Mexico (87059)

June, 2024

This E-Book is not for sale.
Freely Received, Freely Given

<https://nikeinsights.famguardian.org/>

<https://famguardian.org/>

<https://sedm.org/>

TABLE OF CONTENTS

TABLE OF CONTENTS	3
PREFACE	5
DEDICATION	6
ACKNOWLEDGMENTS	7
DISCLAIMER	8
PUBLIC NOTICE	8
A SURVEY OF THE MAGNA CARTA	9
THE MAGNA CARTA 1215 IN THE YEAR OF OUR LORD	10
1. Introduction	10
2. The Common Law v. Rules of Common Law.	12
3. Amendment VII	12
4. The Importance of the Magna Carta	13
5. Brief History of the Charter of Liberties	13
6. Importance of the Charter in American Legal History	14
CONFIRMATIO CARTARUM [26] October 10, 1297	18
COMMON LAW RULES FROM THE MAGNA CARTA 1215	22
7. Justice, Fines, and Fees	22
8. Accountable Only to One’s Peers	23
9. State Actors Can’t Declare War on the Individual	24
10. Rule of Eminent Domain and Just Compensation	24
11. No State Agent Can Be a Witness Against You	26
12. Only a Jury Can Assign Prison Time	27
13. Speedy Trials	27
14. Judges and Sheriffs Must Be Competent in Common Law	27
15. Grand Jury Rules	28
16. Grand Jury Enforcement Power	31
17. Application to Obtain Freedom	33
DEFINITIONS	35
ADDENDUM	37
18. Law v. Equity	37
19. New Mexico and the Common Law	39
20. Statutory Law Regulates Persons not People	41
21. Memorandum of Common Law	45
<i>(for a more comprehensive list see Bovier’s Dictionary:</i>	<i>53</i>

BIBLIOGRAPHY 56
PUBLICATIONS 57

PREFACE

You've heard about the Magna Carta, but have you ever read it?

It is easy to get bogged down in a start to finishing reading of this legal instrument . . . so . . . I condensed it and put the relevant portions in **blue** and **red**. Peruse this document and look for the **blue** and **red** paragraphs to see the interpretive reasons why this document is fitting to our time.

Thomas Jefferson was quick to admit that the Founders did not bring the common law to America, but THE RIGHTS OF MAN, enumerated and un-enumerated rights.

In my opinion, Americans have become enslaved to big government by paying commercial fines in the courts and by paying taxes they do not lawfully owe; that is, the government fool system hides the true nature of the Magna Carta and freedom from government tyranny from American students.

Freedom begins with understanding the issues when the Magna Carta was conceived. These are my study notes and not a perfected book – notes to make it easier for you to comprehend the Magna Carta.

Rule: If you do not know your rights, you do not have them!!!!



DEDICATION

This work is dedicated to Sovereignty Education Defense Ministry (SEDM) who created a tsunami of freedom by urging men to study law.

Dr. Brooky Stockton

<https://nikeinsights.famguardian.org/>

<https://famguardian.org/>

<https://sedm.org/>

ACKNOWLEDGMENTS

Many thanks to the websites for offering free pics for illustrations

- Freepik
- Unsplash
- Art Explosions
- Creative Commons License # **89632483**
- Unknown Sources

This work is for personal use and the blessing of others. It is not for sale
(2023)

If any graphics in this work trespass on copyright laws, please inform so
they can be removed.

Dr. Brooky Stockton

P.O. Box 1452

Tijeras, New Mexico – 87059

DISCLAIMER

This book is not anti-government. It is anti-corruption in government.

Because the present political climate is pro-Zionism, pro-lawlessness, pro-censorship, antichrist, and antichristian: and, because government employees and government media is more sensitive than a step-mother about criticism, it is necessary to warn government officials of the following:

PUBLIC NOTICE

NOTICE to persons in commerce, State and Federal Government offices and officials, including NSA: All emails proceed on the presumption of privacy. By capturing, reading, storing, and filing any publications from or to Nike Insights nunc pro tunc to 1946, you agree to pay me a fee of one million dollars in U.S. gold dollar coin per email stored, filed, retrieved, printed, or catalogued – Brooky R: Stockton, living soul, under the common law of the LORD God.

A SURVEY OF THE MAGNA CARTA



The Rule for Government:

The rule of law is a political ideal that all (U.S.) citizens (in Washington D.C.) and institutions, including government leaders, are accountable to the same laws (Parenthesis mine)

The Rule for Citizens:

If a law is unjust, a man is not only right to disobey it, he is obligated to do so."

THE MAGNA CARTA 1215 IN THE YEAR OF OUR LORD

[A partial interpretation: Adapted by Brooks]

1. Introduction

The only law mentioned in the Bill of Rights to which you and I are responsible is Common Law, Amendment VII. Common law adheres to a strict code of conduct: Do your neighbor no harm.

“Magna Carta was written by a group of 13th-century barons to protect their rights and property against a tyrannical king.”
(National Archives)

Americans become slaves of government because they DON'T UNDERSTAND COMMON LAW based on the MAGNA CARTA.

The Common Law is opposed to statutory law and courts of Equity.

The Common Law is the rule of the Land:

Prosecutors, cops, and judges want to drag you into an equity court where the judge can impose his own jurisdiction, authority, and values on your case.

But, what are the Rules of Common Law?

Common Law is the law of the People also called “the law of nature and nature’s God” in the Declaration. Common Laws are Biblical law based on the Ten Commandments and can be summarized under one principal:

“Do your neighbor no harm.”¹

The Declaration of Independence is our nation’s founding document. It outlines the fundamental principles upon which We the People launched our ship on the sea of nations. The Constitution was not created until twelve years later—and, it was not created for the People. Rather, it was created by the People to empower and to limit the federal government. The Constitution is merely a declaration of the will of the People for government employees.

You are **not** under the Constitution. The Constitution is not for the people, but for the government.

We are not constitutionalists, because the constitution does not apply to the common man! It applies to government, and government employees; that is, the constitution is for “them” not “us.”

The People’s document is the Declaration of Independence and the Bill of Rights—both of which are designed to keep lusty, overreaching, power hungry government tyrants at bay and in their pen.

¹ All of Biblical law can be summarized under three principles [Micah 6:8; Matthew 23:23]: Faithfulness to God, justice and mercy toward man. The latter can be consolidated into two laws: Do not injure your neighbor nor damage his property. No injury, no crime; no damaged property, no crime. **Common Law is the law of God or the will of God** for His people. Statutory law is the opposite of Common Law in that Statutory Law represents the will of the State. The State can create all kinds of statutes to control men and to extract fines from them under color of law for commercial purposes. Statutory law, Roman law, Admiralty law is NOT COMMON LAW and NOT the law of the land. The Law of the People is Common Law: See Amendment VII.

BEFORE US are selected quotes from the Magna Carta to show us how the Magna Carta² is a founding document of the United States. It, better than any other, shows us the thinking of the Founders and what they meant by **Rules of Common Law**.

2. The Common Law v. Rules of Common Law.

The Magna Carta was based on Common Law and promoted the Rules of Common Law as the supreme law of the land. It prevented the King and his representatives from (A) stealing property under color of law, and (B) from injuring a baron's person or freedom by setting up a system of accountability known as the jury system. If Americans understood this they would never, never, no, never, never surrender their money to the IRS.

Thus, the Rules of Common Law, Article VII, are iterated in the Magna Carta.

It relates to us in that it is the foundation of limited government and the powers of the People to keep public servants from acting like kings over the ordinary freeman. **But, Common Law must be distinguished from the Rules of Common Law.** Common Law refers to the Ten Commandments and *the principle of do your neighbor no harm*. The Rules of Common Law *refers to due process and a trial by jury*.

3. Amendment VII

² **Magna Carta** is a noun meaning "Great Charter." Reluctantly granted by King John at Runnymede in June 1215.

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 reexamined in any court of the United States, than according to the Rules of the Common Law.

4. The Importance of the Magna Carta

The Magna Carta must be accepted as fundamental Common Law rules by government.

"The democratic aspiration is no mere recent phase in human history . . . It was written in Magna Carta."

--Franklin Delano Roosevelt, 1941 Inaugural address

The Magna Carta is the supreme law. All other contrary laws / statutes and judgments are void. If you understood the Magna Carta, you would never again pay a traffic ticket. But, because you don't know your God-givens rights, the government pilfers your money with your consent.

The Magna Carta limits the power of government to take property [fines] except by a jury of peers.

Voluntary taxes cannot be made permanent. Traffic fines are without authority.

5. Brief History of the Charter of Liberties

The motto of the Borough of St. Edmundsbury, *Sacrarium Regis, Cunabula Legis*, means *Shrine of a King, Cradle of the Law*. The King is St. Edmund, King of the East Angles, who was killed by invading Danes in 869. His shrine stood for centuries in the medieval Abbey of St. Edmund, and from him the town derived its name. *Cradle of the Law* refers to the tradition that in 1214 the barons of England met in the Abbey Church and swore

that they would force King John to accept **the Charter of Liberties** later known as **Magna Carta**.

King John (1199-1216) succeeded his brother Richard I. He lacked his brother's military prowess and he spent much of his reign attempting to recover lost English possessions in France. **To finance his military campaigns, he resorted to harsh taxation of his subjects**, which provoked growing unrest. While there was some hope of military success abroad, the discontent was contained, but defeat at the Battle of Bouvines in July 1214 marked the end of English hopes of regaining Normandy. Opposition to King John intensified, and **he was no longer able to resist the barons' demand that their liberties be confirmed**. On **15 June 1215**, at Runnymede, he agreed to a document that later became known as Magna Carta. He did not sign it: indeed there is no evidence that he could write, but within days copies bearing his seal were produced by the royal chancery. Four originals of this document survive, one in Lincoln Cathedral, one in Salisbury Cathedral and two in the British Library.

The constitutional importance of Magna Carta lies in the fact **that it placed limits upon the absolute power of the King and made him subject to the law**. The most famous of its sixty-three clauses said *that no free man could be imprisoned, outlawed or exiled except by the lawful judgement of his peers or by the law of the land, and that justice could not be sold, delayed or denied*. It also contained clauses relating to the treatment of heirs and widows and to the payment of debts. It provided for uniform measures of wine, ale, corn and cloth throughout the realm. It confirmed the liberties of the Church and of all cities and towns and it sought to regulate the conduct of all local officials such as sheriffs, bailiffs and constables and ensure that they knew and observed the law.

[<http://www.stedmundsbury.gov.uk/sebc/play/history.cfm>]

6. Importance of the Charter in American Legal History

The Magna Carta was a collection of 37 English laws - some copied, some recollected, some old and some new. The Magna Carta demonstrated that **the power of the king could be limited by a written grant**. The principles in the Magna Carta advance the principle that no one, including the king or a lawmaker, is above the law.

What has Magna Carta meant for American law? It is the source of many of our most fundamental concepts of law. Indeed, the very concept of a written constitution stems from Magna Carta. In over one hundred decisions, the United States Supreme Court has traced our dependence on Magna Carta for our understanding of due process of law, trial by jury of one's peers, the importance of a speedy and unbiased trial, and protection against excessive bail or fines or cruel and unusual punishment.

Magna Carta seems to grow more important with each passing year. Up to the time of our Civil War, the U.S. Supreme Court found fewer than a dozen cases requiring analysis of Magna Carta. Between 1870 and 1900, over thirty cases, mostly interpretations of the newly extended rights under the 13th, 14th, and 15th Amendments, involved discussions of Magna Carta. But **since 1940, over sixty cases** have produced comments and commentary on Magna Carta's role in American law.

The barons gathered at Runnymede in 1215 could not have known that the document they had forged to control an avaricious and unpopular king would have an increasing role nearly eight centuries later in a land not even discovered.

Magna Carta gave intellectual underpinning to the American Revolution. Americans claimed **the right to trial by jury and no taxation without representation** because Magna Carta gave them those rights. The Stamp Acts and other legislation had shifted jurisdiction for many offenses to the Admiralty courts, where there is no jury trial, correctly foreseeing that local juries would be loathe to convict their neighbors and enforce "foreign" taxes on our soil. The colonists in 1776 were more English than the English in protecting these rights.

After the American Revolution was won, **Magna Carta's protections were built into the new constitutions** written by the states, often in its very words some of these protections were incorporated into the Constitution forged in Philadelphia in 1797, but the lack of mention of many of them almost torpedoed the Constitution's ratification. The Bill of Rights proposed in 1799 and adopted in 1791 fulfilled promises of the Constitution's backers that the rights Americans had fought and died for would be preserved. [<http://www.magnacharta.com/articles/article04.htm>]

The influence of Magna Carta can be seen in the United States Constitution and the Bill of Rights. Article 21 from **the Declaration of Rights in the Maryland Constitution of 1776** reads:

"That no freeman ought to be taken, or imprisoned, of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or by the law of the land".

Although Carta figured briefly in one 1815 case, the first analysis of its impact in America came in the 1819 case of **The Bank of Columbia v. Okely, 4 Wheat. (17 U.S.) 235**, where a Maryland statute allowing summary process and attachment against debtors was upheld against attacks based on the U.S. Constitution's Seventh Amendment jury trial guarantee and Maryland's parallel:

*"The 21st Article of the Declaration of Rights of the State of Maryland is in the words of Magna Carta, "No freeman ought to be taken or imprisoned, etc. or deprived of his life, liberty, or property, but by the judgement of his peers, or by the law of the land." In that decision, the court expressed an understanding of Magna Carta which remains valid today: "As to the words from Magna Carta, incorporated into the Constitution of Maryland, after volumes spoken and written with a view to their exposition, the good sense of mankind has at length settled down to this: that **they were intended to secure the individual from the arbitrary***

exercise of the powers of government, unrestrained by the established principals of private rights and disruptive justice.”
[<http://www.magnacharta.com/articles/article04.htm>]



CONFIRMATIO CARTARUM³ [26] October 10, 1297

Sentences in **blue** = the words of the Magna Carta.

Sentences in **Red** = a rule by deduction.

Note: Taxed heavily by what was known as the wool tax, the nobles approached King Edward (with knives in hand) and persuaded him to renew his charters and covenants and to restrain his administration from taxing the Barons into poverty to finance his personal wars.

This document is a bridge between the constitutional protection of one's access to the Common Law, and the Magna Carta. The modern value of the following is that it links the Magna Carta to the Common Law. The

³ In 1297, Edward I needed money. Pope Boniface VIII had just issued "**Clericos Laicos**," **forbidding clergy from paying taxes to a secular ruler**, and Edward's English vassals refused to provide assistance in his campaigns in Flanders. **To acquire money**, Edward laid an impost on English wool, and also forced the nobility to grant an aid [under threat of imprisonment and confiscation of property]. The barons armed themselves [literally with swords] against Edward, forcing him to confirm the various charters of his predecessors. The Pope was correct in that no king has a right to tax the clergy seeing they do not work for the king but for the Kingdom of God. Edward punished the barons, and the Pope, by taxing the barons into want. Thus, this was the final deprivation of right-the right to property, that caused the Barons to force Edward [by the sword] to cease his tax collection and to acknowledge the God-given rights of the Barons. Kings may taxes services rendered, but **they have no authority from God** to tax a man's income or to steal his property under color of law.

Constitution for the United States of America guarantees one's access to the Common Law, *i.e.*, the Magna Carta [Ohio Law Notes].

EDWARD, by the grace of God, King of England, Lord of Ireland, and Duke of Guian [27], to all those that these present letters shall hear or see, greeting. Know ye that we, to the honour of God and of Holy Church, and to the profit of our realm, have granted for us and our heirs, that the Charter of liberties, and the Charter of the forest[28], which were made by common assent of all the realm, in the time of King HENRY our father, shall be kept in every point without breach. (2) And we will that the same charters shall be sent under our seal, as well to our justices of the forest, as to others, and to all sheriffs of shires, and to all our other officers, and to all our cities throughout the realm, together with our writs, in the which it shall be contained, that they cause the foresaid charters to be published, and to declare to the people that we have confirmed them in all points; (3) and that our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgement in all their points, that is to wit, the Great Charter as the Common Law[*] and the Charter of the forest, for the wealth of our realm.

2. AND we will, That if any judgement be given from henceforth contrary to the points of the charters aforesaid by the justices, or by any other our ministers that hold plea before them against the points of the charters, it shall be undone, and holden for nought.

Rule: the Magna Carta was signed on June 19, 1215 by King John is declared to be the common law by King Edward; that is, it contains the rules of common law.

Rule: Anything contrary to the charter (the common law) is null and void . . . unless you have a contract to the State with a duty to perform.

Note: the Common Law was church law; that is, it was rooted in the Ten Commandments. Because it was church law, the churches were ordered to read portion of the charter to the people twice a year.

3. AND we will, That the same charters shall be sent, under our seal, to cathedral churches throughout our realm, there to remain, and shall be read before the people two times by the year.

4. AND that all archbishops and bishops shall pronounce the sentence of excommunication against all those that by word, deed, or counsel do contrary to the foresaid charters, or that in any point break or undo them. (2) and that the said curses be twice a year denounced and published by the prelates aforesaid. (3) And if the said prelates, or any of them, be remiss in the denunciation of the said sentences, the archbishops of Canterbury and York for the time being shall compel and distrein⁴ them to the execution of their duties in form aforesaid.

Rule: It is treasonous for the government to violate the charter. Agents that do not limit their activities to Common Law are guilty of treason against God and the people . . . and, are therefore, subject to excommunication of the church and have no right to call upon the name of Christ. The church has authority over the king to renounce him and ban him from the communion of the saints.

Note: The king delimited taxation to the “common profit [good]” and by the “common consent “ of land owners.

6. Moreover we have granted for us and our heirs, as well to archbishops, bishops, abbots, priors, and other folk of holy church, as also to *earls*, barons, and to all the communalty of the land, that for no business from henceforth we shall take such manner of aids, tasks, nor prises, but by the common assent of the realm, and for the common profit thereof, saving the ancient aids, and prises due and accustomed. Signed by EDWARD our son at London the tenth day of October, the five and twentieth year of our reign.

⁴ Distrain; The act of taking as a pledge another’s property to be used as an assurance of performance of an obligation. Also a remedy to ensure a court appearance or payment of fees etc.

Rule: Taxation must be for the common good by the consent of property owners; that is, those with the most to lose; taxation on income or private property is merely a commercial scheme contrary to the 10th Commandment.

COMMON LAW RULES FROM THE MAGNA CARTA 1215

Sentences in **blue** = the words of the Magna Carta.

Sentences in **Red** = a rule by deduction.

Like all governments, King John's agents chipped away at the God-given rights of the barons in order to get his hands on their wealth to finance his wars to recover Normandy.

King John needed money and I wasn't long before he started infringing on liberties and developing revenue schemes to finance his personal wars. Exasperated by king's lust for money and power, the Barons with knives in hand, forced King Edward to sign the **Great Charter** and to limit his government agents to the restrictive clauses of the charter in 1215.

Though several breeches were made by both sides and other charter amendments were made, it is the Foundation of the Rules of Common Law even today.

Rule: If you do not know your rights, you do not have them!!!!

Rule: The Magna Carta is the foundation of rights and due process—thus, you must claim the rules of Common Law in court if you want them enforced [Amendment VII]. Equity courts nullify human sovereignty in favor of the judge's personal values.



7. Justice, Fines, and Fees

Note the principle of justice iterated, and that authority

to fine was invested ONLY in a jury — not the king's agents, sheriffs, prosecutors, and judges.

20. A freeman shall only be amerced⁵ [fined] for a small offence according to the measure of that offence. And for a great offence he shall be amerced according to the magnitude of the offence, saving his contenment⁶; and a merchant, in the same way, saving his merchandize. And a villein, in the same way, if he fall under our mercy, shall be amerced saving his wainnage. And none of the aforesaid fines shall be imposed save upon oath of upright men from the neighbourhood.

Rule: The fine shall be proportional to the offense.

Rule: Fines can only be imposed by a competent jury — upright men in the neighborhood — men that know the accused — a jury of peers.

Rule: Government witnesses have a conflict of interest, are incompetent, insane with power, and cannot be trusted to be “upright.”

8. Accountable Only to One's Peers

21. Earls and barons shall not be amerced [fined] save through their peers, and only according to the measure of the offence.

Rule: Fines must be proportional to the offense. Only a jury can impose a fine.

Rule: The jury must be composed of peers. A jury must be have the same social, education, and financial status as the accused . . . and known to each other; that is, a tenant farmer could not sit on the jury in a complaint against a landowner — a baron.

⁵ **Amerce** - To impose a fine. Also to punish by fine or penalty. Today at law it means “To punish by a fine imposed arbitrarily at the discretion of the court.”

⁶ **Contenment**: That which is held together with another thing; that which is connected with a tenement, or thing holden, as a certain quantity of land adjacent to a dwelling, and necessary to the reputable enjoyment of the dwelling; appurtenance.

Rule: Peers refer to fellow barons, not serfs and barons. The whole idea that a person on welfare who owns no property is a peer of a billionaire with million dollar property is demented, deranged, and unhinged reasoning. Thus, there is a huge difference between a jury trial and a trial by jury of one's peers.

9. State Actors Can't Declare War on the Individual

Rule: Note that no man could be charged, indicted, accused or "ticketed" by a paid agent of the king: his bailiffs, sheriffs, judges, and prosecutors. When the judge is paid by the State; the witness cop; and, the prosecutor is paid by the State, then you are mutton for wolves.

24. No sheriff, constable, coroners, or other bailiffs of ours shall hold the pleas of our crown⁷. No member of government may make a complaint against any individual.

Rule: The State cannot issue a bill of attainder against an individual and target him for fines, imprisonment, or confiscation of his property by legal writs [traffic tickets]; that is, no member of the government can execute a writ against people in the private sector in order to fund the public treasury. Conflict of interest /loyalties disqualifies.

Tickets by cops for acts *mala prohibita* are nothing but commercial schemes by clever state actors.

10. Rule of Eminent Domain and Just Compensation

⁷ To "...hold the pleas of our crown" means to "...sue in the name of the king," or, in America, to "...sue in the name of the sovereign people," e.g. THE PEOPLE OF CALIFORNIA VS A.B.

Note: The barons forbid the king or one of his agents from stealing or trespassing in the name of the king under color of law or under the color of necessity.

28. No constable or other bailiff of ours shall take the corn or other chattels of any one except he straightway give money for them, or can be allowed a respite in that regard by the will of the seller.

Rule of eminent domain also applies to personal property; that is, if the government needs goods, goods have to be paid for out of the governments treasury and purchased at market value. The government cannot just seize assets and sell them to fund police activity.

30. No sheriff nor bailiff of ours, nor any one else, shall take the horses or carts of any freeman for transport, unless by the will of that freeman.

Rule: Consent is fundamental to control of property. No one may take your property [body, money, or possessions] without your permission. ⁸

31. Neither we [the king] nor our bailiffs shall take another's wood for castles or for other private uses, unless by the will of him to whom the wood belongs.

Rule: Eminent domain does not apply to privately owned wood. A king's officer cannot steal, indict, take, swindle, defraud, or coerce a man under threat and duress to "give" his property to the State. A levy on property is only by consent!

Note that the barons were well aware of the legal tricks and writs used by kings to force their will on barons through agents of the king's court.

34. Henceforth the writ which is called Praeipere⁹ shall not be served on any one for any holding so as to cause a free man to lose his court.

⁸ (However, if your car has a license plate, it is owned by the issuer of that license plate, and can be taken back anytime by that true owner). If your car is licensed, that is proof that it does not belong to you.

⁹ "Praeipere" is a writ or order to show cause against property.

Rule: "Rights" are property. A free man (i.e. nobleman) has his own land and people (slaves). The king may not force a nobleman into the king's court in such a way that the nobleman would be deprived of his own court—a judgment by his peers also known as a trial by jury. No jury, no jurisdiction!

36. Henceforth nothing shall be given or taken for a writ of inquest [inquiry or inquisition] in a matter concerning life or limb; but it shall be conceded gratis¹⁰, and shall not be denied.

Rule: All prosecutions by the government are free, if the prosecution involves the taking away the life or limb (liberty, rights) of the defendant. The State could not fine you and then charge you for the expense of a trial for the "privilege" of having your property taken by the State under color of law. It could not use the baron's property to fund its action. [*Under Biblical law, the foundation of Common Law, compensation went to the victim, not the State*]

11. No State Agent Can Be a Witness Against You

Note: a government paid judge and a government paid bailiff could not use a government paid agent to be a witness against a common man.

38. No bailiff, on his own simple assertion, shall henceforth put any one to his law, without producing faithful witnesses in evidence.

Rule: Witnesses must be competent. Government witnesses are incompetent to testify. A faithful witness was a non-government employee. No government official paid by the king was allowed to be a witness in court against a baron because of government agents had a deep, irreconcilable conflict of interest.

Rule: And if a government agent is going to impose his law on another, then the king's agent must have the support of non-governmental witnesses (2 or more). Witnesses

¹⁰ Gratis means free or without charge or fee.

paid by the State are not faithful witnesses. Contrast this principle with the modern practice where the D.A., a judge, and a cop [all paid by the state] come against a common man in commercial schemes [fines] for the benefit of the State.

12. Only a Jury Can Assign Prison Time

Note that no baron could be imprisoned except by an indictment by a grand jury of peers.

39. No freeman shall be taken, or imprisoned, or disseized [deprive], or outlawed, or exiled, or in any way harmed--nor will we go upon or send upon him--save by the lawful judgment of his peers or by the law of the land.

Rule: One can only be put in jail if a jury puts him there (or if he agrees to be put there). Peers are members of the peerage (duke, marquis, earl, viscount, or baron). The Bill of Rights has it correct: no man can be jailed without a signed warrant by a de jure judge based upon probable cause [and that by a sworn, signed oath regarding an injury or damaged property by someone other than a policeman; that is, a private citizen] or an indictment by a grand jury. See Amendment IV, VII.

13. Speedy Trials

40. To none will we sell, to none deny or delay, right or justice. Free justice, without delay. The government will assume the entire cost of prosecution.

Rule: A speedy, just trial is a human right. Long prison sentences and solitary confinement while in prison is a crime by insentient state actors.

14. Judges and Sheriffs Must Be Competent in Common Law

Note: Only men trained in Common Law and committed to such could hold a public office.

45. We will not make men justices, constables, sheriffs, or bailiffs, unless they are such as know the law of the realm, and are minded to observe it rightly.

Rule: Key officials must be knowledgeable about the law, and willing to obey it. If the sheriff takes his direction from the county counsel, or a de facto judge appointed by the king, then he must quit his job. ¹¹

15. Grand Jury Rules

52. If anyone shall have been disseized¹² by us, or removed, without a legal sentence of his peers, from his lands, castles, liberties or lawful right, we shall straightway restore them to him. And if a dispute shall arise concerning this matter it shall be settled according to the judgment of the twenty-five barons who are mentioned below as sureties for the peace¹³. But with regard to all those things of which any one was, by king Henry our father or king Richard our brother, disseized or dispossessed without legal judgement of his peers, which we have in our hand or which others hold, and for which we ought to give a guarantee: We shall have respite¹⁴ until the common term for crusaders. Except with regard to those concerning which a plea was moved, or an inquest made by our order, before we took the cross. But when we return from our

¹¹ In Orange County, California, a jury found that the sheriff intentionally disregarded the law and was unwilling to obey the law when he took extraordinary action to prevent two opposing candidates from winning his office. Despite that, he did not resign his position. To date, no one has sued to put him out of office. In 1996 he chose to not run for office.

¹² **Disseise:** To dispossess or to deprive.

¹³ **Surety:** A pledge or formal promise made to secure against loss, damage, or default; a security.

¹⁴ **Respite:** A usually short interval of rest or relief.

pilgrimage, or if, by chance, we desist from our pilgrimage, we shall straightway then show full justice regarding them.

Rule: The civil grand jury is the surety of the peace. Any problems with government must be resolved by the grand jury. The civil grand jury has the last word--no appeal.

How many Americans are arrested without a writ from a Grand Jury or a court warrant based on an affidavit of probable cause? Can you say, "Government criminals?" "Government overreach?"

55. All fines imposed by us unjustly and contrary to the law of the land, and all amerancements¹⁵ made unjustly and contrary to the law of the land, shall be altogether remitted, or it shall be done with regard to them according to the judgment of the twenty five barons mentioned below as sureties for the peace, or according to the judgment of the majority of them together with the aforesaid Stephen archbishop of Canterbury, if he can be present, and with others whom he may wish to associate with himself for this purpose. And if he can not be present, the affair shall nevertheless proceed without him; in such way that, if one or more of the said twenty five barons shall be concerned in a similar complaint, they shall be removed as to this particular decision¹⁶, and in their place, for this purpose alone, others shall be substituted who shall be chosen and sworn by the remainder of those twenty five.

Rule: A grand jury was composed of 25 barons or peers. Juries were considered sureties of justice. There is no such as a jury of one's peers in modern America.

Rule: The archbishop of Canterbury was invited as a surety against the violation of God's law; that is, that the whole affair be conducted in light of the Word of God.

¹⁵ **Amerciament** or amercement refers to punishments applied at the discretion of a court or authority in contrast to a penalty limited by statute.

¹⁶ A potential jury member, a fellow baron, could be removed for conflict of interest; that is, any baron engaged in a contract over a matter with the accused, is assumed prejudicial and sympathetic to the accused; and, therefore, disqualified as a jury member.

Rule: Unjust judgments are unlawful, and can be ignored or invalidated by the civil grand jury.

Rule: A jury member could be disqualified because of prejudice.

Rule: Jury members were sworn to judge justly by the laws of Almighty God.

60. Moreover all the subjects of our realm, clergy as well as laity, shall, as far as pertains to them, observe, with regard to their vassals, **all these aforesaid customs and liberties which we have decreed shall, as far as pertains to us, be observed in our realm with regard to our own.**

Rule: Everyone, like the king, is obligated to treat his own subjects according to the Magna Carta.

Note: The Magna Carta was seen as an effort to live consistent with the laws of God and for the improvement of relations between the King and his agents and the barons and their subjects. Note the effort to provide stability and security for all. Note at this time the Common Law rules were seen as rights bestowed by the grace of the kind. Law and rights and privileges were not fully developed as they were so eloquently iterated in the Declaration of Independence; that is, that rights come from God.

61. Inasmuch as for the sake of God, and for the bettering of our realm, and for the more ready healing of the discord which has arisen between us and our barons, we have made all these aforesaid concessions, -- wishing them to enjoy for ever entire and firm stability, we make and grant to them the following security: that the barons, namely, may elect at their pleasure twenty five barons from the realm, who ought, with all their strength, to observe, maintain and cause to be observed, the peace and privileges which we have granted to them and confirmed by this our present charter.

Rule: All judicial proceeding must be conducted under the laws of God for His glory and for the advancement of law and order in the realm. The jury system was designed to cure injury; to provide remedy for victims.

16. Grand Jury Enforcement Power

Note: the following rules guide barons on how to confront erring government officials or officers that overstep or over reach their authority and thus trample on the rights of barons.

In such wise, namely, that if we, our justice, or our bailiffs, or any one of our servants shall have transgressed¹⁷ against any one in any respect, or shall have broken some one of the articles of peace or security, and our transgression shall have been shown to four barons of the aforesaid twenty five: those four barons shall come to us, or, if we are abroad, to our justice, showing to us our error; and they shall ask us to cause that error to be amended without delay. And if we [the government] do not amend that error, or, we being abroad, if our justice do not amend it within a term of forty days from the time when it was shown to us or, we being abroad, to our justice: the aforesaid four barons shall refer the matter to the remainder of the twenty five barons, and those twenty five barons, with the whole land in common, shall distrain¹⁸ and oppress¹⁹ us (Government Officials) in every way in their power,-- namely, by taking our castles, lands and possessions, and in every other way that they can, until amends shall have been made according to their judgment. Saving the persons of ourselves, our queen and our children. And when amends shall have been made they shall be in accord with us as they

¹⁷ *Transgressed* is a Biblical legal term referring to a violation of God's law; that is, injury to another person or property; a violation of their rights as protected by the Word of God.

¹⁸ Distrain - The act of taking as a pledge another's property to be used as an assurance of performance of an obligation. Also a remedy to ensure a court appearance or payment of fees etc.

¹⁹ Oppress: to crush; trample down *b*) to overpower; subdue [Websters]

had been previously. And whoever of the land wishes to do so, shall swear that in carrying out all the aforesaid measures he will obey the mandates of the aforesaid twenty five barons, and that, with them, he will oppress us to the extent of his power. And, to any one who wishes to do so, we publicly and freely give permission to swear; and we will never prevent any one from swearing.

Rule: Four barons could confront a king and his officers. They had to explain the transgression. The king must be given a chance to cure. Forty days of testing his integrity ensued. If his error was not corrected, the four barons were to present an indictment to a grand jury of barons. If the majority of barons found the king's agents in error, the barons were permitted to oppress the king, lien his assets, buildings, and property to cure the wrong done. The barons were permitted to induct in their cause the king's servants to rectify wrong done.

Freemen oppressed by the unlawful acts of the state have a right, even a duty, to file a non-lis pendens lien against government actors. But, corporations and state "persons" cannot lien government officials.

Rule: **Enforcement authority** of a Grand Jury is UNLIMITED legally . . . that is, enforcement is limited only by energy and imagination of the twenty-five!

Moreover, all those in the land who shall be unwilling, themselves and of their own accord, to swear to the twenty five barons as to distraining and oppressing us with them: such ones we shall make to swear by our mandate, as has been said.

Rule: the king retained power to bring forth witnesses in his favor.

And if any one of the twenty five barons shall die, or leave the country, or in any other way be prevented from carrying out the aforesaid measures,--the remainder of the aforesaid twenty five barons shall choose another in his place, according to their judgment, who shall be sworn in the same way as the others. Moreover, in all things entrusted to those twenty five barons to be carried out, if those twenty five shall be present and chance to disagree among

themselves with regard to some matter, or if some of them, having been summoned, shall be unwilling or unable to be present: that which the majority of those present shall decide or decree shall be considered binding and valid, just as if all the twenty five had consented to it. And the aforesaid twenty five shall swear that they will faithfully observe all the foregoing, and will cause them to be observed to the extent of their power. And we shall obtain nothing from any one, either through ourselves or through another, by which any of those concessions and liberties may be revoked or diminished. And if any such thing shall have been obtained, it shall be vain and invalid [our term for null and void], and we shall never make use of it either through ourselves or through another.

Rule: Governments must delimit themselves and obtain nothing through fraud by infringing on the rights of the common man.

The Rule of Enforcement: Civil grand jury procedure: self-elect twenty-five barons of the kingdom. Four of the twenty-five were appointed to confront the king and his agents. If that doesn't work within 40 days, the four barons had authority to go back to the twenty-five and the grand jury had a right to correct the problem in any way they see fit!!

[Note that present day American grand juries consist of fewer than 25, and all are paid funds by the government. These are not true grand juries in the tradition of the Magna Carta. They are merely advisory grand juries, meaning that the government may lawfully ignore them (though it may be politically risky)].

17. Application to Obtain Freedom

Insist on a warrant, probable cause, a Jury Trial based on Common Law and the Rules of Common Law.

Judge, I demand to see a written order for me to be in this court room . . . and to see the sworn warrant and oath of probable cause! If you cannot produce it, I demand this case be dismissed with prejudice without delay.

Ask the Judge: Does this court follow the Common Law? If so, I demand to know the injured party and be presented with a writ of probable cause supported by an oath of affirmation. If this court does not have an injured party so sworn, I hold you to your oath of office, and demand this case be dismissed without delay.

Ask the Judge: "Is this a Common Law Court?" If not, I do not consent to the proceedings. All courts in the states are equity courts that have no authority to judge matters in relation to the common law of the States.

Ask the Judge: "Does this court follow the Rules of Common Law as secured by our Nation's Constitution?" If so, I invoke the Rules of Common Law as founded on the Magna Carta.

Say to the Judge: I invoke the Rules of Common Law and demand that all paid, state officials be immediately disqualified as a witness and that only "faithful witnesses" be allowed to testify. This court does acknowledge that State Actors can't be a witness under the Rules of Common Law, does it not?

Judge, have you taken an oath to uphold and support the Constitution? If so, I know hold you to that oath and demand you present a copy of your oath for my inspection immediately.

Excuse me, Mr. Judge, are you striking against the Constitution in open court? Are you aware of the penalties for treason against the United States Constitution? Fair Warning, not as a threat, but if my God given rights are not acknowledge and protected here today, I will present an affidavit of probable cause to a de jure New Mexico Grand Jury.

DEFINITIONS

Amerce - To impose a fine. Also to publish by fine or penalty.

Assize - A court, usually but not always, consisting of twelve men, summoned together to try a disputed case. They performed the functions of jury, except the verdict was rendered from their own investigation and knowledge and not from upon evidence adduced.

Burage - One of three species of free socage holdings. A tenure where houses and lands formerly the site of houses in an ancient borough are held of some lord by a certain rent.

Chattel - Personal property as opposed to real property. A personal object which can be transported.

Darrein Presentment - Writ of Assize when a man or his ancestors under whom he claimed presented a clerk to a benefice, who was instituted, and afterwards, upon the next avoidance, a stranger presented a clerk and thereby disturbed the real patron.

Distrain - The act of taking as a pledge another's property to be used as an assurance of performance of an obligation. Also a remedy to ensure a court appearance or payment of fees etc.

Disseise - To dispossess or to deprive.

Escheat - Right of the lord of a fee to re-enter upon the same when it became vacant by the extinction of the blood of the tenant.

Intestate - To die without a will.

Mort d'Ancestor - Real action to recover a person's lands of which he had been deprived on the death of his ancestor by the abatement of intrusion of a stranger.

Novel Disseisin - Writ of Assize for the recovery of lands and tenements.

Peer - One who is a member of the peerage, i.e. the nobility. A jury of your peers is a jury of your nobility. In America everyone is a king without any subjects, so a jury of your peers means a jury of people, the owners of the country (not citizens, who by 14th Amendment constitutional definition, are all publicly owned slaves).

Praecipe - An original writ drawn up in the alternative commanding the defendant to do the thing required. An order to show cause.

Scutage - Tax or contribution raised by someone holding lands by knight's service used to furnish the King's army.

Socage - A species of Tenure where the tenant held lands in consideration of certain inferior services of husbandry by him to the lord of the fee.

ADDENDUM

18. Law v. Equity

1. The common law is an imperfect reflection of God's law which expresses highest law regarding light of truth?

"The law of the LORD is perfect, converting the soul: the testimony of the LORD is sure, making wise the simple"
(Tanakh: Psalm 19:7).

"In all the courts in this state the common law as recognized in the United States of America, shall be the rule of practice and decision (NMSA § 38-1-3 (2021))

"The (NM) legislature intended to adopt the common law"
(NMSA § 38-1-3 (2021)) (Parenthesis mine)

New Mexico has adopted the common law. *State v. Valdez*, 1972-NMCA-014, 3 N.M. 632, 495 P.2d 1079, *aff'd*, 1972-NMSC-029, 3 N.M. 720, 497 P.2d 231, *cert. denied*, 3 N.M. 741, 497 P.2d 743; and *cert. denied*, 409 U.S. 1077, 93 S. Ct. 694, 34 L. Ed. 2d 666 (1972). Cited at (NMSA § 38-1-3 (2021))

"Since the first English settlements in North America, Christianity and its sacred text have had a significant influence on American jurisprudence. This reflects Christianity's imprint on Western legal traditions in general and the English common law in particular" (Cambridge University Press: *Christianity Matters in American Law and Jurisprudence*, December 14, 2020).

“The Common Law is the real law, the Supreme Law of the land. The codes, rules, regulations, policy and statutes are “not the law.” (Self v. Rhay, 61 Wn 2d 261; U.S. Constitution, Amendment VII).

“The rule of law, in the richest sense, secures a rule according to God and not according to imperfect men . . . “The Common Law and the Religious Foundations of the Rule of Law:” Volume 38, University of San Francisco Law Review; The Philadelphia Society National Meeting, New Orleans, April 26, 2003).

Thus, the common law (God’s law) represent the highest law when it demands justice of men, “You shall do righteousness in judgment” (Leviticus 19:15) (Quoted by Craig Stern, Ibid footnote number 54.

There is a substantial difference between courts of law and courts of equity?

“The primary practical difference between legal and equitable claims are the different remedies available. This can lead to very different outcomes for analogous legal and equitable claims arising from the same transaction or conduct . . .” (Bloomberg Law;(Wex Law: Legal Information Institute; Cambridge Dictionary)?

2. A court of law is one that hears cases and decides them on the basis of . . . the common law regardless of a Judge’s personal feelings and prejudices? (Merriam-Webster)

3. A fair and free contract entered into by free men is a matter of law and not equity?

The lofty ambition of justice requires judges to hold parties to agreements reached under free and fair conditions in order to promote principles of individual justice (sovereignty)?

“The examination of the history and content of the modern American common law of contract grounds our claim that its sole purpose is to vindicate personal sovereignty as embodied in the ex ante intentions expressed by contracting parties under free and fair conditions.(Kraus & Scott, Columbia Law School, Faculty Publication 2020, p. 1349) (Emphasis mine).

Judges are human and they must be on guard against importing their own ideas of public policy and “fairness” into a matter of common law (called “pluralism”)?

“ We conclude that neither paternalism nor anti-opportunism can justify the existence of ex post doctrines, or the ex post perspective generally, in contract law (Ibid, Kraus & Scott, p. 1352) (emphasis mine).

19. New Mexico and the Common Law

2021 New Mexico Statutes Chapter 38

Trials

Article 1 - Process

Section 38-1-3 - [Common law is rule of practice and decision.]

Universal Citation: NM Stat § 38-1-3 (2021)

In all the courts in this state the common law as recognized in the United States of America, shall be the rule of practice and decision.

History: Laws 1875-1876, ch. 2, § 2; C.L. 1884, § 1823; C.L. 1897, § 2871; Code 1915, § 1354; C.S. 1929, § 34-101; 1941 Comp., § 19-303; 1953 Comp., § 21-3-3.

ANNOTATIONS

Bracketed material. — The bracketed material was inserted by the compiler and is not part of the law.

Cross references. — For applicability of common law in criminal cases, *see* 30-1-3 NMSA 1978.

I. GENERAL CONSIDERATION.

The legislature intended to adopt the common law, or *lex non scripta*, and such British statutes of a general nature not local to that kingdom, nor in conflict with the constitution or laws of the United States, nor of this territory, which are applicable to our conditions and circumstances, and which were in force at the time of the American separation from the mother country. *Yeo v. Tweedy*, 1929-NMSC-033, 34 N.M. 611, 286 P. 970; *Browning v. Estate of Browning*, 1886-NMSC-022, 3 N.M. (Gild.) 659, 9 P. 677; *Territory ex rel. Wade v. Ashenfelter*, 1887-NMSC-013, 4 N.M. (Gild.) 93, 12 P. 879, appeal dismissed, 154 U.S. 493, 14 S. Ct. 1141, 38 L. Ed. 1079 (1893); *Bent v. Thompson*, 1890-NMSC-005, 5 N.M. 408, 23 P. 234, *aff'd*, 138 U.S. 114, 11 S. Ct. 238, 34 L. Ed. 902 (1891); *Gurule v. Duran*, 1915-NMSC-043, 20 N.M. 348, 149 P. 302, 1915F L.R.A. 648 (1915); *Plomteaux v. Solano*, 1918-NMSC-104, 25 N.M. 24, 176 P. 77; *Blake v. Hoover Motor Co.*, 1923-NMSC-005, 28 N.M. 371, 212 P. 738.

New Mexico adopted the common law or *lex non scripta* and such British statutes of a general nature **not** local to that kingdom nor in conflict with the state constitution or specific contrary statutes, which are applicable to conditions and circumstances which were in force at the time of American separation from England, and made it binding as the rule of practice and decision in the courts of this state. *Boddy v. Boddy*, 1966-NMSC-242, 77 N.M. 149, 420 P.2d 3016).

New Mexico has adopted the common law. *State v. Valdez*, 1972-NMCA-014, 83 N.M. 632, 495 P.2d 1079, *aff'd*, 1972-NMSC-029, 83 N.M. 720, 497 P.2d 231, cert. denied, 83 N.M. 741, 497 P.2d 743; and cert. denied, 409 U.S. 1077, 93 S. Ct. 694, 34 L. Ed. 2d 666 (1972).

By the adoption of the common law in New Mexico, the civil law was completely supplanted, except as incorporated in the statutes of the territory. *Field v. Otero*, 1930-NMSC-060, 35 N.M. 68, 290 P. 1015; *Beals v. Ares*, 1919-NMSC-067, 25 N.M. 459, 185 P. 780.

Common law as the rule of practice and decision prevails where there is no special statutory provision in respect to a matter. *Walker v. N.M. & S.Pac. R.R.*, 1893-NMSC-027, 7 N.M. 282, 34 P. 43, *aff'd*, 165 U.S. 593, 17 S. Ct. 421, 41 L. Ed. 837 (1897).

The common law is the rule of practice and decision. This rule does not obtain, however, when **the subject matter** of any procedural right **is fully covered by statute or rule**. *Sellman v. Haddock*, 1957-NMSC-037, 62 N.M. 391, 310 P.2d 1045, *overruled on other grounds by Safeco Ins. Co. v. U.S. Fid. & Guar. Co.*, 1984-NMSC-045, 101 N.M. 148, 679 P.2d 616.

Where common law applicable to conditions in state. — The New Mexico supreme court has the power to do away with common-law principles since the common law is not the rule of practice and decision if inapplicable to conditions in New Mexico²⁰, and if it is not applicable to the condition and circumstances it is not to be given effect. *Hicks v. State*, 1975-NMSC-056, 88 N.M. 588, 544 P.2d 1153.

The common law is **not** the rule of practice and decision if not applicable to conditions in *New Mexico*. *Rodgers v. Ferguson*, 1976-NMCA-098, 89 N.M. 688, 556 P.2d 844, cert. denied, 90 N.M. 7, 558 P.2d 619.

Common law is only abrogated or repealed by statute when directly and irreconcilably opposed to the common law. *S. Union Gas Co. v. City of Artesia*, 1970-NMSC-086, 81 N.M. 654, 472 P.2d 368.

Common law inapplicable to procedural right otherwise covered. — The common law does not apply when the subject matter of any procedural right is fully covered by the constitution, statutes or rules. *State ex rel. Attorney Gen. v. First Judicial Dist. Court*, 1981-NMSC-053, 96 N.M. 254, 629 P.2d 330.

Common-law doctrines not invulnerable. — Because a common-law doctrine is judicially created, it is within the court's province to change a common-law doctrine if it is unwise. Merely because a common-law doctrine has been in effect for many years, it is not rendered invulnerable to judicial attack once it has reached a point of obsolescence. *Lopez v. Maez*, 1982-NMSC-103, 98 N.M. 625, 651 P.2d 1269.

Revision of an outmoded common law doctrine is within the competence of the judiciary. *Lopez v. Maez*, 1982-NMSC-103, 98 N.M. 625, 651 P.2d 1269.

20. Statutory Law Regulates Persons not People

²⁰ Something irrelevant or unsuited.

Is it not true the legislative acts regulates “the property interests of persons”?

Due to the polysemous meanings of the term “person,” the term “person” must be defined accurately.

The term “person” and the following definitions of terms related to “persons” is legalese referring to artificial entities in contract with the state?

The term “persons” is narrowly defined at NMSA 66:1-4.14 as “every natural person, firm, co-partnership, association, corporation or other legal entity;” that this definition does not include God’s creatures known as “man” (ish) and “woman” (ishah) (Source: The Tanahk (Genesis)? (Emphasis mine).

The term “person” is narrowly defined as a “a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, governmental entity or other legal or commercial entity” at 2021 NMSA 47-7A-3?

In 2023 NMSA 19-10-24 the legislature equated “persons” with “corporations” when it stated “a court of equity for the determination of controversies between persons or corporations.” (Emphasis mine).

A “natural person” refers to living people who have been given legal privileges by the government for legal purposes as opposed to a living, breathing man on the land endowed by his Creator with unalienable rights?

NMSA 7-35-2 - "person" means an individual or any other legal entity;

Cornell: "A legal²¹ person is a human or a non-human legal entity that is treated as a person for legal purposes.

The term "person" is related to a 'natural person' engaged in insurance, banking, multiple acts and recognition that natural person has inherent rights, powers, privileges –

"No insurer shall offer more than one group policy of insurance through any person unless such person is licensed, at a minimum, as a limited insurance" (NAIC80-1)?

The term "person" is defined as a "human being," or "homo sapien" or a highly intelligent primate / ape in 1 U.S.C. §8 and does not refer to men and women created in the image of Elohim (Tanakh: Genesis 1:26-28).

The Legislature has no authority tell²² a private man or woman what to do or what to believe?

"...we are of the opinion that there is a clear distinction in this particular between an [PRIVATE] individual and a [PUBLIC] corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the state. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law

²¹ Legal – powers, privileges, and licenses obtained from a legislature necessary to conduct commerce and other government-corporate duties.

²² Tell in this context means to order, require, command, regulate, control, dictate, direct, or demand.

of the land long antecedent to the organization of the state,
and can only be taken from him by due process of law, and in
accordance with the Constitution . . . He owes nothing to the
public so long as he does not trespass upon their rights" --
Hale v. Henkel, 201 U.S. 43 (1906). (Emphasis mine).

21. Memorandum of Common Law

MATTERS OF COMMON LAW

The phrase “rule of common law” is referred to in Amendment VII of the U.S. Constitution.

Public Law 91-589, signed into law Dec. 24, 1970. It is not within the power of the legislature to enact ‘due process of law.’ The Fifth Amendment acts as a restraint on all three branches of government.

(Page 1138) “...the term ‘by law of the land’ was equivalent to ‘due process of law’, which he [Coke] in turn defined as ‘by the due process of the common law,’ that is, ‘by the indictment or presentment of good and lawful men...or by writ original of the Common Law.’” All rules of civil procedure, statutes, codes, not withstanding in common law.

Common law rules include, but are not limited to the following:

No Duty to the State

"...we are of the opinion that there is a clear distinction in this particular between an [PRIVATE] individual and a [PUBLIC] corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the state. **The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state** or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. **He owes no such duty to the state**, since he receives nothing therefrom, beyond the protection of his life and property. **His rights are such as existed by the**

law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution . . . He owes nothing to the public so long as he does not trespass upon their rights" -- Hale v. Henkel, 201 U.S. 43 (1906). (Emphasis mine).

The Ten Commandments

The Law of the Land in the Western World is based upon religion — the religion of Jesus Christ which contains the mosaic law

“When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them . . .

Authored by Thomas Jefferson, the phrase “the Laws of Nature and of Nature’s God” came from Lord Bolingbroke, the most quoted author by Jefferson, in his letter to Alexander Pope, who said, ““You will find that it is the modest, not the presumptuous enquirer, who makes a real, and safe progress in the discovery of divine truths. One follows nature, and nature’s God; that is, he follows God in his **works, and in his word.”** [Emphasis added]

Thus, it is almost impossible to overstate the effects of the Ten Commandments for good upon the West and its common law heritage:

1. **First Commandment:** Prohibition against the adoption of alien law, multiculturalism, legal mergers, and government supremacy as “paramount and dominant” instead of “derivative and dependent” on the King of kings.
2. **Second Commandment:** Prohibition against adopting man-made statutes, civil codes, and “creations” of the legislature, the executive, or the judiciary to replace the law of the LORD God.

3. **Third Commandment:** the requirement to take oaths in the name of the LORD GOD, as well as prohibitions against oath breaking.
4. **Fourth Commandment:** Positive law for the State to honor Christianity and the First-Day Sabbath.
5. **Fifth Commandment:** A positive law requirement for the Court to honor and protect the sanctity of the family.
6. **Sixth Commandment:** Prohibition against unlawful executions of people who have not committed a capital crime by the State.
7. **Seventh Commandment:** A prohibition against the State sanctioning immorality either by neglect or legislative actions.
8. **Eight Commandment:** A prohibition against theft and purloining people.
9. **Ninth Commandment:** A prohibition against perjury, deception, and deceit under oath and duty to speak the truth when truth is requisite to justice.
10. **Tenth Commandment:** a prohibition against fraud and commercial schemes by those in political power to deprive the people of their property.

The Magna Carta

11. If you do not know your rights, you do not have any rights.
12. A freeman can only be amerced (fined) in accordance to the measure of that offence.
13. A freeman cannot be amerced save through his peers (other freemen).
14. A freeman is owed a trial by jury of peers.
15. Prohibition against being “charged” or “indicted” or “ticketed” by a paid agent of the king (police officer) for offences *mala prohibita*.

16. Prohibition against sheriffs, constables, coroners, or other bailiffs targeting free men in pleas of the crown, by the crown, for the crown.
17. Prohibitions against bills of attainder²³ to collect fees.
18. Prohibitions against trespasses and unwarranted searches and seizures.
19. Prohibitions against the king's agents (officers) seizing and impounding Citizen property (as firewood) to pay the king's (State's) bills.
20. Prohibition against commandeering private property for the king's use.
21. Prohibition for taking legitimate property for the king's use without just compensation.
22. Prohibitions against Praecipe;²⁴ that is, charging the free man in the king's court, by the king's paid officers, before the king's paid judges; that is, the accuse many choose to be tried in a court of his choice; an Article III court, for instance, the common law right of the free man.
23. Requirement that all witnesses be competent; that is, no witness may be on king's doll or be paid from the king's / State treasury. All witnesses against the accused must be private citizens or freemen who support the rule of law and the rights of man.

²³ **Bill of Attainder:** Acts of the legislature declaring non-criminal acts a crime of "offense" in a commercial scheme to fleece the Citizen and to enrich the State.

²⁴ **Praecipe:** To "...hold the pleas of our crown" means to "...sue in the name of the king," or, in America, to "...sue in the name of the sovereign people," e.g. THE PEOPLE OF CALIFORNIA VS A.B.

24. Prohibition against being deprived of life, liberty, or property without a jury of peers²⁵.
25. No jury member may be an atheist for want of conscience and the “fear of God.”
26. Requirement for speedy trials.
27. Requirement that all judges and sheriffs be competent in common law with a sworn oath to uphold the common law in the king’s realm; and, any sheriff taking its orders from the king’s commissioners must resign his position.
28. Requirement that all common law crime charges be presented to a grand jury; and, that if property or liberty is taken without a jury, that the accused be reimbursed from the king’s treasury.
29. Requirement that any problems or “ameracements” among Citizens in regard to the State be resolved through a grand jury.
30. Requirement that all adjudications be for the glory of the LORD God and peace among men.

The Declaration of Independence

31. The maintenance of the Laws of Nature and Nature’s God.
32. Equality before the law.
33. The rights²⁶ of man come from the Creator and are unalienable; that is, cannot be taken away, without due process of law, by legislative action, judicial action, or executive action.

²⁵ Peers: for American Nationals, that means a jury made up of non “United States citizens” (a political alliance) committed to common law, not government lackeys in a pool of registered voters

²⁶ A right springs from the commands of Almighty God in Holy Scripture. Every command by the LORD God creates a right of man that government can lawfully

34. Governments derive the just powers from the consent of the People.
35. The People have a right to interpret the law and hold their governments accountable to the law.
36. The People have the right to resist unjust laws and aberrant officials and to complain against despotism and a train of abuses.
37. That the People are prone to tolerate judicial abuses rather than to right the wrongs by any means possible.
38. That the People have an inherent right to self-governance because they alone possess inherent political power.

The Constitution

39. That sovereignty resides in the People, not the State.
40. That the People created the states and that the states created the government; that is, the People are the Masters; and government officials are the servants. Not the other way around.
41. That the State has limited and enumerated powers.
42. That the People have a right to choose to adjudicate all matters between them and the State in an Article III Court.
43. That all Public Servants must take an Oath to support “This Constitution,”²⁷ all other codes, statutes, procedures, or legislative acts notwithstanding.
44. “The Constitution is a written instrument. As such, **its meaning does not alter**. That which it meant when it was adopted, it means

abrogate either by legislation or executive action. But, no bona fide “right” exists where a Scripture prohibits or outlaws an action or behavior; e.g. there is no right to steal or fornicate or murder the innocent.

²⁷ “This Constitution” means Articles 1-6 and the Bill of Rights, Amendment 1-10.

now.” [Emphasis added.] *South Carolina v. United States*, 199 U.S. 437, 448 (1905).

45. “It is **elementary law** that every statute is to be read in the light of the constitution. However broad and general its language, it cannot be interpreted as extending beyond those matters which it was within the constitutional power of the legislature to reach.” [Emphasis added.] *McCullough v. Com. of Virginia*, 172 U.S. 102, 112 (1898).

The Bill of Rights

46. **The Preamble:** The common law rule that demands the people be protected from the abuses of the Executive, Legislative, and Judicial branches of the apparatus of “government” and its ultra vires acts.
47. **Amendment One:** The protection of the common law right to the exercise of religion (private beliefs), to free speech, to publish, to assemble, and to protest and resist “Government” abuses.
48. **Amendment Two:** Protection of the right to organize a Citizen militia to bear arms in case it is necessary to take back the government from tyrants.
49. **Amendment Four:** The protection of rights against unlawful searches and seizures of private property, against unlawful arrest without a sworn warrant and affidavit of probable cause, with particularity; and, the right to be informed of the “probable cause” of arrests.
50. **Amendment Five:** No person (human being) may be forced to answer to the charges of capital offenses and “infamous crimes”²⁸

²⁸ Crime: A common law crime must involve injury to a living man or his property; things mala en se, things morally wrong in and of itself—a violation of the Ten Commandments; otherwise, it is not a crime. A common law crime is opposed to

EXCEPT on the presentment of a Grand Jury; be forced to endure gauntlet of double jeopardy; be forced (“compelled”) to testify against himself; nor be deprived of life, liberty, or property WITHOUT DUE PROCESS of common law; nor be deprived of property for necessary public use without just compensation.

51. **Amendment Six:** Common law requires a speedy trial; a jury trial; with impartial jury members; in his land “district”; to be informed by those administering the law of the nature and cause of the accusation; to confront his physical, adversarial accusers in person; to obtain witnesses in his favor; and to secure “Counsel” of his choice (NOT BAR ATTORNEYS) for his defense.

52. **Amendment Seven:** Common law requires the right to a jury when the controversy is over twenty dollars; the mandatory requirement for all courts in the United States²⁹ (50 several states) to operate by the rules of common law.

53. **Amendment Eight:** The prohibition against excessive (punitive and unnecessary) bail.

54. **Amendment Nine:** The rule that the People have the power to retain rights not enumerated by the People in Constitution.

55. **Amendment Ten:** All political power belongs to the People except that which has been granted to the States by the People to perform the duties of government.

legislative “offenses” which is prohibited by statute or legislative act of a dead, fictional corporation.

²⁹ The term “United States” in common law refers to “these united States” or “several states” as opposed to corporation d/b/a the “UNITED STATES” (Inc.) in the District of Columbia.

56. **Amendment thirteen** (original) – a common law prohibition against Persons with titles of nobility serving in public office.³⁰ (See also, Article 1.9.8)

Maxims of Law

(for a more comprehensive list see Bovier's Dictionary:

57. All men and women know that the foundation of law and commerce exists in the telling of the truth, and nothing but the truth; that is, all parties in judicial proceedings must seek the truth, no power over people.

58. Truth, as a valid statement of reality, is sovereign in commerce and in common law.

59. An un rebutted affidavit stands as truth in commerce.

60. An un rebutted affidavit is acted upon as the judgment in commerce.

61. Guaranteed- All men shall have a remedy by the due course of law. If a remedy does not exist, or if the remedy has been subverted, then a Citizen may create a remedy for themselves - and endow it with credibility by expressing it in their affidavit.

62. All valid oaths must be taken in the name of the LORD God under His rules for oaths (Deuteronomy 6:13)

³⁰ "If any citizen of the United States shall accept, claim, receive, or retain, any title of nobility or honor, 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."

63. The common law and Citizens there under do not understand³¹ acts of the legislature or the judiciary or the executive branch of government—because there is One Lawgiver, Judge, and King.

64. The common law is summarized under the maxim: “do your neighbor no harm.” No harm; no crime.

65. The common law seeks competent, truthful witnesses (two) and shuns incompetent witnesses, judges, officers, and matters offered as evidence before a tribunal such as “lack of personal knowledge,” “testimony without an oath to Almighty God,” “judges who have not perfected their office,” “hearsay,” unauthenticated documents offered as evidence, presumption, incompetent affidavits, and testimony from BAR attorneys.

Common Law Construction

66. Common law principles demand that its words and phrases were used in their normal and ordinary, as distinguished from technical meaning.³²

67. Common deplores duplicity and “word art,” “legalese,” and “unnatural meanings of words;” and, are banned under the rules of common law. There can only be law and order if we operate under uniform definitions: “No man can serve two masters,” said Jesus. Likewise, law cannot suffer duplicity, deception, merger,

³¹ To stand under the authority of.

³² (Am Jur AmJur 2d. Constitutional Law § 78; United States v. Wong Kim Ark, 169 U.S. 891, 893 (1898); Martin v. Hunter's Lessee, 1 Wheat 304; Gibbons v. Ogden, 9 Wheat 419; Brown v. Maryland, 12 Wheat 419; Craig v. Missouri, 4 Pet 10; Tennessee v. Whitworth, 117 U.S. 139; Lake County v. Rollins, 130 U.S. 662; Hodges v. United States, 203 U.S. 1; Edwards v. Cuba R. Co., 268 U.S. 628; The Pocket Veto Case, 279 U.S. 655; (Justice) Story on the Constitution, Fifth ed., Sec 451; Cooley's Constitutional Limitations, 2nd ed., p. 61, 70.

subterfuge, without destroying the meaning of words or a systems of laws;

68. "A cardinal rule in dealing with written instruments is that they are to receive an **unvarying** interpretation, and that their practical construction is to be **uniform**." [Emphasis added.] Cory et al. v. Carter, 48 Ind. 327, 335 (1874) citing Judge Cooley's work Constitutional Limitations (1868), page 54."

Common law rules not enumerated are reserved for the People, by the People, and for the People.

All rights Reserved,

first name-middle: last name

Accused, non-negotiable

autograph.

BIBLIOGRAPHY

Biblical Standards for Civil Rulers, Sovereignty Education and Defense Ministry, SEDM website.

Fake/De Facto Government, Sovereignty Education and Defense Ministry, SEDM website -- <https://sedm.org/fake-de-facto-government/>

Edward Griffin, The Creature from Jekyll Island, 4th Edition, (2008), American Media, CA.

Francis A. Schaeffer, How Should We then Live, Fleming H. Revell Co., New Jersey, (1971).

Gary DeMar, You've Heard It Said, (1991), Wolgeuth & Hyatt Publishers, Brentwood, Tennessee.

John R. Rushdoony, Institutes of Biblical Law (1973).

John Weaver Sermons, sermonaudio.com.

Peter Kershaw, In Caesar's Grip, (2000), Heal Our Land Ministries, Branson Missouri.

Stockton, the Crisis of Church Incorporation, Form #13.017, NikeInsights.famguardian.org/publications.

Stockton, Commentary on Romans 13, Form #17.056, NikeInsights.famguardian.org/publications.

The IRS Hoax, Sovereignty Education and Defense Ministry, SEDM website.

PUBLICATIONS

Books we have written:

1. [Biblical Standards for Civil Rulers, Form #13.013](#)
2. [Should Christians Always Obey the State?, Form #13.014](#)
3. [The Crisis of Church Incorporation, Form #13.017](#)
4. [A Family Under God, Form #17.001](#)
5. [Origin of the Bible, Form #17.002](#)
6. [The Gospel of the Kingdom of God, Form #17.003](#)
7. [Five Pillars of the Gladiator Gospel, Form #17.004](#)
8. [Prayer Puts Power In Your Life, Form #17.005](#)
9. [Old Testament Theology, Form #17.006](#)
10. [Towards Exegetical Eschatology, Form #17.007](#)
11. [A Commentary on Revelation, Form #17.055](#)
12. [Commentary on Romans 13, Form #17.056](#)
13. [What is the Date of the Biblical Flood?, Form #17.057](#)
14. [Behold His Glory, Form #17.059](#)
15. [Proverbs for Wisdom, Form #17.060](#)
16. [The Pursuit of Piety, Form #17.061](#)
17. [101 Sermons on God and Government, Form #17.062](#)
18. [Marriage Counseling Manual, Form #17.063](#)
19. [Words for the Weary, Form #17.064](#)
20. [Correcting the Upside Down Gospel, Form #17.065](#)
21. [Sermons on the Gospel of the Lord Jesus Christ, Form #17.066](#)

22. [If I Could Do Church Again, Form #17.067](#)
23. [The Feminist War Against God's Law, Form #17.068](#)
24. [The Case for Head Coverings and Restoring God's Law Order to the Church, Form #17.069](#)
25. [The Sovereignty of God and the Madness of Politics, Form #17.070](#)
26. [The Pilgrim's Songbook, Form #17.071](#)
27. [The Route of the Exodus, Form #17.073](#)
28. [Commentary on the Book of Psalms. Form #17.074](#)
29. [Imprecatory Psalms, Form #17.075](#)
30. [Political Psalms, Form #17.076](#)
31. [Psalms for the Troubled Heart, Form #17.077](#)
32. [Psalms Messianic, Form #17.078](#)
33. [Psalms of Asaph, Form #17.079](#)
34. [Double Through Discipleship, Form #17.080](#)
35. [The Art of Conflict Management, Form #17.081](#)
36. [Know Who You Are In Christ, Form #17.082](#)
37. [From Corinth to American Churches, Form #17.083](#)
38. [When Satan Goes to Church, Form #17.084](#)
39. [Nike Greek Grammar Manual, Form #17.085](#)

Works we have contributed to:

1. [Laws of the Bible, Litigation Tool #09.001](#)
2. [Ten Commandments of Freedom Form #13.016](#)
3. [SEDM About Us Page, Section 9](#)

4. [Proof of Claim: Your Main Defense Against Government Greed and Corruption, Form #09.073](#). Click [Here](#) for the article this publication is based on from this site