

**TREATISE –**  
**Society of Slaves & Freedmen**

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## **Books**

### ***America – National or Federal?***

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

### ***In Search of Liberty***

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

### ***What Does Accepted for Value Mean?***

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

Matthew 5:25-26

## **Booklets**

### **1 *When There is No Money* FREE**

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

### **2 *Liberty* FREE**

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

### **3 *The Natural Order of Thing* FREE**

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

**4 *Sovereignty* FREE**

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

**5 *The Legal System for Sovereign Rulers* FREE**

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

**6 *The Negative Side of Positive Law* FREE**

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

**7 *Resident/Minister* FREE**

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

Leviticus 25:45

**8 *Introduction to Law Merchant* FREE**

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

**9 *Society of Slaves and Freedmen* FREE**

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

**10 *Introduction to Corporate Political Societies* FREE**

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

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

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

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

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



# **TREATISE –**

## **Society of Slaves & Freedmen**

### **1 – INTRODUCTION**

This writing is not meant to be read by contented slaves, but rather to aid those who know they are not slaves and for those who have an earnest desire to remove the ignorance that binds men. According to the Bible, the people are not to be slaves or servants of men.

**And it shall be forgiven all the congregation of the children of Israel, and the stranger that sojourneth among them; seeing all the people were in ignorance. Numbers 15: 26**

**...for thy merchants were the great men of the earth; for by thy sorceries were all nations deceived. Revelations 18:9-24**

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

The history of this planet and the words of the Bible illustrate the constant struggle of man against those who seek to make men their slaves and servants.

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

Galatians 5:1

**Ye are bought with a price; be not ye the servants of men.**

I Corinthians 7:23

**For ye are bought with a price: therefore glorify God in your body, and in your spirit, which are God’s.** Romans 6:20

History also teaches us that violence and physical struggle against oppressors is probably not the best method for one to obtain freedom and liberty from being in subjection to the will of another.

**For we are not contending against flesh and blood, but against principalities, against the powers, against the world rulers of this present darkness, against the spiritual hosts of wickedness in heavenly places.** Ephesians 6:10-12

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

This treatise on slaves and persons represents my humble attempt to aid those who desire a better understanding of the current situation, to gain knowledge and understanding, so we might rise above the darkness.

**There is no eye equal to wisdom, no darkness equal to ignorance, no power equal to the power of the spirit, and no terror equal to the poverty of consciousness. There is no higher happiness than wisdom, no better friend than knowledge, and no other savior than the power of the spirit."**

*The Talmud of J(E)mmanuel, 26:27-28*  
(from scrolls found in old Jerusalem in 1963)

## **2 – A SOCIETY OF SLAVES and FREEDMEN**

Today, the people of America feel as though they are being bombarded with commands on how they are to act, and what acts they are to refrain from doing. The rightness or wrongness of acts that are not specifically addressed in the volumes of written rules may be determined by someone commissioned by a “superior” authority in a court of equity. There is a belief held by many that whatever one receives for his work or industry is to be shared with a “superior” authority in the form of taxation.

Why do these presumptions prevail in America? Do we understand the legal language being used? Why do penal statutes generally refer

to *persons*? Why do legal actions or complaints refer to the defendants as *residents*? Why do income tax statutes and regulations refer to *individuals*? Could it be that taxes, as well as positive law and equity, are designed for slaves, emancipated slaves, or other entities created by the State?

The following quote contains the relevant parts of the very first section of Title 26 of the Code of Federal Regulations of the United States concerning individuals who may be liable to pay an income tax.

26 CFR §1.1-1. Income tax on individuals.

**(a) General rule. (1) Section 1 of the Code imposes an income tax on the income of every individual who is a citizen or resident of the United States and, to the extent provided by section 871(b) or 877(b), on the income of a nonresident alien individual. ...**

**(b) Citizens or residents of the United States liable to tax. In general, all citizens of the United States, wherever resident, and all resident alien individuals are liable to the income taxes imposed by the Code whether the income is received from sources within or without the United States. ...**

**(c) Who is a citizen. Every person born or naturalized in the United States and subject to its jurisdiction is a citizen. ...**

The regulation quoted above refers to citizens or residents of the United States and defines a citizen as “**every person born or naturalized in the United States and subject to its jurisdiction is a citizen**”. Where can one find the origin of the phraseology found in that definition of citizen of the United States?

**All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.** 14<sup>th</sup> Amendment

The definition used in Title 26 comes from the Fourteenth Amendment of the Constitution. What was the purpose or intent of that Amendment?

**The case in which the United States supreme Court held that descendants of Africans who were imported into this country, and sold as slaves, were not included nor intended to be included under the word "Citizens" in the Constitution, whether emancipated or not, and remained without rights or privileges except such as those which the government might grant them.**

*Dred Scott v. Sandford*, 60 U.S. (19 How.) 393, 15 L.Ed. 691

**The thirteenth, fourteenth and fifteenth amendments were designed mainly for the protection of the newly emancipated negroes.** *U.S. v. Anthony*, 24 Fed. Cas. page 829, Case No. 14,459

There are quite a number of cases stating these amendments were for the protection of granted or civil rights bestowed upon those who were slaves or whose ancestors were slaves. It is also necessary to realize that this new classification of “persons” and “citizens” was for those who were not perceived as being among the people who created the states, constitutions, and republican forms of government. The outcome, I believe, was to have the people who hold the power and authority over the states, constitutions and, governments believe they belong to a new inferior class of persons and citizens.

It does not matter who were slaves, but from a legal perspective it is very important that (1) a particular group or race be considered slaves or in need of emancipation, manumission, or liberation, (2) they be viewed as foreign to the original people who formed the states of the country, (3) they become subject to the jurisdiction of a proclaimed sovereign power, (4) a new class of citizens or subjects be established inferior to a superior government, and (5) this new class of citizens have granted rights that need to be protected by the grantor. Emphasis is added in the following quote and throughout this writing.

Fourteenth Amendment. **The Fourteenth amendment of the Constitution of the United States, ratified in 1868, creates or at least recognizes for the first time a citizenship of the United States, as distinct from that of the states...**

*Black's Law Dictionary, 6th Ed.*

The process of using slaves to create a new class of citizens is well known in history, and is a tactic employed in an attempt to degrade the authority, rights, and immunities of the people or original citizens.

Historically speaking, it is not unusual for a slave to be viewed as a “freeman” by all others except when considering his relation to his master. While the slave may be set free from his former master, the person may still have a slavish relationship to his emancipator or new master.

**VILLEIN, Engl. law. A species of slave during the feudal times.' ... for no person was, in the eye of the law, a villein, except as to his master; in relation to all other persons he was a freeman.**

*A Dictionary of Law, Bouvier 1856*

In other sources it is said these inferior *freemen* or *freedmen* could not be dissolved of “**the duties of obedience and gratitude, whatever were the fruits of their industry**”. That is to say, the slave-freeman could now freely move about the country but was to remain obedient to his master or superior, and show gratitude for his release from slavery with his new conditional liberty, by returning to his master some of the fruits of his labor and industry. Maybe you can start to see the bigger picture as to the actions of revenue agents and public officers as they treat persons as “freedmen” by making demands or commands, and to claim the right to tax the fruits of a

person's or citizen's industry, no matter what the source, even though there is no written statute authorizing such action.

Freedman. **An emancipated slave.**

*Black's Law Dictionary*, 7<sup>th</sup> ed.

**In the condition of slaves there is no diversity, but among free persons there are many. Thus some are ingenui or freemen, others libertini or freedmen. ... Freedmen are those who have been manumitted from just servitude.**

*Scott v. Sandford*, 60 U.S. 393 (1856)

Since the word *person* is used to describe a slave and also an ex-slave or freedman, you would expect confusion to result from the meaning of the term *person*. But, as said before, the slave-freeman can be a slave to a master, while at the same time be said to be conditionally free with respect to all others. A "free man" is a man not owing any service or obedience to another, nor of subjection to the will of another. There are technical differences between a "freedman" and a "freeman" in Roman times, but both terms represent some type of subjection to a master and the masters officers though having a conditional freedom with respect to others.

**The preamble to the celebrated ordinance of King Louis Hutin [of France] enfranchising the serfs of the royal domains would have sounded strangely to Roman ears. "Whereas, according to**

**natural law, everybody ought to be born free; and by some usages and customs which, from long antiquity, have been introduced and kept until now in our realm, and peradventure by reason of the misdeeds of their predecessors, many persons of our common people have fallen into servitude, therefore, We, etc."** This is the enunciation not of a legal rule but of a political dogma.

*Ancient Law*, by Sir Henry Sumner Maine (1861)

The concept of superior and inferior or master and slave are said to be political matters and not matters of law. As said above, there is the belief that the misdeeds of one's predecessors (accepting a classification of slave or servant) has caused many persons of our common people to fall into servitude. The common people have accepted a classification for their persons that was designed for slaves or emancipated slaves. Below, we see the word person is used for this classification.

**For instance, the Constitution provides that 'no person' shall be deprived of liberty without due process of law. And yet, as we know, whole generations of people in this land-as many as four millions of them at one time-people described in the Constitution by this same word, 'persons,' have been till lately deprived of liberty ever since the adoption of the Constitution, without any process of law whatever.**

**The Constitution provides, also, that no 'person's' right to bear arms shall be infringed; yet these same people, described elsewhere in the Constitution as 'persons,' have been deprived of**

**their arms whenever they had them. If you are going to stand on that letter of the Constitution which is set up by the opposite side in the matter before us, how are we to explain such features in the Constitution, in various provisions in which slaves are called persons, with nothing in the language used to distinguish them from persons who were free.**

*Ex parte Milligan*, 71 U.S. 2, 104 (1866)

You can see how the word *person* can describe those who are slaves and those who are ex-slaves with a conditional or qualified freedom; while the one has more freedom of movement and privileges than the other, both still owe obedience and submission to a master or superior. In the quote above, the author seems to believe the right to bear arms and due process features of the Constitution refer to persons, but I find they refer to people.

**CONTUBERNIUM, civ. law. As among the Romans, slaves had no civil state, their marriages, although valid according to natural law, when contracted with the consent of their masters, and when there was no legal bar to them, yet were without civil effects; they having none except what arose from natural law; a marriage of this kind was called contubernium. It was so called whether both or only one of the parties was a slave. *Bouvier*, 1856**

Marriage is according to natural law and involves a man, a woman, and God, but for slaves, they need permission or license from their

master to make the marriage valid. Do you think someone has created a society of slaves?

I do not agree with the concept of slavery, nor do I at all intend to reflect any negative thoughts on those whose ancestors were in a condition of slavery, but to arrive at the factual events that are still having enormous repercussions today, one must examine the historical evidence. It since it lies at the heart of the matter with regard to the freedom and liberty of all people in America today.

**The creation of a civil or legal person out of a thing, the investiture of a chattel with *toga civillis*, may be an achievement of the imperial power, but it is beyond the compass of an American congress. Congress must first emancipate the slave, before it can endow him with the rights of a citizen under the constitution, or impose upon him the responsibilities of a legal person, or compel him to pay money, or part with liberty.**

*United States v. Amy*, 24 Fed.Cas.792, 794 #14,445 (1859)

There are many terms and concepts involved in the quote above. After emancipation, congress gave the slave a new civil law “cloak” (*toga civillis*) to cover up the fact that he was a man who ought to be free. Rather than a cloak, you could also use the word *mask*, since the emancipated slave is viewed as an actor speaking for and exerting the rights of a civil or legal person (corporate character) created by congress. Next, congress endowed the “person” (civil or legal) with a

new and inferior kind of citizenship under the Constitution. These “persons” and “citizens” are creations of congress, but the man is always a creation of God, the Creator. This is why congress needed to create fictional entities over which it acts as a superior or sovereign power using a civil law system designed for such persons. We should not forget that congress is a creation of the Constitution, which is a creation of the several states, which are creatures of the people, who are creations of God.

Congress can supposedly compel the payment of money, or the parting with liberty for its creations, persons, and citizens; however, the effects can be felt by the man wearing the cloak or mask speaking on behalf of these corporate or fictional characters. The authority to compel the payment of money or the ability to incarcerate someone and thus take away his liberty, describes a master and slave relationship. Being subjected to the will of another is the essence of slavery. The quote above is clearly saying the emancipated slave will remain a slave to congress even though announced to be a freedman.

Let me insert here that court cases have made statements that corporations, also known as legal persons, have “life”, have “existence”, have “birth certificates”, and have “Christian names”, but they do not have “souls”.

What do you think when you see the term *person* in a code, statute, or regulation?

**Person. ...Scope and delineation of term is necessary for determining those to whom Fourteenth Amendment of Constitution affords protection since this Amendment expressly applies to 'persons'. *Black's Law Dictionary*, 6th Edition**

Can the term *person* mean *slave*, or one emancipated from his former master?

**The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such immigration, not exceeding ten dollars for each person.**

Art. I, sec. 9, cl. 1, Constitution for the United States of America

**This clause had exclusive reference to persons of the African race. The two words, "migration" and "importation," refer to different conditions of this race as regards freedom from slavery. When the free black man came here, he migrated; when the slave came, he was imported. The later was property, and was imported by his owner as other property, and a duty could be imposed on him as an import.**

Federal Statutes Annotated. See *People v. Compagnie Gen. T.*, 107 U.S. 62 (1882) affirm. 10 Fed. Rep. 357

**COMMON CARRIER. ...The rule which makes a common carrier responsible for the loss of goods, does not extend to the**

carriage of persons; a carrier of slaves is, therefore, answerable only for want of care and skill. 2 Pet. S. C. R. 150. 4 M'Cord, R. 223; 4 Port. R. 238. *Bouvier's Law Dictionary* (1856)

**[T]he general principles of international law are broad enough to cover this case. Slaves are looked upon in all codes in two lights, as persons, and as property. Story's Conflict of Laws, 64.**

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

When a political statute or code, sometimes said to be a law, refers to *person* or *property*, is it possible it is referring to a slave or an emancipated slave? There are a number of sources describing times in history when events, like those discussed above, have occurred resulting in inferior or partial citizens.

**Such a person, says this author, becomes a member of the new society, at least a permanent inhabitant, and is a kind of citizen of an inferior order from the native citizens; but is, nevertheless, united and subject to the society, without participating in all its advantages. *Fong Yue Ting v. United States*, 149 U.S. 698 (1893)**

**But it is said that a person may be a citizen, and entitled to that character, although he does not possess all the rights which may belong to other citizens ...although the State may measure his rights by the rights which it allows to persons of a like**

**character or class resident in the State, and refuse to him the full rights of citizenship.**

*Dred Scott v. Sandford*, 60 U.S. 393, 422 (1856)

By giving the title of citizen to freedmen who still have a master and slave relationship to a government or ruler, the people who are free can be tricked into believing they are within the meaning of the new classification of citizen, since they are unaware of the history of using this scheme to alter a country and the authority and rights of people. It may be said a new state is established consisting of a state of slaves.

**We have made all freed men in general become citizens of Rome... by the exertion of despotic will to establish, under a false and misapplied denomination, one equal and universal slavery, and to effect this result required the exertions of absolute power -- of a power both in theory and practice, being in its most plenary acceptance the SOVEREIGNTY, THE STATE ITSELF -- it could not be produced by a less or inferior authority, much less by the will or the act of one who, with reference to civil and political rights, was himself a slave.**

*Scott v. Sandford*, 60 U.S. 393 (1856)

To compound the problem for the emancipated slave, they can be viewed as debtors while the emancipator is a creditor regarding the cost of the war to emancipate the slaves. Who is asked to pay the price of emancipation? – the slave-freedman character. Congress

issued a number of different bonds to finance the civil war. It has been said that the designation “1040” represents bonds issued for the civil war debt meaning 10% interest for 40 year bonds. Also, in times of war, the loser is asked to pay the victor. The Southern Confederacy or enemies of the United States could also be viewed as debtors in this matter.

In times of peace, congress can receive revenue through customs on imports, and in times of war, congress can raise revenue by borrowing. In 1861, congress issued a paper currency, which is recognized as borrowing from the people. This practice was soon struck down for various reasons. Lincoln, as Commander-in-Chief, issued the Emancipation Proclamation on January 1, 1863 in which it is stated: **“and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.”** This comment seemed out of place in the document, but maybe it was intended to say to the slave-freedman to get a job and make some money because we want you to contribute from all sources of your industry. Creating the new citizen status meant that congress had security to back the issuance of a paper currency – the future labor of the newly created citizens. Liberty or a “liberty interest” is of value to a slave-freedman. They received a valuable consideration for their labor, for which they owe a return to their emancipator. This could be considered a moral duty on the part of the slave-freedman, now “person”, and enforceable without the need of a positive law statute. It seems, the body of a person is still considered of value and is

security for the indebtedness of the United States. The body of a free man had no value that could benefit the United States. This is of considerable importance in understanding how and why so many “persons” are in prison today. A few days after the Emancipation Proclamation, congress authorized national banks to issue notes for circulation, and the income tax came into existence.

**Nexum. (Roman law.) A formal contract between a debtor and his creditor whereby the debtor pledged his personal liberty as security for his indebtedness.** *Ballentine’s Law Dictionary*, 3 Ed.

**[A] person's liberty ...is a statutory creation of the State.** See *Dent v. West Virginia*, 129 U.S. 114, 123.

*Meachum v Fano*, 427 U.S. 215 (1976)

**By whatever name, the liberty [of a person] is valuable and must be seen as within the protection of the Fourteenth Amendment. Its termination calls for some orderly process, however informal.** *Morrissey v. Brewer*, 408 U.S. 471, 482

According to common law, a man can not pledge his body as security for a debt, and even in feudal England, a subject could not lose his land due to being a debtor; but under the Roman civil law, for the benefit of the great merchants or bankers, the body of a person-slave was considered security, and a breach of a contract could result in incarceration or parting with liberty, meaning seizing the security.

**The penitentiary inmate was considered "the slave of the State. See Ruffin v. Commonwealth, 62 Va. 790, 796 (1871).**

*Meachum v. Fano*, 427 U.S. 215, 231 (1976)

A default by the person debtor would give the creditor the right to take the body of a slave-freedman (security) into custody. The body of a slave-freedman or person has value, while the body of **one of the people or a free man** does not, since he is not property nor person, not a "creation" of man, and, most of all, **did not receive his liberty from congress** for which he owes a return and **therefore, his body is not a security and has no commercial value to anyone but him.**

Liberum corpus aestimationem non recipit. **The body of a freeman does not admit of valuation.** *Bouvier* 1856, Maxims of Law

The Court indicates that a "liberty interest" may have either of two sources. According to the Court, a liberty interest may "originate in the Constitution," ante, at 226, or it may have "its roots in state law." Ibid. Apart from those two possible origins, the Court is unable to find that a person has a constitutionally protected interest in liberty.

**If man were a creature of the State, the analysis would be correct.** But neither the Bill of Rights nor the laws of sovereign States create the liberty which the Due Process Clause protects. ... I had thought it self-evident that all men were endowed by

**their Creator with liberty as one of the cardinal unalienable rights.**

Mr. Justice Stevens, *Meachum v. Fano*, 427 U.S. 215, 230 (1976)

I believe the previous quote explains the situation quite well, comparing liberty of a person to liberty of a man. It is good if you can see the difference regardless of what words and phrases are used. Does the context of the writing refer to the character of a slave-freedman or does it refer to the people as creations of God, the authors and creators of states, constitutions, and indirectly the governments based upon republican principles as opposed to democracies? The people as creations of God have rights antecedent to the creation of states and constitutions.

Before ending this section, the word *individual* should be addressed, since this section began with Title 26 concerning an **income tax on individuals**.

First, we should know that the word *individual* is an adjective, not a noun. The obvious question is – An individual what? You probably would not think the word *individual* could be used to describe a corporation, an artificial entity, also known as a legal person.

Person. **An individual or an organization. UCC 1-201(30).**

*Ballentine's Law Dictionary*, 3rd Ed. (1969)

Individual. **Adj.** 1. Existing as an indivisible entity. 2. Of or pertaining to a single person or thing, as opposed to a group.

*Black's Law Dictionary, 7<sup>th</sup> ed.*

Entity. **An organization (such as a business or a governmental unit) that has a legal identity apart from its members.**

*Black's Law Dictionary, 7<sup>th</sup> ed.*

Governmental unit. **A subdivision, agency, department, country, parish, municipality, or other unit of government of a country or a state. The term includes an organization with a separate corporate existence only if the organization can legally issue debt obligations on which interest is exempt from income taxation under national law. UCC 9-102(a)(31).**

*Black's Law Dictionary, 7<sup>th</sup> ed.*

I do not see any references to men or people in those definitions, but you can always volunteer.

**INDIVIDUAL. As a noun, this term denotes a single person as distinguished from a group or class, and also, very commonly, private or natural person as distinguished from a partnership, corporation, or association; but...it may, in proper cases, include artificial persons. State v. Bell Telephone Co., 36 Ohio 310, 38 Am.Rep. 583. *Black's Law Dictionary, 4th Edition***

Did you notice many references to persons in that quote? According to the Uniform Commercial Code (UCC) by Anderson and according to other authors on the UCC, one finds that an individual is considered as an organization, but individual may be used more specifically to mean “**the one-man or one-employee corporation.**” (UCC 1-201) The term *organization* is generally used to mean a legal or commercial entity with two or more persons. It is also said the UCC is written from a civil law view rather than common law.

**Corporations are `persons' as that word is used in the first clause of the XIV Amendment; Covington & L. Turnp. Co. v. Sandford, 164 U.S. 578.**

*Black's Law Dictionary, 4th Edition, "Person".*

Corporations, in the civil law, are legal persons and are subjected to the will of their creator, and fit within the intent of the 14<sup>th</sup> Amendment. The list of entities shown in 1 USC 1 shown earlier would also be creatures of the government of the United States. The creator controls its creation.

**This corporation is a creature of the United States. It is a private corporation created for public purposes, and its property is to a large extent devoted to public uses. It is, therefore, subject to legislative control so far as its business affects the public**

**interests. Chicago, Burlington, & Quincy Railroad Co. v. Iowa, 94 U.S. 155. *In Re Sinking Fund Cases*, 99 U.S. 700, 719 (1878)**

**If the state created the company and its franchises, it surely may make regulations as to the manner of using them.**

*Wabash, St. L. & P, Ry, Co, v, People of State of Illinois*,  
118 U.S. 557 (1886)

All of this really comes down who is creating what. The creator controls its creations. This is why it is important to know who you are and who your Creator is, and be careful when you volunteer to be something you are not.

This brief review shows how people who hold freedom and liberty in their hearts can be confused and bewildered when someone changes their country into a society of slaves and freedmen, complete with new and special courts (administering positive law and equity), different types of law (civil law and positive law), a different form of government (democracy), and a different form of money (money or account with an accounting system and paper currency instead of money of exchange).

Having said all of this, you should know there is remedy and recourse. As much as someone may try to alter your thinking, you are a man of God, a creature of your Creator, who is of a higher authority over men. It is *obligations* that can tie one to earthly powers, so you might consider extinguishing all such duties and obligations.

Remember that slavery and involuntary servitude are said to be contrary to law, but not when the only address persons. Do not forget you have a higher role or character as a divine man or woman of God and as a creator of the American institutions.

### 3 – FICTIONS

In case it is not obvious, there are many fictions incorporated into the type of law being used today, as we have all probably already witnessed. This is always the situation when speaking of a “state of society”, which is based upon fictions in an unnatural order of things in contrast to a state of nature.

A closer study of history shows that there are a few persistent associations that want nothing more than to enslave or control a large number of people. This occurred in the Roman Empire, the British Empire, and now the United States Empire. To accomplish this feat, legal writers had to develop a legal system based upon *fictions*. While God created man and gave the people responsibility, as trustees, to oversee or care for His creations, others have created other concepts or relationships involving entities to which they give the designation of *person*.

If we do not understand the work of fictions, we will not understand how it is possible that legal writers can create a slave-like personification and then get men and women to accept or acquiesce to

such titles or offices, thereby giving a fictional slave-like status to people who ought to be free with liberty. There is bound to be chaos and friction when people who believe in freedom and liberty are treated as slaves and ordered to follow commands of a supposed superior authority of unknown or foreign origin.

**FICTION OF LAW. The assumption that a certain thing is true, and which gives to a person or thing, a quality which is not natural to it, and establishes, consequently, a certain disposition, which, without the fiction, would be repugnant to reason and to truth. It is an order of things which does not exist, but which the law prescribes or authorizes; it differs from presumption, because it establishes as true, something which is false; whereas presumption supplies the proof of something true. ... 4. It is said that every fiction must be framed according to the rules of law, and that every legal fiction must have equity for its object... To prevent their evil effects, they are not allowed to be carried further than the reasons which introduced them necessarily require. 5. The law abounds in fictions. ... Rey, des Inst. de l'Angl. tome 2, p. 219, where he severely censures these fictions as absurd and useless. Bouvier, *A Dictionary of Law*, 1859**

**[L]egal fictions ... perform their two-fold office of transforming a system of laws and of concealing the transformation.**

*Ancient Law* by Sir Henry Sumner Maine (1861)

**It is clear that the corporation, taken as a unit, must be treated by the courts and legislatures in that somewhat complex fashion which we epitomize by saying that legal rights and duties are attributed to the corporation. It is further clear that this treatment of the corporation bears a striking resemblance to that accorded ‘natural persons.’ It then follows that natural persons and corporations are to some extent treated in the same way in the law; they form a ‘class.’ Assuming, however, that it is worth while having a name for this common class formed by natural persons and corporations, is the word ‘person’ the most desirable name? Would ‘legal subject’ be better? Or ‘right-and-duty-bearing-unit?’**

*25 Illinois Law Review*, Dec. 1930, p. 373, Legal Fictions by Univ. of Illinois Law Professor L.L. Fuller

**Laymen frequently complain of the law; they very seldom complain that it is founded upon fictions... We might erect a legal world in which silence is consent, taking is finding, attracting is inviting, to bring a suit is to achieve Roman citizenship; a world in which even the commonest expressions were to be understood in Pickwickian sense. This attitude has, indeed, been dignified by a name – ‘the theory of the juristic truth of fictions.’**

*25 Illinois Law Review*, Dec. 1930, ‘Legal Fictions’ by Univ. of Illinois Law Professor L.L. Fuller

**Legal fiction. An assumption that something is true even though it may be untrue, made especially in judicial reasoning to alter**

how a legal rule operates. The constructive trust is an example of a legal fiction.

**“Legal fiction is the mask that progress must wear to pass the faithful but blear-eyed watchers of our ancient legal treasures. But though legal fictions are useful in thus mitigating or absorbing the shock of innovation, they work havoc in the form of intellectual confusion.”** Morris R. Cohen, *Law and the Social Order*, 126 (1933). *Black’s Law Dictionary*, 7<sup>th</sup> ed.

I do not think there are any limits to the use of legal fictions in a state of society, and it is not easy to observe all the fictions in court cases, law dictionaries, bank loans agreements, and income tax returns.

#### **4 – STATUTORY CONSTRUCTION**

A short discussion of statutory construction is provided because in defining the legal words used in the state of society, there are usually lists of things associated with a given term. All the entries in a list of items included under a particular term are to be viewed as having the same character. That is, you would not find a man created by God in the same definition of a word addressing a corporation created by the state.

**Applying the maxim of statutory construction noscitur a sociis - that a word is known by the company it keeps.**

*Gregory v. Ashcroft*, 501 U.S. 452, 459 (1991)

**Noscitur a sociis is a rule of construction applicable to all written instruments. Where any particular word is obscure, or of doubtful meaning, taken by itself, its obscurity or doubt may be removed by reference to associated words; and the meaning of a term may be enlarged or restrained by reference to the object of the whole clause in which it is used.**

*Wharton v. Wise*, 153 U.S. 155, 169 (1894)

**Of the same kind, class or nature. In the construction of laws, wills, and other instruments, the "ejusdem generis rule" is that where general words follow an enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned.**

*Blacks Law Dictionary*, 6th ed.

How would you read the following statute? **“Person” includes a corporation, company, partnership, firm, association or society, as well as a natural person.** Arizona Revised Statutes (ARS) General Provisions, Statutory Construction, 1-215 (24) Could the

phrase “natural person” refer to a man when the list it is associated with has only fictional entities or organizations? No.

**Where, in a statute, there is an enumeration of a special class of subjects, followed by a general clause intended to embrace subjects not enumerated, the general clause will be construed to include only subjects which partake of the same nature as those already mentioned.**

*State v. Eberhart*, 106 Wash. 222, 179 P. 853 (1919)

**Penal statutes must be construed to reach no further than their words, and a person is not to be made subject to them by implication.** *State v. Eberhart*, 179 P. 853 (1919)

## **5 – THE CREATION OF A PERSON**

Based upon my study, the word *person* as used in reference to civil law, and a state of society is based upon the concept of slavery, more succinctly, the giving to a slave of the more prestigious status of a person in law. Also we have seen the emancipation of a slave may be said to free the slave so he can be called a freedman; however, there remains a slavish or servile relationship to a master. The slave-person has granted rights generally defined as the right of owning property, contracting, suing, and being sued, taxed, and regulated, with rights

and duties often spelled out in statutes and court decisions, along with a list of itemized constitutional rights.

In the Roman era, when a slave was released from his prior bondage or slavery, and given better conditions under civil law, the slave was given the title of *person* without any recognition of having a divine connection to God or Creator. The transformation of a slave into a person by operation of the civil law creates a new inferior citizen and provides the foundation for a moral duty annexed to the person to benefit the emancipator. The emancipator holds a moral right derived from the conditional or personal liberty he has given the slave-person. One cannot be said to have an obligation unless he has received something first.

In the same context, foreigners who accepted the protection of the Roman Empire (without discussing the use of threat, duress or coercion) were instrumental in establishing the law of persons under civil law. In either situation, slave or foreigner, the institution of the law of persons was based upon “voluntary” submission to the will of another.

Sir Henry Sumner Main, in his book *Ancient Law*, speaking of international law for certain nations, says “**the very conception of a common superior introduces the notion of positive law, and excludes the idea of a law natural**”. The law of nature does not

uphold the concept of slavery or man being subjected to the will of another.

**That every human being has a right to liberty, as well as to life and property, and to enjoy the fruit of his own labor; that slavery is contrary to the principles of natural right and to the great law of love; that it [slavery] is founded on injustice and fraud, and can be supported only by the provisions of positive law are positions, which it is not necessary here to prove. ... the very idea of slavery implies that the slave is one who is in subjection to the will of another.**

*Jackson v. Bulloch*, 12 Conn. 38, 40 (1857), Ch. J. Williams

The following quotes provide more basic understanding of the use of the word *person*.

Person. a Latin word signifying primarily a mask used by actors on the stage.

**6. Character of office. How different is the same man from himself, as he sustains the person of a magistrate and that of a friend.**

**8. In law, an artificial person, is a corporation or body politic.**

*American Dictionary of the English Language*, Noah Webster, 1828

Notice the reference to “the person of the magistrate”. A magistrate holds a public office and has a public function. Also, a corporation is

said to be created for a public purpose. The civil law deals with public offices and persons serving a public purpose.

Toullier has given us the derivation of the word *person*, which will render sufficiently clear its true meaning. He says,

"The word *person*, in its primitive and natural sense, signifies the mask with which actors, who played dramatic pieces in Rome and Greece, covered their heads. These pieces were played in public places, and afterward in such vast amphitheatres, that it was impossible for a man to make himself heard by all the spectators. Recourse was had to art; the head of each actor was enveloped with a mask, the figure of which represented the part he was to play, and it was so contrived that the opening for the emission of his voice, made the sounds clearer, and more resounding, *vox personabat*: whence the name *persona* was given to the instrument or mask which facilitated the resounding of his voice. The name *persona* was afterward applied to the part itself, which the actor had undertaken to play, because the face of the mask was adapted to the age, and to the character of him who was considered as speaking, and sometimes it was his own portrait. It is in this last sense of personage, or the part which an individual plays, that the word *persona* is employed in jurisprudence, in opposition to the word man, homo. When we speak of a person, we only consider the state of the man, the part

**he plays in society, abstractly, without considering the individual." Toull. Dr. Civ. Francais, liv. 1, n. 168**

*Institutes of American Law*, John Bouvier,  
1851, Vol. 1, Book 1, "Of Persons"

Again we see reference to the word *public* and to the part one plays in society or state of society as opposed to a state of nature. In my prior writing called *Resident Minister*, it was reported that a resident is a public office serving a sovereign authority. To give jurisdiction to statutes and courts of positive law and equity, there need to be public persons or public offices as parties to the action or suit.

**MINISTER, international law. This is the general name given to public functionaries who represent their country abroad, such as ambassadors, envoys, and residents. A custom of recent origin has introduced a new kind of ministers, without any particular determination of character; these are simply called ministers, to indicate that they are invested with the general character of a sovereign's mandatories, without any particular assignment of rank or character.** *Dictionary of Law*, Bouvier (1856)

This seems like an appropriate place to insert the following regarding Title 26 income tax and public office.

**26 USC 1402(a).** The term `net earnings from **trade or business**' means the gross income derived by an **individual** from any trade of business...

**26 CFR 1.1402(c).** In order for an **individual** to have net earning from self-employment, he must carry on a **trade or business**... trade or business shall have the same meaning as when used in section 162.

**26 USC 162** – [This section describes **persons in public office** which corresponds with what one finds in 7701.]

**26 USC 7701(a)(26)** - The term `trade or business' includes the performance of the functions of a **public office**.

Again we see reference to a public office. A corporation, even though *private*, may have a public purpose. The word private is relative, so it is not good to just assume the word *private* is referring to a men or to the people

**This corporation is a creature of the United States. It is a private corporation created for public purposes, and its property is to a large extent devoted to public uses. It is, therefore, subject to legislative control so far as its business affects the public interests. Chicago, Burlington, & Quincy Railroad Co. v. Iowa, 94 U.S. 155. In Re Sinking Fund Cases, 99 U.S. 700, 719 (1878)**

In the state of society with its civil law system, the focus is on the fictional *cloak* or *mask*. This is intended, so only the fictional character can be seen, and not the real man or woman as a divine creation under the cloak or behind the mask. It is as though all the world is a stage, and we are but actors assigned to play a particular role in the drama ... or is a comedy?

**Person. 1. A human being. 2. An entity (such as a corporation) that is recognized by law, as having the rights and duties of a human being. 3. The living body of a human being (contraband found on the smuggler's person).**

*Black's Law Dictionary, 7<sup>th</sup> edition*

**Artificial person. An entity, such as a corporation, created by law and given certain legal rights and duties of a human being; a being, real or imaginary, who for the purpose of legal reasoning is treated more or less as a human being. – Also termed fictitious person; juristic person; legal person; moral person.**

*Black's Law Dictionary, 7<sup>th</sup> edition*

**Natural person. A human being, as distinguished from an artificial person created by law.**

*Black's Law Dictionary, 7<sup>th</sup> edition*

Use your imagination for a moment. A whole person consists of a natural person and an artificial person. An artificial person is composed of natural persons. An artificial or legal person cannot think, speak, or act, so it needs something, called a human being, to think, act, and speak for it. Communications to the legal or artificial person go to a natural person as one who can read, write, and speak. The artificial person cannot go to jail. It is a piece of paper. A natural person must step forward for the punishment that is rendered against the artificial person. This is a little deep and beyond the scope of this writing.

Many people have been confronted with the question – “You are a natural person, aren’t you?” To answer that question, one would need to investigate the term *human being*.

## 6 – HUMAN BEING

To understand what is meant by a *natural person*, we need to know the definition of a *human being*. Most people would accept the statement that they are human beings; however, it might be wise to research this label. The following is my best effort to uncover the meaning. You might want to consider whether these definitions are describing a slave and man-like creature, or defining man as a divine creation of God?

Separating *hu* from *man*, *hu* or *hue* can refer to color, form, or appearance; therefore, the word *human* would describe a thing that has the form or appearance of a man, or resembles a man.

**Human. Belonging to man or mankind; pertaining or relating to the race of man... 2. Having the qualities of a man.**

*American Dictionary of the English Language*, Noah Webster, 1828

**human. Of the form and characteristics of man.**

*Ballentine’s Law Dictionary*, 3<sup>rd</sup> ed.

human being. **A person, male or female.**

*Ballentine's Law Dictionary*, 3<sup>rd</sup> ed.

You noticed the references to having the form or characteristics of a man, but they generally will not say a human is a man. The following definitions get more to the point.

**HUMAN. 3. Profane; not sacred or divine**

*American Dictionary of the English Language*, Noah Webster, 1828

**BEING. 3. A person existing; applied to the human race. 5. An animal; any living creature.**

*American Dictionary of the English Language*, Noah Webster, 1828

Mr. Webster had more flattering definitions of the words *human* and *being*; but if a scheme could be designed to corrupt the law and keep us from expressing our true self, we must look for the possibilities and the facts. We have not seen it stated that sovereignty, common law rights, or the laws of nature pertain to *human beings*, have we?

human being. **See monster.**

**monster. A human-being by birth, but in some part resembling a lower animal. "A monster...hath no inheritable blood, and cannot be heir to any land, albeit it be brought forth in marriage but, although it hath deformity in any part of its body, yet if it**

**hath human shape, it may be heir." 2 Bl. Com. 24.**

*Law Dictionary with Pronunciations.*  
by James Ballentine, Professor of Law in the  
University of California, 1948 Edition, The  
Lawyers Co-operative Publishing Co.

It sounds like genetic experimentation, as though they are speaking of a Frankenstein creature having the form of a man.

Human. **1. Of, belonging to, or characteristic of man. 2. Of the nature of man; that is a man; consisting of men. 3. Belonging or relative to man as distinguished from God or superhuman beings; pertaining to the sphere or faculties of man (with implication of limitation or inferiority); mundane; secular. (Often opposed to divine.)**

*A New English Dictionary on Historical Principles*, edited by James A. H. Murray, Oxford:  
At the Clarendon Press., 1901

Notice the words “**often opposed to divine**”. Modern writers on ancient history having studied ancient manuscripts, writings on stone tablets, scrolls, and ancient history passed down from generation to generation. They have found there were attempts to reduce man to a condition of slavery, to serve a race that wished to be masters or controllers over the planet. There are also indications of genetic manipulation in ancient history. If we knew more of our history, we would not be so surprised at the information contained in this writing. Also, if we knew this history, we would not be so easily misled.

**Human. Adj. 1. of, pertaining to, characteristic or, or having the nature of mankind 2. consisting of people or men: the human race. 3. of or pertaining to the social aspect or character of man ... 5. a human being, equivalent to *hum* – (see HOMO) + *anus* – an.**

**Homo. n. the primate genus that includes modern man, *Homo sapiens*, and a number of closely related extinct species, as the Neanderthal man. \*[Also, references to earthly.]**

**-an. A suffix ... [L –anus]**

**-anus. A suffix occurring in scientific words of Latin origin.**

**anus. The opening at the lower end of the alimentary canal, through which the solid refuse of digestion is excreted.**

*The Random House Dictionary of the English Language, The Unabridged Edition, Copyright, 1967, 1966 by Random House, Inc.*

In the third definition from Random House above concerning the social aspect or character of man, I naturally think of the characters one plays in a state of society where persons are subjected to the will of another. I believe the following quote is appropriate at this time, where the use of the word slave is further referenced by adding “homo”, a word associated with human.

**MANCIPATIO, civil law. The act of transferring things called *res mancipi*. (q. v.) This is effected in the presence of not less than five witnesses, who must be Roman citizens and of the age of puberty, and also in the presence of another person of the**

**same condition, who holds a pair of brazen scales, and hence is called Libripens. The purchaser (qui mancipio accipit) taking hold of the thing, says I affirm that this slave (homo) is mine, ex jure quiritium, and he is purchased by me with this piece of money (sas) and brazen scales. *Bouvier* 1856**

## **7 – NATURAL PERSON**

We should be getting wiser to the methods at work that can adversely affect one's life, liberty, and pursuit of happiness. The following are more references to the concept called *natural person*.

**A slave is, and must, of necessity, continue to be, a natural person, although he may be a legal chattel, or whatever may be his relations to the law.**

*United States v. Amy*, 24 Fed.Cas.792 #14,445 (1859)

**A person is such, not because he is human, but because rights and duties are ascribed to him. The person is the legal subject or substance of which the rights and duties are attributes. An individual human being considered as having such attributes is what lawyers call a natural person. Pollock, First Book of Jurispr. 110. Gray, Nature and Sources of Law, ch. II.**

*Black's Law Dictionary*, 4th Edition, "Person"

**NATURAL. 17. related only by birth; of no legal relationship; illegitimate: a natural son. 20. unenlightened or unregenerate: the natural man.**

*The Random House Dictionary of the English Language, The Unabridged Edition, Copyright, 1967, 1966 by Random House, Inc.*

**UNREGENERATE. 1. not regenerate; not renewed in heart and mind or reborn in spirit; unrepentant: an unregenerate sinner. 2. refusing to believe in the existence of God: an unregenerate atheist; an unregenerate skeptic.**

*The Random House Dictionary of the English Language, The Unabridged Edition, Copyright, 1967, 1966 by Random House, Inc.*

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

Do you want to call yourself a *natural man*? Do you want to call yourself a *natural person*? Be careful of the label you accept. The following quote is saying a corporation can be considered a natural person for certain purposes.

**A corporation is an intellectual body created by law, composed of individuals united under a common name, the members of which succeed each other so that the body continues the same,**

**notwithstanding change of individuals composing it, and which for certain purposes is considered as a natural person.**

*Rhodes v. Love*, 69 S.E. 436, 437, 153 N.C. 468.  
See also, *Mioton v. Del Corral*, 61 So. 771, 132  
La. 730, 733

Maybe we should be more careful about the descriptive words we accept to identify who we are. The following quote was found in *Mellinkoff's Dictionary of American Legal Usage*, by David Mellinkoff, Professor of Law Emeritus, University of California, Los Angeles, published by West Publishing Co., St. Paul, Minn., 1992. You can see how confusing the fictional world can be.

**PERSON. An indispensable word with varied, overlapping meanings. Often used without definition, as in the U.S. Constitution (Arts. I, II, III, IV; Amends. IV, V, XII, XIV, XXII). Defined, and redefined, in an endless succession of special purpose statutes, with no assurance to the profession that this is the *person* you thought you were talking about...**

**1. a human being --without regard to sex, legitimacy, or competence. This *person* is the central figure in law, as elsewhere, characterized by personal attributes of mind, intention, feelings, weaknesses, morality common to human beings; with rights and duties under the law. This is the *person*, sometimes called an *individual*, and often referred to in law as a *natural person*, as distinguished from an *artificial person*.**

2. the physical, biological human being. This is the *person* who is injured or killed, the *person* of "injury to the person" and of firearms "concealed upon the person." This sense overlaps the sense of the person with rights (sense 1), e.g., "No person shall be excluded on the basis of sex." Overlaps again on the question of when one becomes a *person*:

existing person: a child unborn, *en ventre sa mere*, a *person* for purposes of inheritance, but not a person in the criminal law generally. As of this writing, in the abortion controversy, "'a person' as used in the Fourteenth Amendment does not include the unborn." (*Roe v. Wade*, 410 U.S. 113, 158, 1973).

3. an artificial person: an abstraction of convenience regarded by the law as a distinct being, having an existence independent of those who create or own it. The classic example of this *person* is the corporation, a being distinct from its shareholders; in its own name owning property, contracting, suing and being sued, taxed, and regulated, with rights and duties often spelled out in statutes and constitutional decision. A labor union and a business trust have also been described as *artificial persons*. The expressions juristic person and legal entity are frequently used as synonyms of *artificial person*.

4. a legal entity, often described as a *person*, is itself an expression without uniform meaning.

*Mellinoff's Dictionary of American Legal Usage*, page 479

## 8 – SUMMARY

There is much more that could be written on this subject, but I believe there is enough information provided here to see how easy it can be for someone to be viewed in unflattering descriptions by using words generally not fully understood by the people. It must have required a huge effort to create a system for slaves and freedmen without making it obvious to the people. Remember where ultimate authority lies. You still are a creature of God, the Creator, and have that character which is of higher authority than those characters designed by men.

You do have a higher law to bring to the table. You do have a Higher Source of authority than those who concocted the feudal or civil law system; however, if you do not understand how you, or the legal entity over which you may be considered a trustee, are being perceived in the statutes and courts, then you may neglect to act in a manner best suited to your freedom and liberty. Even with all the smoke and mirrors, the state and government are functioning as a trustee for the people. Future writings will more fully explore the notion of bringing your law to the front if you deem it necessary.

APPENDIX II TO OPINION OF DOUGLAS, J., DISSENTING:

*Memorial and Remonstrance Against Religious Assessments*, as reproduced in the Appendix to the dissenting opinion of Rutledge, J., in *Everson v. Board of Education*, 330 U.S. 1, 63, 535 (2 The Writings of James Madison 183-191 (G. Hunt ed. 1901)):

**'1. Because we hold it for a fundamental and undeniable truth, that Religion or the duty which we owe to our Creator and the Manner of discharging it, can be directed only by reason and conviction, not by force or violence.' The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable; because the opinions of men, depending only on the evidence contemplated by their own minds, cannot follow the dictates of other men: It is unalienable also; because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage, and such only, as he believes to be acceptable to him. This duty is precedent both in order of time and degree of obligation, to the claims of Civil Society. Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governor of the Universe: And if a member of Civil Society, who enters into any subordinate Association, must always do it with a reservation of his duty to the general authority; much more must every man**

**who becomes a member of any particular Civil Society, do it with a saving of his allegiance to the Universal Sovereign. We maintain therefore that in matters of Religion, no man's right is abridged by the institution of Civil Society, and that Religion is wholly exempt from its cognizance. True it is, that no other rule exists, by which any question which may divide a Society, can be ultimately determined, but the will of the majority; but it is also true, that the majority may trespass on the rights of the minority.**

'2. Because if religion be exempt from the authority of the Society at large, still less can it be subject to that of the Legislative Body. The latter are but the creatures and vicegerents of the former. Their jurisdiction is both derivative and limited: it is limited with regard to the co-ordinate departments, more necessarily is it limited with regard to the constituents. The preservation of a free government requires not merely, that the metes and bounds which separate each department of power may be invariably maintained; but more especially, that neither of them be suffered to overleap the great Barrier which defends the rights of the people. The Rulers who are guilty of such an encroachment, exceed the commission from which they derive their authority, and are Tyrants. The People who submit to it are governed by laws made neither by themselves, nor by an authority derived from them, and are slaves.

'3. Because, it is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of citizens, and one of (the) noblest characteristics of the late

**Revolution. The freemen of America did not wait till usurped power had strengthened itself by exercise, and entangled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle.**

*Waltz v. Tax Commission of City of New York,*  
397 U.S. 664, 719-21 (1970)

By Byron Beers

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