

TREATISE –
The Natural Order of Things

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The Natural Order of Things

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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

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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

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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

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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

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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

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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

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

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

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TREATISE –
The Natural Order of Things

1 – INTRODUCTION

The focus of this writing will not only look at the natural order but an unnatural order that has been developed over many centuries. The natural and unnatural order of things can have a profound affect on the lives of the people. The information contained in this writing is geared toward America but similar methods have been used in many countries to move from a natural order to an unnatural order. In this light, we should gain knowledge as to the effects of different systems upon the life, liberty and happiness of mankind.

The role of creators and their creatures play a significant part in the study of law and government, and is relevant to the topic here. From the Bible in Genesis we learn about the Creation of our physical world. You should pay attention to the phrases about creating things according their kind: “**Let the land produce living creatures according to their kinds: livestock, creatures that move along the ground, and wild animals, each according to its kind.”**

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While we have been provided with a beautiful place for our existence here on Earth with abundant provisions for our needs and pleasures, this can all seem to be overshadowed if we fail to understand His desire for us to remain free with liberty.

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

be not ye the servants of men.” I Corinthians 7:23

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

While such directives sound simple enough to do, remaining free with the liberty that our Creator has provided, and not being servants of, or in bondage to men or corporations, is not such an easy task these days. If another can demand payment or anything of value from you, or claim to have the power to lock you behind bars thereby taking away your liberty, then you might wonder how did this occur? Perhaps it is the result of the implementation of an unnatural order of things.

If we do not understand the natural order of things, then how can we know when the natural order is altered to establish an unnatural order?

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The natural order of things with regard to law and government is summarized below.

From the Bible in Genesis we see that God created man, and man has dominion over the other creatures of Creation. Earlier in the history of this planet, the family or blood relations was the normal situation where numerous people lived in the same general area. As man moved out from the family domain, there remained the desire to live peacefully in the vicinity with other men and women, and this brought about villages, communities, towns, and states. Since there would arise common functions that might prove beneficial to the people of the area, a committee or representatives of the area could come together for limited helpful purposes. In time, the concept of a state developed with a corresponding government. While it was known that such a government was limited in its scope of activity, it was soon understood there are some upon this planet who seek to control as much of it for themselves as possible. This may be done overtly or covertly; therefore, a constitution for a government limiting its authority was deemed to be the expedient method of restraint.

The natural order of things follows the flow of God in creating man – man creates a state with a constitution, which establishes a limited government with only delegated authority. Historically speaking, it is when a government begins acting as though it has inherent sovereign powers that we find the natural order converted to an unnatural order of things.

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The concept of an unnatural order springs times of chaos or war when people might seek refuge and protection in walled cities. In this situation, the visitors were foreign to the people of the city and the authority of the city from which they asked protection. For this benefit of protection, the visitors might be required to compensate the City in the form of a tax, and to obey the man-made rules of conduct prescribed for them while in the City. Here the visitors might have their freedom and liberty diminished. Outside the City, they functioned according to the laws of nature and of nature's God. The following shows the basic concept of law.

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

Romans 13:8-10

Do no wrong to your neighbor is the basic premise of the natural order of things. In the unnatural order, you can do a good job of loving your neighbors and doing no wrong to a neighbor, and still be faced with legal problems. This is due mainly to expressed or implied contracts and agreements.

2 -- THE STATE AND THE NATURAL ORDER

In an early case that came before the supreme court of the United States, *Chisholm v. Georgia*, 2 Dall. (U.S.) 419 (1792), James Wilson discusses the topic of a state.

How true it is, that states and governments were made for man; and at the same time how true it is, that his creatures and servants have first deceived, next vilified, and at last, oppressed their master and maker.

James Wilson was a signer on the *Declaration of Independence*, a delegate to the constitutional convention, and served as a member of the supreme court of the United States. In the *Chisholm* case, Wilson continues saying, **“When I speak of a state as an inferior contrivances, I mean that it is a contrivance inferior only to that which is divine.”** He then quotes Cicero: **“Nothing, which is exhibited upon our globe, is more acceptable to that divinity, which governs the whole universe, than those communities and assemblages of men, which, lawfully associated, are denominated states.”**

Wilson explains the proper order of things in the following remarks.

Let a state be considered as subordinate to the people: But let everything else be subordinate to the state. The latter part of

this position is equally necessary with the former. For in practice, and even at length, in the science of politics there has very frequently been a strong current against the natural order of things, and an inconsiderate or an interested disposition to sacrifice the end to the means. As the state has claimed precedence of the people; so, in the same inverted course of things, the government has often claimed precedence of the state; and to this perversion in the second degree, many of the volumes of confusion concerning sovereignty owe their existence.

Has the natural order of things become perverted in America? Does government today act as though it controls the state and appear to be superior to the people? This is a classical application of the unnatural order of things. In these statements by Wilson we get an understanding of the natural order, and a warning that there are strong forces at work to institute an unnatural order of things. James Wilson gives us a big clue of a word that introduced a concept that was invented to overthrow the natural order, and that word is *sovereignty*. Sovereignty is discussed at length in separate writings, but the concept of sovereignty will be addressed briefly later.

Many years ago the people set up safety barriers to keep government separate from the people, and this was done with the use of electors and delegates. The concept of the state also may serve as a barrier between the people and government, but probably the most useful devise to keep government in check and prevent an unnatural

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order of oppression from becoming established is the trial by jury consisting of members who know the accused and possibly the witnesses. The jury of the common law decides if the law (meaning statute or regulation) is valid or constitutional and whether or not it is to be enforced in the particular situation presented to them, whether the facts demonstrate there is an injured or damaged party, and if there is no doubt the accused is the one who did the wrongful act.

The natural order relies on the people remaining in control of their creatures, and not allowing a presumption of state or government supremacy over the people. The first president of the United States, George Washington, in his Farewell Address warned the American people of situations that may arise by design to usurp the control of the government to the detriment of the people. In one such instance, he describes "a small but artful and enterprising minority" that may organize "an artificial and extraordinary force":

...combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious and unprincipled men will be enabled to subvert the Power of the People, and to usurp for themselves the Reins of Government; destroying afterwards the very engines which have lifted them to unjust dominion.

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Why would someone want “to usurp for themselves the Reins of Government”? If they can get the people to believe it is a national government exercising sovereign powers, then benefits from revenue collections and appropriations from the public treasury can be very lucrative for themselves and for their corporations.

If you have not been exposed to secret societies or, as Washington put it, combinations or associations of cunning, ambitious and unprincipled men, that can appear to subvert the power of the people, deceive the people, and reap rewards, then you might want to do some studying on that topic. Looking at the words chosen by Washington, he seems to have particular associations in mind and knowledge of their method of operation.

Here are more statements about the natural order of things.

I have already remarked, that in the practice, and even in the science of politics, there has been a strong current against the natural order of things; and an inconsiderate or an interested disposition to sacrifice the end to the means. ... 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. In despotic governments, the Government has usurped, in a similar manner,

both upon the state and the people. Hence all arbitrary doctrines and pretensions concerning the supreme, absolute, and incontrollable, power of government. In each, man is degraded from the prime rank, which he ought to hold in human affairs.

Justice Wilson, *Chisholm v. Georgia*, 2 Dal. (U.S.) 419, 458 (1792)

The alteration of the natural order is not an isolated incident; it has happened many times. Much of the writings on law and law of nations, have the state of society with an unnatural order as the foundation from which they write. The following quote serves as a reminder that governments attempting to transcend the natural order of things can be viewed as functioning without authority.

It is not every Act, legislative in form, that is law. Law is something more than mere will exerted as an act of power. It must be not a special rule for a particular person or a particular case, but, in the language of Mr. Webster, in his familiar definition, "The general law, a law which proceeds upon inquiry, and renders judgment only after trial," so "that every citizen shall hold his life, liberty, property and immunities under the protection of the general rules which govern society" and thus excluding, as not due process of law, Acts of attainder, Bills of pains and penalties, Acts of confiscation, Acts reversing judgments and Acts directly transferring one man's estate to another, legislative judgments and decrees, and other similar special, partial and arbitrary exertions of power under the forms of legislation. Arbitrary power, enforcing its edicts to the injury

of the persons and property of its subjects, is not law, whether manifested as the decree of a personal monarch or of an impersonal multitude. ...The enforcement of these limitations by judicial process is the device of self-governing communities to protect the rights of individuals and minorities, as well against the power of numbers [*note: democracy], as against the violence of public agents transcending the limits of lawful authority [*note: beyond delegated powers], even when acting in the name and wielding the force of the government.

Hurtado v. People of California, 110 U.S. 516, 535, 536 (1884)

One would gather from the quote above that an unnatural order is well underway in 1884 with attempts being made to keep some semblance of the natural order of things in existence. The past tells us that once government assumes a role superior to the people, it will eventually use arbitrary or sovereign power, and the people will be alarmed at the loss of freedom and liberty. There are generally some ways to curtail arbitrary power exercised by government through a good understanding of law and the fictions being utilized. The problem becomes how do you limit a sovereign power, even one based upon fiction or presumption? It should be noted that the above quote refers to citizens, subjects, and individuals – terms that do not necessarily mean the people who created the state, constitution, and government functioning in a natural order.

3 -- STATE OF NATURE AS THE NATURAL ORDER OF THINGS

The expression “state of nature” is often used to mean the natural order of things, while a “state of society” is used to indicate the alteration of the natural order where government takes on the role of superior or sovereign authority.

A man cannot subject himself to the arbitrary power of another, and having in the state of nature no arbitrary power over the life, liberty, or possessions of another, but only so far as the law gave him for the preservation of himself and the rest of mankind, this is all that he doth or can give to the commonwealth, and by it to the legislative power; so that the Legislature can have no more than this. This power... can never have a right to destroy, enslave, or designedly to impoverish the subject. Thus, the law of nature stands as an eternal rule to all men, binding upon legislatures as well as others. The fundamental law of nature being the preservation of mankind, no human sanction can be valid or good against it. ...men would not quit the freedom of a state of nature, and tie themselves up under a government, were it not to preserve their lives, liberty, and fortunes, by stated rules of right and property.

Billings v. Hall, 7 Cal. 1, 12 (1857)

This again gives insight into the state of nature following the natural order of things except for reference to “the subject”, and that men

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would “tie themselves up under a government”. The main difference between the state of nature and state of society or civil state is the state of nature does not allow for government nor a state to assume superior or sovereign authority over the affairs of man, while the state of society or civil state depends upon it.

An unnatural order of things often begins after a conquest where the law of nations allows the conqueror to alter the form of government and the system of law in the conquered land. The changes may occur suddenly, or may be implemented by gradual steps until conquered men accept a belief that they are under a presumed superior or sovereign authority. The unnatural system generally relies on the use of secrecy and force (law enforcement) to keep the unnatural order operating. In America, the big push for the unnatural order came after the civil war in the 1860’s when it was believed the government of the United States, in its national character, was the conqueror over the Confederacy, and added to this political sovereign jurisdiction a new class of citizens.

Here is an example of comments made about a process befitting a system built upon the unnatural order with arguments against changing the way law is supposed to function for the preservation of the rights of man.

The clauses in question subvert the presumptions of innocence, and alter the rules of evidence, which heretofore, under the

universally recognized principles of the common law, have been supposed to be fundamental and unchangeable. They assume that the parties are guilty; they call upon the parties to establish their innocence can be shown only in one way - by an inquisition, in the form of an expurgatory oath, into the consciences of the parties. ... [Quoting from papers of Alexander Hamilton] "If we examine it" (the measure requiring the oath),... we must acknowledge, not only that it was an evasion of the treaty, but a subversion of one great principle of social security, to wit: that every man shall be presumed innocent until he is proven guilty. This was to invert the order of things; and, instead of obligating the state to prove the guilt, in order to inflict the penalty, it was to oblige the citizen to establish his own innocence to avoid the penalty. ...it is substituting a new and arbitrary mode of prosecution to that ancient and highly esteemed one recognized by the laws and Constitution of the State. I mean the trial by jury. ...[T]hat the legislature should at no time erect any new jurisdiction which should not proceed according to the course of the common law. Nothing can be more repugnant to the true genius of the common law than such an inquisition as has been mentioned, into the consciences of men... this proceeding would be tyrannical...

Cummins v. The State of Missouri,
4 Wall. (U.S.) 277, 328-331 (1866)

You can begin to see that a system of law can be used to promote life, liberty, and happiness for the people; and an alternate system can

be implemented that does just the opposite. If you have studied the true history of America, you understand why the quotes from court cases shown in this writing were written. It was because certain groups or associations were changing the natural order of things. We find more insight into the natural order of things from these remarks

In the United States, and in the several States, which compose the Union, we go not so far: but still we go one step farther than we ought to go in this unnatural and inverted order of things. The states, rather than the People, for whose sakes the States exist, are frequently the objects which attract and arrest our principal attention. This, I believe, has produced much of the confusion and perplexity, which have appeared in several proceedings and several publications on state-politics, and on the politics, too, of the United States. Sentiments and expressions of this inaccurate kind prevail in our common, even in our convivial, language. Is a toast asked? 'The United States,' instead of the 'People of the United States,' is the toast given. This is not politically correct. The toast is meant to present to view the first great object in the Union: It presents only the second: It presents only the artificial person, instead of the natural persons, who spoke it into existence. A State I cheerfully fully admit, is the noblest work of Man: But, Man himself, free and honest, is, I speak as to this world, the noblest work of God.

Wilson, *Chisholm v. State of Georgia*, 2 U.S. 419, 462

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The main selling point for implementing an unnatural order is a perceived need for protection or security. Of course, some of the freedom and liberty of the people will be destroyed in the process. While it may be difficult to believe, events can and have been orchestrated to alter the minds of the people – to get them to be willing to give up some of their freedom and liberty in exchange for the illusion of security and protection.

The man who trades freedom for security does not deserve nor will he ever receive either. Benjamin Franklin

The whole aim of practical politics is to keep the populace alarmed (and hence clamorous to be led to safety) by menacing it with an endless series of hobgoblins, all of them imaginary.

H.L. Menchen

4 -- ORIGIN OF THE UNNATURAL ORDER OF THINGS

In an unnatural order everything appears to change. The type of law, the courts, jury trials, court and legal procedures, the form of government, the money, and the lives of the people might all be affected when an unnatural order is implemented. I might add that the unnatural order is based on fictions – that which is false is presumed to be true. We will see later that government does not really claim a right over the people who are its creators, but rather over things that it creates known by the generally category of *persons*.

4a - THE TWO TYPES OF STATES

James Wilson said the idea of a state was that it was a contrivance of man and inferior to man; man being a divine creation. We can see the natural and the unnatural order represented in the two types of states. These two different types were shown in an early case of the supreme court of the United States.

In *Hepburn and Dundas v. Ellzey*, 2 Cranch (U.S.) 445 (1804), the two basic types of states were explained in the following terms. One, according to Cicero, “**means a multitude of people united by a communion of interest and by common laws**”. On the other hand, the term state “**may also be said to be a society by which a multitude of people unite together under the dependence of a superior power for protection**”. The last description of a state was taken from 2 Burlamaqui, 21.

The first definition of a state fits the description of the natural order of things; the people are not united under a superior power, but come together freely and as equals living by common laws. There is no need of a superior or sovereignty in government since the system is based upon a tacit agreement to live by common laws where problems or controversies can be handled by a common law trial by jury. This type of state is indicative of the American system and explained by the first chief judge of the court of the United States.

In Europe the sovereignty is generally ascribed to the prince; here it rests with the people; there, the sovereign actually administers the government; here, never in a single instance; our governors are the agents of the people, and at most stand in the same relation to their sovereign, in which regents in Europe stand to their sovereigns. Their princes have personal powers, dignities, and pre-eminences, our rulers have none but official;

nor do they partake in the sovereignty otherwise, or in any other capacity, than as private citizens.

Jay, Chief Justice, *Chisholm v. Georgia*,
2 Dall. (U.S.) 419, at 471, 472 (1793)

The first Chief Justice says America was fashioned on the principles of the natural order of things. His reference to sovereignty being with private citizens and not in a government should be explained in some detail, but that is outside the scope of this writing and will be dealt with in treatises on sovereignty. Suffice it to say here, he used the phrase *private citizen*; he did not use the terminology of public citizen, national citizen, U.S. citizen, nor civil citizen. The point is well made that those serving in government do not partake in the sovereignty; government does not function with sovereign power. In this way, the natural order of things can be maintained.

In Europe, the executive is almost synonymous with the sovereign power of a State; and generally includes legislative and judicial authority... Such is the condition of power in that

quarter of the world, where it is too commonly acquired by force or fraud, or both, and seldom by compact. In America, however, the case is widely different. Our government is founded upon compact. Sovereignty was, and is, in the people.

Glass v. Sloop Betsy, 3 Dall. (U.S.) 6, at 13. (1794)

The unnatural order of things relies on government being in a superior or sovereign capacity that is referred to as a national government. I wrote a book, *America, National or Federal?* that fully explored that issue. Here again in this quote, we see the unnatural order is not what the people of the American states created. In the study of law and government, when you see references to how things are done in England, France, or in the Roman empire, you know they are using the unnatural order of supremacy in government or a sovereign ruler.

Our system of government seems to me to differ, in form and spirit, from all other governments, that have heretofore existed in the world.

Chief Justice M'Kean, *Respublica v. Cobbet*, 3 Dall. (U.S.) 467, 473 (1798)

How does the unnatural order come into existence? A previous quote informs us that it is usually by force or fraud, or both – and I might add to his statement, by the use of fictions.

4b - CONQUEST AND THE UNNATURAL ORDER

The second type of state shown in the *Hepburn* case was described as the people being under the dependence of a superior power for protection. This type of state often comes into existence by conquest.

The conquest theory assumes that bands of marauding herdsmen, bent on discovering ever greener pastures for their growing flocks, descended upon communities of peaceful peasants and overcame them. In order to exploit the peasants they learned in time to curb their own ruthlessness. The conquerors at first relied merely upon force to hold the conquered in subjection but self-interest, as well as the habits of daily living in close proximity with the conquered, eventually made them change their methods. If endless struggle and violence were to be abated, it was necessary that the conquered should recognize the rightfulness of the conquerors' authority. When the conquerors not only protected the conquered against external enemies but finally put to death one of their own number for committing an outrage against one of the conquered, justice was born, as well as the court.

The American Peoples Encyclopedia,
Grolier Incorp., 1968, vol. 11, p. 289, "Law"

Can you see the unnatural order of things in the words above? The conquered are to submit or owe allegiance to the conquerors, and a

more fully developed scenario would show the conquerors could require the payment of a tax for the protection given to the conquered.

Tracing the right of taxation to the source from which it was derived, the court further said: 'It is obvious that it is an incident of sovereignty, and is coextensive with that to which it is an incident. All subjects over which the sovereign power of a State extends are objects of taxation, but those over which it does not extend are, upon the soundest principles, exempt from taxation.' ... taxes, in return for the protection.

Kirtland v. Hotchkiss, 100 U.S. 491 (1879)

A conqueror is deemed to be the sovereign over the conquered but this is to be a voluntary submission by each individual. *Fleming v. Page*, 50 U.S. 603 (1850) briefly speaks of the rights of a conqueror.

He may change the form of government and the laws at his pleasure, and may exercise every attribute of sovereignty. The conquered territory becomes a part of the domain of the conqueror, subject to the right of the nation to which it belonged to recapture it if they can.

During the civil war era, was there a presumed conquest by the government of the United States, in its national character, deemed to be the conqueror.

...the people of the insurgent States, under the Confederate government were, in legal contemplation, substantially in the same condition as inhabitants of districts of a country occupied and controlled by an invading belligerent. The rules which would apply in the former case would apply in the latter; and, as in the former case, the people must be regarded as subjects of a foreign power, ...and contracts among them be interpreted and enforced with reference to the conditions imposed by the conqueror, so in the latter case, the inhabitants must be regarded as under the authority of the insurgent belligerent power actually established as the government of the country, and contracts made with them must be interpreted and enforced with reference to the condition of things created by the acts of the governing power. *Thorington v. Smith*, 75 U.S. 1, 12 (1868)

What was the title or name of the opposing force against the Confederation of Southern States? Many sources tell us it was “the national government” such as in *Myers v. United States*, 272 U.S. 52 (1926) – “**...the reconstruction measures in respect to the states whose people had lately been at war against the national government.**”

War, indeed, is a state of force; and no tribunal can decide between the belligerent powers. *Ware v. Hylton*, 3 U.S. 199 (1796)

While the idea that a national government conquered the Confederacy in the 1860's may be stretching things or based upon fiction, it was necessary for certain organizations or associations who desire an unnatural order of things to make such assertions. As we see in the case below, regarding the civil war era, this was referred to as a constitutional revolution; and the conqueror, that is the national government, became the supreme and sovereign power in the unnatural order.

For the first time, the national government was vested with the major responsibility of protecting every individual [national citizens or persons submitting to superior government authority] in the full enjoyment of his rights of person and property. The Fourteenth Amendment is explicit in this regard... The Civil War Amendments, therefore, reflect a constitutional revolution in the nature of American federalism. This revolution, in turn, represents a historical judgment. It emphasizes the overwhelming concern of the Reconstruction Congresses for the protection of the newly won rights of freedmen... protecting federal rights from infringement by the states, but also, where necessary, the desire to place the national government between the state and its citizens. It represents, therefore, an expression of the concept of American federalism that the national sovereign shall treat the states with a certain deference and respect in their sphere of operations; it expresses a

congressional policy aimed at preventing “needless friction” between state and federal courts.

Landry v. Daley, 288 F. Supp. 200, 223 (1968) [inserted words by this author]

In my opinion, the civil war was orchestrated for the purpose of bringing a national state of society with its unnatural order into the states of America. The people of the states as the creators of states, constitutions, and governments were not the focus of these acts or the constitutional revolution. That is to say, these alterations were not to affect those people who were outside this national state of society.

4c - CITIZENSHIP AND THE UNNATURAL ORDER

Another element in implementing an unnatural order is by means of creating civil or legal persons. Some refer to this as creating a strawman with a corporate name since this fictional name is designed to function only in a corporate society. By creating or granting a civil status to foreigners, the creator as sovereign can control and make demands upon the NAMES is creates for the foreigners to use within the sovereign’s jurisdiction.

The following case occurred just prior to the civil war. It shows that congress can create a civil or legal entity or person by using those who had been held in slavery as the means to create a new kind of fictional public citizenship under a national or sovereign authority.

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As a supreme ruler over its creations (civil or legal persons), congress and its political subdivisions (States, Counties, etc.) can adopt statutes and regulations calling for a tax or fine (compel to pay money), or imprisonment (part with liberty) from its legal creatures.

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)

The above quote gives us a good demonstration on how to alter the natural order. In essence, a new society or new nation was being formed based upon a new supremacy for the national character of the government of the United States based upon the creation of civil or legal persons to be known as citizens of the United States. The premise for doing is that it was deemed those who had been in a condition of slavery were not the people who created the states, constitutions, and governments. They were considered strangers or foreigners. Suffice it to say, the implementation of an unnatural order generally begins with conquest, followed by the fiction that foreigners are citizens of the conquering nation. The next step is called Equity, in reference to courts and legislative decrees as a new form of statutes.

The Natural Order of Things

Volumes of examples of this new national citizenship recognized in the 14th Amendment could be given, but only a few are shown below so you can see the affects of the unnatural order of things.

The privileges and immunities of citizens of the United States are those which arise out of the nature and essential character of the national government... and it is these which are placed under the protection of Congress by this clause of the 14th amendment. ... The 14th Amendment places them under the guardianship of the national authority.

Slaughter-House Cases, 16 Wall. 36 (1872)

The citizens of the United States resident within any state are subject to two governments - one state, and the other national. Every citizen owes allegiance to both of these governments, and within their respective spheres, must be obedient to the laws of each. In return he is entitled to demand protection from each within its own jurisdiction. ...the thirteenth amendment is a great extension of the powers of the national government.

United States v. Morris, 125 F. 322, at 325 (1903)

Since the 14th Amendment makes one a citizen of the state where ever he resides, the fact of residence creates universally recognized reciprocal duties of protection by the state (legislature) and of allegiance and support by the citizen. The latter obviously includes a duty to pay taxes, and their nature

and measure is largely a political [author: not a constitutional] matter. *Miller Brothers vs. Maryland*, 347 U.S. 340, at 345 (1954)

It is the natural consequence of a citizenship which owes allegiance to two sovereignities, and claims protection from both. The citizen cannot complain, because he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction.

US v. Cruikshank, 92 U.S. 542, 551 (1875)

Nor can it be doubted that the United States possesses the power inherent in sovereignty to require the return to this country of a citizen, resident elsewhere, whenever the public interest requires it, and to penalize him in case of refusal. What in England was the prerogative of the sovereign in this respect pertains under our constitutional system to the national authority which may be exercised by the Congress by virtue of the legislative power to prescribe the duties of the citizens of the United States.

Blackmer v. United States, 284 U.S. 421, 437 (1932)

The fictional premise is that the altered state or unnatural order is now the superior authority. It can require payment for licenses,

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permits, violations of penal statutes in the nature of legislative decrees, and taxes because it is offering protection and benefits to the newly established national citizen given a civil status as a civil or legal person. Plus, this unnatural authority in government can incarcerate the NAME or those who represent or become sureties for the NAME. Give some thought as to how the United States now has the highest per capita rate of people incarcerated.

5 -- STATE OF SOCIETY

Perhaps you can better understand the words of Justice Wilson when he said “**there has very frequently been a strong current against the natural order of things**”, and a similar indication by George Washington. There are many others who have addressed this age-old problem. It is also found in the Bible.

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

Perhaps you have gotten a glimpse of why it can be said the unnatural order only assumes or pretends that the state and/or government has precedence over the people, since it begins and is maintained on the notion of strangers or foreigners being given a new fictional character. The people, being unaware, assume legal words

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have not changed meaning when in fact they have undergone much change to conceal the quiet revolution of legal principles that often accompanies an overt war and conquest.

The natural order of things is often said to operate in a state of nature, while the unnatural order of things functions in a state of society or civil state.

Here are some references to the state of society or civil state. First, In *The Federalist*, #33, Alexander Hamilton said, “**If individuals enter into a state of society, the laws of that society must be the supreme regulator of their conduct.**” The same idea was expressed in the *Charleston* case at 2 Strob. (S.C.) 508, 518, where it was stated, “**We are not in a natural state, but a state of society, and must surrender some of our rights as the price of protection.**” However, it would be accurate to say. “**All the notions of society, particularly in their jurisprudence, are more or less artificial.**” *Ogden v. Saunders*, 25 U.S. 213, 290 (1827)

While the term society can have several meaning, the civil law used the word to mean a partnership, and in modern times it also designates a corporation. In a state of society, the individual is to surrender his natural state, some would say his free will or sovereignty, in exchange for protection. The corporate or fictional society often utilized democracy for its political system, and is modeled along the lines of a commune with socialistic or communistic ideology. All these things,

and more, cause the natural order to be supplanted by an unnatural order in a state of society or civilized state.

Societas. In the civil law, partnership; a partnership; the contract of partnership. A contract by which the goods or labor of two or more are united in a common stock, for the sake of sharing in the gain. *Black's Law Dictionary*, 6th ed.

The terms company, association and society, shall be deemed to be synonymous to the term corporation.

Nedeau v. United Petro., 232 N.W. 202

Society. 1. A community of people, as of a state, nation, or locality, with common cultures, traditions, and interests.

Civil society. The political body of a state or nation; the body politic.

2. An association or company of persons (usually unincorporated) united by mutual consent, to deliberate, determine, and act jointly for a common purpose. 3. The general love, affection, and companionship that family members share with one another. *Black's 7th ed.*

It is these concepts of partnership and corporate society where you arrive at definitions of citizenship as being a covenant among the citizens to be bound by certain rules for the common good. It is interesting that the state of society asks you to agree to be bound by

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future rules when you would have no idea what those rules may be tomorrow nor years in the future.

The state of society operates like an invisible box with new limits or boundaries designed so mostly unknown architects operating behind the scenes can reshape mankind into their image. Of course, technically, they are only dealing with their creations – civil or legal persons. Some words that will be used to describe functions in this invisible box are *public, nation or national, administrative, civil, criminal, and justice* to name a few.

CIVIL LAW. The municipal code of the Romans is so called. It is a rule of action, adopted by mankind in a state of society.

A Law Dictionary, Bouvier, 1856

It has been answered that none are affected in criminal cases but the sovereign prosecuting and the defendants...

United States v. Rhodes, 27 Fed. Cas. 785, #16,151 (1866)

The common law of the people in the American states operating in the natural order is supposed to appear to be replaced by civil law for the new national state of society. The civil law was designed for superior rulers governing a state of society. Following the civil war, the states were pressured to develop codes of civil law. The civil law, sometimes referred to as the admiralty code (conquering admirals), was designed for the strangers and foreigners who were to become a

part of an empire under the fiction that they were citizens of a foreign place like Rome as the seat of the Roman empire, or the District of Columbia as the seat of the government of the United States.

civil law. **The body of law, sometimes called municipal law, adopted in a country or a state, as distinguished from the so-called natural law and international law; ... a rule of civil conduct prescribed by the supreme power of a state. Merchants' Exchange v. Knott, 111 S.W. 565; the civil or municipal law of the Roman empire. *Ballentine's Law Dictionary*, 3rd ed.**

Law, Civil. (7) **Judge Swift ...defines civil law to be a rule of human action, adopted by mankind in a state of society, or prescribed by the supreme power of the government ... and which is enforced by the sanctions of pains and penalties.**

Bouvier, *A Dictionary of Law*, 1859

When we speak of a person having a right, we must necessarily refer to a civil right as distinguished from the elemental idea of rights absolute. We must have in mind a right given and protected by law, and a person's enjoyment thereof is regulated entirely by the law which creates it. See Nickell v. Rosenfield, 82 Cal.App. 369, 255 P. 760.

Ballentine's Law Dictionary, 3rd Edition, 1969, "Right".

The Federal Civil Rights Statutes created rights which may be protected by federal courts in the exercise of their normal equity jurisdiction.

Progress Development Corp. v. Mitchell
(1960), 182 F.Supp. 681, 711

Equity... **differing in its origin, theory, and methods from the common law. It is a body of rules existing by the side of the original civil law, founded on distinct principles and claiming incidentally to supersede the civil law in virtue of a superior sanctity inherent in those principles... gradual enlargement and adaption to new views of society. ...Equity [is for the] complex relations and conveniences of an artificial state of society ... where, as to such particular rights, the ordinary courts of law cannot, or originally did not, clearly afford relief. Rob. Eq.**

Black's Law Dictionary, 4th ed., "Equity"

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... Report of the Revisers of the Civil Code of Pennsylvania, March 1, 1832, p. 8. 2. ... Fiction is like art; it imitates nature, but never disfigures

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it, it aids truth, but it ought never to destroy it. It may well suppose that what was possible, but which is not, exists; but it will never feign that what was impossible, actually is. ... 3. Fictions were invented by the Roman praetors, who, not possessing the power to abrogate the law, were nevertheless willing to derogate from it, under the pretence of doing equity. Fiction is the resource of weakness, which, in order to obtain its object, assumes as a fact, what is known to be contrary to truth ... Fictions of law owe their origin to the legislative usurpations of the bench. ... 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. ... Bouvier, *A Dictionary of Law*, 1859

Equity was developed for the state of society to rule inside the fictional box with its unnatural order. Since the laws of nature and of nature's God may not be recognized by the rulers inside the imaginary box, the concept of equity gives god-like powers to the superior rulers over their creations of civil or legal persons, and all those titles, certificates, permits, licenses, paper money, etc. that they also create in the fictional world inside the imaginary box.

[Referring to the civil law inside the box, Justice Baldwin says:]
The rights it creates, the duties and obligations it imposes, the penalties it inflicts, the conditions and casualties to which it is

subject, are mostly unknown to the principles of the common law, and a suit upon it partakes of few of the attributes of a 'suit at common law.

Bains v. Schooner James and Catherine, 1 Baldw. 554, Fed Cas 756 (1832)

The progress of parties, from the initiation to the consummation of their rights, is exactly parallel to this in a state of society. With this difference, that in the concoction of their contracts, they are controlled by the laws of the society of which they are members; and for the construction and enforcement of their contracts, they rest upon the functionaries of its government. They can enter into no contract which the laws of that community forbid, and the validity and effect of their contracts is what the existing laws give to them. The remedy is no longer retained in their own hands, but surrendered to the community, to a power competent to do justice, and bound to discharge towards them the acknowledged duties of government to society, according to received principles of equal justice. The public duty, in this respect, is the substitute for that right which they possessed in a state of nature, to enforce the fulfilment of contracts; and if, even in a state of nature, limits were prescribed by the reason and nature of things, to the exercise of individual power in enacting the fulfilment of contracts, much more will they be in a state of society.

Ogden v. Saunders, 25 U.S. 213, 283 (1827)

6 -- ORIGINS OF SOVEREIGNTY

We have seen the state of society with its civil law relies heavily of the concept of sovereignty. Sovereignty is more fully discussed in a treatise by that name, but here are a few points of importance.

In another sense...sovereignty is derived from a feudal source, and like so many other parts of that system so degrading to man, still retains its influence.

Justice Wilson, *Chisholm v. Georgia*, 2 Dal. (U.S.) 419, 457 (1793)

Law is the abiding by the words of one's creator. "Throughout the Germanic law books of the Middle Ages, says Heusler, runs the idea that law is 'a quest of the creature for the justice and truth of his creator.' All notion of arbitrary will was foreign to it. The conception that the will of the sovereign had the force of law came from Rome, if not, indeed, from Byzantium."

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

James Wilson, in his remarks about the arbitrary will of a sovereign being the source of law, believed in was derived from a feudal source, while Roscoe Pound believed it originated for the Roman empire – both examples are a result of conquest. It is a term necessary for those who wish to rule an empire or the planet as a means to describe the authority they would like to possess. Of course, you must first buy into the fiction of sovereignty.

The governors of cities and provinces usurped equally the property of land, and the administration of justice; and established themselves as proprietary seignors over those places, in which they had been only civil magistrates or military officers. By this means, there was introduced into the state, a new kind of authority, to which was assigned the appellation of sovereignty. In process of time the feudal system was extended over France, and almost all the other nations of Europe: And every kingdom became, in fact, a large fief. Into England this system was introduced by the Conqueror: And to this era we may, probably, refer the English maxim, that the king or sovereign is the foundation of justice. But, in the case of the king, the sovereignty had a double operation. While it vested him with jurisdiction over others, it excluded all others from jurisdiction over him. With regard to him, there was no superior power; and, consequently, on feudal principles, no right of jurisdiction. "The law," says Sir William Blackstone, "ascribes to the king the attribute of sovereignty; he is sovereign and independent within his own dominions; and owes no kind of subjection to any other potentate upon earth... all jurisdiction implies superiority of power." This last position is only a branch of a much more extended principle, on which a plan of systematic despotism has been lately formed in England, and prosecuted with unwearied assiduity and care. Of this plan the writer of the commentaries [Blackstone] was, if not the introducer, at least the great supporter, ...The principle is, that all human law must be

prescribed by a superior. ...Suffice it at present to say, that another principle, very different in its nature and operations, forms, in my judgment, the basis of sound and genuine jurisprudence; laws derived from the pure source of equality and justice must be founded on the consent of those whose obedience they require. The sovereign, when traced to his source, must be found in the man.

Justice Wilson, *Chisholm v. Georgia*, 2 Dal. (U.S.) 419, 457, 458 (1792)

On this day in 1776 [July 2], the Thirteen Colonies voted to separate from Great Britain. A hush fell over the room. ... A wry chuckle followed, then Sam Adams rose: “We have this day restored the Sovereign, to Whom alone men ought to be obedient. He reigns in Heaven and ... from the rising to the setting sun, may His Kingdom come!”

Marchall & Manuel, TLTG, 309. *The Glory of America*

Maybe you agree with Sam Adams in his belief that if we want to use the word sovereign, there is only One. I do not think the word is necessary, not that some good points can not be raised, but it is continuously used as the means to rule by arbitrary will of one or a few without regard to the natural order of things resulting in the apparent loss of freedom and liberty for the people.

7 -- STATE OF SOCIETY AND THE TRUST

There does exist within the unnatural state with rule by sovereignty, the possibility that those who are exercising the powers of sovereignty are doing so as delegates or representatives of the people. In other words, in the exercise of sovereign powers, government officials are in the capacity of trustees for the people who are the creators of the states, constitutions, and governments. The administrative courts and agencies, and all actions of government operating in a sovereign capacity are directed toward foreigners or strangers, being classifications for those other than the creators, the people. That research is still in progress, and, if of importance, will be in a future writing. The following references from the Constitution address the United States in the plural – meaning the several states.

Article 1 Section 3 Clause 7

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Article 1 Section 9 Clause 8

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present,

Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Article 2 Section 1 Clause 2

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

Article 6 Section 1 Clause 3

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a qualification to any Office or public Trust under the United States.

8 -- ADDITIONAL QUOTES AND COMMENTS

With an understanding of the foregoing information, you might glean additional insight from the following quotes.

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

Samuel Adams, 1794, address to Massachusetts state legislature

We have staked the whole future of American civilization, not upon the power of government, far from it. We have staked the future of all of our political institutions upon the capacity of mankind for self-government; upon the capacity of each and all of us to govern ourselves, to control ourselves, to sustain ourselves according to the Ten Commandments of God.

James Madison, 1778

A general proposition of some value may be advanced with respect to the agencies by which Law is brought into harmony with society. These instrumentalities seem to me to be three in number, Legal Fictions, Equity, and Legislation. Their historical order is that in which I have placed them. Sometimes two of them will be seen operating together, and there are legal systems which have escaped the influence of one or the other of them. But I know of no instance in which the order of their appearance has been changed or inverted. ...they exercise a sustained and substantial influence in transforming the original law.

I employ the word “fiction” in a sense considerably wider than that is which English lawyers are accustomed to use it, and with a meaning much more extensive than that which belonged to the Roman “fictiones”. Fictio, in old Roman law, is properly a term of pleading, and signifies a false averment on the part of the plaintiff which the defendant was not allowed to traverse; such, for example, as an averment that the plaintiff was a Roman citizen, when in truth he was a foreigner. The object of these “fictiones” was, of course, to give jurisdiction, and they therefore strongly resembled the allegations in the writs of the English Queen’s Bench and Exchequer, by which those Courts contrived to usurp the jurisdiction of the Common Pleas: -- the allegation that the defendant was in custody of the king’s marshal, or that the plaintiff was the king’s debtor, and could not pay his debt by reason of the defendant’s default. But I now employ the expression “Legal Fiction” to signify any assumption which [p. 22] conceals, or affects to conceal, the fact that a rule of law has undergone alteration, its letter remaining unchanged, its operation being modified. The words, therefore, include the instances of fictions which I have cited from the English and Roman law, but they embrace much more, for I should speak both of the English Case-Law and of the Roman Responsa Prudentum as resting on fictions. Both these examples will be examined presently. The fact is in both cases that the law has been wholly changed; the fiction is that it remains what it always was. It is not difficult to understand why fictions in all their

forms are particularly congenial to the infancy of society. They satisfy the desire for improvement, which is not quite wanting, at the same time that they do not offend the superstitious disrelish for change which is always present. ... [Fictions] are invaluable expedients for overcoming the rigidity of law. ... [p. 23] Now legal fictions are the greatest of obstacles to symmetrical classification. The rule of law remains sticking in the system, but it is a mere shell. It has been long ago undermined, and a new rule hides itself under its cover.

Ancient Law, Its Connection with the Early History of Society and its Relation to Modern Ideas, by Sir Henry Sumner Maine with an introduction by C.K. Allen, Warden of Rhodes House, Oxford, first published in 1861, Pp. 20-23

But what “law” is meant? Is it statute law, or the common law? If it be the former, what protection do these provisions afford the people against legislative usurpation and wrong? The legislature might enact a law, and provide a regular course of judicial proceedings for its administration, the direct effect of which might be to deprive persons of the rights these provisions were intended to protect, if statutory law was intended by these provisions.

... The “law” intended by the constitution is the common law that had come down to us from our forefathers, as it existed and was understood and administered when that instrument was framed and adopted. The framers of the constitution, and the people who adopted it, appreciated the protection afforded to

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life, liberty, property, and privileges, by the common law, and determined to perpetuate that protection by making its benign provisions in this respect the corner-stone principle of the fundamental law.

State of Maine v. Doherty, 60 Me. 504, 509, 510 (1872)

'We think it a settled principle growing out of the nature of well-ordered civil society,' says the Supreme Court of Massachusetts, 'that every holder of property, however absolute and unqualified may be his title, holds it under the implied liability that his use of it shall not be injurious to the equal enjoyment of others having an equal right to the enjoyment of their property, nor injurious to the rights of the community.'

... Chancellor Kent says:-- 'But though property be thus protected, it is still to be understood that the law-giver has the right to prescribe the mode and manner of using it, so far as may be necessary to prevent the abuse of the right, to the injury or annoyance of others, or of the public. The government may, by general regulations, interdict such uses of property as would create nuisances and become dangerous to the lives, or health, or peace, or comfort of the citizens. Unwholesome trades, slaughter-houses, operations offensive to the senses, the deposit of powder, the application of steam- power to propel cars, the building with combustible materials, and the burial of the dead, may all be interdicted by law, in the midst of dense masses of population, on the general and rational principle that every person ought so to

use his property as not to injure his neighbors, and that private interests must be made subservient to the general interests of the community. 2 Kent, 340.

Munn v. State of Illinois, 94 U.S. 113, 147 (1876)

[S]ociety in primitive times was not what it is assumed to be at present, a collection of *individuals*. In fact, and in the view of the men who composed it, it was *an aggregation of families*. The contrast may be most forcibly expressed by saying that the unit of an ancient society was the Family, of a modern society the Individual. We must be prepared to find in ancient law all the consequences of this difference.

Ancient Law, by Sir Henry Maine, page 104, first published in 1861

The Court has strayed "beyond the extremely limited restrictions that the Constitution places" on the taxing power of the States, "inject[ed itself] in a merely negative way into the delicate processes of fiscal policy-making," and regrettably "imprison[ed] the taxing power of the states within formulas that are not compelled by the Constitution." *Wisconsin v. J. C. Penney Co.*, 311 U.S. 435, 445 (1940). I respectfully dissent.

"Taxes," as Justice Holmes once observed, "are what we pay for civilized society." *Compania General de Tabacos de Filipinas v. Collector of Internal Revenue*, 275 U.S. 87, 100 (1927) (dissenting opinion). A natural corollary of this proposition is that the Due Process Clause permits state taxation if "the state

has given anything for which it can ask return." Wisconsin v. J. C. Penney Co., 311 U.S. at 444. A State thus "is free to pursue its own fiscal policies, unembarrassed by the Constitution," if it "exert[s] its power in relation to opportunities which it has given, to protection which it has afforded, [or] to benefits which it has conferred by the fact of being an orderly, civilized society."

Asarco Inc. v. Idaho State Tax Comm'n, 458 U.S. 307, 332 (1982)

...defined the meaning of 'taxation' as 'a charge levied by the sovereign power upon the property of its subject.

Van Brocklin v. State of Tennessee, 117 U.S. 151, 166 (1886)

All subjects over which the sovereign power of a State extends are objects of taxation.

Kirtland v. Hotchkiss, 100 U.S. 491, 497 (1879)

...all subjects over which the sovereign power of a State extends are objects of taxation, the rule being that the sovereignty of a State extends to every thing which exists by its own authority or is introduced by its permission.

Wheeling v. City of, 99 U.S. 273 (1878)

... the law of property, in its origin and operation, is the offspring of the social state; not the incident of a state of nature. But the revolution did not reduce the inhabitants of America to a state of nature; and, if it did, the Plaintiff's claim would be at an

end. Other objections to the doctrine are started: It is said, that a debt, which arises from a contract, formed between the subjects of two belligerent powers, in a neutral country, cannot be confiscated; but the society has a right to apply to its own use, the property of its enemy, wherever the right of property accrued, and wherever the property itself can be found.

Ware v. Hylton, 3 U.S. 199 (1796)

Right and obligation are considered by all ethical writers as correlative terms: Whatever I by my contract give another a right to require of me, I by that act lay myself under an obligation to yield or bestow. The obligation of every contract will then consist of that right or power over my will or actions, which I, by my contract, confer on another. And that right and power will be found to be measured neither by moral law alone, nor universal law alone, nor by the laws of society alone, but by a combination of the three,-an operation in which the moral law is explained and applied by the law of nature, and both modified and adapted to the exigencies of society by positive law. The constitution was framed for society, and an advanced state of society, in which I will undertake to say that all the contracts of men receive a relative, and not a positive interpretation: for the rights of all must be held and enjoyed in subserviency to the good of the whole. The State construes them, the State applies them, the State controls them, and the State decides how far the social exercise of the rights they give us over each other can be justly asserted. I say

the social exercise of these rights, because in a state of nature, they are asserted over a fellow creature, but in a state of society, over a fellow citizen. Yet, it is worthy of observation, how closely the analogy is preserved between the assertion of these rights in a state of nature and a state of society, in their application to the class of contracts under consideration.

Ogden v. Saunders, 25 U.S. 213, 282 (1827)

By Byron Beers

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