



LAW

(The legal system of God)

VS.

LEGAL

(The lawful system of man)

By Brother Gregory HHC

To investigate is the way to know what things are really lawful.¹

“Because of what appears to be a lawful command on the surface, many citizens, because of their respect for what only appears to be a law, are cunningly coerced into waiving their rights, due to ignorance.”²

In the above statement the Supreme court talks of “what only appears to be law” “on the surface.” What are we so ignorant of, that we would mistake something for law that is not law? We have grown up hearing phrases like, “The law is the law,” and “Ignorance of the law is no excuse.” What is law and what makes something law?

Since, “The origin of a thing ought to be inquired into,”³ then it would follow that we should look into the origin of the word “law” to give us some idea of its meaning today.

Unlike many of the terms used in the legal system of the United States, the word “law” does not come from the Latin but from the Anglo-Saxon word lagu and the Middle English lawe, laghe meaning just, right and fair. In Latin “law” would be translated jus (juris) from which we take the word justice. The Romans had another word, lex (legis), from which we get the word legal meaning “statute, bill, principle, rule; contract, condition...” What is legal (connected by contract) becomes lawful (just) by consent.

The legal system based upon freedom has no lawful power to “command” until an individual binds himself to it “for lex (law) is derived from ligare (to bind), because it binds one to act.”⁴

...

But the thing displeased Samuel, when they said, Give us a king to judge us. And Samuel prayed unto the LORD. (1 Samuel 8:6)

William of Normandy came to England to collect a disputed debt owed to him by Harold. He did not conquer and seize all of England but only Harold and his properties, duties and obligations (and those hereditaments of the freemen who had fought along side Harold in his attempt to avoid payment to William). Also from his assumed position, William “insisted that he was the fountainhead of justice” and began to consolidate and expand his position and authority by waging war against all who opposed his claim to Harold’s limited kingly dominion.⁵ Many changes were brought about as a result of Williams strong presence. He opened the door to customs and forms of law that had no foothold in the land of the

¹ Quæreere dat sapere quæ sunt legitima verè. Littleton, §443.

² US vs. Minker. 350 US, 179 p187.

³ Origin rei inspici debet. 1Coke, 99.

⁴ Summa Theologica 1st of 2nd Part Treaties on Law Ques. 90 of the Essence of Law. Thomas Aquinas.

⁵ See: The History of the Common Law of England by Matthew Hale 1713

Anglos since the fall of the Roman Empire. He instituted a survey of all the land that fell under his sword by right of trial by conquest. This was done for the purpose of collecting an excise or tribute tax on the land of those who were forced in defeat to take an oath of fealty and bind their allegiance and lands to William. The people of England called the book that included these subject lands the "Doomsday Book" and it is still called that to this day.

Wherefore say unto them, Thus saith the Lord GOD; Ye eat with the blood, and lift up your eyes toward your idols, and shed blood: and shall ye possess the land? (Ezekiel 33:25)

With this growing loss of freehold titles in land, the "large numbers of freemen" who were so necessary for the administration of the Common Law of Land were no longer available.

Ye stand upon your sword, ye work abomination, and ye defile every one his neighbour's wife: and shall ye possess the land? (Ezekiel 33:26)

A legal title is not a freehold, lawful or a fee simple title. Were the remaining freehold titles in land lost by conquest or by other means?

"Towns and boroughs act as if persons."⁶

Many followed William, establishing the concepts of towns and cities, which had been traditionally shunned by the Anglos, along with other customs of business and a loyalty to their homeland that opened a freer avenue for the establishment of commerce.

...they said, Go to, let us build us a city and a tower, whose top [may reach] unto heaven; and let us make us a name, lest we be scattered abroad upon the face of the whole earth. (Ge. 11:4)

And as for the people, he removed them to cities from [one] end of the borders of Egypt even to the end thereof. (Ge. 47:21)

The law of the Anglo-Saxons still remained intact but not for those who fell subject to William and his successors. The two systems lived side by side in a manner similar to the two jurisdictional systems of law used in the Roman Empire following their own Roman civil war.

The "common law" is "distinguished from law created by the enactment of legislatures," and it "comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity..." And "as concerns its force and authority in the United States, the phrase designates that portion of the common law of England which had been adopted and was in force here at the time of the Revolution"⁷

Liberi. In Saxon Law - Freeman; the possessors of allodial lands.⁸

The common law is dependent upon "large numbers of freemen" who can decide both fact and law as distinguished from the jurors of the United States today which have lost their allodial land through neglect and ignorance. Today's jurors as U.S. citizens are subject to the administration of government. They are almost always sworn to abide by the decrees of the legislature before they take to their seat as jurors, which allows them to judge only the facts of a case, leaving the determination of law in the hands of the legislature and the administering professional judges. Is this the way it was in the beginning?

Liber homo. A free man; a freeman lawfully competent to act as juror.⁹ An allodial proprietor, as distinguished from a vassal or feudatory.¹⁰

⁶ Personæ vice fungitur municipium et decuria. Warner v. Beers, 23 Wend. N.Y. 103,144.

⁷ Black's Law Dict. (3rd ed.)

⁸ Black's Law Dict. (3rd Ed.) p.1106.

⁹ Ld. Raym. 417; Kebl. 563.

¹⁰ Black's 3rd Ed. page 1105.

The original settlers and founders of this republic called the Americas, had come here fleeing the king's justice saying, 'Farewell, Rome. Farewell, Babylon'. Here the individual had access to a free-dominion by the relinquishment, in charter, of the right of the king to make law without consent. In the case of the American colonies, which were republics and were guaranteed by contract with the king that no law could be made "except by the consent of the freeman," there was a clear consideration as there was with Harold the last Anglo-Saxon king in England. The king of England was to give the colonies the benefit of his protection from "foreign invasion" and in exchange he could impose only excise (use) taxes and tariffs (taxes on foreign trade) as well as regulate the equitable practice of business for which there were no remedies at the common law.

The extent of the legal authority of the king of Britain in the Americas was limited. It was his usurpation (seizing a use) of rights that were not his that led to the Declaration of Independence, where by the colonial governments became totally independent states at any dissolution of the charter. A dissolution caused by the king's breaking the contract and violating the terms of the agreement. The limited authority and responsibility of the king was then assumed by the colonial governments who eventually bound themselves together by Articles of Confederation, and later by a constitution which created a legal society with certain limited obligations and privileges to the general populus of the republics.

"The real destroyers of the liberties of the people is he who spreads among them bounties, donations and benefits."¹¹

The United States Federal government, that exists within the given jurisdiction of the original republics, is a limited jurisdiction within itself. It grew not by decree but by government offers and individual acceptance. In other words the limited authority of government expanded by expanding the offer of benefits and obligations to the individual citizens in the republic including membership in the Government itself. The more desired, the more offered and the more that was accepted, all the more was required. A guarantee of an entitlement grants a reciprocating entitlement to the Benefactor.

The desire of the slothful killeth him; for his hands refuse to labour. (Proverbs 21:25)

These benefits were not part of the original obligations of the state governments or the United States Federal government. The average citizen cannot in justice accept them without offering at least some seemingly equal consideration.

My son, if sinners entice thee, consent not. (Proverbs 1, 10)

Each time we accept or apply for new bounties, donations and benefits we are consenting by deed or word to the legal authority of that government or body politic. We grant power.

Let him that stole steal no more: but rather let him labour, working with [his] hands the thing which is good, that he may have to give to him that needeth. (Ephesians 4:28)

To take what is not a gift and is not owed, with no intention of returning equal consideration, is the essence of stealing. To accept without consenting to pay the price is the essence of theft. Ignorance of this fundamental principle is the "ignorance of law". That the law does not excuse.

I went by the field of the slothful, and by the vineyard of the man void of understanding:... I looked upon [it, and] received instruction. Then I saw, [and] considered [it] well: I looked upon [it, and] received instruction. [Yet] a little sleep, a little slumber, a little folding of the hands to sleep: So shall thy poverty come [as] one that travelleth; and thy want as an armed man. (Proverbs 24:30, 34)

"In respect to the ground of the authority of law, it is divided as natural law, or the law of nature or of God, and positive law." Positive Law is, "Law actually ordained or established, under human

¹¹ Plutarch.

sanctions, as distinguished from the law of nature or natural law, which comprises those considerations of justice, right, and universal expediency that are announced by the voice of reason or of revelation...¹²

“Law governs men and reason the law.”¹³

Natural Law or the law of nature is, “The divine will, or the dictate of right reason, showing the moral deformity or moral necessity that there is in any act, according to its suitableness or unsuitableness to a reasonable nature. Sometimes used of the law of human reason, in contradistinction to the revealed law, and sometimes of both, in contradistinction to positive law.”

The Natural Law is divine will not merely the will of men who by their own reason have determined it. If the reason is not right reason then the law or rule is not truly Natural Law. Natural law as a term may have several uses and should be clarified when ever it is used.

“They [natural laws] are independent of any artificial connections, and differ from mere presumptions of law in this essential respect, that the latter depend on and are a branch of the peculiar system of jurisprudence to which they belong; but mere natural presumptions are derived wholly by means of the common experience of mankind, without the aid or control of any particular rule of law, but simply from the course of nature and the habits of society. These presumptions fall within the exclusive province of the jury, who are to pass upon the facts.”¹⁴

Jury Nullification “...jury shall be judges of the law and the facts.”¹⁵

The natural law being ‘divine will’ and ‘right reason’ are not connected to mere ‘presumptions of law’. Presumptions of law are dependent upon ‘peculiar systems of jurisprudence’.

Jurisprudence ‘is but the philosophy of law or the science which treats of the principles of positive law and legal relationships’. The term, jurisprudence, ‘is wrongly applied to actual systems of law’.¹⁶

To say that these presumption fall within the exclusive province of the jury, who are to pass upon the facts, does not mean that the jury is to pass upon the facts of the case and not the law. It means that a jury is to decide upon the presumption of law based on their own common experience and God given conscience.

...

Even the United States government in establishing its own legal system was forced by custom and reason “that suits in equity shall not be sustained in either of the courts of the United States, in any case where plain, adequate, and complete remedy may be had at law.”¹⁷

Equity is not law either in the sense of the common law or the civil legal system. Equity is designed and used to enlarge the system of laws without appearing to disregard the laws themselves, overriding them but not repealing them. It is that “part of the law which, having power to enforce discovery, (1) administers trusts, mortgages, and other fiduciary obligations; (2) administers and adjusts common-law rights where the courts of common law have no machinery; (3) supplies a specific and preventive remedy for common law wrongs where courts of common law only give subsequent damages.”¹⁸

¹² Bouvier’s.

¹³ Fuller

¹⁴ 3 Bouvier, Inst. n. 3064; Greanleaf, Ev. É 44.

¹⁵ See Art. 1, Sec. 1 of Georgia’s. Art. 1, Sec. 19, of Indiana’s and Tennessee, Constitution Alabama (Article I, Sec. 12); Colorado (Article II, Sec. 10); Connecticut (Article First, Sec. 6); Delaware (Article I, Sec. 5); Kentucky (Bill of Rights, Sec. 9); Maine (Article I, Sec. 4); Maryland (Art. XXIII); Mississippi (Article 3, Sec. 13); Missouri (Article I, Sec. 8); Montana (Article II, Sec. 7); New Jersey (Article I, Sec. 6); New York (Article I, Sec. 8); North Dakota (Article I, Sec. 4); Oregon (Art. I, sec. 16); Pennsylvania (Article I, Sec. 7); South Carolina (Article I, Sec. 16); South Dakota (Article VI, Sec. 5); Texas (Article 1, Sec. 8); Utah (Article I, Sec. 15); Wisconsin (Article I, Sec. 3); Wyoming (Article 1, Sec. 20)

¹⁶ Blacks Law Dict. 3rd p1039

¹⁷ Judiciary Act of 1789 “an architectonic act still in force.”

¹⁸ Chutes, Eq. 4.

Equity is important because, in a civil society such as the one created by the Constitution, it is the instrument used to remedy conflicts that arise from certain relations where plain, adequate, and complete remedy may not be had at law. Equity is used to administer trusts and uses.

The phrase 'legal tender' is found on the paper currencies of the world including those used by the United States. Blue sealed certificates, red sealed United States notes, or green sealed Federal Reserve notes all state that they are "legal tender for all debts public and private." For decades these notes also stated that they were "redeemable in lawful money." If they were redeemable in lawful money then it should be clear that they are not lawful money. Gold and silver are lawful money, which is used as "payment of debt."¹⁹ Legal tender is a legal offer in place of payment of debt and does not lawfully pay a debt. Although it may legally discharge debt, the tender or offer does not pay the debt at law. "There is a distinction between a debt discharged and one paid. When discharged the debt still exists, though divested of its character as a legal obligation during the operation of the discharge. Something of the original vitality of the debt continues to exist..."²⁰

Where does this debt continue?

It goes on to say, "...which may be transferred, even though the transferee takes it subject to its disability incident to the discharge. The fact that it carries something which may be a consideration for a new promise to pay, so as to make an otherwise worthless promise a legal obligation, makes it the subject of transfer by assignment."²¹

"The first farmer was the first man, and all historic nobility rests on possession and use of land." Emerson.

A "legal title" is "one cognizable... in a court of law."²² "Judicial cognizance" being "judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence."²³ Even more important a legal title is "one which is complete and perfect so far as regards the apparent right of ownership and possession, but which carries no beneficial interest in the property, another person being equitably entitled thereto; in either case, the antithesis of 'equitable title.'²⁴

And many shall follow their pernicious ways; by reason of whom the way of truth shall be evil spoken of. And through covetousness shall they with feigned words make merchandise of you: (II Pe. 2, 2-3.)

First, we see that a legal title although it may appear to be a "right of ownership" it "carries no beneficial interest." If a legal title does not include a right to the beneficial interest then it does not include a right to the "profit, benefit, or advantage resulting from a contract," nor does it include "the ownership of an estate." After all, a beneficial interest is "distinct from the legal ownership."²⁵ In the simplest of terms a legal title only appears to be a right to ownership but it is not the "ownership of an estate."

Take heed to thyself, lest thou make a covenant with the inhabitants of the land whither thou goest, lest it be for a snare in the midst of thee: (Exodus 34, 12.)

By definition, a legal title is the opposite or at least the antithesis of an "equitable title." An equitable title as opposed to a legal title "is a right in the party" rather than only appearing to be a right. More important it is "the beneficial interest of one person whom equity regards as the real owner, although the legal title is vested in another."²⁶

¹⁹ Black's 3rd p 1079.

²⁰ Stanek v. White. 172 Minn. 390, 215 N. W. 784.

²¹ Stanek v. White, 172 Minn. 390, 215 N. W. 784.

²² Black's 3rd p 1734.

²³ Black's 3rd "cognizance" p 346.

²⁴ Black's 3rd "legal title" p 1734.

²⁵ Black's 3rd "beneficial Interest" p 206.

²⁶ Black's 3rd "Equitable Title" p 1734.

Even though you may discharge a debt and obtain legal titles you still do not have clear and good titles, which “are synonymous; ‘clear title’ meaning that the land is free from incumbrances, ‘good title’ being one free from litigation, palpable defects, and grave doubts, comprising both legal and equitable titles and fairly deducible of record.”²⁷

Whoso causeth the righteous to go astray in an evil way, he shall fall himself into his own pit: but the upright shall have good [things] in possession. (Proverbs 28:10)

This division of true title into a legal title on one hand verses an equitable title on the other is called equitable conversion. equitable conversion is a “Constructive conversion.”

CONVERSION is an, "alteration, interchange, metamorphosis, passage, reconstruction...."²⁸

BENEFICIAL INTEREST is the, “Profit, benefit, or advantage resulting from a contract, or the ownership of an estate as distinct from the legal ownership or control.”²⁹

BENEFICIAL USE is, “the right to use and enjoy property according to one’s own liking or so as to derive a profit or benefit from it...”³⁰

Is it any wonder that you are required to get a permit to build on what you think is your land? You have to get permission, a license, to operate what you believe is your car. If you do not pay the use, tribute or excise tax on your land, auto or labor you will loose them all. Haven’t you lost them already if you do not own them, the use of them? If you lack the right to the benefit or profit of a thing can you say you own it at all? Does anyone have a lawful title? And who has the true title and for what purpose do they have it?

You have a legal right to work only if you have applied for and obtained an employee identification number and labor for an employer with an employer identification number.

The word legal originates in the idea of being connected to a legal system by contract. The connection is most often created by consent and acceptance. What is to be legal becomes law by that consent and one of the essential ingredient of that consent is mutual consideration whether by application or indulgence. Therefore upon entering into a legal society a person waives certain rights naturally inherent in an individual and becomes obligated to abide by the administration of the legally established laws and rules of that civil society. Those rules can include such systems as Equity as well as general constructions of law. In Equity the extent of contractual participation may vary.

It is by an indulging consent that these mere constructions of law divide a clear and good title into a legal title on one hand and the equitable title on the other.

A legal title may appear to be a right of ownership but it is not. Legal title provides no beneficial interest and therefore no right to the profit, benefit, or advantage in the property. If you do not pay the legally prescribed use tax, they, the administrators of the trust holding the equitable title, may summarily take the property away from you. Somewhere, someone or something holding the equitable title is the actual owner in the eyes of the Natural law, of your land, your home, your car, your cattle, your legal right to work and much, much more. You have no right since your conversion, alteration or rebirth. You have no right to the profit, benefit, or advantage of such things but only an apparent legal ownership.

If things have been equitably converted can they be equitably reconverted? Can things be turned around from what they have become? Can you make a legal title a lawful, good and complete title again?³¹

Can you now apply this idea that someone else may hold the true and lawful title to everything that you only appear to own but do not? Has it been kept a secret, a mystery how everything that the LORD, God, has given you is owned by another whom the law considers the true owner of the property?

²⁷ Black’s 3rd “clear title” p 1733.

²⁸ LEGAL THESAURUS by William C. Burton second edition

²⁹ Black’s 3rd p 206

³⁰ Black’s 3rd p 206

³¹ conversion vs. reconversion. Money vs. Mammon Trust vs. Faith.

Standing afar off for the fear of her torment, saying, Alas, alas, that great city Babylon, that mighty city! for in one hour is thy judgment come. And the merchants of the earth shall weep and mourn over her; for no man buyeth their merchandise any more: The merchandise of gold, and silver, and precious stones, and of pearls, and fine linen,... and wheat, and beasts... and slaves, and souls of men. (Revelation 18:10, 13)

Have you been seduced with vain offers and the seduction of a covetous heart or is it through ignorance and lack of knowledge that you have been sold into slavery, yoked with unbelievers and entangled by contractual relationships?

For when they speak great swelling [words] of vanity, they allure through the lusts of the flesh, [through much] wantonness, those that were clean escaped from them who live in error. While they promise them liberty, they themselves are the servants of corruption: for of whom a man is overcome, of the same is he brought in bondage. For if after they have escaped the pollution's of the world through the knowledge of the Lord and Saviour Jesus Christ, they are again entangled therein, and overcome, the latter end is worse with them than the beginning. For it had been better for them not to have known the way of righteousness, than, after they have known [it], to turn from the holy commandment delivered unto them. But it is happened unto them according to the true proverb, The dog [is] turned to his own vomit again; and the sow that was washed to her wallowing in the mire. (2 Peter 2:18, 22)

If we have followed the ways of men can we return to the ways of the LORD? Who has deceived us? Who has devised this plan of confusion and deceit?

Woe unto you, lawyers! for ye have taken away the key of knowledge: ye entered not in yourselves, and them that were entering in ye hindered. (Lu 11:52)

Who shall we seek to know the truth? Who shall we cry out to, man or the LORD God? The law of truth was in his mouth, and iniquity was not found in his lips: he walked with me in peace and equity, and did turn many away from iniquity. For the priest's lips should keep knowledge, and they should seek the law at his mouth: for he [is] the messenger of the LORD of hosts. But ye are departed out of the way; ye have caused many to stumble at the law; ye have corrupted the covenant of Levi, saith the LORD of hosts. Therefore have I also made you contemptible and base before all the people, according as ye have not kept my ways, but have been partial in the law. Have we not all one father? hath not one God created us? why do we deal treacherously every man against his brother, by profaning the covenant of our fathers? (Malachi 2:6, 10)

ABBA! FATHER!