

memorandum of Authorities and Principles (from the highest to lowest)

Ezekiel 44:24 - And in controversy they shall stand in judgment; and they shall judge it according to my judgments; and they shall keep my laws and my statutes in all mine assemblies; and they shall hallow my sabbaths;

Judges 17:6 - In those days there was no king in Israel, but every man did that which was right in his own eyes;

Judges 21:25 - In those days there was no king in Israel; every man did that which was right in his own eyes;

1 Corinthians 15:45 - And so it is written, The first Adam was made a living soul; the last Adam was made a quickening spirit;

1 Corinthians 6 - Dare any of you, having a matter against another, go to law before the unjust, and not before the saints?

Do ye not know that the saints shall judge the world? and if the world shall be judged by you, are ye unworthy to judge the smallest matters?

... If then ye have judgments of things pertaining to this life, set them to judge who are least esteemed in the church.

I speak to your shame. Is it so, that there is not a wise man among you? no, not one that shall be able to judge between his brethren?

But brother goeth to law with brother, and that before the unbelievers.

Now therefore there is utterly a fault among you, because ye go to law one with another. Why do ye not rather take wrong? why do ye not rather suffer yourselves to be defrauded?

Nay, ye do wrong, and defraud, and that your brethren know ye not that the unrighteous shall not inherit the

Kingdom of God? Be not deceived: neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind, nor thieves, nor ~~cave~~ covetous, nor drunkards, nor revilers, nor extortioners, shall inherit the Kingdom of God.

And such were some of you: but ye are washed, but ye are sanctified, but ye are justified in the name of the Lord Jesus, and by the Spirit of our God.

Acts 5:29 - Then Peter and the other apostles answered and said, We ought to obey God rather than men.

Acts 25:16 - To whom I answered, It is not the manner of the Romans to deliver any man to die, before that he which is accused have the accusers face to face, and have license to answer for himself concerning the crime laid against him.

Romans 8:14-17 - For as many as are led by the Spirit of God, they are the sons of God.

For ye have not received the spirit of bondage again to fear; but ye have received the Spirit of adoption, whereby we cry, Abba, Father.

The Spirit itself beareth witness with our spirit, that we are children of God;

And if children, then heirs; heirs of God, and joint-heirs with Christ; if so be that we suffer with him, that we may also be glorified together.

Romans 13:8-10 - Owe no man anything, but to love one another: for he that loveth another hath fulfilled the law.

For this, Thou shalt not commit adultery, Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness, Thou shalt not covet; and if there be any other commandment, it is briefly comprehended in this saying, namely, Thou shalt love thy neighbor as thyself.

Love worketh no ill to his neighbor: therefore love is the fulfilling of the law.

Ephesians 2:18-19 - For through him we both have access by one Spirit unto the Father.

Now therefore ye are no more strangers and foreigners,

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but fellowcitizens with the saints, and of the household of God;

James 2:8 - If ye fulfill the royal law according to the scripture, Thou shalt love thy neighbor as thyself, ye do well:

James 5:12 - But above all things, my brethren, swear not, neither by heaven, neither by the earth, neither by any other oath; but let your yea be yea; and your nay, nay; lest ye fall into condemnation.

St. Luke 6:31 - And as ye would that men should do to you, do ye also to them likewise.

St. Luke 16:13 - No servant can serve two masters: for either he will hate the one, and love the other, or else he will hold to the one, and despise the other. Ye cannot serve God and mammon.

St. Luke 19:8 - And Zacchaeus stood, and said unto the Lord; Behold, Lord, the half of my goods I give to the poor; and if I have taken anything from any man by false accusation, I restore him fourfold.

Galatians 3:29 - And if ye be Christ's, then are ye Abraham's seed, and heirs according to the promise.

Galatians 4:7 - Wherefore thou art no more a servant, but a son; and if a son, then an heir of God through Christ.

Galatians 5:14 - For all the Law is fulfilled in one word, even in this; Thou shalt love thy neighbor as thyself.

Expect from others the same treatment that they receive from you.

Absolute power in all things lawful.

External actions show the secret intentions.

An act done without my consent is not my act.

An admiralty court has no jurisdiction over those questions which are determined by the common law.

Equity remedies errors.

What is just and right is the law of laws.

He who affirms, not he who denies, must bear the burden of proof

A person ought not to be a judge in his own cause, because he cannot be both a party and a judge.
To conceal is one thing, to be silent another.
He who alleges contradictory things is not to be heard.
An argument from authority is very strong in law.
The laws permit the taking of arms against the armed.
A twisting of language is unworthy of a judge.
those who sin secretly are punished more severely than those who sin openly.

No man should derive any benefit from his own wrong.
The law never permits anything contrary to truth.
A convention of private persons cannot affect public rights.
Every man's house should be a perfectly safe refuge.
Laws assist the deceived, not the deceiving.

A delegated power cannot be delegated.
The power derived cannot be greater than that from which it is derived.

By fraud or dolo a contract perishes.
Deceit and fraud should always be remedied.
Right cannot die.

Specification of one thing is an exclusion of the rest.
In the same way in which any thing is constituted, it may be destroyed.
The meeting of the minds of two or more in an agreement makes a contract.

From a wrong no contract can arise.
Facts are more powerful than words.
False in one thing, false in all things.
Let justice be done though the heavens fall.
Fiction yields to truth; where there is truth fiction of law does not exist.

It is a fraud to conceal a fraud.
Fraud is most hateful to law.
Man is a term of nature; person of the civil law.
no one may come into court with unclean hands.

In criminal cases the silence of a person present presumes consent.
In favor of life, liberty and innocence all things are to be presumed.
He truly acts fraudulently who, observing the letter of the law, eludes its spirit.
In criminal matters, the intention is regarded, not the event.
One may do with his own as he pleases, if he does not invade the rights of others.

The inclusion of one is the exclusion of another.
An injury is done to him of whom a reproachful thing is said.
A benefit is not bestowed upon one unwilling to receive it.
The judge should decide according to allegations and proofs.
It is a decision to favor those things that favor religion, though words be wanting.

The laws of nature are unchangeable.
Jurors ought to be neighbors, of sufficient estate, and free from suspicion.

Right and fraud never dwell together.
The law of nature is properly the dictate of right reason, by which we know what is dishonest and what is honest; what should be done and what avoided.

Justice is an excellent virtue, and pleasing to the most High.
The law of God and the law of the land are all one.
Laws should bind those who make them.
The law regards the order of nature.

Liberty is more favored than all things.
A slip of the tongue should not lightly be given to punishment.
A maxim is so called because its dignity is chiefest, and its authority the most certain, and because it is universally approved by all.
Custom overrules laws.

Many things pertain not to human laws, but to divine jurisdiction.
Denial cannot be proved.

No one may sue at law in the name of another.
No one does damage, unless he is doing what he has no right to do.
No one may be dragged from his own house.
No man warring for God should be troubled by secular business.

no one can do by another what he cannot do by himself.
One is not present unless he understands.
No one is punished except for some injury or default.
Nothing is so contrary to consent as force and fear.
Nothing which is against reason is lawful.
Nothing is so consonant to natural equity, as that the same thing
be dissolved by the same means by which it was bound.
He who errs does not consent.
He who does not defend himself when present is considered as
submitting.
It is not law but servitude to be held by what we have not
consented to.
It matters not if a revocation is made by word or deed.
Those who err are not considered as consenting.
no one should be esteemed a wrong doer who uses his own
legal right.
All men are either freemen or slaves.
All shall have liberty to renounce those things which have
been established in their favor.
There is no denying or disputing against principles.
Once a fraud always a fraud.
Word of mouth flies away; things written remain.
Plain truths need not to be proved.
things which are forbidden in the nature of things, are
confirmed by no law.
Every jurisdiction has its own limits.
He who commits fraud, acts in vain.
He who first offends causes the strife.
He who does not prevent what he can prevent, is considered as
doing the thing.
He who does not freely speak truth, is a betrayer of truth.
He who is silent appears to consent.
That which is not valid at the beginning, improves not by lapse of time.

What otherwise is good and just, if it be sought by force and fraud, becomes bad and unjust.

What is done contrary to law is regarded as not done.

What is done without counsel, we revoke upon consideration.

Time cannot render valid an act void in its origin.

What is mine cannot be taken away without my consent.

What I cannot do by myself, I cannot do by another.

In whatever manner a thing is constituted, in the same manner it is dissolved.

We must have recourse to what is extraordinary, when what is ordinary fails.

A mandate of an illegal thing is void.

Everyone is the manager and disposer of his own affairs.

Reservation and protest do not create a right, but protect a right.

The answer of one witness shall not be heard at all.

Let the principal answer.

Rights never die.

To write is to act.

The presumption is always in favor of the one who denies.

A sentence passed by one who is not a judge should not harm anyone.

Silence shows consent.

Remove the foundation, the work falls.

That is the highest law which favors religion.

Suppression of the truth is equal to the expression of the false.

Things are dissolved as they be contracted.

Things grounded upon an ill and void beginning cannot have a good perfection.

Where there is no authority to enforce there is no necessity to obey.

One ought not to take advantage of his own wrong.

Every obligation is dissolved in the same manner in which it is contracted.

Plain truths need not be proved.

He who does not speak the truth freely, is a traitor to the truth.

Void things are as no things.

Words spoken vanish, words written remain.

Constitution for the United States of America c1819 (original contract)

Article 3 sec.2 clause 2 - In all cases..., and those in which a state shall be party, the Supreme Court shall have original jurisdiction.

Article 6 sec.2 - This Constitution, and the laws of the United States which shall be made in pursuance thereof, ... shall be the Supreme law of the land, and the judges in every state shall be bound thereby;

Article 6 sec.3 - ..., 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.

Amendments to the Constitution for the United States of America c1819 (original contract)

Article I - ... shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, ...

Article II - ... the right of the people to keep and bear arms shall not be infringed.

Article IV - The right of the people to be secure in their persons, houses, papers, and effects, ..., shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article V - nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, ... nor be deprived of life, liberty, or property, without due process of law;

Article VI - In all criminal prosecutions, the accused shall enjoy the right to a speedy, ... trial, by an impartial jury; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor;

Article VII - Excessive bail shall not be required, nor excessive fines imposed.

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

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

Constitution of WEST VIRGINIA

Preamble - Since through Divine Providence we enjoy the blessings of civil, political and religious liberty, we, the people of West Virginia, in and through the provisions of this Constitution, reaffirm our faith in and constant reliance upon God, and seek diligently to promote, preserve and perpetuate good government in the State of West Virginia for the common welfare, freedom and security of ourselves and our posterity;

Article I § 3 - The provisions of ~~the~~ the Constitution of the United States, and of this State, are operative alike in a period of war as in time of peace, and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government, and tends to anarchy and despotism;

Article II § 3 - All persons residing in this State, born, or naturalized in the United States, and subject to the jurisdiction thereof, shall be citizens of this State;

Article III § 1 - All men are, by nature, equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any Compact, deprive or divest their posterity, namely:

The enjoyment of life and liberty, with the means of acquiring and possessing property, and of pursuing and obtaining happiness and safety;

Article III §3 - Government is instituted for the common benefit, protection and security of the people, nation or community. Of all its various forms that is the best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and when any government shall be found inadequate or contrary to these purposes, a majority of the community has an indubitable, inalienable and indefeasible right to reform, alter or abolish it in ~~such~~ such manner as shall be judged most conducive to the public weal;

Article III §2 - All power is vested in, and consequently derived from, the people. Magistrates are their trustees and servants, and at all times amenable to them;

Article III §6 - The rights of the citizens to be secure in their houses, persons, papers and effects, against unreasonable searches and seizures, shall not be violated; No warrant shall issue ~~but~~ except upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, or the person or thing to be seized;

Article III §7 - No law abridging the freedom of speech...

Article III §12 - ... The military shall be subordinate to the civil power; and no citizen, unless engaged in the military service of the State, shall be tried or punished by any military court, for any offence that is cognizable by the civil courts of the State.

Article III §20 - Free government and the blessings of liberty can be preserved to any people only by a firm adherence to justice, moderation, temperance, frugality and virtue and by

Frequent recurrence to fundamental principles;
Article VIII § 7 - All justices, judges and magistrates must be residents of this State and shall be commissioned by the governor;

"case law"

"Silence can only be equated with fraud when there is a legal and moral duty to speak or when an inquiry left unanswered would be intentionally misleading" US v TWEELE 550 F.2d 297, 298

"Fraud and deceit may arise from silence when there is a duty to speak the truth, as well as from speaking an untruth" Morrison v Coddington, 662 P.2d. 155, 135

"When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason."

US v Will, 449 US 200, 216, 101 S. Ct., 471, 66 LEd 2d 392, 406, Cohens v Virginia, 19 US (6 Wheat) 264, 404, 5 LEd. 257

"Governments descend to the level of a mere private corporation, and take on the characteristics of a mere private citizen... where private corporate commercial paper and securities is concerned... For purposes of suit, such corporations and individuals are regarded as entities entirely separate from government" Clearfield Trust Co. v US, 318 US 363-371

"When governments enter the world of commerce, they are subject to the same burdens as any private firm or corporation" US v Burr 309, US 242, 22 USCA 286 et seq.

"We are bound to interpret the ~~the~~ Constitution in the light of the law as it existed at the time it was adopted." Mattox v US, 156 US 237, 243.

"The Constitution is a written instrument. As such, its meaning does not alter. That which it meant when it was adopted,

it means now." *South Carolina v US*, 199 US 437, 448

"The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law." *Marbury v Madison*, 5 US 137

"Where rights secured by the Constitution are involved, there can be no rulemaking or legislation which would abrogate them." *Miranda v Arizona*, 384 US 436

"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed" *Norton v Shelby County*, 118 US 425

"The claim and exercise of a Constitutional right cannot be converted into a crime." *Miller v US*, 230 F. 2d. 486, 489

"Waivers of Constitutional Rights, not only must they be voluntary, they must be knowingly intelligent acts done with sufficient awareness." *Brady v US*, 397 U.S. 742, 748

"No state legislator, or executive or judicial officer can war against the Constitution without violating his undertaking to support it." *Cooper v Aaron*, 358 US 1, 78 S. Ct. 1401

"Sovereign immunity does not apply where government is a lawbreaker or jurisdiction is the issue." *Arthur v Fry*, 300 F. Supp. 622

"Fraud destroys the validity of everything into which it enters," *Hudd v Burnous*, 91 US 426

"Fraud vitiates everything." *Boye v Grundy*, 3 Pet. 210

"Fraud vitiates the most solemn contracts, documents and even judgments." *US v Thackmorton*, 98 US 61

"The Indians of every denomination were free, and independent of us; they were not subject to our empire; not represented in our legislature; they derived no protection from our laws

nor could be subjected to their bonds. If natural right, independence, defect of representation, and disavowal of protection, are not sufficient to keep them from the coercion of our laws, on what other principles can we justify our opposition to some late acts of power exercised over us by the British legislature? Yet they only pretended to impose on us a paltry tax in money; we on our free neighbors, the yoke of perpetual slavery. Now all acts of legislature apparently contrary to natural right and justice, are, in our laws, and must be in the nature of things, considered as void. The laws of nature are the laws of God; whose authority can be superseded by no power on Earth. A legislature must not obstruct our obedience to him from whose punishments they cannot protect us. All human constitutions which contradict his laws, we are in conscience bound to disobey. Such have been the adjudications of our courts of justice. And cited 8 Co. 118. a. Bonham's case, Hob. 87; 7 Co. 14. a. Calvin's case. "Robin et al v Hardaway, Virginia 2nd day of May 1772

Home Building & Loan Assn v Blaisdell, 290 U.S. 398, 450, 452 "The Constitution of the United States is a law for rulers..., equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism..." Chief Justice Taney, in Dred Scott v Sandford, 19 How. 393, 60 U.S. 426, said that, while the Constitution remains unaltered, it must be construed now as it was understood at the time

of its adoption; that it is not only the same in words, but the same in meaning," and as long as it continues to exist in its present form, it speaks not only in the same words, but with the same meaning and intent with which it spoke when it came from the hands of its framers, and was voted on and adopted by the People of the United States. Any other rule of construction would abrogate the judicial character of this court, and make it the mere reflex of the popular opinion or passion of the day." And in *South Carolina v United States*, 199 U.S. 437, 199 U.S. 448-49, in an opinion by Mr. Justice Brewer, this court quoted these words with approval, and said: "The Constitution is a written instrument. As such, its meaning does not alter. That which it meant when adopted it means now... Those things which are within its grants of power, as those grants were understood when made, are still within them, and those things not within them remain still excluded."

Cruden v Neale 2 NC 338;

"... There every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellow-men without his consent."

"... where any state proceeds against a private individual in a judicial forum it is well settled that the state, county, municipality, etc. waives any immunity to counters, cross claims and complaints, by direct or collateral means regarding the matters involved." *Luckenbach v The Thekla*, 295 F 1020, 226 U.S. 328; *Lyders v Lund*, 32 F2d 308; *Dexter v Kunglig J*, 43 F2d 705, 282 US 896; *U.S. v NC.B.N.Y.*, 83 F2d 236, 106 ALR 1235 affirmed; *Russia v. BTC*, 4 F Supp 412, 299 U.S. 523;

"The governments are but trustees acting under derived authority"

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and have no power to delegate what is not delegated to them. But the people, as the original fountain might take away what they have delegated and entrust to whom they please... The sovereignty in every state resides in the people of the state and they may alter and change their form of government at their own pleasure!" Luther v Borden, 48 US 1, 12 L Ed 581

"law of the land," "due course of law," and "due process of law" are synonymous. People v Skinner, Cal., 110 P.2d 41, 45; State v Rossi, 71 R.I. 284, 43 A.2d 323, 326; Direct Plumbing Supply Co. v City of Dayton, 138 Ohio St. 540, 38 N.E.2d 70, 72, 137 ALR 1058; Stoner v Higginson, 316 Pa. 481, 175 A. 527, 531.

The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are "not the law" Self v RHay, 61 Wn (2d) 261

"A court of record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial," Jones v Jones Mo. App 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass; 171 per Shaw, C.J. see also Ledwith v Rosalsky, 244 N.Y. 406, 155 N.E. 688-89 WUCODE - 6-99-1 The legislature hereby further finds and declares that the citizens of this state do not yield their sovereignty to the governmental agencies that serve them.