

HOW THE CHURCH
FELL
FROM GRACE

First Edition

Written by
John William and John Joseph
Foreword by Pastor Warren Lee
Edited by Randy Lee

How the Church Fell from Grace

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Published under the Authority of Our Lord and Saviour Jesus, the Christ
to edify and preserve His church and state,
in the eighth Month of the nineteen hundred ninety-eighth Year of His Sovereign
Reign

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Dedication

We thank our Sovereign Lord and Saviour Jesus, the Christ, for being and for showing us the Way to walk in; for being, expressing and revealing the Truth in Love to us; for being the Life and showing what it means to live for our Father; and confirming all of the foregoing by paying the ultimate price for all of us who believe on Him Who was sent of and by our Father. We also thank the several Christian pastors who have un-incorporated across the land, from the church at Hawaii to the church at Maine and everywhere in between for their steadfastness in the Lord by, “holding fast that which is good” and “having done all” stood fully armored on the Holy Ground of His Righteousness. We also thank their loving and supporting wives, children, and congregations, for without your support and love for your husbands, fathers, and pastors the house is divided and cannot stand. Thank you all for maintaining your houses under the Blessed Lordship of Jesus, the Christ. Truly you are a sanctified and peculiar people worthy of the High and Noble calling of “Good and Lawful Christian.”

We thank God and our Lord, King Jesus, for the privilege of your fellowship and love, and ask that you keep us in your prayers as we do you. We know the battle is the Lord’s and that all time, space, and reality is in His mighty hand to command as He sees fit. Who can stay it? or who commands Him Who holds the worlds, and their destinies, in His hands?

Foreword

*Lo this, we have searched it, so it is; hear it,
and know thou it for thy good. Job 5:27.*

The subject of the unregistered or unlicensed church is not new. It is a doctrine that has been “searched” out, “it is so;” and we beseech the reader to “know it” for their individual “good,” as well as the church’s well-being.

Forty-five years ago when God called me into an independent pastoral ministry, being fresh out of Bible College, I asked various pastors, deacons, and elders, “How do I start a church?” The answer was unanimous—“you must incorporate.”

Not knowing any better, at the time, I followed the flock to the State’s slaughter-house and incorporated “The Church of Jesus Christ of Venice, California.”

Deep in my spirit I sensed it was wrong, but all the other “Churches” I had attended were corporations, so I didn’t know any other way.

The padlocking of the Faith Baptist Church in the early 1980's in Louisville, Nebraska, and the subsequent jailing of the pastor became the catalyst for my quest into studying how, “The church of the living God which is the pillar and ground of truth” could extricate itself from the quagmire of State control. I read every thing I could get my hands on concerning the then sprouting unregistered church movement.

Pastors soon began to realize after the Louisville incident, that in ignorance they had opted for something other than the Sovereignty of Christ Jesus over His church; and, that we needed to once again recognize that the Lord Jesus must have “preeminence in all things,” and that His church would never subordinate itself to any inferior authority (i.e., the State).

The Ekklesia, or church of Jesus Christ, is made up of all true believers in the Deity of Christ and His substitutionary death on the cross for our sins. The church exists apart from and beyond the control of, and not subject to, any earthly government.

A disciple of Christ should not find it difficult to do right if convinced that you have God’s mind in the matter. However, truth can be very emotionally discomfiting for some who become ensnared by a spirit of fear.

When The church at Kaweah began the process of un-incorporating, I thoroughly explained to the congregation the Scriptural basis for the decision. There were some folks in the church that became frightened. They feared “What might happen to the church;” they feared the Internal Revenue Service repercussions, and the bottom line was they feared the loss of their tax deductions.

We felt the loss in terms of numbers: our music leader, organist, and pianist all quit. About one-third of the congregation and about two-thirds of the weekly tithes were suddenly gone.

The church at the time was fifty-thousand dollars in debt. We were also without a pianist or organist for almost a year; however, within four years we were totally out of debt. We in truth give all the glory to God. “Except the Lord build the house, they labour in vain that build it.”

There is a temporal cost to follow the way of Christ Jesus, but the long term rewards are worth it. Hearing God’s promises *is not* sufficient. Acting on His Word and relying on His Providence and Blessings *is* sufficient.

It has now been over five years since our exodus from the bondage of Egypt (Exodus 20:2) and returning to His preeminence in all things here in The church at Kaweah. The church at Kaweah now enjoys the Blessings of Liberty in Christ in many, many, fruitful ways. God has blessed us beyond measure and our cup now runneth over. “It is our Lord’s doing and it is marvelous in our eyes.”

John William and John Joseph have certainly fulfilled the admonition of Job 5:27. The incorporated Church has sold itself out for a bowl of pottage, called *501(c)(3) non-profit, tax exempt status*. The authors clearly demonstrate the origin, development, and consequences of Church incorporation.

Faced with this evidence the charge to pastors and incorporated Churches every where is, “Come out of her my people.”

Pastor Warren Lee
The church at Kaweah

On the third day of the eighth month,
in the nineteen hundred ninety-eighth year
of the Sovereign Reign of our Lord and Saviour Christ Jesus.

Introduction

For some time we have been greatly concerned with what happens to the Christian church when it seeks, through the law of the State, to incorporate itself into a 501(c)(3) not-for-profit, tax exempt entity. What does the incorporation process mean for the church of Jesus Christ in its calling to preach and teach the whole counsel of God? Does incorporation help or hinder the church's execution of the Testament of Christ as given in Scripture? Most important of all, is incorporation of the Christian church permitted by God's Law in Scripture?

These questions and many related ones have been studied by several Christian men over a period of many years with the conclusion that incorporated bodies, whether styled as a Christian church or not, personate¹ our Lord's true church, compromise the mission of His church and Testament, and corrupt the preaching and teaching of the Gospel of Our Lord and Saviour Jesus, the Christ.

At the outset, we must define what incorporation means for a Christian body and the implications of such incorporation under the State:

INCORPORATE. Put into the body of something XIV; combine or form into one body, adopt into a body, XVI. f. pp. stem of late L. *incorporare*; see IN-, CORPORATE.²

And the definition from a law dictionary:

INCORPORATE. To create a corporation; to confer a corporate franchise upon determinate persons....In the civil law. The union of one domain to another.³

The verb "incorporate" means that the "*res*" (thing) did not exist, but is brought into existence and united with its creator. So much for the separation of Church and State! All arguments about whether there is a wall of separation or not and what is its nature, are thus, irrelevant. Further, any idea that an incorporated body has protections in the First Amendment to the Constitution of the united States of America, are thus, utterly irrelevant also. This doctrine only applies when the church is separate from and not in union with, the State. Thus, the union of the Body with Christ is lost when the Christian body incorporates under the State.

This work seeks to demonstrate the above by presenting the results of the research effort of several Christian men over a period of years. And, while this has been attempted repeatedly in pamphlet form, there was no work of sufficient size — with the requisite documentation and citation of sources — that explains to the Christian man and woman the serious danger that incorporated 501(c)(3) 'Churches' are in, which is bound to climax in the Judgment of God against all such incorporated bodies.

Thus, in part, this work is intended to deliver a warning to incorporated Churches in order that they may take heed and repent of their ways and be sanctified — before God brings His judgment on such bodies to purge His true church — before He judges the world.

We believe that a new period of reformation, restoration, and reconstruction is about to come upon the world and we pray that incorporated bodies will repent and escape God's inevitable judgment that must precede such a period, because God's Judgment must begin with the Christian church.

For the time *is come* that judgment must begin at the house of God; and if *it first begin* at us, what shall the end *be* of them that obey not the gospel of God?⁴

This is an especially telling verse of Scripture because if the incorporated body that personates the Christian church is what we believe it is, then "what shall the end be of them that obey not the gospel of God?"

1. "**PERSONATE.** In criminal law. To assume the person (character) of another, without his consent or knowledge, in order to deceive others, and, in such feigned character, to fraudulently do some act or gain some advantage, to the harm or prejudice of the person counterfeited. 2 East, P.C. 1010. **To pass one's self off as another having a certain identity.** Lane v. U.S., C.C.A. Ohio, 17 F.2d 923." *Black's Law Dictionary* (4th ed., 1957 & 1968), page 1301. [**Emphasis added**].

2. *Oxford Dictionary of English Etymology* (1966), p. 468.

3. *Black's Law Dictionary* (4th ed. 1957 & 1968), p. 907.

4. 1 Peter, 4:17.

Sadly, the world perceives that the incorporated version is an accurate representative of Christ, but in fact and in deed, such ‘Churches,’ as this work will show, have removed themselves from the protection of God’s Law by exchanging divine for secular law — **without the Authority, Power, Right, or License from Christ Jesus**. Incorporated bodies have, for the sake of an unnecessary tax-exempt status, compromised the church itself and the Inheritance of Christ.

Do such Churches know that a President as Commander-in-chief or a State Governor under war powers can seize the assets of, and close down, any 501(c)(3) corporation for any reason deemed to be necessary during some alleged “emergency”? Do such bodies realize that there is no First Amendment protection for an incorporated body? Do Christians know that the I.R.S. controls a pastor’s preaching and determines what form of activities the corporation may be involved in, and that these ”laws” and rules apply **only to incorporated bodies**, not to the un-incorporated church? Whose law or testament do these corporations execute? And to whose law are they subject? To whom do they owe service? allegiance? fealty? obedience?

This work seeks to show, in past and present ‘law’ in the public record, the tangled mess of *un*-Godly codes and rules that all 501(c)(3) corporations are mired in. Nothing has been hidden. Any pastor, elder, deacon, bishop, church member, writer or researcher can find the evidence for themselves. The State and Federal **provisional** governments have made **full disclosure** at every point in this tentacled tyranny, and thus, the church is without excuse.

It is not by accident that the public schools, colleges, universities, and seminaries de-emphasize the real understanding of the rules of the English language, and that the public schools do not teach phonics and lay stress on the rules, because a major key to understanding law is in the grammar of law and politics.

Thus, if we capitalize church or state as in Church and State, we are using the rules of English grammar to make the differences clear between a church or state in general, and a specific form of Church or State. Lower case is general, upper case is specific. The Church and church, and the State and state, are never identical though they share **some** attributes. To illustrate this in terms of law:

By the word State (spelled with a capital) is meant one of the States **of** the American Union. Spelled otherwise, it refers to political societies or states in general.⁵

Note the bolding in the word “of.” It pre-positions the object “American Union” to the superior position consistent with post-bellum⁶ legal doctrine. States before Lincoln’s War were political societies whose paramount law was Christianity and the Law of God. They were not corporations or bodies politic based on Roman Imperial law though many used an early incorporated form. The early Christian Jural Societies were political societies known in law as quasi-corporations.⁷ In ante-bellum⁸ doctrine, States were **in** the American Union superior to the federal government, politically.

The words themselves, used in the construction of law in statutes, codes, rules, and regulations and those used in God’s Law, must be seen in their legal or Lawful signification and not in the signification that we prefer, or would like to give them, or by virtue of what we think they mean.

As the maxim of law puts it:

Scire legis non hoc est verbe earum tenere, sed vim ac potestatem — To know the laws is not to observe their mere words, but their force and power.⁹

Thus, the visible church before Lincoln was not a “*res*”;¹⁰ that is, a “thing” or “object” without a soul or connection to God. Nor was it a “fiction” of law with a “legal personality.”

Before Lincoln, the Christian church was a living organic body united in Christ, not a dead ‘thing’ in Law:

5. *Robinson’s Elementary Law* 1882, n., p.34. [Insertion in original. Note: William C. Robinson, LLD., Yale professor of elementary law.

6. Post-bellum means ‘after’ Lincoln’s War.

7. *The Book of the Hundreds*, Part II, “Christian Jural Societies,” published by The Christian Jural Society Press, 818-347-7080.

8. Anti-bellum means ‘before’ Lincoln’s War.

9. *Black’s Law Dictionary*, 3rd Edition (1933), p. 1587, by Henry Campbell Black. Published by West Publishing Co., St. Paul, Minn.

10. *Ibid.*, p. 1538.

...the whole body of the visible church, *legis Christianae studiosi* [the study of Christian law]; *qui Christum sequuntur* [they who follow Christ]; *civitas* or *respublica Christianorum* [the Christian city or republic]; *ecclesia* (ecclesiastical).¹¹

The definitions and grammar here are important. Note the political terms. The church established by Christ follows Him in a city or republic that is also ecclesiastical and **has a Lawful capacity** — in its members — to issue Lawful process, not just on behalf of one Church, but on behalf of asserting and protecting the Crown Rights of King Jesus. And, it could do these things using Lawful process issued through the ministerial office of the county Clerk.

This is one general characteristic of the church, not that of a "legal entity" personating the church.

Just as important is "*legis Christianae studiosi*," literally, devoted to studying and learning Christian Law and applying it to check the actions of "the world":

WORLD. ... 3. the earth and its inhabitants. 4. (a) some portion or division of the earth; as, the Old World, the New World; ... (e) **any sphere of human activity**; ... 5. the inhabitants of the earth in general; **humanity; mankind; the human race.** 7. **that which pertains to the earth or to the present state of existence only; the concerns of this life as distinguished from those of the life to come.** 8. **that portion of mankind which is devoted to worldly or secular affairs.**¹²

Note that the word 'world' only relates to 'humans,' not Christians. This is because the word 'human' and the word 'Christian' are mutually exclusive ultimates in Law. This means that one cannot be both human and Christian as far as the processes of Law are concerned. This was not only true before Lincoln, but is still true in current Law. This is because, in Law, the law of humans and the Law of Christians are not the same thing.

The law of humans comes from men while the Law of Christians comes from God, as this work will demonstrate on every page. The sphere in which humans function is the world, while that of the Christian is the earth because, "*For the earth is the Lord's and the fullness thereof.*"¹³ Thus, the source, cause, and origin of law defines its nature and use. Or, as the law says, "the source of the right ... determines the governing law."¹⁴

Christ's statement before Pilate in the first century is entirely accurate in Law today:

Jesus answered, My kingdom is not of this world: if My kingdom were of this world, then would My servants fight, that I should not be delivered to the Jews: but now is My kingdom not from hence.¹⁵

Referring again to the study of Christian Law, the point of such study is to bear fruit for the Husbandman, which is the Lord Jesus Christ and His Joint Heirs. The significance of being Joint Heirs is important in Scripture and in Law because that is the true basis of Our right to the land on earth:

The Spirit itself beareth witness with our spirit, that we are the 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 be also glorified together.¹⁶

It is presumed in Scripture that study, whether in law or Scripture, will bear fruit through application. When the vine, i.e. the church, is pruned (learns its Biblical lessons better), it brings forth more fruit, by the Grace of, and for the Glory of, God. Thus, the Garden of the Husbandman is a place in which we are fruitful, multiply, and replenish the earth — which was the mandate of God to Adam.¹⁷

11. Riddle, *English–Latin Lexicon* (1849), pp. 94–95.

12. *Webster's New Twentieth Century Dictionary, Unabridged* (1969), p. 2108. [**Emphasis added**]

13. 1 Corinthians 10:26, and 28.

14. See *Handbook of the Law of Federal Courts*, page 392.

15. John 18:36.

16. Romans 8:16-17.

17. Genesis 1:28.

The relevance of the grammar of law in understanding the true state of incorporated Churches, therefore, must be uppermost in our minds at all times.

One purpose of the true church is to execute God's Law:

Executio est finis et fructus legis — An execution is the end and fruit of the law.¹⁸

The fruit of Christian doctrine and the study of both Law and law is manifest by execution, not merely by professing or paying lip service to it. The world knows this, even if Christians do not. The world seeks to stop the church from influencing it, because it will not have Christ Jesus to rule over it.

If a Church incorporates under a government dominated by Humanism, such a government will do all it can to control or wipe out the visible church, using the laws of its State. When we speak of "Humanism," we mean the religion of:

HUMANISM. 1 Belief in the **mere** humanity of Christ. *COLERIDGE*. 3. Any system of thought or action which is concerned with merely human interests, or with those of the human race in general; the 'Religion of Humanity' 1860.¹⁹

HUMANISM. 1. Any system or mode of thought or action in which human interests, values and dignity predominate, *esp.* an ethical theory that often rejects the importance of a belief in God.²⁰

This worldly self-worship is what drove Rome, and what drives the State today, to seek the **political** control of the church.

This is the core of the issue driving all conflicts between church and State, Creation and Evolution, and every area of life where Christians seek to apply the Word of God. Without **application** or use of the Law in Christ, there is no life of the rule, and without the life of the rule, there is and can be no Life of Peace in Christ:

[A] Testament is an appointment of some person [*a Good and Lawful Christian], whom we call an executor, to administer them for him after his death. For without naming executors, or if they all refuse it, it is no will at all;...therefore executors represent the person of the testator.²¹

Applicatio est vita regulae — The application is the life of a rule.²²

Non-application of Christian Law is a state of apathy, default, incapacity, impotence, death, or outlawry. The vine branches wither and die, and are pruned by the Husbandman and burned in the fires of God's Wrath and Judgment. If the church maintains its status in Law in accord with Scripture,²³ it does so to execute the Law and Testament of Christ and this, if properly applied to State law, hurts no one and benefits all, both Christian and Humanist. This is, of course, labeled by Humanists as the basis of intolerance. But:

This objection is founded wholly in mistake. The object of public religious instruction is to teach, and to enforce by suitable arguments, the practice of a system of correct morals among the people, and to form and cultivate reasonable and just habits and manners, by which every man's person and property are protected from outrage, and his personal and social enjoyments promoted and multiplied. From these effects every man derives the most important benefits; and whether he be, or be not, an auditor of any public teacher, he receives more solid and permanent advantages from this public instruction, than the administration of justice in courts of law can give him. The like objection may be made by any man to the support of public schools, if he have no family who attend; and any man, who has no lawsuit, may object to the support of judges and jurors on the same ground; when, if there were no courts of law, he would

18. *Bouvier's Law Dictionary* (1914), "Maxim," p. 2133.

19. *The Shorter Oxford English Dictionary* (1933), pg. 931. Oxford Univ. Press.

20. *Random House Webster's College Dictionary*

21. Finch, *Law or a Discourse Thereof* (1767), pp. 167-168. [*Insertion added].

22. *Bouvier's Law Dictionary*

23. Matthew 18:20.

unfortunately find that causes for lawsuits would sufficiently abound.²⁴

In the days when this case was heard the states were still dominated by Christianity. When Christ and True Law are replaced by Humanism God's Law is turned on its head. Again, the righteous execution of God's Law, injures no one:

Lex nemini facit injuriam — The Law does injury to no one.²⁵

Lex nemini operatur iniquum — The Law works injustice to no one.²⁶

Lex nemini operatur iniquum, nemini facit injuriam — The Law never works an injury, or does a wrong.²⁷

Executio legis non habet injuriam — An execution cannot work an injury.²⁸

Semper praesumitur pro sententia — Presumption is always in favor of a judgment.²⁹

Executio est executio juris secundum iudicium — An execution is the execution of the law according to the judgment.³⁰

Judicium semper pro veritate accipitur — A judgment is always taken for truth.³¹

Res judicata pro veritate accipitur — A thing adjudged must be taken for truth.³²

...the ungodly shall not stand in the judgment [*being already condemned], nor sinners in the congregation of the righteous [*because they have not repented of their deeds].³³

The States' purpose for creating the laws of incorporation and making them available to the church had one goal; to compromise the church and prevent it from bringing the Law of God into the courts and rolling back the Humanist world order.

The form of worship in the church — manifest in its church government — is vital for the church to be able to implement and apply God's Law. One form may enable the execution and application of Christ's Law and Testament while another denies it. Discussion of this is done in Chapter Eight but, the form is necessarily in error if it **ignores, denies, hinders, or even prohibits** the Lawful execution of God's Law and Judgments, and it is thus against the Truth in Christ and impugns His Judgments and those of the Holy Spirit. Incorporating a body under a foreign law system is obnoxious to Christ and His church. Remember the original definition of incorporation, "Put into the body of something" and "the union of one domain to another." That 'union' with 'something' just happens to be with, and under, the worldly State.

The questions for pastors of all incorporated bodies are: In Whom was Christ Jesus incorporated? Whose Seal did He evidence or Witness to the world? Can the church be in Christ Jesus' Domain and in the State's domain at the time? Do these pastors really know Christ Jesus? If the domain of Christ's church is merged in the State, how is the pastor sanctified, i.e. separated, from the world?

Suo non possunt in solido unam rem possidere — Two cannot possess the same thing each in entirety.³⁴

I therefore, the prisoner of the Lord, beseech you that ye walk worthy of the vocation wherewith ye are called, With all lowliness and meekness, with longsuffering, forbearing one another in love; Endeavoring to **keep the unity of the Spirit in the bond of peace. There is one body, and one Spirit,** even as ye are called in one hope of your calling; **One Lord** [*not the State], **one faith** [*no imitations], **one baptism** [*same sanctification], **One God and Father of all**, who *is* above all, and through all, and in

24. Parsons, C. J., in Barnes v. First Parish (1810), 6 Mass. 400.

25. *Black's Law Dictionary* (4th ed., 1957 & 1968), p. 1057.

26. *Ibid.*

27. *Ibid.*

28. *Bouvier's Law Dictionary* (1914), "Maxim," p. 2133.

29. *Ibid.*, p. 2162.

30. *Ibid.*, p. 2133.

31. *Ibid.*, p. 2140.

32. *Ibid.*, p. 2161.

33. Psalms 1:5. [*Insertions added].

34. *Bouvier's Law Dictionary* (1859), "Maxim," vol. 2, p. 127.

you all.³⁵

Nevertheless, whereto we have already attained, **let us walk by the same rule** [*the Law appertaining to the high and Sacred Office of Christ], **let us mind the same thing.**³⁶

This is not a matter of conjecture, opinion, belief, sentiment or speculation; but is a matter of either having the Mind of Christ and executing His Testament for His Glory and the Glory of God our Father; or, having the mind of apostasy and executing heresy to the destruction of His church. Clearly Light is not darkness, and Light has no thing common in or with darkness:

Be ye not unequally yoked together with unbelievers: for what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness?

And what concord hath Christ with Belial? or what part hath he that believeth with an infidel?³⁷

Our premise is thus: That every incorporated Church body has co-mingled God Law's and Christ's Authority as Head of His church, with a State enforcing an ungodly and anti-Christian system of law. This has blunted the power of the church and crippled its mission on earth as it is in Heaven.

The founding fathers knew this, and sought to apply and act on it. Why doesn't the church, today?

It was known that neither king, nor ministry, nor archbishops could appoint bishops in America without an Act of Parliament; and if Parliament could tax us, they could establish the Church of England [*or the Church of the United Colonies] with its creeds, articles, tests, ceremonies, and tithes, and prohibit all other churches as conventicles and schism shops.³⁸

When speaking of the State and state, John Adams thought that:

It [the representative assembly] should be in miniature an exact portrait of the people at large. It should think, feel, reason, and act like them. That it may be the interest of this assembly to do strict justice at all times, it should be an equal representation, or, in other words, equal interests among the people should have equal interests in it.³⁹

Others felt the same way:

The rights of representation should be so equally and impartially distributed, that the representatives should have the same views, and interests with the people at large. They should think, feel, and act like them, and in fine, should be an exact miniature of their constituents. They should be (if we may use the expression) the whole body politic, with all its property, rights, and privileges, reduced to a smaller scale, every part being diminished in just proportion.⁴⁰ [And] ...that the right of instructing lies with the constituents, and them only; that the representatives are bound to regard them as the dictates of their masters, and not left at liberty to comply with or reject them, as they may think proper.⁴¹

The founders saw the ideal State as one that reflected the state. In fact, this is not an ideal, but the true state of things in both church and state and in Church and State. And, though the Church and/or State be destroyed, the substance reflected is not — this is the Remnant of God in Christ Jesus.

35. Ephesians 4:1-6. [*Insertions and **emphasis** added].

36. Philippians 3:16. [*Insertions and **emphasis** added].

37. 2 Cor 6:14-16.

38. John Adams, cited by Bernarde Bailyn, ed., *Pamphlets of American Revolution*, (Cambridge: Harvard University Press, 1965.)

39. John Adams, Works, vol. IV, p. 195.

40. Theophilus Parsons, *Essex Result*, in *Seedtime of the Republic*, by Clinton Rossiter, p. 376. The Essex Result was a newspaper.

41. "The Censor" quoted in the *American Archives* (4th Series), vol. V, p. 71.

Our goal and prayer is then: That the church should be so well trained in the Law of the Christian Republic, that when the church and state think about and plan the State, they do so consistently according to Scripture and the Law of God, for there is no surer Foundation upon which to build:

Therefore thus saith the Lord GOD, Behold, I lay in Zion for a foundation a stone, a tried stone, a precious corner *stone*, a sure foundation: he that believeth shall not make haste.⁴²

‘A Song of degrees for Solomon.’ Except the LORD build the house, they labour in vain that build it: except the LORD keep the city, the watchman waketh *but* in vain.⁴³

This done, the church is the only true and real check on the State if it truly executes the Testament of Christ in His church and state. We must never forget that in spite of the current “spin” put on the doctrine of the separation of the Church and State, the founders never intended that the church be without a voice in the State, or not influence it, but that the State must keep its hands off the church. The exception is, when the church becomes an incorporated Church, the State may do as it will. The State is, after all, the church’s interface to those outside the Body of Christ — those without Christ and without Law:

But we know that the law *is* good, if a man use it lawfully; Knowing this, that **the law is not made for a righteous man**, but for the lawless and disobedient, for the ungodly and for sinners, for unholy and profane, for murderers of fathers and murderers of mothers, for manslayers, For whoremongers, for them that defile themselves with mankind, for menstealers, for liars, for perjured persons, and if there be any other thing that is contrary to sound doctrine; According to the glorious gospel of the blessed God, which was committed to my trust.⁴⁴

Thus, the State is the *possession* of the church (note the grammar here), and must yield its will expressed in its acts to that of the church in matters which conflict with the Law in and of the church:

Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good....⁴⁵

Ambiguus casibus semper praesumitur pro rege—In doubtful cases the presumption is always in favor of the king [*the King of Kings — in His church].⁴⁶

Quando jus domini regis et subditi concurrunt, jus regis praeferri debet—When the right of the Sovereign [*Christ—in His church] and of subject conflict, the right of the Sovereign [Christ—in His church] should be preferred.⁴⁷

Constitutions and forms of government will little avail, without a general prevalence of [*the Christian] religion — the cultivation of private virtue and a refinement of the moral sense.⁴⁸

This is the primary and paramount reason why the church is to rule the State, for the State is the mere *reflection* of the church. Thus, if the church is faithfully and Lawfully executing the Testament of Christ, the State must follow in its interface to those outside the Body of Christ:

42. Isaiah 28:16.

43. Psalm 127:1.

44. 1 Timothy 1:8-11. [**Emphasis** added].

45. Romans 13:1-3.

46. *Bouvier’s Law Dictionary* (1914), “Maxim,” p. 2126. [*Insertion added].

47. *Black’s Law Dictionary* (4th ed. 1957 & 1968), p. 1407; *Bouvier’s Law Dictionary* (1914), “Maxim,” p. 2156. [*Insertions added].

48. “Americans,” *The Gazette of the United States*, August 12, 1789. [*Insertion added].

...for whatsoever *is* not of faith is sin.⁴⁹

This is the reason why,

Individuals [*Good and Lawful Christians] rely for protection of their rights on [*Christian] law, and not upon regulations and proclamations of departments of government, or officers who have been designated to carry laws into effect.⁵⁰

However, when the church does not execute the Testament of Christ, it allows, by default, a State to become a tyrannical taskmaster, without restraint, that oppresses all, Christian and Humanist. In today's world the incorporated body, for example, is restricted in what it can preach and teach from the pulpit. In other words, the Christian church has lost its intellectual liberty to say what the Word of God requires of a politician. This is tyranny. And, the courts quite agree:

Intellectual freedom means the right to re-examine much that has long been taken for granted. A free man must be a reasoning man, and he must dare to doubt what a legislative or electoral majority may most passionately assert. The danger that citizens will think wrongly is serious, but less dangerous than atrophy from not thinking at all... **Thought control is a copyright of totalitarianism, and we have no claim to it. It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the Government from falling into error.** We could justify any censorship only when the censors are better shielded against error than the censored.⁵¹

How can a Christian prevent government from falling into error when he is himself guilty of the same sin as the government and is in union with it? Such is the impossibility and futility of attempting it:

Therefore thou art inexcusable, O man, whosoever thou art that judges: for wherein thou judges another, thou condemnest thyself; for thou that judges doest the same things.⁵²

Allowing a church to incorporate as a State incorporated body — created by the State — the Christian is unable to speak out against State tyranny. With a different builder there is a different house built by and with a different law. We are left with one of two possibilities, one in Law; the other in a lie. One of them is True, the other is a device, a fiction, or an artifice. One is Lawful; the other **merely** legal:

LAWFUL. The principal distinction between the terms “lawful” and “legal” is that the former contemplates **the substance** of law, the latter **the form** of law. To say of an act that it is “lawful” implies that it is authorized, sanctioned, or at any rate not forbidden, by law. To say that it is “legal” implies that it is done or performed in accordance with the forms and usages of law, or in a technical manner. In this sense “illegal” approaches the meaning of “invalid.” For example, a contract or will, executed without the required formalities, might be said to be invalid or illegal, but could not be described as unlawful. Further, the word “lawful” more clearly implies an ethical content than does “legal.” The latter goes no further than to denote compliance, with positive, technical, or formal rules; while the former usually imports a moral substance or ethical permissibility. A further distinction is that the word “legal” is used as the synonym of “constructive,” which “lawful” is not. Thus “legal fraud” is fraud implied or inferred by law, or made out by construction. “Lawful fraud” would be a contradiction in terms. Again, “legal” is used as the antithesis of “equitable.” Thus, we speak of “legal assets,” or “legal estate,” etc., but not of “lawful assets,” or “lawful estate.” But there are some connections in which the two words are used as exact equivalents. Thus, a “lawful” writ, warrant, or process is the same as a “legal” writ, warrant, or process.⁵³

“Legal” form merely lends color to an act without substance, done in shadow and deceit. Color is, “An appearance, semblance, or *simulacrum*, as distinguished from that which is real. A *prima facie* or

49. Romans 14:23.

50. *Baty v. Sale*, 43 Ill. 351. [*Insertions added]

51. Jackson, J., *American Communications Assn. v. Douds* (1950), 339 U.S. 382, 442. [**Emphasis** added.]

52. Romans 2:1.

53. *Black's Law Dictionary* (4th ed., 1957 & 1968), p. 1032. [**Emphasis** added]

apparent right. Hence, a **deceptive appearance**; a plausible, assumed exterior, **concealing a lack of reality**; a **disguise or pretext**.⁵⁴

This is the nature of all Humanistic law because the religion of Humanism has no substance and its religion is without any validity in law. It now makes sense why Rushdoony can say that:

Law is in every culture religious in origin. Because law governs man and society, because it establishes and declares the meaning of justice and righteousness, law is inescapably religious in that it establishes in practical fashion the ultimate concerns of a culture. Accordingly, a fundamental and necessary premise in any and every study of law must be, first, a recognition of this religious nature of law.

Second, it must be recognized that in any culture the source of law is the god of that society. If law has its source in man's reason, then reason is the god of that society. If the source is an oligarchy, or in a court, senate, or ruler, then that source is the god of that system...

Third, in any society, any change of law is an explicit or implicit change of religion. Nothing more clearly reveals, in fact, the religious change in a society than a legal revolution [*Lincoln's War]. When the legal foundations shift from Biblical law to humanism, it means that the society now draws its vitality and power from humanism, not from Christian theism.

Fourth, no disestablishment of religion as such is possible in any society. A church can be disestablished, and a particular religion can be supplanted by another, but the change is simply to another religion. Since the foundations of law are inescapably religious, no society exists without a religious foundation or without a law-system which codifies the morality of its religion.

Fifth, there can be no tolerance in a law-system for another religion. Toleration is a device used to introduce a new law-system as a prelude to a new intolerance. Legal positivism, a humanistic faith, has been savage in its hostility to the Biblical law-system and has claimed to be an "open" system. But Cohen, by no means a Christian, has aptly described the logical positivists as "nihilists" and their faith as "nihilistic absolutism."⁵⁵ Every law-system must maintain its existence by hostility to every other law-system and to alien religious foundations, or else it commits suicide.⁵⁶

It may be "legal" under State codes to create a "corporation" by incorporating it into a union with the State, but it is not Lawful to apply the same law to the church, unless the State seeks to subvert and compromise the standing of the church in its religion, politics and Law.

Such incorporation means that a new god is adopted by the church; that the religion of the church is changed to that of Humanism; and any who incorporate and then turn around and preach against the tyranny of the State will be prosecuted into non-existence because the Humanistic State will not tolerate any other religion to be preached in its churches.

Two different religions and systems of law are at odds here — this raises the political question of a *conflict of laws*. Because the State is the possession of the church, it has and possesses no Lawful means to incorporate a church into itself. Here we see the ability of the church to rein in a State if it exceeds its mandate from God. Those condemned by God have no access or recourse to Law; while the church is reconciled to God by and through Christ Jesus. This is evidence of Humanism at work — and this Scripture condemns. If any but Christ rules, the Humanistic State will "condemn" the church for "illegal non-compliance with the law of the State" which is an impossibility — On what Lawful grounds does the possession condemn the possessor? or the creation "its" creator?

54. Railroad Co. v. Allfree, 64 Iowa 500, 20 N.W. 779; Broughton v. Haywood, 61 N.C. 383; Wilt v. Bueter, 186 Ind. 98, 111 N.E. 926, 929; Black's Law Dictionary (4th ed., 1957 & 1968), p. 331. [**Emphasis** added].

55. Quoting Reason and Law, by Morris Raphael Cohen, New York: Collier Books, 1961. P. 84.

56. Institutes of Biblical Law, by Rousas John Rushdoony, The Presbyterian and Reformed Publishing Co., 1973. pp. 4-6. [**Emphasis** and *Insertions added]

Chapter One

The Background of Law From Christ to the Constitution

From earliest history and the Biblical record, God's People have been seen as a type of body corporate which may account for some confusion in Christian thought when it comes to understanding incorporation. But, the Body of believers in Scripture is not the same as the modern corporation in civil law. To understand this, we must examine church vs. State legal history and note how it has changed. And we must also understand that during and after Lincoln's War, the entire system of Law in America was completely over-turned and replaced by the old Roman Imperial law.

More importantly, the protection of God through His Law revealed in Christ Jesus is gone once the church incorporates!!! The church **loses** the superior position of possessor, and becomes the possession — possessed by its new builder, the State. This is the heart of the matter which every pastor today must come to terms with. The Scriptural basis is found in Christ once again:

And when He was come into the temple, the chief priests and the elders of the people came unto Him as He was teaching, and said, By what authority doest Thou these things? and who gave Thee this authority? And Jesus answered and said unto them, I also will ask you one thing, which if ye tell Me, I in like wise will tell you by what authority I do these things. The baptism of John, whence was it? from heaven, or of men? And they reasoned with themselves, saying, If we shall say, From heaven; He will say unto us, Why did ye not then believe him? But if we shall say, Of men; we fear the people; for all hold John as a prophet. And they answered Jesus, and said, We cannot tell. And He said unto them, Neither tell I you by what authority I do these things.⁵⁷

The same question is put to the pastor: The baptism of John: was it from God or was it from men? Your calling or baptism—is it from God or from men? By whose authority do you do the things you do? By whose authority does “your” Church exist? Is it “your” Church or Christ's church?

The moment that a minister is so fixed by law as to obtain a legal claim on the treasury for religious services, **that moment he becomes a minister of state and ceases to be a gospel ambassador.** This is the very principle of religious establishment and should be exploded forever. **If government has a right to make a law to support one religious teacher, it has the same claim to support all** [including all religions of men]; and **if rulers are to prescribe forms of prayer, they have the same power to establish creeds of faith...**If a chaplain must be employed to read prayers in the statehouse and to visit the criminals in prison, let him be paid by the free contribution of those who employ him.⁵⁸

Regardless of a pastor's answer, the record is set: “For we can do nothing against the truth, but for the truth.”⁵⁹

There was never an instance of anything like a church or synagogue incorporation process among the Hebrews or Jews down to the time of the First Century Christian church. In the Old Testament there was a clear-cut separation between church and State, with the civil government under Moses and the ecclesiastical government under Aaron. The common authority for both, however, was in the Law of God in Scripture. This relationship continued until Christ.

57. Matthew 21:23-27.

58. Unsigned article in the *Virginia Herald and Fredericksburg Advertiser*, December 24, 1789. [**Emphasis** added].

59. 2 Corinthians 13:8.

In the early Christian church during its persecution there was no church incorporation. Indeed, officially, persecuted churches could not incorporate because this required the official sanction and approval of the Emperor.

Corporations in Rome were used for many purposes, including the support of the State religions. The origin of incorporation as a body of law in Rome may be traced to the Greeks:

...There was a well-developed division of law as to artificial persons, such as religious societies approaching our churches, clubs, burial societies, trading societies, ...and the like. The by-laws of such organizations were treated as lawful and binding. The modern law of corporations can be traced through Roman law to the Greeks.⁶⁰

In the first half of the First Century after Christ, the Christian church was seen as a sect of Judaism by Rome. The siege and destruction of Judea and Jerusalem lasted three and a half years, and ended in 70 A.D. with the burning of the Temple and the scattering of the Jews. The Christian church emerged from this as a distinct sect. Immediately thereafter, it was persecuted by both the Jews and Romans.

In the second century the church began to suffer alternating periods of respectability and toleration followed by intense persecution, depending on which emperor was on the throne at the time. These cycles did not prevent large donations to the Christian church. Thus, about 150 A.D.:

...The Roman church had received, in a single donation, the sum of two hundred thousand sesterces from a stranger of Pontus, who proposed to fix his residence in the capital. The oblations, for the most part, were made in money; ...⁶¹

Some donations were made in land but Roman law prohibited real estate gifts to a **group** unless they had a "...special privilege or a particular dispensation from the emperor or from the senate."⁶²

By the reign of Severus (222-235), this changed and "Christians were **permitted** to claim and to possess lands within the limits of Rome itself."⁶³

Note that the church had to be "permitted" to possess land in Rome and take on the "legal personality" created by Caesar's license. This is the first occurrence of the churches' compromise of God's Law with Roman law. In less than a century, the church had forgotten its Law in Scripture that permits deacons to accept all forms of property and land on behalf of the church.

The problem for Caesar and Rome's civil government was, while the number of Christians and their buildings grew, a way had to be found for Caesar to control the church. Rome understood the religious basis of law and knew that a new religion meant a new law system and this it could not permit. Thus, Emperor Diocletian (256 A.D.), determined that he must either:

...force it [the church] into submission and break its power, or enter into alliance with it and thus procure political control of it.⁶⁴

There were several reasons why Rome had to control the church.

First, the church was seen as a competing authority with an allegiance to something other than, and outside of, Rome. Rome could not conquer the church or slow down its growth because the Christian church had, and gave, something Rome could never have, or give: Truth. Rome could not walk away and let the church take over Rome, although this would happen in later years.

60. *The Story of Law*, by John M. Zane, pp. 123-4.

61. *The Decline and Fall of the Roman Empire*, by Gibbon. Benton Publishers, Chicago.

62. Ibid.

63. Ibid. [**Emphasis** added].

64. *Church, State, and Freedom*, by Leo Pfeiffer, Beacon Press, Boston, 1953, page 13. [*Insertion added].

Second, was the problem of fiction, i.e. **nothingness**, versus substance that pitted man's forms of law which were arbitrary and capricious, against the fixed standard of God's Law. Roman lawyers knew that their military and commercial law was fictitious, with a basis no higher than Caesar. The church had an impartial law of substance based on God's Law and His authority. The short-comings, contradictions, and errors in the Roman system were clear:

We find that one of the oldest titles of the holder of *imperium* was *judex*, the *jus*-finder, or the pointer out of rights... [whose] earliest function was to confirm a man, in doubt as to his right of self-help, in the conviction that he possessed such a right. But this function of pointing out *jus* was undifferentiated from the other functions of the magistrate, and it is highly likely that almost at once the *judex*, who also had the power of issuing commands which could be drastically enforced, gave an applicant some assistance in obtaining the *jus*, which was declared to be his.

The range of this assistance was at first narrowly limited. **The magistrate could coerce**. One of his symbols of his office was **the ax and rods [the fasces]**. He preserved order and prevented outrages between citizens in his presence...

* * *

The simplest form of legal procedure was the act by which the possessor of a *jus* got his antagonist — generally by forceful means — before the magistrate, and the simplest decision was the latter's peremptory order to the plaintiff to abandon his attempt to carry out **his pretended** [*fictional] *jus*, or to the defendant to come, to cease to resist it.

... The *jus* which was in doubt was very much like *jus* which was undoubted and the matter could be easily resolved. Soon, however, magisterial interference began to be freely invoked, ...and a burden was thereby imposed which the magistrate could not readily bear. To support a familiar exercise of *jus* was something he would unhesitatingly undertake. But a new form of *jus* was not so readily dealt with. We may guess that he denied his support, unless in some fashion the new *jus* was made to bear a close resemblance to one with which he was familiar.⁶⁵

As an aside, and another indication of changes in American law, note carefully the statue in Lincoln's Memorial. Beneath Lincoln's hands on each side of his throne are carved the ax and rods, the *fasces* of a Roman magistrate. They are the symbols of the authority exercised and the symbols of the source of that authority. This fact can not be overlooked. **Symbols are notice** and the diligent must inquire behind the symbols to the source to get full knowledge. This is because:

Notitia dicitur a noscendo; et notitia non debet, non prateritis — Notice is named from knowledge; and notice ought not to halt (i.e. be imperfect).⁶⁶

Omissio eorum quae tacite insunt nihil operatur—The omission of those things which are silently implied is of no consequence.⁶⁷

Scire proprie est rem ratione et per causam cognoscere — To know properly is to know a thing by its cause and in its reason.⁶⁸

Nevertheless, the contradictions that were introduced into Roman law by the magistrate who served the needs of *jus* accumulated and was a contributing factor to Rome's downfall.

In 303 A.D. another period of intense persecution of Christians took place in which the previously "approved" church buildings were burned and sacked and more Christians were martyred.

65. Radin, *Handbook of Roman Law* (1927), pp. 20-21. [**Emphasis** and *Insertion added].

66. *Bouvier's Law Dictionary* (1914), "Maxim," p. 2150.

67. *Ibid.*, p. 2151.

68. *Ibid.*, p. 2162.

The Roman Church takes the Bribe

Still, Rome could not conquer the church and it sought an alliance — via Roman corporations — that gave Rome **political control** of the church. Under Constantine's Edict of Milan, political control of the church passed to Rome.⁶⁹ The church was now politically correct, respectable, and protected under Roman law — not God's Law — for a fee in fealty, i.e., allegiance. The “benefits” to church incorporation were:

The wisdom of the emperors provided for the restitution of all the civil and religious rights of which the Christians had been so unjustly deprived. It was enacted that the places of worship, and public lands, which had been confiscated, should be restored to the church, without dispute, without delay, and without expense.⁷⁰

The church, once an object of hatred,

...becomes an object of imperial protection and favour. It receives back its confiscated property, swelled by munificent gifts from the Emperor. Bishops are held in the highest honour and travel at public expense. Confessors receive the Emperor's Kiss — no mere mark of sentiment, but a sign of admission to the inner ring of imperial favour. Constantine as we know, did not make over the Church [which was] the heritage of the Roman Empire in the West. But he did take those first steps towards building up its prestige to the point from which, when the Western Emperor was gone, the Bishop of Rome stepped almost automatically into his place.⁷¹

Instead of staying independent of Rome and its military/commercial system and its codes, the Church sought the benefits of Roman corporations to keep, hold, and transmit, land and property. Benefits which were, if looked at from the Office of Christ, **nothing less than bribes**:

BRIBE. Any thing of value; any gift, advantage or emolument; any price, reward, or favor.⁷² Any money, goods, right in action, property, thing of value, or any preferment, advantage, privilege or emolument, or any promise or undertaking to give any, asked, given, or accepted, **with a corrupt intent to induce or influence action** [*execution of Christ's Testament], vote, or opinion or person **in any public or official capacity** [*all Good and Lawful Christians are Ministerial Officers of Christ and His Testament].⁷³ It is a gift not necessarily of pecuniary value, bestowed to influence the conduct of the receiver, and must be of substantial value to him.⁷⁴

The corporate license is valuable; to a “pastor” of “dead sheep,” valuable to obtain larger salaries; valuable for a larger edifice to draw in more “dead sheep” and get larger “loans” from the temples of Mercury (banks), thereby **partaking of the sin of the national debt**; to the “dead sheep” a tax deduction offered in the bribe is valuable; to banks the license yields a “person” to be sued for failure to “re-pay” a “loan.” All benefit from bribes and all are guilty. **If a Church is guilty of sin it cannot execute Christ's Testament.** “Can two [the State briber, and a “legal personality” bribee] walk together except they be agreed?” Which of you convicts Christ Jesus of sin (taking a bribe)?

In the end, the State benefits most because it is assured that the Church will not hold its feet to the fire in terms of God's Law and neither will members, pastors, deacons, and elders risk losing their tax deductions. This

69. This act of Constantine, the Eastern Emperor, made Christianity the ‘official’ of the Empire and it was executed in conjunction with Licinius, the Western Emperor at Rome.

70. *The Rise and Fall of the Roman Empire*, page 291.

71. *Christianity in the Roman Empire*, by Harold Mattingly. Norton and Company, Publishers, New York, 1967, page 61.

72. *State v. Douglas*, 70 S.D. 203, 16 N.W. 2d 489, 496.

73. *People v. Van de Carr*, 87 App.Div. 386, 84 N.Y.S. 461; *People v. Ward*, 110 Cal. 369, 42 P. 894; *Williams v. State*, 188 Ind. 283, 123 N.E. 209, 213. [**Emphasis** and *Insertions added].

74. *People v. Hyde*, 156 App.Div. 618, 141 N.Y.S. 108. See also *Black's Law Dictionary* (4th ed. 1957 & 1968), pp. 238-239. [**Emphasis** and added].

is a Humanistic “win-win” but a “lose-lose” situation for Christ’s church.

When the Roman Church became the dominant power in the world, canon lawyers had such influence on Roman law and ‘civil authority’ that even bishops were allowed to incorporate as a corporation sole⁷⁵ and hold property in their own name.⁷⁶

Within seven years after the Edict of Milan, great Christian church edifices were erected under imperial auspices, the clergy were freed from the public burdens which others had to bear, and private heathen sacrifices were forbidden. Two years later (322) the Christian Sunday was made a legal holiday, and urban citizens were forbidden to work on that day. In the year 346 the non-Christian temples were ordered closed and the death penalty was imposed for sacrifices.⁷⁷

The Church aided the cause of Humanism by developing “refinements” in corporate law. From this time on Church and State were practically a union. In the twelfth-century,

Neither in the East nor in the West was the concept of a corporation **as a legal entity** applied, ... to the whole church — the Church Universal.⁷⁸

Instead, it was applied selectively. The Roman Church exploited hidden implications in its union with Rome and legal **form** was soon preferred over Lawful substance — which was the dominant characteristic of Phariseeism in first century Judaism. In simple terms, the church had regressed and compromised its standing in Christ.

In the *Scholastic* era, a synthesis began to develop such that:

The twelfth-century canonists utilized earlier Roman, Germanic, and Christian concepts of corporate entities in developing a new system of corporation law applicable to the church. To some extent they harmonized the three competing sets of concepts. They did so, however, not as an abstract exercise in legal reasoning but in order to achieve practical solutions to actual legal conflicts that arose in the wake of the Papal revolution: legal conflicts between the church and the secular polities as well as legal conflicts within the church.⁷⁹

By the end of the fourteenth-century, the Roman Church made significant developments in corporate law. Yet, differences between the older and newer corporate law continued to exist:

...the church rejected the Roman view that apart from public corporations (public treasury, the cities, churches) only *collegia* recognized as corporations by the imperial authority were to have the privileges and liberties of corporations. In contrast, under canon law any group of persons which had the requisite structure and purpose — for example, an almshouse or a hospital or a body of students, as well as a bishopric or, indeed, the Church Universal — constituted a corporation, without special permission of a higher authority.⁸⁰ Second, the church rejected the Roman view that only a public corporation could create new law for its members or exercise judicial authority over them. In contrast, under canon law any corporation could have legislative and judicial “jurisdiction” over its members. Third, the church rejected the Roman view that a corporation could only act through its representatives and not through the ensemble of its members. Instead, canon law required the consent of the members in various types of situations. Fourth, the church rejected the Roman maxim that “what pertains to the corporation does not pertain to its members.” According to canon law, the property of a corporation was the common property of its members, and the corporation could tax its members if it did not otherwise have the means of paying a

75. A corporation sole is a corporation of only one person.

76. See, *The Roman Catholic Encyclopedia*, pg. 719.

77. *Religious Liberty: An Inquiry*, by Bates. 1945, pg. 134.

78. *Law and Revolution: The Formation of the Western Legal Tradition*, by Harold J. Berma. Copyright 1983, by The President and Fellows of Harvard College, page 216. [**Emphasis added**].

79. *Ibid.*, page 217.

80. *Ibid.*, pg. 219, citing Pierre Gillet, *La personnalite' juridique en droit eccle'siastique spicialment chez les Decretistes et les Decretalistes et dans le Code du droit canonique*. Malines, 1927, p. 61.

debt.⁸¹

These ideas became very important for the later development of corporate law, but because they constituted a mix of different presuppositions (Roman, Germanic, and Christian) and the ultimate sovereign in the system was a Pope (not God in Scripture) the Providence of God would force both the Church and State to live with the consequences of these ideas in practice.

Thus, when the Reformation began to sever the tangled connection between Church and State in the Roman system, the State took over complete control of incorporation law and bent it to suit the purpose of the State, not the Church.

In part, this was due to the concept of the Pope's law-making power that developed after the thirteenth-century. The new kings, especially in England, made the same presumptions as the Popes:

...the new legal concept of papal authority that had been proclaimed initially in 1075 by Pope Gregory VII in his Dictates of the Pope. Just as the pope was head of a corporate church, governed by a body of law in which he contributed by his legislation and his judicial decisions, so the kings sought to unify their respective kingdoms through a body of law, to which they contributed by their legislation and their judicial decisions. And like the popes, the kings legislated and adjudicated by means of professionally trained officials specially assigned to those tasks.⁸²

As to what concept drove the course of corporate law, we must reckon with the impact of mis-guided and anti-Christian attempts to apply non-Christian ideas to the resolution of problems in canon and church law:

It was highly convenient ... that a manuscript of Justinian's Digest turned up in a library in Florence in the 1080's, and ... soon a university was founded at Bologna — the first European university — to study that manuscript. Henceforth the jurists had an entire dictionary ... in which to find legal terms, concepts, standards, and rules, a *ratio scripta*...By which to sift the customs [of law]. It was as though the Old Testament had suddenly been discovered for the first time by Christian theologians. The Western jurists applied a new dialectical method to the Roman texts, to draw from these texts conceptual applications which the Romans themselves had never dreamed of.⁸³

If we think of these Roman concepts as tools in a system developed by later Christians, the purpose of these system tools was used to reconcile,

...the contradictions among the conflicting legal systems—in the first instance, the reconciliation of canon law with secular law,...⁸⁴

This is like telling a Christian to develop a law system that distinguishes between Christian and secular law but the only concepts the Christian can use — are secular. Can a man serve two masters? It is certain that the outcome will be contrary to Scripture and heavily colored by commercial and military presuppositions of Roman law.

Corruption occurred where ever the system had fuzzy edges or gray areas (which were many) and it was this corruption that led in part, to the Great Reformation. Many of Luther's Ninety-Six Thesis, nailed to the door of the Church in Wittenburg, were directly related to the Roman Church's use of civil power to compel conformity with Roman doctrine and Papal Dictates.

The Roman religion was the "established" religion that could, by a mixture of Roman, Germanic, and Christian concepts, use civil power to persecute or put to death Christians who disagreed with Roman doctrine and the Church had this power because it was **united** with the State's power, through the **legal form of** the Roman corporation.

81. Ibid., citing Ploch, *Geschichte*, pg. 73.

82. Ibid., pg. 405.

83. Ibid., pg. 529.

84. Ibid.

Tensions between Church and State were built into the system because two mutually exclusive ultimates, Christianity and Paganism were at war behind the scenes. The war that must resolve itself, one way or the other. Unresolved conflicts must follow like a baggage train where ever the system goes. When Church and State are united, even if only partly, and the State dominates, it can hide behind religion to justify any act, and vice versa.

This destroys church unity, not because of persecutions that may result, but because of confusion that results from a usurpation of ecclesiastical authority by the civil power (as in Lincoln's War). God is not the author of confusion.

This use of the Roman Church by the State occurred in the Great Inquisitions. The Roman Church has been blamed for the Inquisition by "historians" but, in fact, most Inquisitors were not concerned with religious heresy, but State revenues and interests. Thus, the economic interests of the State which lie at the bottom of modern Statism has thus developed from the arbitrary and capricious mix of powers:

STATISM. *n.* ... 2. the doctrine [*religion] or practice of vesting economic control, economic planning, etc. in a centralized state government: the current sense. ⁸⁵

Statism is the bi-religion of the Humanistic natural man/ person,⁸⁶ and Church incorporation is the result of a change in doctrine taught from the pulpits:

Under Frederick William I, passionate soldier and fanatical militarist, yet in international politics the most peaceable of the Hohenzollerns of the seventeenth and eighteenth centuries, military power gained priority over everything else in the social order and became an object of irrational idolatry. Stiffly martial concepts of authority and of military virtues were established as the models for peacetime civil government and for civil life in general. ... **They fostered a hideous spirit of fearful obedience to authority** [*the **modern** doctrine of Romans 13] which, under the conditions of the nineteenth century, made for a deplorable lack of *Zivilcourage* ...⁸⁷

Whether consciously known or not, Statism is still idolatry, a "form of religion."⁸⁸

The impact of Frederick William's new statist religion did not show its true religious nature until it bore fruit in the German schools of textual criticism that leveled their resources at destroying the authority of Scripture. This was a necessary and logical consequence of Frederick William's religious presupposition working itself out. If a "fearful obedience" is due to the State, all other authorities are suspect or mere pretenders, because one religious law-system, will not tolerate the existence of another. Thus:

...the influence of liberal German thought was making itself felt through the return of American students from their studies abroad. The migration of American students to German universities had already begun before the [*Lincoln's] War, though the stream was a very thin trickle. But before any American university had developed a graduate school of any importance, hundreds of young Americans had gone to Germany and brought back both the methods and the results of German scholarship. **The influence of German thought on philosophy and theology soon far surpassed that of either England or France.**⁸⁹

It is a remarkable fact that since the Reformation no article [*of faith—the Work of Atonement in and of Christ Jesus] **has been so much impugned in every variety of form. Till recently this was uniformly done by a class of men who had forfeited all claim to be regarded as either evangelical in sentiment or biblical in doctrine. Within recent memory, however, a new phenomenon has presented itself to the attention of Christendom**—a sort of spiritual religion or mystic piety, whose watchword is, spiritual life, divine love, and moral redemption, by a great teacher and ideal man, and absolute forgiveness, as contrasted with every thing forensic. **It is a Christianity without an atonement; avoiding, whether consciously or unconsciously, the offence of the cross, and bearing plain marks of the Rationalistic soil from which it sprung; and it has found a wide response in every Protestant**

85. *Webster's New Twentieth Century Dictionary, Unabridged* (1969), p. 1778. [*Insertion added].

86. The "natural man" of 1 Corinthians 2:14

87. Rosenberg, *Bureaucracy, Aristocracy, and Autocracy: The Prussian Experience 1660-1815* (1958), p. 41. [**Emphasis** and *Insertion added].

88. Parker. Weiss, *Life of Parker*, vol. ii., p. 56.

89. Winfred Ernest Garrison, *The March of Faith* (Harper and Brothers, 1933), p. 84. [**Emphasis** and *Insertion added].

land.

The work here [*on the Atonement of Christ Jesus] here presented to the public was suggested by this **new phenomenon**, especially by the somewhat bold attempt which it has made to vindicate its claims by an exegetical appeal to Scripture. I refer to attempts in this direction by Menken,⁹⁰ Stier,⁹¹ Klaiber,⁹² and above all by Hofmann⁹³ of Erlangen, **who, in the use of a peculiar exegesis, have arrived at results diametrically opposed to the views at which the entire Christian church in the east and west arrived, during eighteen centuries of her history.** Schleiermacher, the great champion and bulwark of this tendency, from reasons which may be easily inferred, did not attempt to base these views on exegetical investigation, but on Christian consciousness. This phenomenon of a Christianity without an atonement, professedly based on an exegetical foundation, seemed to call for such a work as the present; and in the course of it I have thoroughly investigated the teaching of the Lord and His apostles. Much as I value the creeds of the church, I do not appeal to them but to Scripture testimony strictly interpreted.⁹⁴

From here also comes the root of the modern doctrine of treason:

A gross exception, however, to the principle of the division between ecclesiastical and secular jurisdictions was contained in the law applicable to heretics. In the twelfth and thirteenth centuries, **heresy**, which previously had been only a spiritual offense, punishable by anathema, **became also a legal offense, punishable as treason.** The inquisitional procedure was used for the first time to expose it, and **the death penalty was for the first time made applicable to it.** The gist of the offense was dissent [*disobedience] from the dogmas [*teaching] of the Church [*State].⁹⁵

There is thus, a public justification [propaganda] of the State's Public Policy and hidden religious motive. "Treason" is doing violence to the State and its laws, no matter how un-Godly and anti-Christian the State and its laws are, and is justified by the chorus of the humans with the classic Hegelian phrase — "The State is God walking on earth."

As stated before, the Roman Church held that anyone could form a corporation with all the benefits and privileges that such a device provided. In England, however, there was a deliberate effort by kings to restore the power to form corporations, to the State. The centralization of power in the State has been the practice of every ruling Humanist monarch since the days of Nimrod. By uniting the throne and altar, the humanistic monarch has **"total," though never absolute, control** over the hearts and souls of men:

Kings, even more than proprietors, thought they had an interest in cementing the alliance between Church and State, and connecting the altar with the throne.⁹⁶

What is clear, and important, is the preoccupation of the English King-state to bring these entities under its own control, and to propagate the doctrine that they could exist only by state creation. This, perhaps the first recorded struggle in the Anglo-Saxon world of corporations with a governmental organized society, set a pattern from which ... we have not yet escaped. Whether through fear of power which might challenge the state, or through a desire to obtain revenue, or through the prehensile instinct which most governments have of seeking to determine the lines of social and economic development, the Tudor kings, and the Stuarts after them, vigorously insisted that there could be no corporations save by a royal grant.⁹⁷

This is the example that proves the rule. If one mixes presuppositions, the end invariably resolves itself in the most unfavorable way to God's church, which, of course, is God's way of bringing His rod of reproof to bear on His people — for their benefit and correction. And so:

90. See Menken's *Schriften*, 7 vols., 1858. [**Emphasis** and *Insertion added].

91. Stier, *Aedeut. für glaubiges Schriftverst. zweite Sammlung*, Leipzig, 1828.

92. Klaiber, *die N. T. Lehre von der Sünde und Srlosung*, Stuttgart, 1836.

93. Hofmann, *der Schriftebeweis*, second edition.

94. Smeaton, *The Doctrine of the Atonement according to the Apostles*, pp. vi- vii. (1870, reprinted 1988, Hendrickson Publishers, Peabody, Massachusetts) [**Emphasis** added].

95. Berman, *Law and Revolution*, p. 186. [**Emphasis** and insertions added.]

96. Ramsey, *History of South Carolina*, vol. II, p. 11.

97. *Historical Inheritance of American Corporations*, by Adolf A. Berle, Jr., Cases and Materials on Corporations, pp. 1-2.

By the time Blackstone came along, the doctrine was settled so far as he was concerned; “But, with us in England, the king’s consent is absolutely necessary to the erection of any corporation, either impliedly or expressly given.”⁹⁸

During the Great Reformation, Protestant Christians labeled the Roman Church as a fallen Church. It was not a question of **if** the Church fell, but **when**:

Luther dated the fall with Sabiens and Boniface III, but Zwingli pinpointed it with Hildebrand and the assertion of hierarchial power.⁹⁹ Calvin was inclined to date it with Gregory the Great.¹⁰⁰

Once Protestants came to power, however, many became entangled with State power the same way Rome had, and new persecutions and intolerance resulted. Thus, Luther...

...taught [that] dissenting sects ought to be put down by the sword, and that any person who started new opinions ought to be punished with death. The state is morally obligated to persecute heretics... because dissent from orthodoxy is a crime.¹⁰¹ And, Zwingli “concluded, despite earlier views to the contrary, that his reformation could best develop as the city council, which he regarded as a Christian body sympathetic to reform, saw fit.¹⁰²

State power was even brought to bear on baptism in the Anabaptist controversies:

Thought patterns of the day were enmeshed in, and determined by, the traditional medieval framework of the Holy Roman Empire. Neither civil nor religious leaders could ordinarily conceive of a stable society that did not unite Church and State (*corpus Christianum*).¹⁰³

In 1596, at Queen Elizabeth’s urging, Parliament simplified Church and charity incorporation in order to ...

...encourage charitable distributions for the establishment of hospitals, prisons, and other relief for the poor by eliminating charges for incorporation and the necessity of the sovereign’s consent.¹⁰⁴

Such corporations could be formed ...

...to erect, found, and establish, one or more hospitals, *maison de Dieu*, abiding places, ...as well as for the finding sustenance, and relief of the maimed, poor, needy, or impotent people, as to...set the poor to work.¹⁰⁵

Corporations could, of course, only be formed by Anglicans, not by Puritans, Separatists, and other dissenters. When Puritans, Pilgrims, Baptists and others came to America, corporations for charitable purposes¹⁰⁶ followed them. In early New England, religious corporations could ...

...confer on owners or inhabitants of political divisions or organizations ... the attribute of legal personality.”¹⁰⁷

“Legal personality” is a vital key for State control and regulation of 501(c)(3) corporations.

98. Ibid., p. 2.

99. *The Anabaptist Story*, by Estep, pg. 177.

100. Ibid.

101. *Church, State, and Freedom*, by Leo Pfeiffer, pg. 23.

102. *Protestant Concepts of Church and State*, by Sanders. Holt, Rinehart and Winston, 1964, pg. 82.

103. *The Anabaptist Story*, by Estep. Pg. 174.

104. *34 Emery Law Journal*, 617, at 630, by James J. Fishman, Professor of Law, Pace University School of Law.

105. *39 Elizabeth 1*, chapter 5, 1597.

106. These corporations were known as eleemosynaries

107. Fishman, op. cit.

Church Incorporation gains a Foothold in America

At first, the New England churches did not incorporate. Some members set up charitable corporations but the church itself was free because early American churches knew no Sovereign but Christ, and thus there was no-thing the church could appeal to for incorporation purposes. But,

During the colonial period religious societies, **if** part of the established church, had been freely incorporated by royal governors and colonial assemblies. It was more difficult for other denominations. Religious bodies were the first kind of organization to receive the special treatment of the general corporation statutes...a general corporation statute was seen as a means of implementing the policy of equal rights for all churches, an essential feature of the political philosophy of the new nation.¹⁰⁸

There is, however, no Authority, Right, Power, Privilege, or Permission from Christ Himself allowing such **promiscuous practice**, for it is self-evident from Scripture that God does not share His Inheritance or Glory with any one, much less with an ungodly State. This is evident from the following:

MANDATARY. He to whom a mandate, charge, or commandment is given [*the Genesis mandate and Great Commission]; also, he that obtains a benefice by *mandamus*.¹⁰⁹

All Good and Lawful Christians are, by Law, “mandataries.” The principles of Law relating to such, declare the sharing of Christ’s church with another to be a promiscuous practice:

Mandatarius terminos sibi positos transgredi non potest — A mandatory cannot exceed the bounds of his authority.¹¹⁰

Because of this promiscuity, the church and its ecclesiastical courts are destroyed by and through ignorance of God’s Law by Christians:

Multitudo imperitorum perdit curiam — A multitude of ignorant practitioners destroys a court.¹¹¹

Res perit domino suo — The destruction of the thing [*Body of Christ] is the loss of its owner [*Christ Jesus].¹¹²

Not only is the court destroyed but confusion results, thereby destroying the Inheritance of God in Christ’s church:

Rerum ordo confunditur, si unicuicuique jurisdictio non servatur — The order of things is confounded if every one preserves not his jurisdiction.¹¹³

Christ Himself is the Victim and suffers loss just as if He were nailed to the Cross today. Incorporation of the church results in committing whoredom with the Babylonian Whore. The maxims of law condemn this practice:

Non licet quod dispendio licet — That which is permitted only at a loss [*to Christ Jesus] is not permitted to be done.¹¹⁴

108. Fishman, pg. 633. [**Emphasis** added].

109. *Black’s Law Dictionary* (4th ed., 1968), p. 1114. *Insertion added].

110. *Bouvier’s Law Dictionary* (1914), “Maxim,” p. 2144.

111. *Ibid.*, p. 2146.

112. *Bouvier’s Law Dictionary* (1859), Volume II, p. 145. [*Insertion added].

113. *Bouvier’s Law Dictionary*. (1914), “Maxim,” p. 2161.

114. *Ibid.*, p. 2149. [*Insertion added].

Non facias malum ut inde veniat bonum — You are not to do evil that good may come of it.¹¹⁵

How many Christians have been stripped of their inheritance by the monstrous inheritance taxes? Once, in American history, the Christian church not only controlled marriage and divorce but also the inheritance of land and property as well? These powers were, of course, lost when churches incorporated because this abolished the ecclesiastical courts in which such matters were regularly heard. Thus, the act of incorporation is nothing less than destruction of the primary Estate given by God to His people through Christ Jesus, which — in the long run — destroys the State, and both burn together:

Cessante statu primitivo, cessat derivativus — The primary state ceasing, the derivative ceases.¹¹⁶

Incorporation was pushed by pastors because they had recourse through the artifice of a corporation to sue for wages. As in Roman law, the **State “protects” its creation and creatures**. Some also believed that incorporating had a “leveling effect” and helped to eliminate the preferential treatment by the State of one denomination over another.

Civil powers offered the most palatable **expedient** of incorporation as a solution to denominational discrimination. By this device all denominations had civil sanction and became **equal under State law**. No denomination had control of the government, because “none were preferred,” That is, until the church stepped into the mire of pietism. Humanism took control of the civil powers and became the final arbiter between denominations. State courts were used by incorporated denominations who had “legal personality” required for *persona standi in judicio*.¹¹⁷

The hidden problem was, if a State became Humanist, pagans would conquer the church through the power of the State that becomes the judge in matters of dispute between Christians in which only God through Christ Jesus has Lawful Power and Right. If all denominations are **equal**, why not all religions, i.e., Judaism, Hinduism, Buddhism, Taoism, Ethical Culture, Humanism, Gay and Lesbian Liberation, Tree Huggers Anonymous, *ad nauseam* — pick one, they are all the same in the “eyes of the law!!!”

Before the Colonial War, this premise was not yet the accepted standard by all Christians who knew:

...that neither king, nor ministry, nor archbishops could appoint bishops in America without an Act of Parliament; and if Parliament could tax us, they could establish the Church of England with its creeds, articles, tests, ceremonies, and tithes, and prohibit all other churches as conventicles and schism shops.¹¹⁸

During the Great Awakening, Christians in America reacted to the growing tide of Church incorporation and it ...

...gave rise to popular forms of church government and thus accustomed people to self-government in their religious habits. The alliance of Church and State, the identification of religious with civil institutions, **was found to be detrimental to the cause of religion**. Wherever revivalism spread, especially in Virginia, Baptists increased, colliding with [those] ... that feebly relied on political support for their defense. ... the activities of itinerant preachers who refused to list their meeting houses led, between 1768 and 1776, to the imprisonment of nearly fifty for ‘disturbing the peace’ or refusing to give bond to keep the peace in the future.¹¹⁹

Isaac Backus, a Baptist preacher in Massachusetts, and John Leland in Virginia, had significant impact on the Founding Fathers in matters of Church and State relations. Backus was relentless in his condemnation of church corporations:

115. Ibid.

116. Ibid., p. 2127.

117. A person with standing in court.

118. John Adams, cited by Bernarde Bailyn, ed., *Pamphlets of American Revolution*, (Cambridge: Harvard University Press, 1965.)

119. Sanders, ppg. 184-185.

...To use the state to collect salaries (for pastors) was as wrong for the Baptists as for the Congregationalists.¹²⁰...incorporation acknowledged the right of the state to decide which churches could and which could not be chartered. In addition, incorporation gave all persons in the congregation the right to vote on building or repairing a meeting-house as well as paying the minister's salary. The unconverted members might then be able to outvote the converted, thereby allowing the worldlings to lord it over the saints. Baptist societies, acting like Congregational parishes, would face the same bitter conflict between church and congregation.

Some Baptists argued that incorporation was necessary to hold property or endowment funds in the name of the church. But Backus pointed out that the law gave the deacons, or any other suitably appointed persons, the power "to receive and hold estates or donations which are given for religious purposes, and to manage the same at the direction and for the good of the church or society." This device was wholly sufficient to meet the needs of the Baptists in this respect...¹²¹

In September, 1791, the Warren Association met to consider incorporation for Baptists churches. Backus spoke against it and incorporation was voted down. They also defeated a measure to let each church decide for itself whether to incorporate or not.¹²²

Twenty years later (1810), Barnes sought to force church incorporation on those Baptists who believed that incorporation was an unchristian surrender of a churches power to the State. Barnes' case failed.

John Leland, in Virginia, held views just as strong as Backus:

Government has no more to do with the religious opinions of men than it has with the principles of mathematics.¹²³

The Separate Baptists, a product of the New England revivals, quickly became the spokesmen for other Baptists and in 1772 submitted the first of many petitions to the Assembly for 'Liberty of Conscience.'...they were unwilling to accept mere toleration, but demanded an end to all the privileges of the Anglicans, persisting in this effort until the adoption of the Bill for Establishing Religious Freedom in 1785. They directed themselves not simply against the Anglicans, but against any financial association of the state with the church, defeating the attempt of many distinguished Virginians, including Washington, to provide for assessment of each citizen and allocation to the church of his choice. The Baptists argued instead that 'the holy Author of our religion needs no such compulsive measures for the promotion of his cause, that the gospel wants not the feeble arm of man for its support, that it has made, and will again, through divine power, make its way against all opposition; and should the Legislature assume the right of taxing the people for support of the gospel, it will be destructive to religious liberty.'¹²⁴

In 1785, a bill came up in the Virginia Legislature to tax the people to pay pastors. The Hanover Presbyterians opposed the bill in a memorial as follows:

Religion "is not, cannot and ought not to be resigned to the will of the society at large; and much less to the Legislature which derives its authority wholly from the consent of the People; and is limited by the Original intention of Civil Associations; and we never resigned to the control of Government our rights of determining for ourselves in this important article."¹²⁵

Throughout his life, James Madison fought against taxing people to support pastors, and against church incorporation. In the debate on the infamous "Religious Assessments Bill" he noted a list of the evils that would follow assessments and church incorporation. He believed that:

(1) Regulation of religion is not within civil power,

120. *Isaac Backus and the American Pietistic Tradition*, by William G. Loughlin. Little, Brown & Co., Boston, 1967, ppg. 220-221.

121. *Ibid.*, ppg. 221-222.

122. *Ibid.*, pg. 222.

123. *Rights of Conscience*, A Pamphlet by John Leland.

124. Sanders, pg. 188.

125. Pfeiffer, loc cit, pg. 110.

(2) Religion needs no ‘artificial props’,
(3) History proves religious Establishments were detrimental, and
(4) These benefits would ‘entangle the state’ in determining which were Christian and which were heretical.

In his Inaugural Address, Madison said that civil government is to “avoid the slightest interference with the right of conscience or the function of religion, so wisely exempted from civil jurisdiction.”¹²⁶ He vetoed a bill entitled, “An Act Incorporating the Protestant Episcopal Church in the town of Alexandria, in the District of Columbia,” and gave his reasons why, in a veto message:

Because the bill exceeds the rightful authority to which governments are limited by the essential distinction between civil and religious functions, and violates in particular the article of the Constitution which declares that ‘Congress shall make no law respecting a religious establishment.’ . . . This particular church, therefore, would so far be a religious establishment by law, [with] a legal force and sanction being given to certain articles in the constitution and administration.¹²⁷

Elsewhere, he said what everyone knew and understood, except the Christians:

... **incorporation was a form of licensing by which government gave churches permission to operate.** . . . incorporation was superfluous; government had no jurisdictional authority to tell churches they can or cannot operate.¹²⁸ [Later he said] It was the Universal opinion of the century preceding the last that civil government could not stand without the prop of a Religious establishment, and that the Christian religion itself, would perish if not supported by a legal provision for its Clergy. The experience of Virginia conspicuously corroborates **the disproof of both opinions.** The Civil Government tho’ bereft of everything like an associated hierarchy possesses the requisite stability and performs its functions with complete success; whilst the number, the industry, and morality of the Priesthood, and the devotion of the people has been manifestly increased by the total separation of the Church from the State.¹²⁹

Perpetuities

Perpetuities are a significant problem for civil governments, because only Christ’s church is a perpetuity by God’s hand until the end of all things. A Perpetuity is:

...any limitation tending to take the subject of it **out of commerce** for a longer period than a life or lives in being, and twenty-one years beyond, and, in cases of a posthumous child, a few months more, allowing for a term of gestation . . . such a limitation of property as renders it unalienable beyond the period allowed by law.¹³⁰

Thus, if Smith owns land, dies, and conveys the land in a will to a son with the limitation that the son cannot alienate or re-sell the land (commercial act), Smith’s will has taken land out of commerce, prevented its sale, limited the living, and alienated land from commerce. This was unlawful, not because contrary to commercial law, but because **only God’s Law is perpetual.** A maxim states it:

Perpetua lex est, nullam legem humanam ac positivam pertuam esse; et clausula quae abrogationem excludit ab initio non valet — **It is a perpetual law that no human or positive law can be perpetual;** and a clause in a law which precludes the power of abrogation [alienation] is void *ab initio* [from its inception].

126. *Messages and Papers of the Presidents*, by James D. Richardson. Vol. I, 1897) pg 452.

127. *Inaugural Addresses of the Presidents of the U.S.*, Pub. by U.S. Gov’t Print. Office, 1961.

128. *Christianity and the Constitution*, by John Eidsmoe. Baker Books, 1987, pg. 110. [Emphasis added].

129. *James Madison: A Biography*, by Ralph Ketchum. Published by MacMillan Company, New York, pg. 164. [Emphasis added].

130. *Black’s Law Dictionary*, 3rd Ed. (1933), page 1354, by Henry Campbell Black. [Emphasis added].

That which is created by God, i.e., His church, is both a perpetuity and perpetual, while everything that man does is temporary and can only last a short while.

For He knoweth our frame; he remembereth that we are dust. As for man, his days are as grass: as a flower of the field, so he flourisheth. For the wind passeth over it and its is gone; and the place thereof shall know it no more.¹³¹

Ecclesia non moritur — The church does not die.¹³²

Before Lincoln, no power dared to create a perpetuity because of “doctrines of impossibility.”

But God *is* the judge: he putteth down one, and setteth up another.¹³³

Nemo dat qui non habet — No one can give who does not possess.¹³⁴

Legis humanae nascuntur, vivunt, et moriuntur — Human laws are born, live and die.¹³⁵

Yet, all corporations, including Church corporations, are mere creations of man and are deemed to have — in current law — perpetual existence to engage in commerce — with **reckless** and wreckful impunity. Yet, the church lives forever, and is already a perpetuity and perpetual by the sustaining Power of God in Christ. The basis of this is God’s Law, and standing in God’s Court is set aside by the acts of man:

But those things which proceed out of the mouth come forth from the heart; and they defile the man. For out of the heart proceed evil thoughts, murders, adulteries, fornications, thefts, false witness, blasphemies: These are *the things* which defile a man: . . .¹³⁶

There is nothing from without a man, that entering into him can defile him: but the things which come out of him, those are they that defile the man.¹³⁷

But, if Christian common Law prohibits perpetuities, how can Federal and State powers presume to create them? This will be dealt with at length further along, where we see a complete change in law before and after Lincoln’s War and see the deceit at the bottom of law, today.

Early Excuses for Church Incorporation

Early on, Christians thought that if a pastor is paid by an incorporated ‘legal personality’ he would have standing to sue a Church using the power of State courts. But, not one pastor needed a corporation to insure their wages. This could have been done with an action at-Law or in an ecclesiastical court. It might of required a pastor to know some law, but there was still recourse, **without** incorporating.

Second, corporate fictions and legal personality made it easy for churches to receive large donations of money, property, and land. Here, a separation takes place — if all things of the church and state are inherited in and through Christ Jesus, what need is there for a church to receive donations of any kind from the Body, or any member of the Body? Are not the Body and the True church **one and the same**? Does not the church, by the power it has in and over matters of inheritance, also have jurisdiction over matters of probate and estates of its members?

131. Psalm 103: 14-16.

132. *Black’s Law Dictionary* (4th. ed., 1957 & 1968) p. 602.

133. Psalm 75:7.

134. *Black’s Law Dictionary*, 3rd Ed, page 2146.

135. *Black’s Law Dictionary* (4th ed., 1957 & 1968), p. 1045.

136. Matthew 15:18-20a.

137. Mark 7:15.

In simple terms, the entire question of donations and tithes to the church was re-stated in such a way that it became a problem which only the State could resolve!!!

God's Law establishes the Law of donations and tithes and any interference by the State is an act of rejection — of God's Law — for which there is not the slightest warrant in Scripture.

Third, corporations made it easy for churches to sue and be sued. Large membership, land, buildings, and other property in a Church corporation can make it an attractive target. Without incorporation only parties **directly responsible** for wrongs can be sued. Members, land, and other property of the church are immune.

Why then, if there was no need and no warrant in Scripture, did a Church incorporate?

The answer lies, in part, in the decline of Christian thought after the Colonial War by virtue of the deaths of so many pastors in the War. This created a void in Christian leadership and thought. Instead of Christians setting the public agenda, they were reduced to reacting to humanistic agendas, and Christian thought became increasingly irrelevant as the church turned in on itself and collapsed in the arms of pietism.

Before the Colonial War, Christianity dominated. By 1810 it was nearly reduced to an option. In the next forty years, Christians abandoned control of more than one hundred and fifty colleges and universities to Unitarians, Transcendentalists, and the German Enlightenment thinkers. Instead of repenting and turning back to face the enemy in every area of life, the church withdrew from the world and retreated into pietism, subjectivism, and heresy. From 1825 to 1875, every major cult in America was born to sap the strength and unity of the church.

Lincoln's War brought vast changes in America's law, and banished the last vestiges of Christian political power and influence. In a very real sense Lincoln's War was fought for this very reason: to end the Christian system in America and formally enthrone the New Humanism represented by Lincoln. The changes in Law brought on by the legal revolution effectively bound every major incorporated denomination to the Federal and State powers and prevented the very revival, reformation, and reconstruction that every church sought.

Diocletian's premise was resurrected by Lincoln; "... force it [*the church] into submission and break its power, **or enter into alliance with it and thus procure political control of it.**" He might also have said, "*Divide et Impere,*" Divide it (the church) and rule.

There was one important difference between the church of the third century and that of the nineteenth, in that, the Christian church of the nineteenth century went into bondage **voluntarily**.

Chapter Two

The Beast is *Re-conceived*

From the Constitution to Lincoln's War

In 1851, Congress passed the Limited Liability Act and though it initially pertained only to ships on the high seas, the principles it embodied were soon extended elsewhere especially to all forms of incorporation. Incorporators now had the so-called “corporate veil” to protect them if the corporation went bankrupt. In effect this Act served notice on the Christian church that Congress was no longer going to be bound by the law of its founding. Congress had its eyes on the “benefits of commerce” and this meant creating law that was utterly contrary to Scripture.

There were no protests by the Christian church because by this time most were incorporated and thereby rendered silent on political questions.

Common Law and Maxims of Law

Since we speak of common law a good deal in this work, it is appropriate to define what we mean by ‘common law’ and ‘Christian common Law.’

First, the original common law of England and America was a system of unwritten law, the *lex non scripta* (law not written), because the Law was written on the heart of Christians by God. Prior to Lincoln's War, common law was second only in authority, to Scripture, even to binding the meaning and use of statutes created by legislatures.¹³⁸

Statutes in derogation of common law must be strictly construed.¹³⁹

This rule, *lex et consuetudo regni*, preserved common law and kept the edicts of men, kings, presidents, and legislatures, from destroying it or otherwise impairing its efficacy.

Common law was “the entire body of rules of conduct established by long **usage** and the decisions of law courts.”¹⁴⁰ It reflected the customs and usage of local communities and it is the source for the many Maxims of law cited herein.

Maxims in law are ... like axioms in geometry.¹⁴¹ They are principles and authorities, and part of the general customs or common law ... of the same strength as acts of parliament, when the judges have determined what is a maxim. This determination belongs to the court and not the jury;¹⁴² they prove themselves; id. Maxims of law are held for law, and all other cases that may be applied to them shall be taken for granted.¹⁴³ The alteration of any of the maxims of the common law is dangerous.¹⁴⁴

The early common law was a thorn in the side of civil governments, judges, and licensed attorneys.

138. See *Bonham's Case* (1610), Common Pleas, 8 Rep. 118a. See also Francis J. Grund, *The Americans in their Moral, Social and Political Relations* (1837), vol. I, pp. 293–295, 307.

139. Cooley, Const.Lim., 75, note; *Arthurs, Appeal of*, 1 Grant Cas. . . (Pa.) 57. *Black's Law Dictionary*, 4th Ed., page 1582

140. *Webster's New Twentieth Century Dict.*, Unabridged (World Publishing Company, 1969), p. 1028. [Emphasis added.]

141. *Blackstone's Commentary on the Laws of England*, Vol. I, p. 68.

142. *Termes de la Ley*; Doct. & Stud. Dial. 1, c. 8

143. *Coke on Littleton*, 11, 67. See Plowd. 27 b

144. 2 *Coke's Institutes* 210. *Bouvier's Law Dictionary* (1914), “Maxim,” p. 2123.

First, in civil governments, for the same reasons that the Christian church and its Law was a thorn in the side of the Caesars. It was and is, a system of Law outside the authority of States to regulate. No State or officer thereof, could stop a suit at-Law, if properly brought, and no man, judge, or politician was immune to suits at-Law. Statutes were powerless against common law without the **voluntary** sanction of the people. Common law had the people's sanction because it was derived from the custom and usage of the people themselves:

But this *shall be* the covenant that I will make with the house of Israel; After those days, saith the LORD, I will put My law in their inward parts, and write it in their hearts; and will be their God, and they shall be My people.¹⁴⁵

For this *is* the covenant that I will make with the house of Israel after those days, saith the Lord; I will put My laws into their mind, and write them in their hearts: and I will be to them a God, and they shall be to Me a people:¹⁴⁶

And when he was demanded of the Pharisees, when the kingdom of God should come, He answered them and said, The kingdom of God cometh not with observation: Neither shall they say, Lo here! or, lo there! for, behold, **the kingdom of God is within you.**¹⁴⁷

Thus, it can never be said that a Good and Lawful Christian takes the law into his own hands when he executes in meekness the Law that God has already printed on his heart.

Second, unless an attorney received a special dispensation from a court, he could not charge more than about twenty shillings for actions at-Law (what common law cases are called). Most actions lasted only a few days and in rare cases, weeks. At this time, the 'practice' of law was a ministry, not a profession.

At-Law actions did not use discovery. When actions went to court, all parties appeared with all their evidence and witnesses, ready to proceed.

Third, witnesses and evidence were presented by the parties (demandant and defendant) to the action, not by attorneys. Attorney's could prepare cases, but a demandant prosecuted it himself. If his attorney prosecuted, a demandant could do nothing but give testimony on his own behalf.

Fourth, attorneys dis-liked the technical precision demanded by actions at-Law. Everything from the correctly spelled name of parties, to an agreement of an action's content with its heading statement, had to be accurate, otherwise a case would fail before it ever made it to court. But, in spite of its technical demands, cases were often simple enough that anyone could understand them.

Fifth, in the initial stages of an action before trial, each process and pleading by demandant had a counter process or pleading. This narrowed issues between parties, such that by the time an action went to court only real issues were adjudicated. Thus, preliminaries blew away the smoke and mirrors. No filing fees were required because the action did not enter the file until the issue was reduced to one basic argument.

Sixth, at-Law juries **decided both the law and the facts**. Judges were basically referees. This meant that a man could be convicted of an act, but **a jury could hold that the law was bad law** and dismiss the case. By this means, local communities controlled acts of a legislature and bureaucrats.

145. Jeremiah 31:33.

146. Hebrews 8:10.

147. Luke 17:20-21. [**Emphasis added**].

Man's Equity and The Law Merchant

By the early 1800's, **law was becoming a profession that increasingly exploited the growing ignorance of law, and it was no longer a ministry.** Since common law could not be abolished (most law depended on common law precedent), some way had to be found to minimize its power (shades of ancient Rome). Lord Mansfield, in England, asserted that the *lex mercatoria* (the law merchant, or commercial law), must be a part of the common law and this idea caught on. In fact:

The law merchant is not even a modification of the common law; it occupies a field over which the common law does not and never did extend.¹⁴⁸

In America, Justice David Dudley Field adapted Mansfield's work and created a codified version of the new "commercial common law," known as The Field Code, about 1848. New York was the first State to adopt this monumental abomination.

After Lincoln's War, the "new common law" was adopted in every State as a statutory alternative to the original form of common law. The systems were similar enough that a transition from common law to codes was easily made. In California, Field's Code was a major part of the new Constitution of 1879. But, neither Federal or State governments had any authority to do away with the unwritten common law. Judges chaffed at the bit under the unwritten common law, because the people knew if a judge erred or was incompetent. If executed by Good and Lawful Christians, common law eliminates **administrative discretion by the court and binds the court to ministerial acts only.**

The opposite of common law is equity. Equity is based on a judges' reason, i.e., on man's autonomous reason. It was created to "humanize" common law, and is discretionary. With man's equity, judges may rule as they will, whereby the law becomes a "reed shaken by the wind."

We should note that the early Puritans despised the system of equity:

The Puritan has always been a consistent and thoroughgoing opponent of equity. It runs counter to all his ideas. For one thing, **it helps fools** who have made bad bargains, whereas he believes that fools should be allowed and required to act freely and then be held for the consequences of their folly. For another thing, **it acts directly upon the person. It coerces the individual free will.** It acts preventively, instead of permitting free action and imposing after the event the penalty assented to in advance. For still another, **it involves discretion** in its application to actual cases, and that, in the Puritan view, means superiority **in the magistrate in that it allows him to judge another by a personal standard** instead of by any unyielding, impersonal, legal rule.¹⁴⁹

It was *partly* upon this basis that the early Puritan church never sought incorporation by and with the State. To become incorporated by and with the State, Puritans would have had to compromise God's Law by "humanizing" the church. Puritans understood the Christian doctrine of consistency of Truth fixed in Christ Jesus. The concept of a magistrate having a fickle will to be wielded over the church was completely foreign to them. This perspective of Law has been forgotten but it is not lost.

State constitutions today refer to common law in words similar to: "the common law shall be the rule for all the courts of the State." But, the common law referred to is not Christian common Law, but commercial common law. The reason why this is done is apparent when one looks at the meaning of "venue":

Distinction between "jurisdiction" and "venue" is that "jurisdiction" imports power of court, "venue" the place of action.¹⁵⁰

148. Melville H. Bigelow, Ph.D., *The Law of Bills, Notes, and Cheques* (1900)

149. Roscoe Pound, *The Spirit of the Common Law* (1921), p. 53.

150. *Shaffer v. Bank*, 160 S.E. 481, 482, 201 N.C. 415.

Statutes define the place of action as “in the State” because that is **the only place** where “legal” entities are **created** and found. The attributes of “the State” reflected in its acts, are that of **non-substantive**, or **fictional**; and are limited in scope or applicability to specific classes of [*private] persons or legal entities — found within the place of their creation. Thus, the [S]ource is different from the [s]ource:

For My thoughts *are* not your thoughts, neither *are* your ways My ways, saith the LORD. For *as* the heavens are higher than the earth, so are My ways higher than your ways, and My thoughts than your thoughts.¹⁵¹

The power of Christian common Law is seen when compared to the power of the so-called Civil Rights Acts¹⁵², as amended in 1964, 1968. For:

The Federal Civil Rights Statutes (**1866**) **created** rights which may be protected by federal courts in the exercise of their **normal equity** jurisdiction.¹⁵³ The [Federal] Civil Rights Act is in derogation of the common law and must be strictly construed.¹⁵⁴

DEROGATION...partial abrogation of a law. To derogate from a law is to enact something which impairs its utility and force; to abrogate a law is to abolish it entirely.¹⁵⁵

Thus, Christian common Law, to this day, is still superior to the much vaunted, but abominable, Civil Rights Acts that have taken all races down the yellow-brick (venue) road to slavery.

Wherein I suffer trouble, as an evil-doer, *even* unto bonds; but the word of God is not bound.¹⁵⁶

Thus, God’s Law and Christian common Law appears to be set aside in Federal and State courts, for the same reasons and in the same way that early Romans sought to corrupt the Church. Congress gave the Supreme Court power to make its own Rules and the Court merged the procedural rules of common law and equity into a new system of Roman civil law.

In Truth, the Court did not and cannot ignore Christian common Law as we see by the above, and Paul’s Epistle, wherein the Word of God is not now, and will never be, bound.¹⁵⁷

In this work we refer to the original common law as **Christian common Law** to distinguish it from commercial ‘common law.’ This has historical justification since the fathers of common law, Henry of Bracton and Phillip of Salisbury, both Christian bishops, heavily influenced the development of the older common law in commentaries on the Canons of the Christian church. There is a very good reason for this, having to do with the **legal memory of man**, which is not the equal of God’s Record:

TIME IMMEMORIAL. Time beyond legal memory. See 14 L.R.A. 120, n.; Old Style; Prescription; Memory; Limitations; Month; Day; Statute.¹⁵⁸

MEMORY, TIME OF LEGAL. According to the English common law, which has been altered by 2 & 3 Will. IV. c. 71, *the time of memory commenced from the reign of Richard the First, A.D. 1189.*¹⁵⁹ But proof of a regular usage for twenty years, not explained or contradicted, is evidence upon which many public and private rights are held, and sufficient for a jury in finding the existence of an immemorial custom or

151. Isaiah 55:8-9.

152. 14 Statutes at Large, 27 (1868).

153. *Progress Development Corp. v. Mitchell* (1960), 182 F.Supp. 681, 711. [Emphasis added.]

154. *Grace v. Moseley*, 112 Ill.App. 100. *Bouvier’s Law Dictionary*, “Civil Rights,” p. 500.

155. *Bouvier’s Law Dictionary* (1914), p. 852.

156. 2 Timothy 2:9.

157. It is beyond the scope of this work to go into the current pleadings, practice, and procedures to prove this — in law.

158. *Bouvier’s Law Dictionary* (1914), p. 3280.

159. 2 Blackstone’s Commentaries on the Laws of England 31.

prescription;¹⁶⁰ See Prescription.¹⁶¹

All substantive and procedural law existing before 1189 A.D. is not under the jurisdiction of any one man or group of men. It stands on its own in Truth until suspended by or through the ignorance or willful act(s) of the church itself:

When a “law is suspended,” the law continues *in esse* [in existence], for the time being is not operative, but as soon as the power of suspension is relaxed it goes into immediate operation.¹⁶²

Remoto impedimento, emergit actio — The impediment being removed, the action rises. When a bar to an action is removed, the action rises up into its original efficacy.¹⁶³

Ubi aliquid impeditur propter unum, eo remoto, tollitur impedimentum — Where any thing is impeded by one single cause, if that be removed, the impediment is removed.¹⁶⁴

Applying the foregoing is simple: when the church puts on the helmet of salvation, the breastplate of righteousness, being gird about with Truth, having the shield of faith, wielding the sword of the Word, and stands on the Judgment of Atonement of Christ Jesus, the impediment of humanistic thinking is removed through the renewing power of the Holy Spirit Who will restore the Blessings of Liberty in Christ Jesus to the church. This is not a matter of speculation, opinion, conjecture, belief, view or personal judgment.

This short explanation of Christian common Law may clear up misunderstandings as to why we continue to assert the importance and validity of Christian common law. Humanism cannot dominate the State so long as Christian common Law is enforced by Christians. The church may have forgotten God’s Law and Christian common Law, but it is still here. The parable of the Prodigal son is appropriate here. Properly used Law is the most powerful tool Christians can bring to interface with Federal and State governments. It is a ready-made complete system, waiting for the church to pick it up and go on the march to advance the Crown Rights of King Jesus. Its Power is such that even Kings, Lords, and tyrants have bowed the knee to it.¹⁶⁵

Of course, it cannot be used by any incorporated church, for it is evident *prima facie* that **one cannot look outside of the law which creates and governs him** and **one cannot be a convict of the law he seeks to execute**. In Scripture, this principle is brought out in the attempted stoning of the woman caught in adultery.

A Word About Attorneys

It is common for people to refer a work such as this to an “attorney-at-law”¹⁶⁶ for an opinion as to its truth. We can only warn against this because the attorney of today knows nothing of God’s Law and Christian common Law. We have already mentioned the historic enmity of attorney’s against Christian common Law. The division must continue, for:

Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful. But his delight *is* in the law of the LORD; and in His law doth he meditate day and night.¹⁶⁷

160. 2 Saund. 175 a; 2 Price, Exch. 450; 4 id. 198.

161. *Bouvier’s Law Dictionary* (1914), p. 2191.

162. *Arroyo v. State*, Tex., 69 S.W. 503, 505; *Words and Phrases*, vol. 24A, Permanent Edition, p. 98.

163. *Black’s Law Dictionary* (4th ed. 1957 & 1968), p. 1459.

164. *Black’s Law Dictionary* (4th ed. 1957 & 1968), p. 1691.

165. See Sir Edward Coke’s *Petition of Right* against Charles I that ended martial law in England.

166. A licensed member of a Bar Association, therefore a ‘bar fly.’

167. Psalm 1:1-2.

In 1639, Sir Richard Baker quite agreed:

But have then ungodly men counsel? One would think it were want of counsel that makes them ungodly, for who would be ungodly if he had counsel to direct him? Certainly counsel they have, and wise counsel too; that is, wise in the eye of the world, and wise for the works of the world; but wise in the sight of God, and wise for the works of godliness, they have not; and in that kind of wisdom ungodly men are your greatest counsellors — greatest in the ability of counsel, and greatest in the busying themselves with counseling. For their wisdom in counsel we have a precedent in Achitophel, who was in his time a most wicked man, and yet for counsel was the oracle of his time. And, for their forwardness in counseling, it is a quality they have, as it were *ex traduce* [by ingrafting], from their father the devil, who, no sooner creatures were made that were capable of counsel, but he fell a-counseling; and such, indeed, are all the ungodly, as it is in the Psalm, the poison of asps in under their lips. It serves not their turn to do wickedly in their persons, but they must be drawing others into wickedness by poisoning and infecting them with wicked counsel. So, then, the not walking in the counsel of the ungodly, is not to hearken to the hissing of the serpent, nor to make wicked men our counsellors, nor in the course and actions of our life to be directed by them.¹⁶⁸

And Charles Spurgeon's commentary on Psalm 1:

“Blessed”—see how this book of Psalms opens with a benediction, even as did the famous Sermon of our Lord upon the Mount! The word translated “blessed” is a very expressive one. The original word is plural, and it is a controverted matter whether it is an adjective or a substantive. Hence we may learn the multiplicity of the blessings which shall rest upon the man whom God hath justified, and the perfection and greatness of the blessedness he shall enjoy. We might read it, “Oh, the blessedness!” and we may well regard it (as Ainsworth does) as a joyful acclamation of the gracious man's felicity. May the like benediction rest upon us!

Here the gracious man is described both negatively (verse 1) and positively (verse 2). He is a man *who does not walk in the counsel of the ungodly*. [*Opinions, beliefs, conjectures, speculations, notions or views, &c.] He takes wiser counsel [*of Scripture and the Holy Spirit] and walks in the commandments of the Lord his God. To him the ways of piety are paths of peace and pleasantness. His footsteps are ordered by the Word of God, and not by the cunning and wicked devices of carnal men. It is a rich sign [*seal and character] of inward grace when the outward walk is changed, and when ungodliness is put far from our actions [*outward acts indicate inward intent]. Note next, *he standeth not in the way of sinners*. His company is of a choicer sort than it *was* [*past tense, indicating the fruits of repentance]. Although a sinner himself, he is now a blood-washed sinner, quickened by the Holy Spirit, and renewed in heart.

Standing by the rich grace of God in the congregation of the righteous, he dares not herd with the multitude that do evil. Again it is said, ‘*nor sitteth in the seat of the scornful.*’ He finds no rest in the atheist's scoffings. Let others make a mock of sin, of eternity, of hell and heaven, and of the Eternal God; this man has learned better philosophy than that of the infidel, and has too much sense of God's presence to endure to hear his Name blasphemed. The seat of the scorner may be very lofty [*behind a raised bench], but it is very near to the gate of hell; let us flee from it, for it shall soon be empty, and destruction shall swallow up the man who sits thereon.¹⁶⁹

First, every attorney is a member of a Bar -- a legal, commercial entity, that licenses him to “practice.” Judges in today's courts are normally required to be members of a Bar, though membership is “suspended” during tenure on the bench. From the ABA Constitution, note the following:

Article II

Qualifications for Membership

Any person who is a member in good standing of the Bar of any State or Territory of the United States, ... shall be eligible for membership in this Association, on endorsement, nomination, and election as provided in the By-Laws of the Association. **The term ‘State’ wherever used in this Constitution and By-Laws**

168. Sir Richard Baker, *Meditations and Disquisitions upon Certain Psalms* (1639, reprinted 1988 by Sprinkle Publications), p. 12.

169. Charles Haddon Spurgeon, *Treasury of David*, vol. I, p. 1. [*Insertions added.]

shall include...the District of Columbia and the Territory of Hawaii.¹⁷⁰

...the attorney is an **officer of the court**, and both his legal duties and authority may be modified — either expanded or contracted — by legal and ethical rules regulating the practice of the law.¹⁷¹ [Also] Attorneys are not constitutional officers.¹⁷²

ATTORNEY-AT-LAW. 1. At the common-law, a person learned in the law, **authorized to give legal advice**, prepare legal documents, and otherwise represent another in all legal transactions except those of pleading or arguing in court.¹⁷³

[But,] In 1934, Congress passed an enactment¹⁷⁴ which authorized the United States Supreme Court to unite the rules governing suits in equity and actions at law in the federal courts; and...“the Court has united the general rules...for cases in equity with those in actions at law...to secure one form of **civil** action and procedure for both.”¹⁷⁵ These...“Federal Rules of Civil Procedure,”¹⁷⁶ became effective September 16, 1938, and superseded all prior laws in conflict with them.” “These rules govern the procedure in the district courts of the United States [singular] in all suits of civil nature whether cognizable as cases at law or in equity.”¹⁷⁷ Rule 2 provides that, “There shall be one form of action to be known as ‘civil action.’”¹⁷⁸

These rules changed the ability of attorney’s to assist in actions at-Law or give advice:

The Supreme Court...has ‘**rendered it impossible for the practicing lawyer to advise his client as to what the law is today, or even to offer a guess as to what it will be tomorrow,**’ a resolution adopted by the State Bar of Texas declares.¹⁷⁹

When the court did this, it declared itself to be an administrative agency under the wing of the military commander, because it no longer would follow settled law but exercise discretion on a case by case basis. Thus, no attorney can tell anyone what the law is or what law is valid or invalid. They may say the “old common law has been done away with.” But, only procedure at **common law was merged with equity in Federal Rules**. At the State level common-law process and procedure is still Lawful. But for it to be exercised and executed by the church, the church must “walk in the old paths”:

When statutory remedy has provided for **pre-existing common law right**, newer remedy is generally considered to be cumulative [*in addition to], and **older remedy may be pursued at plaintiff’s election**.¹⁸⁰

An attorney cannot use common law process because of his Bar license restrictions. But a Christian demandant can, without an attorney, still use such process and pleadings. The substance required is found in only one Law — God’s Law.

170. *Constitution and By-Laws of the American Bar Association* (1936), adopted at the Fifty-ninth annual meeting, Boston, Massachusetts, Aug. 24, 1936. [**Emphasis** added].

171. *Witkin California Procedure*, § 41, p. 49. [**Emphasis** added].

172. *Ex parte Williams* (), 20 S.W. 580, 581, 21 L.R.A. 783.

173. Radin, *Law Dictionary* (1955), pp. 26-27. [**Emphasis** added].

174. Act of June 19, 1934, c. 651, §§ 1, 2, 48 Stat. 1064, 28 U.S.C.A. §§723b, 723c

175. Original footnote. [From a letter by Mr. Charles Evans Hughes, Chief Justice of the U.S., with which the Federal Rules of **Civil Procedure** adopted by the Supreme Court were transmitted to the Attorney General, who, under the Act of June 19, 1934, had the duty of reporting the rules to the Congress.]

176. Original footnote. [Rule 85, 28 U.S.C.A. following section 723c.]

177. Original footnote. [Rule 1, 28 U.S.C.A. following section 723c.]

178. Smith, *Handbook of Elementary Law* (1939), pp. 67-68.

179. Millard, J, dissent. op. in *Southwest Washington Production Credit Assn. v. Fender* (1944), 21 Wash.2d 349, 363–364. [**Emphasis** added].

180. *Emma Rojo et al v. Erwin H. Kliger et al*, 52 Cal 3rd 65; 801 P. 2nd 373, 1990. [**Emphasis** and *Insertion added].

Common-law process and actions at-Law **cannot be brought by an incorporated body or a Christian man or woman not acting in the mode and character of a Christian** in and under the Law of God, nor can an “attorney-at-law” assist in actions at-Law. Members of a Bar have, by virtue of court rules and their license, stepped down from a once respected position. Thus, the maxim:

Disparata non debent jungi — Unequal things ought not to be joined.¹⁸¹

Or, as Christ Jesus said it best:

Ye are from beneath; I am from above: ye are of this world; I am not of this world.¹⁸²

Thus, you were warned in advance.

181. *Bouvier's Law Dictionary* (1859), “Maxim,” vol. 2, p. 127.

182. John 8:23.

Chapter Three

The Beast is Born — Lincoln's War and its Aftermath

As we have pointed out elsewhere in great detail,¹⁸³ when the South vacated Congress in March 1861, Congress could no longer get a quorum to do business. They could have adjourned in a variety of ways but instead chose to adjourn *sine die*, literally, “without day.” When a deliberative assembly or legislature adjourns without setting a day and time to reconvene, it ceases to exist in law.

Three weeks later, on April 15, 1861, A. Lincoln issued his very first Executive Order and called up 75,000 troops and the entire nation was put under martial law which has continued to the present day. Of course, there was no longer a Constitution for the united States of America because there was no Congress. Lincoln had no lawful authority for his acts in the Constitution or in law and merely seized power “out of necessity” and put the nation under martial law. The only difference is, the “new” Senate of today does not call it martial law:

A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years, freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought into force by states of national emergency. ... And, in the United States, actions taken by the Government in times of great crises have — from, at least, the Civil War — in important ways shaped the present phenomenon of a **permanent state of national emergency**.¹⁸⁴

Congress gave Lincoln so much power by its acquiescence to Lincoln's usurpations, that today, there is no means whereby Congress can stop any President from doing what he wants to do. To return to 1864; at a Convention held in Allegheny City, Pennsylvania, Congress proposed an amendment to the Constitution concerning Christianity:

Resolved, First, That we deem it a matter of paramount importance to the life and prosperity and permanency of our nation that the Constitution be so amended as fully to express the Christian national character.

Resolved, Second, That we are encouraged by the success attending the labors of the friends of this movement to persevere in the hope that, with the blessings of God, it will speedily result in the consummation of its great object.

Resolved, Third, That the late proclamation of his Excellency the President of the United States, recommending the observance of days of national fasting, humiliation, and prayer, as suggested by the Senate, for the purpose of confessing our national sins, which have provoked the divine displeasure, and of imploring forgiveness through Jesus Christ; and also days of national Thanksgiving for the purpose of making grateful acknowledgments of God's mercies; we have pleasing evidence that God is graciously inclining the hearts of those who are in authority over us to recognize his hand in national affairs, and to cherish a sense of our dependence as a nation on Him.¹⁸⁵

Lincoln asked for time to “deliberate,”¹⁸⁶ the matter. The amendment did not succeed. By and under the organic law, if Congress were Lawfully seated, they could have overridden his “pocket veto.” This is an indication that Congress either: One, put this out as a ruse; or, Two, lacked the standing to override the presidential veto.

183. See, *The Book of the Hundreds*, published by The Christian Jural Society Press, 818-347-7080.

184. Senate Report on Emergency Powers Statutes, Rep. No. 93-549, 93d Cong., 1st Session. Printed November 19, 1973. p. 1. [Emphasis added].

185. *The Political History of the United States of America during the Great Rebellion*, by Edward McPherson, Clerk of the House of Representatives of the U.S., 2nd Edition, published by Philip & Solomons, Washington, D.C. 1865, p. 259.

186. Ibid.

On September 20, 1864, another attempt was made by the Presbytery of Cincinnati for a similar amendment. A protest was lodged against it by the Executive Committee of the Board of Delegates of the American Israelites.¹⁸⁷ On February 22, 1865, a motion was made in the Judiciary committee of Congress, to “discharge from further consideration” the proposed amendment.

What was wrong with the amendment? Nothing! — it was the body bringing the amendment who lacked the standing to bring a political document because **it lacked the political standing**. Thus, it indicated to Congress and to the Commander-in-Chief that the church was effectively impotent **because it did not understand its own procedural law**.

Any idea that Congress would even consider such an amendment is utterly ludicrous because the nation was under military government and martial rule, which is **incompatible** with Christian Law, and the Constitution was no longer in force and effect. In light of the tens of thousands of violations of God’s Law, Christianity, and the Constitution, these amendments were a mere sop, a crumb from the Federal power table to ‘re-assure’ the ignorant Christian church that all was right with the world. During Lincoln’s tenure and afterwards during Reconstruction, the Christian church conducted itself in a manner that can only be described — fairly — like a whore of Babylon. Every major denomination, **all of which were incorporated**, divided along partisan lines.

Northern churches were especially groveling and spineless. As early as May 28, 1861,¹⁸⁸ less than two months after Lincoln unlawfully and unconstitutionally seized control of the Federal government, the Presbyterian Church (Old School), unwilling to risk losing their corporation or suffer Lincoln’s wrath, jumped in bed with Lincoln and the Unitarians and adopted Resolutions of full support for Lincoln even though the Assembly knew Lincoln had acted unlawfully and unconstitutionally.

Thus, a motion to insert a clause in the Majority Report that **“our constitutional rulers, in the exercise of their legitimate powers”** was defeated because everyone knew there were no “legitimate” constitutional rulers under martial law — *silent leges inter armis* (the laws are silent amidst arms). The Report was voted down and a Minority Report was adopted,¹⁸⁹ that was nearly identical to the Majority Report and professed its “unabated loyalty” to Lincoln and a Constitution that it knew had ceased to exist:

The power of military government thus vested in the President or his military subordinates is a large and extraordinary one, being subject only to such conditions and restrictions as the law of war, in defining the particulars to which it may extend, imposes upon the scope of its exercise. As it is expressed by the Supreme Court, **the governing authority ‘may do any thing necessary** to strengthen itself and weaken the enemy. There is no limit to the powers that may be exerted in such cases save those which are found in the laws and usages of war...*In such cases the laws of war take the place of the Constitution and laws of the United States as applied in time of peace.*¹⁹⁰ “This language, strong as it may seem, asserts a rule of international law, recognized as applicable during a state of war.”¹⁹¹ That the power is measured and restricted only by the laws of war,¹⁹² The nature and extent of these powers will be illustrated in considering the details of their exercise.”¹⁹³

Later, an issue arose among Old School Presbyterians as to whether or not they were getting too political in Resolutions of support for Lincoln. New School Presbyterians, in their May 22, 1862 meeting had no such concerns about being “too political”:

The General Assembly of the Presbyterian Church, holding its annual meeting in the city of Cincinnati, Ohio,...beg leave most respectfully to express to your Excellency, in a more personal manner, the sentiments of our church in reference to yourself and the great issues with which you are called to deal.¹⁹⁴

187. Ibid., pg. 593. [The American Israelites were a precursor to the modern ‘Identity’ movement].

188. Ibid., pg. 461.

189. Ibid., pg. 462.

190. New Orleans v. Steamship Co., 20 Wall. 394 [Emphasis in italics in original. **Bold** emphasis added].

191. Daniel v. Hutcheson, 85 Tex. 61.

192. See also, Sargeant on the Const., 330; 1 Kent, Com. 306; Flanders, Expos. of Const., 169, 184; Little v. Barreme, 2 Cr. 170; State v. Fairfield, Com. Pleas, 15 Ohio St. 377.

193. Winthrop’s Military Law and Precedents (1920), pp. 798-802.

194. McPherson, pg. 469.

After saying "It is with no desire to bring a tribute of flattery, when we assure you, honored sir, of the affection and confidence of our church," the letter extols Lincoln's virtues for five paragraphs. After the Assembly adjourned, sixty-five of its members had a 'private' audience with Lincoln.¹⁹⁵

The Southern branch of the same church passed resolutions in support of the Confederacy, though without the bowing and scraping to Confederacy President, Jefferson Davis.

The Incorporated Churches take a Hit

For their 'loyalty,' Northerners profited, greatly. As Southern churches were 'liberated' by the Union Army they passed to control of Northern Presbyterians who assisted the Army in selecting 'politically correct' pastors to re-educate Southerners in proper worship of the new Moloch.

But, Northern Presbyterians were not alone. **All major incorporated denominations in the North profited by 'loyalty' in the same way in their respective denominations.** McPherson cites copies of minutes and resolutions of denominations, North and South and adds Lincoln's letters, Orders of Generals, the Secretary of War and Adjutant Generals, that relate to Christian churches.

Denominations who profited include: Presbyterian, Old and New Schools (p. 461-71), Reformed Presbyterian (p. 472-74), Baptist (p. 475-78), Lutheran (p. 478-80), Congregational (p. 480-82), German Reformed (p. 482-3), Moravian (p. 483), Protestant Episcopal (p. 483-494), Methodist Episcopal (p. 494-99), Methodist Protestant (p. 499-500), Free Methodist (p. 500-01), Evangelical (p. 501-502), Roman Catholic (503), Quaker (p. 503-04), Unitarian (p. 504), United Brethren (p. 504-05), Universalist (p. 505-06), The Y.M.C.A. (p. 506-07), Amer. Board of Foreign Missions (p. 507), and United Presbyterian (p. 507-508).¹⁹⁶

After churches were captured the following took place with all incorporated denominations:

November 30, 1863 - The following order in relation to the use of all houses of worship belonging to the Methodist Episcopal Church South was issued and delivered to Bishop Ames.

December 9, 1863 - The same order was given concerning houses of worship of the same denomination in the Department of Virginia and North Carolina, and delivered to Bishop O.C. Baker, and those in the Department of the South, and delivered to Bishop Edward S. James.

December 30, 1863 - The same order was given concerning houses of worship of the same denomination to the States of Kentucky and Tennessee, and delivered to Bishop M. Simps.

To the Generals commanding the Departments of Missouri, the Tennessee, and the Gulf, and all the Generals and officers commanding armies. Detachments and posts and all officers in the service of the United States in the above mentioned departments: You are hereby directed to place at the disposal of Rev. Bishop Ames all houses of worship to the Methodist Episcopal Church South in which a loyal minister, who has been appointed by a loyal bishop of said church, does not now officiate.

It is a matter of great importance to the Government, in its effort to restore tranquility to the community and peace to the nation, that Christian ministers should, by example and precept, support and foster the loyal sentiment of the people.

Bishop Ames enjoys the entire confidence of this Department, and no doubt is entertained that all ministers who may be appointed by him will be entirely loyal. You are expected to give him all the aid, countenance, and support practicable in the execution of this important mission.

You are also authorized and directed to furnish Bishop Ames and his clerk with transportation and subsistence when it can be done without prejudice to the service, and will afford them courtesy, assistance, and protection.

By Order of the Secretary of War:

E. D. TOWNSEND

Assistant Adjutant General.¹⁹⁷

195. Ibid., pg. 471

196. This list is not complete. It reflects current data.

197. McPherson, p. 521.

Note, the Bishop's takeover is supported in the Southern Methodist Episcopal Church by the military power of Lincoln, even to providing the 'loyal' Bishop with transportation and subsistence, i.e., food, shelter, etc. The hypocrisy is clear. All Northern churches made explicit statements concerning **strict separation between civil and religious spheres** of power but, this did not apply when a Northern church had a chance to purify the doctrine of Southern brethren by taking over churches and putting "loyal," politically correct, ministers into the pulpits. This relates to Berman's earlier comment on the merger of ecclesiastical and civil authority in matters of heresy and treason. A Northern Methodist, Rev. J. P. Newman, on taking over a Louisiana church, March 23, 1864, justified his acts, by saying:

This movement was justified by the present disorganized and destitute condition of the Southern churches. **Their former ministers had either fled or been silenced, or imprisoned, or banished**, and it became the solemn duty of the Mother Church to send shepherds to these deserted and scattered flocks.¹⁹⁸

How did Lincoln know a minister was "loyal?" By demanding test oaths from ministers, of which, Judge Henry Clay Dean, a Northern judge, had much to say:

Test oaths in their mildest form have always been odious to either a free or honest people, as the most ready means of enslaving them and corrupting their public officers.

In the new system among us the test oath assumed a triple form of enormity against Christianity, civilization, and humanity.

...test oaths are retrospective and *ex post facto*, unconstitutional, and monstrous.

* * *

This test oath is a crime against humanity, which compels men to give testimony against themselves, under pains and penalty of perjury, with disfranchisement upon the one hand and the State's prison on the other.

No such power can be reposed in courts or legislatures. The common law which came down to us laden with the learning, liberty, and civilization of centuries, revolts at the crime of forcing a man to testify against himself.

* * *

...test oaths were administered to attorneys to drive able men from the bar, whilst **ministers of the Gospel were not allowed to perform ceremonies of marriage, bury the dead, baptize families, or preach the word of God without taking this blasphemous oath**; and any drunken magistrate might arrest him in delinquency. ... **Sisters of Charity in Missouri were arrested like felons for teaching orphan children without government permission and taken off by beastly constabularies when engaged in the very act of feeding the hungry and visiting the sick.**¹⁹⁹

All churches were required **by military authorities** to display at all times, the flag of Lincoln's new government when ever they held services. Thus, in Baltimore, the following order was issued:

HEADQUARTERS MIDDLE DEPARTMENT, 8TH ARMY CORPS, OFFICE PROVOST-MARSHALL. BALTIMORE, Feb. 8, 1863. JOHN McGEOCH, Esq., Gen'l Sup'd't Assembly Rooms, Cor[ner] Hanover and Lombard Sts.

SIR - I understand that considerable disgust is excited in the mind of a class of person who assemble at your Rooms, in consequence of the American Flag having been displayed there.

You will hereafter cause constantly to be displayed in a conspicuous position at the head of the hall a large size American Flag until further notice.

WM. S. FISH, Major and Provost Marshall²⁰⁰

The owner of the building where the church met, John H. Dashiell, took down the military flag. He was

198. Ibid., pg. 523.

199. *Crimes of the Civil War and Curse of the Funding System*, by Judge Henry Clay Dean. Smithson Publisher, Baltimore, 1868. ppg. 50-51. [**Emphasis** added].

200. McPherson, page 524.

arrested and charged with “tearing down and destroying the American flag.” He was released on parole,²⁰¹ which means:

In military law, [a parole is] a promise given **by a prisoner of war**, when he has leave to depart from custody, that he will return at the time appointed, unless discharged.²⁰²

Maryland’s Governor turned a deaf ear to the Appeal of the church and Mr. Dashiell.²⁰³ Church members separated from the incorporated Methodists, but military officers and the military government of Maryland refused to allow it.

The Reader must realize, that the American flag - **with gold fringe and eagle finial is the flag of a man - the President** - not the nation or the government. It is the commander-in-Chief’s private flag and **represents his provisional government**:

PROVISIONAL. *a.* 1601. [f. PROVISION *sb.* + -AL.] 1. Of, belonging to, or of the nature of a temporary provision or arrangement; provided or adopted for present needs for the time being; also, accepted or used in default of something better [*the Lawful Government of Christ Jesus].²⁰⁴

PROVISIONAL. *adj.* [*provision* + -*al.*] 1. Provided for a temporary need: suitable or acceptable in the existing situation but subject to change or nullification: TENTATIVE, CONDITIONAL. a p~ government set up in territory freed from enemy control; a p~ appointment; a p~ classification; a p~ interpretation of the data; their beliefs are relative and p~ —Walter Lippman.

2. *Archaic.* Marked by foresight: PROVIDENT. this ~ care in every species — Oliver Goldsmith. 3. Of or relating to special or extraordinary legal acts or proceedings allowed before final judgment to protect the interests of one or more parties to an action at law (as under the code procedure of New York and some other states remedies had by order of arrest, warrant of attachment, temporary injunction, or appointment of a receiver). 4. *Of a postage stamp:* overprinted or issued for temporary use esp. as a subst. for a regular issue that has not yet been made or that it has not yet been received in the country or territory where it is to be used — contrasted with *definitive*.²⁰⁵

Be advised that these same orders regarding the flag in incorporated churches are alive and well today as seen in a New Hampshire case in which the pastor has been ordered to fly the same flag,²⁰⁶ and this in the year 1998.

Further, there is the impact of the Reconstruction Acts that are still in full force and effect — in full military force and effect — which we will have more to say about further along.

During Lincoln’s War, there were many cases of pastors arrested, tried, and imprisoned - under a military court martial - for preaching doctrines contrary to the policy of Lincoln and his military. The McPheeters case is a classic example of a pastor being removed from the pulpit and then stabbed in the back by his own denomination who knuckled under to Lincoln and his Generals, even though no evidence was ever presented to anyone that McPheeters had said or written anything dis-loyal.

In this case, we see the Presbyterian denomination, Missouri Synod in St. Louis and Dr. Samuel B. McPheeters, pastor of the Pine Street church in St. Louis. Three or four church members alleged ‘dis-loyal’ sentiments in Dr. McPheeters preaching and writing. General Schenk issued an order — **without a hearing** — for Dr. McPheeter’s to stop preaching and writing and leave the pulpit. **With this new ‘administrative’ justice, no hearing is required under its military rule.**

McPheeter’s resisted, appealed to the Presbyterian ecclesiastical court, General Assembly (Old School). The Presbytery of St. Louis dissolved the pastoral relation between Dr. McPheeters and the Pine Street church and

201. Ibid., pg. 525.

202. *Black’s Law Dictionary*, by Henry Campbell Black, pg. 1327.

203. McPherson, pg. 526-7.

204. *The Oxford Universal Dictionary* (1955), p. 1609. [*Insertion added].

205. *Webster’s Third New International Dictionary* (1981), Vol. II, p. 1827.

206. This case will be reported on in a future Issue of The Christian Jural Society News.

asked him to desist. The Assembly refused to sustain Dr. McPheeters.²⁰⁷

This matter is about which this book addresses: The “ecclesiastical courts” of incorporated denominational bodies are stratagems of war without foundation in Law. It really was not a matter of refusing support, but more a matter of not being able to give support in Law to Dr. McPheeters.

This prompted the following from the Commanding General of the Department of Missouri:

ORDER RESPECTING RELIGIOUS CONVOCATIONS HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., March 5, 1864.

COLONEL: In the opinion of the General Commanding, the interests of the country require that due protection be given with the limits of this department to religious convocations and other religious assemblages of persons, whose function is to teach religion and morality to the people. But at the present time he deems it expedient that the members of such assemblages be required to give satisfactory evidence of their loyalty to the Government of the United States as a condition precedent to such privilege of assemblage and protection. The Major General Commanding desires that you take such steps as in your judgment will best secure these objects. I am, Colonel, very respectfully, your obedient servant,
O.D. Green, Assistant Adjutant General.

To Col. J. P. Sanderson, Provost Marshall General, Department of Missouri.²⁰⁸

Military authorities exercised total control over Southern churches even to dictating the content of prayers. The following is to a Roman Catholic Church:

ORDER OF COL. B. G. FARRAR, Headquarters U.S. Forces, NATCHEZ, MISS., June 18, 1864.
[SPECIAL ORDER, NO. 31.] Extract:

II. The Colonel commanding this district having been officially notified that the pastors of this city neglect to make any public recognition of the allegiance under which they live, and to which they are indebted for protection, and further, that the regular form of prayer for “the President of the United States, and all others in authority,” prescribed by the ritual in some churches, and by ecclesiastical custom in others, has been omitted in the stated services of churches of all denominations, it is hereby Ordered, That hereafter, the ministers of such churches as may have the prescribed form of prayer for the President of the United States, shall be read at such and every service in which it is required by the rubrics- and that those of other denominations, which have no such form - shall on like occasions pronounce a prayer appropriate to the time, and expressive of a proper spirit toward the Chief Magistrate of the United States. Any minister failing to comply with these orders, will be immediately prohibited from exercising the functions of his office in this city — and render himself liable to be sent beyond the lines of the United States forces — at the discretion of the Colonel commanding. The Provost Marshall is charged with the execution of this order. By command of B.G. FARRAR, Colonel Commanding.

JAMES E. MONTGOMERY, Capt. and Asst. Adj. Gen.²⁰⁹

McPherson lists many other military orders to incorporated churches, primarily in the South,²¹⁰ spending fifteen pages citing military orders used to “Reconstruct” churches, as part of a larger design which could not have been implemented without military and political control of the church.

Congress expressed concern but not one single Act was passed to curb the military authority in the North or South. During Lincoln’s tenure, though he expressed concerns when letters and complaints reached his desk, he never took action to curb his Generals and deferred to their judgment as final. This is because the commerce of a conquered belligerent is one of the assets which a conqueror may seize at will and control as he sees fit, by through the **police power** of the conquering belligerent.

207. McPherson, pg. 537. In the same work following the McPheeters case is that of Anderson, ppg. 537-38.

208. Ibid., pg. 538.

209. Ibid., pg. 538.

210. Ibid., pg. 541-543.

The tactics used by Lincoln and his military commanders, however, did not apply to un-incorporated denominations. McPherson went to great lengths to document the State incorporation of the subject Churches.

To date, we have found no record of any Order of the War Department similar to those cited above, which was issued against an un-incorporated church or denomination, and the same applies to test oaths being required of pastors, elders, or other officers of un-incorporated churches.

The control of the Southern churches by the North, continued long after Lincoln's War had ended and this accounts, in part, for significant changes imposed on all incorporated churches throughout the States, in terms of doctrinal statements, Confessions of Faith, and church polity.

Chapter Four

The Beast Grows Up

The Rejection of Law and the Exaltation of Man

Special Note:

Much of the research that follows was originally published by the King's Men in a work entitled: The Book of the Hundreds, Part One, 'Prolegomena to Current Martial Rule.'²¹¹ For a more complete treatment of how the nation lost its way, and why, we recommend the work.

In the era after Lincoln's War, Congress passed a series of Acts known as the Reconstruction Acts which, in part, relate to 501(c)(3) corporations. This Part summarizes these enactments.

McPherson stated that the period during and after Lincoln's War was a period of Reconstructing the Churches.²¹² Reconstruction had broad implications, but the core purpose was to justify the continuing military government that existed long after Lincoln's War had ended.

The Attorney-General of the United States issued an interpretation of the Acts concerning the use of the military forces of the United States.²¹³ First, he stated that the Acts:

...contemplate two distinct governments in each of these ten States:²¹⁴ the one military, the other civil. The civil government is recognized as existing at the date of the act. **The military government is created by the act.**

Both are **provisional**, and both are to continue until the new State constitution is framed and the State is admitted to representation in Congress. When that event takes place, both these provisional governments are to cease...this military authority and this civil authority are to be carried on together. **The people in these States are made subject to both**, and must obey both....

* * *

This existing government is not set aside; it is recognized more than once by the act. It is not in any one of its departments, or as to any one of its functions, repealed or modified by this act, **save only in the qualifications of voters, the qualifications of persons eligible to office, the constitution of the State.** The act does not in any other respect change the provisional government, nor does the act authorize the military authority to change it.

* * *

It is a grant of power to military authority, over civil rights and citizens, in time of peace. It is a new jurisdiction, never granted before, by which, in certain particulars and for certain purposes, the established principle that the military shall be subordinate to the civil authority, is reversed.

* * *

In point of fact, **there was no foundation for such a grant of power;** ...[It] made ample provision for the protection **of all merely civil rights**, where the laws or courts of these States might fail to give full, impartial protection.

* * *

These military orders modify the existing law in the remedies **for the collection of debts,**²¹⁵ enforcement of judgments and decrees for...money,...prohibiting in certain cases the right to bring suit... giving new liens..., establishing homesteads, declaring what shall be a legal tender,...**abolishing bail**, "as heretofore authorized," in cases *ex contractu*, but not in "other cases known as actions *ex delicto*," and changing...punishment of crimes, [that] "shall be punished by imprisonment at hard labor for a term not

211. Available from The Christian Jural Society Press. 818-347-7080.

212. McPherson, pg. 543

213. 12 Ops. Atty-Gen. 182.

214. Ostensibly meaning the Southern States but actually the Acts affected all States in the same way.

215. The debts being those of the Federal government taken on fighting Lincoln's War.

exceeding ten years nor less than two years, in the discretion of the court...”...general orders, [No. 10] contains no less than seventeen sections, embodying the various changes and modifications which have been recited.

* * *

The concluding paragraph of...No. 10, is...”Any law or ordinance heretofore in force in North Carolina or South Carolina, inconsistent with the provisions of this general order, are hereby suspended and declared inoperative.” **Thus announcing, not only a power to suspend the laws, but to declare them generally inoperative, and assuming full powers of legislation by the military authority.**

* * *

This construction of his powers, under the act of Congress, places the military commander on the same footing as the Congress of the United States. It assumes that “the paramount authority of the United States at any time to abolish, modify, control, or supersede,” is vested in him as fully as it is reserved to Congress. He deems himself a representative of that paramount authority. **He puts himself upon an equality with the law-making power of the Union...**

He places himself on higher ground than the President, who is simply an executive officer. He assumes, directly or indirectly, all authority of the State, legislative, executive, and judicial, and in effect declares, “I am the State.”

* * *

When a citizen is arraigned before a military commission on a criminal charge he is no longer under the protection of the law, nor surrounded with those safeguards which are provided in the Constitution. This act, ...authorizes, at the discretion of a military officer, the seizure, trial, and condemnation of the citizen. The accused may be sentenced to death, and the sentence may be executed without a judge. A sentence which forfeits all the property of the accused requires no approval. If it affects the liberty of the accused, it requires the approval of the commanding general; and if it affects his life, it requires the approval of the general and of the President. **Military and executive authority rule throughout in the trial, the sentence, and the execution.** No *habeas corpus* from any State court can be invoked; that “all interference, under color of State authority, with the exercise of military authority under this act, shall be null and void.”²¹⁶

Note that the Acts speak of “civil rights” which, prior to Lincoln’s War, never existed in Federal law, nor was there such a thing as a “citizen of the United States”:

A citizen of any one of the States of the Union, is held to be, a citizen of the United States, although **technically and abstractly there is no such thing.** To conceive a citizen of the United States who is not a citizen of some one of the States, is totally foreign to the idea, and inconsistent with the proper construction and common understanding of the expression as used in the Constitution, which must be deduced from its various other provisions.²¹⁷

After Lincoln’s War this changed, dramatically:

The privileges and immunities of citizens of the United States, which are protected by the Fourteenth Amendment, against abridgement by the states, are those which arise out of the essential nature and characteristics of the national government, the federal Constitution, treaties, or acts of Congress, **as distinguished from those belonging to the Citizens of a state;...**²¹⁸

The privileges and immunities of citizens of the United States are those which arise out of the nature and essential characteristics of the National Government, the provisions of the Constitution, or its laws and treaties made in pursuance thereof.²¹⁹

The instruments of military control during the war — **martial law, arbitrary arrests, and trial by**

216. 12 Ops. Atty-Gen. 182. [**Emphasis** added].

217. *Ex parte Frank Knowles* (1855), 5 Cal. 300, 302.

218. *Gardner v. Ray*, 157 S.W. 1147, 1150; *Hammer v. State*, 173 Ind. 199, 89 N.E. 850, 851, 24 L.R.A., N.S., 795, 140 Am.St.Rep. 248, 21 Ann. Cas. . 1034. [**Emphasis** added].

219. *Boyd v. Thayer*, 143 U.S. 135, 160.

military commission — continued to be features of the first two periods of the Reconstruction Era, [as]... military commanders acted as civil governors of their ‘provinces’ for a time....²²⁰

The effect on corporations is best illustrated, first, by a maxim of law:

Jus quo universitates utuntur est idem quod habent privati — The law which governs corporations is the same as that which governs individuals.²²¹

And, the Rule of Construction that applies is:

...as a rule corporations will be considered persons within the statutes unless the intention of the legislature is manifestly to exclude them.²²²

Clearly, if the law of a government is military this affects all acts of such a government and — **its character or mark is changed** because the law creating or allowing it to exist is from a different source. This is plainly evident from the following:

It is customary in such cases to permit the local courts and other local officers to continue functioning in the conduct of local affairs. **Their authority, however, is the will of the military commander, not the law of the dispossessed government.** But unless and until the provisions of local law are altered by the decree of the commander, they are presumed to continue to govern the local tribunals. Government by military agencies, in territory which is to remain under control of the United States [*note Fourteenth Amendment and Art I, sec 8, cl 3], may continue after the war period. But **in such case the status of the commanding officer changes. He no longer rules supreme as a military law giver but governs as an administrator of affairs under the laws of his country. He becomes civilly responsible for transgressions of his legal authority.**²²³

The duty of government therefore devolves upon the commander of the forces in occupation, and **his will becomes for the time being the source of local law.** He may, and according to international law, should interfere as little as possible with the operation of the former territorial law concerning private rights, but it must be recognized that he may change such laws if he desires and that, **he, not the state formerly in control, is the authority behind the laws.**²²⁴

One may state that “We are not yet conquered. Therefore, there is no martial law.” But:

...**it is not absolutely necessary that the country should be actually conquered.** Thus, within a week after their entrance into France, in August, 1870, the Germans had inaugurated a civil administration for the government of Alsace and Lorraine, which could not be said to be as yet conquered.²²⁵ Strasburg, for example, was not surrendered till September 27th.²²⁶

The questions to be, and that must be, asked are: How does one reconcile these admissions with Isaiah 9:6? or Isaiah 33:22 with the commanding officer being the lawgiver, judge and executioner? In whom is the faith of the incorporated body? How does one simultaneously serve both of these two opposing masters? Can two walk together except they be agreed? With whom does the incorporated body agree? Can the incorporated body

220. *The Role of Federal Military Forces in Domestic Disorders 1789-1877*, by Coakley. (U.S.G.P.O., 1988), pp. 268-269. [Emphasis added].

221. *Bouvier's Law Dictionary* (1914), “Maxim,” p. 2141.

222. *Stribbling v. Bank*, 5 Rand.(Va.) 132.

223. Magoon, *Reports on the Law of Civil Government in Territory Subject to Military Occupation*, p. 15; *The National Law Library*, vol. III, pp. 86-87. [Emphasis and *Insertion added].

224. *The National Law Library* (1939), vol. III, p. 395.

225. Edwards, “*The Germans in France*,” p. 45.

226. Winthrop, *Military Law and Precedents* (1920), pp. 799-800. [Emphasis added].

“occupy ’til He comes?” or is the incorporated body being occupied “’til he comes?”²²⁷

The fictional creation of man, the corporation, is deemed, for example, to have civil rights that are “balanced” with individual civil rights of persons given by and under license of the military commander. Is he a sufficient fountain of law? Was Caesar? There are different classes of “persons”:

2. Human beings are called “natural” persons, to distinguish them from “artificial” persons or corporations. At common law, *corporations* are declared to be “persons at law,” or “artificial” persons... they may sue and be sued, and are invested with rights and liabilities different from those of...natural persons who, by combination, form them. To acquire the status of artificial or legal personality, **the group seeking it must be incorporated, i.e., must obtain a formal state license**,...

3. In modern civil law, while incorporation is necessary for some purposes, **chiefly in commercial law**, any group of persons...may be treated as an artificial or legal person, and the same is true of a fund, like a foundation or a trust, or a complex of interests like the estate of a decedent.

4. **Within the meaning of the 14th Amendment to the United States Constitution, the term “person” includes corporations as well as human beings**, but it has been held not to include a political subdivision.²²⁸

The 14th Amendment is one “fruit” of the Reconstruction Acts and is still printed in the “Constitution,” and “Manual for Courts Martial”²²⁹ and Congress admits it had no authority to enact them.²³⁰ Congress is a **merely provisional** body.

Congress was called into **extraordinary** session by executive proclamation of Abraham Lincoln, **as commander-in-chief** and not as President. **Ordinary** session is in Law from the Good and Lawful Christians written in the constitution, *sans* any coercion by any other department. Thus, Congress did not then, and does not now, sit in Law. It sits at the pleasure of the commander-in-chief.

Congress was then, and is to this day, “civilly dead” because the military government was then, and is now, in bankruptcy.²³¹ Thus:

Extra legem positus est civiliter mortuus — He who is placed out of the law is civilly dead. A bankrupt is, as it were, civilly dead.²³²

And, from the Congressional Record of March 17, 1993:

Mr. TRAFFICANT asked and was given permission to revise and expand his remarks.

Mr. TRAFFICANT. “Mr. Speaker, we are here now in chapter 11. Members of Congress are official trustees presiding over the greatest re-organization of any bankrupt entity in world history, the U.S. Government. We are setting forth hopefully a blueprint for our future. There are some who say it is a coroner’s report that will lead to our demise.”

An incorporated Church is a 14th Amendment ‘juristic person’:

227. All might seem lost at this point, but a solution is given in *The Book of the Hundreds*.

228. *Warren Co. v. Heister*, 219 La. 763, 54 S.2d 12. Radin, *Law Dictionary* (1955), p. 249. [**Emphasis added**].

229. *Manual for Court Martial*, 1998 Edition, Published by the U.S. Government Printing Office, Wash., D.C.

230. Chairman Fessenden, Joint Com. on Recons., 1866, in McKittrick, *Andrew Johnson and Reconstruction* (1960), p. 359

231. See, *The National Banking Act*, 12 *Statutes at Large* 665; and, 13 *Statutes at Large* 99.

232. *International Bank v. Sherman*, 101 U.S. 406, 25 L.Ed. 866. *Black’s Law Dictionary* (4th ed., 1957 & 1968), p. 697.

The Juristic Person

A juristic person is domestic in the [forum] state by which it was created (or by which it was expressly authorized). **This theory has met with considerable support, especially in the United States, where indeed it may be said to be the accepted doctrine...**Nationality in the present sense, ... **is a juridical and not a political quality**, and should therefore be determined **by the legal and not by the political characteristics of the juristic person.**²³³

...it is precisely those enterprises that are ‘creatures of the law’ to which the fourteenth amendment is addressed.²³⁴

Must one be a Harvard Law School graduate to see that incorporated bodies have no Rights in Christ, only statutory rights that are given or taken away by Congress, Courts, and Presidents (by E. O.), as easily as they are given. Only those with proper standing and **no corporate link**, have political rights and protection under the First Amendment, which espouses Christianity only, **not denominations or the earthly religions of Adam**. This is true, not because of any Constitution, but because these rights existed before the Constitution and the creation of the United States:

Civil rights...are not connected with the organization and administration of government.²³⁵

Because such rights are connected to the military government. Further:

A Corporation can have no legal existence outside of the boundaries of sovereignty by which it is created. It exists only in contemplation of law, ...and where that law ceases to operate, ...the corporation can have no existence.²³⁶

Pastors of incorporated churches scream about “Constitutional Rights,” but, the Bill of Rights was re-interpreted by the 14th Amendment, which cannot be questioned in a statutory court²³⁷ even though everyone knows it isn’t Lawful:

‘The Fourteenth Amendment is a part of the Constitution of the United States.’ While this same **assertion** has been made by the United States Supreme Court, **that court has never held that the amendment was legally adopted. I cannot believe that any court, in full possession of its faculties, could honestly hold that the amendment was properly approved and adopted.**²³⁸

One can read the horror stories on “juristic persons” in *State of Nebraska v. Sileven*. Pastor Sileven learned the hard way that an incorporated “church” has no First Amendment protection, nor do any of its officers.²³⁹ Further, the people who create corporations are deemed to be, “natural persons,” who do not know Christ Jesus:

Any human being ... is a **legal entity** as distinguished from an *artificial* person, like a corporation, which derives **its status as a legal entity** from being so recognized in law.²⁴⁰

A corporation is a collection of **natural persons**, joined together by their voluntary action or by legal compulsion, by or under the authority of the Legislature [*not by, through, or under Christ Jesus],

233. E. Hilton Young, *The Nationality of a Juristic Person*, 22 Harv.L.R. 1, 3, 7. [Emphasis and *Insertion added.]

234. *Racial Discrimination and Judicial Integrity*, by Pollak, 108 U. of Pa. L. Rev. 1 (1959).

235. *Winnet v. Adams*, 71 Neb. 817, 99 N. W. 681

236. *Phoenix Insurance Company v. Commonwealth* (1868) 5 Bush 63, 96 Am.Dec. 331. [Emphasis added].

237. See Section Four of the Fourteenth Amendment in any edition of the Constitution for the United States.

238. *State v. Phillips* (1975), 540 P.2d 936, 941, 942. [Emphasis added].

239. See, *The Day They Padlocked the Church*, by H. Edward Rowe. Published by Huntington House, Inc., Shreveport, 1983.

240. *Amon v. Moreschi*, 296 N.Y. 395, 73 N.E.2d 716.” Radin, *Law Dictionary* (1955), p. 216. [Emphasis added].

consisting either of a special charter or of a general permissive statute...²⁴¹

“Persons” are of two kinds, natural and artificial. **A natural person is a human being.** Artificial persons include a collection or succession of natural persons forming a corporation;...²⁴²

Humans are defined as a “monster,”²⁴³ “A human-being by birth, but in some part resembling a lower animal.”²⁴⁴ A human is:

...relative to man as distinguished from God or superhuman beings, pertaining to the sphere or faculties of man (with implication of limitation or inferiority) mundane, **secular**, (often opposed to divine).²⁴⁵

1. A human being — without regard to sex, legitimacy, or competence. **This person is the central figure in law**, as elsewhere, characterized by personal attributes of mind, intention, feelings, weaknesses, morality common to human beings; with rights and duties under the law. This is the person, **sometimes called an individual**, and often **referred to in the law as a natural person**, as distinguished from an artificial person.²⁴⁶

Natural man = natural person = secular = human being = individual = unregenerate.²⁴⁷

But, the **natural man** receiveth not the things of the Spirit of God: for they are foolishness unto him: neither can he know them, for they are spiritually discerned.²⁴⁸

In the simplest possible terms, a “natural person” — in current law — is not a Christian, but an unregenerate legal entity. When Christians make application to incorporate, they do so, not as Christians, but as fallen men – sons of the first Adam. Natural persons are within the jurisdiction of **the State** [not God]. They have no law “written on the heart” because they are creations of man, by the law of the State:

Jurisdiction of State officers is co-extensive only with the territory of **the State** from which they derive their powers.²⁴⁹

Was Christ a natural person or human being? He is, after all, the Cornerstone of Our Faith, Law, and everything in the church, as well as its Head:

Hereafter I will not talk much with you: for the prince of this world cometh and hath nothing in Me.²⁵⁰

Nevertheless, I tell you the truth; it is expedient for you that I go away: for if I go not away, the Comforter will not come unto you; but if I depart, I will send Him unto you. And when He is come, He will reprove the world of sin and of righteousness, and of judgment: of sin, because they believed not on Me; of righteousness, because I go to My Father, and ye see Me no more; of judgment, because the prince

241. *State v. Knights of Ku Klux Klan*, 117 Kan. 564, 232 P. 254, 257, 37 A.L.R. 1267. See also *Black's Law Dictionary* (4th ed. 1957 & 1968) p. 409. [**Emphasis** and *Insertion added].

242. *Hogan v. Greenfield*, 358 Wyo. 13, 122 P.2d 850, 853. See also *Black's Law Dictionary* (4th ed. 1957 & 1968), p. 1300. [**Emphasis** added].

243. See *Ballantine's Dictionary of Law*, under ‘HUMAN BEING.’

244. *Ibid.* The same definitions can be found in *Blackstone's Commentaries on the Laws of England*.

245. *Oxford English Dictionary of 1901*. Published by Oxford at the Clarendon Press, London. (Insertions in original). [**Emphasis** added].

246. *Dictionary of American Legal Usage*, (1992), by David Mellinkoff, Professor of law, U.C.L.A., p. 479. [**Emphasis** added].

247. See, *Random House Dictionary*, pg. 1461.

248. I Corinthians, 2:14. [**Emphasis** added].

249. *McCullough v. Scott*, 182 North Carolina, 865; or 109 So. East Rep. 789. See also, 59 Corpus Juris 112.

250. John 14:30.

of this world is judged.²⁵¹

If the Holy Spirit judged the “prince of this world,” who has nothing in Christ, then the Trinity is One, and Christ is Who He says He is, the Spirit bearing Witness. But if Christ had partaken of the world, He would have been under the prince of this world, Judged by the Spirit of God, and our faith in Him would be for nought. Thus, the doctrine of the incorporated body could never be the True Doctrine of Christ Jesus Himself.

Christ and His church have nothing in the “prince of this world” or with the codes (law) of this world that apply to human beings or natural persons being sanctified by, in and through He Who called them out of the world. Neither, therefore, can his church have anything to do with the law of this world. Otherwise, we must assert that the church, Christ’s disciples, are greater than Christ, if they presume to act in a manner contrary to His Word. For His Word says:

The disciple is not above his master, nor the servant above his lord. It is enough for the disciple that he be as his master, and the servant as his lord.²⁵²

But, does the law see a Christian as a “natural person”?

A person is not such because he is a human but because rights and duties **are ascribed to him**. An individual human being considered as having such attributes is what lawyers call a natural person.²⁵³

Further, the Supreme Court has said that:

We are all agreed that the First and Fourteenth Amendments have a **secular** reach far more penetrating in the conduct of government than merely to forbid an “established church.” ... We renew our conviction that “we have staked the very existence of our country on the **faith** that complete separation between state and religion is best for the state and best for religion.”²⁵⁴

That ‘secular faith’ which now rules the ‘new nation’ under the ‘new Constitution’ was frankly explained by a current law professor at Columbia Law School in 1997:

The ‘original republic’ — the one for which our ‘forefathers’ fought ‘face to face’ - ‘hand to hand’ — **exists only in the minds of academics and fundamentalist patriots. The republic created in 1789 is long gone. It died with the 600,000 Americans killed in the Civil War.**

The new Constitution — the one that shapes and guides the national government and disturbs the new patriots to their core — **begins to take hold in the Gettysburg Address, in which Lincoln skips over the original Constitution** ... This short speech functions as the Preamble to a new charter that crystallizes after the war in the **Thirteenth, Fourteenth and Fifteenth Amendments.**²⁵⁵

Thus, it does not matter if the Constitution embodies Christianity. It is irrelevant. This is easily seen, for constitutions offer nothing either to the church, its members, or the state:

What is a constitution, and what are its objects? It is easier to tell what it is not than what it is. **It is not the beginning of a community** [*Christ Jesus has the pre-eminence in all things], **nor the origin of private rights; it is not the fountain of law** [*Christ Jesus has the government on His shoulder], **nor the incipient state of government; it is not the cause**, but consequence, **of personal freedom and political freedom; it grants no rights to the people** [*The Body of the church], **but is the creature of their power, the instrument of their convenience. Designed for their protection in the enjoyment of the rights and powers which they possessed before the constitution was made** [*Rights inherited from, in,

251. John 16:7-11

252. Matthew 10:24-25.

253. *Black’s Law Dictionary*, 4th Ed., page 1300. [Emphasis added].

254. Felix Frankfurter, in dissenting opinion in *Illinois ex rel McCollum v. Board of Education*, 333 U.S. 203, cited in *Torcaso v. Watkins*, 367 U.S. 488, at page 493-94. See also, *Abington v. Schemp*, 374 U.S. 203. [Emphasis added].

255. *The New Republic*, June 23, 1997 article entitled “Unsound Constitution,” by George P. Fletcher, p. 14-18. [Emphasis added].

and through Christ Jesus], it is but the framework of the political government, and necessarily based upon the pre-existing condition of laws, rights, habits, and modes of thought. There is nothing primitive in it: **it is all derived from a known source** [*God and Scripture]. **It presupposes an organized society** [*the church], law [*Scripture], order, property [*by and through Inheritance in Christ], personal freedom, a love of political liberty, and enough of cultivated intelligence to know how to guard it against the encroachments of tyranny. A written constitution is in every instance a limitation upon the powers of government in the hands of agents; for there never was a written republican constitution which delegated to functionaries all the latent powers which lie dormant in every nation, and are boundless in extent, and incapable of definition.²⁵⁶

The Church and Its Property in Land or Chattels

Many churches have set up corporations because it is supposed to make property acquisition easier. Most often this property is acquired by going into debt, especially if it's land, a church building, or an automobile. In such situations it is indeed, easier to acquire the property, but only in the short term, and only at the expense of the church's standing in law.

First, what is property?

The **right and interest** which a man has in land and chattels to the exclusion of others.²⁵⁷

Still, the source of the right determines the governing law. This means, that if the source of the right is in God, His Law governs. If the source of the right is in some act of the State, then the law of the State governs. If one acquires land *via* a corporation created by the State, the property can only be acquired by the State law, i.e., commercially, in current law. In this case, all title to property is vulnerable, because with the corporate body being one in, and with, the State, whatever it acquires is also one in, and with, the State:

...the government has no power to grant away or dispose of property of the United States, without authorization by congress,²⁵⁸ although it may grant a revocable license for the use of such property.²⁵⁹ [Thus] All power of the new (military) government comes from him [*the military commander subject to the orders of the Commander-in-Chief] **and what he has created he can destroy** [*'like' God].²⁶⁰

Thus, whatever property a church corporation thinks it "owns" is a figment of somebody's imagination, because the State can come and take it away as easily as it can revoke corporate licenses or arrest a pastor, deacon, or elder for abusing the State's property. But:

The earth is the Lord's and the fullness thereof.

And, yes, the current secular "law" does recognize God's Law:

There are, of course, limitations upon the exercise of this power. The legislature cannot use it as a cover for withdrawing property from the protection of the law, or arbitrarily, where no public right or interest is involved, declare [*particular] property a nuisance for the purpose of devoting it to destruction.²⁶¹

256. Hamilton v. St. Louis County Court, 15 Mo. 13, per Bates, arguendo. And see Matter of Oliver Lee & Co.'s Bank, 21 N.Y. 9. [Emphasis and *Insertions added.]

257. Bouvier's Law Dictionary, 1859, Volume II, p. 394.

258. U.S. v. Miguel de Porrato Doria, 1 Porto Rico Fed. 417; People v. New York & Porto Rico Steamship Co., 1 Porto Rico Fed. 248.

259. People v. New York & Porto Rico Steamship Co., supra

260. Duarte v. Dade, 32 Phillipine 36. Parenthesis in original. [*Insertion added].

261. Lawton v. Steele (1890), 119 N.Y. 226, 23 N.E. 878, aff'd 152 U.S. 133. [*Insertion added].

Exceptio quoque regulam declarat — The exception also declares the law.²⁶²

An exception differs from a reservation; the former is always part of thing granted [*and thus already exists]; the latter is of a thing not *in esse* [*in existence] but newly created or reserved [*by act or deed]. An exception differs also from an explanation, which by the use of a *videlicet, proviso*, etc., is allowed only to explain doubtful clauses precedent, or to separate and distribute generals, into particulars.²⁶³

All a Christian has, he has by virtue of his inheritance by, in, and through Christ Jesus. This is the doctrine of executorship:

EXECUTOR. A person named in a last will and testament and charged with carrying out its terms. The executor is not a trustee and **does not get the title to the estate, but merely possession.** He is, however, a *fiduciary* and held to the same accountability as a trustee. He may not enter on the duties of his office till he has qualified, which ordinarily requires approval of a probate court, and he is subject to removal by the court at any time.²⁶⁴

An executor is under the Law expressed in the testament. The testator (Christ Jesus or the State) of the testament determines the quality of the executorship (Christian or anti-Christian). Both the Christian and non-Christian alike are answerable in God's Court, but the difference here is that God will remove the Christian upon his or her failure to Lawfully and righteously execute the Testament. Thus, a doctrine of impossibility arises: It is not possible for one to execute two separate testaments which are opposite in their source, nature, and composition. Also, by the doctrine of executors it is contrary to Law for the executor to divide the Inheritance of God from all others and make it "private," or **denominate it.**

Lex non patitur fractiones et divisiones statuum — The law does not suffer fractions and divisions of estates.²⁶⁵

Yet, the whole law of the State regarding property is based upon a "claim" of "ownership" that Christians know is a false claim, because the earth is the Lord's and the fullness thereof. Why then do "Christians" and **their** corporate bodies make claims of property ownership? The point is, why shouldn't Christians and the church stake their property possession on what is true rather than what is false?

Blessed are the meek: for they shall **inherit** the earth.²⁶⁶ [And] Knowing that of the Lord ye shall receive the **reward of the inheritance**: for ye serve the Lord Christ. But he that doeth wrong shall receive for the wrong which he hath done: and there is no respect of persons.²⁶⁷ [And] And now, brethren, I commend you to God, and to the word of His grace, which is able to build you up, **and to give you an inheritance** among all them which are sanctified.²⁶⁸ The Spirit Itself beareth witness with our spirit, that we are the 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 be also glorified together.²⁶⁹

Man's law makes room for Biblical doctrines of inheritance in the laws of property, or land:

All titles are said to be acquired by descent [*inheritance] or by purchase. Purchase means more than mere buying, it includes acquisition of title by devise or by gift. In short, title by purchase means title

262. *Bouvier's Law Dictionary* (1914), "Maxim," p. 2133.

263. *Bouvier's Law Dictionary* (1914), "Maxim," p. 2133.

264. *Matter of Burr*, 48 Misc.(N.Y.) 56; *Austin v. Munro*, 47 N.Y. 360; *Radin's Law Dictionary* (1955), p. 118.

265. *Black's Law Dictionary* (4th ed., 1957 & 1968), p. 1057.

266. Matthew 5:5. [Emphasis added].

267. Colossians 3:24-25. [Emphasis added].

268. Acts 20:32. [Emphasis added].

269. Romans 8:16-17. [Emphasis added].

acquired in all ways except by descent.²⁷⁰

Solus Deus haeredem facit — God alone makes the heir.²⁷¹

La ley favour l'inheritance d'un home — The law favors a man's inheritance.²⁷²

Haeres est alter ipse, et filius est pars patris — An heir is another self, and son is part of the father.²⁷³

Haeres est aut jure proprietatis aut jure representationes — An heir is either by right of property, or right of representation.²⁷⁴

Haeres est eadem persona cum antecessore — An heir is the same person with his ancestor.²⁷⁵

INHERITANCE. A perpetuity [*not in commerce] in lands to a man and his heirs; or it is the right to succeed to the estate of a person who died intestate. Dig. 50, 16, 24. The term is applied to lands. 2. The property which is inherited is called an inheritance²⁷⁶

If Christians understood the laws of inheritance and issued the Lawful process to establish that inheritance according to the Law of God, the church would be free of entanglements with Federal, State, County, and City codes, ordinances, rules and regulations and, there could be no property taxes placed **anywhere on the church lands or the lands of God's people!!!** Christ Jesus made this clear:

What thinkest thou, Simon? Of whom do the kings of the earth take custom or tribute? of their own children, or of strangers? Peter saith unto Him, Of strangers. Jesus saith unto him, Then are the children free.²⁷⁷

And, who are "strangers" according to the law?

Those who are in no way parties to a covenant, nor bound by it, are also said to be strangers to the covenant.²⁷⁸

Because our inheritance is truly from Christ we own nothing, but inherit all things.

Nemo potest esse dominus et haeres — No man can be both owner and heir.²⁷⁹

Again, the reasons why churches incorporate are utterly groundless. The same things can be done with the more secure and knowable law of God. The highest inheritance a man can have is the Law of God, in and through, Christ. Further:

Causa et origo est materia negotii — The cause and origin is the substance of the thing; the cause and origin of a thing are a material part of it.²⁸⁰

270. *Hopkins on Real Property* (1896), p. 399. [*Insertion added].

271. *Bouvier's Law Dictionary* (1914), "Maxim," p. 2163.

272. *Bouvier's Law Dictionary* (1914), "Maxim," p. 2142.

273. *Black's Law Dictionary* (4th ed. 1957 & 1968), p. 841.

274. *Ibid.*, p. 841

275. *Ibid.*, p. 841.

276. 1 Cruise, Dig. 68; Sw. 163; Poth. des Retraits, n. 28. [*Insertion added].

277. Matthew 17:25b-26.

278. Brown. See *Robbins v. Chicago*, 4 Wall. 672, 18 L.Ed. 427; *Wilson v. Smith*, 213 Ky. 836, 281 S.W. 1008, 1010; *State v. Mills*, 23 N.M. 549, 169 P. 1171, 1173; *Gronewold v. Gronewold*, 304 Ill. 11, 136 N.E. 489, 490. See also, "STRANGER." *Black's Law Dictionary* (4th ed., 1968), p. 1590.

279. Hale, Com. Law, c. 7. *Black's Law Dictionary* 4th Ed., p. 1190.

280. *Ibid.*, p. 278; *Bouvier's Law Dictionary* (1914), "Maxim," p. 2127.

Quod approbo non reprobo — What I approve I do not reject. I cannot approve and reject at the same time. I cannot take the benefit of an instrument, and at the same time repudiate it.²⁸¹

Scire proprie est rem ratione et per causam cognoscere — To know properly is to know a thing by its cause and in its reason.²⁸²

The point is to make clear what it means to take Our Creator seriously. First, source, cause and origin — as we have repeatedly said — is vital in understanding any law, but it is more important that it be fully realized and lived. As the Maxim says, “I cannot approve and reject at the same time. I cannot take the benefit of an instrument [Scripture and Salvation by Christ] and at the same time repudiate it” by not obeying the Law of the King who, again, is Our source, cause, and origin. We must be serious about living in the mode and character of God’s people, and return to Our Father and stand on His Word in all we do. This is the basic presupposition of all Christian thought and action. The Father, The Son, and The Holy Spirit are the very ground of Our being. And if we take this seriously, then we shall be free:

Le ley est le plus haut inheritance que le roy ad, car par le ley, il mesme et tous ses jujets sont rules, et si le ley ne fuit, nul roy ne nul inheritance serra — The law is the highest inheritance that the king possesses; for by the law both he and all his subjects are ruled; and if there were no law, there would be neither king nor inheritance.²⁸³

And for this cause He is the mediator of the new testament, that by means of death, for the redemption of the transgressions *that were* under the first testament, **they which are called might receive the promise of eternal inheritance. For where a testament is, there must also of necessity be the death of the testator. For a testament is of force after men are dead: otherwise it is of no strength at all while the testator liveth.**²⁸⁴

All of this is irrelevant if Christ did away with the Law and its binding effect on man, but:

Think **not** that I am come to destroy the law, or the prophets: I am **not** come to destroy, but to fulfill.²⁸⁵

Of course, if Christ had done away with the Law of God, there would clearly be an inconsistency in the Godhead — Christ could not be King, and there would be no inheritance, as both Scripture and the maxims of law tell us. How does this relate to church incorporation or law?

CHRISTIANITY...has been judicially declared to be a part of the common law of Pennsylvania;²⁸⁶ of Massachusetts,²⁸⁷ [and elsewhere] To write or speak contemptuously and maliciously against it is an indictable offence;²⁸⁸ ‘This is a religious people, not Christianity with an established church and tithes and spiritual courts; but Christianity with liberty of conscience to all men.’²⁸⁹ [T]o reproach the Christian religion is to speak **in subversion of the law.**²⁹⁰ In like manner, and for the same reason, any general attack on Christianity is the subject of criminal prosecution, because **Christianity is the established**

281. Ibid., p. 1418.

282. *Bouvier’s Law Dictionary* (1914), “Maxim,” p. 2162.

283. Ibid., p. 2142.

284. Hebrews 9:15-17. [Emphasis added].

285. Matthew 5:17. [Emphasis added].

286. *Updegraph v. Com.*, 11 S. & R.(Pa.) 394; *Guardians of the Poor v. Greene*, 5 Binn.(Pa.) 555; (cited in *U.S. v. Laws*, 163 U.S. 263, 16 Sup.Ct. 998, 41 L.Ed. 151); see also *Zeisweiss v. James*, 63 Pa. 465, 3 Am.Rep. 558; of New York, *People v. Ruggles*, 8 Johns. 291, 5 Am.Dec. 335; of Connecticut, 2 Swift, System 321; of Delaware, *State v. Chandler*, 2 Harr. 553

287. 7 Dane, Abr. C. 219, a. 2, 19. See *Com. v. Kneeland*, 20 Pick.(Mass.) 206.

288. Ogd. Lib. & Sl. 450; Cooper, Libel 59, 114. See 5 Jur. 529; *People v. Ruggles*, 8 Johns.(N.Y.) 290, 5 Am.Dec. 335; *Com. v. Kneeland*, 20 Pick.(Mass.) 206.

289. *U.S. v. Laws*, 163 U.S. 263, 16 Sup.Ct. 998, 41 L.Ed. 151.

290. *Taylor’s Case* (1676), 1 Vent. 293, 86 Eng.Rep. 189, cited in *Perkins on Criminal Law* (1969), p. 397, “Blasphemy.” [Emphasis Added]

religion of the country.²⁹¹

It is this truth which has been abandoned by Christians associated with incorporated bodies, namely, that the Lawful power of the Christian religion and God's Law, within the proper form of process at-Law, is the most powerful and highest Law in the land, even to the point of binding the Commander-in-Chief, Congress, State legislatures, and local County or City authorities. Please take note!!!

The several reasons for this are:

The Christian religion is, of course, recognized by the government, yet not so as to draw invidious distinctions between different religious beliefs, etc.;²⁹²

What then are the well established principles of the common law applicable to the present case? [Blackstone says] that upon the foundations of the law of nature and the law of revelation, all human law depends,²⁹³ ...Regarding Christianity as part of the law of the land, it respects and protects its institutions; and assumes likewise to regulate the public morals and decency of the community.²⁹⁴

Every system of law ...had as its component one of three well known systems of ethics, Pagan, stoic, or Christian. **The common law draws its subsistence from the latter, its roots go deep into that system**, the Christian concept of right and wrong or right and justice motivates every rule of equity. It is the guide by which we dissolve domestic frictions and the rule by which **all** legal controversies are settled.²⁹⁵

...by the common law and the Bible, which is the foundation of the common law."²⁹⁶

The Christian religion is the established religion by our form of government and all denominations are placed on an equal footing and equally entitled to protection in their religious liberty.²⁹⁷

The doctrines of Christianity and the execution of God's Law in an action at-Law to preserve His church are not a matter of any authority from any civil government. They are Powers inherited from and through Christ Jesus their Author that empower His church to advance His Crown Rights and His state, if we will but study to show ourselves approved and then use them **Lawfully**:

Study to show thyself approved unto God, a workman that needeth not be ashamed, rightly dividing the word of truth.²⁹⁸

Qui alterius jure utitur, eodem jure uti debet — He who uses the right of another ought to use the same right.²⁹⁹

291. Gathercole's Case (1838), 2 Lewin 237, 254, 168 Eng.Rep. 1140, 1145. Cited in *Perkins on Criminal Law* (1969), p. 397, "Blasphemy." [**Emphasis** added].

292. Cooley, Const. 206." *Bouvier's Law Dictionary* (1914), "Religion," p. 2865

293. *1 Blackstone Commentaries* 42.

294. Bell v. The State (1851), 1 Swan (Tenn.) 42, 44.

295. Strauss v. Strauss (1941), 3 So.2d 727, 728. [**Emphasis** added].

296. Wylly v. Collins (1851), 9 Ga. 223, 237.

297. Runkel v. Winemiller et al (1799), 4 H.&McH.

298. 2 Timothy 2:15.

299. *Bouvier's Law Dictionary* (1914), "Maxim," p. 2157.

Chapter Five

Re-building the Tower, Code upon Code

In legalese there are corporations, and then there are corporations with various benefits, privileges, immunities, and opportunities, all controlled by State codes.

In some states the right to incorporate is conferred by statute specifically providing for the incorporating of religious societies.³⁰⁰ In other states the right exists under the general incorporation law, which by its terms includes religious societies among those entitled to incorporate,³⁰¹ or the support of public worship among the purposes enumerated for which incorporation is permitted.³⁰² The right to incorporate under a statute giving that right to proprietors of real estate lying in common has been held to be conferred upon holders in common of church property.³⁰³ A statute providing for the incorporation and government of churches,³⁰⁴ has been held to apply to separate congregations and not to the church at large.³⁰⁵ Under a statute so providing,³⁰⁶ an associate body worshiping in a separate meeting-house or chapel may become separately organized and incorporated, but only with the consent of the parent society.³⁰⁷ It has been held that a schismatical body within a church may incorporate,³⁰⁸ but it must be done openly with the announcement of the schismatical character of the body and not under the guise of being an offshoot of the original society.³⁰⁹ Under an incorporating law whose terms were permissive, not mandatory, the right to incorporate was held to be restricted to the persons or body, which under church laws and usages are vested with the administration of its temporalities.³¹⁰ A statutory provision that no religious corporation shall be recognized as existing except by express statute “of this state” has reference only to associations having temporalities to administer within the state, and does not bar the recognition of associations incorporated in other states unless they undertake to exercise their corporate franchise within the state.³¹¹

There are public, private, aggregate, sole, and quasi-corporations. They are established for broad, nearly unlimited forms of commerce, or for very limited, specific purposes, or causes.

Class differences between corporations are determined by the source of the law upon which the corporation is based. If the source is found in men, and States that men create, the corporation is **private**. If the corporate Law comes from God it is **common in the church**.

This distinction seems to be upside down. In part, this is because private corporations seem to engage in public efforts. But **it is not what the corporation does** that makes it public or private, but the **source, cause and origin of its law** that is determinative:

Private law recognizes the following classes of juristic persons:

1. The state, or governing social entity, in its **private** legal relations. ... Its activity here is the same as that of any free Citizen in the state in the satisfaction of **private** economic (commercial) necessities.

300. Voorhees v. Amsterdam Presbyterian Church, 17 Barb. (N.Y.) 103.

301. Tunstall v. Wormley, 54 Texas 476.

302. In re St. Luke's M.E. Church, 17 Phila. (Pa.) 261.

303. Howard v. Hayward, 10 Mete. (Mass.) 408 (under Rev. St. c. 43 later incorporated into Gen. L. C. 179.).

304. See statutory provisions.

305. Baxter v. McDonnell, 155 N.Y. 83; 49 N.E. 667; 40 L.R.A. 670.

306. See statutory provisions.

307. Church of Redemption v. Grace Church, 68 N.Y. 570 (mod. 6 Hun. 166.)

308. In re Charter Church of Mother of God Czenstochowa, 5 Lack. LegN (Pa.) 128.

309. *Ibid.*

310. Trustees of a Roman Catholic church are not entitled to incorporation, where by law of the church the administration of the temporalities is vested in the parish priest. Smith v. Bonhoof, 2 Mich. 115.

311. In re Ticknor, 13 Mich. 44.

2. Public communities within the state, which represent public interests; thus, municipalities, parishes, towns, provinces, and similar communities.

3. Aggregates of persons, such as associations (corporations) arising from joint concurrence or agreement, which have legal interests, in that the law gives them a legal position. According to the conditions of the legal recognition of their juristic personality such corporations (*collegia, corpora*) are: guilds and industrial fraternities [*unions], and those privileged aggregates of persons which are under state supervision (*collegia sodalica*); for example, the Roman *collegia funeraticia*, and modern associations for accident, age and health insurance.... These associations under recognition have social objects as opposed to objects of the state or of individuals [*eleemosynaries].

4. Associations for profit (*societates quaestuariae*), which the law specially invests with the capacity for having rights; thus, share companies, registered associations, and mining companies, in the modern law.

5. **Churches, churchly associations and institutions....**

6. Foundations, that is, complexes of property which are recognized by the law as holders of rights for the accomplishment of certain limited objects *piae causae*, etc.³¹²

All this can be summarized by saying that, if the law of the corporation singles out a particular class and excludes others, it is private law. Public law makes no distinctions, and applies to all uniformly. Private law is destructive of Christianity because it only applies to the *natural man*:

He that is not with Me is against Me; and he that gathereth not with Me scattereth abroad.³¹³

Under **all** Law the cause of the church is not private, but public:

Causae ecclesiae publicis causis aequiparantur — The cause of the church is a public cause.³¹⁴

Thus, God's Law and Christian common Law **speaks to all with one voice and is thus True Public Law** because God is no respecter of persons, i.e., His Law does not apply to only one class or race of people, but to all, uniformly:

... Of a truth I perceive that **God is no respecter of persons:**³¹⁵ [And] But glory, honor, and peace, to every man that worketh good, to the Jew first, and also to the Gentile: For **there is no respect of persons with God.**³¹⁶

Thus, if God's Law is public, should the church involve itself in private law?

We spoke of Lincoln resurrecting the Roman Imperial code or civil law. Though called Public Policy, or Public Law if published by Congress it is still private because it only applies to certain persons and excludes others:

Civil law: (a) **Roman law**, ... (b) the body of law having to do with **private rights:** it developed from **Roman law.**³¹⁷

Private law is the source of benefits and privileges that are otherwise prohibited by general Law:

Privilegium est quasi privata lex — A privilege is, as it were, a private law.³¹⁸

312. *Gareis' Science of Law*, §15.[*Insertions added].

313. Matthew 12:30.

314. *Bouvier's Law Dictionary* (1914), "Maxim," p. 2127.

315. Acts 10:34b. [**Emphasis** added].

316. Romans 2:10-11. [**Emphasis** added].

317. *Webster's New Twentieth Century Dict., Unabridged* (World Publishing Company, 1969), p. 1028. [**Emphasis** added.]

318. *Black's Law Dictionary* (4th ed., 1957), p. 1361; *Bouvier's Law Dictionary* (1914), "Maxim," p. 2155.

Private Law. In constitutional law. A right, power, franchise, immunity, or privilege granted to, or vested in a person or **class of persons, to the exclusion of others, in derogation of common right.**³¹⁹ A privilege is a **personal** benefit...³²⁰

A privilege is a grant of a **special right** and immunity.³²¹

Privilege is vulnerable to the general law, i.e., Christian common Law:

Privilegium non valet contra rempublicam — **Privilege is of no force against the common wealth** [*general law or God's Law]. **Even necessity** [*the basis of martial law] **does not excuse**, where the act to be done is against the common wealth.³²²

A franchise is a privilege in which the public have an interest, and which cannot be exercised without the authority of the sovereign.³²³

On what authority can we assert that law is public or private based upon its source of authority?

Despite repeated statements implying the contrary, **it is the source of the right sued upon, and the not the ground upon which federal jurisdiction is founded, which determines the governing law.** Although it has been vigorously asserted that the rights specified in the Amends. 1 to 8 are among the privileges and immunities protected by this clause, and although this view has been defended by many distinguished jurists, including several justices of the federal Supreme Court, that court holds otherwise and asserts that **it is the character of the right claimed, whether specified as above or not, that is controlling.**³²⁴

The words “franchise,” “privilege” and “**consent**” are often used synonymously.³²⁵

Knowing that the source of the right...determines the governing law, is the equivalent to knowing that man will either be ruled by God or by sin. The issue is also one of **venue**, called *lex loci* in Law:

LEX LOCI. The law of the place. This may be of several descriptions but, in general, *lex loci* is used for *lex loci contractus*.

The “lex loci” furnishes the standard of conduct³²⁶; **it governs as to all matters going to the basis of the right of action itself.**³²⁷ [*If from a State, the State law will govern.]

The substantive rights of parties to action are governed by “*lex loci*” or law of place where rights were acquired or liabilities incurred [*either in Christ or the State].³²⁸

319. Plattsmouth v. Nebraska Teleph. Co., 80 Neb. 460, 114 N.W. 588, 14 L.R.A., N.S., 654, 127 Am.St.Rep. 779. See also *Black's Law Dictionary* (4th ed. 1957), p. 1361. [Emphasis added].

320. *Black's Law Dictionary* (4th ed. 1957), p. 1361; *Bouvier's Law Dictionary* (1914), “Maxim,” p. 2155. [Emphasis added].

321. Ferrantello v. State, 256 S.W.2d 587, 590. [Emphasis added].

322. *Ibid.* [Emphasis and *Insertions added].

323. People v. Utica Insurance Co. (1818), 15 Johns. 358.

324. *Handbook of the Law of Federal Courts and State v. Felch*, (1918), 105 A. 23, 92 Vt. 477. [Emphasis added].

325. Colonial Motor Coach Corp. v. City of Oswega, 215 N.Y.S. 159, 163; Tilton v. City of Utica, 60 N.Y.S.2d 249, 264. [Emphasis added].

326. Russ v. Atlantic Coast Line R. Co., 220 N.C. 715, 18 S.E.2d 130, 131. [Emphasis added].

327. State of Maryland for the Use of Joynes v. Coard, 175 Va. 571, 9 S.E.2d 454, 458. [Emphasis and *Insertion added].

328. Sullivan v. McFetridge, Sup., 55 N.Y.S.2d 511, 516; Gray v. Blight, C.C.A.Colo., 112 F.2d 696, 699; *Black's Law Dictionary* (4th ed., 1957 & (1968), p. 1056. [Emphasis and *Insertion added].

When the Source of a Right is different from the source of a “right,” the venue, character and capacity are different:

CHARACTER, distinctive mark xiv; graphic symbol xv; sum of mental and moral qualities xvii; personage, personality xviii. ME. *character*—(O)F. *caractere*—(mostly late) L. *character*—Gr. *kharakter* instrument for marking, impress, distinctive nature, f. *khardssein*(:-kharakj-) sharpen, furrow, scratch, engrave, prob. F. base meaning ‘scratch.’ So characteri-stic xvii. —F. *characteristique* —late Gr. *kharakteristikos*; *characterical* and *-istical* were earlier. char-acterize. xvi. F. Or medL. —late Gr.³²⁹

CHARACTER. The possession by a person of certain qualities of mind or morals, *distinguishing* him from all others [*humans].

The moral character and conduct of a person in society may be used in proof before a jury in three classes of cases; *first*, to afford a presumption that a particular person has not been guilty of a criminal act; *second*, to affect the damages in particular cases, where their amount depends on the reputation, and conduct of any individual; *three*, to impeach or confirm the veracity of a witness.³³⁰

Paul repeatedly expressed the same concept of Law:

Know ye not, that to whom ye yield yourselves servants to obey, his servants ye are to whom ye obey; whether of sin unto death, or of obedience unto righteousness?³³¹

Now He which stablisheth us with you in Christ, and hath anointed us, *is* God; Who hath also **sealed** [*different mark or character] us, and given the earnest of the Spirit in our hearts.³³²

That we should be to the praise of His glory, who first trusted in Christ [*not the State]. In Whom ye also *trusted*, after that ye heard the word of truth, the gospel of your salvation: in whom also after that ye believed, **ye were sealed** with that holy Spirit of promise, Which is the earnest of our inheritance until the redemption of the purchased possession, unto the praise of His glory.³³³

Corporate law is a giant web of carefully crafted sin covered in legalistic glitter. Christ foretold the ends of such sin:

Verily, verily, I say unto you, Whosoever committeth sin is the servant of sin.³³⁴

The rules of statutory construction help unravel the tangled webs of legalism:

Qualibet jurisdictio cancellos suos habet — Every jurisdiction has its bounds.³³⁵

Congressional statutory intention should not be spread by construction over ground where its expressed limits do not reach.³³⁶

If statutes allow incorporation only by “persons” defined in statutes, then the incorporated Church has voluntarily entered into an exclusive jurisdiction that restricts its ministry to that permitted by the statute. Control of the incorporated Church is not by and through Christ, but by and through the State:

329. *Oxford Dictionary of English Etymology* (1966), p. 163.

330. *Bouvier's Law Dictionary* (1914), p. 457. [*Insertion added].

331. Romans 6:16.

332. 2 Corinthians 1:21-22. [**Emphasis** and *Insertion added].

333. Ephesians 1:12-14. [**Emphasis** and *Insertion added].

334. John 8:34.

335. *Bouvier's Law Dictionary* (1914), “Maxim,” p. 2156.

336. *State v. Christopher*, 2 S.W.2d 621, 318 Mo. 225.

“Person” whenever and wherever used in statutes is **restrictive**, because **the law of persons is the law of status or condition.**³³⁷

There is no conclusive presumption of a fixed status, because **status is never fixed**, only presumed:

All presumptions as to matters of *fact*, capable of ocular or tangible proof,...are in their nature disputable. No conclusive character attaches to them. Presumptions are indulged in to supply the place of facts. When these appear, presumptions disappear.³³⁸

Thus, political standing in Law is retained by the un-incorporated church, **not reserved**,³³⁹ but is lost by the incorporated Church which is restricted by the State that created the statutes. The un-incorporated church has no statutory restriction placed on it and it is foreign to the State that implements the statutes for the incorporated body:

While a court will not recognize a foreign government without executive recognition, and the judiciary ordinarily follows the executive as to which nation has sovereignty over disputed territory, once sovereignty over an area is politically determined and declared, courts may examine the resulting status and decide independently whether a statute applies to that area.³⁴⁰

The above may appear to say that un-incorporated churches are not recognized, but, recognition does not come by what one might be, or appear to be, but by the Law one uses. Again, the authority of that law is determined by the character of its source.

Why doesn't an incorporated church have the same abilities and capacities as an unincorporated church? Because the incorporated Church and the law it is created under, puts such a Church into a jurisdiction where statutory courts can determine whether or not it will protect the corporation. The question of status is vital and questions of status are waived in cases of incorporated Churches — because one cannot take a statutory benefit and at the same time challenge the statute's validity. It is standard usage and custom of jurists and legislators to read or construe a statute in light of other statutes bearing on the same subject matter (*in pari materia*):

The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of its **benefits.**³⁴¹

Or, if you accept the benefit, you cannot challenge its validity:

A sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that **there can be no legal right as against the authority that makes the law on which the right depends.**³⁴²

Private corporate law is “legal” merely because the State says it is, but, this does not make it Lawful! Private law only comes by license. If one becomes a part of another's domain the law in and of that domain governs all within it. Remember the definitions of “incorporate” and “*lex loci*,” and man's ‘rights’:

337. *American Law and Procedure*, Volume 13, pp. 137-162 (1910).

338. Field, J., in Lincoln v. French, 13 Fed. 48.

339. Retention is keeping back something already in existence. Reservation is creating something anew during negotiations with the other party. It is easily seen that the two are separate and distinct.

340. Baker v. Carr (1962), 369 U.S. 186, 7 L.Ed. 663, 667, 82 S.Ct. 691.

341. Great Falls Mfg. Co. v. Attorney General, 124 U.S. 581; Wall v. Parrot Silver and Copper Co., 244 U.S. 407, 411-412; St. Louis Malleable Casting Co. v. Prendergast Construction Co., 260 U.S. 469. [**Emphasis** added].

342. *Car on peut bien recevoir loy d'autrui, mais il est impossible par nature de se donner loy*. Bodin, *Republique*, 1, Chap. 8, ed. 1629, p. 132; Sir John Eliot, *De Jure Maiestitis*, chap. 3. *Nemo suo statuto ligatur necessitative*. Baldus, *De Leg. et Const. Digna Vox*, 2 ed. 1496, fol. 51b, ed. 1539.” Kawananakoa v. Polyblank (1907), 205 U.S. 349, 353, 27 S.Ct. 526, 527, 51 L.Ed. 834. [**Emphasis** added].

...a right given and protected by law, and a person's enjoyment thereof **is regulated entirely by the law which creates it.**³⁴³

And a license is:

STRICTI JURIS. Lat. Of strict right or law; according to strict law. 'A license is a thing *stricti juris*; a **privilege which a man does not possess by his own right, but it is conceded to him as an indulgence** [*simony] and therefore it is to be strictly observed.³⁴⁴

A license is a mere permission to do an act ... which would otherwise be **wrongful**, constituting a **trespass, waste or nuisance.**³⁴⁵

A dispensation or license properly passeth no interest, nor alters or transfers property in any thing, **but only makes an action lawful which without it had been unlawful.**³⁴⁶

Why would any church want to incorporate to get a license to do unlawful acts when the Head of the church Wills Us a far better foundation by and through God's Grace?

Now the true Church **by the power it hath received from Christ** can gather itself together when, and as often as, it pleaseth. The company of believers have power to gather themselves together for their mutual good, instruction, preservation, edification, and for the avoiding or preventing of evil, and that **without the consent or authority of any extrinsical and foreign power whatever; else Christ were not a sufficient founder of his Church.**³⁴⁷

Incorporated bodies witness to the world — by their works — that it is unlawful for Christians to meet under God's Law which is useless "in the New Testament era." They reject the Law of Christ, His Headship as King, and His Inheritance is traded for a mess of pottage. It will have "no King but Caesar," and thus it voluntarily divorces itself from the Bridegroom.

Private law mires one in the muck of the *lex mercatoria*, the law merchant (the broker of commercial statutes), commercial law, and Uniform Commercial Codes,³⁴⁸ that are "privately administered,"³⁴⁹ governs bills, notes, checks,³⁵⁰ and negotiable instruments,³⁵¹ commercial paper, agency, sales...carriage, debt, guaranty, stoppage in transit, liens, partnership, and bankruptcy,³⁵² and which is part of international law.³⁵³ Federal and State law is based on the law merchant, and has dominion all corporations, i.e., 501(c)(3) not-for-profit Church corporations.

The incorporated Church even takes the benefit of special exemptions:

Exemption. A **privilege** which dispenses with the general rule...³⁵⁴

The incorporated Church's exemption is, it does not normally pay taxes on its commercial activities as other corporations. Exemptions presume that all is taxable [persons, houses, papers, effects, property, etc.].

343. Nickell v. Rosenfield (1927), 82 CA 369. [*jus gentium*] [**Emphasis** added.]

344. 2 Rob. Adm. 117." *Black's Law Dictionary* (4th ed., 1968) p. 1591. [**Emphasis** and *Insertion added].

345. Wood v. Leadbitter, 13 M. & W. 838. [**Emphasis** added].

346. From Lord C. J. Vaughan in Thomas v. Sorrell (Vaughan, 351). [**Emphasis** added].

347. William Dell, The Way of True Peace and Unity (1649), from *Puritanism and Liberty* (1965), pp. 303-310. [**Emphasis** added].

348. The Uniform Commercial Code is privately copyrighted by the American Law Institute.

349. *Business Law* (1949), vol. II, p. 329-330.

350. Melville H. Bigelow, Ph.D., *The Law of Bills, Notes, and Cheques* (1900)

351. See, *The Negotiable Instrument Law*, Section 196.

352. Stone, Smith, Frank, Romig, *Fundamentals of Business Law* (1950), p. 8.

353. *Vance on Insurance* (1951), p. 12.

354. *Bouvier's Law Dictionary* (1859), vol. I, p. 499 [**Emphasis** added]

Exemptions in Acts of Congress or contracts are called a ‘saving clause’:

SAVING CLAUSE. In a legal instrument a clause exempting something which might otherwise be subjected to the operation of the instrument.³⁵⁵

Since corporations are licensed to act unlawfully, they are regulated by the State **police power**, because a license is also:

A permit, granted by an appropriate governmental body, generally for consideration, to a person, firm, or a corporation, to pursue some occupation or to carry on some **business which is subject to regulation under the police power.**³⁵⁶

Such regulations even apply to the **morals** of a corporation **because statutes define the morality of a “legal entity” or “right and duty bearing unit,” called a corporation.** Statutes are interpreted by judges using the fictitious “reasonable man” **doctrine.** But, **corporations**, in themselves, **have no inherent morality.** Their “morality” is dictated by their lawgiver:

POLICE POWER. (bus.) The authority of a state to legislate to protect public health, safety, **morals** and welfare — is the constitutional basis for state labor legislation.³⁵⁷

POLICE REGULATIONS. Laws of a State or municipality, which have for their object the preservation and *protection* of public peace and good order [*management of civil affairs], and of the health, **morals**, and security of the people.³⁵⁸

It is now apparent what is really meant by “the public policy of the State”:

Policy of a statute, or legislature. As applied to a penal or prohibitive statute, means the intention of discouraging conduct of a mischievous [*lawless] tendency.³⁵⁹

Policy of the law. By this phrase is understood the disposition of the law to discountenance certain classes of acts, transactions, or agreements, or to refuse them its sanction, because it considers them **immoral**, or detrimental to the public welfare, subversive of good order, **or otherwise contrary to the plan and purpose of [Roman Imperial] civil regulations.**³⁶⁰

These are the basic ideas of all statutes and regulations including those of the I.R.S., the morality of which is certainly not Christian. I.R.S. regulation of incorporated churches controls by statute, the “morality” of preaching in incorporated churches. This is implemented through a mass of Federal, State, County, and City regulations that are self-contradictory and self-refuting and, all of which, are contrary to the Law of God in Scripture. This is plainly evident from the following admissions by one of their own:

Human intelligence is not equal to the task of framing general propositions sufficiently comprehensive to include all possible cases. Even if all existing instances could be known before a generalization were made, new variations would be created by ever changing Life before the generalization could be apprehended. Hence, the rebellion on the part of many persons against the tyranny of rigid rules and the demand for ‘justice’ in every case on its own facts. In this struggle between ‘law’ and ‘justice’ the issue of battle wavers from side to side as the one or the other desideratum appeals to the public consciousness. The desire for justice in particular cases, as well as the desire for flexibility and

355. 1 Coke’s *Inst.* 118. See Construction.” *Bouvier’s Law Dictionary* (1914), page 3007.

356. *Rosenblatt v. California Board of Pharmacy*, 158 P.2d 199, 203. [**Emphasis** added].

357. *A Dictionary of Business and Scientific Terms* (2d. Ed., 1968), p. 322. [**Emphasis** added].

358. *Ex parte Bourgeois*, 60 Miss. 663, 45 Am.Rep. 420; *Sonora v. Curtin*, 137 Cal. 583, 70 P. 674; *Roanoke Gas Co. v. Roanoke*, 88 Va. 810, 14 S.E. 665; *Black’s Law Dictionary*, 4th Ed., p. 1317. [**Emphasis** and *Insertion added].

359. See L.R. 6 P.C. 134; 5 Barn. & Ald. 335; Pol.Cont. 235. [*Insertion added].

360. *Black’s Law Dictionary*, 4th Ed., p. 1317. [*Insertion added].

dispatch in the transaction of business, is responsible for the creation of man by administrative agencies to perform tasks which formerly were entrusted to courts.

5. Discretion and Personal Government. From the standpoint of those whose interests are affected by administrative regulation, the important point in connection with discretionary action is its freedom from the impact of private rights. When the acts of courts through the operation of *stare decisis* become the basis of rules of law, private rights grow up in their shadow, for interests acquired in reliance upon precedents will be protected when the precedents are followed. But **if the precedents need not be followed, no rights will arise for there will be no assurance of the protection of interests.**

It is this characteristic of administrative action which brings it into sharp controversy. **Discretionary action becomes “personal government”** [*take special note of this in light of Isaiah 9:6] **in which the administrator is free to act as he thinks best, without the compulsion of law. So long as he remains within the sphere of his discretion, his acts cannot be corrected in the courts and the effect of such acts upon the interests affected must be borne without redress.** The ‘conservatives,’ therefore, generally distrust administrative regulation. Liberals, on the other hand, citing its freedom from the drag of precedent [*expediency] and its ‘business-like’ directness in action, turn to it more and more as an instrument of progress.

* * *

MILITARY TRIBUNALS. In the military service, also, administrative tribunals occupy a position of the highest importance. Military courts in the administration of military discipline may even decree the penalty of death.³⁶¹

The President’s position as chief commanding officer in itself carries great power to issue administrative regulations and orders which have the force of law. Under the power given it to make rules for the regulation of the land and naval forces, Congress may and often does vastly increase this power. It may, likewise, diminish it.³⁶²

Bear these in mind throughout the rest of this work, for they will become very telling further along.

361. *The National Law Library* (1939), pp. 227-229, 250. [Emphasis and insertion added].

362. *Ibid.*, p. 81.

Chapter Six

The Beast Speaks

The Internal Revenue Service Decrees

It has long been recognized in law that those who accept a State's benefits, privileges, etc., must evolve and change with the State as it evolves and changes. An example of this is the I.R.S. regulations that govern and control every 501(c)(3) incorporated Church in America.

In the Tax Guide for Churches and Other Religious Organizations,³⁶³ (hereafter "the Guide") we see the *modern* evolution of Humanistic law. Seventy years ago the Guide did not exist. Beginning with F.D.R.'s enormous expansion of the Federal power, the I.R.S. began to publish pamphlets that slowly evolved into the current Guide. The version cited here is only a summary of the thousands of regulations governing the incorporated Churches. With each revision, restrictions on incorporated Churches have become tighter, and more prohibitions have been added on what a 501(c)(3) Church can or can not do and what the pastor can or cannot preach about. The first cite is seen in the Introduction:

This booklet is designed to provide general information relating to federal tax rules and Internal Revenue Service (IRS) procedures of particular interest to churches and other religious organizations. It is made available to help these organizations understand their **privileges and responsibilities** with the federal tax system.³⁶⁴

Note the very clear statement to the effect that the only thing that the incorporated Church receives from the IRS by being a 501(c)(3) not-for-profit corporation is — **privileges and responsibilities** — not rights. In simple terms this is why no pastor, elder, deacon or other officer or member of an incorporated Church has any rights when brought to court by the IRS!!! For the sake of doing that which is otherwise prohibited by law, the incorporated Church gains no rights — only responsibilities.

Under "Definitions" on page 2 of the Guide we find that:

The term "church" is not specifically defined in the Internal Revenue Code. However, because special tax rules apply to churches, it is important to distinguish churches from other religious organizations.

Thus, the Guide gives 14 characteristics *that help* to define what a church is. Some of these are listed below. But, the IRS does not attempt to define *exactly* what a church is, for one reason: because the Christian defines the church according to Scripture. If the IRS used Scripture to do so, it would import into the literature a foreign law, creating a conflict of laws, and thereby, a political question which would jeopardize its standing and position within the Federal court system.

The *characteristics* cited by the IRS that defines a church is:

a) A distinct legal existence.

If we remember the differences between "legal" and "lawful," the church can only be "legal" in IRS terms - if incorporated. If un-incorporated, a church is obviously under a foreign law. The deception is, if a church is un-incorporated and properly established, it has a superior, Lawful standing relative to the IRS. But, these are never mentioned. A church must have:

363. Published by the Department of the Treasury - Internal Revenue Service Publication 1828 (9-94), Cat. No. 21096G, revised 12/27/94.

364. *Ibid.*, page 1. [**Emphasis** added].

b) A recognized creed and form of worship.

The judge of what constitutes a “recognized creed and form of worship” is, of course, the IRS. Thus, if the IRS does not recognize a creed or form of worship, the Church is not a Church. A church must have:

c) A definite and distinct ecclesiastical government.

Can the IRS be expected to have any coherent idea of what a “definite and distinct ecclesiastical government” is without Scripture. Obviously not. Next, a church must have:

d) A formal code of doctrine and discipline.

Note the word “code.” Federal and State governments have codes, not Law. By the same token incorporated Churches have no Law either, and are controlled by the same “codes” governments use. A church must also have:

e) A distinct religious history.

The word “distinct” is not defined nor is there any statement as to how long of a “history” a church must have for it to be classed as historic. But, a church may have:

f) A membership not associated with any other church or denomination.

In other words, members of a Baptist Church shall not associate or affiliate with Presbyterians:

g) An organization of ordained ministers.

Apparently, if a church only has one minister it does not qualify:

h) Ordained ministers elected after completing prescribed courses of study.

Can't a minister be appointed? Must he be ordained by a the church he preaches in, or by a denomination? There are, of course, other characteristics mentioned but, enough has been shown to point out that the definitions of the characteristics of a “church” in so far as the IRS is concerned are so imprecise as to be interpreted any way the IRS chooses. And, that is the point. There is no Law where terms are vague or can be interpreted two or more different ways, or where the terms can be interpreted one way by one agent and an entirely different way by another.

But are there other sources of information in court decisions, regulations, etc.? Yes there are, but these are just as arbitrary and capricious, and broad, as those above.

Following the list on page 3, a statement of clarification says:

Although the foregoing list is not all-inclusive, and not all the attributes must be present in every case, these characteristics, together with other facts and circumstances, are generally used to determine whether an organization constitutes a church for federal tax purposes.

It is thus obvious that the IRS does not know what a church is or what the minimum requirements are, and that these are only “generally” applied, not specifically. Obviously, there is no Law here and a decision as to what constitutes a church is left entirely in the hands of individual IRS agents.

On pages 4 and 5 of the Guide, there is a series of questions and answers titled:

RECOGNITION BY THE IRS
THAT THE CHURCH IS TAX EXEMPT.

The single most important question and answer, in a series of questions and answers, is the very first set:

Does a Church Have To Contact the Internal Revenue Service in Order to be Exempt from Income Taxation?

No. Churches, their integrated auxiliaries, and conventions or associations of churches **are not required to apply for and obtain recognition of tax-exempt status** from the IRS in order to be treated as tax

exempt [*then comes the sneaky part] provided they meet the requirements of section 501(c)(3).
[*Insertion added].

This answer is riddled with deception and double-talk.

First, there is only one Head of the un-incorporated churches, properly established and maintained — Our Sovereign Lord and Saviour Jesus, the Christ. There is no law, of any kind, to compel a church to apply for any benefit, recognition, or tax-exempt status. All un-incorporated Christian churches are immune to taxation.

Second, everything after the word “provided” is designed to make the meaning sound like: “No, as long as you are already incorporated or can convince the IRS that you’re a church.” The sentence can also mean: “No, provided you meet the 501(c)(3) standards that **do not mean** you must be incorporated.

Third, because of the deception, most people would say: “Perhaps, we should see an IRS agent?” But, this is even more dangerous because the agent can say anything and promise anything, but is not responsible for what he says. Any who doubt this can take a tape recorder to an IRS session and see what happens. There will be no discussion until the tape machine is turned off.

Fourth, their next question and answer is designed to set up the would-be incorporatee:

Is There Any Reason Why a Church Would Contact the IRS for Formal Recognition of the Church as Tax-Exempt?

Of course, the answer is “Yes.” Then comes the offer of a **bribe**:

Although there is no requirement to do so, many churches seek recognition of exempt status from the IRS because such recognition provides certain **benefits**. [**Emphasis** added].

The “certain benefits” are, of course, “advance assurance” that those who contribute to the church can claim their contributions as tax-deductions by completing Form 1023 Application for Recognition of Exemption. Pay very close attention to what follows.

A telling omission is, IRS Form 501(c)(8) Mandatory Exemption can be filed with the IRS for tax deductibility, and does not require a church to be a incorporated.

There is no need for any church to file forms with any government and this is the preferred approach. The rule is: Do not expose a church to liability. In other words: “out of sight, out of mind.”

The next question asks:

What if the Church has a Parent That is Tax Exempt?

And, if your church is part of a denomination or hierarchy who has filed a “group exemption letter” you are already tied in to the IRS and probably already file all the forms. Page 5 asks:

What Notice Does the Service Provide When it has Found an Organization to be Tax Exempt?

The ballooned answer can be summarized by saying:

...Generally **a letter** from the IRS is the only evidence provided to the organization as to the organization’s exempt status. [**Emphasis** added].

This letter is further evidence that the IRS has no Law, because it notifies a church — by letter — which, as it turns out, has no force and effect in law or anywhere else. Of course, the typical church or pastor is not expected to know this. The letter cannot even be introduced into evidence in their “courts of law”!!! And, the reason: the letter is a computer generated form letter, and such worthless paper cannot be introduced into their ‘courts,’ because such form letters have no standing.³⁶⁵

365. See Clomon v. Jackson, 988 F.2d 1314 (2d Cir. 1993)

Page 6 contains a statement to the effect that a non-refundable fee will be charged for enslaving the church through the IRS incorporation process. On pages 7 thru 11 things get interesting. In Q. & A. form, this section tells a 501(c)(3) incorporated Church what it can, and cannot, do.

The first three prohibit the Church corporation from engaging in activities that result in inurement and the extension of private benefits to “insiders,” i.e., those who created the corporation. Inurement and private benefit are similar. Inurement means; no incorporator or members of the corporation may use their control of the corporation to acquire funds of the corporation beyond what is **reasonable**. It cannot, for example, pay dividends on the profits of the corporation. And, the prohibition against inurement is **absolute**; therefore, any amount of inurement is ground for loss of exempt status.³⁶⁶

The problem is, what is “reasonable” compensation? Reasonable is not defined in IRS Codes, rules, regulations, court decisions, or in the Guide. This is important because the prohibition against inurement is “absolute.” Thus:

Reasonable means in the law what it means in ordinary English: rational, just, fair-minded, not too much and not too little, etc. **Reasonable means what you want it to mean**; in the words of Ambrose Bierce, “Hospitable to persuasion, dissuasion and evasion.” (The Devil’s Dictionary) **Reasonable has no precise legal meaning. It is flexible. That is its virtue and only utility in law.**³⁶⁷

No one, not even the lawyers and judges or a Professor Emeritus of Law at the University of California at Los Angeles can state what “reasonable” means. It is thus left up to the discretion of the IRS agent, who, by the way, is a sub-contractor to the IRS and works on a commission basis. The larger the agent’s fines are, the more money he makes. But, see below on Excise Taxes.

The prohibition against extending “private benefits” to “insiders” or “members” of the 501(c)(3) Church is equally impossible to define. The Guide merely defines the private benefit in general terms:

In general, an organizations activities must be directed toward exclusively charitable, educational or religious purposes. The beneficiaries of the organization’s activities must be recognized objects of charity (such as the poor or the distressed) or the primary benefit of the activity must flow to the community at large (for example, through the conduct of religious services or the promotion of religion).³⁶⁸

Bear in mind that the IRS never cites an authority that can be depended on. Thus, its definitions are vague, and general, and are left to the IRS agent to define. If a Church corporation wants to challenge an agent’s determination they must go to court and engage in a long drawn-out battle that can become very costly. Even if the Church wins, there is no guarantee that another Church, or even the same Church in yet another court battle will be able to rely on the court’s decision.

The reason why is, contrary to popular belief, there is no longer controlling precedent that binds the court or the IRS in future cases!!! *Stare decisis* or binding precedent was done away with — by the Supreme court — in 1938 by F. D. Roosevelt’s hand-picked court.³⁶⁹

The next 8 questions and answers beginning at the bottom of page 7 and extending to page 10 deal with one topic — prohibitions against engaging in politics or attempting to influence legislation. The end result is, every 501(c)(3) Church in America is silenced in Law and politics. Incorporated Churches cannot even lobby against the regulations that control them, because they would be risking their blessed corporate status and the loss of their tax-exempt status.

This is a far cry from the days before Lincoln when even incorporated Churches engaged in politics and the influencing of legislators at every level of government if they wanted to.

366. IRS Pub. 1828, page 7.

367. *Mellinkoff’s Dictionary of American Legal Usage*, supra, p. 539. [**Emphasis** added].

368. IRS Pub. 1828, page 7. (Insertions in original).

369. *Erie Railroad Co. v. Tompkins*, 304 U.S. 64, 82 L.Ed. 1188, 58 S.Ct. 817, April 25, 1938.

More deception follows the above:

In general, no organization, including a church, may qualify for tax-exempt status as a charitable organization if a substantial part of its activities is attempting to influence legislation.³⁷⁰

This appears to allow some right to protest or influence legislation if less that a “substantial part” (which is not defined) is used to influence legislation but, elsewhere it says:

May a church use other than the “substantial part” test?

No. However, tax-exempt religious organizations **other than churches**, ... may avoid application of the subjective “substantial part” test, by electing an alternative “expenditure” test.³⁷¹

The IRS admits that its “substantial part” test is subjective and not defined. Again, what a “substantial part” is, is based solely on the “feelings” of the IRS agent in charge of a case. But, note that “religious organizations other than churches” may engage in lobbying — within limits:

Should the organization exceed its lobbying expenditure dollar limit in a particular year, it must pay an excise tax equal to 25% of the excess. Continued excessive lobbying expenditures can result in loss of exempt status.³⁷²

What constitutes attempting to influence legislation?

An organization will be regarded as “attempting to influence legislation” (commonly known as “lobbying”) if it contacts, or urges the public to contact, members of a legislative body for the purposes of proposing, supporting, or opposing legislation, or if the organization advocates the adoption or rejection of legislation.³⁷³

Does not the body of believers in a church constitute “the public?” If so, and a pastor preaches on the State’s sins or Congressional corruption or a particular bill, act, or works of politicians, then the pastor has violated the guidelines. Whether he is prosecuted or not depends solely on the judgment of the local IRS agent receiving a complaint from a member of the congregation.

Any member of a congregation can be coerced into giving the IRS testimony on the officers and leaders of an incorporated church, especially if that member is already in t rouble with the IRS. Does this not show how vulnerable an incorporated Church is? And according to the IRS, “legislation” constitutes:

“Legislation” includes action by the Congress, any state legislature, any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure.³⁷⁴

370. IRS Pub. 1828, page 7.

371. Ibid., page 8. [**Emphasis added**].

372. Ibid., page 8.

373. Ibid., page 8.

374. Ibid., page 8.

And the Decrees just keep on Coming

It is well known that every pastor of an incorporated Church makes remarks on current events, which include politics. It even happens among the so-called tele-evangelists in front of a mass audience. This means that every incorporated Church in America that does such things is liable to have its 501(c)(3) tax-exempt status yanked out from under it at any moment, with all of its “debt burden” still in place.

And what happens if the incorporated church is convicted of violations?

Violation of this prohibition results in denial or revocation of exempt status and the imposition of certain **excise taxes.**³⁷⁵

Thus, violation of prohibitions may not only result in loss of tax-exempt status, but perhaps a substantial fine will be imposed depending on how “reasonable” the IRS “feels” at the time. While these fines supposedly apply to “organizations” under 501(c)(3) sections, and not churches, there is no “reason” why these fines cannot be extended to 501(c)(3) Churches, at a very high cost, and a very high “profit” for the IRS and its agents:

An initial tax is imposed on the organization at the rate of 10% of the political expenditures. Also, a tax at the rate of 2.5% of the expenditures is imposed against the organization’s managers (jointly and severally) who, without reasonable cause, agreed to the expenditures knowing they were political expenditures. The tax on management may not exceed \$5,000.

In any case in which an initial tax is imposed against an organization, and the expenditures are not corrected within the period allowed by law, an additional tax equal to 100% of the expenditures is imposed against the organization. In that case, an additional tax is also imposed against the organization’s managers (jointly and severally) who refused to agree to make the correction. The additional tax on management is equal to 50% of the expenditures and may not exceed \$10,000 **with respect to any one expenditure.**³⁷⁶

Not only are fines heavy and may likely bankrupt the organization, but up to \$10,000 can be imposed on any **one** expenditure. Suppose there are ten or twenty or fifty expenditures. Then, each expenditure can be fined up to \$10,000 each and the collection of these fines would extend beyond the organization to the personal property and assets of each offending member of the corporation.

Of course, the IRS makes provisions for an organization to correct its violations provided it establishes “safeguards to prevent future political expenditures.” In other words, the organization may continue to exist, but it cannot have any more expenditures on politics. The IRS can even go to court and get an injunction against political expenditures.³⁷⁷

Therefore, the highest cost for the church is, **silence.**

If violations are so serious that one’s tax-exempt status is ended, the organization or church may not even qualify as a 501(c)(4) charitable organization. Knowing how the IRS does “business,” it is also likely that every officer and member of the organization or Church will have his personal income tax audited for several years afterwards.

On pages 12 and 13 of the Guide, the IRS “guides” the corporate Church or organization through the maze of “Unrelated Trade or Business Income.”

First, “unrelated trade or business income” is not defined in the Guide, but, there is a source cited for more “in-depth” information.³⁷⁸ All the Guide provides is examples of what “unrelated trade or business income” is. It never defines the terms “unrelated trade or business income.”

375. Ibid., page 9. [**Emphasis** added].

376. Ibid., page 10. [**Emphasis** added].

377. Ibid., page 10. [**Emphasis** added].

378. Publication 598, Tax on Unrelated Business Income of Exempt Organization, published by the IRS.

In addition, a Church corporation or organization under 501(c)(3) may have up to \$1,000 dollars a year in such unrelated income, and if the amount is greater than this, the Church must file Form 990-T, Exempt Organization Business Income Tax Return. If the activity is a trade or business and regularly conducted, is not substantially (there's that word again) related to the organization's exempt purpose, the income from the activity is deemed to be "unrelated trade or business income." But:

...the income may not be subject to the unrelated business income tax if, for example (1) **substantially** all of the work in operating the trade or business is performed by volunteers; or (2) the trade or business involves the selling of merchandise **substantially** all of which was donated. If either of these exceptions applies, the income from the activity is not treated as unrelated trade or business income. Further, in general, rents, royalties and interest are not subject to the unrelated business income tax.³⁷⁹

Since the IRS does not define unrelated trade or business income, it cites examples on page 13.

One. If a church sells advertising in its bulletins or other publications, this is deemed to be unrelated trade or business income and is taxable. Note, carefully, such activity is taxable, not because a Church is incorporated, but because advertising itself is a commercial venture and all commerce is taxable, except for commercial corporations known as 501(c)(3) Church corporations.

Two. The sale of merchandise and publications not substantially related to a Church's exempt purpose are taxable, including the actual publication of such materials.

Three. Rents were not unrelated trade or business income, but on page 13 it says that:

...if a church rents out property on which there is a debt outstanding (for example, a mortgage note), the rental income may constitute unrelated debt-financed income subject to unrelated business income tax. Also, if personal services are rendered in connection with the rental, then the income may be unrelated business taxable income (for example, if church facilities are rented out for wedding receptions and catering services are provided by the church).

Thus, what the IRS gives with one hand, it takes away with the other. Their next Q & A is a very "reasonable" ruse:

"Are There Any Special Restrictions Placed on the Internal Revenue Service When it Examines a Church?"

The answer, of course, is:

Yes. There are special limitations on how and when the IRS may conduct civil tax inquiries and examinations of churches. Under these rules the IRS may initiate a so-called "church tax inquiry" only if a high ranking official (e.g. a regional commissioner) **reasonably** believes that the organization either may not qualify for exemption or may not be paying tax on an unrelated business or other taxable activity.³⁸⁰

This is pure deception because immediately following this paragraph is a list of things that will prompt an investigation, none of which involves any Lawful process in a court. Thus, a 501(c)(3) Church can be audited if it fails to file any required form, or is late in filing. The IRS can make inquiries **any time** without a "high ranking official's approval, and failure to respond or provide adequate information (and adequacy is determined solely by the local IRS agent), will result in an audit.

Thus, the need to invoke a high ranking official's permission is meaningless. This is proved on the next page where it states explicitly that these rules **do not** apply to all IRS inquiries.³⁸¹ These rules apply only to 501(c)(3) Churches, not to other religious organizations. The 501(c)(3) Church must maintain books and records for at least four years after a filing year, to provide the IRS with enough evidence to convict the subject Church of wrong-doing. Again, what the IRS giveth, it taketh away.

379. IRS Pub. 1828, page 12. [**Emphasis** added].

380. Ibid., page 14. [**Emphasis** added].

381. Ibid., page 15.

On pages 16 to 18 the IRS presents the rules governing pastors of a 501(c)(3) Church. A minister's gross income does not include the rental value of a home (parsonage) nor a rental allowance paid, and if a minister is furnished a home he may exclude "fair" rental value, or include a rental allowance to the extent it is used for providing a home and expenses, i.e., rent, mortgage payments, utilities, repairs, and other directly related expenses.

But there's a hook, in that the amounts allowed or excluded must be "reasonable" and only apply to a minister's income tax, not to his social security (self-employment) tax computations.

The next question and answer makes no real sense, but we offer it in its entirety in order that you "understand" their created "confusion":

Are there limitations on the amount that is deductible by a minister as to expenses allocable to tax free income?

Yes. A minister may be able to itemize deductions for **ministerial trade or business** expenses incurred while working as an employee. However, when a minister receives a tax free parsonage or rental allowance, the portion of expenses that are allocable to that tax free amount is not deductible. (Note however that this limitation does not apply to home mortgage interest or real estate taxes.)³⁸²

An interesting point is that the IRS classes ministers as employees engaged in a "**ministerial trade or business.**" In simple terms, the IRS recognizes that a minister of a 501(c)(3) Church corporation is not in Truth "laboring for the Lord," but is "engaged in a 'ministerial ' trade or business." What does this say about a minister's witness to the world, when the IRS can treat a minister as something other than what Scripture calls them? Of course, pastor's of incorporated Churches have no means of redress for the IRS "telling it like it is," because the status of the pastor is subject to and ruled by IRS interpretation.

Again, this is a "tightening of the regulations" every few years that restricts more and more what a Church corporation can, and cannot, do. It has gone so far now, that there is no longer any real reason for a church to incorporate, unless the church holds that the Word of God must give way and be subject to the IRS Codes, rules, and regulations.

On page 19 of the Guide the IRS speaks on "Church Responsibilities for Employment Taxes."

Generally, all incorporated Churches are required to:

...withhold and pay over to the government payroll taxes for their employees, as well as to pay the employer's share of social security and Medicare taxes. However, churches and other religious organizations exempt under section 501(c)(3) are not liable for federal unemployment tax (FUTA) and there are special rules for social security (FICA) and Medicare taxes.

The IRS then offers two ways a 501(c)(3) Church can avoid paying many taxes, but they must apply for and get approval on Form 8274 Certification by Churches and Qualified Church-Controlled Organizations Electing Exemption from Employer Social Security and Medicare Taxes. Also, if an employee makes less than \$100 in a calendar year, then the church need not withhold social security and Medicare.

Even if Form 8274 is approved or an employee makes less than \$100 a year, they still have to pay and file income tax forms.

On page 20 the IRS asks "How do you determine whether a Worker is an Employee?" Instead of answering this question the reader is referred to "Who Are Employees?" in Publication 937.

On "how a 501(c)(3) church handles a minister's salary," the IRS tells us that there is no mandatory requirement to withhold FICA (social security). The corporation must still file a W-2 Form on the ministers salary and the minister must still pay Self-Employment taxes (SECA).

More information is found in Publication 334, Tax Guide for Small Business, and Circular E, Employers Tax Guide, and in Publication 937, Business Reporting (Employment Taxes, Information Returns), and in Publication 517, Social Security for Members of the Clergy and religious Workers.

382. Ibid., page 16. (Insertion in original). [Emphasis added].

If the “guides” and publications are anything like the one shown here, at best they will most likely add to one’s confusion, for with the IRS, Babylon “reigns supreme”.

Pages 25 and 26 explain the Fund-Raising Rules. After stating in the Introduction on page 1 that there are no new rules, this section says there are new rules, and acts of Congress, that affect 501(c)(3) Churches and their officers:

Are There Special Rules Relating to Fund raising and Charitable Contributions?

Yes. Recent legislation contains a number of significant provisions affecting tax-exempt charitable organizations described in section 501(c)(3) of the Internal Revenue Code. These provisions include: (1) new substantiation requirements, and (2) new public disclosure requirements **imposed** on the organizations (with substantial penalties for failing to comply). The substantiation and disclosure provisions are effective with respect to contributions made after December 31, 1993. [**Emphasis added**].

This section says that all donors contributing \$250 or more must receive written substantiation with the donor’s name, address, etc. If goods and services are provided, or property donated, these must be reported as well. Intangible religious benefits (a warm feeling after Church ‘services’) are reported if that is all a donor received. All such contributors must receive this paperwork. The reason is, if a donor claims it on his income tax the Church must provide him with substantiation of the claim.

The 501(c)(3) Church has new reporting requirements on “love gifts.” Everyone is familiar with love gifts in which one donates a sum of money and receives some trinket or book in exchange. This is called a *quid pro quo* by the IRS. A statement must accompany the love gift when it is sent to the donor stating the real value of the love gift and deducting that amount from the sum donated. Only the difference is deductible on a donor’s income tax.

On pages 23 to 25 is a listing of who is to file and what they are to file. Of course, a church does not have to file a federal income tax return if we do not count Form 990-T. Exempt Organizations Business Income Tax Return.

Poor religious organizations other than 501(c)(3) Churches do not have to file federal income tax returns if income is under \$25,000. But it states, that if income is from \$25,001 to \$100,000 with assets under \$250,000 at calendar year end, file Form 990-EZ Short Form Return of Organization Exempt from Income Tax and also file Form 990-T if they had unrelated trade or business income in excess of \$1,000.

In addition, there are many more forms to file, some annually, some more often.

Form 1096, Annual Summary and Transmittal of U.S. Information Returns.

Form 1099-MISC to report miscellaneous income from un-incorporated individuals or entities who have been paid \$600 or more in any calendar year.

Form 1099-INT for income to a Church from interest bearing accounts of \$600 a year or more.

Form W-2G to report **gambler winnings** of \$600 or more, or bingo winnings (same thing) that exceed \$1200.

Form 8822 is to report Donee Information Return on a sale of property over \$5,000 value at the time of the donation and must be filed within 125 days after the sale. Additional forms are;

Form W-2, Wage and Tax Statement; Form 941E, Quarterly Return of Withheld Federal Income Tax (four times a year), or Form 941, Employer’s Quarterly Federal Tax Return, and possibly Form 843, Claim if a refund is due. On page 26 (the last page) are 12 publications that a 501(c)(3) Church should have which do not represent all they might need because there are other, related publications.

After all of this, it is difficult to see why anyone would incorporate a Christian church, especially when, un-incorporation offers so many more benefits and blessings from God, without the forms and reporting requirements, and also puts the church into a jurisdiction and venue superior to that of the IRS.

As we have shown, no church can be compelled to incorporate, so why volunteer to enter into an agreement with the ungodly and tangle oneself in a quagmire of regulations?

Partially, the answer lies in the fact that most churches have an accountant (often a church member) who gets a fee to handle ‘church business.’ Thus, no one really knows or understands what is going on with the IRS because the accountant does it all. If this is the way incorporated Churches are run, then they can expect, as Scripture clearly shows, the full wrath of God upon a “leadership” that is ignorant and undeserving of occupying any position in Christ’s church.

Before we move on to the next two Chapters, which will further show the vulnerability of the incorporated body, we will close this Chapter with an appropriate maxim of law:

Nemo militans Deo implicetur secularibus negotiis — No man warring for God should be troubled by secular business.³⁸³

383. *Bouvier’s Law Dictionary* (1914), “Maxim,” p. 2147.

Chapter Seven

The *Modern Dogma* and Its Divisive Consequences

Perhaps as many as 80% of all Christian bodies today are incorporated. Far too many are deeply in debt. With these problems, and countless others that could be named, it is predictable that incorporated Church pulpits are silent, or hypocritical, concerning obedience to God's Law.

And you, being dead in your sins and the uncircumcision of your flesh, hath He quickened together with Him, having forgiven you all trespasses; Blotting out the handwriting of **ordinances** that was against us, which was contrary to us, and took it out of the way, nailing it to His cross; And **having spoiled principalities and powers, He made a show of them openly, triumphing over them in it.**³⁸⁴

The Greek word translated "ordinances" is "dogma." Looking at this word we see the following:

1378. DOGMA. From the verb *dokeo* (1380), to think. Conclusion, ordinance, opinion, proposition, dogma. It has the meaning of conclusion (Acts 16:4) as decree or command (Luke 2:1; Acts 17:7; Eph 2:15; Col 2:14). It is used in reference to dogmas of Christianity; it means views, doctrinal statements, principles.³⁸⁵

To better appreciate the significance of this word in the context of Christ's Judgment we must investigate *dokeo* from the Greek, and *opinion*:

1380. DOKEO. To think, imagine, consider, appear. Expresses the **subjective mental estimate** or **opinion** which men form about a matter.³⁸⁶

OPINION. 1a. A view, judgment, or appraisal formed in the mind about a particular matter or particular matters. 1b. Favorable impression or estimation (as of a person): APPROVAL, ESTEEM—usually used negatively or with adjectives of degree. 2a. *Belief* stronger than impression and **less strong than positive knowledge**: settled judgment in regard to any point: a notion or conviction founded on **probable evidence**: **a belief or view based on interpretation of observed facts and experience** [*naturalism]. 2b. Something that is generally or widely accepted *as* factual: a generally held or popular view. 3a. A formal expression by an expert (*as* a professional authority) for of his thought upon or judgment or advice concerning a matter (decided to obtain a medical *opinion* of the case). 3b. The formal expression (as by a judge, court, referee) of **legal** reasons and principles upon which a **legal** decision is based; also, the judgment or decision so based. 4. *Obs.*: estimation in which one is held by others; *esp.*: favorable reputation. 5. *Obs.*: EXPECTATION, ANTICIPATION. 6. **Platonism: conjecture or belief based on experience and perception.**³⁸⁷

OPINION. 1. What one opines; **judgment resting on grounds insufficient for complete demonstration; belief or something as probable or as seeming to one's own mind to be true** [*perception of what appears to be true, not the truth itself]. (**Distinguished from knowledge, conviction, or certainty**; occas.= belief.) b. What is generally thought about something. Often qualified by *common, general, public, or vulgar*, late M.E. 2. (With *an* and *pl.*) What one thinks about a particular thing, subject, or point; a judgment formed; a belief, view, notion. (Sometimes denoting a systematic belief, and then =

384. Colossians 2:13-15.

385. Zodhiates, *The Complete Word Study, New Testament* (1994), p. 898.

386. *Ibid.*

387. *Webster's Third New International Dictionary* (1981), vol. II, p. 1582. [**Emphasis** and insertion added].

conviction.) 3. The formal statement by an expert or professional man of what he thinks, judges, or advises upon a matter submitted to him; considered advice 1470. 4. **Estimation**, or **an estimate of a person or thing**, late M.E. b. *spec.* Favourable estimate, esteem. (Now only with neg., or such adjs. as *great*.) 1597. c. Self-conceit, arrogance, dogmatism; or, in good sense, self-confidence. SHAKS. 5. What is thought of one by others; standing; reputation, repute, character, credit (*of* being so and so, or *of* possessing some quality) -1705. 6. Expectation; apprehension.³⁸⁸

Note the lack of Truth and substance — belief, conjecture, feelings experienced — all human and non-Christian attributes. All that men do without the foundation of Scripture is dogma or opinion. There is and can be no presumption in Law that it is true. Christ's work is not of such inferior quality. His Atonement is found in Law and recorded in both Testaments. No conjecture, speculation, belief, opinion, dogma, sentiment, notion, view, or judgment of man has standing to challenge it. The Knowledge of God is not in them. But, when one has the Mind of Christ, the Knowledge of God is opened to him and he is guided by the Holy Spirit.

The current incorporated Churches are mired in the sixteenth century doctrine of adiaphorism, or they are utterly antinomian; that is, anti-Law:

ADIAPHORA, ADIAPHORISTS. *Adiaphora* (Gk. "indifferent things"; German *Mitteldinge*, "middle matters") refers to matters not regarded as essential to faith which might therefore be allowed in the church. In particular the Lutheran confessions of the sixteenth century speak of *adiaphora* as "church rites which are neither commanded nor forbidden in the Word of God."

Historically the *Adiaphorists* were those Protestants who, with Philip Melancthon, held certain Roman Catholic practices (e.g., confirmation by bishops, fasting rules, etc.) to be tolerable for the sake of church unity. This issue became the focal point for a bitter controversy prompted by the Augsburg Interim forced on the Lutherans in 1548 by Emperor Charles V and accepted by Melancthon and others in the Leipzig Interim. The Gnesio-Lutherans, led by Nicholas von Amsdorf and Matthias Flacius, objected to the presuppositions and judgments concerning *adiaphora* that led the Saxon theologians (the "Philippists") to forge the Leipzig Interim. The "Gnesios" set down the basic principle that in a case where confession of faith is demanded, where ceremonies or *adiaphora* are commanded as necessary, where offense may be given, *adiaphora* do not remain *adiaphora* but become matters of moral precept. Those who supported the Interims argued that it was better to compromise appearances in terms of rites and customs than to risk the abolition of Lutheranism in Saxony. Although the controversy over the Interims became unnecessary after the Religious Peace of Augsburg in 1555, the dispute continued, and nearly two hundred tracts appeared discussing one stance or the other.

In 1577 the Formula of Concord brought an end to the question for Lutherans by setting forth three fundamental points concerning the nature of genuine *adiaphora*. First, genuine *adiaphora* is defined as ceremonies neither commanded nor forbidden in God's Word and not as such, or in and of themselves, divine worship or any part of it (Matt. 15:9). This evangelical principle is integral to the very cornerstone of Reformation theology; it cuts off at the source all false claims of human tradition and authority in the church. The second major point about genuine *adiaphora* is that the church does have the perfect right and authority to alter them so long as this is done without offense, in an orderly manner, so as to rebound to the church's edification (Rom. 14; Acts 16, 21). The third assertion goes to the heart of the entire matter: at a time of confession, when the enemies of God's Word seek to suppress the pure proclamation of the gospel, one must confess fully, in word and deed, and not yield, even in *adiaphora*. Here it is not a question of accommodating oneself to the weak, but of resisting idolatry, false doctrine, and spiritual tyranny (Col. 2; Gal. 2, 5). In sum, the Formula of Concord's position included *adiaphora* within the domain of Christian liberty, which may be defined as consisting of the freedom of believers from the **curse** (Gal. 3:13) and **coercion** (Rom. 6:14) **of the law and from human ordinances**. This liberty is the direct result of justification (1 Tim. 1:9; Rom. 10:4).

Outside the Lutheran tradition more rigid forms of Protestantism developed, such as the English Puritans, who tended to hold that everything not explicitly allowed in the Bible was forbidden. Others, such as the Anglican communion, were less stringent and regarded many traditional practices, though without scriptural warrant, as *adiaphora*. *Adiaphoristic* debates continued to develop periodically. In 1681 a controversy arose between Lutherans regarding participation in amusements. J. F. JOHNSON. See also **CONCORD, FORMULA OF; MELANCHTHON, PHILIP; FLACIUS, MATTHIAS; AMSDORF,**

388. *Oxford's Universal Dictionary* (1955), p. 1376. [**Emphasis** and insertion added].

NICHOLAS VON. Bibliography. R. Preus and W. Rosin, eds., *A Contemporary Look at the Formula of Concord*.³⁸⁹

The **substance** of the controversy involves theological latitudinarianism, **a very dangerous position in terms of Scripture and Law**:

ADIAPHORISM. Theological indifference; latitudinarianism.³⁹⁰

LATITUDINARIAN. *a.* And *sb.* 1682. [f. *L. Latitudin-latitududo* LATITUDE, after *trinitarian*, etc.] *A. adj.* Allowing, favouring, or characterized by latitude in opinion, or action, esp. In religious matters; not insisting on strict adherence to any code, standard, formula, etc.; tolerating free thought on religious questions; characteristic of the latitudinarians 1672. His opinion respects ecclesiastical polity and modes of worship were very latitudinarian. **MACAULEY.** *B. sb.* One who practices or favours latitude in thought, action, or conduct, esp. in religious matters; *spec.* one of the English divines of the 17th century, who, while attached to episcopal government and forms of worship, regarded them as things indifferent; hence, one who, though not a sceptic, is indifferent as to creeds and forms. Dr. Wilkins, my friend, the Bishop of Chester...is a mighty rising man, as being a **LATITUDINARIAN** **PEPYS.** *Latitudinarian, one who fancies all religions as saving* **WESLEY, Eng. Dict.** Hence **Latitudinarianism**, 1. doctrine, opinions, principles, or practice 1676. So **Latitudinism** 1667-1685. **Latitudinous** *a.* characterized by latitude of interpretation. *U.S.* 1838.³⁹¹

The controversy centers around whether being incorporated into the State is condemned by Scripture or not. Christ Himself met the issue head on and answered it emphatically. Thus, the issue cannot be a matter of indifference for the true Christian church. To ignore it is to lead to “modernism” or “liberal theology” so precisely explained by John Senior in the Introduction of *Death of Christian Culture*:

Matthew Arnold was one of the hinges on which the English speaking world ... turned from Christianity to Modernism. He was a most fair-minded and articulate exponent of the Liberal view and, like many Liberals today, still thought of himself — somehow — as a Christian (in the same sense as Jefferson). But he wrote:

“In spite of the crimes and follies in which it lost itself, the French Revolution derives from the force, truth, and universality of the ideas which it took for its law, and from the passion with which it could inspire a multitude for these ideas, a unique and still living power; it is —it will probably long remain— the greatest, the most animating event in history.”

Arnold had absorbed a classical education from a famous Christian father. He had the highest respect for Christianity, but did not believe it. The [French] Revolution was the ‘greatest, the most animating event in history,’ he said — not the Crucifixion. He was convinced that the revolutionaries had carried things too far in the right direction. The ‘religious problem,’ as he calls it, is how to re-conceive Christianity so as to put it in the service of the Revolution [*as today’s Modern pastors after Lincoln’s revolution — Reconstruction.]

A fresh synthesis of the New Testament data — not a making war on them, in Voltaire’s fashion, not leaving them out of mind, in the world’s fashion, but the putting a new construction upon them the taking them from under the old, traditional, conventional point of view and placing them under a new one — is the very essence of the religious problem, as now presented and only by efforts in this direction can it receive a solution.

The identification of the traditional with the conventional is, of course, as old as sophistry, and often serves as an opening for change.

But Christ Himself said, “*Omnia mihi tradita sunt a Patre meo.*” Christian doctrine is not the result of convention, though it is indeed traditional: “All things have been handed down to Me by the Father.” **Christianity can never serve the times.** According to the Declaration of the Rights of Man, liberty is the power of doing what we will [*not what He wills], so long as it does not injure another. In a sense this can

389. *Elwell’s Evangelical Dictionary.*

390. *Oxford Universal Dictionary* (1955), p. 22.

391. *Ibid.*, p. 1112.

be true (provided that the will is rightly formed [*and only God's is rightly formed]). But according to the Liberal view, "Do what thou wilt" includes willing to do what thou shouldst not. The Liberal takes a stand in No Man's Land between "the law in my members" and "the law in my mind." [*This is the secular politician and patriot mentality.] In that precarious and self-righteous place, doing what thou wilt must always injure others, if what thou wilt is separate from the good. By doing evil to others or to ourselves, we first of all injure ourselves, because to do evil is the worst thing that can happen to a man. And because we are members of the human race, we injure the species even by an act only directed against ourselves. If others consent, the harm reciprocally injures everyone. There is no such thing as a victimless crime any more than a free lunch. **There is no such thing as a Christianity in which the commandments of God are accommodated to the Rights of Man.**

But to save appearances and secure a useful social continuity, the Liberal thinks "religion" must be sacred—though in the service of the revolution and its new culture in which God will depend for His existence on us. "Religion," Arnold writes,

"is the greatest and most important of the efforts by which the human race has manifested its impulses to perfect itself."

But no contingent being in itself can be the source of its own perfection, nor, given an infinity of contingent beings each dependent on another, could they all together be a source of their own perfection. [*"Perfect" legislators cannot create the perfect society by their "perfect" legislation.] Rather, some Being must exist necessarily, if any does contingently. For Arnold, that order is reversed. The necessary is made dependent on the contingent. And religion is:

"That voice of the deepest human experience, [which] does not only enjoin and sanction the aim which is the great aim of culture, the aim of setting ourselves to ascertain what perfection is and to make it prevail; but also, in determining generally in what perfection consists, religion comes to a conclusion identical with that of...culture."

For Arnold, religion works along with art, science, and philosophy to achieve what he calls "perfection." Perfection he defines in defiance of etymology:

"It is making endless additions to itself, in the endless expansion of its powers, in endless growth in wisdom and by beauty, that the spirit of the human race finds its ideal. To reach this ideal, culture is an indispensable aid, and that is the true value of culture. Not a having and a lasting, but a growing and a becoming is the character of perfection."

I said "in defiance of etymology" because the root of the word *perfection*, exactly opposite to "becoming," means "done," "complete," totally at rest, "having become"—*per-facere*. "To reach the ideal..." Arnold says. But how can an ideal of "endless growth" be reached? Here we have an old sophism dressed up as a new principle of Liberal religion—that perfection is becoming. The present historical task—always the present historical task in every age—is revolution, though Arnold more subtly insists that the revolution is best achieved by reinterpreting rather than simply destroying the past. At the metaphysical root of this error is the Heraclitean failure to solve the problem of the one and the many. Because nothing ever is, they say, there is nothing constant, only endless flux.

From this false view of becoming it immediately follows, and Arnold puts it in the same paragraph, that Liberal culture must be collectivist. For in an endless and contradictory movement there is no permanent substance. A person is a meaningless non-entity; so a number of coagulated non-entities, by their collective contingency, must somehow create their being out in front of them. It is a kind of Indian rope trick in which a tissue of non-entities throws its finality into the air and climbs after it. This is the basis of religious evolutionism—often confused with Newman's exactly contrary view of the development of doctrine—in which the whole of creation is forever hoisted on its own petard. Evolution, Newman insists, is not development. In development, what is given once and for all in the beginning is merely made explicit. What was given once and for all in Scripture and Tradition has been clarified by succeeding generations, but only by addition, never contradiction; whereas evolution proceeds by negation. Newman devotes a whole chapter in *An Essay on the Development of Christian Doctrine* to refuting the idea that any thing contrary to dogma can ever be a proper development, nor any thing not found in the consensus of the Fathers dogma. Put positively, development is radically conservative, permitting only that change which helps doctrine to remain *true* by defining errors that arise in every age against it. Doctrine grows, as

Ronald Knox puts it in a homely figure, like a horse's hoof, from trodding on hard, uneven ground.³⁹²

Further, Senior shows that moving away from God's Word through **latitudinarianism** and settling into modernism's fantasies destroys the church:

The absolute extreme of artificiality and sensationalism is *maya*, the Oriental doctrine of the world itself as illusion. If reality is sensation, it follows that since sensations can be invoked in the absence of objects, as in hallucination, we can as well act as if objects themselves are hallucinations evoked by other magicians or demons. This is not Platonism. The magician does not believe in the permanent reality of his constructions [*nor does statutory legislator]. He believes he will construct his reality and modify it as "experience" in it dictates." He does not believe in the independent, permanent, immutable of intellectual forms as the exemplars of his constructions. [*God is and must be denied for the construct to have "validity."] His universe is not only immaterial [*fiction of mind], it is unsubstantial. He never leaves Plato's Cave. Between the world of Platonic forms and the world of sense objects lies magic, the creation of the Hermetic artist. Magic is the manipulation of sensations detached from their objects. The original bifurcation of Rationalism and Empiricism has reached its end at last in the realm of fantasy.³⁹³

Next, is the problem of antinomianism:

ANTINOMIANISM. *n.* -s: the theological doctrine that by faith and God's gift of grace through the gospel a Christian is freed not only from the Old Testament law of Moses and all forms of legalism but also from all law including the generally accepted standards of morality prevailing in any given culture.³⁹⁴

The two most famous antinomian controversies in Christian history occurred in the sixteenth and seventeenth centuries, and involved Martin Luther and Anne Hutchinson, respectively. In fact, it was Luther who actually coined the word "antinomianism" in his theological struggle with his former student, Johann Agricola. In the early days of the Reformation, Luther had taught that, after NT times, the moral law had only the negative value of preparing sinners for grace by making them aware of their sin. Agricola denied even this function of the law, believing that repentance should be induced only through the preaching of the gospel of salvation by grace through faith in Christ.

This first major theological controversy in Protestant history lasted intermittently from 1537 to 1540. During this time Luther began to stress the role of the law in Christian life and to preach that it was needed to discipline Christians. He also wrote an important theological treatise to refute antinomianism once and for all: *Against the Antinomians* (1539). The whole matter was finally settled for Lutheranism by the Formula of Concord in 1577, which recognized a threefold use of the law: (1) to reveal sin, (2) to establish general decency in society at large, and (3) to provide a rule of life for those who have been regenerated through faith in Christ.³⁹⁵

It is clear that the pervasiveness of corruption among Christians today comes directly from the prevalence of this doctrine, either explicitly or implicitly preached from the pulpits of all incorporated Churches. The phrase commonly heard in these churches is "We live under grace, not under law."

Of course, this statement is a contradiction in terms, and of Scripture. It is contradictory because no man can live as if all were grace and not law. In fact, incorporated bodies are very scrupulous in obeying man's law, IRS forms and regulations, and the codes, ordinances, rules, and regulations of City, County, State, and Federal powers.

At the same time they say 'we live under grace not under law,' they are explicitly embracing man's law and rejecting God's Law. It is therefore logical that they should sin constantly, and consistently, and be a lawless people that will commit adultery, divorce, theft, bears false witness, dishonors their father and mother, and all

392. *Webster's Third New International Dictionary* (1981), vol. II, p. 1582. [**Emphasis** and insertion added].

393. *Ibid.*, p. 34. [*Insertions added].

394. *Webster's Third New International Dictionary of the English Language*, Unabridged (1981), vol. I, p. 95.

395. E. Battis, *Saints and Sectaries: Anne Hutchinson and the Antinomian Controversy in the Massachusetts Bay Colony*; R. Bertram, *The Radical Dialectic Between Faith and Works in Luther's Lectures on Galatians* (1535), in C. S. Meyer, ed., *Luther for an Ecumenical Age*; D. D. Hall, ed., *The Antinomian Controversy, 1636-1638: A Documentary History*; F. F. Bruce, *New Testament History*; M. U. Edwards, Jr., *Luther and the False Brethren. Elwell's Evangelical Dictionary*.

else. Such a statement by necessity denies the Atonement of Christ on the Cross. Can such people then, be called Christian???

Limited Liability! Is it Biblical?

The corporate veil of “limited liability” is condemned by Judgment in the Atonement of Christ Jesus. Further, it is a denial of the Providence of God. If Christians knew this they would not partake of such sin, but rather avoid it by maintaining their standing on the Holy Ground of the Righteousness of Christ’s Atonement. The world’s (remember the definition of “world”) vain imaginations, dogmas, or “traditions of the elders” expressed in statutes of “limited liability” were nailed to the Cross and they cannot be removed by any mere man — *res judicata* — it is judged. John witnesses the Record of our Blessed Lord:

These things I have spoken unto you, that in Me ye might have peace. In the world ye shall have tribulation: but be of good cheer; **I have overcome the world.**³⁹⁶

By Christ Jesus overcoming the world, the Good and Lawful Christian has refuge or asylum from tribulations. This is the saving Power of Christ’s Judgment, for when one is under a judgment one cannot create law nor can one protect himself against the Lawful execution of the judgment.

Clearly, if Christ Jesus had not been sanctified, He could and would never have overcome the world; but the world would have overcome Him and we would be the most miserable of creatures, without hope, and our faith in vain.

How then, can the incorporated Church enforce this Judgment and seek its Blessing when it is under this Judgment of man’s law ? What, then, is the hope of the incorporated Church? What faith has it? Who is its “christ?” Where is its asylum or refuge from the tribulations of the world?

Without repentance and a return to the True Faith in Christ, such an incorporated Church must be judged.

By Whose Authority Do Incorporated Churches Meet?

Certainly not by His Authority, for He has already spoken of these things:

Verily I say unto you, Whatsoever ye shall bind on earth shall be bound in heaven: and whatsoever ye shall loose on earth shall be loosed in heaven. Again I say unto you, That if two of you shall agree on earth as touching any thing that they shall ask, it shall be done for them of My Father which is in heaven.

For where two or three are gathered together in My name, there am I in the midst of them.³⁹⁷

As has been shown, incorporated bodies meet in union with, and under, the authority of the edicts of the State and Federal powers. The only authority that such bodies can thus exercise, is that of their creator, the civil powers. By no stretch of doctrine can one find excuse in Scripture, for:

No man 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.³⁹⁸

It is clear, therefore, that incorporated bodies do not meet by the Authority of Jesus, the Christ, but by that of the civil powers. Further, the civil powers are, in spirit, the masters of all incorporated bodies, not Christ. He Himself said:

Ye know that the princes of the Gentiles exercise dominion over them, and they that are great exercise authority upon them.³⁹⁹

396. John 16:33.

397. Matthew 18:18-20. [Emphasis added].

398. Matthew 6:24. [Emphasis added]

399. Matthew 20:25.

Further, the Lord said:

Neither be ye called masters: **for one is your Master, even Christ.**⁴⁰⁰

Clearly, Our Lord told us that Christians are **not** to be under the authority of the civil powers [gentiles]. The question this presents for the incorporated body is, are they under the authority of Christ, or not? What does this say about the standing of the incorporated body before the throne of God? And this is not the end of the argument.

Color of Office

Pastors of incorporated bodies do perform marriage ceremonies under the license of the State, and yet, in such a capacity as an officer of an incorporated body, the ceremony is merely legal, not Lawful, because it is done under the “color of law,” not in the substantive Law of God:

COLOR OF OFFICE. An act unjustly done by the countenance of an office, being grounded upon corruption, to which the office is as a shadow and color.⁴⁰¹

And:

A claim or assumption of right to do an act by virtue of an office, made by a person who is legally destitute of any such right.⁴⁰²

Prior to Lincoln’s War marriage licenses were not required. After the Act of April 9, 1863, “a license to marry was not a pre-requisite to marriage.”⁴⁰³ Primarily this was only required for marriages between a white person and a negro.⁴⁰⁴

Later, persons who did not want a marriage ceremony in a church sought licenses as well. Pastors never bothered to find out if licenses were needed to marry Christian couples and it simply became accepted that all, Christian or not, needed licenses. Pastors of incorporated bodies perform all marriages under license. Such a marriage is “legal” in commerce, not Lawful under God.

And, of course, the State is:

... a party to every marriage contract of its own residents as well as the guardian of their morals.⁴⁰⁵

Under the State’s licenced “commercial reality,” all the pastor is doing is completing commercial formalities for sexual intercourse, for commerce is also defined as:

Commerce. 3. Sexual intercourse.⁴⁰⁶

Commerce. 3. Familiar intercourse between the sexes.⁴⁰⁷

400. Matthew 23:10. [**Emphasis added**]

401. Plowden 64. Day v. National Bond & Investment Co., Mo. App., 99 S.W.2d 117, 119.

402. Feller v. Gates, 40 Or. 543, 67 P. 416, 56 L.R.A. 630, 91 Am.St.Rep. 492; Citizens’ Bank of Colquitt v. American Surety Co. of New York, 174 Ga. 852, 164 S.E. 817; Pontiac Trust Co. v. Newell, 266 Mich. 490.

403. Hunter v. Milam, 5 C.U. 107, 41 P. 332.

404. *Black’s Law Dictionary*, 3rd Edition, by Henry Campbell Black, p. 1192.

405. Roberts v. Roberts, (1947). 81 Cal.App.2d 871; 185 P.2d 381.

406. Random House -*Webster’s College Dictionary*, (1992) p. 272.

407. *Webster’s Dictionary*, by Noah Webster (1828). See “Commerce.”

What happened to the doctrine of coverture with the man and woman becoming “one flesh?” Where is the “help meet” in this kind of law?

And Adam said, This is now bone of my bones, and flesh of my flesh: she shall be called Woman, because she was taken out of Man. Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.⁴⁰⁸

Note the difference between the commercial definition of marriage and the Lawful definition:

COVERTURE. The state or condition of a married woman. 2. During coverture, the being of the wife is civilly merged, for many purposes, into that of her husband;⁴⁰⁹

Coverture is a Biblical relationship between a man and woman “cleaving one to another.” In truth, when pastors marry a couple under license, he acts as the State’s agent, not as the pastor of the Christian church. Thus, the marriage is corrupted and another couple is enslaved to the State, which now becomes a third party to the marriage. Where is God in such a picture?

Marriages, properly conducted before witnesses in an un-incorporated church are Lawful under God. A pastor issues a *Declaration of Marriage* and may sign the family Bible to create a marriage record. Instead of a Guest Register, the couple keeps a *Witnesses Roll*.

Civil Rights: A New Form of Slavery

For some time we have been documenting the new slavery that grew up in America under the handiwork of A. Lincoln.⁴¹⁰ One of the greatest works of propaganda ever fostered on a Christian people has been mounted to cover up this slavery **of all the people in America**.

First, this propaganda has been divisive in its racial platform and has driven a wedge between people on the basis of skin color. God, of course, only distinguishes between people on the requisite of whether they are Christian, or not. This is why it is said that Scripture is color-blind, for He is no respecter of persons.

Second, the idea has come about that civil rights somehow belong to those who are not white, when in fact, all persons — regardless of color — who are deemed “citizen/residents of the United States” are governed by the Civil Rights Act of 1866 and its subsequent amendments.

Third, there has come about a drastic change in the average man’s vocabulary when he addresses the questions of civil rights, racism, etc. The idea in sum is, there is no longer such a thing as a person of color, i.e., a man or woman of color. Those of the Negro race are now called “black.” This change of common vernacular has largely been sponsored by black people themselves. This change in common vernacular is the most telling effect of the propaganda machine of the left, and a grave mistake. This has occurred in just the last fifty years.

At least since 1810, “**a person of color was presumed to be free.**”⁴¹¹ This exposes a little known and very important fact, that is, not all people of the Negro race were slaves in America and this has been true from its founding. Indeed, in the census reports of America before Lincoln, people of color were not listed as slaves and constituted a large portion of the non-white population.

Thus, in 1860, free people of color owned real property **and slaves** valued at over \$50,000,000 and 15-20% of all non-whites were free people of color.⁴¹² Indeed, one of the richest men in the South was a man of color who was the third largest slave holder in America.

408. Genesis 2:23-24.

409. Com. Dig. Baron and Feme, W; Pleader, 2 A 1; 1 Ch. Pl. 19, 45; Litt. s. 28; Chit. Contr. 39; 1 Bouv. Inst. n. 276.

410. See *The Book of the Hundreds*, Part I; *The Christian Jural Society News*, Issues 2, 7, 12, and 17.

411. *Adelle v. Beauregard*, 1 Mar. (O.S.) 183.

412. *The Negro in Louisiana*, by Carter. (1937). pp. 24-29.

In 1856, the infamous Dred Scott v. Sandford case⁴¹³ went to the Supreme Court on a Writ of Certiorari (Error). The high court refused to hear the case in order to overturn the lower court decision. This fact is ignored in all modern discussion of Dred Scott, i.e., the Supreme Court never made a decision in Dred Scott and refused to hear argument in the case. True, judges at the time gave their reasons for not hearing the case, but this merely justified their refusal to hear the case.

The Supreme Court of the State of Maine, however, rendered a decision⁴¹⁴ on the reasoning of the Supreme Court that utterly rejected the high court's justification for refusing to hear the case. The Maine court documented that "free persons of color" had always had the same rights in Maine as white people. They voted, owned property, and so on. And, while much attention has been paid to Dred Scott, the Maine case has truly been ignored because it shows the bad reasoning in Dred Scott case Supreme Court opinions.

Why is this important, you may ask?

Since the Dred Scott decision, the powers that be have acted as if the case were the true state of things — in law in the United States — when, in fact, the opposite is true. The existence of the 14th Amendment was justified by the Dred Scott opinions, along with the Civil Rights Acts, and countless other Supreme Court decisions since Lincoln's War.

Humanistic propaganda and Christian ignorance have been combined to change the rules of argument on civil rights, and the only Law whereby **all** people can be free — God's Law — has been set aside by the "we live under grace, not under Law" syndrome. The Christian church must go on the offensive against the pernicious deception of "civil rights," and instead champion our Christian Rights and Liberty, or there will never be any peace between the races in America.

It is certain that the 501(c)(3) corporations that attempt to pass as Christian churches cannot achieve this, because the only thing such 'entities' have are "civil" rights!!!

Being One with the Father in Christ

It is clear from all that has been said heretofore, no incorporated body of Christians has a true union with the Father in Christ Jesus:

Believest thou not that I am in the Father, and the Father in Me? the words that I speak unto you I speak not of Myself: but the Father that dwelleth in Me, He doeth the works. Believe Me that I *am* in the Father, and the Father in Me: or else believe Me for the very works' sake.⁴¹⁵

And for their sakes I sanctify [*separate] Myself, that they also might be sanctified [*separated] through the truth. Neither pray I for these alone, but for them also which shall believe on Me through their word; That they all may be one; as Thou, Father, *art* in Me, and I in Thee, **that they also may be one in Us**: that the world may believe that Thou hast sent Me.⁴¹⁶

Matthew Henry comments on these verses saying:

[1.] See here what it is which we are to believe: *That I am in the Father, and the Father in me*; that is, as he had said (ch. x. 30), *I and my Father are one*. He speaks of the Father and himself as two persons, and **yet so one as never any two were or can be**. In knowing Christ as *God of God, light of light, very God of very God, begotten, not made*, and as *being of one substance with the Father, by whom all things were made*, we know the Father; and in seeing him thus we see the Father. In Christ we behold more of *the glory of God* than Moses did at Mount Horeb.⁴¹⁷ [And]

413. (1856), 19 How. 393, 60 U.S. 393, 451, 15 L.Ed. 691.

414. 44 Maine, 505.

415. John 14:10-11.

416. John 17:19-21. [**Emphasis** and *Insertions added].

417. Matthew Henry, *Commentaries on the Whole Bible*, vol. V, p. 1112.

The next thing he prayed for them was that they might be sanctified; not only kept from evil, but made good.

I. Here is the petition (v. 17): *Sanctify them through thy truth*, through thy word, for *thy word is truth*; it is true—it is truth itself. He desires they may be sanctified,

1. As Christians. Father, make them holy, and this will be their preservation, 1 Thess. v. 23. Observe here, (1.) The grace desired—sanctification. The disciples were sanctified, for they were not of the world; yet he prays, *Father, sanctify them*, that is, [1.] ‘Confirm the work of sanctification in them, strengthen their faith, inflame their good affections, rivet their good solutions,’ [2.] ‘Carry on that good work in them, and continue it; let the *light shine more and more*.’ [3.] ‘Complete it, crown it with the perfection of holiness; sanctify them throughout and to the end.’ Note, *first*, It is the prayer of Christ for all that are his that they may be sanctified; because he cannot for shame own them as his, either here or hereafter, either employ them in his work or present them to his Father, if they be not sanctified. *Secondly*, those that through grace are sanctified have need to be sanctified more and more. Even disciples must pray for sanctifying grace; for, if he that was the author of the good work be not the finisher of it, we are undone. **Not to go forward is to go backward**; *he that is holy must be holy still*, more holy still, pressing forward, soaring upward, as those that have not attained. *Thirdly*, **It is God that sanctifies as well as God that justifies**, 2 Cor v. 5. *Fourthly*, It is an encouragement to us, in our prayers for sanctifying grace, that it is what Christ intercedes for us.

(2.) The means of conferring this grace—*through thy truth, thy word is truth*. Not that the Holy One of Israel is hereby limited to means, but in the *counsel of peace* among other things it was settled and agreed, [1.] That **all needful truth should be comprised and summed up in the word of God. Divine revelation, as it now stands in the written word, is not only pure truth without mixture, but entire truth without deficiency**. [2.] That **this word of truth should be the outward and ordinary means of our sanctification**; not of itself, for then it would always sanctify, but as the instrument which the Spirit commonly uses in beginning and carrying on that good work; **it is the seed of the new birth** (1 Pet 1.23), and **the food of the new life**, 1 Pet ii. 1-2.

2. As ministers, ‘*Sanctify them, set them apart for thyself and service*; let their call to the apostleship be ratified in heaven.’ Prophets were said to be sanctified, Jer 1.5. Priests and Levites were so. *Sanctify them*; that is, (1.) ‘**Qualify them for the office**, with Christian graces and ministerial gifts, to make them able ministers of the New Testament.’ (2.) ‘**Separate them to the office**, Rom I. 1. I have called them, they have consented; Father, say *Amen* to it.’ (3.) ‘**Own them in the office**; let thy hand go along with them; **sanctify them by or in thy truth**, as **truth is opposed to figure and shadow** [*fictions of law, i.e., the State, for example]; **sanctify them really not ritually and ceremonially**, as the Levitical priests were, by anointing and sacrifice. **Sanctify them to thy truth, the word of thy truth, to be the preachers of thy truth, to the world**; as the priests were sanctified to serve at the altar, so let them be to preach the gospel.’ 1 Cor ix. 13, 14. Note, [1.] **Jesus Christ intercedes for his ministers with a particular concern**, and recommends to his Father’s grace those stars he carries in his right hand. [2.] **The great thing to be asked of God for gospel ministers is that they may be sanctified, effectually separated from the world, entirely devoted to God** [*not the State], and experimentally acquainted with the influence of that word upon their own hearts which they preach to others. Let them have the *Urim* and *Thummim*, *light* and *integrity*.

II. We have here two pleas or arguments to enforce the petition for the disciples’ sanctification:—

1. The mission they had from him (v. 18): ‘*As thou hast sent me into the world*, to be thine ambassador to the children of men, so how that I am recalled *have I sent them into the world*, as my delegates. Now here, (1.) Christ speaks with great assurance of his own mission: *Thou has sent me into the world*. The great author of the Christian religion had his commission and instructions from him who is the origin and object of all religion. He was sent of God to say what he said, and do what he did, and be what he is to those that believe on him; which was his comfort in his undertaking, and may be ours abundantly in our dependence upon him; his record was on high, for thence his mission was.

(2.) He speaks with great satisfaction of the commission he had given his disciples ‘*So have I sent them on the same errand, and to carry on the same design*,’ to preach the same doctrine that he preached, and to confirm it with proofs, with a charge likewise to commit to other faithful men that which was committed to them. He gave them their commission (*ch. Xx. 21*) with a reference to his own, and it magnifies their office that it comes from Christ, and that there is some affinity between the commission given to the ministers of reconciliation and that given to the Mediator; he is called an *apostle* (Heb iii. 1), a *minister* (Rom xv. 8), a *messenger* (Mal iii. 1). Only they are sent as servants, he as a Son. Now this comes in here as a reason, [1.] Why Christ was concerned so much for them, and laid their case so near his heart; because **he had himself put them into a difficult office**, which required great abilities for the due

discharge of it. Note, **Whom Christ sends he will stand by, and interest himself in those that are employed for him; what he calls us out to he will fit us out for, and bear us out in.** [2.] Why he committed them to his Father; because he was concerned in their cause, **their mission being in prosecution of his, and as it were an assignment out of it. Christ received gifts for men** (Ps. lxxviii. 18), **and then gave them to men** (Eph iv. 8), and therefore *prays aid of his Father to warrant and uphold those gifts, and confirm his grant of them. The Father sanctified him when he sent him into the world, ch. x. 36. Now, they being sent as he was, let them also be sanctified.*

2. The merit he had for them is another thing here pleaded (v. 19): *For their sakes I sanctify myself.* Here is, (1.) Christ's designation of himself to the work and office of Mediator: *I sanctified myself.* He entirely devoted himself to the undertaking, and all the parts of it, especially that which he was now going about—the *offering up of himself without spot unto God, by the eternal Spirit.* He, as the priest and altar, sanctified himself as the sacrifice. When he said, Father, *thy will be done*—Father, *I commit my spirit into thy hands,* he paid down the satisfaction he had engaged to make, and so sanctified himself. This he pleads with his Father, for his intercession is made in the virtue of his satisfaction; *by his own blood he entered into the holy place* (Heb ix. 12), as the high priest, on the day of atonement, sprinkled the blood of the sacrifice at the same time that he burnt incense within the veil, Lev xvi. 12, 14. (2.) Christ's design of kindness to his disciples herein; it is *for their sakes,* that *they may be sanctified,* that is that they may be martyrs; so some. 'I sacrifice myself, that they may be sacrificed to the glory of God and the church's good.' Paul speaks of his being offered, Phil ii. 17; 2 Tim iv 6. Whatever there is in the *death of the saints* that is *precious in the sight of the Lord,* it is owing to the death of the Lord Jesus. But I rather take it more generally, that they may be saints and ministers, duly qualified and accepted of God. [1.] The office of the ministry is the purchase of Christ's blood, and one of the blessed fruits of his satisfaction, and owes its virtue and value to Christ's merit. The priests under the law were consecrated with the blood of bulls and goats, but gospel ministers with the blood of Jesus. [2.] The real holiness of all good Christians is the fruit of Christ's death, by which the gift of the Holy Ghost was purchased [*This is what allows the Good and Lawful Christian standing in God's Law.]; he *gave himself for his church, to sanctify it,* Eph v. 25, 26. And he that designed the end designed also the means, that they might be sanctified *by the truth,* the truth which Christ came into the world to bear witness to, and died to confirm. The word of truth receives its sanctifying virtue and power from the death of Christ. Some read it, that they may be sanctified *in truth,* that is, truly; for as God must be served, so, in order to this, we must be sanctified, *in the spirit, and in truth.* And this Christ has prayed for, for all that are his; for *this is his will, even their sanctification,* which encourages them to pray for it.⁴¹⁸

Chapter Eight

Going in Harm's Way

The Vulnerability of the Incorporated Church

The incorporated Church has not only placed itself in harm's way with God the Father and the Head of the Church, Christ Jesus, but it has so compromised its position that it is utterly vulnerable to attack by the IRS bureaucracy, to the extent that it is left naked and without the means of defense except by an extended and costly court battle in which all the cards are stacked against it.

However, it is also vulnerable to attack from an action at-Law, and can thereby be put out of "business" for violations of God's Law and Christian common Law. And, while an incorporated body has standing to answer an IRS complaint, it has no such standing to answer an action at-Law and thus, by default, would lose any such case, properly brought — without a hearing in court.

Of course, the incorporated Church may hire an attorney to defend itself, but this would provide only minimal protection against the IRS and absolutely no protection against an action at-Law, because no member of the Bar can even enter an at-Law court and plead on behalf of an incorporated church, even assuming he knew anything about proceedings at-Law.

To illustrate the vulnerability of the incorporated Church we will first detail the Church's condition under current codes, rules, regulations, and court decisions, and then proceed to actions at-Law that use Biblical Law for their content. The IRS actually functions as an agent of a foreign principal:

The government of the United States (District of Columbia) is a **foreign** corporation with respect to a state.⁴¹⁹

FOREIGN NATION OR STATE. A nation *totally independent* of the United States of America.⁴²⁰ The municipal corporation, "The District of Columbia," was organized under the Act of Congress of Feb. 21, 1871.⁴²¹

'District of Columbia,' and 'United States,' are interchangeable. "The United States" (singular) is the District of Columbia and territories encompassed by statutes enacted by its *provisional* Congress, and operates as a corporation and not under the Constitution for the united States of America..

Filing IRS forms is a voluntary admission that the 'reporting' Church is governed by the law of man, not the Law of God. Since the "source of the right ... determines the governing law," the meaning of the words and phrases, codes, rules, regulations, etc., used — regardless of what they appear to say — are interpreted by man's law and judges with discretion to decide the matter in equity, not at-Law.

Data voluntarily entered on forms or given in an interview or hearing with any agent of any government is known as an **admission and confession**. Otherwise, a defendant simply remains silent.

Admissions and confessions are vital to legal process. The data on the forms has already provided a *prima facie* presumption to the government and the IRS that it has jurisdiction to proceed against the subject Church. But, just as important are those admissions and confessions made during the "benefit of discussion" that takes place in a court proceeding or immediately after arrest:

BENEFIT OF DISCUSSION. In the civil law. The right which a surety has to cause the property of the

419. *In re Merriam* (1894), 141 N. Y. 479, 36 NE. 505, 10 C.J.S. §1785, p. 11, aff. 16 S.Ct. 1073, 163 U.S. 625, 41 L.Ed. 287. [Emphasis added].

420. *Bouvier's Law Dictionary* (1859), Vol. 1, p. 539. [Emphasis added].

421. 16 *Statutes at Large* 419; *Barnes v. District of Columbia*, 91 U.S. 540, 23 L.Ed. 440.

principal debtor to be applied to the satisfaction of the obligation in the first instance.⁴²²

Forms demand a “name” which in their law is defined in the same way as it is in the rules of English; a name is a **mark** of a person, place, or thing.

Nomen est quasi rei notamen — A name is as it were a note of a **thing**.⁴²³

The name is of vital importance, because; The Christian name **only** is recognized in law,⁴²⁴

The omission of the Christian name by either plaintiff or defendant in legal process prevents the court from acquiring jurisdiction; there being no other description or identification and no appearance or waiver of process;⁴²⁵

Yet, in all process created by the IRS, either the Christian name is not used, is mis-spelled, or abbreviated, none of which is permitted in Christian common Law. Legal, but not Lawful, entities cannot use the rules of English grammar properly because the rules of International law are controlling in the bankrupt Federal courts and all State’s under bankruptcy.

A further example of this is seen on driver’s licenses, social security cards, credit cards, and other commercial instruments. In these cases the name is usually written in all capital letters. In Law, such a name is designated a *nom de guerre*:

Nom de guerre. Lat., “war name; a pseudonym; assumed name.”⁴²⁶

An alien enemy cannot maintain an action during the war in his own name.⁴²⁷

Thus, the IRS does not make an allowance for a middle name, fully spelled out, on 1040 Forms and all other forms. In Christian common Law, a name not spelled properly according to the rules of English grammar, in upper and lower case, and without abbreviations, is called a misnomer:

MISNOMER. Mistake in name; giving incorrect name to person in accusation, indictment, pleading, deed or other instrument.⁴²⁸

As we have shown previously, the incorporated Church takes a franchise, private in nature, and takes on the ‘personality’ of a juridical person:

A private corporation may be defined as an association of persons to whom *the sovereign has offered* a franchise to become an artificial, juridical person, with a name of its own, under which they can act and contract, and sue and be sued, *and who have accepted the offer* and effected an organization in substantial conformity with its charter.⁴²⁹

With the corporate “person” not being real, why attach yourself to it? Why not use the Christian name as the law and Christian common Law require? Why not use the name of our baptism that has full standing in Law?

Because, the IRS and other agents of the various governments can only bring process against fictions who are acting as surety for the debt, and who have an address. All current governments are themselves fictions who

422. *Black’s Law Dictionary*, 3rd Edition, by Henry Campbell Black. “Benefit of discussion,” p. 208.

423. *Bouvier’s Law Dictionary* (1914), “Maxim,” p. 2148. [**Emphasis** added].

424. 1 Ld. Raym. 562; Bacon, Abr. *Misnomer* (A); *Boyd v. State*, 7 Cold.(Tenn.) 69; *Franklin v. Talmadge*, 5 Johns.(N.Y.) 84

425. *Whitney v. Musemore*, 75 Kan. 522, 89 Pac. 914, 11 L.R.A.(N.S.) 676, 121 Am.St.Rep. 442; *Boynton v. Chamberlain*, 38 Tex. 604; *Thompson v. McCorkle*, 136 Ind. 484, 34 N.E. 813, 36 N.E. 211, 43 Am.St.Rep. 334

426. *Roget’s Thesaurus in Dictionary Form* (1936), page 592.

427. *Wharton’s Pa. Digest*, Section 20, page 94, (1853).

428. *Culpepper v. State*, 173 Ga. 799, 161 S.E. 623.” *Black’s Law Dictionary* (4th ed., 1968), p. 1151.

429. Baldwin, *Mackay v. New York and N. H. R. Co.* (1964), 72 Atl. 583, at 586.

can only deal in codes, ordinances, rules, and regulations (not Law), and thus, those they prosecute, regulate, or control, must also be represented by fictions, otherwise, there is no equal standing.

Thus, if one Man stands at-Law and the other is a fiction, the fictional person cannot sue the knowledgeable Christian man at-Law successfully. Fictions are extremely vulnerable to suits at-Law. The Christian Declaration having the substance of Truth destroys the fiction in an at-Law proceeding. Thus, the church in general, and the Good and Lawful Christian in particular, win by default judgment:

Fictio juris non est ubi veritas—Where truth is, fiction of law does not exist.⁴³⁰

Fictio cedit veritati, fictio juris non est ubi veritas—Fiction yields to truth, where the truth appears, there can be no fiction of law.⁴³¹

That there should be no schism in the body; but *that* the members should have the same care one for another. And whether one member suffer, all the members suffer with it; or one member be honoured, all the members rejoice with it. Now ye are the body of Christ, and members in particular.⁴³²

All IRS forms require that a 501(c)(3) Church give an “address.” Though perhaps not widely understood, this admission and confession is critical, since all corporate “persons” must have an address to establish their “residency” in the United States,” i.e., being or becoming a resident of the incorporated United States in the District of Columbia:

... a domicile *has been assigned to an incorporated group because it is classified as a legal person*, but it is said that *an un-incorporated association, not being a legal person, is incapable of having a domicile.*⁴³³

No un-incorporated association ... has a domicile.⁴³⁴

A “legal person” must have an address to be a resident.

Incolas domicilium facit — Residence creates domicile.⁴³⁵

Again, the distinction between legal and Lawful is important.

A true un-incorporated church does not have a residence, domicile, or address, and cannot incorporate under commercial law because only residents of the U.S. can have standing to “join the franchise.” How important it is for un-incorporated churches to call for their First-Class mail Matter in general delivery will be shown later.

Often there is also a request for the telephone number of the Church officer responsible for filing forms. The number is not needed for purposes of law though it does show an address connected to the telephone of the fictitiously named ‘person.’

Forms request a Zip Code (commercial mail district number), and a variety of number codes, i.e., a “Group Exemption Number” if the Church is incorporated under a parent denomination. If this is the case, then the form will also request the full name of the parent organization. Forms require the EIN, or Employer Identification Number, etc., all of which are used to identify holders of benefits and to track a Church through the system, either by hand or by computer.

Further, all commercial business entities that an incorporated Church deals with also require the same kinds of data, including banks (Temples of Mercury), and bank loan forms, checking and savings account forms, credit card companies, etc., all of which can be used against an incorporated Church in any tribunal. City, County, and State governments also have the same kinds of forms that require the same information because the International rules for acquiring venue and jurisdiction over a church are the same for all usurpers.

430. *Bouvier's Law Dictionary* (1914), “Maxim,” p. 2134.

431. *Ibid.*, p. 2134.

432. 1 Corinthians 12:25-27.

433. Conflict of Laws, *Restatement*, (Am. Law Inst.) §41

434. Cf. *Puerto Rico v. Russell & Co.*, 288 U.S. 476, 482, 53 S.Ct. 447, 77 L.Ed. 594, 903, note, 47 Harv. Law Rev. 135

435. *Arnold v. United Ins. Co.*, 1 Johns.Cas., N.Y., 363. *Black's Law Dictionary* (4th ed. 1957 & 1968), p. 906.

The point is, the 501(c)(3) Church is not only seen and defined by governments as a fictitious commercial entity subject to all the codes, ordinances, rules, and regulations, but, everyone else that Church deals with sees the it the same light. In other words, there is nothing “peculiar” about an incorporated body. By its works is the church known and there is no difference between the works of an incorporated body and the rest of the world. It’s just another business whose specialty may be religion.

Does the incorporated Church have any rights at all? No!!! Only the benefits in commerce under statutes and the Uniform Commercial Code, a privately copyrighted “legal” system.⁴³⁶ The so-called rights that an incorporated body may have, can be given or taken away at the whim of Congress. The rules can be changed overnight if need be and have been, many times in the past.

Every incorporated Church in the United States has been made themselves sureties for the City, County, State and Federal debts, in spite of the Biblical injunction against suretyship.

The Problem of Suretyship

*He that is surety for a stranger shall smart for it: and he that hateth suretyship is sure.*⁴³⁷

The law defines a surety as;

SURETY. One who undertakes to pay money or to do any other act in the event that his principal fails therein.⁴³⁸

The surety joins in the same promise **as his principal** and is primarily liable; the guarantor makes a separate and individual promise and is only secondarily liable. His liability is contingent on the default of his principal, and he only becomes absolutely liable when such default takes place and he is notified thereof.⁴³⁹ ‘Surety’ and ‘guarantor’ **are both answerable for debt, default, or miscarriage of another**, but liability of guarantor is, strictly speaking, secondary and collateral, while that of surety is original, primary, and direct. In case of suretyship there is but one contract, and surety is bound by the same agreement which binds his principal, while in the case of guaranty there are two contracts, and guarantor is bound by independent undertaking.⁴⁴⁰ **A surety is an insurer of the debt or obligation**; a guarantor is an insurer of the solvency of the principal debtor or of his ability to pay.⁴⁴¹

The important question is, who is the principal of an incorporated Church? It isn’t Jesus Christ. It is none other than the City, County, State, and Federal powers, the creator and controller of the incorporated body with whom it is in union. The creator is the principal of the created.

...the power that creates, can abolish or destroy.⁴⁴²

Since no power compels the church to incorporate, such bodies have voluntarily, and contrary to Scripture, become surety for the unlawful debts of all *provisional governments de facto*. They have placed themselves in harm’s way for the sake of a “benefit” that is not really a benefit at all:

We may see the gross mistake of those, who think material things the most substantial beings, and spirits more like a shadow; whereas, spirits only are properly substance.⁴⁴³

436. The Uniform Commercial Code is privately copyrighted by the American Law Institute.

437. Proverbs 11:15.

438. *In re Brock*, 312 Pa. 92, 166 A. 778, 781.

439. *Georgia Casualty Co. v. Dixie Trust & Security Co.*, 23 Ga.App. 447, 98 S.E. 414, 416; *Stifel Estate v. Cella*, 220 Mo.App. 657, 291 S.W. 515, 518; *Ricketson v. Lizotte*, 90 Vt. 286, 98 A. 801. [**Emphasis added**].

440. *Howell v. Commissioner of Internal Revenue*, C.C.A.8, 69 F.2d 447, 450. [**Emphasis added**].

441. *McClain v. Georgian Co.*, 17 Ga.App. 648, 87 S.E. 1090; *Bishop v. Currie-McGraw Co.*, 133 Miss. 517, 97 So. 886, 889. *Black’s Law Dictionary* (4th ed. 1957 & 1968), p. 1611. [**Emphasis added**].

442. *People v. Jewett* (1856), 6 C. 291.

443. Jonathan Edwards quoted in: *Selections from their Writings* (Ben Franklin and Jonathan Edwards) (1920), edited by Carl Van Doren, pp. 222-227.

The Incorporated 501(c)(3)'s Vulnerability to Christian common Law

The balance of this chapter illustrates how Lawful processes adhering to Christian common Law can be utilized to utterly close an incorporated body or “Christian” group in America. Its process does not take years to adjudicate as it does in humanistic law and is virtually cost free to the Demandant. Most actions are over and done with in less than two weeks. Result: all officers and members of incorporated Churches, or any other corporations, will look elsewhere for a place to conduct “services” or “do business.”

Incorporated Church attorney’s will, of course, deny that such a thing is possible in Christian common Law. But, much of the true church has, for over three years, used successfully, Christian common Law process in thousands of cases against everyone from the IRS to the local traffic court. In simple terms, the incorporated Church has no defense against Christian Law.

Before any Lawful process is served the Biblical precepts⁴⁴⁴ are to be followed. If a 501(c)(3) Church refuses to un-incorporate, after having properly received the full information concerning their status and vulnerability, Lawful actions and process can be served against the pastor and officers of the Church.

The first process served would be a Non-Statutory Abatement. The Church will have no standing to answer, and the process will default in ten days in a default judgment *nil dicit* (he doesn’t answer).

The reason why the Abatement is served is to inform the Church of the charges against it and give it a chance to either answer Lawfully (which it cannot do), default, or repent. A partial list of the charges against the incorporated body follow in the sample Non-Statutory Abatement.

From all of the evidence presented, it is clear that an incorporated body is a commercial entity that engages in business and all its activities are in furtherance of its commercial business, which is done seven days a week, for there is no day in which business is not conducted. It is thus, impossible for an incorporated body to keep the Sabbath. From the early days of this nation’s founding, it has been against the Law to conduct business on the Sabbath.

The Justices of the Supreme Court, severally, throughout this State, every President of the Courts of Common Pleas [*at-Law], within his district, every Associate Judge of the Courts of Common Pleas, and every Justice of the Peace, within his proper county, the Mayor and Aldermen of the city of Philadelphia, and each of them, within the limits of said city, and each Burgess of a town corporate, within his borough, are hereby empowered, authorized, and required, to proceed against and punish persons offending against this act, and every person who shall profane the Lord’s Day⁴⁴⁵

A Jew may be indicted under a state law, for working on Sunday;⁴⁴⁶

Thus, it is still against the Law to profane the Sabbath, and that such actions can be brought through Christian common Law process is clearly seen in the following:

Christianity has also been recognized in our judicial decisions, and is so far carried out in our criminal jurisprudence, as that **the law will not permit the essential truths of revealed religion to be ridiculed and reviled**. In other words, that blasphemy is an indictable offense at common law.

Blasphemy has been defined as the speaking evil of the Deity, with an impious purpose to derogate from the Divine Majesty, and to alienate the minds of others from the love and reverence of God. It is purposely using words concerning God,⁴⁴⁷ calculated and designed to impair and destroy the reverence, respect, and confidence

444. Matthew 18:15-20

445. *Manual of a Pennsylvania Justice of the Peace*, Richard Bache (Pennsylvania, 1814), pp. 162-166.

446. *Com. v. Has*, 122 Mass. 40.

447. And the King shall answer and say unto them, Verily I say unto you, Inasmuch as ye have done it unto one of the least of these My brethren, ye have done it unto Me. Matthew 25:40.

due to Him, as the intelligent Creator, Governor and Judge of the world.⁴⁴⁸ ... It is a wilful and malicious attempt to lessen men's reverence of God, by denying his existence, or his attributes as an intelligent Creator, Governor and Judge of men, and to prevent their having confidence in Him.⁴⁴⁹ Blasphemy against God, and contumacious reproaches, and profane ridicule of Christ, or of *the Holy Scriptures, are offences punishable at the common law.*⁴⁵⁰ **Such offenses have always been considered independent of any religious establishment, or the rights of an established church.**⁴⁵¹ They are treated as affecting the essential interests of civil society. There is nothing in our manners or institutions which has prevented the application, or the necessity of this part of the common law. **We stand in need of all that moral discipline, and of those principles of virtue, which help to bind society together.** The people of this nation, and of this state, profess the general doctrines of Christianity as the rule of their faith and practice; and to scandalize the Author of these doctrines, is not only, in a religious point of view, extremely impious, but a gross violation of decency and good order. Nothing could be more offensive to the virtuous part of community, or more injurious to the tender morals of the young, than to declare such profanity lawful.⁴⁵²

[T]o reproach the Christian religion is to speak in subversion of the law.⁴⁵³

In like manner, and for the same reason, any general attack on Christianity is the subject of criminal prosecution, because Christianity is the established religion of the country.⁴⁵⁴

It is because the common law gives expression to the changing customs and sentiments of the people that there have been brought within its scope such crimes as blasphemy, open obscenity, and kindred offenses against religion and morality, in short those acts which, being highly indecent, are *contra bonos mores.*⁴⁵⁵

CONTRA BONOS MORES. Against good morals. Contracts *contra bonos mores* are void.⁴⁵⁶

Blasphemy is also punishable at common law by fine and imprisonment. Christianity, as it is said, is a part of the law of England, and a gross outrage against it is to be punished by the state. The offenses include not only the blasphemous libels by one who has been attached to the Christian religion and has apostatized, as to which we have seen particular provisions have been made, but also denying, whether orally or by writing, the being or providence of the Almighty, contumelious reproaches of our Lord and Saviour Christ, profane scoffing at the Holy Scriptures, **or exposing any part thereof to contempt or ridicule.**⁴⁵⁷ The libel, to be blasphemous, must consist not in an honest denial of the truths of the Christian religion, but in a willful intention to pervert, insult, and mislead others by means of licentious and contumelious abuse applied to sacred subjects.⁴⁵⁸ But the disputes of learned men upon particular points of religion are not punished as blasphemy. [for cases v. Arch. 814.] It remains merely to add that the law is rarely put into force, and then only because the libel is of a most extravagant nature.⁴⁵⁹

Blasphemy is an injury offered to God, by denying that which is due and belonging to Him, or attributing to Him what is not agreeable to His nature. All blasphemers against God, as denying His being or providence; and all contumelious reproaches of Jesus

448. And whosoever shall offend one of these little ones that believe in Me, it is better for him that a millstone were hanged about his neck, and he were cast into the sea." Mark 9:42; Luke 17:1-2. "He that is not with Me is against Me: and he that gathereth not with Me scattereth." Matthew 12:30; Luke 11:23.

449. *Commonwealth v. Kneeland*, 20 Pick. 213

450. *People v. Ruggles*, 20 John. 290.

451. Not an *ecclesia*.

452. *Potter's Dwarries on Statutes* (1885), pp. 559-560. [Emphasis added.]

453. *Taylor's Case* (1676), 1 Vent. 293, 86 Eng.Rep. 189. [Cited in *Perkins on Criminal Law* (1969), p. 397, "Blasphemy."]

454. *Gathercole's Case* (1838), 2 Lewin 237, 254, 168 Eng.Rep. 1140, 1145. [Cited in *Perkins on Criminal Law* (1969), p. 397, "Blasphemy."]

455. *State v. Bradbury* (1939), 136 Me. 347, 349, 9 A.2d 657, 658.

456. *Black's Law Dictionary*, 3rd Edition, page 420.

457. Vol. 1 Russ. 332, 333. [Emphasis added].

458. *Reg. v. Ramsay*, 48 L.T.N.N.S. 73.

459. *Harris's Criminal Law* (1885), p. 65.

Christ; all profane scoffing at the Holy Scripture, **or exposing any thereof to contempt and ridicule**; impostures in religion, as falsely pretending to extraordinary commissions from God, and terrifying or abusing the people with false denunciations of judgments etc. And all open lewdness grossly scandalous; are offenses by the common law punished by fine, imprisonment, and all such corporal infamous punishment as to the Court, in their discretion shall seem meet, according to the heinousness of the crime.⁴⁶⁰

Further, as Scripture clearly teaches, if a man breaks one commandment, he violates or breaks all:

For whosoever shall keep the whole law and yet offend in one point, is guilty of all.⁴⁶¹

The Non-Statutory Abatement

Thus, the marks of violations of Law that are charged in the abatement are as follows:

Respond to: Richard Matthew: Gardner, *suae potestate esse*
general delivery
Galveston Post Office
Galveston, Texas

superior court, Galveston county, Texas

Richard Matthew: Gardner, (Case Number: _____
suae potestate esse)
Demandant (Part One.
) Non-Statutory Abatement
against, ()
) The sixteenth day of the fourth
John Q. Pastor (month in the year of Sovereign
Church of the Almighty Buck) Lord and Saviour Jesus, the Christ
Defendant (Nineteen hundred ninety-eight.

By Richard Matthew: Gardner, *suae potestate esse*:

In the matter of: The deceit of your corporate business entity personating a church of the Living God in Christ Jesus.

Be it Known and Remembered by All to Whom These Presents Come, and May Concern:

Introduction

This Non-Statutory Abatement is issued by and under the Ministerial Power and Authority vested *solely* in and appertaining to the Ministerial Office of Christ, established in Truth and Substance by the Grace of God through our Sovereign Lord and Saviour Jesus, the Christ, and which is the Foundation of Law, customs, and usages common among all Good and Lawful Christians, being co-heirs and appointed co-Executors of His Testament governing His Estate brought into being by His original Act sworn to by Him in His Testament, and in execution of the Judgments declared therein by Him, against <*Defendants>, the <*agency or office, as it appears on their corporate papers>, acting alien enemies of our Sovereign Lord and Saviour for Whom I am one of His several appointed Ministerial Officers. Said defendants are attempting to plunder His Inheritance, using purported process unknown to, and not recognized by, the Law of our Sovereign, in the Nature of a *Praemunire, imperium in imperio*, which is outlawed by the general custom in His Kingdom because it disturbs His Peace

460. 1 Hawk. ch. 5, §1, 2, 3, 4, 5, 6.

461. James 2:10.

that He bestowed upon His church and state, and because *rerum ordo confunditur, si unicuicuique iurisdictio non servatur*, and thus, is in violation of The Law in Scripture The Law of Nations, The Law of War, and the *lex non scripta*, which is the *jus publicum* in His church and state:

Part One of this matter shall be known as Non-Statutory Abatement and contains the following documents titled: One. Non-Statutory Abatement; and, Two. Verification by Asseveration.

Whereas, the civilly dead in Law “U.S. Congress,” in the Preamble of their “Congressional” Report No. 93-549, issued the nineteenth day of the eleventh month, in the Year of Our Lord and Saviour Jesus Christ nineteen hundred seventy-three, stated “A majority of the people of the United States have lived all of their lives under emergency rule.... And, in the United States, actions taken by the Government in time of great crisis have from, at least, the Civil War, in important ways, shaped the present phenomenon of a permanent state of national emergency”:

And whereas, according to the Supreme Court, “Congress” has made little or no distinction between a “state of national emergency,” and a “state of war”:

And whereas, according to the Law of Nations, “the most immediate effect of a state of war is that it activates the Law of War itself.”:

And whereas, according to the Law of War, “martial law is obtained during a state of war and in truth and reality, no law at all”:

And whereas, open armed conflict is not necessary for the existence of a state of war, or war itself, for the forty-third “Congress” in House Report No. 262, issued the twenty-sixth day of the third month in the Year of Our Sovereign Lord and Saviour Jesus, the Christ, eighteen hundred seventy-four, admitted and declared that war exists *non flagrante bello*, a doctrine enunciated by the Supreme Court, and that this is the basis of the unlawful usurpations of record by “Congress” called the Internal Revenue Acts, National Banking Act, Reconstruction Acts, Civil Rights Acts, Voting Rights Acts, *ad nauseam*, and the *post flagrante bello* “amendments,” each and all evidence that war, a state of war, and the martial rule imposed by them, continues openly and notoriously to this day to destroy the *consociated* Christian states;

And whereas, war is simply the exercise of force between bodies politic against each other for the purpose of coercion, the bodies politic this day are: One, Good and Lawful Christians executing the Testament of our Lord and Saviour Christ Jesus on one side; and, Two, the “low and lawless” persons of proclamations, edicts, codes, rules and regulations, i.e., all *commercial* persons deriving, possessing, holding, occupying, or exercising a benefit, privilege or opportunity from, by, or through the usurpation of the military power of the union of *consociated* states to protect them in the enjoyment of their *taxable* “civil rights” of interstate and foreign commerce on the other side;

And whereas, the conqueror of a country, State, municipality, or nation seizes all public assets of the same, those assets being the things the aforesaid have created, and administers regulation of them in conducting civil affairs;

And whereas, martial rule and martial law, and all its masks, are obnoxious to and violations of the Law, Testament and Writ I execute, for martial rule is a government of civil affairs for the welfare of *legal entities* upon the shoulders of a human military commander because he rules his creations and creatures by his mere will; but, in the Law I execute, all *Lawful* government shall be upon the shoulders of our Sovereign Lord and Saviour Jesus, the Christ, which means all Lawful government must have Law established in Truth by and through a lineage traceable to the Tree of Life, established by Almighty God from Whom Truth originates and flows through our Sovereign Lord and Saviour Jesus, the Christ, and all Good and Lawful Christians occupying and exercising all Lawful Ministerial Powers appertaining to the Office of Christ. Any form of government having no such traceable lineage, is: One, separate, distinct, strange, foreign and unknown to the Law of our

Sovereign; and Two, is founded in a lie and therefore *persona non standi in judicio*, and without recognition from our Sovereign. The Law of our Sovereign does not permit foreign and strange forms of law to be imposed upon His Inheritance—His church and state—or upon His Ministerial Officers directed by Him, by and under his Warrant, in Execution of His Will, Law, Mandate, Writ and Judgments; and,

Now therefore, any proceeding, convocation, convention, or meeting contravening the general Law in His church and state violates the established Lawful Christian customs and usages, violates and breaches His Peace and the safety of His Inheritance in all Good and Lawful Christian people in the Dominions Lawfully inherited by them in and through Christ Jesus, is an invasion against the Law of our Sovereign Lord and Saviour Jesus, the Christ, and is a strategem of war and deception against His Law, Testament and His people:

Chapter one: Return of Articles of Incorporation; and Averments

Please find attached the following admissions by the Secretary of State for the STATE OF <*Your State>, the articles of incorporation for your *business entity*, known as the <*Name of 501(c)(3) Church you are abating>:

Comes Now, this Good and Lawful Christian Man, grateful to Almighty God for My Liberty in Christ, to humbly Extend Greetings and Salutations to you from our Sovereign Lord, Saviour and Testator Jesus, the Christ, and Myself by Visitation, to exercise His Ministerial Powers in this Matter, in His Name, by His Authority, under Direction of His Warrant, Mandate, and Will contained in His Holy Writ, revealed both in His Testament written of Him in Holy Scripture and in Him:

Your business entity, in personating His church, bears the following Marks of Fraud:

First:

Mark: Your articles of incorporation allege the creation of a Christian Church, foreign and strange to the Law governing the Venue in which We are found and occupy *solely by the Grace of God*; and your articles have no Oath, Promise, or Law bringing it to, or bringing it within, the Venue held by and under the Dominion and Lordship of Christ Jesus *alone*; and,

Second:

Mark: Your business entity, its fiduciaries, and the *nom de guerre* JOHN Q. PASTOR, are created and established by a *bankrupt* person which is dead in Law and therefore are *persona non standi in judicio*; and,

Third:

Mark: Your business entity has no foundation in Law; for the reasons: One, it is not from an office in Law having lineage from the Tree of Life through the Good and Lawful Christian people establishing it in and by their general laws; and Two, it is from an agency which is of the same nature and constitution of its principal, that of an adjudged bankrupt and dead in Law entity having the same capacity of *persona non standi in judicio*; and,

Fourth:

Mark: Your business entity lacks jurisdictional facts necessary to place or bring it within the Lawful Venue of Christ Jesus, *your aforesaid business entity being dead in Law and sans recognition in the Law and Testament of our Sovereign Lord and Saviour Jesus, the Christ, because that which is created cannot be greater than its bankrupt civilly dead creator*; and,

Fifth:

Mark: Your business entity fails to affirmatively show, upon it's face, the Lawful cause, if any, for your departure from His Dominions and the disturbance of His Peace Inherited through Him by Us according to His Testament, "...as many as received Him, to them gave he power to become the sons of God, *even* to them that

believe on His Name,” and “ye shall find rest unto your souls” and which We have been given that aforesaid Ministerial Power appertaining to the high and Sacred Office of Christ to minister the aforesaid Inheritance in His Name and by His Authority, for His Glory and Majesty; and,

Sixth:

Mark: Your Church has failed to affirmatively show any Authority in Law for your presence on the Earth, in the Venue, or the Jurisdiction which is the Lord’s and the Fullness thereof, in whose Peace We rest from Our own labours; and,

Seventh:

Mark: Your Church has failed to show affirmatively any an Authority or Warrant in God’s Law to have, hold, possess, or occupy any land or lands in the name of Jesus Christ and has failed to execute the Testament of Christ Jesus to hold Church lands in Law; and,

Eighth:

Mark: Your Church has, by its acts and the will of its officers demonstrated its unwillingness to be bound by the Law of God and Lawfully execute the Testament of Our Sovereign Lord and Saviour Jesus Christ; and,

Ninth:

Mark: Your Church has denied the inherited rights of Christians; and;

Tenth:

Mark: Your Church is not sealed with Authority having lineage through the Good and Lawful Christians in this church and state.

The abatement’s main body is followed by an Asseveration and attached is a copy of the Church’s Articles of Incorporation (available from the Secretary of State as a matter of public record). The action will go to default judgment *nil dicit* and will be followed by a Default, Default Judgment, and Praeipere, and followed up with an action in Waste against the Church if it refuses to repent of its ways and terminate its commercial entanglement with the State and Federal powers.

All an incorporated body needs to do to avoid having its land, houses, papers, effects, funds, and other property seized by an action in Waste is: take a Resolution of its Board of Directors or Trustees to begin the un-incorporation process within thirty days and complete it within one hundred eighty days.

Failure to un-incorporate will immediately bring the action in Waste that will be accompanied by a Writ of Execution against the Church, and its property will then be seized by the Demandant(s) shown in the original Abatement, **not for their personal use but for the use of the church.**

The above sequence of actions will not only be served against individual incorporated Churches and denominations, but also against Christian media powers, including film, television, radio, recording, and publishing corporations.

Incorporated bodies will no doubt protest that it is not a “Christian” thing to file such actions against them. They prefer to continue to participate in the sins of governmental powers as a willing accomplice for the sake of their’s and their members tax deductions and commercial benefits.

Chapter Nine

Remembering the Old Paths

Moving to High and Holy Ground

If a your Church is incorporated and decides to un-incorporate, there are a number of things that must be done to minimize Church liability.

First, evaluate the current liabilities of the Church. For example, does it have an outstanding loan with a bank or loan company? Is it making payments on an automobile? Are there other outstanding debts in addition to the above? If so, the Church must retire these debts **before** it un-incorporates.

The reason is that these commercial ties, transactions, and loans can be used as the conduit through which any government agency can seize land or property, or at the very least, put a lien against it. The lien means that the land or property cannot be re-sold without first clearing the lien.

Assuming that outstanding debts or liabilities of a commercial nature are either paid off or cleared up, the Church can then proceed to un-incorporate. Though the process is simple, it can take some time because the IRS will not want its Church to un-incorporate. For these reasons, it may be best if the Church uses its attorney and accountant to handle the process of un-incorporating.

Second, if the Church is part of a denomination or group of Churches, **notify the parent Church** or organization that your 'home' Church is un-incorporating by vote of the officers and members. This may cause some difficulty with the denomination. If so, the Church must then decide if it wants to continue to un-incorporate, or not, and/or separate from the parent Church.

Third, terminate all powers of attorney that have been given to any member of the Bar or an accountant, book-keeper, etc. Terminate all contracts of employment, even if they are on a sub-contractor's agreement. There may be other situations in which the Church has extended certain powers to members or others, and those in writing need to be terminated. If the Church has a simple verbal agreement with someone is to do some thing, this should be continued.

Fourth, the Church must **close all bank and savings accounts and rid itself of all credit cards** in the name of the Church. This also includes any and all stocks and bonds a Church may hold. The object here is to eliminate all commercial ties with the humanist world.

Fifth, if the Church owns or controls other businesses that are incorporated, or are deemed to be separate entities, the same process of un-incorporation as above must be followed with those, in the same manner as the Church.

Sixth, the Church must discourage the use of checks by members in their tithes to the church. Tithes should be made in dollars in silver (Biblical Money), first, and if not immediately available, then Federal Reserve notes or Postal Money Orders (which are not bills of exchange). If this does not appear to be successful, the Church can elect or appoint one to accept all such commercial instruments as a **Currency Agent**.

A Currency Agent can receive and convert bills of exchange and other such commercial instruments, (checks, etc.) into either cash, or dollars in silver. The Currency Agent can also pay out all forms of money to others that the Church may deal with, such as the local businesses with which the Church deals. He can also perform one other valuable task for an un-incorporated church. He can convert surplus money that would otherwise go into savings, to dollars in silver. This adds a measure of protection to the churches money in that dollars in silver are far less likely to be seized in any government action. There is a spiritual benefit as well, in that, dollars in silver are substance, not fiat money. This is the only money recognized in Scripture.

Do not convert money to gold coin or to bullion coins labeled as One Ounce of Silver. All forms of bullion coins are deemed to be commodities, and thus commercial. **Use only pre-1964 dollars in silver,** commonly called "junk" silver found at any coin store.

Seventh, cancel or terminate all advertising. This means in local newspapers, the Church bulletin and other Church publications, the telephone book, and anywhere else the Church advertises. Advertising is sanctioned by the *lex mercatoria*, and is thus regulatable by governments which can be used as a means of justifying actions

against the Church. Advertising is a commercial trap that the Church must steer clear of.

Eighth, if the Church has any licenses, permits, retail sales permits (for a book store, etc.), these must be terminated before the corporation is dissolved.

Ninth, the Church must remove the address numbers on all buildings. In addition, removal of street curb numbers, all mailboxes, etc., must be done. The purpose of removal of the numbers is to eliminate the attachment of these types of commercial fictions from association with the church.

Tenth, cancel all insurance policies and rely on God's Providence and His Assurance.

If those officers associated with the Church are not "willing" to do the above, then the question arises: which God/god have they chosen to serve???, for it is Written:

But in vain they do worship Me, teaching for doctrines the commandments of men.⁴⁶²

And:

Not giving heed to Jewish fables, and commandments of men, that turn from the truth. Unto the pure all things are pure: but unto them that are defiled and unbelieving is nothing pure; but even their mind and conscience is defiled. They profess that they know God; but in works they deny Him, being abominable, and disobedient, and unto every good work reprobate.⁴⁶³

general delivery

As noted supra, un-incorporated churches cannot have an address or residence. Thus, the church must remove street numbers off their building(s) and paint over or strip numbers that may be painted on a street curb. This raises the question of how the church is to receive its first class mail matter.

Calling First-Class mail Matter forth from the general delivery section at the Post-Office Department is for Good and Lawful Christians only. It is **absolutely not** for commercial *personas*, fictions, legal entities, legal personalities, or other things giving that perception.

The first thing one needs to do is realize who and what the Postmaster of the Post-Office Department is, in substance — in truth, he is the clergy or clerk of the church in the visne as respects his relation to the church. As respects his relation to the federal government, he is an administrative clerk under contract. The Church, if **un**-incorporated, reverts back to the original *status quo* of Scripture, sanctified in and by Truth — **in** the world but not **of** the world. This is the central issue. Being **of** the world places the church into the realm of human control — under discretionary administration by the Postal Service Clerk over General Delivery "Service" for The United States Postal Service. In the world places the church in the realm of God's blessings and protection, and the Post-Office clerks appointed now fit the magisterial plan set forth by God in Brother Paul's Epistle to the Romans:

For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: **For he is the minister of God to thee for good.**⁴⁶⁴

To appoint one man to call First-Class mail Matter forth from the general delivery section at the Post-Office Department for the body of believers is preferred by the Post-Office Department. It is preferred and recommended that the Body appoint at least three Good and Lawful Christian Men to this task. A letter of appointment bearing the signatures and seals of each Good and Lawful Christian Man to each appointed Brother is sufficient for the Postmaster at the Post Office. A pastor cannot merely appoint one man by himself, for there

462. Matthew 15:9

463. Titus 1:14-16

464. Romans 13:3-4.

is no substance in his appointment except for himself. Here is a **general** form of a “letter of appointment” that may be used:

To All whom these Presents come and do concern:

Know ye that, on this <*day> day of the <*month> month in the <*year> Year of the Blessed Reign of our Lord and Saviour Christ Jesus, We, the undersigned Good and Lawful Christian Men, *solely by the Grace of God by, in and through Christ Jesus*, of one Mind, Body and Spirit in Christ, in the Name and by Authority of the same, do call, appoint and direct <*Appointee>, our Brother in Christ Jesus our Lord and Saviour, to: One, call our First-Class mail Matter forth from the general delivery section at the Post-Office Department located at <*city> and return the same to Us, and each of Us; and Two, exercise due diligence and sound Christian discernment in carrying out the duties appertaining to this appointment; and to continue exercising the duties in this appointment until this appointment is canceled, recalled, or revoked either by our Selves; or, upon his return to our Blessed Lord and Saviour Christ Jesus; or, by Lawful conviction by and in our Ecclesiastical Court in this visne.

We have the Blessed Honor of being Good and Lawful Christian Men *solely by the Grace of God by, in and through Christ Jesus*:

L.S.

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On the part of the appointed Brother there should be evidence of his acceptance of the duties. So, in line with this, the following example is offered:

By our Lord Christ Jesus, before whom this holy thing is holy, I will, by the Grace of God our Father, in and through Christ Jesus our Lord, be faithful and true to His church, loving all that His church loves and shunning all that they shun, according to the Law of God and the Lawful custom of His church; and never by my will or by my force, in word or in deed, will I do any thing that is hateful or harmful, in any way, to them or any of them; and I will, *by God's Loving Grace*, in accordance with this appointment, call their First-Class mail Matter forth from the general delivery section at the Post-Office Department, and return the same to them and each of them; and in accordance with their will in Christ, perform such other duties appertaining to this Honorable and Blessed appointment; on condition that they will hold me as I deserve — one with them in Christ — and will furnish all that was agreed between Us when I bowed myself before them and accepted their appointment and submitted to their will in Christ Jesus, our Sovereign Lord and Saviour.

I have the Blessed Honor of being a Good and Lawful Christian Man *solely by the Grace of God by, in and through Christ Jesus*:

L.S.

Sign Manual

From this point on, the Brother appointed will carry out his duties appertaining to his appointment. There are no fictions attached, no church name, no *personae*, no legal entity and no legal personality. These are to be avoided at all costs — remain clean and undefiled from the world. Everything done is a matter of Truth and substance in Christ. The church truly is sojourning with its Sovereign — “everywhere in general, nowhere in specific.” This is important! Source, cause, and origin is important in making these appointments. If you are tainted with commerce, then you will have problems — the appointment will have the same commercial characteristic. Note carefully the story of Jonah. There is no other way for this to work in Christ Jesus, “**Because strait is the gate, and narrow is the way, which leadeth unto life, and few there be that find it.**”⁴⁶⁵

The **originals** of these appointments and acceptances should be enrolled in, held by, and remain in, the possession of the Ecclesiastical Court, only. The reason is simple enough: The Court has the evidence in front of it to render judgment of the acts of the appointee, and it has a list of the recognitors who signed the document itself should the charges of misfeasance, malfeasance, oppression, or nonfeasance by the appointee ever be presented before the Court. In this way, the church chains the officers appointed by and under their authority in Christ by bringing charges in the form of an indictment against the aforesaid appointees. Copies bearing the seal of the Court should be given to the appointees, however. In this way, the appointee(s) can evidence their appointment in Law. If this matter is ever questioned, disputed, or challenged, then, because the matter originated in the Venue of the Ecclesiastical Court, it must be taken before that Court, first. The *lex loci* of the Ecclesiastical Court is the rule of conduct in the Court.

Ladies, if you think that the men have all the power in this matter, you are grossly mistaken. Men have all the duties, but not the power. It is far better that you seek the covering of a Good and Lawful Christian Man who will see to his duties as Christ sees to His Duties in regard to faithfully Covering and Protecting His church. Men are to carry out these duties in Scripture:

Honour widows that are widows indeed...If any man or woman that believeth have widows, let them relieve them, and let not the church be charged; that it may relieve them that are widows indeed.⁴⁶⁶

Pure religion and undefiled before God and the Father is this, To visit the fatherless and widows in their affliction, *and* to keep himself unspotted from the world.⁴⁶⁷

In Truth, in Law, and in deed, it is very difficult to protect a widow who is so independently minded that she will not submit to the covering of a Good and Lawful Christian Man. In other words, it is impossible. Therefore, if a widow chooses to have First-Class mail Matter called forth from the general delivery section at the Post-Office Department, she should submit to the covering of a Good and Lawful Christian Man first, just as he submits to the Lord; *for the Law is not to touch the widows* who do not and cannot wield the power of the sword. In today's war-like world, you can easily become afflicted. **Always** have a Good and Lawful Christian Man handle your First-Class mail Matter. This is done so he can execute the Testament of Christ by drawing up the Lawful process needed for a particular situation. In this way, the Law never sees you, and you stand freer than the man himself.

The church Postmaster can set up boxes in a secure location in the meeting-house, in the same way as a Post Office does, and not only the church, but officers and members of a church, can receive their First-Class mail Matter at general delivery in the meeting-house by giving a letter of authorization to the Postmaster. The advantage is, officers and members can also rid themselves of this government commercial benefit and take the first steps to regain their Liberty under Christ. And, there is no "junk" mail at general delivery. Junk mail is delivered only to commercial addresses.

Do not attempt deceit with church general delivery. The church must not claim to be in general delivery and keep an address somewhere else in which it receives mail in the name of the church. The governments will use this opening to get a foot back into the church door.

Do not fill out a change of address to general delivery. Notify everyone who is likely to send first class mail matter to the church — by letter — of the new general delivery location.

Special deliveries to a church from U.P.S. or FedEx, etc., can be picked up at the local U.P.S. or Federal Express station. Allow no deliveries to the church location by any commercial carrier.

Note: For an in-depth treatment and explanation of general delivery it is highly recommended that the church obtain a copy of the general delivery package from the Christian Jural Society Press.⁴⁶⁸

466. 1 Timothy 5:3, 16.

467. James 1:27.

468. The general delivery packet is available by calling 818-347-7080.

Doctrinal Matters

All denominations or churches of any size have a doctrinal statement or confession of faith. But, adopt the oldest version available, especially those that pre-date the Constitution for the united States of America.

An excellent Confession is The Westminster Confession of Faith (1643). Adopt the version with Biblical cites footnoted and any commentaries on the Confession that may be available, i.e., by A.A. Hodge or G. I. Williamson. If the church cannot find these works call the Christian Jural Society Press at 818-347-7080 for assistance.

Depending on the church's form of worship, a committee may be assembled to write a Covenant based on a confession or doctrinal statement. The Covenant should be as comprehensive as possible and fully documented by Scripture. It does not have to be completed immediately upon un-incorporating. But, a Committee should be in place and working on a first draft. It may take a year or more to complete a Covenant. But, it should be as complete as possible and clear to the body of believers.

The goal in establishing a historic Doctrinal Statement or Confession with an ecclesiastical court and a Covenant between the church and its members is, to create a quasi-corporation under God's Law. In other words, the church may look and act like a regular corporation, but, because the source of its rights are in God's Law, it exists outside the jurisdiction of Federal and State governments.

Thus, "quasi" is defined as;

QUASI. Lat. As if; as it were; analogous to. This term is used in legal phraseology to indicate that one subject resembles another with which it is compared in certain characteristics, but that there are also intrinsic differences between them.⁴⁶⁹

Among quasi-corporations may be ranked counties, and also towns, townships, parishes, hundreds, and other political divisions of counties, **which are established without an express charter of [legislative] incorporation;**...⁴⁷⁰

But, the term "quasi-corporation" can also be and has been, applied to the church.

The church must not, at any time in its un-incorporated state, seek to record any document with the State or Federal government or with a County Recorder. This would create a commercial public record to which "benefits" apply and would thus compromise, if only in part, the standing of the church.

Ecclesiastical Courts

The Covenant should pay close attention to Ecclesiastical courts. The Law of such courts cannot be ruled upon by any civil court. Yet, Ecclesiastical court indictments can be used by a secular court to bring an indictment under civil law:

The existence in England...of ecclesiastical courts, and a separate system of law by them administered, may be traced back to the time of **William the Conqueror**, who **separated the civil and ecclesiastical jurisdictions, and forbade tribunals of either class from assuming cognizance of cases pertaining to the other.** The elements of the English ecclesiastical law are the canon law, the civil law, the common law of England, and the statutes of the realm. The jurisdiction of the ecclesiastical tribunals extended to matters concerning the order of clergy and their discipline, and also to such affairs of the laity as 'concern the health of the soul;' and under this latter theory it grasped also cases of marriage and divorce, and testamentary causes. But in more recent times, 1830-1858, these latter subjects have been taken from these courts, and they are now substantially confined to administering the judicial authority and discipline

469. *Black's Law Dictionary*, by Henry Campbell Black. (1933) p. 1478; *Baker v. Stucker*, 213 Mo. App. 245; 248 S.W. 1003, 1006.

470. *Bouvier's Dictionary of Law* (1914), "Quasi-Corporation," p. 2781. [**Emphasis added**]. See also *Black's Law Dictionary* (4th ed., 1957 & 1968), p. 411, "Quasi-Corporations."

incident to a national ecclesiastical establishment.⁴⁷¹

Ecclesiastical courts came to America with English colonists. Christianity controlled the same elements of law as in England, i.e., disciplining the clergy and laity, marriage, divorce, inheritance, and testamentary cases. It is Our hope that churches who un-incorporate will again form courts for these same purposes and thus remove as much of Christian life and property from secular jurisdiction as possible.

An Ecclesiastical council or court is deemed to be;

A judicial tribunal, whose province it is, upon the proper presentation of charges, to try them on evidence admissible before such a tribunal.⁴⁷² It is well known in history and recognized and regarded in judicial decisions.⁴⁷³

The Law administered by Ecclesiastical courts is not only limited to Biblical Law, but to canon law as well:

In England ‘ecclesiastical court’ is a term used to designate a court administering the canon Law.⁴⁷⁴

Through Ecclesiastical courts and general delivery, Christians can protect their many Blessings from God and fully implement their stewardship and dominion without interference from the various governmental powers.

Indictment against local Postmasters by Ecclesiastical courts for refusing general delivery to Christians would send a message to all Postmasters who would attempt to deny the vested and Inherited Rights in general delivery all Christians. Such actions are of great importance to the entire Body of believers.

Some maxims of Law that apply specifically to un-incorporated churches and their courts are:

Ecclesia Ecclesiae Decimas Solvere non debet — A church ought not to pay tithes to a church.⁴⁷⁵

Ecclesiae magis favendum est quam personae — The church is to be more favored than the parson.⁴⁷⁶

Ecclesia est domus mansionalis omnipotentis dei — The church is the mansion-house of the Omnipotent God.⁴⁷⁷

Ecclesia est infra etatem et in custodia domini, qui tenetur jura et haereditates ejusdem manu tenere et defendere — The church is under age, and in the custody of the king, who is bound to uphold and defend its rights and inheritances.⁴⁷⁸

Ecclesia semper in regis tutela — The church is always under protection of the king.⁴⁷⁹

Ecclesia non moritur — The church does not die.⁴⁸⁰

Ecclesia fungitur vice minoris; meliorem conditionem suam facere potest, deteriozem nequaquam — The church enjoys the privilege of a minor; it can make its own condition better, but not worse.⁴⁸¹

471. *Bouvier's Law Dictionary* (1914), p. 973.

472. *Sheldon v. Easton Cong. Parish*, 24 Pick, (Mass.) 281, 288;

473. *Stearns v. Bedford First Parish*, 21 Pick (Mass.) 114, 124.

474. *Equitable L. Assur. Soc. v. Paterson*, 41 Ga. 338, 364; 5 Am R. 535.

475. *Wharton's Law Lexicon*. See also, *Lagden v. Flack*, 2 Hagg. Const. 303, 308, 161 Reprint 751.

476. *Black's Law Dictionary*, 1910.

477. *Ibid.*, 2 *Coke's Institutes*, p 164.

478. *Ibid.*, *Liford's Case*, 11 Coke 46b, 49, 77 Reprint 1206.

479. *Morgan's Leg. Max.*

480. *Ibid.*, 2 *Coke's Institutes*, p. 3.

481. *Ibid.*, *Coke on Littleton*, p. 341.

The last Maxim is the true basis in Law for encouraging all 501(c)(3) Churches to un-incorporate, since, incorporation places the Church, its land, and chattel property under an inferior law thereby making it's condition worse, not better. On these grounds alone, no church should ever be permitted to incorporate.

Conclusion

It is now clear why Satan spends so much time and effort at corrupting and subverting the church through the commercial laws of the civil powers. History has shown that the church cannot be driven out of existence by military force, and the whole world knows this.

Thus, [his] only method left is to promote political compromise through incorporation of the church into the body of the State where it can be controlled and slowly squeezed into submission to ungodly codes, rules, and regulations. This has been [his] method of attempted subversion of Christ's church since the second century A.D.

The power of a free church under the Liberty of Christ and His Ecclesiastical courts in checking the advancement of Humanism, and rolling it back, is utterly unknown among those of *modern* America who profess Jesus, the Christ as their Sovereign Lord, King, and Saviour.

Once this power is re-discovered and the incorporated Church has returned, like the Ephesian church was commanded to do: "to its first love,"⁴⁸² the church will once again be on the march. And, once more we can prove by Our works which are evidence of the faith in Christ Jesus that:

... where the Spirit of the Lord is, there is liberty.⁴⁸³

Then will come about His prophecy:

And I say also unto thee, That thou art Peter, and upon this rock I will build My church; **and the gates of hell shall not prevail against it.** And I will give unto thee the keys of the kingdom of heaven **and whatsoever thou shalt bind on earth shall be bound in heaven; and whatsoever thou shall loose on earth shall be loosed in heaven.**⁴⁸⁴

And the Blessings of Liberty in Christ:

...if there cannot be free churches except in a free State, there cannot be a free State unless there is a free church.⁴⁸⁵

482. Revelation 2:4.

483. 2 Corinthians 3:17b.

484. Matthew 16: 18-19. [**Emphasis** added].

485. Davies, *The English Free Churches* (1952), p. 9.

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