

The “Basis-In-Law” for Common People Organizing Local Smaller Constitutional “Township” Communities.

**An Article/Letter Explaining the Lawful Rights of our Common People to Join & Participate here-in.
June-2016. Version 3. / By: Charles Stewart, of Sandy Oregon.**

This document is designed to communicate where the “Basis in Law” is to be found for our Common American People to Claim our “Lawful Rights” to form Our Own very Powerful “Township Communities”.

An important preliminary point for “broader context” here, is that, our present “Municipal” forms of “Local Government” are Not what was Originally Intended by the good People who Framed our State & National Constitutions, but rather they Intended that our Common People “Responsibly Self-Govern” under our smaller Local “Common-Law Jurisdictions”, which would be these “Townships”, & our next larger jurisdictions of our “Precincts”.

Another related & important point, is that, there are Powerful “Private Interest Groups” who have entrenched them-selves in positions of influence in those inherently dysfunctional local city & county municipal governmental jurisdictions; & they are there-under routinely taking “un-fair advantages” of our common people, mostly over economic matters. Those Powerful “Private Interest Groups” focus their efforts strongly in our local “Judicial Offices”, where-in they routinely employ hyper-competitive bar-association attorneys to bribe &/or coerce judges, sheriff-deputies, municipal police-officers, & other public-servants, in-to capitulating to their schemes to deprive our common-people of our constitutionally-guaranteed rights.

Readers will be encouraged to explore more fully for them-selves these un-fashionable assertions. Becoming more actively involved in this associated process of “Township Organizing” will provide a multitude of opportunities to gain direct & personal knowledge concerning whether or not these assertions are really true.

Here-under; a brief step back-wards to provide a “Larger-Perspective”, will significantly decrease reader's burdens for gaining a solid grasp of the elements involved in the social-organizing here-in being advocated. The intent here is to provide the reader with a clear comprehension of the “Basis in Law” through which to debate against the powerful private-interest-groups who will have to find honest employment if & when we finally refuse to continue feeding their socially parasitical addictions. As will be shown here-in, the Law is On Our Side.

Concerns for optimal-strategy mandate our recognition that we here have a very “Broad Subject”; & that we first need Summarize & Solidify our “Conceptual Foundation” for the more detailed & specific “Points of Law” which will follow; so that related Evidence may be processed by responsible readers to recognize that these arguments & citations do actually Prove that our Common American People really do have these powerful Rights to Organize our own “Township Communities” in these empowering manners.

Here-under; this author generally prefers to rely on “Citations” from out-side sources, which frequently possess words superior to my-own. The first citation presented here references America's “Declaration of Independence” document. This is an appropriate starting-point, because, “This is What we are Doing, & this is Why we are Doing It”. The words here-in read as follows:

“Appealing to all mankind, the Declaration’s seminal passage opens with perhaps the most important line in the document: ‘We hold these Truths to be self-evident’, Grounded in reason, ‘self-evident’ truths invoke the long tradition of natural law, which holds that there is a ‘higher law’ of right and wrong from which to derive human law & against which to criticize that law at any time. It is not political will, then, but moral reasoning, accessible to all, that is the foundation of our political system.

But if reason is the foundation of the Founder’s vision — the method by which we justify our political order — liberty, is it’s aim. Thus, the cardinal moral truths are these: that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, & the Pursuit of Happiness — That to secure these Rights, Governments are instituted among men, deriving their just powers from the Consent of the Governed.

We are all created equal, as defined by our natural rights; thus, no one has rights superior to those of anyone else. Moreover, we are born with those rights, we do not get them from government — indeed, whatever rights or powers government has, comes from us, from the “Consent of the Governed”. And our rights to life, liberty, and the pursuit of happiness imply the right to live our lives as we wish – to pursue happiness as we think best, by our own lights – provided only that we respect the equal rights of others to do the same. Drawing by implication upon the common law tradition of liberty, property, and contract -- its principles rooted in “right reason” – the Founders thus outlined the moral foundations of a free society.

Only then did they turn to government, We institute government, the Declaration says, to secure our rights – our natural rights and the rights we create as we live our lives. But these powers government may need to do that must be derived from our consent if they are to be just. Government is thus twice limited; by its end, which any of us would have a right to pursue were there no government; and by its means, which requires our consent. ...” (Cato Institute, Preface to their edition of the “Declaration of Independence & the Constitution of the United States of America”. 1998.)

That was a really good starting-point; & this author believes that the truths contained there-in are so “self evident” that no further explanation is really required. Another few texts, which similarly transcend our material/physical world, in-to those same metaphysical & spiritual realms, read as follows:

“Law is 'a rule of conduct arising out of the natural relations of human beings established by the Creator, existing prior to any positive precept, discovered by right, reason and the rational intelligence of man.' (Kant) ... This definition gives significance to the idea that man by nature seeks an ideal of absolute right and justice as a higher law by which to measure all other rules of conduct.

Law, when set against a background of divine principles, becomes a rule of reason, pronounced by reasonable men for the benefit of mankind and the establishment of the good community. Man as a reasonable being is able to distinguish between good and evil. Above him there exists law resting on reason and divine authority, which validates man-made law. Thus, when the state by legislation or by judicial process lays down rules of conduct that are unfair, unreasonable, or inimicable to the common good, they are in violation of natural or divine law.”

“Principles of Business Law”; 10th Ed., Corley & Robert, Prentice Hall Inc. 1975, Ch-1, Pgs 5 & 6.

“The continued existence of a free and democratic society depends upon recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual and his capacity through reason for enlightened self-government. Law so grounded makes justice possible, for only through such law does the dignity of the individual attain respect and protection. Without it, individual rights become subject to unrestrained power, respect for law is destroyed, and rational self-government is impossible.

Lawyers, as guardians of the law, play a vital role in the preservation of society. The fulfillment of this role requires an understanding ... of their ... function in our legal system. ...

... Not every situation can be foreseen, but fundamental ethical principles are always present to guide him. With in the frame work of these principles, a lawyer must with courage and foresight be able and ready to shape the body of the law to the ever-changing relationships of society. The Model Code of Professional Responsibility points the way to the aspiring and provides standards by which to judge the transgressor. Each lawyer must find within his own conscience the touchstone against which to test the extent to which his actions should rise above minimum standards. ...”

Model Code of Professional Responsibility. American Bar Association, 1981. Preamble.

<http://www.americanbar.org/content/dam/aba/migrated/cpr/mrpc/mcpr.authcheckdam.pdf>

“The law which governs daily living in the United States is a single system of law; it speaks in relation to any particular situation with only one ultimately authoritative voice, however difficult it may be on occasion to discern in advance which of two or more conflicting voices really carries authority. In the long run and in the large, this must be so. People repeatedly subjected, like Pablov’s dogs, to two or more inconsistent sets of directions, without means of resolving the inconsistencies, could not fail in the end to react like the dogs did. The society, collectively, would suffer a nervous breakdown.

Yet the sources of the laws which say what Americans can, may or must do or not do ... are exceedingly diverse. The problems of developing the necessary mechanisms for evoking or enforcing harmony are correspondingly complex. ... In any system of government, responsibility for doing these things ... is further divided among the government and the governments of the states and their political subdivisions. ...

“Nowhere is the theory and practice of American federalism more significantly revealed than in the constitutions of the states. These constitutions assume responsibility for dealing, and claim authority to deal, with the whole gamut of problems cast up out of the flux of everyday life in the state, save only in the particular respects in which the Federal Constitution or statutes deprive the states of any competence whatever or provide for an overriding or displacing federal law. They announce clearly, in Madison’s words, that whereas the

powers of the federal government 'consist of special grants taken from the general mass of power [we the state governments] possess the general mass with special exceptions only.

Professor Hart 54 Columbia Law Review 489-497 (1954) ...

Those texts nicely illustrate a broad basis & general out-line of the "Lawful Authority" for our common people to Organize these smaller "Township Communities". They draw a good outer circle, with-in which to now focus more tightly on our American constitutional legal concept of "Federalism". Here-under we examine another very insightful citation rendered publicly by Ex- President Clinton, on the 4th of August, 1999; in his "Executive Order 13132". Here-in Mr Clinton clearly affirms that the general American Constitutional Principle of "De-Centralization of Power" applies even to the to the Federal Government. Mr Clinton's powerfully insightful words read as follows:

Sec. 2. Fundamental Federalism Principles. ... Federalism is rooted in the belief that issues that are not national in scope or significance are most appropriately addressed by the level of government closest to the people. The people of the States created the national government and delegated to it enumerated governmental powers. All other sovereign powers, save those expressly prohibited the States by the Constitution, are reserved to the States or to the people. ... The people of the States are free, subject only to restrictions in the Constitution itself or in constitutionally authorized Acts of Congress, to define the moral, political, and legal character of their lives. The Framers recognized that the States possess unique authorities, qualities, and abilities to meet the needs of the people and should function as laboratories of democracy. The nature of our constitutional system encourages a healthy diversity in the public policies adopted by the people of the several States according to their own conditions, needs, and desires. In the search for enlightened public policy, individual States and communities are free to experiment with a variety of approaches to public issues. One-size-fits-all approaches to public policy problems can inhibit the creation of effective solutions to those problems. Acts of the national government - whether legislative, executive, or judicial in nature - that exceed the enumerated powers of that government under the Constitution violate the principle of federalism established by the Framers. Policies of the national government should recognize the responsibility of - and should encourage opportunities for - individuals, families, neighborhoods, local governments, and private associations to achieve their personal, social, and economic objectives through cooperative effort. The national government should be deferential to the States when taking action that affects the policymaking discretion of the States and should act only with the greatest caution where State or local governments have identified uncertainties regarding the constitutional or statutory authority of the national government.

This is a valuable declaration from Ex-President Clinton. Again; this author believes these words are so clear, that, for "people with eyes to see, & ears to hear", they do not require further explanation. Another scholarly text which further affirms this same general scheme for organizing our nation's smaller communities; read as follows:

"Federal democracy is the authentic American contribution to democratic thought & republican government. Its conception represents a synthesis of the Puritan idea of the covenant relationship as the foundation of all proper human society & the constitutional ideas of the English natural rights school of the seventeenth & early eighteenth centuries. Contractual noncentralization - the structured dispersion of power among many centers whose legitimate authority is constitutionally guaranteed - is the key to the widespread & entrenched diffusion of power that remains the principle characteristic of & argument for federal democracy. Federal democracy is a composite notion that includes a strong religious component. The religious expression of federalism was brought to the United States through the theology of the Puritan, who viewed the world as organized through binding covenants that God had made with mankind, binding God and man into a lasting union and partnership to work for the redemption of the world"

According to federal theology, all social and political relationships are derived from that original covenant. This theological perspective found its counterpart in congregationalism as the basis of church polity and the town meeting as the basis of civil polity. Thus communities of believers were required to organize themselves by covenant into congregations just as communities of citizens were required to organize themselves by covenant into towns. The entire structure of religious and political organization in New England reflected this application of a theological principle to social and political life.

... The behavioral pattern resurfaced on every frontier ... in the wagon trains that crossed the plains, whose members compacted together to provide for their internal governance during the long trek westward.

In strictly governmental terms, federalism is a form of political organization that unites separate polities

within an overarching political system, enabling all to maintain their fundamental political integrity and distributing power among general and constituent governments so that they all share in the system's decision-making and executing processes. In a larger sense, federalism represents the linking of free people and their communities through lasting but limited political arrangements to protect certain rights or liberties and to achieve specific common ends while preserving their respective integrities. To reverse the order, federalism has to do, first and foremost, with a relationship among the entities, and then with the structure that embodies that relationship and provides the means for sustaining it. Originally federalism was most widely recognized as a relationship to which structural questions were incidental"

"Encyclopedia of the American Constitution: Levy, Karst, & Mahoney; Claremont Graduate School, Ca. & U.S.C.-L.A.; McMillian Publishing Co., N.Y.; 1986: Federalism (Theory).

These above-texts nicely illustrate the "Fundamental Principles" which provide the "Basis in Law" for our common American People boldly Asserting our "Rights" to directly & meaningfully participate in the "De-Centralized System of Local Self-Governing" which is being advocated in the accompanying documents. This is a Socially "Natural & Organic" Process. Our Anglo/American Culture has traditionally viewed these general Principles as a "Necessary Component-Part" of the Constitutional-Laws which Must Govern "We the People"; at least if our American Nation are to live in "Peace".

However; the afore-referenced Powerful "Private Interest Groups" have been taking "Un-Fair Advantages" of our Common American People for many generations; &, as before mentioned, they are focusing their opportunistic energies intensely on our "Judicial Officers", & lesserly also on our "Executive Officers".

Here-under, those Private-Interests have long ago brought about "Dis-Harmony" between the Grand-Ideals set forth in the governmental documents which are designed to provide for Responsible Governing of our Common-People; ... as in Opposition to the Actual Policies & Practices which transpire in our civil-government's local Court-Systems. Under these later difficulties; our city & county Executive-Officers are routinely directed to "Administer Force", in support of the lawless schemes of those Powerful "Private Interest Groups". A very enlightening text which shows the history of this Problem of "Conflict of Laws" & "Conflict of Jurisdictions", reads as follows:

"To ... the men ... of the Middle Ages ... law was a transcendental force, "the breath of God, the harmony of the world," clothed with an inherent and independent authority, & ruling the sovereign from above and without, as the sovereign in his own turn ruled from above and without the individuals and groups who were his subjects. This was the idea which had been used as a weapon against kings in the Middle Ages; one of the counts in the indictment against Richard II was that he had enforced enactments which were erroneous and repugnant to the law and to reason. And this was the idea for which Coke did battle against James.

What was the nature and content of this law, which was not the creature of government but was above government? **The idea, as a practical force appears to have had a Teutonic and not Roman origin. The Romans ... had come to recognize positive law as deriving its authority from the will of the emperor The Germanic conception of positive law, ... was custom - the immemorial usages which had crystallized within the tribe and were pronounced from time to time in the solemn dooms of the elders. 'It was part of the national or tribal life; it had grown with the tribe, changing, no doubt, but the people or the tribe were hardly conscious of the changes.' 'To them the law was not something made or created at all ... legislative acts were not expressions of will, but records or promulgations of that which was recognized as already binding upon men.' Law was thus naturally conceived as a permanent thing, something always existing and to be found by the elders in council, announced by them but not made. In fact, the greatest possible violation of law was to change it. Hence the clamor against progressive kings raised throughout the Middle Ages by people, demanding back their "good old laws"; every reform had to be distinguished under the appearance of a restoration of long lost legal rights. Gradually from Roman courses filtered in the idea of a law of nature, in England spoken of as simply a law of reason ... Forescure, whom Coke follows in the main on this point, says ... statute does not make new law; it promulgates, and gives greater emphasis and clarity to, what had always been law before.**

It is the peculiar relation which subsisted in England between "natural law" or the "law of reason," on the one hand, and the customary law of the land on the other, that lends the English common law its distinctive flavor. **Common law was essentially custom, but it was also something more: it consisted of customs which were regarded as reasonable The common law thus conceived was fused of ... custom (and) ... the "perfection of reason". So ... was the manner in which these two elements united to form it, that it was a science ... to be known only after hard ... study. On the other hand, such was the intrinsic and independent authority of the**

elements themselves, natural reason and immemorial tradition, that the common law, so intimately compounded of both, was well qualified from the standpoint of the times to occupy in mens minds a position more venerable than even the sovereign power of a monarch. ... (as) described by Father Figgis:

'The Common Law is pictured invested with a halo of dignity peculiar to the embodiment of deepest principles and to the highest expression of human reason and of the law of nature implanted by God in the heart of man.... there shall be in England as system, older than Kings and Parliament, of immemorial majesty and almost divine authority. ... The Common Law is the perfect ideal of law; for it is natural reason, developed and expounded by collective wisdom of many generations.' *Divine Right of Kings*, 1st ed., pp.226-228."

Footnotes: P. 96 97: "Jefferson indicates his belief that common law was a survival of lost enactments of the Saxon period: ... The other ... doctrine, ... that common law was natural justice, was adopted by Alexander Hamilton ... 'The common law is natural law & natural reason applied to the state & condition of society.' ...

23: ... Mr Justice Holmes has phrased it, a brooding in the sky,"

27: ... This notion of law as something not made, but existing and to be found, was common to European peoples so long as their institutions remained fairly primitive. Thus it forms a part of the well-known definition of law attributed to Demosthenes: 'Every law is a discovery, a gift from the Gods, a precept to wise men, a righting of intentional and unintentional wrongs, a compact between all the members of the state, in accordance with which all who are within the state should live', ... law is a "discovery," Calvin Coolidge, ... "Men do not make laws. They do but discover them. ... That state is most fortunate in its form of government which has the aptest instruments for the discovery of laws. ..."

"Administrative Justice and the Supremacy of Law in the United States"; John Dickenson, 1927; by the President and Fellows of Harvard College; 1955. Pages 84-88.

This text clearly illustrates how our the ancient Definition of "Law" was viewed by the common people who lived under it; as a System for Discovering Sociological "Natural-Law". That is Why they called this body of Law "Common-Law"; because Every Man of Honorable Character "Commonly" and Voluntary "Consented" to be Governed by it. Note please also how Mr Dickenson summarized this "Common-Law" to be a "Science ... to be known only after hard ... study". Note how this "Science" harmonizes so well with the numerous references to "Natural Reason" above made, including that of "Alexander Hamilton" him-self, who said there-in: "The common law is natural law & natural reason applied to the state & condition of society."

In efforts to provide even sharper "Historical Focus" for these bold concepts; the following texts are cited:

"Before the Norman conquest of England in 1066, the people were the fountainhead of Justice. The Anglo-Saxon courts of those days were composed of large numbers of freemen, and the law which they administered, was that which had been handed down by oral tradition from generation to generation. In competition with these popular, non-professional courts, the Norman King, who insisted that he was the fountainhead of justice, set up his own tribunals. The judges who presided over these royal courts were the agents or representatives of the king, not of the people; but they were professional lawyers * * * and the courts over which they presided * * * gradually all but displaced the popular, non-professional courts."

"The Anglo-Saxon tribunals had been open to all; every freeman could appeal to them for justice. But there was no corresponding right to sue in the king's courts. That was a privilege which had to be purchased by any suitor who wished to avail himself of * * * royal justice. These privileges were issued to suitors by the king's secretary or chancellor, and the document which evidenced the privilege was called an original writ.

("Common Law Pleading"; Opening Chapter. George L. Clark; Lawyers Co-Op, 1947.)

"The texts of the Anglo-Saxons were much copied and used even after the Norman Conquest, and as late as the 12th century, the law generally in force was still essentially Anglo-Saxon, ...The pre-Conquest kings, like all Christian Rulers, admitted a general responsibility for law and order, but did not claim more than a vague supervision. They avoided the direct administration of the law in all but the most exceptional cases, leaving local institutions to apply traditional rules and procedures which evidently varied from place to place."

Encyclopedia Americana, International Ed., 1963. Common Law / Historical Survey / Anglo-Saxon Law.

"The word county is from the French word "conte," meaning the domain of a count. However, the American county, defined by Webster as "the largest territorial division for local government within a state ...," is based on the Anglo-Saxon county of England dating back to about the time of the Norman Conquest.

Counties were brought to America by the colonists and were later established in the central and western parts of this country by the pioneers as they moved westward. ...”

(Oregon Secretary of State's "Blue Book"; County Government section, 1997-98)

“The common law of England ... as it existed at the time of the American Revolution as far as it was general and not incompatible with the nature of our political institutions, or in conflict with the Constitution and laws of the United States or of Oregon has been adopted as part of the law of the state, in view of Article 1 Section 2, of the Organic Law of the Civil Government of Oregon, Adopted July 26, 1845, and of Constitution of 1857, Article 18, Section 7. ... (United States F. & G. Co. v. Bramwell, 217 Pac. 332, 1923; affirmed in: 1999.)

“In most of the state Constitutions there are provisions, varying slightly in terms, which stipulate that justice shall be administered to all without delay or denial, without sale or prejudice, and that the courts shall always be open to all alike. These provisions are based largely upon the Magna Charta, chap. 40, which provides; We will sell to no man. We will not deny to any man either justice or right. The chief purpose of the Magna Charta provision was to prohibit the King from selling justice by imposing fees on litigants through his courts and to deal a death blow to the attendant venal and disgraceful practices of a corrupt judiciary in demanding oppressive gratuities for giving or withholding decisions in pending causes. It has been appropriately said that in a free government the doors of litigation are already wide open and must constantly remain so. The extent of the constitutional provision has been regarded as broader than the original confines of Magna Charta, and such constitutional provision has been held to prohibit the selling of justice not merely by magistrates but by the State itself.

American Jurisprudence: Constitutional Law: §326. Free Justice & Open Courts; Remedy for All Injuries.

These citations indicate that our American System of Constitutional Government is Purposefully Designed to Empower our Common American People to “Responsibly Self-Govern”, as “Freemen”, in Our Own Smaller Communities. This revolutionary idea still allows for our American People to form Local Community forms of Government, which were based on a more ancient system of governing under “Common-Law”.

Here-under; Our Common American People can be empowered to lawfully produce Meaningful & Positive Benefits in Our Own Lives. The words provided in most State Constitutions, & in America's “Declaration of Independence”, which clearly declare, that, “All Power is Inherent in the People”. In comparison with the Laws under which our present systems of Civil & Municipal Governments operate, these words represent a form of “Higher Law”; because they are based on a form of social “Natural/Organic Law”, which is derived from common beliefs in our traditional Judeo/Christian Religions, as were practiced in ancient England, by the ancestors of the men who Framed of our State & National Constitutions, as the above citations clearly indicate.

This Same ancient De-Centralized Organizational-Structure for effectively Securing the Rights of our Common-People have been Included in the Sixth, Seventh, Ninth, & Tenth Amendments to our National-Constitution. Our various State Constitutions basically Re-Affirm these same De-Centralizing Judicial & Executive Peace-Keeping Governmental Duties, right on down to our Counties, Precincts, & Townships.

One of the most specific provisions is in the “Hands Off” Prohibition upon the Legislature’s Authority to Legislate upon “Special or Local Laws”; which is set forth in most State Constitutions, in the chapter there-in, regulating the Constitutional Authority of their State's "Legislative Assembly". Here-under; it is clear that each State's Counties, Cities, Precincts, Townships, Households, Churches, Trade-Unions, and other responsible organizations; were all Originally Constitutionally Intended to retain the “Liberty” to “Self-Govern”. Specifically; “Article 4 Section 23” of “Oregon’s Constitution” specifically Recognizes these concepts as a “Right of Local Self-Government”, which is Constitutionally Guaranteed to ‘We the People’ in Our Own “Local Communities”; because the legislative-assembly is there-in clearly Prohibited from enacting any Laws which are to be applied here-in. That citation & others related from Oregon's Constitution, read as follows:

Oregon State Constitution.

<http://bluebook.state.or.us/state/constitution/constitution01.htm>
https://www.oregonlegislature.gov/bills_laws/Pages/OrConst.aspx

Article 4, Section 23. Certain local and special laws prohibited.

The Legislative Assembly, shall Not Pass special or local Laws, in any of the following enumerated cases, that is to say: Regulating the Jurisdiction, and Duties of Justices of the Peace, and of Constables; ... Regulating the practice in Courts of Justice; Providing for changing the Venue ... Summoning and empanneling grand, and petit Jurors; for the assessment & collection of Taxes, ... Providing for opening, and conducting the elections of State, County, and Township officers, and designating the places of voting;

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**Preamble: We the People of the State of Oregon, to the End that Justice be Established, Order Maintained, and Liberty Perpetuated, do Ordain this Constitution.**

**Article 1, Section 1: Natural rights inherent in people. We declare that All Men, when they form a Social Compact, are Equal in Rights: that All Power is Inherent in the People, and all Free Governments are Founded on Their Authority, and Instituted for Their Peace, Safety, and Happiness; and They Have at all times a Right to Alter, Reform, or Abolish the Government in Such Manner as They may Think Proper.**

**Section 2. Freedom of worship. All men shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences.**

**Section 3. Freedom of religious opinion. No law shall in any case whatever control the free exercise, and enjoyment of religious opinions, or interfere with the rights of conscience.**

**Section 10. Administration of justice. No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation.**

**Section 11. Rights of accused in criminal prosecution. In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the county in which the offense shall have been committed; to be heard by himself & counsel; to demand the nature & cause of the accusation against him, & to have a copy thereof; to meet the witnesses face to face, & to have compulsory process for obtaining witnesses in his favor.**

The above citations from Oregon Constitution demonstrate the “Original Intent” of that document’s Framers to Preserve for our Common People a de-centralized system of localized self-government, where-under, realistically, our States “End” Goals might actually be achieved, of having “Justice be Established, Order Maintained, and Liberty Perpetuated”. These Constitutional citations, in light of the earlier ones referencing the “Freemen” in ancient Common-Law England, clearly indicate a concern for Resisting tendencies towards the Tyranny & Despotism, which had crept in-to our Anglo/American Organic Constitutional History, at that 1066-ad date of the “Norman Conquest”.

Those evils pretty-much continued on in our Anglo/American History, as a “long Train of Abuses and Usurpations, pursuing invariably the same Object”, until, Heroes of our American Nation Sacrificed their Lives in our American Revolutionary-War. At that time; our “Declaration of Independence” document clearly declared, that, the Powers in Control of the Throne in Britain were clearly involved in a Malicious Conspiracy & “Design to Reduce” Our American-People “Under Absolute Despotism”. Our American Founding-Fathers Heroically Sacrificed Their Lives & their Families so that they could Finally & Firmly Organize Our Local Communities in such manners as Empowered “We the People” to Fight, Militarily, against all forces of “Despotism”; &, there-by, to “Throw off such Government, and to provide new Guards” for our Common People’s “future Security”.

Broader context of that grand document clearly indicates that All of “Mankind”, generally, have a “Duty” to Organize in these manners, so that our common men-folk may provide effective “Guards” for our “Security”. These “Guards for our Security” include our “Duty” to Organize in our Smaller-Communities, so that we may “Self-Police”, & “Self-Govern”, Judicially, there-in. The implications of these Self-Policing & Judicially Self-Governing “Duties”, is that, included there-in, is our ability to Defend our Larger-Communities in “Military” manners, from the precise same evil spirit of Tyranny & “Despotism” as was Murdering Innocent Americans back in 1776.

In-deed; the more ancient ancestors of our modern American People have Fought Relentlessly Against the Forces of Tyranny & Despotism since the times in ancient Despotism-Empire of Babylon, when Nimrod was Sacrificing Children in the Flames of the idol of his False Slave-Trading God of Baal. Various similar forms of Tyranny & Despotism have Ruled Over Freedom-Loving People for the vast majority of

human history since then. The Supreme-Sacrifice of the Lives of the Heroes of our American-Revolution have bestowed up-in our modern American People, a spiritual & metaphysical Legacy of Truth, Justice, Peace, & Liberty; & our nation's "Declaration" clearly indicates that our American People have a lawfully recognizable "Duty" to continue on with this grand legacy, to keep it alive; or else we will be "un-worthy of a freeman's right". This latter phrase is specifically used in the extensive quotations here-in from "Black's Law Dictionary", under the phrase "Free men". Multitudes of further extensive & powerful insights in support of these ancient Roots in Northern-European Common-Law for our modern American People to Organize in these same powerful manners, are to be found from spending time examining the large number of citations provided in this same "Black's Law Dictionary".

To now focus even more precisely; on the very core of the self-governing social-dynamic here-in being advocated; our Anglo/American Organic Constitutional Common-Law Tradition Requires this De-Centralization of the vast Majority of "Governmental Decisions", policy-making, & power, right on Down to each of our own very Small Communities of "Ten Households". An American Constitutional common-law "Township" is composed of "Ten Households"; & a Constitutional "Precinct" is composed of Ten of these Townships, or a "Hundred Households".

All of this reaches back in our Anglo/American History of Constitutional-Law, & to the even more ancient & more spiritually-oriented Bible-Law/Torah-Law. This precise Local "Smaller Community Self-Governing Process" is based solidly on much More Ancient "Principles of Self-Government", as described in Magna Charta, & the Bible.

Here-under; ancient Israelite Torah-Laws Command that "God's People" Saturate our own Local Communities with "Rightous Judgements". Exodus 18: 14 – 26, & Deuteronomy 1: 9-18, both specifically Command that God's People set-up "Rulers" over our own Communities, numbered as "10's, 50's, 100's, & 1000's". There-under, the Smaller Communities "Shall Judge ... every Small Matter", & the Larger Communities "Shall Judge ... every Large Matter". The Leadership in these Communities was to be selected based on their Humble Devotion to a God which Mandated such "Rightous Judgements" as Conform with these simple concepts of "Truth, Justice, & Peace".

The "New Testament" of the Bible re-affirms the basics of these more ancient Israelite Torah-Law Commands; with Mark 6: 39-40, & Luke 9: 14, both affirming key-elements of this same basic De-Centralized & Judicially Self-Governing Hierarchy, of "10's, 50's, 100's, & 1000's".

Magna-Charta, & other ancient Anglo/American sources reference the "Hundreds", & "Hundred Courts", & ancient Roman sources are well-known for mentioning the related concept of "Centurions". These ancient Commands Mandated a System of seriously "De-Centralized Self-Governing" which was sought to be Preserved & Secured by the Framers of our American State & National Constitutions. The smaller "Ten-Unit Communities" there-in, are the Historical Basis for our modern Anglo/American concept of "Townships"; with the words "Ten", "Town", & "Tithing", all being historically Related.

Here-under; the "Sovereignty" of our Constitutional States & Counties "Descends" right on down to our local Precinct & Township Communities; & even to our individual Households. The above citation from the "Oregon Blue Book" affirms that our modern "American Counties" are solidly based on these smaller & more ancient Anglo/Saxon responsibly Self-Governing Communities.

Properly interpreted, this constitutional history of our American People demonstrates that our Locally Elected Town-Constables have More Lawful-Authority for Law-Enforcement, than do Municipal City Police-Officers, Deputy-Sheriffs, or State-Police.

Further here-under; when Ten of our Townships come together the leaders there-of have lawful authority to form a Constitutionally-Lawful "Precinct" Jurisdiction. Our Communities will then possess Constitutional Authority to establish our own "Court of Justice". There-in, "Rules of the Common-Law" will authorize us to Assemble our own Local "Juries", which will follow "Due Process of Law" until we Unanimously Affirm the "Conscience of Our Community". Here-by; our own Locally Elected Community Members will Exercise our Sovereign-Authority to "Administer Justice" for the Common People in our Own Local Communities.

These bold claims are realistically achievable; because, the more powerful Benefits of participating in our local Self-Governing Township Community, include the benefit of our having our own Organically Elected & Fully Accountable "Constables" or "Peace Officers". This is all related to our American Constitutional concept of "Posse Comitatus".

Further citations & documentation in support of these bold concepts are available; & likely will be added in



future editions of this document. Readers who wish to Further-Explore this History of our Anglo/American Constitutional System of Local Community Self-Governing, are encouraged to conduct their own research through the internet, or any of their other sources; & it is good to just ask questions to the people who have presented these documents to you. Much education about these important concepts can be accomplished through simple phone-calls & email-based communications.

Below are presented citations from Oregon's Statutes; all of which have been specifically selected for their relevance to these general ideas of "responsible self-governing" in our own local Township & Precinct Communities.

## Oregon Revised Statutes:

<http://www.oregonlaws.org/ors/133.033> / [https://www.oregonlegislature.gov/bills\\_laws/ors/ors133.html](https://www.oregonlegislature.gov/bills_laws/ors/ors133.html)

**1.010 Powers of courts in administration of court business and proceedings. Every court of justice has power: (1) To preserve and enforce order in its immediate presence. (2) To enforce order in the proceedings before it, or before a person or body empowered to conduct a judicial investigation under its authority. (3) To provide for the orderly conduct of proceedings before it or its officers. (4) To compel obedience to its judgments, orders and process, and to the orders of a judge out of court, in an action, suit or proceeding pending therein. (5) To control, in furtherance of justice, the conduct of its ministerial officers, and of all other persons in any manner connected with a judicial proceeding before it, in every matter appertaining thereto. (6) To compel the attendance of persons to testify in an action, suit or proceeding pending therein, in the cases and manner provided by statute. (7) To administer oaths in an action, suit or proceeding pending therein, and in all other cases where it may be necessary in the exercise of its powers or the performance of its duties.**

**1.020 Contempt punishment. For the effectual exercise of the powers specified in ORS 1.010, the court may punish for contempt in the cases and the manner provided by statute.**

**1.160 Means to carry jurisdiction into effect; adoption of suitable process or mode of proceeding. When jurisdiction is, by the Constitution or by statute, conferred on a Court or Judicial Officer; all the means to carry it into effect are also given; & in the exercise of the Jurisdiction, if the course of proceeding is not specifically pointed out by the procedural statutes, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of the procedural statutes.**

**1.210 Judicial officer defined. A judicial officer is a person authorized to act as a judge in a court of justice. For the effectual exercise of the powers specified in ORS 1.240, a judicial officer may punish for contempt, in the cases and manner provided by statute.**

**1.230 Powers of a judge out of court. A judge may exercise, out of court, all the powers expressly conferred upon a judge as distinguished from a court, and not otherwise.**

**1.240 Powers of judicial officers. Every judicial officer has power: (1) To preserve and enforce order in the immediate presence of the judicial officer, and in the proceedings before the judicial officer, when the judicial officer is performing a duty imposed by statute. (2) To compel obedience to the lawful orders of the judicial officer, as provided by statute. (3) To compel the attendance of persons to testify in a proceeding pending before the judicial officer in the cases and manner provided by statute. (4) To administer oaths in a proceeding pending before the judicial officer, and in all other cases where it may be necessary, in the exercise of the powers and the performance of the duties of the judicial officer.**

**1.260 ... The Judges of the Supreme Court, the Court of Appeals, the Oregon Tax Court and the circuit courts have Power in any part of the state: (1) To take and certify: (a) The proof and acknowledgment of a conveyance of real property, or any other written instrument authorized or required to be proved or acknowledged. (b) The acknowledgment of satisfaction of a judgment in any court. (c) An affidavit or deposition to be used in any court of justice or other tribunal of this state. ...**

**1.270 Powers of other Judicial Officers; where powers may be exercised. Every other Judicial Officer may, within the county, city, district or Precinct in which the Judicial Officer is chosen: (1) Exercise the powers mentioned in ORS 1.260 (1). (2) Exercise any other power and perform any other duty conferred or imposed upon the judicial officer by statute.**

51.210 Each district to elect one justice. Each justice of the peace district shall elect one justice of the peace, who shall hold office for six years and until a successor is elected and qualified.

51.240 ... (1) As a qualification for the office: ... (b) A justice of the peace must be a resident of or have a principal office in the justice of the peace district in which the justice court is located. ...

51.450 Qualifications for office. A person shall not be eligible to the office of constable of a justice of the peace district unless the person is an elector registered in the county in which the court is located. ...

51.500 Deputies; appointment; revocation; oath of office; authority and powers; compensation. ... a constable may have one or more deputies, who shall be appointed by the constable in writing. Each such appointment ... shall be revocable at any time by the constable, ... Each deputy shall have authority and power to perform any duty or act that the appointing constable has the authority and power to perform, and the constable shall be responsible on the official bond of the constable for any act or omission of any deputy. ...

(The last two statutes above have been "Repealed", in 1995 or so; but they containing valuable insight:)

133.005 Definitions ... . As used in ORS 133.005 to 133.400 and 133.410 to 133.450, unless the context requires otherwise: ... (3) "Peace Officer" Means: (a) A member of the Oregon State Police; (b) A sheriff, Constable, marshal, municipal police officer ... .

133.020 Magistrate defined. A magistrate is an officer having power to issue a warrant for the arrest of a person charged with the commission of a crime.

133.030 Who are magistrates. The following persons are magistrates: (1) Judges of the Supreme Court; (2) Judges of the Court of Appeals; (3) Judges of the circuit court; (4) County judges and justices of the peace; and (5) Municipal judges.

133.033 Peace officer; community caretaking functions. (1) Except as otherwise expressly prohibited by law, any peace officer is authorized to perform community caretaking functions.

(2) As used in this section, "community caretaking functions" means any lawful acts that are inherent in the duty of the peace officer to serve and protect the public. "Community caretaking functions" includes, but is not limited to: (a) The right to enter or remain upon the premises of another if it reasonably appears to be necessary to: (A) Prevent serious harm to any person or property; ... (3) Nothing contained in this section shall be construed to limit the authority of a peace officer that is inherent in the office or that is granted by any other provision of law.

133.055 Citation in lieu of custody; ... ; notice of rights. (1) A peace officer in lieu of taking the person into custody may issue and serve a citation to the person to appear at the court of the magistrate before whom the person would be taken pursuant to ORS 133.450.

133.110 Issuance; citation. If the magistrate is satisfied that there is probable cause to believe that the person has committed the offense complained of, the magistrate, if the offense is a crime, shall issue a warrant of arrest. However, ... the magistrate may authorize a peace officer to issue and serve a citation ... .

133.120 Authority to issue warrant. A judge of the Supreme Court or the Court of Appeals may issue a warrant of arrest for any crime committed or triable within the state, and any other magistrate mentioned in ORS 133.030 may issue a warrant for any crime committed or triable within the territorial jurisdiction of the magistrate's court.

133.235 ... (1) A peace officer may arrest a person for a crime at any hour of any day or night. (2) A peace officer may arrest a person for a crime, pursuant to ORS 133.310 (1), whether or not such crime was committed within the geographical area of such peace officer's employment, and the peace officer may make such arrest within the state, regardless of the situs of the offense. (3) The officer shall inform the person to be arrested of the officer's authority and reason for the arrest, and, if the arrest is under a warrant, shall show the warrant, unless the officer encounters physical resistance, flight or other factors rendering this procedure impracticable, in which case the arresting officer shall inform the arrested person and show the warrant, if any, as soon as practicable. (4) In order to make an arrest, a peace officer may use physical force as justifiable under ORS 161.235, 161.239 and 161.245. (5) In order to make an arrest, a peace officer may enter premises in which the officer has probable cause to believe the person to be arrested to be present. (6) If after giving notice of the officer's identity, authority and purpose, the officer is not admitted, the officer may enter the premises, and by a breaking, if necessary. ...

133.310 ... (1) A peace officer may arrest a person without a warrant if the officer has probable cause to believe that the person has committed any of the following: (a) A felony. (b) A misdemeanor. ... (d) Any other

crime committed in the officer's presence. (2) A peace officer may arrest a person without a warrant when the peace officer is notified by telegraph, telephone, radio or other mode of communication by another peace officer of any state that there exists a duly issued warrant for the arrest of a person within the other peace officer's jurisdiction. ...

133.315 ... (1) No peace officer shall be held criminally or civilly liable for making an arrest ... provided the peace officer acts in good faith and without malice. ...

133.450 After arrest; within or without county in which warrant was issued. (1) If the defendant is arrested in the county in which the warrant issued, the defendant shall be taken before the magistrate who issued the warrant, or, if the magistrate is absent or unable to act, before the nearest or most accessible magistrate in the same county; but if the defendant is arrested in another county and the crime charged in the warrant is a misdemeanor, the officer shall, upon being required by the defendant, take the defendant before a magistrate of that county, who shall make a release decision as provided in ORS 135.230 to 135.290. The officer shall at the same time deliver to the magistrate the warrant with the return of the officer indorsed and subscribed by the officer.

161.015 General Definitions. As used in chapter 743, Oregon Laws 1971, ... , unless the context requires otherwise: (4) "Peace Officer" Means: (a) A member of the Oregon State Police (b) A sheriff, Constable, marshal, municipal police officer ... .

161.195 "Justification" described. (1) Unless inconsistent ... , conduct which would otherwise constitute an offense is justifiable and not criminal when it is required or authorized by law or by a judicial decree or is performed by a public servant in the reasonable exercise of official powers, duties or functions. ... laws and judicial decrees" include but are not limited to (a) Laws defining duties and functions of public servants; (b) Laws defining duties of private citizens to assist public servants in the performance of certain of their functions; (c) Laws governing the execution of legal process; (d) Laws governing the military services and conduct of war; and (e) Judgments and orders of courts.

161.200 Choice of evils. (1) Unless inconsistent ... , conduct which would otherwise constitute an offense is justifiable and not criminal when (a) That conduct is necessary as an emergency measure to avoid an imminent public or private injury; and (b) The threatened injury is of such gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the injury sought to be prevented by the statute defining the offense in issue.

161.260 Use of physical force in resisting arrest prohibited. A person may not use physical force to resist an arrest by a peace officer who is known or reasonably appears to be a peace officer, whether the arrest is lawful or unlawful.

162.245 Refusing to assist a peace officer. (1) A person commits the offense of refusing to assist a peace officer if upon command by a person known by the person to be a peace officer the person unreasonably refuses or fails to assist in effecting an authorized arrest or preventing another from committing a crime. (2) Refusing to assist a peace officer is a violation.

162.315 Resisting arrest. (1) A person commits the crime of resisting arrest if the person intentionally resists a person known by the person to be a peace officer in making an arrest. (2) "Resists," as used in this section, means the use or threatened use of violence, physical force or any other means that creates a substantial risk of physical injury to any person and includes behavior clearly intended to prevent being taken into custody by overcoming the actions of the arresting officer. The behavior does not have to result in actual physical injury to the arresting officer. Passive resistance does not constitute behavior intended to prevent being taken into custody. (3) It is no defense to a prosecution under this section that the peace officer lacked legal authority to make the arrest, provided the peace officer was acting under color of official authority. (4) Resisting arrest is a Class A misdemeanor.

162.367 ... (1) A person commits the crime of criminal impersonation of a peace officer if the person, with the intent to obtain a benefit or to injure or defraud another person, uses false law enforcement identification or wears a law enforcement uniform to give the impression that the person is a peace officer and does an act in that assumed character. (2) Criminal impersonation of a peace officer is a Class C felony. (3) As used in this section: (a) "False law enforcement identification" means a badge or an identification card that: (A) Identifies the possessor of the badge or card as a member of a law enforcement unit; and (B) Was not lawfully issued to the possessor by the law enforcement unit.

ORS 203.035: Power of County Governing Body ... over Matters of County Concern. (1) ... , the governing body or the electors of a county may by ordinance exercise authority within the county over matters of county concern, to the fullest extent allowed by Constitutions and laws of the United States and of this state, as fully as if each particular power comprised in that general authority were specifically listed in ORS ... . (2) The power granted by this section is in addition to other grants of power to counties, shall not be construed to limit or qualify any such grant and shall be liberally construed, to the end that counties have all powers over matters of county concern that it is possible for them to have under the Constitutions and laws of the United States and of this state. . . .” <http://www.oregonlaws.org/ors/203.035>

206.050 Commanding assistance in process serving. (1) When an officer finds, or has reason to apprehend, that resistance will be made to the execution or service of any process, order or paper delivered to the officer for execution or service, and authorized by law, the officer may command as many adult inhabitants of the county of the officer as the officer may think proper and necessary to assist the officer in overcoming the resistance, and if necessary, in seizing, arresting and confining the resisters and their aiders and abettors, to be punished according to law.

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Black's Law Dictionary; Fifth Edition, 1979.

<http://constitutionalgov.us/Blacks5th.htm>

Quotations in Support of “Organizing Townships”.

Afforce the Assize: In old English practice, a method of securing a verdict, where the jury disagreed, either by confining them without meat and drink, or, more anciently, by adding other jurors to the panel, to a limited extent, until twelve could be found who were unanimous.

Assembly, right of: Right guaranteed by First Amendment, US Constitution, allowing people to meet for any purpose connected with government; it encompasses meeting to protest governmental policies and actions, and the promotion of ideas.

Assize: ... An ancient species of court consisting of ... men, ... twelve, who were summoned together to try a disputed cause, performing the functions of a jury, ... they gave a verdict from their own investigation and knowledge and not upon evidence adduced. From the fact that they sat together (assideo), they were called the assize. ... A court composed of an assembly of knights and other substantial men, with the baron or justice, in a certain place, at an appointed time. ... Anything reduced to a certainty, in respect to time, number, quantity, quality, weight, measure, etc. ... The verdict or findings of the jury ...

Assiser: An assessor; juror; an officer who has the care and oversight of weights and measures.

Body Politic of Corporate: A social compact by which the whole people covenants with each citizen, each citizen with the whole people, that all shall be governed by certain laws for the common good. Also a term applied to a municipal corporation, school district, county or city. State or nation or public associations . . .

Bones gents: In old English law, good men (of the jury).

Boni homines: In old European law, good men; a name given in early European jurisprudence to the tenants of the lord, who judged each other in the lord's courts. 3 Bl.Comm 349.

Breach of the Peace: A violation or disturbance of the public tranquility and order. The offense of breaking or disturbing the public peace by any riotous, forcible, or unlawful proceeding. Breach of the peace is a generic term, and includes all violations of public peace or order and acts tending to the disturbance thereof.

Citizen: ... Citizens are members of a political community who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as their collective rights.

Civil Liberties: Personal natural rights guaranteed and protected by Constitution; eg freedom of speech, press, freedom from discrimination, etc. Body of law dealing with natural liberties, shorn of excesses which invade equal rights of others. Constitutionally, they are restrictions on government.

Clear and Present Danger Doctrine: Doctrine ... providing that government restrictions ... will be upheld if necessary to prevent grave and immediate danger to interests which government may lawfully protect. Speech which incites unlawful action ... where there is a direct connection between the speech and violation of the law; this is the clear and present danger test.

Coercion: Compulsion; constraint; compelling by force of arms or threat. ... It may be actual, direct, or positive, as where physical force is used to compel act against ones will, or implied, legal or constructive, as where one party is constrained by subjugation to other to do what his free will would refuse. ... A person is guilty of criminal coercion if, with purpose to unlawfully restrict another's freedom of action to his detriment, he threatens to: (a) commit any criminal offence; or (b) accuse anyone of a criminal offence; or (c) expose any secret tending to subject any person to hatred, contempt, or ridicule, or to impair his credit or business repute; or (d) to take or withhold action as an official, or cause an official to take or withhold action. ...

Cognitive: The mental process of comprehension, judgement, memory and reasoning, as opposed to emotional and volitional process.

Cognator: ... an advocate or defender ... one who defended a person who was present.

Cognizable: Capable of being tried or examined before a designated tribunal; within jurisdiction of court or power given to court to adjudicate controversy.

Cognizance: Jurisdiction, ... or power to try and determine causes; judicial examination of a matter, or power and authority to make it. Judicial notice or knowledge; the judicial hearing of a cause;

Comitatus: In old English law, a county or shire, the body of a county. ... The county court, a court of great antiquity and of great dignity in early times. Also, the retinue or train of a prince or high governmental official. ... The personal following of professional warriors.

Comites: Counts or earls. Attendants or followers. Persons composing the retinue of a high functionary. Persons who are attached to the suite of a public minister.

Comity: Courtesy; complaisance; respect; a willingness to grant a privilege, Recognition that one sovereignty allows within its territory to the legislative, executive, or judicial act of another sovereignty, having due regard to rights of its own citizens. ... In general, principle of "comity" is that courts of one state or jurisdiction will give effect to laws and judicial decisions of another state or jurisdiction, ... out of deference and mutual respect. ... See also full faith and credit clause.

Compurgator: One of several neighbors of a person accused of a crime, ... , who appeared and swore that they believed him on his oath.

Comte: A count or earl; ... an officer having jurisdiction over a particular district or territory, with functions partly military and partly judicial.

Common Law: As distinguished from law created by the enactment of legislatures, the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgements and decrees of the courts recognizing, affirming, and enforcing such usages and customs; and in this sense particularly the ancient unwritten law of England. ... "Common law" consists of those principles, usage and rules of action applicable to government and security of persons and property which do not rest for their authority upon any express and positive declaration of the will of the legislature. ... common law" may designate ... juristic theory, and ancient custom ... which is of general and universal application,"

Common-Law Courts: In England; those administering the common law.

Common-Law Crime: One punishable by the force of the common law, as distinguished from crimes created by statute.

Common-Law Extortion: Corrupt collection of unlawful fee by an office under color of office.

Common-Law Jurisdiction: Jurisdiction of a court to try and decide such cases as were cognizable by the courts of law under the English common law. The jurisdiction of those courts which exercise their judicial powers according to the course of the common law.

Common-Law Trust: A business trust which has certain characteristics in common with corporations and in which trustees hold the property & manage the business and the shareholders are the beneficiaries

Common Lawyer: A lawyer learned in the common law. ...

Common Right: Right derivative from common law. ... Right peculiar to certain people is not a common right. ...

Commonwealth: The public or common weal or welfare. ... a republican frame of government, -- one in which the welfare and rights of the entire mass of the people are the main consideration, rather than the privileges of a class or the will of a monarch; or it may designate the body of citizens living under such government. Sometimes it may denote the corporate entity, or the government, of a jural society (or state) possessing powers of self-government in respect to its immediate concerns, but forming an integral part of a

larger government (or nation). ... Any of the individual States of the United States and the body of people constituting the state or politically organized community, a body politic, hence, a state, especially one constituted by a number of persons united by compact or tacit agreement under one form of government and system of laws.

Communis Opinio: Common Opinion; common opinion is good authority in law.

Communitas Regni Anglie: The general assembly of the kingdom of England. One of the ancient names of the English parliament. 1 Bl.Comm 148.

Community: Neighborhood, vicinity, synonymous with locality. ... People who reside in a locality in more or less proximity. A society or body of people living in the same place, under the same laws and regulations, who have common rights, privileges, or interests. ... It connotes a congeries of common interests arising from associations - social, business, religious, governmental, scholastic, recreational.

Community of Interest: ... mixture or identity of interest in venture wherein each and all are reciprocally concerned and from which each and all derive mutual benefit and sustain mutual responsibility.

Compact: n: An agreement or contract between persons, nations, or states. Commonly applied to working agreements between and among states concerning matters of mutual concern. ...

Compact: adj: Closely or firmly united or packed, ... as a ... compact order or formation of troops.

Conservators of the Peace: Officers authorized to preserve and maintain the public peace. In England, these officers were locally elected by the people until the reign of Edward III, when their appointment was vested in the king. Their duties were to prevent and arrest breaches of the peace, they acquired the ... appellation of justices of the peace.

Constable: An officer ... (usually elected) whose duties are similar to those of the sheriff, though ... his jurisdiction is smaller. He is to preserve the public peace, execute the process of ... courts, ... attend the sessions of criminal courts, have the custody of juries, and discharge other functions sometimes assigned to him by local law Powers and duties of constables have generally been replaced by sheriffs. ... In Medieval law, high functionary under the French and English kings, the dignity and importance of whose office was second only to that of the monarch. He was in general the leader of the royal armies, and had cognizance of all matters pertaining to war and arms, exercising both civil and military jurisdiction. He was also charged with conservation of the peace of the nation.

Constant: Fixed or invariable, uniform. Continually recurring, regular, steady.

Constat: It is clear or evident; it appears; it is certain, there is no doubt.

Constate: To establish, constitute, or ordain. 'Constituting instruments' of a corporation are its charter, organic law, or the grant of powers to it.

Constituency: The inhabitants of an electoral district.

Constituent: He who gives authority to another to act for him. The term is used as a correlative to 'attorney', to denote one who constitutes another his agent or invests the other with authority to act for him. It is also used in the language of politics as a correlative to 'representative', the constituents of a legislator being those whom he represents and whose interests he is to care for in public affairs; usually the electors of his district.

Constitution: The organic and fundamental law of a nation or state, which may be written or unwritten, establishing the character and conception of its government, laying the basic principles to which its internal life is to be conformed, organizing the government, and regulating, distributing, and limiting the functions of the different departments, and prescribing the extent and manner of the exercise of sovereign powers. A charter of government deriving its whole authority from the governed. The written instrument agreed upon by the people of the Union or of a particular state, as the absolute rule of action and decision for all departments and officers of the government in respect to points covered by it, which must control until it shall be changed by the authority which established it, and in opposition to which any act or ordinance of any such department or officer is null and void. ... any fundamental or important law or edict; as.

Constitutional Law: (1) That branch of the public law of a nation or state which treats of the organization, powers and frame of government, the distribution of political and governmental authorities and functions, the fundamental principles which are to regulate the relations of government and citizen, and which prescribes generally the plan and method according to which the public affairs of the nation or state are to be administered. (2) That department of the science of law which treats of constitutions, their establishment, construction, and interpretation, and of the validity of legal enactments as tested by the criterion of conformity

to the fundamental law. (3) A constitutional law is one which is consonant to , and agrees with, the constitution; one which is not in violation of any provision of the constitution of the particular state.

Corpus Delicti: ... The body (material substance) upon which a crime has been committed, e.g., the corpse of a murdered man, the charred remains of a house burned down. ... the substance or foundation of a crime; the substantial fact that a crime has been committed. ...

County: The largest territorial division for local government in a State. Its powers and importance vary from state to state. In certain New England states, it exists mainly for judicial administration. ...

County courts: The powers and jurisdiction of such courts are governed by state constitutions or statutes ... some with only criminal jurisdiction ... some with exclusive jurisdictions

County palatine: A term bestowed upon certain counties in England, the lords of which in former times enjoyed especial privileges. They might pardon treasons, murders, and felonies. All writs and indictments ran in their names; as in other counties in the king's; and all offenses were said to be done against their peace ... these privileges have in modern times nearly disappeared.

Court: A space which is uncovered A legislative assembly. Parliament is called in the old books a court of the king, nobility, and commons assembled. This meaning of the word has also been retained in the titles of some deliberative bodies, such as the General Court of Massachusetts, i.e., the legislature. ... An organ of government, ... whose functions is the application of laws to controversies brought before it and the public administration of justice. The presence of a sufficient number of the members of such a body regularly convened in an authorized place at an appointed time, engaged in the full and regular performance of its functions. A body in the government to which the administration of justice is delegated. A body organized to administer justice, and including both judge and jury.

Civil and Criminal Courts: The former being such as are established for ... the ascertainment, enforcement, and redress of private rights; the latter, such as are charged with the administration of the criminal laws, and the punishment of wrongs to the public. ...

Court of General Jurisdiction: A court having unlimited trial jurisdiction, both civil and criminal, though its judgements and decrees are subject to appellate review. A superior court, a court having full jurisdiction within its own jurisdictional area.

Court of Law: ... in a narrower sense, a court proceeding according to the rules of the common law and governed by its rules and principles.

Decanatus: A deaconry. A company of ten persons. Also a town or tithing consisting originally of ten families of freeholders. Ten tithings compose a hundred.

Decanus: In Ecclesiastical & old European law, an officer having supervision over ten, a dean. A term applied not only to ecclesiastical, but to civil and military, officers. An officer among the Saxons who presided over a friborg, tithing, decannary, or association of ten inhabitants; otherwise called a tithing man or borsholder, his duties being those of an inferior judicial officer.

Decanus militarius: a military officer having command of ten soldiers. In Roman law, an officer having the command of a company ... of ten soldiers.

Dialectics: That branch of logic which teaches the rules and modes of reasoning.

Dialiage: A rhetorical figure in which arguments are placed in various points of view, and then turned to one point.

Dianatic: A logical reasoning in a progressive manner, proceeding from one subject to another.

Due Course of Law: This phrase is synonymous with due process of law, or the law of the land, and the general definition thereof is law in its regular course of administration through courts of justice.

Due Process of Law: Law in its regular course of administration through courts of justice. Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs. A course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private rights. To give such proceedings any validity there must be a tribunal competent by its constitution - that is by the law of its creation - to pass upon the subject matter of the suit Due process of law implies the right of the person affected thereby to be present ... ; to be heard, ... , and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. If any question of fact or liability be conclusively presumed against him, this is not due process of law. ... Aside from

all else, due process means fundamental fairness.

Elector: A duly qualified voter; one who has a vote in the choice of any officer; a constituent, one who has the general right to vote, and the right to vote for public officers.

Elisors: Electors or choosers. Persons appointed by the court to execute writs of venire, in cases where both the sheriff and the coroner are disqualified from acting, and whose duty it is to choose; that is, name and return; the jury. ... Persons appointed to execute any writ, in default of the sheriff and coroner, are also called elisors. An elisor may be appointed to take charge of a jury retiring to deliberate on a verdict, when both sheriff and coroner are dis-qualified or unable to act.

Ex facto jus oritur: The law arises out of the fact. A rule of law continues in abstraction and theory, until an act is done on which it can attach and assume as it were a body and shape.

Exclusive Jurisdiction: That power which a court or other tribunal exercises over an action or over a person to the exclusion of all other courts. That forum in which an action must be commenced because no other forum has the jurisdiction to hear and determine the action. ...

Ex Relatione: Upon relation or information. Legal proceedings which are instituted ... in the name and behalf of the state, but on the information and at the instigation of an individual who has a private interest in the matter, are said to be on the relation (ex relatione) of such person, ...

Fasting Men: Approved men, who were strong armed; habentes homines or rich men, men of substance; pledges or bondsmen, who, by Saxon custom, were bound to answer for each other's good behavior.

Fair Trial: A proceeding before an impartial and disinterested tribunal; a proceeding which hears before it condemns, which proceeds upon inquiry and renders judgement only after trial consideration of evidence and facts as a whole. A basic constitutional guarantee A legal trial or one conducted in all material things in substantial conformity to law. A trial which insures substantial justice. A trial without prejudice to the accused. An orderly trial before an impartial jury and judge whose neutrality is indifferent to every factor in trial but that of administering justice. One conducted according to due course of law. A trial before an impartial judge, and an impartial jury, and an atmosphere of judicial calm. In such trial, the judge may not extend his activities so far as to become, in effect, either an assistant prosecutor, or a thirteenth juror.

Freeman: A person in the possession and enjoyment of all civil and political rights accorded to the people under a free government. ... the opposite of slave.

Freeman's roll: A list of persons admitted as burgesses or freemen for the purposes of the rights reserved The term was used, in early colonial history, in some of the American Colonies.

Free men: Before the Norman Conquest, a free man might be a man of small estate dependent on a lord. Every man not himself a lord, was bound to have a lord or be treated as unworthy of a free man's right. ...

Government: ... Latin ... the instrument, the helm, whereby the ship to which the state was compared, was guided on its course by the gubernator or helmsman, & in that view, the government is but an agency of the state, distinguished as it must be in accurate thought from the scheme & machinery of government. ... The system of polity in a state; that form of fundamental rules & principles by which a nation or state is governed, or by which individual members of a body politic are to regulate their social actions. A constitution, either written or unwritten, by which the rights & duties of citizens & public officers are prescribed & defined ... The sovereign or supreme power in a state or nation. The machinery by which the sovereign power in a state expresses its will & exercises its functions; or the framework of political institutions, departments, & offices, by means of which the executive, judicial, legislative, & administrative business of the state is carried on. ... The regulation, restraint, supervision or control which is exercised upon the individual members of an organized jural society by those invested with authority; or the act of exercising supreme political power or control.

Republican government: One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. ...

Governmental act: An act in exercise of police power or in exercise of constitutional, legislative, administrative, or judicial powers conferred on federal, state or government for benefit of public. A step physically taken by persons capable of exercising the sovereign authority of the foreign nation. Any action of the federal government, or of a state, within its constitutional power.

Governmental activity: A function of government in providing for its own support or in providing services to the public. ... Generally, when a municipality's activity is for advantage of state as a whole, or is in

performance of a duty imposed by sovereign power, activity is governmental.

Governmental duties: Those duties ... that have some reference to some part or element of the states sovereignty ... to be exercised for the benefit of the public, Those duties that the framers of the Constitution intended each member of the states would assume in order to function under the form of government guaranteed by the Constitution.

Governmental functions: The functions of a municipality which are essential to its existence, in sense of serving public at large, and are to be distinguished from those which are private, ... Those ... promoting the public welfare generally. ...

Governmental powers: The totality of power which reposes in a government enabling it to carry out its proper function as a sovereign. ...

Governmental purpose: One which has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity and contentment of the inhabitants of a given political division.

Guardian of the Peace: A warden or conservator of the peace.

Homo Liber: A free man; a freeman lawfully competent to act as a juror. An allodial proprietor, as distinguished from a vassal or feudatory. This was the sense of the term in the laws of the barbarous nations of Europe.

Hundred: Under the Saxon organization of England, each county or shire was composed of an indefinite number of hundreds, each hundred containing ten tithings, or groups of ten families of freeholders or frank-pledges. The hundred was governed by a high constable, and had it's own court; but its most remarkable feature was the corporate responsibility of the whole for the crimes or defaults of the individual members. The introduction of this plan of organization into England is commonly ascribed to Alfred, but the idea, as well of the collective liability as of the division, was probably known to the ancient German peoples, ... Bl.Comm. ...

Hundredarius: In old English Law, a hundredary or hundredor. A name given to the chief officer of a hundred, as well as to the freeholders who composed it.

Hundred Court: In English law, a larger court-baron, being held for all the inhabitants of a particular hundred, The free suitors were the judges, and the steward the registrar, ...

Hundred gemote: Among the Saxons, a meeting or court of the freeholders of a hundred court. Persons impaneled or fit to be impaneled upon juries dwelling within the hundred where the cause of action arose. It was formerly necessary to have some of these upon every panel of jurors.

Hundred secta: The performance of suit and service at the hundred court. Hundred setena: In Saxon law, the dwellers or inhabitants of a hundred.

Infidel: One who does not believe in the existence of a God who will reward or punish in this world or in that which is to come. One who professes no religion that can bind his conscience to speak the truth. ...

Judex Ordinarius: ... an ordinary judge; one who had the right of hearing and determining causes as a matter of his own proper jurisdiction (ex propria jurisdictione), and not by virtue of a delegated authority. ...

Judge: An officer so named in his commission, who presides in some court; a public officer, appointed to preside and to administer the law in a court of justice, the chief member of a court, and charged with the the control of proceedings and the decision of questions of law or discretion. ... A public officer who, by virtue of his office, is clothed with judicial authority. ... "Judge", "justice", and "court" are often used synonymously or interchangeably. ...

Judge-made law: a phrase used to indicate judicial decisions which construe away the meaning of statutes, or find meanings in them the legislature never intended. It is perhaps more commonly used as meaning, simply, the law established by judicial precedent and decisions. Laws having their source in judicial decisions as opposed to laws having their source in statutes or administrative regulations.

Judgement: ... The official and authentic declaration of a court of justice, upon the respective rights and claims of the parties to an action or suit therein litigated and submitted to its determination.

Default Judgement: A judgement rendered in consequence of the non-appearance of the defendant. One entered upon the failure of a party to appear or plead at the appointed time. The term is also applied to judgements entered under statutes or rules of court, for want of affidavit of defense, plea, answer, and the like, or for failure to take some required step in the cause. ...

Foreign Judgement: One rendered by the courts of a state or country politically and judicially distinct from that where the the judgement or its effects are brought into question. One pronounced by a tribunal of a

foreign country or a sister state. ...

Interlocutory Judgement: One given in the cause upon some plea, proceeding, or default, which is only intermediate, and does not finally determine or complete the suit. One which determines some preliminary or subordinate point or plea, or settles some step, question, or default arising in the progress of the cause, but does not adjudicate the ultimate rights of the parties, or finally put the case out of court.

Merits, Judgement On: One rendered after argument and investigation, and when it is determined which party is in the right, as distinguished from a judgement rendered on some some preliminary or formal or merely technical point, or by default & without trial. A decision that was rendered on the basis of the evidence introduced. Normally, a judgement based solely on some procedural error is not a judgement on the merits. The latter kind of judgement is often referred to as dismissal without prejudice. ...

Nil Dicit: Judgement By: Judgement for Plaintiff, rendered when defendant has appeared but failed to answer, or when answer has been withdrawn or abandoned, and no further defense is made. At common law, it may be taken against defendant who omits to plead or answer whole or any substantial part of the declaration. It amounts to judgement by confession with reference to cause of action states. Under current rules practice, such judgement is substantially identical with default judgement.

Judgement, Estoppel By: The estoppel raised by the rendition of a valid judgement by a court having jurisdiction. The essence of estoppel by judgement is that there has been judicial determination of a fact. ... It rests upon principles forbidding one to relitigate matters in dispute between parties which has been determined by a competent court, on ground that record of judgement imputes absolute veracity. Where subsequent proceeding is on same cause of action between same parties a former adjudication is conclusive. ... Ordinarily, estoppel of judgement does not extend to matters not expressly adjudicated.

Judicial: Belonging to the office of a Judge, as judicial authority. Relating to or connected with the the administration of justice, as a judicial officer. Having the character of judgement or formal legal procedure, as a judicial act. Proceeding from a court of justice; as a judicial writ, a judicial determination. Involving the exercise of judgement or discretion, as distinguished from ministerial.

Judicial Activism: Judicial philosophy which motivates judges to depart from strict adherence to judicial precedent in favor o(f) progressive or new social policies It is commonly marked by decisions calling for social engineering ...

Judicial Comity: Principle in accordance with which courts of one state or jurisdiction give effect to laws and judicial decisions of another state out of deference and respect, not obligation. ...

Judicial District: One of the circuits or precincts into which a state is commonly divided for judicial purposes ; a court of general jurisdiction being usually provided in each of such districts, and the boundaries of the district marking the territorial limits of its authority; ...

Judicial Power: The authority exercised by that department of government which is charged with declaring what law is, and with its construction. ... Courts have general powers to decide and pronounce a judgement and carry it into effect between two persons and parties who bring a case before it for decision; ... A power involving exercise of judgement and discretion in determination of questions of right in specific cases affecting interests of persons or property, as distinguished from ministerial power involving no discretion. ... Power to decide and pronounce a judgment and carry it into effect between persons and parties who bring a case before court for decision. Power that adjudicates upon and protects the rights and interests of persons and property and to that end declares, construes and applies the law.

Judicium Deli: ... Judgement of God ...

Jura: Plural of "Jus". Rights, Laws.

Jura Eodem ... : Laws are abrogated by the same means [authority] by which they are made.

Jural: Pertaining to natural or positive right, or to the doctrines of rights & obligations. Of or pertaining to Jurisprudence; juristic; juridical. ... embraced within or covered by, the rules and enactments of positive law. Founded in law; organized upon the basis of a fundamental law, and existing for the recognition and protection of rights. The "jural sphere" is to be distinguished from the "moral sphere"; the latter denoting the whole scope or range of ethics or the science of conduct, the former embracing only such portions of the same as have been made the subject of legal sanction or recognition. The term "jural society" is used as a synonym of "state" or "organized political community".

Jurare est deum in testum vocare , ... : To swear is to call God to witness, and is an act of religion.

Juramentum Calumnie: ... an oath of calumny. An oath imposed on both parties to a suit, as a

preliminary to its trial, to the effect that they are not influenced by malice or any sinister motives in prosecuting or defending the same, but by a belief in the justice of their cause. It was also required of the attorneys and proctors.

Jura Nature Sunt Immutabilia: The Laws of Nature are Unchangable.

Jura Novit Curia: The court knows the laws; the court recognizes rights.

Jura Personarum: ... the rights of persons. Rights which concern & are annexed to the persons of men.

Jura Publica Anteferenda Privatis: Public rights are to be preferred to private.

Jura Publica Ex Privatio ...: Public rights ought not to be decided promiscuously with private.

Jurare Est Deum In Testum Vocare, Et Est Actus Divini Cultus: To swear is to call God to witness, and is an act of religion.

Jura Regalia: Royal Rights .

Jurata: In old English law; a jury of twelve men sworn. Especially, a jury of the common law,

Juration: The act of swearing; the administration of an oath.

Jurato Creditur in judicio: He who makes oath is to be believed in judgement.

Jurator: A juror; a compurgator.

Juratores Debent Esse Vicini, Sufficientes, Et Minus Suspecti: Jurors ought to be neighbors of sufficient estate, and free from suspicion.

Jure: By right; by the law.

Jure divino: By divine right.

Jurisconsult: A jurist, a person skilled in the science of law, particularly ... public law.

Jure: By right, in right; by the law.

Jurisdiction: The word is of large and comprehensive import, and embraces every kind of judicial action. ... It is the authority by which courts and judicial officers take cognizance of and decide cases. ... The legal right by which judges exercise their authority. ... It exists when court has cognizance of class of cases involved, proper parties are present, and point to be decided is within the powers of the court. ... Power and authority of a court to hear and determine a judicial proceeding. ... Areas of authority; the geographical area in which the court has power, or types of cases it has power to hear.

Jurisdictional Dispute: ... There must be evidence of a threat of coercive action ...

Jurisdictional Facts: The matters of fact which must exist before the court can properly take jurisdiction of the particular case, ...

Jurisprudence: The philosophy of law, or the science which treats of the principles of positive law and legal relations. In the proper sense of the word "Jurisprudence" is the science of law, namely, that science which has for its function to ascertain the principles on which legal rules are based so as not only to classify those rules in their proper order, and to show the relation in which they stand to one another, but also to settle the manner in which new or doubtful cases should be brought under the appropriate rules. Jurisprudence is more a formal than a material science. ... when a new or doubtful case arises to which two different rules seem, when taken literally, to be equally applicable, it may be, and often is, the function of jurisprudence to consider the ultimate effect which would be produced if each rule were applied to an indefinite number of similar cases, and to choose that rule which, when so applied, will produce the greatest advantage to the community.

Juris Publici: Of common right; of common or public use; of such things as, at least in their own use, are common to all the king's subjects; as common highways, common bridges, common rivers, and common ports.

Jurist: One who is versed or skilled in law; A legal scholar. The term is commonly applied by those who have distinguished themselves by their writings on legal subjects or to judges.

Jury: A certain number of men and women selected according to law, and sworn (juriati) to inquire of certain matters of fact, and declare the truth upon evidence to be laid before them. ... a body of persons temporarily selected from the citizens of a particular district, and invested with power to present or indict a person for a public offense or to try a question of fact. ...

Foreign Jury: A jury obtained from a county or jurisdiction other than that in which the issue was joined.

Grand Jury: ... Body of citizens, the number of whom vary ... , and whose duties consist in determining whether probable cause exists that a crime has been committed and whether an indictment ... should be returned ... It is an accusatory body, and its function does not include determining guilt.

Jury Size: ... at common law, and traditionally, a jury consisted of twelve members, ...

Inquest Jury: A jury of inquest is a body of persons summoned from a particular district before the sheriff, coroner, or other ministerial officers, to inquire of particular facts.

Special Jury: A jury ordered by the court, on the motion of either party, in cases of unusual importance or intricacy. Called, from the manner in which it is constituted, a "struck jury". At common law, a jury composed of persons above the rank of ordinary freeholders, usually summoned to try questions of greater importance than those usually submitted to common juries.

Jus: ... right, justice, law; the whole body of law; also a right. ... Jus means law, considered in the abstract; that is distinguished from any specific enactment, the science or department of learning, or quasi personified factor in human history or conduct or social development, which we call in a general sense, the law. ... a capacity residing in one person of controlling with the assent and assistance of the state, the actions of another. ... Within the meaning of the maxim that *ignorantia juris non excusat* (ignorance of the law is no excuse), the word jus is used to denote the general law or ordinary law of the land, and not a private right.

Jus Belli: The law of war. ... defining in particular the rights and duties of the belligerent powers themselves, That which may be done without injustice with regard to an enemy.

Jus corone: In English law, the right of the crown, or to the crown; the right of succession to the throne.

Jus est ars boni et aequi: Law is the science of what is good and just.

Jus privatum: Private law; the law regulating the rights, conduct, and affairs of individuals, as distinguished from public law, which relates to the constitution and functions of government and the administration of criminal justice.

Jus publicum: Public law, or the law relating to the constitution and functions of government and its officers and the administration of criminal justice. It implies a right in a sovereign or public capacity to be exercised for the interest or benefit of the state or the public, as distinguished from the exercise in a proprietary capacity of a right of the sovereign or a right possessed by an individual in common with the public. Sovereign's right of jurisdiction & dominion for governmental purposes over all lands & waters within its territorial limits.

Justice: ... Proper Administration of Laws. In Jurisprudence, the constant and perpetual disposition of legal matters or disputes, to render to every man his due. In Feudal law, jurisdiction: judicial cognizance of causes or offenses: High justice was the jurisdiction or right of trying crimes of every kind, even the highest. This was a privilege claimed and exercised by the great lords or barons of the middle ages.

Justices of the hundred: Hundredors, lords of the hundreds. In Old English law, they who had the jurisdiction of hundreds and held the hundred courts.

Justificators: A kind of compurgators, or those who by oath justified the innocence or oaths of others; as in the case of wager of law.

Justitia debet esse libera ... : Justice ought to be free, because nothing is more iniquitous than venal justice; full, because Justice ought not to halt; and speedy, because delay is a kind of denial.

Justitia est constas ... : Justice is a steady & unceasing disposition to render to every man his due.

Justitia est virtus excellens et ... : Justice is excellent virtue and pleasing to the most high.

Justitia firmatur solium: By justice is the throne established.

Justitia non est neganda non differenda: Justice is neither to be denied or delayed.

Justitia non novit ... : Justice knows not father nor mother; justice looks at truth alone.

Law Enforcement Officer: Those whose duty it is to preserve the peace.

Lawful Authorities: Those persons who have the right to exercise public power, to require obedience to their lawful commands, to command or act in the public name;

Law of the Land: Due process of law. By the law of the land is most clearly intended the general law which hears before it condemns, which proceeds upon inquiry, and renders judgement only after trial. ... The meaning is that every citizen shall hold his life liberty, property and immunities under the protections of the general rules which govern society.

Legem vadaire: In old English law, to wage law; to offer or to give pledge to make defense, by oath, with compurgators.

Leges non scripta: In English law, unwritten or customary laws, including those ancient acts of parliament which were made before time of memory, ...

Leges vigilantibus non dormientibus, subveniunt: The laws aid the vigilant, not the negligent.

Legitimate: That which is lawful, legal, recognized by law, or according to law;

Lex Ley de ... : The law of God and the law of the land are all one; and both preserve and favor the common and public good of the land.

Le ley est ... : 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.

Levying War: In criminal law, the assembling of a body of men for the purpose of effecting by force a treasonable object; and all who perform any part, however minute, or however remote from the scene of action, and who are leagued in the general conspiracy, are considered as engaged in levying war within the meaning of the constitution. **The words include forcible opposition**, as the result of a combination of individuals, **to the execution of any public law** of the United States; and to constitute treason within the meaning of the Federal Constitution, **there must be a combination of individuals united for the common purpose of forcibly preventing the execution of some public law** and the actual or threatened use of force by the combination to prevent its execution. ...

Lex Est Dictamen Rationis: Law is the dictate of reason. The **common law will judge according to the law of nature and the public good.**

Lex Est Norma Recti: Law is a rule of right.

Lex Non Scripta: The unwritten or common law, which included general and particular customs, and particular local laws.

Lex Scripta: Written law; law deriving its force ... from express legislative enactment, statute law.

Lex Terra: The law of the land. The **common law**, or the **due course of the common law**; the **general law of the land**. **Equivalent to due process of law**. In the strictest sense, trial by oath; the privilege of making oath.

Liberties: **Privileged districts exempt from the sheriff's jurisdiction**; as **goal liberties**. In colonial times, laws or legal rights resting upon them. The early colonial ordinances in Massachusetts were termed laws & liberties, and the code of 1641 the Body of Liberties. ... **political subdivisions**

Liberty: ... Freedom from all restraints except such as are justly imposed by law. Freedom from restraint, under conditions essential to the equal enjoyment of the same right by others; ... The absence of arbitrary restraint, not immunity from reasonable regulations and prohibitions imposed in the interests of the community. ... Liberty ... **on its negative side it denotes the necessary restraint on all**, which is needed to promote the greatest possible amount of liberty for each. ... In the derivative sense, the place, **district**, or boundaries **within which a special franchise is enjoyed**, an immunity claimed, or a **jurisdiction exercised**. In this sense, the term is commonly used in the plural; as the **liberties of the city**.

Civil Liberty: The liberty of a member of society, being **a man's natural liberty**, so far as **restrained by human laws and no further as is necessary and expedient for the general advantage of the public**. ... The power of doing whatever the laws permit. ... **The greatest amount of absolute liberty which can, in the nature of things, be equally possessed by every citizen in a state**. ... **Guaranteed protection against interference with the interests and rights held dear**; important by large classes of civilized men, or by all the members of a state, **together with an effectual share in the making and administration of the laws, as the best apparatus to secure that protection**. ...

Natural Liberty: The power of acting as one thinks fit, without any restraint or control, unless by the law of nature. The right which nature gives to all mankind of disposing of their persons & property after the manner they judge most consistent with their happiness, on condition of their acting within the limits of the law of nature, & so as not to interfere with the equal exercise of the same rights by other men.

Liberty to Hold Pleas: The liberty of having a court of one's own. Thus **certain lords had the privilege of holding pleas within their own manors**.

Liberum Servitum: Free Service. **Service of a war-like sort** by a feudatory tenant; also Servitium liberum. **Service not unbecoming the character of a freeman** and a soldier to perform; as to serve under the lord in his wars, to pay a sum of money, and the like.

Local Government: City, county, or other governing body at a level smaller than a state. Local government **has the greatest control over real property, zoning, and other local matters**.

Locality of a Lawsuit: Place where judicial authority may be exercised. ... See also Venue.

Local Law: ... The **law of a particular jurisdiction** as contrasted with the law of a foreign state. Term is used in conflicts to describe **the power of the forum to determine questions of procedure** while acknowledging the law of the situs to govern substantive questions.

Local Option: An option of self-determination available to municipality or other governmental unit to determine a particular course of action without specific approval from state officials. Local option is often used in local elections ... also ... for determining the structure of local government units. ...

Magisterial Precinct: In some American states, a local subdivision of a county, defining the territorial jurisdiction of justices of the peace and constables; also called magisterial district.

Mens Rea: A guilty mind; a guilty or wrongful purpose, a criminal intent. Guilty knowledge and willfulness.

Mala in se: Wrongs in themselves; acts morally wrong; offenses against conscience.

Malum in se: A wrong in itself; an act or case involving illegality from the very nature of the transaction, upon principles of natural, moral, and public law. An act is said to be malum in se when it is inherently and essentially evil, that is, immoral in its nature and injurious in its consequences, without any regard to the fact of its being noticed or punished by the law of the state. Such are most or all of the offences cognizable at common law (without the denouncement of statute); as murder larceny, etc.

Mala Prohibita: Prohibited wrongs or offences; acts which are made offenses by positive law, and prohibited by such. Acts or omissions which are made criminal by statute: but which, of themselves, are not criminal. Generally, no criminal intent, or mens rea is required and the mere accomplishment of the act or omission is sufficient for criminal liability. Term is used in contrast to mala in se which are acts which are wrongs in themselves such as robbery.

Malum Prohibitum: A wrong prohibited; a thing which is wrong because prohibited; an act which is not inherently immoral, but becomes so because its commission is expressly forbidden by positive law; an act involving illegality resulting from positive law. Contrasted with *malum in se*.

Malice: The intentional doing of a wrongful act without just cause or excuse, with an intent to inflict an injury or under circumstances that the law will imply an evil intent. ... A condition of the mind showing a heart regardless of social duty and fatally bent on mischief. ... it is that state of mind which is reckless of law and of the rights of the citizen.

Malice a-fore-thought: A predetermination to commit an act without legal justification or excuse. A malicious design to injure. The intentional doing of an unlawful act which was determined upon before it was executed. ... an intent to act in callous and wanton disregard to the consequences to human life

Nation: A people, or aggregate of men, existing in the form of an organized jural society, usually inhabiting a distinct portion of the earth, speaking the same language, using the same customs, possessing historic continuity, ... but not necessarily living under the same government and sovereignty.

Necessitas facit licitum ... : Necessity makes that lawful which otherwise is not lawful.

Necessitas publica major est quam privata: Public necessity is greater than private. ... the law imposes it upon every subject that he prefer the urgent service of his king and country before the safety of his own life.

Neighborhood: ... a more immediate vicinity, vicinage ... As used with reference to a person's reputation, neighborhood means in general any community or society where person is well known and has established a reputation.

Nihil infra regnum: Nothing preserves in tranquility and concord those who are subject to the same government better than a due administration of the laws.

Nihil in lege intelerabillius ... : Nothing is more intolerable in law than that the same matter, thing, or case should be subject to different views of law.

Oderant peccare boni, virtutis anore; oderunt peccare nali, formidine poenae: "Good men hate to sin through love of virtue; bad men through fear of punishment."

Ordinandi Lex: The law of procedure, as distinguished from the substantial part of the law.

Ordinarius ita dictur ...: The ordinary is so called because he has an ordinary jurisdiction in his own right, and not a deputed one.

Ordinary: (noun): At common law, one who had exempt and immediate jurisdiction in causes ecclesiastical. Also, a bishop; ... a judge who has authority to take cognizance of causes by his own right, and not by deputation.

Ordinary: (adj): Ordinary Proceeding: Such a proceeding as was known to the common law, and was

formerly conducted in accordance with proceedings of the common-law courts, ... results in a judgement enforceable by execution.

Organic Act: ... A statute by which a municipal corporation is organized and created is its organic act and the limit of its power, so that all acts beyond the scope of the powers there granted are void.

Organic Law: The fundamental law, or constitution, of a state or nation, written or unwritten. That law or system of laws or principles which defines and establishes the organization of its government.

Organization: Organization includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

Organize. To establish or furnish with organs; to systemize; to put into working order; to arrange in order for normal exercise of its appropriate functions.

Organized County: A county which has its lawful officers, legal machinery, and means for carrying out the powers and performing the duties pertaining to it as a quasi municipal corporation.

Original Jurisdiction: Jurisdiction in the first instance. Jurisdiction to take cognizance of a cause at its inception, try it, and to pass judgement on the law and the facts. Distinguished from Appellate jurisdiction.

Outlaw: In English law, one who is put out of the protection or aid of the law. ...

Outlawry: In old English law, a process by which a ... person ... was declared an outlaw.

Peace: That state & sense of safety which is necessary to the comfort & happiness of every citizen, & which government is instituted to secure. ... means tranquility enjoyed by citizens of the municipality or community where good order reigns among its members. The tranquility enjoyed by a political society internally, by the good order which reigns among its members, & externally by the good understanding which it has with all other nations.

Public Peace: The peace or tranquility of the community in general; the good order and repose of the people comprising a state or municipality. That invisible sense of security which every man feels so necessary to his comfort, and for which all governments are instituted.

Public peace and quiet: Peace, tranquility, and order & freedom from agitation or disturbance; the security, good order, & decorum guaranteed by civil society and by the law.

Peace of the state: The protection security & immunity from violence which the state undertakes to secure & extend to all persons within its jurisdiction & entitled to the benefit of its laws. This is part of the definition of murder, it being necessary that victim should be in the peace of the state, which now practically includes all persons except armed public enemies.

Policy: Public Policy: That principle of the law which holds that no subject can lawfully do that which has a tendency to be injurious to the public good. The principles under which the freedom of contract or private dealings is restricted by law for the good of the community. The term 'policy', as applied to a statute, regulation, or rule of law, course of action, and the like, refers to its probable effect, tendency, or object, considered with reference to the social or political well-being of the state. Thus, certain classes of acts are said to be 'against public policy', when the law refuses to enforce or recognize them, on the ground that they have mischievous tendency, so as to be injurious to the interests of the state, apart from illegality or morality.

Political: ... Pertaining to, or incidental to, the exercise of the functions vested in those charged with the conduct of government; relating to the management of affairs of state, as political theories; of or pertaining to exercise of the rights and privileges or the influence by which individuals of a state seek to determine or control its public policy; having to do with organization or action of individuals, parties, or interests that seek to control appointment or action of those who manage affairs of state.

Political Crime: In general, any crime directly against the government; e.g. treason; sedition. It includes any violent political disturbance without reference to a specific crime.

Political Law: That branch of jurisprudence which treats of the science of politics, or the organization and administration of government. More commonly called 'Political Science'.

Political Offenses: As a designation or a class of crimes usually excepted from extradition treaties, ...

Political Questions: Questions of which (civil) courts will refuse to take cognizance, ...

Political Rights: Those which may be exercised in the formation or administration of the government.

Rights of citizens recognized or established by constitutions which give them the power to participate directly or indirectly in the establishment or administration of government.

Political subdivision. A division of the state made by proper authorities there of, acting within their constitutional powers, for purpose of carrying out a portion of those functions of state which by long usage and inherent necessities of government have always been regarded as public. ...

Political Trial: Term loosely applied to trials in which the parties represent fundamentally different political convictions and in which the parties or one of them attempts to litigate their political beliefs.

Poll: v. To single-out, one by one, of a number of persons. To examine each juror separately, ...

Poll: n. A head; an individual person; a register of persons. ...

Polling the Jury: ... jurors are asked individually whether they assented, and still assent, to the verdict.

Posse: ... Group of people acting under authority of police or sheriff and engaged in searching for a criminal or in making an arrest.

Posse Comitatus: The power or force of the county. The entire population of a county above the age of fifteen, which the sheriff may summon to his assistance in certain cases, as to aid him in keeping the peace, in pursuing and arresting felons, etc.

Public Building: One which the possession and use, as well as the property in it, are in the public. Any building held, used, or controlled exclusively for public purposes. A building belonging to or used by the public for the transaction of public or quasi public business.

Public Corporations: An artificial person (e.g. municipality or a government corporation) created for the administration of public affairs. ...

Public Juris: Of public right. The word 'public' in this sense means pertaining to the people, or affecting the community at large; that which concerns a multitude of people, and the word 'right', as so used, means a well-founded claim; an interest; concern; advantage, benefit. This term, as applied to a thing of right, means that it is open to or exercisable by all persons; it designates things which are owned by 'the public'; that is, the entire state or community, and not by any private person.

Public Interest: Something in which the public, the community at large, has some pecuniary interest, or some interest by which their legal rights or liabilities are affected. ... Interests shared by citizens generally in affairs of local, state or national government. ... If by public permission one is making use of public property and he chances to be the only one with whom the public can deal with respect to the use of that property, his business is affected with a public interest which requires him to deal with the public on reasonable terms. The circumstances which cloth a particular kind of business with a 'public interest', as to be subject to regulation, must be such as to create a peculiarly close relation between the public and those engaged in it and raise implications of an affirmative obligation on their part to be reasonable in dealing with the public.

Public Law: A general classification of law; consisting generally of constitutional, administrative, criminal, and international law, concerned with the organization of the state, the relation between the state and the people who compose it, the responsibilities of public officers to the state, to each other, and to private persons, and the relations of states to one another. ... is concerned with the state in its political or sovereign capacity, including constitutional and administrative law; and with the definition, regulation, and enforcement of rights in cases where the state is regarded as the subject of the right or object of the duty, — including criminal law and criminal procedure, That portion of the law that is concerned with political conditions; that is to say, with the powers, rights, duties, capacities, and incapacities which are peculiar to political superiors, supreme and subordinate. In one sense, a designation given to international law, as distinguished from the laws of a particular nation or state. In another sense, a law or statute that applies to the people generally of the nation or state adopting or enacting it, is denominated a public law, as contradistinguished from a private law, affecting only an individual or a small number of persons.

Public Office: Essential characteristics of 'public office' are 1: authority conferred by law, 2: fixed tenure of office, and 3: power to exercise some portion of sovereign functions of government; key element of such test is that 'officer' is carrying out sovereign function. ... portion of sovereign power of government must be delegated to position, duties & powers must be defined, ... duties must be performed independently without control of superior power other than law, and position must have some permanency and continuity.

Public Official: ... not all persons in public employment are public officials, because public official's position requires the exercise of some portion of the sovereign power, whether great or small.

Public Place: A place to which the public has a right to resort; ... a place in which the public has an interest in affecting the safety, health, morals, and welfare of the community.

Public Purpose: ... The constitutional requirement that the purpose of any tax, police regulation, or

particular exertion of public power of eminent domain shall be the convenience, safety, or welfare of the entire community and not the welfare of a specific individual or class of persons. The term is synonymous with governmental purpose.

Public Safety: A state may exercise its police power (derivatively, as city or town) by enacting laws for protection of the public from injury and dangers.

Purgation: The act of cleansing or exonerating ones self of a crime, accusation or suspicion of guilt by denying the charge on oath or by ordeal. *Canonical* purgation was made by a party's taking his own oath that he was innocent of the charge, which was supported by the oath of 12 compurgators, who swore they believed he spoke the truth. ...

Precinct: A constable's or police district. A small geographical unit of government. An election district, created for convenient localization of polling places. A county or municipal subdivision for casting and counting votes in elections.

Probatio Plena: ... full proof; proof by two witnesses,

Probatio Semi-Plena: ... half-proof. Proof by one witnesses, or a public instrument.

Probatio Viva: Living proof; that is, proof by the mouth of living witnesses.

Probus et legalis homo: A good & lawful man. A phrase particularly applied to a juror or witness who was free from all exception, and competent in point of law to serve on juries.

Ordinary Proceeding: Those founded on the regular and usual mode of carrying on a suit by due course at common law.

Reason: A faculty of the mind by which it distinguishes truth from falsehood, good from evil, and which enables the possessor to deduce inferences from facts or from propositions. Also an inducement, motive, or ground for action, as in the phrase reasons for appeal.

Reasonable and probable cause: Such grounds as justify any one in suspecting another of a crime, and placing him in custody thereon. It is suspicion founded upon circumstances sufficiently strong to warrant reasonable man in belief that charge is true.

Reasonable belief: Reasonable belief or probable cause to make an arrest without a warrant exists when the facts and circumstances within arresting officer's knowledge, and which he had reasonably trustworthy information, are sufficient in themselves to justify a man of average caution in belief that a felony has been or is being committed.

Reasonable cause: As basis for arrest without warrant, in such state of facts as would lead man of ordinary care and prudence to believe and conscientiously entertain honest and strong suspicion that person sought to be arrested is guilty of crime.

Reasonable man doctrine or standard: The standard which one must observe to avoid liability for negligence is the standard of the reasonable man under all the circumstances, including the foreseeability of harm to one such as the plaintiff.

Reasonable suspicion: Reasonable suspicion which will justify officer in stopping defendant in public place is quantum of knowledge sufficient to induce ordinarily prudent and cautious man under circumstances to believe criminal activity is at hand.

Republic: A commonwealth; that form of government in which the administration of affairs is open to all the citizens. In another sense, it signifies the state, independently of its form of government.

Republican Government: ... a government of the people, a government by representatives chosen by the people.

Right: As a Noun, and taken in the abstract sense, means justice, ethical correctness, or consonance with the rules of law or the principles of morals. In this signification it answers to one meaning of the Latin *jus*, and serves to indicate law in the abstract, considered as the foundation of all rights, or the complex of underlying moral principles which impart the character of justice to all positive law, or give it ethical content. ... leaving the abstract moral sphere and giving to the term a juristic content, a right is well defined as a capacity residing in one man of controlling, with the assent and assistance of the state, the actions of others. ... A legally enforceable claim of one person against another, that the other shall do a given act or not do a given act. Natural-rights are those which grow out of the nature of man ... as distinguished from such as ... depend upon civilized society; ... those which, by fair deduction from the present physical, moral, social, and religious characteristics of man, he must be invested with, and which he ought to have realized for him in a jural society, in order to fulfill the ends to which his nature calls him.

Right of local self government: Power of citizens to govern themselves, as to matters purely local in nature, through officers of their own selection.

Tithing Man: A constable. ... annually elected to preserve order ... and to make complaint of any disorderly conduct. ... the head or chief of a tithing or decenary of ten families; he was to decide all lesser causes between neighbors. ...

Tithing: One of the civil divisions of England, being a portion of the greater division called a hundred. It was so called because ten freeholders with their families composed one. It is said that they were all knit together in one society, and bound ... for the peaceable behavior of each other. In each of these societies there was one chief or principle person, who, from his office, was called teething-man now tithing-man.

Trust: ... Constructive Trust: a trust ... or arising by operation of law arise by operation of law, and fraud, ... their forms and varieties are practically without limit, being raised by courts of equity whenever it becomes necessary to prevent a failure of justice.

Public Trust: One constituted for the benefit either of the public at large or some considerable portion of it ... ; public trusts and charitable trusts may be considered in general as synonymous expressions.

Two witness rule: This rule requires that falsity element of a perjury conviction be supported either by direct testimony of two witnesses or by direct testimony of one witness plus corroborating evidence.

Venire: Lat. To come; to appear in court. ... name of the writ for summoning a jury.

Venire facias: Lat. A judicial writ, directed to the sheriff of the county in which a cause is to be tried, commanding him that he cause to come before the court, on a certain day therein mentioned, twelve good and lawful men of the body of his county, qualified according to law, by whom the truth of the matter may be the better known, and who are in no wise of kin either to the plaintiff or to the defendant, to make a jury of the country between the parties in the action, because as well the plaintiff as the defendant, between whom the matter in variance is, have put themselves upon that jury, and that he return the names of the jurors,

Venire facias de novo: A fresh or new venire, which the court grants, when there has been some impropriety or irregularity in returning the jury, or where the verdict is so imperfect or ambiguous that no judgement can be given upon it, ...

Venire facias juratores: A common law judicial writ directed to the sheriff, when issue was joined in an action, commanding him to cause to Westminster, on such a day, twelve free and lawful men of his county by whom the truth of the matter at issue might be better known.

Venue: ... In common law pleading and practice, a neighborhood; the neighborhood, place, or county in which an injury is declared to have been done, or fact declared to have happened. 3 Bl.Comm. 294. ... Venue deals with locality of suit, that is, with question of which court, or courts, of those that possess adequate personal and subject matter jurisdiction may hear the specific suit in question. ... It related to a place where or a territory within which either party may require case to be tried. ... It has relation to convenience of litigants and may be waived or laid by consent of parties.

Violence: Unjust or unwarranted use of force, ... Physical force unlawfully exercised; abuse of force; that force which is employed against common right, against the laws, and against public liberty. ...

Wager of Law: In old practice, the giving of gage or sureties by a defendant ... that at a certain day assigned he would make his law; that is, would take oath in open court that he did not owe the debt, and at the same time bring with him eleven neighbors (called compurgators), who should avow upon their oaths that they believed in their consciences that he said the truth.

Wapentake; In English law, a local division of the country; the name is in use ... to denote a hundred. The ... name is said to be from "weapon" and "take", and indicates that the division was ordinarily of a military character. Also a hundred court.

Witam: The purgation from an offense by the oath of the requisite number of witnesses.

Witan: In Saxon law, wise men; persons of information, especially in the laws; the king's advisers; members of the king's council; the opiates, or principal men of the kingdom.

Wite: Sax. A punishment, pain, penalty, mulct, or criminal fine. An atonement among the early Germans by a wrong-doer to the king or community. It is said to be the germ of the idea that wrong is not simply the affair of the injured individual, and is therefore a condition precedent to the growth of a criminal law.

Witenagemote: The assembly of wise men. This was the great national council or parliament of the Saxons in England, comprising noblemen, high ecclesiastics, and other great thanes of the kingdom, advising

and aiding the king in the general administration of government. It was the grand council of the kingdom, and was held generally in the open air, by public notice or particular summons, in or near some city or populace town. These notices or summonses were issued by the king's select council, or the body met without notice, when the throne was vacant, to elect a new king. Subsequently to the Norman Conquest it was called ... and finally parliament; but it's character had become considerably changed. ... The casual loss of title-deeds was supplied & a very extensive equity jurisdiction exercised. ... It passed out of existence with the Norman Conquest, & the subsequent Parliament was a separate growth, & not a continuation of the Witenagemot.

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A few more citations in support of these general concepts read as follows:

"... all Englishmen twelve years of age or older were ... members of a frankpledge group, a group of about ten men who ... assumed the duties of maintaining the peace & providing a sort of collective suretyship. ... it compelled the populace to police itself by ... 'the most efficient police system in Western Europe.'"

"Origins of the Common Law"; Author Hogue; Professor of History - Harvard University. Pg-137. Liberty Fund, 1985. Quoting: "Constitutional & Legal History of Medieval England", 1960; Bryce Lyon.

"Republic: A government for the protection of the citizen against the exercise of all unjust power; a government administered by a few, as the representatives of the people and for their benefit; an independent sovereign power. ..." Volume 77.

"Sheriffs, ss 33 Elisors; Where neither the sheriff nor the coroner can act in the performance of functions of the sheriff's office, the emergency may in a proper case be met by appointment of a special officer called an 'elisor', to perform the required duties." Volume 80.

Corpus Juris Secundum. West Pub. Co. St. Paul, Minn.; 1972.