

UNDERSTANDING JURISDICTION

Original Author: Unknown --- some edits/amendments by The CLS

In all of history there has been but one successful protest against an income tax.

It is little understood in that light, primarily because the remnants of protest groups still exist, but no longer wish to appear to be "anti-government". They don't talk much about these roots. Few even know them. We need to go back in time about 400 years to find this success. It succeeded only because the term "jurisdiction" was still well understood at that time as meaning "oath spoken." "Juris," in the original Latin meaning, is "oath." "Diction" as meaning "spoken." The protest occurred in England. Given that the origins of the law are traced there, most of the relevant facts in this matter are still applicable HERE. Here's what happened.

The Bible HAD just recently been put into print.

To that time, only the churches and nobility owned copies, due to given to the extremely high cost of paper. Contrary to what you've been taught, it was not the invention of movable type that led to printing this and other books. That concept had been around for a very long time. It just had no application. Printing wastes some paper. Until paper prices fell, it was cheaper to write books by hand than to print them with movable type. The handwritten versions were outrageously costly, procurable only by those with extreme wealth: churches, crowns and the nobility. The wealth of the nobility was attributable to feudalism. "Feud" is Old English for "oath." The nobility held the land under the crown. But unimproved land, itself, save to hunter/gatherers, is rather useless. Land is useful to farming. So that's how the nobility made their wealth. No, they didn't push a plow. They had servants to do it. The nobility wouldn't sell their land, nor would they lease it. They rented it. Ever paid rent without a lease? Then you know that if the landlord raised the rent, you had no legal recourse. You could move out or pay. But what if you couldn't have moved out? Then you'd have a feel for what feudalism was all about.

A tenant wasn't a freeman. He was a servant to the (land)lord, the noble.

In order to have access to the land to farm it, the noble required the tenant to kneel before him, hat in hand, swear an oath of fealty and allegiance and kiss his ring (extending that oath in that last act to the heirs of his estate). That oath established a servitude. The tenant then put his plough to the fields. The rent was variable. In good growing years it was very high, in bad years it fell. The tenant was a subsistence farmer, keeping only enough of the produce of his labors to just sustain him and his family. Rent was actually an "income tax." The nobleman could have demanded 100% of the productivity of his servant except . . . under the common law, a servant was akin to livestock. He had to be fed. Not well fed, just fed, same as a horse or cow. And, like a horse or cow, one usually finds it to his benefit to keep it fed, so that the animal is productive. Thus, the tenant was allowed to keep some of his own productivity. Liken it to "personal/dependent deductions."

The freemen of the realm, primarily the tradesmen, were unsworn and unallied.

They knew it. They taught their sons the trade so they'd also be free when grown. Occasionally they took on an apprentice under a sworn contract of indenture from his father. His parents made a few coins. But the kid was the biggest beneficiary. He'd learn a trade. He'd never need to become a tenant farmer. He'd keep what he earned. He was only apprenticed for a term of years, most typically about seven. The tradesmen didn't need adolescents; they needed someone strong enough to pull his own weight. They did not take on anyone under 13. By age 21 he'd have learned enough to practice the craft. That's when the contract expired. He was then called a "journeyman." Had he made a journey? No. But, if you pronounce that word, it is "Jur-nee-man." He was a "man," formerly ("nee"), bound by oath ("jur)." He'd then go to work for a "master" (craftsman). The pay was

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established, but he could ask for more if he felt he was worth more. And he was free to quit. Pretty normal, eh? Yes, in this society that's quite the norm. But 400 some years ago these men were the exceptions, not the rule. At some point, if the journeyman was good at the trade, he'd be recognized by the market as a "master" (craftsman) and people would be begging him to take their children as apprentices, so they might learn from him, become journeymen, and keep what they earned when manumitted at age 21! The oath of the tenant ran for life. The oath of the apprentice's father ran only for a term of years. Still, oaths were important on both sides. In fact, the tradesmen at one point established guilds (means "gold") as a protection against the potential of the government attempting to bind them into servitudes by compelled oaths.

Apprentice to Journeyman.

When an apprentice became a journeyman, he was allowed a membership in the guild only by swearing a secret oath to the guild. He literally swore to "serve gold." Only gold. He swore he'd only work for pay! Once so sworn, any other oath of servitude would be a perjury of that oath. He bound himself for life to never be a servant, save to the very benevolent master: gold! (Incidentally, the Order of Free and Accepted Masons is a remnant of one of these guilds. Their oath is a secret. They'd love to have you think that the "G" in the middle of their logo stands for "God." The obvious truth is that it stands for "**GOLD.**")

Then the Bible came to print.

The market for this tome wasn't the wealthy. They already had a handwritten copy. Nor was it the tenants. They were far too poor to make this purchase. The market was the tradesmen - and the book was still so costly that it took the combined life savings of siblings to buy a family Bible. The other reason that the tradesmen were the market was that they'd also been taught how to read as part of their apprenticeship. As contractors they had to know how to do that! Other than the families of the super-rich (and the priests) nobody else knew how to read.

"Swear no oaths."

These men were blown away when they read Jesus' command against swearing oaths (Matt 5: 33-37). This was news to them. For well over a millennia they'd been trusting that the church - originally just the Church of Rome, but now also the Church of England - had been telling them everything they needed to know in that book. Then they found out that Jesus said, "Swear no oaths." Talk about an eye-opener.

Imagine seeing a conspiracy revealed that went back over 1000 years?

Without oaths there'd have been no tenants, laboring for the nobility, and receiving mere subsistence in return. The whole society was premised on oaths; the whole society CLAIMED it was Christian, yet, it violated a very simple command of Christ! And the tradesmen had done it, too, by demanding sworn contracts of indenture for apprentices and giving their own oaths to the guilds. They had no way of knowing that was prohibited by Jesus! They were angry. "Livid" might be a better term. The governments had seen this coming. What could they do? Ban the book? The printing would have simply moved underground and the millennia long conspiracy would be further evidenced in that banning. They came up with a better scheme. You call it the "Reformation."

In an unprecedented display of unanimity, the governments of Europe adopted a treaty.

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This treaty would allow anyone the State-right of founding a church. It was considered a State right, there and then. The church would be granted a charter. It only had to do one very simple thing to obtain that charter. It had to assent to the terms of the treaty.

Buried in those provisions, most of which were totally innocuous, was a statement that the church would never oppose the swearing of lawful oaths. Jesus said, "None." The churches all said (and still say), "None, except . . ." Who do you think was (is) right?

The Tradesmen Got Even Angrier!

They had already left the Church of England. But with every new "reformed" church still opposing the clear words of Christ, there was no church for them to join - or found. They exercised the right of assembly to discuss the Bible. Some of them preached it on the street corners, using their right of freedom of speech. But they couldn't establish a church, which followed Jesus' words, for that would have required assent to that treaty which opposed what Jesus had commanded. To show their absolute displeasure with those who'd kept this secret for so long, they refused to give anyone in church or state any respect. It was the custom to doff one's hat when he encountered a priest or official. They started wearing big, ugly black hats, just so that the most myopic of these claimed "superiors" wouldn't miss the fact that the hat stayed atop their head. Back then the term "you" was formal English, reserved for use when speaking to a superior. "Thee" was the familiar pronoun, used among family and friends. So they called these officials only by the familiar pronoun "thee" or by their Christian names, "George, Peter, Robert, etc." We call these folk "Quakers." That was a nickname given to them by a judge. One of them had told the judge that he'd better "Quake before the Lord, God almighty." The judge, in a display of irreverent disrespect replied, "Thee are the quaker here." They found that pretty funny, it being such a total misnomer (as you shall soon see), and the nickname stuck. With the huge membership losses from the Anglican Church - especially from men who'd been the more charitable to it in the past - the church was technically bankrupt. It wasn't just the losses from the Quakers. Other people were leaving to join the new "Reformed Churches." Elsewhere in Europe, the Roman Church had amassed sufficient assets to weather this storm. The far newer Anglican Church had not.

But the Anglican Church, as an agency of the State, can't go bankrupt.

It becomes the duty of the State to support it in hard times. Parliament did so. It enacted a tax to that end. A nice religious tax, and by current standards a very low tax, a tithe (10%). But it made a deadly mistake in that. The Quakers, primarily as tradesmen, recognized this income tax as a tax "without jurisdiction," at least so far as they went. As men unsworn and unallieged, they pointed out that they didn't have to pay it, nor provide a return. Absent their oaths establishing this servitude, there was "no jurisdiction." And they were right. Despite laws making it a crime to willfully refuse to make a return or not pay the tax, NONE were charged or arrested.

That caused the rest of the society to take notice.

Other folk who'd thought the Quakers were "extremists" suddenly began to listen to them. As always, money talks. **These guys were keeping ALL they earned**, while the rest of the un-sworn society, thinking this tax applied to them, well; they were out 10%. The Quaker movement expanded significantly, that proof once made in the marketplace. Membership in the Anglican Church fell even further, as did charity to it. The taxes weren't

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enough to offset these further losses. The tithe (income) tax was actually counterproductive to the goal of supporting the church. The members of the government and the churchmen were scared silly. If this movement continued to expand at the current rate, no one in the next generation would swear an oath. Who'd then farm the lands of the nobility? Oh, surely someone would, but not as a servant working for subsistence. The land would need to be leased under a contract, with the payment for that use established in the market, not on the unilateral whim of the nobleman. The wealth of the nobility, their incomes, was about to be greatly diminished. And the Church of England, what assets it possessed, would need to be sold-off, with what remained of that church greatly reduced in power and wealth. But far worse was the diminishment of the respect demanded by the priests and officials. They'd always held a position of superiority in the society. What would they do when all of society treated them only as equals?

They began to use the term "anarchy."

But England was a monarchy, not an anarchy. And that was the ultimate solution to the problem, or so those in government thought. There's an aspect of a monarchy that most People now find somewhat incomprehensible. A crown has divine right, or at least it so claims. An expression of the divine right of a crown is the power to rule by demand. A crown can issue commands. The king says, "jump." Everyone jumps.

Why do they jump? Simple. It's a crime to NOT jump.

To "willfully fail (hey, there's a couple of familiar terms) to obey a crown (or state) command" is considered to be a treason, high treason. The British crown issued a Crown Command to end the tax objection movement.

Did the crown ORDER everyone to pay the INCOME TAX?

No, that wasn't possible. There really was "no jurisdiction." And that would have done nothing to cure the lack of respect. The crown went one better. It ordered that every man shall swear an oath of allegiance to the crown! Damned Christian thing to do, eh? Literally!

A small handful of the tax objectors obeyed. MOST REFUSED.

It was a simple matter of black and white. Jesus said "swear not at all." They opted to obey Him over the crown. That quickly brought them into court, facing the charge of high treason. An official would take the witness stand, swearing that he had no record of the defendant's oath of allegiance. Then the defendant was called to testify, there being no right to refuse to witness against one's self. He refused to accept the administered oath. That refusal on the record, the court instantly judged him guilty. Took all of 10 minutes. That expedience was essential, for there were another couple hundred defendants waiting to be tried that day for their own treasons against the crown. In short order the jails reached their capacity, plus. But they weren't filled as you'd envision them. The men who'd refused the oaths weren't there. Their children were. There was a "Stand-in" law allowing for that. There was no social welfare system. The wife and children of a married man in prison existed on the charity of church and neighbors, or they ceased to exist, starving to death. It was typical for a man convicted of a petty crime to have one of his kid's stand in for him for 30 or 90 days. That way he could continue to earn a living, keeping bread on the table, without the family having to rely on charity. However, a man convicted of more heinous crimes would usually find it impossible to convince his wife to allow his children to serve his time. The family would prefer to exist on charity rather than see him back in society. But in

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this case the family had no option. The family was churchless. The neighbors were all in the same situation. Charity was non-existent for them. The family was destined to quick starvation unless one of the children stood in for the breadwinner. Unfortunately, the rational choice of which child should serve the time was predicated on which child was the least productive to the family earnings.

That meant nearly the youngest, usually a daughter.

Thus, the prisons of England filled with adolescent females, serving the life sentences for their dads. Those lives would be short. There was no heat in the jails. They were rife with tuberculosis and other deadly diseases. A strong man might last several years. A small girl measured her remaining time on earth in months. It was Christian holocaust, a true sacrifice of the unblemished lambs. (And, we must note, completely ignored in virtually every history text covering this era, lest the crown, government and church be duly embarrassed.)

Despite high mortality rates jails still overflowed.

There was little fear that the daughters would be raped or die at the brutality of other prisoners. The other prisoners, the real felons, had all been released to make room. Early release was premised on the severity of the crime. High treason was the highest crime. The murderers, thieves, arsonists, rapists, etc., had all been set free. That had a very profound effect on commerce. It stopped. There were highwaymen afoot on every road. Thugs and muggers ruled the city streets. The sworn subjects of the crown sat behind bolted doors, in cold, dark homes, wondering how they'd exist when the food and water ran out. They finally dared to venture out to attend meetings to address the situation. At those meetings they discussed methods to overthrow the crown to which they were sworn! Call that perjury. Call that sedition. Call it by any name, they were going to put their words into actions, and soon, or die from starvation or the blade of a thug. Here we should note that chaos (and nearly anarchy: "no crown") came to be, not as the result of the refusal to swear oaths, but as the direct result of the governmental demand that people swear them! The followers of Jesus' words didn't bring that chaos, those who ignored that command of Christ brought it. The crown soon saw the revolutionary handwriting on the wall and ordered the release of the children and the recapture of the real felons, before the government was removed from office under force of arms. The courts came up with the odd concept of an "affirmation in lieu of oath." The Quakers accepted that as a victory. Given what they'd been through, that was understandable. However, Jesus also prohibited affirmations, calling the practice an oath "by thy head." Funny how the legal concept of an affirmation could be seen 1600 years before it came to be. Quite a prophecy!

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