



Holy Matrimony

(by the authority of God.)

vs.

Marriage

(by the authority of the State.)

There are many ways in which a legal system increases its limited authority but it is most complete through the consent of the individual. In China they have “the one child contract.” If you sign it, you will become eligible for many of the benefits offered by the government, such as free medical care, schooling and better paying jobs. If later the mother becomes pregnant and refuses to abort the child the family becomes responsible for paying for all the expense of the second child, paying back all the benefits they received for the first child and often suffer the loss of their present employed position and pay scale. In America the pressure to abort a child is often much more subtle.

The same dealt subtly with our kindred, and evil entreated our fathers, so that they cast out their young children [fetus]⁵, to the end they might not live⁶. (Acts 7:19)

If children survive the financial and social pressure to be aborted, they must still overcome the strain of the mental, spiritual and contractual pressures society shall place upon them.

Unfortunately, society as a whole is continuously degrading the family as a unit even though the family is the foundation from which the society is built.

If we want better people to make a better world, then we will have to begin where people are made in the family.⁷

Economic pressures may burden and exhaust the parents. Social Security often removes the grandparents from the family unit. School systems distance the parents from the mental development of the children as they are molded outside the family unit. The media and socially applied peer pressures add their own unique and varied distortions to the child's development.

When the foundation fails all fails.

The few parents who feel compelled to protect their children from exposure to these pressures or simply feel a sense of responsibility to raise their children directly, often find their way blocked by a legal system that seems to be usurping the authority of the parents by assuming custody of children in the name of “The Law”. Yet, is it usurpation or have we unwittingly waived custody of our children by some previous legal contract or consensual agreement.

In Bouvier's definition of law we find stated that:

“3. An analysis of the science of law presents a view, first, of the rights of persons, distinguishing them as natural persons and artificial person, or body politic or corporations. These rights are deemed either absolute, as relating to the enjoyment of personal security, liberty, and of private property or, on the other hand, as relative, - that is, arising out of the relation in which several persons stand. These relations are either, first, public or political, viz.: the relation of magistrate and people; or, second, are private, as the relations of master and servant, husband and wife, parent and child, guardian and ward, to which might be added relations arising out private contracts, such as partnerships, principal and agent, and the like.”

⁵ Strong's No. 1025 *brephos* {bref'-os} of uncertain affin.; *n n* AV - babe (5) - child (1) - infant (1) - young child (1) [8]1a) an unborn child, embryo, a fetus 1b) a new-born child, an infant, a babe

⁶ Strong's No. 2225 *zoogoneo* {dzo-og-on-eh'-o} from the same as 2226 and a derivative of 1096; *vb* AV - preserve (1) - live (1) [2]1) to bring forth alive 2) to give life 3) to preserve alive

⁷ Braud's 2nd Enc. by J.M Braud.

“8. Law, as distinguished from equity, denotes the doctrine and the procedure of the common law of England and America, from which equity is a departure. In respect to the ground of the authority of law, it is divided as natural law, or the law of nature or of God, and positive law.”⁸

“The union of a man and a woman is of the law of nature.”⁹

By these definitions and maxims we see that the union of a man and woman is a relative, yet, private and natural relationship; and as a natural relationship is subject to “natural law,” natural law being “divine will... in contradistinction to positive law,” positive law being that law “established, under human sanctions.” The natural relation of Husband and Wife and its products, such as children should be relatively free of any interference by government and so it should be for, “Matrimony ought to be free.”¹⁰

“The laws of nature are unchangeable.”¹¹

The word, “marriage, as distinguished from the agreement to marry and from the act of becoming married.” It “is the civil status of one man and one woman united in law for the discharge to each other and the community of duties legally incumbent on those whose association is found on the distinction of sex.”¹²

First, it is clear that marriage is distinguished, essentially different, from both the “agreement to marry” and the “act of becoming married.” Secondly, marriage is a civil status. Civil is a word used in “contradistinction to *military, ecclesiastical, natural, or foreign*; thus, we speak of a civil station, as opposed to ... an ecclesiastical station”¹³ It also explains that the obligations of the man and woman are not merely to each other but also to the “community” and that these civil duties are “legally incumbent.” An incumbent is then defined as, “A person who is in present possession of an office; one who is legally authorized to discharge the duties of an office.”¹⁴ The words “person” and “individual” are not synonymous. “Person” being defined as “a man considered according to the rank he holds in society, with all the right to which the place he holds entitles him, and the duties which it imposes.”¹⁵ The word “individual” in the book Language, found in the Volume Library, is treated as a word “frequently misused” and clarifies its meaning with the statement, “The word (individual) should not be used in the mere sense of person. The word is correctly used in ‘Changes both in individuals and communities.’”

“Every person is a man, but not every man a person,”¹⁶

A person by definition is legally bound and connected to the community, while the individual seems to be equal to or on a separate footing from the community. The individual is apparently not obligated to the bureaucratic administration in the same degree as those in the legal community. The administrative system has coined the phrase “an *individual* person” or “*natural* person.” As usual their attempt to alleviate confusion seems to have done more to add to the chaos.

“Man is a term of nature; person, of the civil law”¹⁷

So, today’s Domestic Relationship of Marriage is neither natural, remembering that the law of nature is “divine will,” nor is it ecclesiastical, which is “distinguished from ‘civil’ or ‘secular,’”¹⁸ but it is civil.

As spoken of earlier, in Bouvier’s, the “private” relationships of “husband and wife, parent and child, guardian and ward” are not the same as the “*legal*” relationship granted by a Marriage license, which is clearly “public” such as “the relation of the magistrate and people.”

⁸ Bouvier’s vol II.

⁹ Conjunctio mariti et femina est de jure naturæ.

¹⁰ Matrimonia debent esse libera. Halkers, Max. 86; 2 Kent, Comm. 102.

¹¹ Jura naturæ sunt immutabilia. Branch, Princ.; Oliver Forms, 56.

¹² Black’s 3rd Ed. p. 1163.

¹³ Civil. Black’s 3rd ed. p.331.

¹⁴ State v McCollister, 11 Ohio, 50; State v. Blackmore, 104 Mo. 340, 15 S.W. 960. Black’s 3rd Ed. p.947.

¹⁵ Black’s 3rd. Ed. p. 1355.

¹⁶ Omnis persona est homo, sed non vicissim.

¹⁷ Homo vocabulum est; persona juris civilis. Calvinus, Lex.

¹⁸ Ecclesiastical. Black’s 3rd Ed. p.640.

The laws of nature are most perfect and immutable; but the condition of human law is an unending succession, and there is nothing in it which can continue perpetually.

Human laws are born, live, and die.¹⁹

A "Marriage license:" is "A license or permission granted by public authority to persons who intend to intermarry,... By statute it is made an essential prerequisite to the lawful solemnization of the marriage."²⁰ as opposed to ecclesiastical solemnization.

It should be becoming clear that there is at least two types of marriages and therefore at least two types of husband and wife relationships.

"Marriage is a civil contract to which there are three parties - the husband, the wife and the state."²¹

"Marriage is often referred to as a civil contract, but the emphasis in such a reference is not on the word 'contract' but upon the word 'civil' as distinguished from ecclesiastical; since there is religious freedom in this country a religious ceremony, and rules of ecclesiastical organizations with regard to marriage have no legal significance.

Though mutual assent is necessary to enter into a marriage the marriage itself is a status or relationship rather than a contract, the rights and obligations of the parties thereto being fixed by the law instead of by the parties themselves. Hence marriages are not within the provision of the United States Constitution forbidding a state to impair the obligation of contracts."²²

In the first paragraph we see again that at least one type of marriage is "civil" or "public" as distinguished from another which may be "private," "ecclesiastical" or "natural." Ecclesiastical organizations have "no legal significance" and therefore no civil effect.

This statement made by Clark sets a distinct division between religious freedom and the absence of it. On the one side he mentions religious freedom in relation to ecclesiastical marriage but it seems a simple step to realize the reciprocal conclusion. If the ecclesiastical authority to marry has no influence in the realm of legal marriages then a legal marriage would then have no influence in the realm of ecclesiastical matrimony. This principle applies also to the marriage between the legal churches and the state and the state which established it. The legal church is not operating under the religious freedom aspect of Law in America.

Religious freedom means freedom from dominion over religious practices which should include the law established by religious belief as well as rituals, ceremonies and customs. Religious practices are not merely incantations, sprinkling of water and smoky rituals. Religious practices includes almost every aspect of life itself.

However, a marriage performed by an "ecclesiastical organization" should not be confused with a marriage performed by today's churches which are incorporated entities²³ of the state performing civil marriages as agents of the state. In most cases churches will not marry any couple who has not obtained permission to marry, through the purchase of a license, from the state prior to the ceremony. Almost all marriages performed in these churches are performed by the authority vested in those churches and ministers by the state in which they have agreed to act as an agent. This makes the minister an officer of the state carrying out the official duties of that state. Those marriage are not ecclesiastical because they do have *legal significance*.

The word 'Church' in the New Testament is translated from the Greek word 'ekklesia' which comes from two words 'ek' meaning "out" and 'kaleo' meaning to "call". Today's incorporated churches are not marrying couples ecclesiastically but are calling their people into an unequal civil relationship with the state.

Clark states that this *civil marriage* contract is a "mutual assent." As is the case with all contracts there must be mutual consent and valid consideration. In a natural joining of a man and a woman as Husband and Wife there is a mutual consent and consideration, but if one or both are persons and

¹⁹ Leges naturæ perfectissimæ sunt et immutabiles; humani vero juris conditio semper in infinitum decurrit, et nihil est in eo quod perpetuo stare possit. Leges humanæ nascuntur, vivunt, moriuntur. 7 Coke, 25.

²⁰ Black's 5th Ed.

²¹ Van Koten v. Van Koten. 154 N.E. 146.

²² Clark's Summary of American Law. Chapt I §2. The marriage status or relationship. pp. 140.

²³ Incorporation... the formation of a legal or political body... In civil law. The union of one domain to another. Black's 3rd p. 946. And what concord hath Christ with Belial?... 2Co 6:15

have a “legal status” and are obligated to another, then there cannot be a valid consideration without the permission of the one to whom the party is subject.

In old English law “Marriage is used in the sense of ‘maritagium,’ (qv) or the feudal right enjoyed by the lord or guardian in chivalry of disposing of his ward in marriage.”²⁴ This is also, in principal, how the word is used today. To clarify this relationship of ‘lord and ward’ we may consider Clark’s statement, “the rights and obligations of the parties thereto being fixed by law instead of by the parties themselves,” shows that it is the third party known as the state that has the right to fix the extent of the privileges and duties by law, which is more than an equal position to hold in that three party relationship. The word law here refers to the legal system which has already obtained or at least assumed that it has obtained a jurisdictional authority over the parties by their consent, either before their application for license (permission) or at the time of its public solemnization.

Marriage is also defined as that which “signifies the act, ceremony or formal proceeding by which persons take each other for husband and wife.”²⁵ Note the use of the word “persons” and the lack of capitalization of the words “Husband and Wife.” In the same law dictionary the word “for” is defined as “instead of” or “in place of.”²⁶ So the legal status of marriage by civil authority is where you take each other, assenting into a civil relationship with the state, not as Husband and Wife but “instead of” Husband and Wife or in other words for husband and wife and children, wards of the state.

“Wife and son are names of nature.”²⁷

In 1906, the Supreme Court of Nebraska stated that: “It (marriage) differs from all other contracts²⁸ in its far-reaching consequences to the body politic itself, and for that reason, in dealing with it or the status resulting therefrom, the state never stands indifferent, but is always a party whose interest must be taken into account.”²⁹

“Each child belongs to the state.”³⁰

The state can and will always consider itself a party in a civil marriage performed by its officers in accordance with the duties and obligations imposed by the permitting authority, but it has no jurisdictional authority over the natural matrimony by “divine will” between two free and natural individuals. It is the previous connecting contractual commitments to the legal society that bind a person’s obedience to the commands of that legal society.

Note, that a “common law marriage” is simply when the state assumes and recognizes what did appear at first to be a “Husband and Wife” relationship At Law to be in fact a solemnized civil marriage of ‘husband and wife’ and ‘state’ in equity.

“A wife is not her own mistress, but is under the power of her husband.”³¹

According to the natural law and the common law, “All things which are the wife’s belong to the husband.”³² Not because of any misguided assumption that she is inferior but because she is one with her husband. It is understood in the natural law that the, “Husband and Wife are considered one person in law.”³³ Even in the definition of Husband and Wife it is called, “One of the great domestic

²⁴ Black’s 3rd. Ed. p. 1164.

²⁵ Black’s 3rd. Ed. p. 1164.

²⁶ Black’s 3rd Ed. p. 795.

²⁷ Uxor et filius sunt nomina naturæ. 4 Broom, Works. 350.

²⁸ Sample bill passed in order to comply with US Code 42, Section 666. “Bill 532 1997/6/10 Part I Documents Requiring Social Security Numbers for Use in Child Support Enforcement SEC. 4.- “Section 20-1-220. No marriage license may be issued unless a written application shall have been filed with the probate judge, or in Darlington and Georgetown Counties the clerk of court who issues the license, at least twenty-four hours before its issuance. The application must be signed by both of the contracting parties and shall contain the same information as required for the issuing of the license including the social security numbers of the contracting parties.” As a consequence, In South Carolina, a couple cannot (“contract to”) get married without supplying a Social Security number.

²⁹ Willits v. Willits, 107 N.W.379,380.

³⁰ - William H. Seawell, professor of education at the University of Virginia

³¹ Uxor non est sui Juris, sed sub potestate viri. Coke, 3d Inst. 108.

³² Omnia quæ sunt uxoris sunt ipsius viri. Coke, Litt. 299.

³³ Vir et uxor consentur in lege una persona. Coke, Litt. 112; Jenk. Cent. Cas. 27.

relationships.” That relationship, “being that of a man and a woman lawfully joined in marriage, by which, at common law, the legal existence of the wife is incorporated with that of her husband.”³⁴ In other words it is a lawful joining of the woman’s status to the man.

“And they twain shall be one flesh: so then they are no more twain, but one flesh.” (Mr. 10:8.)

This authority that a man holds at law over his wife is not a problem to a good woman as long as the husband truly loves, honors and cherishes her and she is as willing to humble herself to his will as he is willing to humble himself to God’s divine will. As with all contracts there must be valid and mutual consideration.

“Wives, submit yourselves unto your own husbands, as unto the Lord.... Husbands, love your wives, even as Christ also loved the church, and gave himself for it;” (Ephesians 5:22, 25)

Despite the fact that the husband is to have custody of his children by God’s law the individual state governments and bureaucracies are constantly claiming regulatory right and custody. Are these claims of the state usurpation, without any basis in law, or is there an aspect to the relationship of a husband and wife that is shared by the state?

“And he lifted up his eyes, and saw the women and the children; and said, Who [are] those with thee? And he said, The children which God hath graciously given thy servant.” (Ge. 33:5)

It was the custom that if a man and a woman were married as Husband and Wife, then the Husband had custody of the children and held the Wife’s right to contract in a domestic trust.³⁵ The common law also agrees with the natural law, for “at the common law the father had an almost absolute right to the custody of his children.”³⁶ A child could be manumitted from this bond in ancient times by Novation,³⁷ Tutor and Qorban.

“So ought men to love their wives as their own bodies. He that loveth his wife loveth himself For no man ever yet hated his own flesh; but nourisheth and cherisheth it, even as the Lord the church:” (Ephesians 5: 28, 29)

When a daughter wished to marry, she would obtain her father’s permission and he in turn gave her in marriage. The son would also gain permission from his father if he wished to continue to take his father’s name as his own. If the husband and wife are wards of the state then their children must obtain permission to marry from their parent’s master. Unless they become adopted by a *father* who is not subject to the jurisdiction of their parent’s master. In this there is a great *mystery*.

Why do men of the United States Government think that, “Fundamental, Bible believing people do not have the right to indoctrinate their children in their religious beliefs, because we, the state, are preparing them for the year 2000, when America will be part of a one-world global society and their children will not fit in.”³⁸ When men like Daniel Webster believed that, “All the miseries and evils which men suffer from vice, crime, ambition, injustice, oppression, slavery and war, proceed from their despising or neglecting the precepts contained in the Bible.” then, “If we abide by the principles taught in the Bible, our country will go on prospering, but if we neglect its instruction and authority, No man can tell how soon a catastrophe may overcome us, and bury all our glory in profound obscurity.” Even Roosevelt said, “I hope that you have reread the Constitution of the United States. Like the Bible, it ought to be read again and again.”³⁹

Who is the father from whom permission should be obtained? By and under whose authority should a man and woman be joined together in the ceremony of Holy Matrimony?

And what concord hath the Christ with Belial? or what part hath he that beleiveth with an infidel? And what agreement hath the temple of God with idols? for ye are the temple of the living God: as God hath said, I will dwell in them; and I will be their God, and they shall be my people.

³⁴ Black’s 3rd.Ed.p.910.

³⁵ In law he may also have custody of his domestic servants.

³⁶ Clark’s Summary of American Law, Domestic Relations and Persons Chapt.IV, Sec. 26.

³⁷ “the remodeling of an old obligation.” Webster’s Dictionary

³⁸ Peter Hoagland, Nebraska State Senator and Humanist said in 1983:

³⁹ Franklin Delano Roosevelt March 9,1937. Document of American History by Commager.

Wherefore come out from among them, and be ye separate, saith the Lord, and touch not the unclean (thing); and I will receive you. And I will be a Father unto you, and ye shall be my sons and daughters, saith the Lord Almighty. (II Corinthian 6:15-18)

It is, more often than not, the remedy and will of the public magistrates⁴⁰ that husbands and wives under their jurisdiction divorce. It is the magistrate that decides the fate of the children in his custody in contradistinction to the law of nature and the common law.

Jesus said, ...For the hardness of your heart he wrote you this precept. But from the beginning of the creation God made them male and female. For this cause shall a man leave his father and mother, and cleave to his wife; And they twain shall be one flesh: so then they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder. (Mr. 10:5,9)

The implications of all this can seem to create confusion. We should see that neither a bride nor groom can obtain clear permission⁴¹ to marry from a father who has assented to the same restrictive legal civil status that they are trying to avoid. And the state by its very nature cannot offer permission to the God fearing couple to marry as a Natural Husband and Wife. These problems can seem to compound as we discover that no minister or priest is available to conduct a purely ecclesiastical ceremony which would exclude the state and its authoritarian and bureaucratic legal controls.

Be ye not unequally yoked together with unbelievers: for what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness? (II Corinthian 6:14)

Why should we give authority to the state over that which God has ordained? If we have faith in the Lord's blessing and authority why do we also ask for the government's blessing and authority?

Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. (Romans 13:1)

This is probably one of the most frequently repeated quotes from the Bible that is used by men holding positions of authority in societies today. If there is no power but of God and it is He that ordains the powers that are truly in authority then what criteria does God use to establish "the higher powers."

Are we subject to a higher power or are we making the state a higher power by applying and obtaining a marriage licenses? If matrimony, through the Law of Nature and the Common Law of the Land, is the domain of God and our children are His gifts then why would we turn our family and ourselves over to the civil authority of the State? Is that not like rendering unto Caesar the things that are God's?

The Bible mentions the word covenant over 300 times. It tells us many stories of the binding of man to man and man to God. It is made very clear that God requires the fulfillment of our agreements and compliance with our words.

Jesus has told us to let our yes be yes and our no be no. Does he want us to enter into covenants, even quasi covenants, with those who do not follow the spirit of God and His Laws?

Why should we ask another for permission to do that which God has ordained? Who do you trust?

For as many as are led by the Spirit of God, they are sons of God. For you have not received the spirit of bondage again to fear; but ye have received the spirit of adoption, whereby we cry, Abba, Father. (Ro.8:14.)

Does God want us to give custody of our children to the State? Does He want you to put your Husband and Wife relationship under the authority of a system that prefers and compels divorce as the most common solution to marital strife?

Owe no man any thing, but to love one another: for he that loveth another hath fulfilled the law. (Ro 13:8)

⁴⁰ The New Testament word *God* is translated from the Greek word *theos* which figuratively means "a magistrate" or literally *judge* or *ruling judge*.

⁴¹ That which bars those who have contracted will bar their successors also. Quod ipsis, qui contraxerunt, abstat; et successoribus eorum obstat. Dig. 50.17.29.

If God has given us the Holy Relationship of Matrimony, He therefore has dominion and authority over that relationship. Why should we render unto the state a legal authority over that relationship which rightfully belongs to God? The state only requires you to get a license to become bound and protected by the State.

Then saith he unto them, Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's. (Mt 22:21- Mr 12:17 - Lu 20:25)

If you are married in Florida, England or Kuwait you are considered married in Oregon and everywhere else in the world, so why is not the Kingdom of God acceptable? In fact it is. An ecclesiastical marriage is a lawful marriage that offers no equitable or legal benefits, obligations or jurisdiction.

It would seem that in this life we may choose in many ways who we would have over us. Is the choice not ours? And what choice should we make? Who should be the *ruling judge* of our marriage?

Jesus answered, Thou sayest that I am a king. (John 18:37)

If we have been joined together in the name of God and by His authority then why must we call on any other name or authority?

“Those who educate are more to be honored than those who bear the children. The latter give them only life; the former teach them the art of living.”⁴²

Should you call upon another just to gain the financial and worldly benefits of a legal marriage?

And it shall come to pass, [that] whosoever shall call on the name of the Lord shall be saved. (Ac 2:21)

Should we turn over the custody of the children that the LORD God has given us to a civil authority that does not follow Christ?

What therefore God hath joined together, let not man put asunder. (Matthew 19:6).

Are there other ways that we are going under authorities of men by making covenants?

And they rejected his statutes, and his covenant that he made with their fathers, and his testimonies which he testified against them; and they followed vanity, and became vain, and went after the heathen that [were] round about them, [concerning] whom the LORD had charged them, that they should not do like them. (2Ki 17:15)

Have we returned to the bondage of Egypt and the covenants of Rome and the spirit of Babylon? And if we have entered into covenants with strange gods can we return to the LORD God?

But I will for their sakes remember the covenant of their ancestors, whom I brought forth out of the land of Egypt in the sight of the heathen, that I might be their God: I [am] the LORD. (Le 26:45)

⁴² - Carolyn Warner, former Superintendent of Public Instruction in Arizona