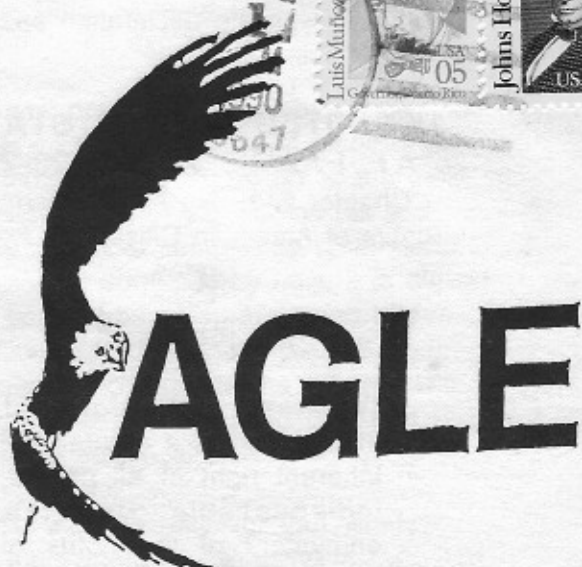


Lee Brobst's



FIRST CLASS

OF
THE



THY WILL BE DONE IN ASSOCIATION

NEWSLETTER

Volume II No. 4

August 1990

PART II INHERITANCE TAXES AS AN INCOME TAX

Last month the mystery behind the income tax was unveiled as being a gift and inheritance tax, at which time I delved into Part I, the gift tax. Although the mystery is solved concerning the income tax, we still have a long way to go in our UNDERSTANDING of the Law or law in order to assert our rights in the proper manner. The income tax is only a small fraction of what we must learn. We must never forget; the price of freedom is eternal vigilance.

Before we begin, people have asked me to explain 15 United States Statute as enacted on July 27, 1868, one day before the 14th amendment was to take effect.

First off, the Statute is a "United States Statute at Large" which is notice of the "Law" of the Republic. Under the "Law" of the Republic, the government cannot have

direct contact with the people. The government can only have indirect contact with the people through a corporation. In the case of the democracy; the government's contact, whether federal or state, comes through the District of Columbia. Should the statute use the word "Revised Statute", such as today; then that means the congress has given permission to put the wording down in print to be used by those who are attached to the corporation and be interpreted by the congress's or the state's legislative courts. I will proceed to the statute itself. **This statute is your defense "IN LAW" when you have published your declaration.** Anything less than the declaration combined with this statute is an equitable defense to be determined by the courts of general equity. The Uniform Commercial Code is equitable but there is a possibility that it could be used in

conjunction with the declaration and statute in a limited sense.

15 UNITED STATES STATUTE AT LARGE page 223-224

Chapter 249.- An Act Concerning the Rights of American Citizens in Foreign States.

PREAMBLE

"Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendents, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore;"

Comment: Prior to the 13th amendment there were American citizens who were claimed under a power of a foreign state for whatever reason. The Papal state included. It was to be made clear by the "Law" of the Republic that no man was under a condition of compelled performance to any foreign power. The black man was not considered a citizen but treated as chattel property. The 13th amendment abolished all forms of compelled slavery to a foreign jurisdiction including the concept of treating people as chattel property. In other words, in a true Republic there is no foreign power of a compelled performance. The purpose of this statute by Congress was to wipe the

slate clean to any and all foreign power. Any and all foreign power could only come in by a 100% voluntarily act by you. See November 1989 issue of this newsletter to page 5, "13th & 14th Amendments."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any declaration, instruction, opinion, order, or decision of any officers of this government which denies, restricts, impairs, or questions the right of expatriation, is hereby declared inconsistent with the fundamental principles of this government.

Comment: No judge, no administrative agency, no police officer, etc cannot instruct, give an opinion, issue a order or decision that denies, restricts, impairs or questions the right of you to abolish any jurisdiction that becomes repugnant to you. This means written law called black letter law which is the "revised statutes" and codes. The minute you write something down to be interpreted by someone else; it becomes what they say it is and if they are in a position of power over you then, you must perform to their dictates. Under the "Law" of the Republic, only you can determine what the "Law" is under your definition.

Sec. 2. And be it further enacted, That all naturalized citizens of the United States, while in foreign states, shall be entitled to, and shall receive from this government, the same protection of persons and property that is accorded to native-born citizens in like situations and circumstances.

Comment: This section takes notice of 'persons' and anybody who is a 'person' is

entitled to the same treatment whether they be naturalized or native born.

Sec. 3. And be it further enacted, That it shall be made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons for such imprisonment, and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, it shall be the duty of the President to sue such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate such release, and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress."

Approved, July 27, 1868

Comment: Notice there is no restriction to this section by using the word 'person'. The term citizen of the United States is used but not the word state. In other words, it does not define which is primary, State or United States citizen. By not using the word state such as in the 14th amendment itself where it says "all persons born or naturalized and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside;" the 14th amendment establishes U.S. Citizenship as being primary. Should you find yourself in a foreign jurisdiction where you have no excess to the courts; it is the duty of the president to get you out. For more information on citizenship, see

the July 1989 issue of this newsletter for a more detailed explanation of citizenship.

I will now proceed to the inheritance and estate tax as it relates to the income tax. The inheritance and estate tax is the most complex segment of the income tax and probably the most complex to understand. If you are not confused by now, it is almost certain you will be. You are going to see why nobody can understand the IRS Code. Why one part contradicts the other. I will dive right into the confusing part first then, try to sort it all out.

Again I want to reiterate that what makes the system so confusing in understanding is the fact there is no separation of powers ("Law") because everything is based on conscience (general equity) where you are held in a state of voluntarily compelled performance outside your access to the 9th and 10th amendments to the Bill of Rights to the Constitution of United States of America. It is the 9th and 10th amendments that is the "Law" of the Republic. It is the 9th and 10th amendments that guarantees your absolute rights to be an individual whereby you express the "Law" as you see it. Providing however, you do not harm your fellow man. The Law of the Republic is the Law of responsibility. In a Republic there are no such things as being charged with a crime for violation of a statute that is lifeless, cold and unbending. This is called victimless crimes. The opposite applies in a democracy whereby you are charged with violation of a code or statute. Those codes or statutes reflects the will of the legislature which in turn reflects the conscience of the masses as members of the democracy. In other words, you have been taken over by the conscience of another where there are restrictions placed upon you. In the case of public policy as 14th amendment 'persons;' you are held to perform to groupism operating out of the District of Columbia. I also want to stress that there is no balance or counterforce in today's democracy to offset the system. People got greedy and politicians promised you anything and everything and now the system is starting

to self destruct. You the reader are in the clutches of this destruction or you wouldn't be reading this newsletter. Democracy offers you materialistic things but destroys the individual idea. The individual idea is what forges man ahead and not lifeless, faceless corporations. You must realize that things are not going to get better but instead, worse from the standpoint of the police state unless you exit the system.

In earlier issues I discussed the term civil death in relation to the Law where one dies a civil death and then is given the status of a 'person' under the roman civil law which is phrased in today's law books as quasi law which I refer to as law spelled with a small (l). The basis of this type of law came from England which imposes death duties. Here in this country, they are called estate taxes in some parts but for the most part they are called inheritance taxes, succession taxes, legacy and succession taxes, and transfer or inheritance taxes. **It is the statute that really defines what type of tax is to be levied.** The IRS code uses the term "any person required" and if you are that person you are required to file or pay the tax but the code never defines what a person is. The dictionaries give a whole run down on different persons so in effect a person is all of them and that is the key. A person means you can make it anything you want which is where the term color of law comes in. In other words, you can color a person anything you want such as; donor, donee; promisor, promisee; principal, agent; grantor, grantee; obligor, obligee; trustee, beneficiary; the list goes on. In "Law" you cannot be one and the other at the same time. It is a LEGAL IMPOSSIBILITY and that is what a person is; a unibody, unisex, a person is all of the above and beyond. Is it any wonder our society is messed up. For current practical purposes it is only necessary to distinguish between inheritance or succession taxes on one hand and estate taxes on the other but as we shall see, when it comes to taxes applying to 14th amendment 'persons' for the public trust, anything goes because we are not dealing

with Law. "Law" spelled with capital (L). "Law" meaning the "Law" of the Republic and its separation of powers. From this point forward I will use the term Law without the ditto marks.

DEATH AND TAXES

Death duties whatever their specific designation, rest upon the principle that **death**, is the "generating source" from which the **authority** to impose such taxes takes its being, or the generating source for the operation of the tax. Taxes imposed upon transfers either made in contemplation of death or intended to take effect in possession or enjoyment at or after the death of the donor or grantor rest upon this same principle, the dominant purpose of such taxes being to reach substitutes for testamentary dispositions and to **prevent evasion of the inheritance and estate taxes laws.** Fundamentally considered, the subject levied upon by all death duties is the power to transmit or the transmission or receipt of property by death. It is the **receipt of property** that is of concern with this part of the tax. The reason for this is, the system has already raped you with the gift you gave to the charitable trust now the trust is going to rape you again by you receiving income from that charitable trust.

The term death duties embraces all duties occasioned by death.¹ Death duties, or taxes are of various types, differing in nature and incidence both as to the subject matter of the levy and the ultimate burden of the tax.² What is the subject matter of the public trust?? The answer is the RES in the District of Columbia. The subject matter of a death tax statute may be either **the transmission of property or the**

¹ Re Inman, 101 Or 182, 199 P 615, 16 ALR 675; Mathews v Jones (Tex Civ App) 245 SW2d 974, error ref n r e.

² Knowlton v Moore, 178 US 41, 44 L Ed 969, 20 S Ct 747; Re Inman, 101 Or 182, 199 P 615, 16 ALR 675.

legal privilege of taking property.³

As a 14th amendment person, one invokes a privilege to take property from the trust. It is not a tax on the property itself which would be a direct tax but instead, on the receipt of the property which is an excise tax. Here is the proof that it not the money itself that is the privilege but, the taking of the money, or real property **as a member of the public trust** that operates in general equity that is the privilege. Now you know why the courts use the Brushaber v Union Pacific RR 340 US 1. (1914) that is, in principal.

The Brushaber case is a true income tax case. Brushaber received gold and silver for wages of which the gold was of the public national standard in "payment" of debt. The gold was the Law. The people in mass, (public policy) issued the Law which is called an "chose" in possession. In other words, the people had the Law and it required no separate action on their individual part to get to the Law. The Brushaber case was based on the 16th amendment which pertained to excise taxes on income. Wages were not income under the era of taxation between the years of 1914 to 1933. Brushaber took his wages which were not taxable under the 16th amendment and then bought stock in the Union Pacific RR. The dividends he received on that stock was unearned income and thus taxable. In other words, the wages involved the Law and the income tax involved special equity.

Today and since 1933; 14th amendment persons are not paying income taxes per se but, are paying gift and inheritance taxes on income they receive from the charitable trust which involves general equity that follows their legislative law thru the District of Columbia.

This is why I believe that if one removes him or herself from the 14th amendment trust, he or she can have corporate stock.

³ Stebbins v Riley, 268 US 137, 69 L Ed 884, 45 S Ct 24, 44 ALR 1454; Re Lnman, 101 Or 182, 199 P 615, 16 ALR 675.

You would then pay a true income tax on the income from that stock. But, I believe you would pay the tax to the state. I base this reasoning on the fact that you are not a 14th amendment person that is tied to the District of Columbia.

Brushaber was a 14th amendment person in part. This concept is already in the law, we must develop it and thus move into a new era of having a income when we can no longer work. Under this concept, you would be utilizing special equity and NOT general equity such as today. Your wages would be the Law even though its paper because you have retrived the RES out of the District of Columbia and now you have a chose in possession (the Law). The Brushaber case would apply in principal except you would not be a 14th amendment person therefore, you would pay the excise tax to the state on your income. We must move away from the old money issue arguments and on to new heights. The reason the system is not working is people cannot separate their religion from the Law. Its quite evident the charitable trust is a failure.

Death duties are divided into two principal classes: (A) probate and estate duties, and (B) inheritance taxes, which are in turn divided into legacy and succession duties.⁴ **Both estate taxes and inheritance taxes are death duties.**⁵ In order for the reader to get a better understanding; I will put the meaning behind this in different ways so the reader can view it from all angles in order for him or her to gain that understanding. Both having in common the element of being based upon the transmission of property from the dead to the living;⁶ Dead meaning you died a civil death in the "Law" of the Republic; then you are reborn again in the democracy (roman civil law),

⁴ See no. one above.

⁵ Re Bass, 200 Okla 14, 190 P2d 800; Matthews v Jones (Tex Civ App) 245 SW2d 974, error ref nre.

⁶ Goodman v Granger (CA3 Pa) 243 F2d 264, cert den 355 US 835, 2 L Ed 2d 47, 78 S Ct 57.

(ecclesiastical), (quasi law), (general equity). Put another way, you have lost your individuality in the "Law" of the Republic, (death) then reborn to the conscience of the masses in democracy. In the "Law" there is no limited liability for your debts. In general equity (roman civil law) (ecclesiastical law) (quasi law) you are forgiven by the group that is willing to share your losses and responsibilities. There is a fundamental difference in the scheme of taxation between an estate tax on the one hand and an inheritance or succession tax on the other. They are levied on different principle an inheritance or succession tax is one imposed upon the right to receive, while an estate tax is one imposed upon the privilege of transfer at death. In the July issue of this newsletter we learned in Part I that the income tax liability was triggered by a gift you gave to the charitable trust of the District of Columbia. But as we shall see, the quagmire thickens the deeper we go into the mystery of democracy. After the conveyance of the gift to the trust by your testamentary will as we learned in the June and July issue; any rewards for your labor now comes out of the trust. In other words, you died a civil death in the Law and now your estate is put into probate. In other words, your estate is put into the state (small s). Failure on your part to perform, brings in the legislative courts acting in general equity, where there is no recourse in Law.

Estate- The degree, quantity, nature, and extent of interest which a person has in real and personal property. An estate in lands, tenements and hereditaments signifies such interest as the tenant has therein. The condition or circumstance in which the owner stands with regard to his property. In this sense, "estate" is commonly used in conveyances in connection with the words "right," title," and "interest," and is, in a great degree, synonymous with all of them. **The total property of**

whatever kind that is owned by a decedent (a deceased person) prior to the distribution of that property in accordance with the terms of a will, or, when there is no will, by the laws of inheritance in the state of domicile of the decedant. It means ordinarily, the whole of the property owned by anyone, the realty as well as the personalty. In its broadest sense, the social, civic, or **political condition or standing of a person; or a class of persons considered as grouped for social, civic, or political purposes.** Emphasis added Blacks Law Dictionary 5th ed page 490. Political condition is a 14th amendment 'person' who is in a class of other 14th amendment 'persons' who are grouped together in the District of Columbia for social and civic purposes. In other words, an association grouping together for their objectives outside of the Law.

Before moving on, lets define some words that are belonging to the word "estate"; such as "tenements," and "hereditaments," "corporeal hereditaments", and "incorporeal hereditaments" so we will have a full picture of what an estate really is then,we will proceed to "probate."

Tenement- This term, in its common acceptation, is only applied to houses and other buildings, but in its original, proper, and legal sense it signifies everything that be beholden, provided it be of a permanent nature, whether it be of a substantial and sensible, or of an unsubstantial, ideal, kind. Thus liberum tenementum, frank tenement, or freehold, is applicable not only to lands and other solid objects, but also to offices, rents, commons, advowsons, franchises, peerages, etc. Blacks Law Dictionary 5th ed page 1316.

Hereditaments- Things capable of being inherited, be it corporeal or incorporeal, real, personal, or mixed, and including not only lands and everything thereon but also heirlooms, and certain furniture thereon which, by custom may descend to the heir together with the land. Things which may be directly inherited, as contrasted with things which may be indirectly inherited, as contrasted with things which go to the personal representative of a deceased.

Corporeal hereditaments-substantial permanent objects which may be inherited. The term "land" will include all such.

Incorporeal hereditaments-Anything the subject of property, which is inheritable and not tangible or visible. A right issuing out of a thing corporeal (whether real or personal) or concerning or annexed to or exercisable within the same. A right growing out of, or concerning, or annexed to, a corporeal thing, but not the substance of the thing itself. The above hereditaments, corporeal hereditaments, and incorporeal hereditaments, are taken from Blacks Law Dictionary 5th ed page 653. The first underlined right is a relative right connected to the corporate res of the District of Columbia. The second underlined right is connected to the 9th and 10th amendments and are absolute incorporeal hereditaments. You cannot see them, touch them, or feel them but, they are there. You can keep them or give them away but if you give them away; somebody else will define what your rights are which become relative incorporeal hereditaments and that is precisely what the 14th amendment is all about.

Probate- court procedure by which a will is proved to be valid or

invalid; through in current usage this term has been expanded to generally include all matters and proceedings pertaining to administration of estates guardianships etc. In the canon law, "probate" consisted of probatio, the proof of the will by the executor and approbatio, the approbation given by the ecclesiastical judge to the proof. emphasis added Blacks Law Dictionary 5th ed. page 1081. The executor in the public trust is the congress and state legislatures which proceeds to administer your will. If you fail to perform, you are taken into the legislative courts of general equity and charged by the states attorney with violation of a statute or code to which there is no defense in the Law. Joseph Story in Videl V Girard Ex'ers 2 How. 127; 11 L Ed 205 and in April 1990 issue of this newsletter; in describing a gift by will to a municipal corporation said the decision was not a decision by a court of justice but was a legislative exposition. Story did not use the term ecclesiastical court because of the 1st amendment but all the footnotes in that case which numbered about 50 were ecclesiastical cases. I will now proceed to legacy and succession duties which comes under the heading of inheritance taxes.

Legacy - A disposition of personalty by will. A bequest. In a technical sense and strictly construed, "legacy" is a gift or bequest by will of personal property, whereas a "devise" is a testamentary disposition of real estate, but such distinction will not be permitted to defeat the intent of the testator, and such terms may be construed interchangeably or applied indifferently to either personalty or real estate if

estate if the context of the will shows that such was the intention of the testator. Emphasis added Blacks Law Dictionary, 5th ed page 802. The testator is you. Here again is the double talk that creates a legal impossibility . Silence on your part is consent to be treated as a 'person' with no real identity as to which is which as we have learned in past issues of this newsletters.

Succession- In past issues we learned that a corporation has limited liability for the payment of debts and preputial succession. Preputial succession meaning the corporation never dies as long as the charter is re-newed by the government. But who is the government???? The answer is the people. If the people are willing to re-new their status as 14th amendment citizens from generation to generation in democracy, that is perpetual succession or eternal life and has been public policy since 1933. At that time the editor said, 14th amendment 'persons' have quasi corporate capacity. 'Persons' enjoy limited liability for the payment of debts but die a physical death. That statement is not complete. When people die a physical death there is a corpse. In other words, a human body. When a corporation dies such as in the case of its charter being revoked, there is no corpse. In other words, the corporation died a metaphysical death. Upon entering the trust as 14th amendment people; you die a metaphysical death in relation to the Law of the Republic and now the law of the democracy has given you a re-birth. You now succeed to inherit income from the trust. Should you get layed off from your place of employment, you succeed to unemployment compensation income. At retirement you succeed to collect Social Security. At each succession the democracy can apply

a tax. This is how an income tax can be applied to unemployment compensation. The minute you succeed to any form of inheritance from the trust another tax can be applied. Also, your offspring succeed to the trust. For those of you who are fighting property taxes, zoning etc., you should be getting the picture of what you are up against. Taken in part from Blacks Law Dictionary, 5th Ed.

Next month: Estate taxes.

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Recomended reading:

DEEP COVER by Michael Levene; hard cover. If you think the system wants to stop drugs in this country; you better read this book. Levene was a 25 year veteran and group supervisor for the Federal Drug Enforcement Agency. His expose of the real reasons behind the drugs in this country fit in line with what the author of the Eye of the Eagle has to say about the corrupt and evil system of democracy. The book is a must reading for every American.

**NEXT PAGE:**

# **CRIMINAL TRIAL BY JURY IN THE ADMIRALTY**



**TRIAL BY JURY**  
**TODAYS CRIMINAL PROSECUTIONS IN**  
**EQUITY BY THE SEA UNDER KING HENRY VIII**

It has always baffled this writer how the IRS or any other taxing authority could ever bring a criminal action based upon a civil code. Well that is no longer a mystery as that shroud has been lifted. It has been around since 1536 AD, enacted by non other than King Henry VIII of England in his 28th year. The reader will see why all those articles that have been re-written about trial by jury by Lysander Spooner etc. are meaningless. The key to understanding this statute is that the jury issues out of the **COMMISSION**.

**STATUTES**

**OF**

**T H E R E A L M .**

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**PRINTED BY COMMAND**

**OF HIS MAJESTY**

**KING GEORGE THE THIRD.**

**IN PURSUANCE OF AN ADDRESS OF**

**THE HOUSE OF COMMONS**

**OF GREAT BRITAIN.**

VOLUME THE THIRD.

MDCCCXVII

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DAWSONS OF PALL MALL

LONDON

PREFACE.

CHRONOLOGICAL TABLE OF THE TITLES OF ALL THE ACTS  
PASSED IN THE REIGN OF KING HENRY, VIII.

THE STATUTES OF KING HENRY VIII.

INDEX OF PRINCIPAL MATTERS

IN THE STATUTES CONTAINED IN VOLUME III.  
CHAPTER XV.

AN ACTE for punysshement of Pyrotes and Robbers of the See.

**W**HERE Traitours Piotes Theves Robbers Murtherers and Confederatours upon the See, many tymes escape unpunysshed because the triall of their offences hath heretofore ben ordered judged and detmynd before the Admyrall or his Lyeutenante or Cōmissary, after the course of the civile Lawes, the nature wherof is that before any judgement of Death canne be yeven ayenst the Offendours, either they must playnly confesse their offences (which they will never doo without torture or paynes) or els their offences be so playnly and directly pved by witnes indifferente, suche as sawe their offences cōmytted, which cannot be gotten but by chaunce at fewe tymes by cause such offendours cōmytt their offences upon the See, and at many tymes murder and kill suche psons being in the Shippe or Bote where they cōmytt their offences which shulde wytnes ayenst them in that behalfe, and also suche as shulde bere witnes be cōmonly Maryners and Shipmen, which by cause of their often viages and passages in the Sees departe without long taryng and ptraction of tyme to the great cost<sup>e</sup> and charges as well of the Kynges Highnes as suche as wolde pursue such offendours: For reformation wherof be it enacted by the auctoritie of this p̄sent parliament, That all treasons felonyes robberies murders and confederacies, herafter to be cōmytted in or upon the See, or in any other haven r̄ve creke or place where the Admyrall or Admyralls have or p̄tende to have power auctoritie or jurisdiction, shall be enquired tried harde detmynd and judged in such order and maner in the Realme as if they were done in the lande; And the Kynges Cōmission or Cōmissions to be directed for the same, in like fourme and condicion as if any such offence or offences hadd ben cōmytted or done in or upon the lande; And such Cōmissions shall be hadd under the Kinges greate Seale directed to the Admyrall or Admyrals, or to his or their Lieutenaunt Deputie [or'] Deputies, and to iij or iiij such other substanciall psons as shall be named or appoynted by the Lorde Chauncellour of Englande for the tyme being from tyme to tyme and as often as nede shall require, to here and detmyne suche offences after the cōmon course of the lawes of this Lande, used for tresons felonies robberies murders & confederacies of the same done and cōmytted upon the lande within this Realme.

Deficiency of the Admiralty Jurisdiction, in trial of Offences according to the Civil Law:

All Offences committed at Sea, &c. shall be tried according to the Statute made under the King's Commission, to be directed to the Admiral and others within the Realm.

AND be it enacted by the auctoritie aforesaid, that such psonnes to whom such Cōmission or Cōmissions shall be directed, or iij of them at the leaste, shall have full power and auctoritie to enquire of suche offences and of evy of them by the othes of twelve good and lafull inhaitant<sup>e</sup> in the Shire lymytted in their Cōmission, in suche like manere and fourme as if suche offences hadd ben cōmytted uppon the lande, within the same Shire; and that evy inditement founde and p<sup>r</sup>esented before such Cōmissioners, of any treasons felonies robberies murders manslaughteres or such other offences cōmytted or done in or uppon the Sees, or in or uppon any other Haven River or Creake, shall be good and effectuell in the lawe; And if eny pson or psonns happen to be indited for eny such offence done or herafter to be done upon the Sees, or in any other places above lymytted, that then suche order pcesse judgement and execucion shall be used hadd done and made, to and agaynst evy such pson and psonns so being indited, as agaynst traytours felons and murderers for treason felony robbery murder or other such offences done uppon the lande, as by the lawes of the Realme is accustomed; And that the triall of such offence or offences, if it be denied by the offendour or offendours, shall be had by xij lafull men inhabited in the Shere lymytted within such Cōmission which shall be directed as is aforesaid, and noo challenge or chalenges to be hadd for the Hundred; and such as shall be convycte of any suche offence or offences, by verdite confession or pcesse by auctoritie of any such Cōmission, shall have and suffer such paynes of Death losses of landes goodes and catalles, as if they hadd ben atteynted and convycted of any treasons felonies robberies or other the said offences doon upon the landes.

II.  
Offenders shall be proceeded against, tried, convicted, and punished, before such Commissioners, in any Shire of the Realm, as for Offences committed upon Land.

III.  
Offenders shall not have any Benefit of Clergy.

IV.  
Proviso for taking Provisions or Ship's Stores in Cases of Necessity; paying for them.

V.  
Commissions within the Cinque Ports shall be directed to the Lord Warden;

and Trials thereunder by a Jury of the Inhabitants.

AND be it enacted by auctoritie aforesaid, that for treasons robberies felonies murders and confederacies, doon upon the See or Sees or in any place above rehersed, the offendours shall not be admytted to have the benefite of his or their clergy, but be utterly excluded therof and from the same, and also the privilege of any Sayntuary.

PROVIDED alway that this Acte extende not to be p<sup>r</sup>judiciall or hurtfull to any pson or psonns, for takyng any vitaille gables ropes ancars or sayles which any such pson or psonns, (compelled by necessitie,) taketh of or in any Shipp which may conveniently spare the same, so that the same pson or psonns paye out of hande, for the same vitaille gables ropes ancars or sailes, money or money worth to the vlew of the thing so taken, or to delyve for the same a sufficient bille obligatori to be payed in fourme folowyng; that is to say, if the takyng of the same thinges be on this side the Straytes of Marroke then to be paide within iij monethes, And if it be beyond the said Straites of Marroke then to be paide within xij monethes, next ensuyng the making of such billes; and that the makers of suche billes well and truly pay the same dett at the day to be lymytted within the said billes.

PROVIDED alway that whan so evy any such Cōmission, for the punysshment of the offences aforesaid or of any of them, shall be directed or sent to any place within the jurisdiction of the fyve portes, that then evy such Cōmission shall be directed unto the Lorde Wardeyn of the said Portes for the tyme being or to his Deputie, and unto iij or iij such other pson or psonns as the Lorde Chauncellour for the tyme being shall name and appoynte, any thing in this p<sup>r</sup>esent Acte to the contrary notwithstanding: Provided alway that whan so evy any Cōmission shall be directed unto the fyve portes for the inquisition and trials of any the offences exp<sup>r</sup>essed in this acte, that evy such inquisition and triall to be hadd by vertue of such Cōmyssyon shall be made and hadd by the inhaitant<sup>e</sup> in the said fyve portes, or the membres of the same, any thing in this Acte to the contrary therof notwithstanding.

## STATUTE OF THE RELM RE-TRANSLATED

Where traitors pirates thieves robbers and confederators upon the sea, many times escape unpunished because the trial of their offenses hath heretofore been ordered judged and determined before the admiral or his Lieutenaunt or commissary, after the cause of the civil laws, the nature whereof is that before any judgment of death can be given against the offenders, either they must plainly confess their offenses (which they will never do without torture or pain) or else their offenses be so plainly and directly proved by witness indifferent, such as saw their offenses committed, which cannot be gotten but by chance at few times by cause such offenders commit their offenses upon the sea, and at many times murder and kill such persons being in the ship or boat where they commit their offenses which should witness against them in that behalf and also such as should bare witness be commonly mariners and shipmen, which by cause of their often voyages and passages in the seas depart without long taring land protection of time to the great cost and charges as well of the Kings Highness as such as would pursue such offenders: For reformation whereof be it enacted by the authority of this present parliament, That all treasons felonies robberies murders and confederacies, hereafter to be committed in or upon the sea, or in any other haven river creek or place where the admiral or admirals have or pretend to have power authority or jurisdiction shall be inquired tried heard determined and judged in such Shires and Places in the Relm as shall be lymitted by



the kings commission or commissioners to be directed, for the same, in like form and condition as if any such offense or offenses had been committed or done in or upon the land; And such commissioners shall be had under the Kings great seal directed to the admiral or admirals or to his or their lieutenant Depute (or) Deputies, and to 3 or 4 such other substantial persons as shall be named or approved by the Lord Chancellor of England for the time being from time to time and as often as need shall require, to here and determine such offenses after the common course of the laws of this land, used for treasons felonies robberies murders and confederacies of the same done and committed upon the land within this relm.

And be it enacted by the authority aforesaid, that such persons to whom Commission or Commissions shall be directed, or 4 of them at the least, shall have full power and authority to inquire of such offenses and to every of them by the oaths of twelve good and lawful inhabitants in the Shire lymytted in their Commission, in such like manner and form as of such offenses had been committed upon the land, within the same Shire; and that every indictment found and presented before such Commissioners, of any treasons felonies robberies murders manslaughters or such other offenses committed or done in or upon the seas, or in or upon any other Haven River or Creek, shall be good and effectual in the law; And if any person or persons happen to be indicted for any such offense done or hereafter to be done upon the Seas, or in any other places above lymytted, that then such order percise judgement and execution shall be used had done and made, to and against every such person and persons so being indicted, as against trador felons and murders for treason felony robbery murder or other such offenses done upon the land, as by the laws of the Relm is accustomed; And that the trial of such offense or offenses, if it be denied by the offender or offenders, shall be had by 12 lawful men inhabited in the Shire lymytted within such Commission which shall be directed as is aforesaid, and no challenge or challenges to be had for the hundred; and such as shall be convicted of any such offense of offenses, by verdict confession or process by authority of any such Commission, shall have and suffer such pains of Death losses of lands goods and chattels, as if they had been arrested and conected of any treasons felonies robberies or other the said offenses done upon the land.

And be it enacted by authority aforesaid, that for treasons robberies felonies murders and confederacies, done upon the sea or seas or in any place above rehersed, the offenders shall not be admitted to have the benefit of this or their clergy, but be utterly excluded thereof and from the same, and also the privilege of any sanctuary.

Provided always that this Act extend not to be prejudicial or hurtful to any person or persons, for taking any vitaille gables ropes ancars or sails which any such person or persons, (compelled by necessity,) taketh of or in any ship which may conveniently spare the same, so that the same person or

persons pay of hand, for the same vitaille gables ropes ancars or sails, money or money worth to the value of the thing so taken, or to deliver for the same a sufficient bill obligation to be payed in form following; that is to say, if the taking of the same to the same things be on this side the Straits of Morroke then to be paid within 4 months, And if it be beyond the said Straits of Marroke then to be paid within 12 months, next ensuing the making of such bills; and that the makers of such billes will and truly pay the same debt at the day to be lymytted within the said bills.

Provided always that when so ever any such Commission, for the punishment of the offenses aforesaid or of any of them, shall be directed or sent to any place within the jurisdiction of the five portes, that then every such Commission shall be directed unto the Lord Warden of the said Portes for the time being or to his Depute, and unto 3 or 4 such other person or persons as the Lord Chancellor for the time being shall name and appoint any thing in this present Act to the contrary notwithstanding: Provided always that so ever any Commission shall be directed unto the five portes for the inquisition and trials of any the offenses expressed in this act that every such inquisition and trial to be had by virtue of such Commission shall be made and had by the inhabitant in the said five portes or the members of the same, any thing in this act to the contrary thereof notwithstanding.

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Lee Brobst  
RD1 Box 213F  
Hesston, PA. 16647  
814 658 3117