

A History of Land Claims in the Americas

by

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The sovereignty of a people is tied to their ownership and control of land. Recognizing this fact, the Royal Houses of Europe laid claim to lands in the Americas. The history of these land claims provides insight into the thought processes of European Royalty as the New World was explored on their behalf. More significantly, the nature and language of these land claims bears directly on the history and development of the United States, and each of the states comprising the union. This document consists mostly of passages from original sources, with very little comment added. Let the documents speak for themselves.

Claims of Portugal and Spain

The Bull Romanus Pontifex, January 8, 1455

The Bull Romanus Pontifex, January 8, 1455, issued by Pope Nicholas V granted Portugal exclusive right to acquire territory in the region lying **south of Cape Bojador, through and beyond Guinea**.

Moreover, since, some time ago, it had come to the knowledge of said infant [Henry of Portugal] that never, or at least not within the memory of men, had it been customary to sail on this ocean sea toward the southern and eastern shores, and that it was unknown to us westerners that we had no certain

knowledge of the peoples of those parts, believing that he would best perform his duty to God in this matter, if by his effort and industry that sea might become navigable as far as to the Indians who are said to worship the name of Christ, and that thus he might be able to enter into relation with them. . . .

The said King Alfonso, or, by his authority, the aforesaid infant, justly and lawfully has acquired and possessed, and doth possess, **these islands, lands, harbors, and seas, and they do belong to and pertain to the said King Alfonso his successors**, nor without special license from king Alfonso and his successors themselves has any other even of the faithful of Christ been entitled hitherto, **nor is he by any means now entitled lawfully to meddle therewith**. . . [The original manuscript of the promulgated bull is in the National Archives in Lisbon, Coll. de Bullas, maço 7, no. 29].

The Bull Inter Caetera, March 13, 1456

The Bull Inter Caetera issued by Pope Calixtus III on March 13, 1456 states in part:

. . . Moreover by the authority and with the knowledge aforesaid, we determine, ordain, and appoint forever that ecclesiastical and all ordinary jurisdiction, lordship, and power, in ecclesiastical matters only, in islands, villages, harbors, lands, and places, acquired and to be acquired from capes Bojador and Nam as far through Guinea, and **past that souther shore all the way to the Indians**, the position, number, nature, appellations, designations, bounds, and localities of which we wish to be considered as expressed by these presents, **shall belong and pertain to said military order [the Order of Jesus Christ] for all time**; and in accordance with the tenor of these presents, by the authority and knowledge aforesaid, we grant and give them these. . . [An official copy of the bull, made August 16, 1456, is in the National Archives in Lisbon, gav. 7a, maço 13, no. 7].

The Treaty of Alcáçovas, September 4, 1479

In spite of papal letters, Castile continued to claim Guinea. The **Treaty between Portugal and Spain Negotiated at Alcáçovas** on September 4, 1479 states in part:

We, Don Ferdinand and Doña Isabella, by the grace of God, king and queen of Castile, Leon, Aragon, . . . make known to all whom shall see the present letter that perpetual peace between us and the said kingdoms and lordships, and our cousin, the very illustrious king of Portugal the Algraves on this side and beyond the sea in Africa, and his son, the illustrious prince, Dom John. . . .

Moreover, the aforesaid King and Queen of Castile, Aragon, Sicily, etc. willed and resolved . . . that neither of themselves nor by another secretly, publicly or secretly, or by their heirs and successors, will they disturb, trouble, or molest, in fact or in law, in court or out of court, the said King and Prince of Portugal or the future sovereigns of Portugal or their kingdoms, in their possessions or quasi possessions in al the trade, lands, and barter in Guinea. . . . For whatever has been found or shall be found, acquired by conquest, or discovered within the said limits, beyond what has already been found, occupied, or discovered, **belongs to the said King and Prince of Portugal and to their kingdoms, excepting only the Canary Islands, to wit: Lançarote, Palma, Forteventura, Gomera, Ferro, Graciosa, Grand Canary, Teneriffe, and all the other Canary Islands, acquired or to be acquired, which belong to the kingdoms of Castile.** . . . [The original manuscript of the ratification, signed by Ferdinand and Isabella at Toledo, March 6, 1480 is in the National Archives in Lisbon, gav. 17, maço 6, no. 16].

Bull Aeterni Regis, June 21, 1481

On June 21, 1481 Pope Sixtus IV issued **The Bull Aeterni Regis**, by which he approved **The Treaty of Alcáçovas** stating of this treaty:

considering the letters of Nicholas and of Calixtus, our predecessors, the articles aforesaid [i.e The Treaty of Alcáçovas], as valid and acceptable, do by apostolic authority and tenor of these presents, approve and confirm them and everything contained in them and **secure them by the protection of this present writing, decreeing that they, all and singular, ought to possess full authority and be observed forever.** . . . [The original manuscript of the promulgated bull is in the National Archives in Lisbon, Coll. de Bullas, maço 26, no. 10].

The Privileges and Prerogatives Granted to Christopher Columbus April 30, 1492

The Privileges and Prerogatives Granted by Their Catholic Majesties to Christopher Columbus April 30, 1492 established **admiralty** jurisdiction in the New World.

FERDINAND and ELIZABETH, by the Grace of God, King and Queen of Castile, of Leon, of Aragon, of Sicily, of Grenada, of Toledo, of Valencia, of Galicia, of Majorca, of Minorca, of Sevil, of Sardinia, of Jaen, of Algarve, of Algezira, of Gibraltar, of the Canary Islands, Count and Countess of Barcelona, Lord and Lady of Biscay and Molina, Duke and Duchess of Athens and Neopatria. Count and Countess of Rousillion and Cerdaigne, Marquess and Marchioness of Oristan and Gociano, &c.

. . . . That you, Christopher Columbus, after discovering and conquering the said Islands and Continent in the said ocean, or any of them, **shall be our Admiral of the said Islands and Continent you shall so discover** and conquer; and that you be our Admiral, Vice-Roy, and Governor in them, and that for the future, you may call and stile yourself, D. Christopher Columbus, and that your sons and successors in the said employment, may call themselves Dons, Admirals, Vice-Roys, and Governors of them; and that you may exercise the office of Admiral, with the charge of Vice-Roy and Governor of the said Islands and Continent, which you and your Lieutenants shall conquer, and freely decide all causes, civil and criminal, appertaining to the said employment of Admiral, Vice-Roy, and Governor, as you shall think fit in justice, and as the Admirals of our kingdoms use to do; and that you have power to punish offenders; and you and your Lieutenants exercise the employments of Admiral, Vice-Roy, and Governor, in all things belonging to the said offices, or any of them; and that you enjoy the perquisites and salaries belonging to the said employments, and to each of them, **in the same manner as the High Admiral of our kingdoms** does. . . .

Said land claim took effect upon the planting of the **Spanish Admiralty Crown flag** into the soil of America.

The Papal Bulls of 1493

The Papal Bulls of 1493 by Alexander VI created a European claim upon the lands found by the explorers of the Spanish Crown.

Bull Inter, May 3, 1493

Bull Inter of May 3, 1493 confirmed the dominion over the islands and lands already discovered and those that might be discovered, provided they were not already held by another Christian ruler. Pope Alexander writes in part:

. . . by the authority of Almighty God coffered upon us in blessed Peter and of the vicarship of Jesus Christ which we hold on earth, **do by the tenor of these presents give, grant, and assign forever to you and your heirs and successors, kings of Castile and Leon, all and singular the aforesaid countries and islands thus unknown and hitherto discovered by your envoys and to be discovered hereafter**, provided however they at no time have been in the actual temporal possession of any Christian owner. . . [The original manuscript of the promulgated bulls is in the Archives of the Indies at Seville, Paronato I-I-I, no. I].

The Bull, Eximiae devotionis, May 3, 1493

The Bull, Eximiae devotionis, dated May 3, 1493, but probably drawn up in June or July of 1493, states in part:

For this very day of our own accord and certain knowledge, and out of the fullness of our apostolic power, **we have given, granted, and assigned forever, as appears more fully in our letters drawn up therefor, to you and your heirs and successors, kings of Castile and Leon, all singular and remote and unknown mainlands and islands lying towards the western parts and the ocean sea, that have been discovered or hereafter may be discovered by you or your envoys. . . and with them all their lordships, cities, castles, places, villages, rights, and jurisdictions**; provided however these countries have not been in the actual temporal possession of any Christian lords. But in as much as at another time the Apostolic See has granted diverse privileges, favors, liberties, immunities, exemptions, faculties, letters, and inducts to certain kings of Portugal. . . . we do by tenor of these presents, as a gift of special favor, grant to you and your aforesaid heirs and successors, all and singular the graces and privileges, exemptions, liberties, faculties, immunities, letters, and inducts that have been thus granted to the king of Portugal, the terms whereof we wish to be understood as sufficiently expressed and inserted, as if they had been inserted word for word in these presents. Moreover we extend similarly and enlarge these powers in all things and through all things to you and your aforesaid heirs and successors, to whom

in the same manner and form **we grant them forever**. . . [An official copy of the promulgated bull, made in 1515, is in the Archives of the Indies at Seville, Paronato I-I-I, no. 4].

The Bull, *Inter caetera*, May 4, 1493?

The Bull, *Inter caetera*, dated May 4, 1493, but probably drawn up in June or July of 1493, states in part:

Furthermore, under penalty of excommunication late sententie to be incurred ipso facto, should anyone thus contrive, **we strictly forbid all persons** of whatsoever rank, even imperial or royal, or of whatsoever estate, degree, order, or condition, to dare, **without your [Ferdinand and Isabella] special permit that of your aforesaid heirs and successors, to go for the purpose of trade or any other reason to the islands or mainlands, found and to be found, discovered and to be discovered, towards the west and south**, by drawing and establishing a line from the Arctic pole to the Antarctic pole, no matter whether the mainlands and islands, found and to be found, lie in the direction of India or toward any other quarter whatsoever, **the said line to be distant one hundred leagues towards the west and south, as is aforesaid, from any islands commonly known as the Azores and Cape Verde**; apostolic constitutions and ordinances and other decrees whatsoever to the contrary notwithstanding. [The original manuscript of the promulgated bulls is in the Archives of the Indies at Seville, Paronato I-I-I, no. 3].

The Bull, *Dudum siquidem*, September 26, 1493

The Bull, *Dudum siquidem*, of September 26, 1493 in part states:

. . . since it may happen that your envoys and captains or vassals, while voyaging toward the west or south, might bring their ships to land in eastern regions and there discover islands and mainlands that belong to India, with the desire moreover to bestow gracious favors upon you, through our similar accord, knowledge, and fullness of power, by apostolic authority and by tenor of these presents, in all and through all, just as the aforesaid letters full and express mention had been thereof, **we do in like manner amplify and extend our aforesaid gift, grant, assignment, and letters, with all and singular**

clauses contained in said letters, to all islands and mainlands whatsoever, found and to be found, discovered and to be discovered, that are or may be or may seem to be in the rout of navigation or travel toward the west or south, whether they be in the western parts, or in the region of the south and east and of India. We grant to you and your aforesaid heirs and successors full and free power through your own authority, exercised through yourself or through another or others, freely to take corporal possession of the said islands and countries and hold them forever, and to defend them against whosoever may oppose, With this strict prohibition however to all persons, of no matter what rank, estate, degree, order or condition, that under penalty of excommunication late sententiae, which such as contrive are to incur ipso facto. . . [The original manuscripts of the promulgated bull are in the Archives of the Indies at Seville, Paronato I-I-I, nos. 2 and 5].

The Treaty of Tordesillas, June 7, 1494

The Treaty of Tordesillas negotiated between Spain and Portugal and signed on June 7, 1494 [ratification by Spain July 2, 1494 and Ratified by Portugal, September 5, 1494] states in part:

That, whereas a certain controversy exists between the said lords, their constituents, as to what lands, of all those discovered in the ocean sea up to the present day, the date of this treaty, pertain to each one of the said parts respectively; therefore, for the sake of peace and concord, and for the preservation of the relationship and love of the said King of Portugal for the said King and Queen of Castile, Aragon, etc., it being the pleasure of their Highnesses, they, their said representatives, acting in their name and by virtue of their powers herein described, covenanted and agreed that **a boundary or straight line be determined and drawn north and south, from pole to pole, on the said ocean sea, from the Arctic to the Antarctic pole. This boundary line shall be drawn straight, as aforesaid, at a distance of three hundred and seventy leagues west of the Cape Verde Islands. . . . And all lands . . . on the eastern side of said bound. . . . shall belong to, and remain in the possession of, and pertain forever to the said King of Portugal and his successors. And all other lands. . . on the western side of said bound. . . shall belong to, and remain in the possession of, and pertain forever to, the said King and Queen of Castile, Leon etc., and their successors** [The original manuscript of the ratification signed by Ferdinand and Isabela at Arévalo, July 2, 1494, is in the National Archives at Lisbon, gav. 17, maço 2,

no. 24. The original manuscript of ratification signed by John II. at Setubal on September 5, 1494, is in the Archives of the Indies, "Legajo escogido"].

Claims of England

The Letter Patent to John Cabot, March 5, 1496

The Letter Patent to John Cabot, March 5, 1496 by King Henry VII states in part:

Henry, by the grace of God, king of England and France, lord of Ireland, to all to whom these presents shall come, Greeting.. . .

And that the aforesaid **John and his sons, or their heirs and assigns may subdue, occupy and possess all such towers, cities, castles and isles of them found, which they can poses, as our vassals, and lieutenants, getting unto us the rule, title, and jurisdiction of the same villages, towns, castles, & firm land so found.** . . .

Moreover, we have given and granted to them, their heirs and deputies, that all the firm land, isles, villages, towns, castles and places whatsoever they be that they shall chance to find, may not of any of our other subjects be frequented or visited without license of the foresaid John and his sons, and their deputies, under pain of forfeiture as well of their ships as of all and singular goods of all them that shall presume to sail to those places so found. . . .

On June 24, 1497 John Cabot reached the northern extremity of Cape Breton Island. **The royal banner was unfurled, and in solemn form Cabot took possession of the country in the name of King Henry VII.**

Catherine of Aragon

On November 14, 1501 Catherine of Aragon (born 15th or 16th of December 1485), **daughter of Ferdinand and Isabela of Spain**, married Arthur the eldest son of King Henry VII of England. On April 2, 1502 Arthur died at the age of sixteen. On June 25, 1503, she was formerly betrothed to the king's second son, Henry. After Henry VII died, she was married on June 11, 1509

and her husband became King Henry VIII on June 24. Cathirne gave birth to six children, who were all still born or died in infancy except **Mary**, born in 1516.

The Bull Ea Quae, January 24, 1506

The Bull Ea Quae, of January 24, 1506 states in part:

We, therefore, . . . do proceed to approve and confirm by our authority the aforesaid agreement, convention, and compact and everything set forth in said instruments relating thereto, and all that has followed thereupon with the consent of both kings, **decreeing it to possess perpetual authority**, and supplying all and singular defects if perchance any should be contained therein. . . [The original manuscript of the promulgated bull is in the National Archives in Lisbon, Coll. de Bullas, maço 6, no. 33].

The Bull Praecelsae Devotionis, November 3, 1514

The Bull Praecelsae Devotionis, November 3, 1514 states in part:

. . . Emmanuel, the illustrious king of Portugal. . . .

And for greater security and by virtue of the authority in the terms mentioned above [Bulls of June 8, 1452, January 8, 1455, and June 21, 1481, which includes the bulls of January 8, 1455, March 13, 1456 and part of the Treaty of Alcaçovas], **we newly grant everything, all and singular, contained in the aforesaid letters. and all other empires. . . found and acquired from the aforesaid infidels, by the said King Emmanuel and his predecessors, or in the future to be recovered, acquired, discovered, and found by the said King Emmanuel and his successors . . . we inhibit all faithful Christians. . . from presuming to hinder in any way the said King Emmanuel and his successors in respect to the aforesaid concessions, and from furnishing aid, counsel, or favor to the said infidels** [The original manuscript of the promulgated bull is in the National Archives in Lisbon, Coll. de Bullas, maço 29, no. 6].

De Soto

In 1540 De Soto entered the territory now known as Tennessee, **making a Spanish claim upon these lands.**

The Letter Patent to Sir Humfrey Gylberte, June 11, 1578

The Letter Patent to Sir Humfrey Gylberte, June 11, 1578, by Elizabeth I, Queen of England, states in part:

Elizabeth by the grace of God Queen of England, &c. To all people to whom these presents shall come, greeting.

Know ye that of our especial grace, certain science and mere motion, **we have given and granted, and by these presents for us, our heirs and successors, doe give and grant to our trustee and welbeloved servant Sir Humphrey Gilbert of Compton, in our castle of Devonshire Knight, and to his heirs and assignee for ever, free liberties and license from time to time, and at all times for ever hereafter, to discover, find, search out, and view such remote, heathen and barbarous lands, countries and territories not actually possessed of any Christian prince or people, as to him, his heirs & assignee, and to every or any of them, shall seem good: and the fame to have, hold, occupy and enjoy to him, his heirs and assignee for ever. . . .**

. . . . And wee doe grant to the said sir Humfrey, his heirs and assignee, and to all and every of them, and to all and every other person and persons, being of our allegiance, whose names shall be noted or entered in some of our courts of Record, within this our Realms of England, and that with the assent of the said sir Humfrey, his heirs or assignee, shall now in this journey for discoveries, or in the second journey for conquest hereafter, travel to such lands, countries and territories as aforesaid. . . . and enjoy all the privileges of free denizens and persons native of England, and within our allegiance: any law, custom, or usage to the contrary notwithstanding. . . [Text in Sir Humfrey Gylberte and His Enterprise of Colonization in America. By Rev. Carlos Shatter. Publications of the Prince Society. (Boston, 1903.) pp. 95-102].

The Grant to Sir Walter Raleigh, 1584

The Grant to Sir Walter Raleigh, 1584, by Elizabeth I, Queen of England, states in part:

Elizabeth by the grace of God Queene of England, &c. To all people to whom these presents shall come, greeting.

Know ye that of our especial grace, certain science and mere motion. . . **we give and grant to our trustee and welbeloved servant Walter Raleigh, Esquire, and to his heirs assigns for ever** free liberties and license from time to time, and at all times for ever hereafter, to discover, search, find out, and view such remote, heathen and barbarous lands, countries and territories not actually possessed of any Christian prince or people, as to him, . . . for ever, with all prerogatives. . . .

And further that the said Walter Raleigh,. . . shall have. . . all soil of all such lands, territories, and Countries, so to be discovered and possessed as aforesaid. . . . reserving always to us our heirs, and successors, for all services, duties, and demands, the fifth part of all the oar of gold and silver, that from time to time, and at all times. . . shall be gotten and obtained. . . . And we do grant to the said Walter Raleigh. . . that they. . . being either borne within our said Realms of England,. . . shall and may have the privileges of free Denizens, and persons native to England. . . [F. N. Thorpe, ed. *Federal and State Constitutions*, Vol. I, p. 53 ff].

The League between France, England, and the United Netherlands against Spain, October 31, 1596

The League between France, England, and the United Netherlands against Spain, concluded at the Hague, October 31, 1596 states in part:

Article II: The league between the said king and queen, their kingdoms, states, dominions, etc., shall be offensive and defensive against the King of Spain and his kingdoms and dominions.

Article IV. . . . one army shall be formed from the combined forces, both of the aforesaid king and queen and of the other princes and states that shall enter the this league, in order to attack the King of Spain and all of his dominions [The original of the ratification by the States General is in the London Public Record Office, T. R., Diplomatic Documents, no 1175].

The Treaty between Spain and Great Britain, August 18/28 1604

The Treaty between Spain and Great Britain concluded at London August 18/28 1604 states in part:

Philip III., by the Grace of God king of Castile, Leon, Aragon, the Two Sicilies, **Jerusalem**, Portugal, Navaree, Grenada, Toledo, Valencia, Galacia, the Majorcas, Seville, Sardinia, Cordova, Corsica, Murica, Guinea, Algrave, Gibraltar, the Casnary Islands, also East and West Indies, and the islands and mainlands of the ocean sea, archduke of Austria, duke of Burgundy and Milan, count of Hapsburg, Barcelona, and Biscay. . . .

. . . that from hence forth all hostility and enmity shall cease. . . .

. . . it was and is agreed and settled that there shall be and ought to be free commerce between the said Most Serene King of Spain and the said Most Serene King of England, and the vassals, inhabitants of their kingdoms, and subjects of each of them. . . . agreeably and according to the use and observance of the ancient alliances and treaties before the war: so that, **without any safe conduct, or other special general license, the subjects and vassals of both kings may, and shall have power, both by land and by sea and fresh waters, to approach, enter, and sail to the aforesaid kingdoms and dominions.** . . [The original manuscript of the ratification by the King of Spain, June 15, 1605, is in the London Public Record Office, Museum, Case G. The Ratification by the archdukes is in the Public Record Office, T. R., Diplomatic Documents, no. 1176; and the enrolled treaty is in the depository, Treaty Roll, no. 216].

Sir Robert Heath's Patent, October, 30 1629

Sir Robert Heath's Patent 5 Charles 1st; October, 30 1629 (1)

Charles by the grace of God of England Scotland France & Ireland King
Defender of the faith &c: To all to whom these present shall come, greeting

We have seen the enrollment of certain of our patents under our great scale of England made to Sr Robert Heath Knight our Attorney General, bearing date at Westminster the 30. day of October in the 5 year of our reign & enrolled in our Court of Chancery, & remaining upon Record among the Roles of the Said Court in these words: The king to all to whom these present &c: greeting. Whereas our beloved and faithful subject and servant Sr Robert Heath Knight our Attorney General, kindled with a certain laudable and pious desire as well of enlarging the Christian religion as our Empire & increasing the Trade & Commerce of this our kingdom: **A certain Region or Territory to bee hereafter described, in our lands in the parts of America betwixt one & thirty & 36 degrees of northern latitude** inclusively placed (yet hitherto untold, neither inhabited by ours or the subjects of any other Christian king, Prince or state But some parts of it inhabited by certain Barbarous men who have not any knowledge of the Divine Deity) He being about to lead thither a Colony of men large & plentiful, professing the true religion; sedulously & industriously applying themselves to the culture of the said lands & to merchandising to be performed by industry & at his own charges & others by his example. . . .

Know therefore that wee prosecuting with our Royal favor the pious & laudable purpose & desire of our aforesaid Attorney of our especial grace certain knowledge & mere motion, have given, granted & confirmed & by this our **present charter to the said Sr Robert Heath Knight his heirs & assignee for ever**, doe give, grant & confirm all that River or Rivelett of St Matthew on the South side & all that River or Rivelett of the great pass on the North side, & all the lands Tenements & Hereditaments lying, being & extending within or between the said Rivers by that draught or Tract to the Ocean upon the east side & so to the west & so fare as the Continent extends itself with all & every their appurtenances & also all those our Islands of . . . Bahamas & all other Isles & Islands lying southerly there or near upon the foresaid continent ail which lye inclusively within the degrees of 31 & 36 of Northern latitude. . . [(1) The Colonial Records of North Carolina, Published under the Supervision of the Trustees of the Public Libraries, by order of the General Assembly. Collected and edited by William L. Saunders, Secretary of State. Vol. I, 1662 to 1712. Raleigh. P. M. Hale, Printer to the State, 1886. AND The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe Washington, DC

Government Printing Office, 1909].

[Sir Robert Heath was attorney-general to Charles I. The patent was **declared void** in 1663, because the purposes for which it had been granted had never been fulfilled].

Treaty between Spain and Great Britain, November 5/15 1630

Treaty of peace and commerce between Spain and Great Britain concluded at Madrid, November 5/15 1630 states in part:

. . . So that, without any safe conduct, or other special general license, the subjects and vassals of both kings may, and shall have power, both by land and by sea and fresh waters, to approach, enter, and sail to the aforesaid [kingdoms and dominions including America] . . . [The original manuscript of the ratification by the King of Spain is in the Public Record Office, State Paper Foreign, Treaties, no. 465].

The Treaty between United Netherlands and Great Britain, April 5/15, 1654

The Treaty between the United Netherlands and Great Britain, concluded at Westminster, April 5/15, 1654 states in part:

. . . That they [the people of the Commonwealth of England and the United Provinces of the Netherlands] may come by land or water on both sides with love and friendship. That they may come by land or water into each other's lands, towns, or villages. . . .

The First Charter of Carolina - March 24, 1663

The First Charter of Carolina - March 24, 1663, states in part:

CHARLES the Second, by the grace of God, king of England, Scotland, France, and Ireland, Defender of the Faith, &c., To all to whom these present shall come: Greeting: . . .

Know ye, therefore, that we, favoring the pious and noble purpose of the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, of our special grace, certain knowledge and mere motion, **have given, granted atoll confirmed, and by this our present charter, for us, our heirs and successors, do give, grant and confirm unto [them]. . . . their heirs and assigns, all that territory or tract of ground, situate, lying and being within our dominions of America**, extending from the north end of the island called Lucke island, which lieth in the southern Virginia seas, and within six and thirty degrees of the northern latitude, and to the west as far as the south seas, and so southerly as far as the river St. Matthias, which bordereth upon the coast of Florida, and within one and thirty degrees of northern latitude, and so west in a direct line as far as the south seas aforesaid. . . .

And that the country, thus by us granted and described, may be dignified by us with as large titles and privileges as any other part of our dominions and territories in that region, Know ye, that we of our further grace, certain knowledge, and mere motion, have thought fit to erect the same tract of ground, county, and island, into a province, and out of the fullness of our royal power and prerogative, **we do, for us, our heirs and successors, erect, incorporate and ordain the same into a province, and call it the Province of Carolina, and so from henceforth will have it called.** . . .

And we will also, and of our more special grace, for us, our heirs and successors, do straightly enjoin, ordain, constitute and command, that the said province of Carolina, shall be of our allegiance, and that all and singular the subjects and liege people of us, **our heirs and successors**, transported or to be transported into the said province, and the children of them and of such as shall descend from them, there born or hereafter to be born, be and shall be denizens and lieges of us, our heirs and successors of this our kingdom of England, and be in all things held, treated, and reputed as the liege faithful people of us, our heirs and successors, born within this our said kingdom, or any other of our dominions, and may inherit or otherwise purchase and receive, take, hold, buy and possess any lands, tenements or hereditaments within the same places, and them may occupy, possess and enjoy, give, sell, aliene and bequeath; as likewise all liberties. franchises and privileges of this our kingdom of England,

and of other our dominions aforesaid, and may freely and quietly have, possess and enjoy, as our liege people born within the same, without the least molestation, vexation, trouble or grievance of us, **our heirs and successors**, any statute, act, ordinance, or provision to the contrary notwithstanding [The Colonial Records of North Carolina Edited by William L. Saunders Vol. I - 1662 to 1712. Raleigh. P. M. Hale Printer to the state. pp. 20-33 1886].

The Second Charter of Carolina; June 30, 1665

The Second Charter of Carolina; June 30, 1665, states in part:

CHARLES the Second, by the grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. WHEREAS, by our Letters Patents, bearing date the twenty-fourth day of March, in the fifteenth year of our reign, We were graciously pleased to grant unto our right trusty and right well-beloved Cousin and Counsellor Edward Earl of Clarendon, our High Chancellor of England . . . our right trusty and well-beloved Counsellor Anthony Lord Ashley, Chancellor of our Exchequer. . . [etc.] all that province, territory, or tract of ground called Carolina [described above]. . . .

Now Know ye, That We, at the humble request of the said grantees, in the aforesaid Letters Patents named, and as a further mark of our especial favor to them, we are graciously pleased to enlarge our said grant unto them, according to the bounds and limits hereafter specified. . . . **extending north and eastward, as far as the north end of Currituck river or inlet, upon a strait westerly line to Wyonoak creek, which lies within or about the degrees of thirty-six and thirty minutes, northern latitude; and so west, in a direct line, as far as the South-Seas; and south and westward, as far as the degrees of twenty-nine, inclusive, of northern latitude; and so west, in a direct line, as far as the South-Seas. . . . we do, for us, our heirs and successors**, annex and unite the same to the said province of Carolina [The Colonial Records of North Carolina Edited by William L. Saunders Vol. I - 1662 to 1712. Raleigh. P. M. Hale Printer to the state. pp. 102-114 1886].

Treaties of 1670

The Anglo-Spanish rivalry in the New World rose to a new level when the

British established Charles Town (later known as Charleston) in 1670. Carolina, with the English, was the southern part of Virginia; with the Spaniards it was the Northern part of Florida. Both claimed by virtue of their prior discovery, but the title of the Spaniards was strengthened by a grant of territory from his holiness the pope. The title of either could not be supported before an imperial tribunal. **In 1670, Spain and England concluded a treaty on May 13/23 and a second on July 8/18.** Through these treaties, Spain accepted a line running due east from a point in Port Royal Sound near the site of old Santa Elena. Item 7 in the treaty of July 8/18 states in part:

. . . Moreover it is agreed that the Most Serene King of Great Britain, his heirs and successors, shall have, **hold, and possess forever**, with full right of sovereignty, ownership, and possession, all the lands, regions, islands, colonies, situated in the West Indies or in any part of America, that the said King of Great Britain and his subjects at present hold and possess; so that neither on that account nor any other pretext may or shall anything ever be further urged, or any controversy begun in the future [The treaty concluded on July 8/18, 1670, between Great Britain and Spain for the settlement of all disputes in America, and its ratification by Spain on Sept 28/ Oct 8, 1670, are in P.R.O., St. Pap. For., Treaties, no. 470].

The French Claims

The French worked their way slowly up from the Saint Lawrence, through the Great Lakes, and down the Mississippi toward the Gulf of Mexico, reaching the mouth of the Arkansas River in 1673. The freemen of Carolina, meeting by summons at old Charlestown in 1674, elected Representatives for the government of the colony. The Governor and Upper and Lower House of the Assembly took the name of Parliament. Making his way to the mouth of the Mississippi in 1682, Robert Cavalier Sieur de La Salle claimed the valley for France.

Unrest in Carolina

Soon conflict between the people and the proprietors, who ruled from England through deputies, erupted. Between 1682 and 1686 Carolina saw no less than five Governors; Joseph Morton, Joseph West, Richard Kirle, Robert Quarry and James Colleton. Governor Colleton wrote to the proprietors requesting

them to appoint such deputies as he knew to be most favorably disposed towards their government, and would most readily assist him in the execution of his office. This placed the interests of the people in opposition to the interests of the proprietors. Without letting the people know, Colleton caused the militia to be drawn up as if some danger had threatened the colony, and then proclaimed martial law. The members of the assembly, by resolution, declared that these actions represented an encroachment upon their liberties, and an unwarranted exertion of power, at a time when the colony was in no danger. In 1690 the representatives introduced and passed a bill disabling James Colleton from holding any office or exercising any authority, civil or military within the province, and gave him notice that in a limited time he must depart from the colony.

Seth Sothell, pretending to be a proprietor usurped the government of the colony. The people, wearied by his extortions and impositions, agreed to take him by force and ship him off to England. The assembly met and brought thirteen charges, all supported by evidence, against him. Upon finding him guilty of all charges, the assembly ordered him to relinquish the government and country for ever. The propriety government was weak, unstable, and little respected. As a result, the rift between the people and the proprietors continued to grow. The proprietors considered themselves as possessing not only power to put a negative on all laws made in the Colony, but also to repeal such as they deemed inappropriate.

In 1714, the lords proprietors sent out Charles Eden for governor, and he was the best and ablest governor the colony ever had. But on his death, eight years later, the colony again fell into unworthy hands. A period of great turbulence followed when, in 1729, all the proprietors save one having sold their interests to the Crown, North Carolina and South Carolina were separated and each was henceforth a royal colony.

In 1715, during the war between South Carolina and the Yamassee Indians, the proprietors applied to the king for aid. Upon referral from the king, the lords of trade made an objection that the province of Carolina was one of the propriety governments; and thought it only appropriate to protect the colony, if the government thereof ought to be vested in the Crown. The same year the English House Commons introduced a **bill that modified propriety governments into regal ones**. A dissatisfaction with the proprietors, and an eagerness to be under the Crown, became universal. Under growing pressure, from the people of Carolina, the proprietors sent to the Crown, Some reasons to Shew the Absolute Necessity for the Crowns buying the Propriety of the

Carolina As also the Advantageousness of the Purchase to the Public, dated February 16, 1729:

Bill from the English House Commons that modified propriety governments into regal ones

South Carolina is situated between the French on the River Mississippi and the Spaniards in Florida and in the Neighborhood of Cuba, a very strong Spanish settlement and in the case of a Rupture with France of Spain and an envision from either must in the condition it was in by the disunion of the proprietors and the animosities between the proprietors and inhabitants have inevitably fallen a prey, unless the British Nation had at a very great expense reduced the colony, which under the immediate protection of the Crown may in a great measure be made able to defend itself upon all Occasions and of eminent use not only to all the British settlements in America, but to the Mother-Country. . .

. . . . the revenue of Quit rents of that place [North Carolina] which always bore the charge of the establishment, will bring an immediate Profit to the Crown of about 600 sterling yearly. . . [The full reasons may be found in The Colonial Records of North Carolina, vol. III (1728 - 1734), pages 10 - 12).

An Act of Parliment Surrendering The Title and Interest of Lords Proprietors of Carolina to His Majesty

The King reacted by having Parliament pass, **An Act for Establishing an Agreement with Seven of the Lords Proprietors of Carolina, the Surrender of their Title and Interest in that Province to His Majesty**, which states in part:

Be it enacted, by the King's most excellent Majesty, by and with the consent and advice of the Lords spiritual and temporal, and Commons in this present Parliament, and by the authority of the same, that all those seven undivided eighth parts, (the whole into eight equal parts or shares to be divided) and all other the part or share, parts or shares, interest and estates. . . in the aforesaid

Provinces and territories, called Carolina, and all and singular the royalties, franchises, **lands**, tenements, and heardiments and premisses, in and by the said several recited letters patent, or either of them, granted or mentioned or indented to be granted, by said late Majesty, King Charles the second. . . . except all such tracts of land, tenements and herdements, as have been granted at any time before the first day of January, one thousand, seven-hundred and twenty seven, granted or conveyed by, or comprised in any grants, deeds instruments or conveyances, under the common seal of the said Lords and Proprietors, either in England or in the Province aforesaid; and also, except all such plantations and lands as are now in the possession of the said Joseph Blake, his under tenants or assigns. . . And also, except all that Barony and tract of land containing twelve thousand acres or thereabouts. . . . **shall from and after the first day of June, one thousand seven hundred and twenty-nine, be vested and settled, and the same is hereby vested and settled, in and upon Edward Bertie of Gray's Inn, in the county of Middlesex, Samuel Horsey of the Parish of St. Martins in the fields, in the county of Middlesex, Henry Smith of Caversham, in the county of Oxon, and Alexius Clayton, of the Middle Temple, London Esquires. . . . to the intent that they the said Edward Bertie, Samuel Horsey, Henry Smith, and Alexius Clayton, and the survivor or the survivors of them, and the heirs of such survivor, upon payment by his majesty, his heirs or successors to the said Edward Bertie, Samuel Horsey, Henry Smith, and Alexius Clayton, or to the survivors or survivor of them, or the executors or administrators of such survivors, of the sum of seventeen thousand, five hundred pounds, free and clear of all deductions, on or before the twenty ninth day of September, in the year of our Lord, one thousand, seven-hundred and twenty nine, shall and do, by deed, intend, and to be enrolled in his Majesty's High Court of Chancery, surrender, convey the said seven eighth parts or shares, (the whole into eight equal parts to be divided) and all other the parts or shares, interest and estates, of an in the aforesaid Provinces or territories, and all and singular premises, hereby vested in them the said Edward Bertie, Samuel Horsey, Henry Smith, and Alexius Clayton, and their heirs aforesaid. . . .**

And be it further enacted, by the authority aforesaid, that from and after the payment of said sum of seventeen thousand five hundred pounds. . . . and after the execution of said surrender and conveyance to his Majesty, his heirs and successors, shall have, hold and enjoy, all and singular the said seven eighth parts or shares. . . of and in the aforesaid Provinces or territories. . . .

And be it further enacted, by the authority aforesaid, that seventh parts. . . of all and every the said areas of quit rents, and other rents, sum and sums of

money, debts, duties, accounts, reckonings, claims and demands whatsoever, now due and owing the said [list of trustees given]. . . trustees as aforesaid. . . or any of them, their or any of their heirs, executors, administrators or assigns, now have, or can or may have, claim challenge or demand of or from farmers, tenants and in habitants, of the Provinces or territories aforesaid, or any part thereof, or any of them, shall from and after the said first day of June, in the year of our Lord, one thousand seven-hundred and twenty-nine, be vested in the said Edward Bertie, Samuel Horsey, Henry Smith, and Alexius Clayton, the survivors or survivor of them, and the executors and administrators of such survivor, shall, upon pavement by his Majesty, his heirs and successors, of the sum of five thousand pounds of lawful money of Great Britain, free and clear of all deductions, on or before the said twenty ninth day of September, in the said year, to the said Edward Bertie, Samuel Horsey, Henry Smith, and Alexius Clayton, the survivors or survivor of them, or executors or administrators of such survivor, by deed indented and to be enrolled in his Majesty's High Court of Chancery, **grant and assign to his Majesty, his heirs and successors**, all and every the said seven eight parts or shares. . . .

. . . after the execution of said grants and assignment of the said parts and shares, of the said areas, hereby directed to be made as aforesaid, **his Majesty, his heirs and successors, shall and may have, receive and enjoy the said seven eighth parts or shares. . . and all and every other parts and shares of the said areas of quit rents, and other rents, sum and sums of money, debts, duties, accounts, reckonings, claims and demands** hereby vested in the said Edward Bertie, Samuel Horsey, Henry Smith, and Alexius Clayton, and shall and may have, use and pursue such and the like remedies for recovery thereof. . . [The complete act may be found in Colonial Records of North Carolina, vol. III. (1728 - 1734) pages 32 - 47].

The Royal Charter of the Colony of Georgia, 1732

In 1732, the **Royal Charter for the Colony of Georgia** further reduced the size of Carolina. The king granted the charter to individuals of ". . . one body politic and corporate in deed and name, by the name of 'The Trustees for establishing the Colony of Georgia in America.'" This charter states in part:

And whereas the said corporation about to make a habitation and plantation in the said part of one province of South Carolina, in America, hereinafter

described:

Know ye that, we greatly desiring the happy success of the said corporation, for their further encouragement in accomplishing so excellent a work have, of our aforesaid grace, certain knowledge and mere motion, given and granted, and by the presents, for us, or heirs, and successors, do give and grant to the said corporation and their successors under the reservation, limitation, and declaration hereafter exposed, seven undivided parts, the whole in eight equal parts to be divided, of all those lands, countries and territories situated, lying and being part of South Carolina, In America, which lies from the most northern part of the stream or river there commonly known as the Savannah, all along the sea coast to the southward, unto the most southern stream of a certain other great water or river called the Altamaha, and westward from the heads of the said rivers respectively in direct lines to the South Seas; and all that share circuit and precinct of lands within the said boundaries, with the islands of the sea lying opposite the eastern coast of the said lands, within 20 leagues of the same, which are not inhabited already or settled by any authority derived from the Crown of Great Britain. . . .

To have, hold, possess and enjoy the said seven undivided parts, the whole into eight equal parts to be divided. . . . for the said better support of the said Colony to be holden of us, **our heirs and successors**, as of our honor of Hampton Court, in our County of Middlesex, in full and common socage, and not in capitage; yielding and paying therefore to use, our heirs and successors, **yearly and forever**, the sum of four shillings for every hundred acres of the said lands which the said corporation shall grant, demise, plant, or settle. . . .

Florida

As a result of the creation of Georgia in 1732, Carolina ceased to be the frontier of the Anglo Spanish conflict in the New World. Yet Spain continued its injurious acts against Carolina. By 1739, Great Britain declared war against Spain. France, Great Britain and Spain concluded a peace with the Treaty of peace Between Great Britain, France, and Spain, concluded at Paris February 10, 1763 [The original manuscript of the French ratification is in the London Public Records Office, St. Pap. For., Treaties. no 124]. By this treaty [article 20], Spain ceded the two Floridas to Great Britain. The British reorganized their America possessions in a proclamation dated October 7, 1763, that among other things created East Florida and West Florida. That portion of the new province from the Gulf of Mexico northward to the 31 degree latitude between the Mississippi River and the Chattahoochee River down the

Chattahoochee and the Apalachicola to the Gulf became West Florida. A year later the northern line was pushed up to the mouth of the Yazoo River eastward to the Chattahoochee. The northern boundary of East Florida was set at a line directly eastward of St Marys River and down that stream to the Atlantic Ocean.

The American Revolution

These events, treaties, grants, letters patents, charters, and other similar documents, all of which tie back to the Pope, in the Vatican, through Treaty, to the Catholic Church, by the Holy See, established foreign rule on the soil of the Americas and subsequently in the Republic of Tennessee. The subsequent events are well known to have brought America to the point of revolution. As a result of the Revolutionary War, to free Americans from foreign oppression, there arose the **Declaration of Independence**, and other documents. The infamous 1783 Jay Treaty of Paris is a starting point for understanding what has happened in America. The King of England, as victor, sets the terms of the treaty. THE PARIS PEACE TREATY (PEACE TREATY of 1783) states in part:

The Paris Peace Treaty of 1783

In the name of the most holy and undivided Trinity.

It having pleased the Divine Providence to dispose the hearts of the most serene and most potent Prince George the Third, by the grace of God, KING OF GREAT BRITAIN, FRANCE, AND IRELAND, defender of the faith, duke of Brunswick and Lunebourg, arch-treasurer and **PRINCE ELECTOR OF THE HOLY ROMAN EMPIRE ETC., and OF THE UNITED STATES OF AMERICA**, to FORGET all past MISUNDERSTANDINGS AND DIFFERENCES that have unhappily interrupted the good correspondence and friendship which they mutually wish to RESTORE,. . . .

[Although in Article I the King] . . . acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, North Carolina, South Carolina and, Georgia, to be free sovereign and independent states, that he treats with them as such, and for himself, his heirs and successors, relinquishes all

claims to the government, propriety, and territorial rights of the same and every part thereof. . . .

[Article 4 states in part:] It is agreed that **creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts before contracted.** . . .

The Carolina Charter stipulated such a debt:

YIELDING AND PAYING yearly, to **us, our heirs and Successors**, for the same, the yearly Rent of Twenty Marks of Lawful money of England, at the Feast of All Saints, yearly, forever, The First payment thereof to begin and be made on the Feast of All Saints which shall be in the year of Our Lord One thousand six hundred Sixty and five; AND also, the fourth part of all Gold and Silver Ore which, with the limits aforesaid, shall, from time to time, happen to be found." (Feast of All Saints occurred November 1 of each year.)

State Constitutions

The successive constitutions of North-Carolina, Franklin, and Tennessee contained clauses **continuing the ownership of property**. The following quote is from section 25 of the 1776 North Carolina Constitution, Declaration of Rights. Remember this when you read the 1689 Declaration of Rights, third section, (contained in this paper).

. . . And provided further, that nothing herein contained **shall affect the titles or possessions of individuals holding or claiming under the laws heretofore in force, or grants heretofore made by the late King George II, or his predecessors**, or the late lords proprietors, or any of them.

The title of lands in North-Carolina, from which Tennessee originated, never belonged to North-Carolina.

But this State had **no title to the territory prior to the title of the King of Great Britain and his subjects**, nor did it ever claim as lord paramount to them. This State was not the original grantor to them, nor did they ever hold by any kind of tenure under the State, or owe it any allegiance or other duties to which an escheat is annexed. How then can it be said that the lands in this case naturally result back by a kind of reversion to this State, to a source from

whence it never issued, and from tenants who never held under it?

MARSHALL v. LOVELESS, 1 N.C. 412 (1801), 2 S.A. 70

In like manner the The Carolina Charter of 1663 states: "SAVING always, the Faith, Allegiance, and Sovereign Dominion due to us, our heirs and Successors, for the same; and **Saving also, the right, title**, and interest of all and every our Subjects of the English Nation which are now Planted within the Limits bounds aforesaid, if any be;. . . ."

KNOW YE, that We, of our further grace, certain knowledge, and mere motion, HAVE thought fit to Erect the same Tract of Ground, Country, and Island into a Province, and, out of the fullness of our Royal power and Prerogative, WE Do, for us, our heirs and Successors, Erect, Incorporate, and Ordain the same into a province, and do call it the Province of CAROLINA, and so from henceforth will have it called. . . .

1796 Constituion of Tennessee

For the protion of North Carolina that became Tennessee, these provisions were continued undert he authorioty of Section 1 of the Schedule of the 1796 Constitution for the State of Tennessee, which states:

That no inconvienece may arise from a change of the temporary to a permanet state government, it is declared, that **all right, actions, prosecutions, claims, and contracts, as well of individuals as bodies corporate, shall continue, as if no change had taken place in the administration of government.**

Tennesse Becomes A State

The treaty of 1783 was declared by an Act of Assembly of North Carolina passed in 1787, to be law in North Carolina, and North Carolina by adopting the Constitution for the United States in 1789, **declared the treaty to be the supreme law of the land**. Under the Authority of section eight of An Act to Accept the North Carolina Cession, April 2, 1790 stating:

That the laws in force and use in the State of North Carolina at the time of passing this act **shall be and continue in full force within the territory herby ceded**, until the same shall be repealed, or otherwise altered by the Legislative authority of the territory.

The Act of Assembly of North Carolina passed in 1787 declaring the treaty of 1783 to be the law of North Carolina became the law of the Territory of the United States South of the River Ohio. By An Act for the Admission of the State of Tennessee, June 1, 1796 Tennessee became ". . . one of the United States of America, on a equal footing with the original States, in all respects whatever. . . ." In so doing, Tennessee Accepted the Constitution for the United States of 1789, and **declared the treaty of 1783 to be the supreme law of the land.**

The treaty now under consideration was made, on the part of the United States, by a Congress composed of deputies from each state, to whom were delegated by the Articles of Confederation, expressly, "the sole and exclusive right and power of entering into treaties and alliances"; and being ratified and made by them, it became a complete national act, and the act and law of every state.

If, however, a subsequent sanction of North Carolina was at all necessary to make the treaty law here, it has been had and repeated. By a statute passed in 1787, the treaty was declared to be law in North Carolina and subsequently, as shown above, the law of Tennessee and the courts of law and equity were enjoined to govern their decisions accordingly. And in 1789 was adopted in North Carolina and 1796 in Tennessee the present Constitution for the United States of America, which declared, in Article VI, that all treaties made, or which should be made under the authority of the United States, should be the supreme law of the land; and that the judges in every state should be bound thereby; anything in the Constitution or laws of any state to the contrary notwithstanding. Surely, then, the treaty is now law in this State, and the confiscation act, so far as the treaty interferes with it, is annulled.

By an act of the Legislature of North Carolina, passed in April, 1777, it was, among other things, enacted, "That all persons, being subjects of this State, and now living therein, or who shall hereafter come to live therein, who have traded immediately to Great Britain or Ireland, within ten years last past, in their own right, or acted as factors, storekeepers, or agents here, or in any of the United States of America, for merchants residing in Great Britain or Ireland, shall take an oath of abjuration and allegiance, or depart out of the State." Treaties are the "Law of the Land" *HAMILTON v. EATEN*, 1 N.C. 641 (1796), *HAMILTON v. EATEN*. 2 Mart., 1. U.S. Circuit Court. (June Term, 1796.)

The two main issues in British Colony are; first, **the financial obligations of the 1213 Charter are still in effect**, along with the Charters establishing

America. Second, the last sentence of the 1689 Bill of Rights En #2, proves the following: The Charters of the Colonies could never be overturned by a Declaration of Independence, or the 1787 treaty, otherwise known as the Constitution, This becomes the real subject matter, financial obligation. Title for the land was transferred to the states and then ceded by Charter to the federal government under Cestui que trust, but the contracted debt and obligation of the Colonial Charters, and the 1213 Charter could not be negated.

Rights could be granted to the citizens, subjects or combatants, which ever the case may be, but the financial obligation cannot, nor could not be affected, because it involves parties not yet born. This why King Charles I said, the 1689 Bill of Rights would not free the kingdom from the obligation of the 1213 Charter. This is why the United States Bank was given right of Charter in America. George Washington had no choice but to succumb to Hamilton.

Our Bill of Rights was given to us, to give us the **illusion of freedom**. When the tax obligation of the Charters above marched along un-impeded and un-seen, by Americans and Britons alike. Read the Magna Carta again, they wanted the Pope's blessing for the 1215 Charter, this same Pope is the Pope in the 1213 Charter where **England and Ireland were given to him**. He could not just give back his land, because of other parties not yet born. The Pope let the barons presume they were free and gave his blessing to the 1215 Magna Carta, knowing to do so would in no way lawfully overturn the grant made to him in the 1213 Charter. Also, it is apparent, it was recognized as law that you could not even create a Charter, wherein you declared a previous grant or Charter null in void **unless the relevant parties agreed**. How can a Charter be made void if parties to the Charter will never cease to be born, an heir can always be found. To prove this, again what did the new king Charles I do, even though the previous monarchy had come to an end, its obligations did not, this is why he had to included paragraph III, a clause to protect the other parties of an earlier Charter."

KING JOHN's Concession of England and Ireland to the Pope

Britannia: Sources of British History (1213) KING JOHN's Concession of England and Ireland to the Pope

In the matter of the election and installation of Stephen Langton as Archbishop of Canterbury, King John, in the words of Pope Innocent III, had by "impious

persecution", tried to "enslave" the entire English Church. As a result, the pope laid on England an interdict (1208-14), a sort of religious "strike", wherein no religious service be performed for anyone, guilty or innocent. When this didn't work, the king, himself, was excommunicated.

Caving-in under that pressure, John wrote a letter of concession to the pope, hoping to have the interdict and the excommunication lifted (1213). John's concession which, in effect, made England a fiefdom of Rome, worked like a charm. The satisfied pope lifted the yoke he had hung on the people of England and their king.

John, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, **count of Anjou**, to all the faithful of Christ who shall look upon this present charter, greeting.

We wish it to be known to all of you, through this our charter, furnished with our seal, that inasmuch as we had offended in many ways God and our mother the holy church, and in consequence are known to have very much needed the divine mercy, and can not offer anything worthy for making due satisfaction to God and to the church unless we humiliate ourselves and our kingdoms: we, wishing to humiliate ourselves for Him who humiliated Himself for us unto death, the grace of the Holy Spirit inspiring, not induced by force or compelled by fear, but of our own good and spontaneous will and by the common counsel of our barons, do offer and freely **concede to God and His holy apostles Peter and Paul and to our mother the holy Roman church, and to our lord pope Innocent and to his Catholic successors, the whole kingdom of England and the whole kingdom Ireland**, with all their rights and appurtenances, for the remission of our own sins and of those of our whole race as well for the living as for the dead; and now receiving and holding them, as it were a vassal, from God and the Roman church, in the presence of that prudent man Pandulph, subdeacon and of the household of the lord pope, we perform and swear fealty for them to him our aforesaid lord pope Innocent, and his catholic successors and the Roman church, according to the form appended; and in the presence of the lord pope, if we shall be able to come before him, we shall do liege homage to him; binding our successors aid our heirs by our wife **forever**, in similar manner to perform fealty and show homage to him who shall be chief pontiff at that time, and to the Roman church without demur. As a sign, moreover, of this our own, we will and **establish perpetual obligation and concession** we will establish that from the proper and especial revenues of our aforesaid kingdoms, for all the service and customs which we ought to render for them, saving in all things the penny of St. Peter, the Roman church shall receive yearly a thousand marks sterling,

namely at the feast of St. Michael five hundred marks, and at Easter five hundred marks, seven hundred, namely, for the kingdom of England, and three hundred for the kingdom of Ireland, **saving to us and to our heirs our rights, liberties and regalia**; all of which things, as they have been described above, we wish to have **perpetually valid and firm**; and we bind ourselves and our successors not to act counter to them. And if we or any one of our successors shall presume to attempt this, whoever he be, unless being duly warned he come to his kingdom, and this senses, be shall **lose his right to the kingdom**, and this charter of our obligation and concession shall always remain firm.

Britannia: Sources of British History

BILL of RIGHTS, 1689

An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown

Whereas the Lords Spiritual and Temporal and Commons assembled at Westminster, lawfully, fully and freely representing all the estates of the people of this realm, did upon the thirteenth day of February in the year of our Lord one thousand six hundred eighty-eight [old style date] present unto their Majesties, then called and known by the names and style of William and Mary, prince and princess of **Orange**, being present in their proper persons, a certain declaration in writing made by the said Lords and Commons in the words following,

Whereas the late King James the Second, by the assistance of divers evil counselors, judges and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion and the laws and liberties of this kingdom;

By assuming and exercising a power of dispensing with and suspending of laws and the execution of laws without consent of Parliament;

By committing and prosecuting divers worthy prelates for humbly petitioning to be excused from concurring to the said assumed power;

By issuing and causing to be executed a commission under the great seal for

erecting a court called the Court of Commissioners for Ecclesiastical Causes;

By levying money for and to the use of the Crown by pretence of prerogative for other time and in other manner than the same was granted by Parliament;

By raising and keeping a standing army within this kingdom in time of peace without consent of Parliament, and quartering soldiers contrary to law;

By causing several good subjects being Protestants to be disarmed at the same time when papists were both armed and employed contrary to law;

By violating the freedom of election of members to serve in Parliament;

By prosecutions in the Court of King's Bench for matters and causes cognizable only in Parliament, and by divers other arbitrary and illegal courses;

And whereas of late years partial corrupt and unqualified persons have been returned and served on juries in trials, and particularly divers jurors in trials for high treason which were not freeholders;

And excessive bail hath been required of persons committed in criminal cases to elude the benefit of the laws made for the liberty of the subjects;

And excessive fines have been imposed; And illegal and cruel punishments inflicted; And several grants and promises made of fines and forfeitures before any conviction or judgment against the persons upon whom the same were to be levied;

All which are utterly and directly contrary to the known laws and statutes and freedom of this realm;

And whereas the said late King James the Second having abdicated the government and the throne being thereby vacant, his Highness the **prince of Orange** (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did (by the advice of the Lords Spiritual and Temporal and divers principal persons of the Commons) cause letters to be written to the Lords Spiritual and Temporal being Protestants, and other letters to the several counties, cities, universities, boroughs and cinque ports, for the choosing of such persons to represent them as were of right to be sent to Parliament, to meet and sit at Westminster upon the two and twentieth day of January in this year one thousand six hundred eighty and eight, in order to such an establishment as that their religion, laws

and liberties might not again be in danger of being subverted, upon which letters elections having been accordingly made;

And thereupon the said Lords Spiritual and Temporal and Commons, pursuant to their respective letters and elections, being now assembled in a full and free representative of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties declare:

That the pretended power of suspending the laws or the execution of laws by regal authority without consent of Parliament is illegal;

That the pretended power of dispensing with laws or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal;

That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of like nature, are illegal and pernicious;

That levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time, or in other manner than the same is or shall be granted, is illegal;

That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal;

That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law;

That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law;

That election of members of Parliament ought to be free;

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament;

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;

That jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders;

That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void;

And that for redress of all grievances, and for the amending, strengthening and preserving of the laws, Parliaments ought to be held frequently.

And they do claim, demand and insist upon all and singular the premises as their undoubted rights and liberties, and that no declarations, judgments, doings or proceedings to the prejudice of the people in any of the said premises ought in any wise to be drawn hereafter into consequence or example; to which demand of their rights they are particularly encouraged by the declaration of his Highness the prince of Orange as being the only means for obtaining a full redress and remedy therein.

Having therefore an entire confidence that his said Highness the prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights which they have here asserted, and from all other attempts upon their religion, rights and liberties, the said Lords Spiritual and Temporal and Commons assembled at Westminster do resolve that William and Mary, prince and princess of Orange, be and be declared king and queen of England, France and Ireland and the dominions thereunto belonging, to hold the crown and royal dignity of the said kingdoms and dominions to them, the said prince and princess, during their lives and the life of the survivor to them, and that the sole and full exercise of the regal power be only in and executed by the said prince of Orange in the names of the said prince and princess during their joint lives, and after their deceases the said crown and royal dignity of the same kingdoms and dominions to be to the heirs of the body of the said princess, and for default of such issue to the Princess Anne of Denmark and the heirs of her body, and for default of such issue to the heirs of the body of the said prince of Orange. And the Lords Spiritual and Temporal and Commons do pray the said prince and princess to accept the same accordingly.

And that the oaths hereafter mentioned be taken by all persons of whom the oaths have allegiance and supremacy might be required by law, instead of them; and that the said oaths of allegiance and supremacy be abrogated.

I, A.B., do sincerely promise and swear that I will be faithful and bear true allegiance to their Majesties King William and Queen Mary. So help me God.

I, A.B., do swear that I do from my heart abhor, detest and abjure as impious and heretical this damnable doctrine and position, that princes

excommunicated or deprived by the Pope or any authority of the see of Rome may be deposed or murdered by their subjects or any other whatsoever. And I do declare that no foreign prince, person, prelate, state or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm. So help me God.

Upon which their said Majesties did accept the crown and royal dignity of the kingdoms of England, France and Ireland, and the dominions thereunto belonging, according to the resolution and desire of the said Lords and Commons contained in the said declaration. And thereupon their Majesties were pleased that the said Lords Spiritual and Temporal and Commons, being the two Houses of Parliament, should continue to sit, and with their Majesties' royal concurrence make effectual provision for the settlement of the religion, laws and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted, to which the said Lords Spiritual and Temporal and Commons did agree, and proceed to act accordingly.

Now in pursuance of the premises the said Lords Spiritual and Temporal and Commons in Parliament assembled, for the ratifying, confirming and establishing the said declaration and the articles, clauses, matters and things therein contained by the force of law made in due form by authority of Parliament, do pray that it may be declared and enacted that all and singular the rights and liberties asserted and claimed in the said declaration are the true, ancient and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed and taken to be; and that all and every the particulars aforesaid shall be firmly and strictly holden and observed as they are expressed in the said declaration, and all officers and ministers whatsoever shall serve their Majesties and their successors according to the same in all time to come.

And the said Lords Spiritual and Temporal and Commons, seriously considering how it hath pleased Almighty God in his marvellous providence and merciful goodness to this nation to provide and preserve their said Majesties' royal persons most happily to reign over us upon the throne of their ancestors, for which they render unto him from the bottom of their hearts their humblest thanks and praises, do truly, firmly, assuredly and in the sincerity of their hearts think, and do hereby recognize, acknowledge and declare, that King James the Second having abdicated the government, and their Majesties having accepted the crown and royal dignity as aforesaid, their said Majesties did become, were, are and of right ought to be by the laws of this realm our sovereign liege lord and lady, king and queen of England, France and Ireland and the dominions thereunto belonging, in and to whose princely persons the

royal state, crown and dignity of the said realms with all honours, styles, titles, regalities, prerogatives, powers, jurisdictions and authorities to the same belonging and appertaining are most fully, rightfully and entirely invested and incorporated, united and annexed.

And for preventing all questions and divisions in this realm by reason of any pretended titles to the crown, and for preserving a certainty in the succession thereof, in and upon which the unity, peace, tranquility and safety of this nation doth under God wholly consist and depend, the said Lords Spiritual and Temporal and Commons do beseech their Majesties that it may be enacted, established and declared, that the crown and regal government of the said kingdoms and dominions, with all and singular the premises thereunto belonging and appertaining, shall be and continue to their said Majesties and the survivor of them during their lives and the life of the survivor of them, and that the entire, perfect and full exercise of the regal power and government be only in and executed by his Majesty in the names of both their Majesties during their joint lives; and after their deceases the said crown and premises shall be and remain to the heirs of the body of her Majesty, and for default of such issue to her Royal Highness the Princess Anne of Denmark and the heirs of the body of his said Majesty; and thereunto the said Lords Spiritual and Temporal and Commons do in the name of all the people aforesaid most humbly and faithfully submit themselves, their heirs and posterities for ever, and do faithfully promise that they will stand to, maintain and defend their said majesties, and also the limitation and succession of the crown herein specified and contained, to the utmost of their powers with their lives and estates against all persons whatsoever that shall attempt anything to the contrary.

And whereas it hath been found by experience that it is inconsistent with the safety and welfare of this Protestant kingdom to be governed by a popish prince, or by any king or queen marrying a papist, the said Lords Spiritual and Temporal and Commons do further pray that it may be enacted, that all and every person and persons that is, are or shall be reconciled to or shall hold communion with the see or Church of Rome, or shall profess the popish religion, or shall marry a papist, shall be excluded and be for ever incapable to inherit, possess or enjoy the crown and government of this realm and Ireland and the dominions thereunto belonging or any part of the same, or to have, use or exercise any regal power, authority or jurisdiction within the same; and in all and every such case or cases the people of these realms shall be and are hereby absolved of their allegiance; and the said crown and government shall from time to time descend to and be enjoyed by such person or persons being Protestants as should have inherited and enjoyed the same in case the said person or persons so reconciled, holding communion or professing or marrying

as aforesaid were naturally dead; and that every king and queen of this realm who at any time hereafter shall come to and succeed in the imperial crown of this kingdom shall on the first day of the meeting of the first Parliament next after his or her coming to the crown, sitting in his or her throne in the House of Peers in the presence of the Lords and Commons therein assembled, or at his or her coronation before such person or persons who shall administer the coronation oath to him or her at the time of his or her taking the said oath (which shall first happen), make, subscribe and audibly repeat the declaration mentioned in the statute made in the thirtieth year of the reign of King Charles the Second entitled, "An Act for the more effectual preserving the king's person and government by disabling papists from sitting in either House of Parliament."

But if it shall happen that such king or queen upon his or her succession to the crown of this realm shall be under the age of twelve years, then every such king or queen shall make, subscribe and audibly repeat the same declaration at his or her coronation or the first day of the meeting of the first Parliament as aforesaid which shall first happen after such king or queen shall have attained the said age of twelve years. All which their Majesties are contented and pleased shall be declared, enacted and established by authority of this present Parliament, and shall stand, remain and be the law of this realm for ever; and the same are by their said Majesties, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in Parliament assembled and by the authority of the same, declared, enacted and established accordingly.

II. And be it further declared and enacted by the authority aforesaid, that from and after this present session of Parliament no dispensation by "non obstante" of or to any statute or any part thereof shall be allowed, but that the same shall be held void and of no effect, except a dispensation be allowed of in such statute, and except in such cases as shall be specially provided for by one or more bill or bills to be passed during this present session of Parliament.

III. Provided that **no charter or grant or pardon granted before the three and twentieth day of October in the year of our Lord one thousand six hundred eighty-nine shall be any ways impeached or invalidated by this Act**, but that the same shall be and remain of the same force and effect in law and no other than as if this Act had never been made.

ARE OUR PERCEPTIONS CORRECT OF OUR HISTORY AND FORE FATHERS?

"In May, 1775, Washington said: 'If you ever hear of me joining in any such measure [as separation from Great Britain], you have my leave to set me down for everything wicked'- He also said: 'It is not wish or interest of the government [meaning Massachusetts], or of any other upon this continent, separately or collectively, to set up for independence'" Ingersoll, North American Review, CLV. No.2, August, 1892, p. 183, also quoted in Sources of the Constitution of the United States, c. Ellis Stevens, 1927, page 36.

"Jay did not favor independence from Britain. His absence from the signing of the Declaration of Independence was noted by Thomas Jefferson." Copyright c 1995 by Left Justified Publiks. All rights reserved.

"Mr .Chairman, I rose yesterday to ask a question, which arose in my own mind. When I asked the question. I thought the meaning of my interrogation was obvious: The fate of this question and America may depend on this: Have they said, we the States? Have they made a proposal of a compact between States? If they had, this would be a confederation: It is otherwise most clearly a consolidated government. The question turns, Sir, on that poor little thing--the expression, We the people, instead of the States of America. I need not take much pains to show, that the principles of this system, are extremely pernicious, impolitic and dangerous. Is this a Monarchy, like England--a compact between Prince and people; with checks on the former, to secure the liberty of the latter? is this a Confederacy, like Holland--an association of a number of independent States, each of which retain its individual sovereignty?...." Patrick Henry's speech of June 5, 1788

REMEMBERING THIS PREDICTION OF PATRICK HENRY, WHEN YOU SEE WHAT WASHINGTON DID BELOW AFTER CALLING OUT THE MILITIAS.

". . . . My great objection to this Government is, that it does not leave us the means of defending our rights: or, of waging war against tyrants: It is urged by some Gentlemen, that this new plan will bring us an acquisition of strength, an army, and the militia of the States: This is an idea extremely ridiculous:

Gentlemen cannot be in earnest. This acquisition will trample on your fallen liberty: Let my beloved Americans guard against that fatal lethargy that has pervaded the universe: Have we the means of resisting disciplined armies, when our only defence, the militia is put into the hands of Congress?"

Patrick Henry's speech of June 5, 1788

"That Government is no more than a choice among evils, is acknowledged by the most intelligent among mankind, and has been a standing maxim for ages. If it be demonstrated that the adoption of the new plan is a little or a trifling evil, then, Sir, I acknowledge that adoption ought to follow: But, Sir, if this be a truth that its adoption may entail misery on the free people of this country. I then insist, that rejection ought to follow. Gentlemen strongly urge its adoption will be a mighty benefit to us: But, Sir, I am made of such incredulous materials that assertions and declarations, do not satisfy me. I must be convinced, Sir. I shall retain my infidelity on that subject, till I see our liberties secured in a manner perfectly satisfactory to my understanding....."

Patrick Henry's speech of June 7, 1788

"....Consider how the only remaining defence we have left is destroyed in this manner; Besides the expences of maintaining the Senate and other House in as much splendor as they please, there is to be a great and mighty President, with very extensive powers: the powers of a King: He is to be supported in extravagant magnificence: So that the whole of our property may be taken by this American Government, by laying what taxes they please, giving themselves what salaries they please, and suspending our laws at their pleasure: I might be thought too inquisitive. For I never will give up the power of direct taxation, but for a scourge: But I beseech Gentlemen, at all hazards, not to give up this unlimited power of taxation:"

FACTS OF THE KINGS MIND SET CONCERNING HIS CHARTERS

" (Six weeks after) the capitulation of Yorktown, the king of Great Britain, in his speech to Parliament (Nov. 27, 1781), declared "That he should not answer the trust committed to the sovereign of a free people, if he consented to sacrifice either to his own desire of peace, or to their temporary ease and relief, those essential rights and permanent interests, upon the maintenance and preservation of which the future strength and security of the country **must forever depend.**" The determined language of this speech, pointing to the continuance of the American war, was echoed back by a majority of both Lords and Commons.

In a few days after (Dec. 12), it was moved in the House of Commons that a resolution should be adopted declaring it to be their opinion "That all farther attempts to reduce the Americans to obedience by force would be ineffectual, and injurious to the **true interests of Great Britain.**"

The History of the American Revolution, Vol. 2, Ramsay, 617-9

"If America gives you taxable objects on which you lay your duties here, and gives you, at the same time, a surplus by a foreign sale of her commodities to pay the duties on these objects which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments, she may, I doubt not she will, contribute in moderation. I say in moderation, for she ought not to be permitted to exhaust herself. She ought to be reserved to a war, the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially.

For that service - for all service, whether of revenue, trade, or empire - my trust is in her interest in the British Constitution. My hold of the Colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties which, through light as air, are as strong as links of iron. Let the Colonists always keep the idea of their civil rights associated with your government, they will cling and grapple to you, and no force under heaven will be of power to tear them from their allegiance."

Speech of Sir Edmund Burke, before the House of Commons, March 22, 1775

"But my idea of it is this; that an empire is the aggregate of many states under one common head, whether this head be a monarch or a presiding republic."

What was it Franklin said, when asked what government have you given us, in reply he said a Republic. Our fore fathers were protecting their assets and seeking to remain subject to the king in a hidden way. For which they were to receive further privileges.

Speech of Sir Edmund Burke, before the House of Commons, March 22, 1775

"Men may lose little in property by the act which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the two-pence lost that constitutes the capital outrage."

"The people heard, indeed, from the beginning of these disputes, one thing continually dinned in their ears, that reason and justice demanded that the Americans, who paid no taxes, should be compelled to contribute."

"Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be."

Adam Smith

Adam Smith also gives insight into the King's mind set in regards to the colonies paying for the benefits they receive from him, and as to the contributions they should pay and how it is to be done.

"Their wealth was considered as our wealth. Whatever money was sent out to them, it was said, came all back to us by the balance of trade, and we could never become a farthing the poorer by any expense which we could lay out upon them. They were our own in every respect, and it was an expense laid out upon the improvement of our own property and for the profitable employment of our own people."

1776, *AN INQUIRY INTO THE NATURE AND CAUSES OF THE WEALTH OF NATIONS* by Adam Smith

The Declaration of Rights, from September 5, 1774

The Declaration of Rights, from September 5, 1774 states in part:

"Resolved, 4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council:

and as the English colonists are not represented, and from their local and other circumstances, can not properly be represented in the British Parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed. But, from the necessity of the case, and a regard to the mutual interest of both countries, WE CHEERFULLY CONSENT TO THE OPERATION OF SUCH ACTS OF THE BRITISH PARLIAMENT, as are BONA FIDE, restrained to the regulation of our external commerce, for the PURPOSE OF SECURING THE COMMERCIAL ADVANTAGES OF THE WHOLE EMPIRE TO THE MOTHER COUNTRY, and the COMMERCIAL BENEFITS OF ITS RESPECTIVE MEMBERS; excluding every idea of taxation, internal or ETERNAL, for raising a revenue on the SUBJECTS IN AMERICA, without their consent."

(The forefathers wanted the commercial benefits without paying the taxes that go hand in hand, it does not work that way in international law merchant and commerce.)

"Resolved, 7. That these, His Majesty's colonies, are likewise entitled to all the IMMUNITIES AND PRIVILEGES GRANTED and confirmed to them by ROYAL CHARTERS, or secured by their several codes of provincial laws."
Declaration of Rights, from September 5, 1774

The below quotes will make the reader realize that the **present tax system was put in place by the king and is completely British**, and the way they chose to continue to receive the king's profit from his investment, as declared in his Charters.

WHERE THE PRESENT DAY TAXES COME FROM.

Adam Smith wrote in *AN INQUIRY INTO THE NATURE AND CAUSES OF THE WEALTH OF NATIONS*

Before I enter upon the examination of particular taxes, it is necessary to premise the four following maxims with regard to taxes in general.

I. The subjects of every state ought to contribute towards the support of the government, as nearly as possible, in proportion to their respective abilities; that is, in proportion to the revenue which they respectively enjoy under the protection of the state. The expense of government to the individuals of a great nation is like the expense of management to the joint tenants of a great estate, who are all obliged to contribute in proportion to their respective interests in the estate. In the observation or neglect of this maxim consists what is called the equality or inequality of taxation. Every tax, it must be observed once for all, which falls finally upon one only of the three sorts of revenue above mentioned, is necessarily unequal in so far as it does not affect the other two. In the following examination of different taxes I shall seldom take much further notice of this sort of inequality, but shall, in most cases, confine my observations to that inequality which is occasioned by a particular tax falling unequally even upon that particular sort of private revenue which is affected by it.

II. The tax which each individual is bound to pay ought to be certain, and not arbitrary. The time of payment, the manner of payment, the quantity to be paid, ought all to be clear and plain to the contributor, and to every other person. Where it is otherwise, every person subject to the tax is put more or less in the power of the tax-gatherer, who can either aggravate the tax upon any obnoxious contributor, or extort, by the terror of such aggravation, some present or perquisite to himself. The uncertainty of taxation encourages the insolence and favours the corruption of an order of men who are naturally unpopular, even where they are neither insolent nor corrupt. The certainty of what each individual ought to pay is, in taxation, a matter of so great importance that a very considerable degree of inequality, it appears, I believe, from the experience of all nations, is not near so great an evil as a very small degree of uncertainty.

III. Every tax ought to be levied at the time, or in the manner, in which it is most likely to be convenient for the contributor to pay it. A tax upon the rent of land or of houses, payable at the same term at which such rents are usually paid, is levied at the time when it is most likely to be convenient for the contributor to pay; or, when he is most likely to have wherewithal to pay. Taxes upon such consumable goods as are articles of luxury are all finally paid by the consumer, and generally in a manner that is very convenient for him. He pays them by little and little, as he has occasion to buy the goods. As he is at liberty, too, either to buy, or not to buy, as he pleases, it must be his own fault if he ever suffers any considerable inconveniency from such taxes.

IV. Every tax ought to be so contrived as both to take out and to keep out of the pockets of the people as little as possible over and above what it brings into the public treasury of the state. A tax may either take out or keep out of the pockets of the people a great deal more than it brings into the public treasury, in the four following ways. First, the levying of it may require a great number of officers, whose salaries may eat up the greater part of the produce of the tax, and whose perquisites may impose another additional tax upon the people. Secondly, it may obstruct the industry the people, and discourage them from applying to certain branches of business which might give maintenance and unemployment to great multitudes. While it obliges the people to pay, it may thus diminish, or perhaps destroy, some of the funds which might enable them more easily to do so. Thirdly, by the forfeitures and other penalties which those unfortunate individuals incur who attempt unsuccessfully to evade the tax, it may frequently ruin them, and thereby put an end to the benefit which the community might have received from the employment of their capitals. An injudicious tax offers a great temptation to smuggling. But the penalties of smuggling must rise in proportion to the temptation. The law, contrary to all the ordinary principles of justice, first creates the temptation, and then punishes those who yield to it; and it commonly enhances the punishment, too, in proportion to the very circumstance which ought certainly to alleviate it, the temptation to commit the crime. Fourthly, by subjecting the people to the frequent visits and the odious examination of the tax-gatherers, it may expose them to much unnecessary trouble, vexation, and oppression; and though vexation is not, strictly speaking, expense, it is certainly equivalent to the expense at which every man would be willing to redeem himself from it. It is in some one or other of these four different ways that taxes are frequently so much more burdensome to the people than they are beneficial to the sovereign.

Adam Smith also wrote in *AN INQUIRY INTO THE NATURE AND CAUSES OF THE WEALTH OF NATIONS*

"It is not contrary to justice that both Ireland and America should contribute towards the discharge of the public debt of Great Britain. That debt has been contracted in support of the government established by the Revolution, a government to which the Protestants of Ireland owe, not only the whole authority which they at present enjoy in their own country, but every security which they possess for their liberty, their property, and their religion; a government to which several of the colonies of America owe their present charters, and consequently their present constitution, and to which all the colonies of America owe the liberty, security, and property which they have ever since enjoyed. That public debt has been contracted in the defence, not of

Great Britain alone, but of all the different provinces of the empire; the immense debt contracted in the late war in particular, and a great part of that contracted in the war before, were both properly contracted in defence of America."

"The expense of the peace establishment of the colonies was, before the commencement of the present disturbances, very considerable, and is an expense which may, and if no revenue can be drawn from them ought certainly to be saved altogether. This constant expense in time of peace, though very great, is insignificant in comparison with what the defence of the colonies has cost us in time of war. The last war, which was undertaken altogether on account of the colonies, cost Great Britain, it has already been observed, upwards of ninety millions. The Spanish war of 1739 was principally undertaken on their account, in which, and in the French war that was the consequence of it, Great Britain spent upwards of forty millions, a great part of which ought justly to be charged to the colonies. In those two wars the colonies cost Great Britain much more than double the sum which the national debt amounted to before the commencement of the first of them. Had it not been for those wars that debt might, and probably would by this time, have been completely paid; and had it not been for the colonies, the former of those wars might not, and the latter certainly would not have been undertaken. It was because the colonies were supposed to be provinces of the British empire that this expense was laid out upon them. But countries which contribute neither revenue nor military force towards the support of the empire cannot be considered as provinces. They may perhaps be considered as appendages, as a sort of splendid and showy equipage of the empire. But if the empire can no longer support the expense of keeping up this equipage, it ought certainly to lay it down; and if it cannot raise its revenue in proportion to its expense, it ought, at least, to accommodate its expense to its revenue. If the colonies, notwithstanding their refusal to submit to British taxes, are still to be considered as provinces of the British empire, their defence in some future war may cost Great Britain as great an expense as it ever has done in any former war. The rulers of Great Britain have, for more than a century past, amused the people with the imagination that they possessed a great empire on the west side of the Atlantic. This empire, however, has hitherto existed in imagination only. It has hitherto been, not an empire, but the project of an empire; not a gold mine, but the project of a gold mine; a project which has cost, which continues to cost, and which, if pursued in the same way as it has been hitherto, is likely to cost, immense expense, without being likely to bring any profit; for the effects of the monopoly of the colony trade, it has been shown, are, to the great body of the people, mere loss instead of profit."

Conclusion

The history of land claims in the Americas shows the connection of the United States to the powers of Europe, which have developed over a long and complicated history. The student of these land claims, may easily see how they have contributed to the current system of government present in the United States. Within the history of these land claims one even finds the nature and origin of our current tax system. Unfortunately these deep roots of the current American system are not well known, yet all the documents presented above are a matter of public record. The us in conclusion remember those wise words of George Santayana, "Those who cannot learn from history are doomed to repeat it."

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