

AN APPEAL TO HEAVEN



Maxims of Law

In describing the established Maxims of Law, Sir Edward Coke, a leading English authority on the law, stated: "A maxim is so called because its dignity is chiefest, and its authority the most certain, and because it is universally approved by all."

4e. A delegate cannot delegate; an agent cannot delegate his functions to a subagent without the knowledge or consent of the principal; the person to whom an office or duty is delegated cannot lawfully devolve the duty on another, unless he be expressly authorized so to do. 9 Coke, 77; Broom, Max. 840; 2 Kent, Comm. 633; 2 Steph. Comm. 119.

4h. An agent, as such, does not have title to the principal's property, although he may be intrusted with possession, and although he may have power to pass title. *Rogers v. U.S. Rubber Co.*, 20 A.2d 626, 627, 91 N.H. 398.

7l. An amendment [to the original instrument] is not a repeal. [Fundamental principles are not annulled by amendment.]. *Mass. Bond & Ins. Co. v. U.S.*, 352 U.S. 128, 139.

11h. Supreme power can dissolve itself. Bacon, Max.

11w. In the presence of the superior power, the inferior power ceases. Jenk. Cent. 214, c. 53; 13 How. (54 U.S.)

13d. There should be no commerce in illicit or prohibited goods. 3 Kent, Comm. 262, note.

13k. Law favors public commerce. Wing. Max. p. 738, max. 198.

34d. Those who do not preserve the law of the land, they justly incur the awesome and indelible brand of infamy. 3 Inst. 221.

35a. Commerce ought to be common, and not to be converted into a monopoly and the private gain of a few. 3 Inst. 181, in marg.

35f. It is said to be monopoly when one person alone buys up the whole of one kind of commodity, fixing a price at his own pleasure. 11 Coke, 86.

36f. In the court of chancery (equity) a man shall not be prejudiced by his misleading, or defect of form, but according to the truth of the matter; for the decision should be made according to conscience and not according to the rigor of law. C.L.M.

36l. The court of chancery is the workshop of justice. 2 Inst. 552.

37h. The people is the greatest master of error. Bacon; Black's, 767; Cycl. Dict. 649.

42f. Failure to enforce the law does not change it. *Louisville & N. R.R. v. U S.*, 282 U.S. 740, 759.

- 49j.** No man warring for God should be troubled by secular business. Co. Litt. 70.
- 51a.** The government cannot load a citizen with imposition against his will or consent. 2 Coke, 61.
- 51o.** All political power is inherent in the people by decree of God, thus none can exist except it be derived from them. American Maxim.
- 51p.** The main object of government is the protection and preservation of personal rights, private property, and public liberties, and upholding the law of God. American Maxim.
- 65h.** No court which has not a record can impose a fine, or commit any person to prison; because those powers belong only to courts of record. 8 Coke, 60.
- 51q.** A frequent recurrence to fundamental principles, and a firm adherence to justice, virtue, and original law, are indispensably necessary to preserve the blessings of liberty and good government. American Maxim
- 66e.** Jurisdiction is a power introduced for the public good, on account of the necessity of dispensing justice. 10 Coke, 73a.
- 66h.** The grant of jurisdiction implies the grant of all powers necessary to its exercise. 1 Kent, Comm. 339; Dig. 2, 1, 2;
- 67a.** Jurors ought to be neighbors, of sufficient estate, and free from suspicion. Jenk. Cent. 141; Bouv. 134.
- 67d.** A jury ought not to be harassed by labors and expenses. Jenk. Cent. 6.
- 67e.** The administration of an oath is an indispensable requisite to the formation of a legal jury. *Lumsden v. City of Milwaukee*, 8 Wis. 485, 486.
- 67g.** There can be no valid trial jury of less than 12 men, and a consent even by the defendant to a trial by a less number is absolutely void. *Hunt v. State*, 61 Miss. 577, 580, 581.
- 68i.** The law favors justice and right. Wing. Max. 141.
- 70q.** The law of God and the law of the land are all one; and both preserve and favor the private rights to the land. Keilw. 191.
- 71d.** Law is from everlasting. Jenk. Cent. p. 34, case 66; Branch, Princ.
- 71j.** The welfare of the people is the supreme law. *McInerney v. Ervin*, (Fla.) 46 So.2d 458, 463; Bacon, Max. reg. 12; 13 Coke, 139.
- 74a.** When laws imposed by the state fail, we must act by the law of nature. 2 Rolle, 298; Bouv. 136.
- 77f.** No freeman shall be deprived of life, liberty or property but by the lawful judgment of his peers, or by the law of the land—that is by the common law. C.L.M.
- 82b.** Every right is either made by consent, or is constituted by necessity, or is established by custom, or created in us by the decrees of Providence. Dig. 1, 3, 40.
- 82h.** Natural rights are such as appertain to man, inherent in his nature or plainly assured by natural law, being distinguished from such as are created by law, and depend upon civilized society. *Borden v. State*, 11 Ark. 519, 527; 44 Am. Dec. 217.
- 84a.** There is no stronger link or bond between men than an oath. Jenk. Cent. Cas. 126; Id. p. 126, case 54.
- 84b.** It is immaterial whether a man gives his assent by words or by acts and deeds. 10 Coke, 52.
- 84c.** Punishment is due if the words of an oath be false. Black's, 840.
- 84d.** An oath is indivisible; it is not to be held partly true and partly false. 4 Inst. 274; Boux. 134.

- 84e.** An oath has in it three component parts, truth, justice, and judgment; truth in the party swearing; justice and judgment in the judge administering the oath. 3 Inst. 160.
- 84f.** Every oath ought to be founded on certain knowledge. 4 Inst. 279.
- 84g.** A foolish oath, though false, makes not perjury. 2 Inst. 167.
- 84h.** In law, none is credited unless he is sworn. All facts must, when established by witnesses, be under oath or affirmation. Cro. Car. 64; Bouv, 130.
- 84i.** An infamous person is repelled or prevented from taking an oath. Co. Litt. 158; Bract. fol. 185.
- 84j.** To swear is to call God to witness, and is an act of religion. 3 Inst. 165; *Cycl.* Diet. 566.
- 84k.** No one is believed in court but upon his oath. 3 Inst. 79; C.L.M.
- 84l.** An oath made between others ought neither hurt nor profit. 4 Inst. 279.
- 84m.** The form of taking oaths differs in language, yet the meaning of all is the same, for all oaths ought to have this sense: that the Deity is invoked. Bouv. 134.
- 89d.** In favor of life, liberty, and innocence, all things are to be presumed. Lofft, 125.
- 94f.** Remedy signifies the judicial means for enforcing a right or redressing a wrong. *Walters v. City of Ottawa*, 88 N.E. 651, 654, 240 Ill. 259.
- 96h.** One is a servant who is employed by a master to perform service in his affairs and whose physical conduct in performance of the service is controlled by the master. *Evans v. Board of Ed. of Hays*, 284 P. 2d 1068, 1071.
- 102l.** The People have given to their Governors no Power to do an unjust thing, such as to make an unjust War, for they never had such a Power themselves. Locke, *Treat.* 2, 16, 179.
- 104s.** The meaning of the words is the spirit of the law. 5 Coke, 2. Comm. 119.