How Lawyers changed Marriage

The word attorney comes from the old English word *Attorn*, which means to twist. But you already suspected that.

Back when we had a perfectly Constitutional government, divorce courts existed to declare fake marriages to be invalid from the beginning. The “marriage” never existed from the beginning -- it is not cancelled, it never existed in the first place. All children were bastards. And since "bastards are not looked upon as children to any civil purposes" divorce courts had to ensure that bastards were kept in their status.

A 518-page marriage law textbook was published in 1841. A Practical Treatise of The Law of Marriage and Divorce by Leonard Shelford, Littell Publishers, Philadelphia, 1841.

Marriage was until death. Shelford's 1841 Treatise of the Law of Marriage, page 25

> "Marriage is the conjunction of man and woman vowing to live inseparably together until death… the marriage itself, and the obligations thence arising, are *jure divino*."
>
> (Divine jurisdiction. Not government jurisdiction).

And continuing on page 28 and 29:

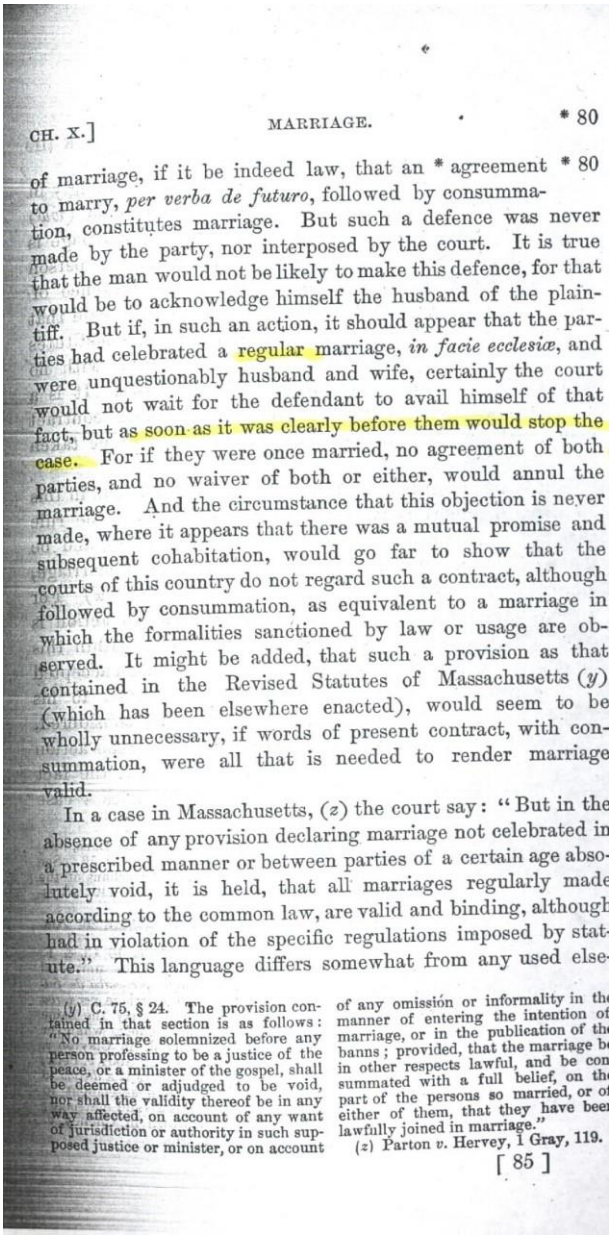
> "Experience, independently of religion, teaches that the great ends of matrimony cannot be fulfilled without imprinting on it a character of indissolubility, … The law has therefore imposed on the contract of marriage such a conditions; It is the law… that gives effect to and supports all contracts; … and everyone who contracts matrimony knows the terms of his engagement….
>
> "In prescribing a form of celebration, …. since all which either law or religion requires is, that the consent shall be given in such a solemn manner as may not only preclude all pretence of the want of a deliberate purpose, but render the contract of the sacred and important stature which it so justly merits…. Marriage, in its origin, is a contract of natural law antecedent to its becoming in civil society a civil contract, … in most civilized countries, acting under a sense of the force of sacred obligations, it is a religious contract, the consent of the individuals pledged to each other being ratified and consecrated by a vow to God. This, generally speaking, is the idea of marriage as entertained in every country where the Christian religion prevails.
>
> … but the divine obligations belong to the jurisdiction of another law and another judge."

Notice that "divine obligations belong to the jurisdiction of another law and another judge." And, interestingly enough, solemnized wedding vows are the only kind mentioned in the law books. Yet, solemnized weddings were unknown prior to 1563. If your church insists that fifteen centuries of Christians were not married, then you need to find another church. Bastards cannot enter the congregation of the Lord for 10 generations according to Deuteronomy 23:2.

A first wife could divorce her husband's second marriage. On Shelford's page 331 we read:

> "If a man has solemnized matrimony with one, and afterwards marries another, if the lawful wife desires to be restored to her husband, she may institute a suit in a cause of divorce from the tie of the second marriage, and of restitution of conjugal rights."

Proof of a regular marriage will stop a Divorce case. Theophilus Parsons, Law of Contracts (Boston, Little, Brown & Co., Sixth Edition, 1873), Volume III, page 85 (indexed as page 80):



CH. X.] MARRIAGE. * 80

of marriage, if it be indeed law, that an * agreement * 80 to marry, *per verba de futuro*, followed by consummation, constitutes marriage. But such a defence was never made by the party, nor interposed by the court. It is true that the man would not be likely to make this defence, for that would be to acknowledge himself the husband of the plaintiff. But if, in such an action, it should appear that the parties had celebrated a regular marriage, *in facie ecclesiæ*, and were unquestionably husband and wife, certainly the court would not wait for the defendant to avail himself of that fact, but as soon as it was clearly before them would stop the case. For if they were once married, no agreement of both parties, and no waiver of both or either, would annul the marriage. And the circumstance that this objection is never made, where it appears that there was a mutual promise and subsequent cohabitation, would go far to show that the courts of this country do not regard such a contract, although followed by consummation, as equivalent to a marriage in which the formalities sanctioned by law or usage are observed. It might be added, that such a provision as that contained in the Revised Statutes of Massachusetts (*y*) (which has been elsewhere enacted), would seem to be wholly unnecessary, if words of present contract, with consummation, were all that is needed to render marriage valid.

In a case in Massachusetts, (*z*) the court say: "But in the absence of any provision declaring marriage not celebrated in a prescribed manner or between parties of a certain age absolutely void, it is held, that all marriages regularly made according to the common law, are valid and binding, although had in violation of the specific regulations imposed by statute." This language differs somewhat from any used else-

(*y*) C. 75, § 24. The provision contained in that section is as follows: "No marriage solemnized before any person professing to be a justice of the peace, or a minister of the gospel, shall be deemed or adjudged to be void, nor shall the validity thereof be in any way affected, on account of any want of jurisdiction or authority in such supposed justice or minister, or on account of any omission or informality in the manner of entering the intention of marriage, or in the publication of the banns; provided, that the marriage be in other respects lawful, and be consummated with a full belief, on the part of the persons so married, or of either of them, that they have been lawfully joined in marriage."

(*z*) Parton *v.* Hervey, 1 Gray, 119.

[85]

U.S. Supreme Court in Maynard v. Hill, 1888.

Lawyers will lie. They insist that government divorce was legalized in 1888 by the Supreme Court's Maynard v. Hill, 125 U.S. 190. This is true for their intermarriage but it is not true for real marriage.

They redefined the word *marriage* to mean something that had never before existed. Real marriage was defined in the Garden of Eden prior to any human government. The Supreme Court allowed the divorce of the Maynard's intermarriage. The Maynard case also denied the inheritance rights of their bastard children.

This decision said that marriages are NOT contracts. The U.S. Supreme Court in Maynard v. Hill, 125 U.S. at page 212: determined that:

> "the relation of husband and wife, deriving both its rights and duties from a source higher than any contract of which the parties are capable, and, as to these, uncontrollable by any contract which they can make. When formed, this relation is no more a contract than 'fatherhood' or 'sonship' is a contract"

Also at page 212, the Supreme Court confirmed that real "marriage is a relation for life". And indeed, real marriage had always been enforced by courts because it is until death they depart.

HISTORY OF UN-DIVORCEABLE MARRIAGE

Prior to 1857 there were no government divorce courts in America or England. The spiritual (ecclesiastical) courts sometimes granted a divorce from bed and board, *a mensa et thoro*, but never a complete divorce from the bonds of marriage.

"Complete divorce formerly occurred in England only when Parliament, by a private act made for the case, annulled a marriage."[2] presumably due to an invalid original contract to marry. We may also presume that this never occurred in marriages with children because Blackstone's Commentaries Page 423, Book 1: "all marriages contracted by lawful persons in the face of the church, and consummate with bodily knowledge, and fruit of children, shall be indissoluble."

[2] Parsons On Contracts, sixth edition, Volume III, page 88

(125 U. S. 190)

MAYNARD *et al.* *v.* HILL *et al.*[1]

(March 19, 1888.)

1. CONSTITUTIONAL LAW—LEGISLATIVE POWERS—DIVORCE.
A special act of a territorial legislature, dissolving the marriage relation between a husband, resident of the territory, and a wife, who is a non-resident, is a valid act of legislative power, and it does not invalidate the act that there was no cause for the divorce, nor that the wife was not notified.

2. SAME—IMPAIRING OBLIGATION OF CONTRACT.
An act of a territorial legislature, dissolving a marriage relation, does not infringe the provision of the constitution against laws impairing the obligation of contracts; the marriage relation not being a contract within the meaning of that provision.

3. DIVORCE—RIGHTS OF DIVORCED PARTIES—PUBLIC LANDS—DONATION CLAIMS.
The act of congress, September 27, 1850, which conferred title to lands in Oregon territory upon certain settlers, required four years' residence upon and cultivation of the land before the settler should become the grantee, and provided that, if he were married, the title, at the end of that time, should inure to the benefit of himself and wife, in equal parts. Plaintiff's father settled on land under the act, as a married man, but, before the four years had expired, was divorced from his wife, plaintiff's mother, whose share, under the act, they claim as her heirs. *Held*, that the right of the wife to one-half of the lands settled was not vested, and was defeated by the divorce.

MATTHEWS and GRAY, JJ., dissenting.

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*Appeal from the Supreme Court of the Territory of Washington.

This is a suit in equity to charge the defendants, as trustees of certain lands in King county, Washington Territory, and compel a conveyance thereof to the plaintiffs. The lands are described as lots 9, 10, 13, and 14, of section 4, and lots 6, 7, 8, and 9, of section 5, in township 24 north, range 4 east, Willamette meridian. The case comes here on appeal from a judgment of the supreme court of the territory, sustaining the defendants' demurrer, and dismissing the complaint. The material facts, as disclosed by the complaint, are briefly these: In 1828, David S. Maynard and Lydia A. Maynard intermarried in the state of Vermont, and lived there together as husband and wife until 1850, when they removed to Ohio. The plaintiffs, Henry C. Maynard and Frances J. Patterson, are their children, and the only issue of the marriage. David S. Maynard died intestate in the year 1873, and Lydia A. Maynard in the year 1879. In 1850 the husband left his family in Ohio and started overland for California, under a promise to his wife that he would either return or send for her and the children within two years, and that in the mean time he would send her the means of support. He left her without such means, and never afterwards contributed anything for her support or that of the children. On the 16th of September following he took up his residence in the territory of Oregon, in that part which is now Washington Territory, and continued ever afterwards to reside there. On the 3d of April, 1852, he settled upon and claimed, as a married man, a tract of land of 640 acres, described in the bill, under the act of congress of September 27, 1850, "creating the office of surveyor general of public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands," and resided thereon until his death. On the 22d day of December, 1852, an act was passed by the legislative assembly of the territory, purporting to dis-

[1] Affirming 5 Pac. Rep. 717.

MARRIAGE LICENSE AND INTERMARRIAGE IN BLACK'S LAW DICTIONARIES

Marriage existed prior to any human government. Governments cannot change pre-existing definitions to any further than they can redefine gravity.

BLACK'S LAW DICTIONARY, FIRST EDITION. 1891

The first edition has no definition of intermarriage, but the word *intermarriage* is used in the definition of alliance and the word *intermarry* is used in the definition of marriage license.

Under the term License.

Marriage license. A marriage license is an authority enabling two persons to be married.

This might be just for church issued licenses. A church had to confirm that both the bride and groom had no living spouse, were competent to marry, and if underage – had parents' permission.

MARRIAGE LICENSE. A license or permission granted by public authority to persons who intend to intermarry. By statute, in some jurisdictions, it is made an essential prerequisite to the lawful solemnization of the marriage.

BLACK'S LAW DICTIONARY, SECOND EDITION, 1910

Under the term License:

Marriage license. A written license or permission granted by public authority to persons who intend to intermarry, usually addressed to *the minister or magistrate* who is to perfom the ceremony, or, in general terms, to any one authorized to solemnize marriages.—**Registrar's**

ALSO in Black's Law Dictionary Second Edition:

the law.—**Marriage license.** A license or permission granted by public authority to persons who intend to intermarry. By statute in some jurisdictions, it is made an essential prerequisite to the lawful solemnization of the marriage.—**Marriage-notice book.** A book kept,

AND

INTERMARRIAGE. In the popular sense, this term denotes the contracting of a marriage relation between two persons considered as members of different nations, tribes, families, etc., as, between the sovereigns of two different countries, between an American and an alien, between Indians of different tribes, between the scions of different clans or families. But, in law, it is sometimes used (and with propriety) to emphasize the mutuality of the marriage contract and as importing a reciprocal engagement by which each of the parties "marries" the other. Thus, in a pleading, instead of averring that "the plaintiff was married to the defendant," it would be proper to allege that "the parties intermarried" at such a time and place.

Notice that the lawyers themselves put their word "marries" in quotes. Because it is not a real marriage. As you can see for yourself, a Marriage License is not for real marriage, it is only for intermarriage.

BLACK'S LAW DICTIONARY, THIRD EDITION, 1933:

Under the term License:

—Marriage license. A written license or permission granted by public authority to persons who intend to intermarry, usually addressed to the minister or magistrate who is to perform the ceremony, or, in general terms, to any one authorized to solemnize marriages.

ALSO in Black's Law Dictionary Third Edition:

—Marriage license. A license or permission granted by public authority to persons who intend to intermarry. By statute in some jurisdictions, it is made an essential prerequisite to the lawful solemnization of the marriage.

AND:

INTERMARRIAGE. In the popular sense, this term denotes the contracting of a marriage relation between two persons considered as members of different nations, tribes, families, etc., as, between the sovereigns of two different countries, between an American and an alien, between Indians of different tribes, between the scions of different clans or families. But, in law, it is sometimes used (and with propriety) to emphasize the mutuality of the marriage contract and as importing a reciprocal engagement by which each of the parties "marries" the other. Thus, in a pleading, instead of averring that "the plaintiff was married to the defendant," it would be proper to allege that "the parties intermarried" at such a time and place.

BLACK'S LAW DICTIONARY, FOURTH EDITION, 1968

Amalgamation mentions intermarriage for the first time

AMALGAMATION. Union of different races, or diverse elements, societies, or corporations, so as to form a homogeneous whole or new body; interfusion; intermarriage; consolidation; coalescence; as, the amalgamation of stock. Stand. Dict.

To join in a single body two or more associations, organizations, or corporations. Peterson v. Evans, 288 Ill.App. 623, 6 N.E.2d 520.

In England it is applied to the merger or consolidation of two incorporated companies or societies.

The word has no definite meaning; it involves the blending of two concerns into one; 1904, 2 Ch. 268.

ALSO in Black's Law Dictionary Fourth Edition:

INTERMARRIAGE. In the popular sense, this term denotes the contracting of a marriage relation between two persons considered as members of different nations, tribes, families, etc., as, between the sovereigns of two different countries, between an American and an alien, between Indians of different tribes, between the scions of different clans or families. But, in law, it is sometimes used (and with propriety) to emphasize the mutuality of the marriage contract and as importing a reciprocal engagement by which each of the parties "marries" the other. Thus, in a pleading, instead of averring that "the plaintiff was married to the defendant," it would be proper to allege that "the parties intermarried" at such a time and place.

Under the term License:

Marriage License

See Marriage License.

AND:

MARRIAGE LICENSE. A license or permission granted by public authority to persons who intend to intermarry, usually addressed to the minister or magistrate who is to perform the ceremony, or, in general terms, to any one authorized to solemnize marriages. By statute in some jurisdictions, it is made an essential prerequisite to the lawful solemnization of the marriage.

ALSO:

MISCEGENATION. Mixture of races; marriage between persons of different races; as between a white person and a Negro.

Living together in state of adultery or fornication, by white person and Negro, or descendant of Negro. Jackson v. State, 23 Ala.App. 555, 129 So. 306.

BLACK'S LAW DICTIONARY, FIFTH EDITION, 1979:

The definition of *intermarriage* disappears. Under the term intermarriage:

Intermarriage. See **Miscegenation.**

Under the term License:

See also Certificate; Exclusive license; Letter of license; Licensee; Marriage license; Permit.

Marriage license. A license or permission granted by public authority to persons who intend to intermarry, usually addressed to the minister or magistrate who is to perform the ceremony, or, in general terms, to any one authorized to solemnize marriages. By statute in most jurisdictions, it is made an essential prerequisite to the lawful solemnization of the marriage.

Mixed marriage. A marriage between persons of different nationalities or religions; or, more particularly, between persons of different racial origin; as between a white person and a negro or an Indian. See **Miscegenation.**

Miscegenation /məsèjənéyshən/mísəjə°/. Mixture of races; marriage between persons of different races, as between a white person and a Negro.

Mixed marriage. A marriage between persons of different nationalities or religions; or, more particularly, between persons of different racial origin; as between a white person and a negro or an Indian. See **Miscegenation.**

If you think that divorce cancels a marriage, then you have been deceived. The first mention in Black's Law Dictionary that divorce cancels a marriage was in the 1979 definition of divorce.

Yet it has never become true. The real definition has not changed after 19 centuries of Christianity. In today's Divorce Courts, divorce never cancels a marriage. As it was in the first federal government divorce of what the U.S. Supreme Court called "intermarriage", the states now declare their phony licensed "marriage" to be so invalid that it cannot be upheld in court. Divorce Courts declare each phony "marriage" to be void from the beginning. The "marriage" never existed -- it is NOT cancelled, it never existed in the first place. All children of licensed marriage are bastards. They are not looked upon as children to any civil purposes.

BLACK'S LAW DICTIONARY, SIXTH EDITION, 1990:

Under the term License:

See also Bare *or* mere license; Certificate; Compulsory license; Exclusive license; Franchise; Letter of license; Licensee; Marriage license; Permit.

Marriage license. A license or permission granted by public authority to persons who intend to intermarry, usually addressed to the minister or magistrate who is to perform the ceremony, or, in general terms, to any one authorized to solemnize marriages. By statute in most jurisdictions, it is made an essential prerequisite to the lawful solemnization of the marriage.

Intermarriage. *See* Miscegenation.

Mixed marriage. A marriage between persons of different nationalities or religions; or, more particularly, between persons of different racial origin; as between a white person and a negro or an Indian. *See* Miscegenation.

Miscegenation /məsèjənéyshən/mísəjə°/. Mixture of races. Term formerly applied to marriage between persons of different races. Statutes prohibiting marriage between persons of different races have been held to be invalid as contrary to equal protection clause of Constitution. Loving v. Virginia, 388 U.S. 1, 87 S.Ct. 1817, 18 L.Ed.2d 1010.

Intermarriage. *See* Miscegenation.

Mixed marriage. A marriage between persons of different nationalities or religions; or, more particularly, between persons of different racial origin; as between a white person and a negro or an Indian. *See* Miscegenation.

Miscegenation /məsèjənéyshən/mísəjə°/. Mixture of races. Term formerly applied to marriage between persons of different races. Statutes prohibiting marriage between persons of different races have been held to be invalid as contrary to equal protection clause of Constitution. Loving v. Virginia, 388 U.S. 1, 87 S.Ct. 1817, 18 L.Ed.2d 1010.

BLACK'S LAW DICTIONARY, SEVENTH EDITION, 1999:

In the Seventh Edition there is no mention that a marriage license is for intermarriage, AND there is no entry for intermarriage.

MANY new mentions of a marriage license. Notice how they all interfere with a right to marry.

This shows up for the first time:

Court of Faculties. *Eccles. law.* An archbishop's tribunal that grants special dispensations (such as a marriage license) and decides questions relating to monuments and mortuary matters. See MASTER OF THE FACULTIES.

marriage license. A document, issued by a public authority, that grants a couple permission to marry. ● Most states require the couple to take blood tests before obtaining the license.

Perhaps this "public authority" is derived from the archbishop, mentioned in court of faculties

Also, this shows up for the first time:

serological test (seer-ə-**loj**-ə-kəl). A state-ordered blood test to determine the presence of venereal disease in a couple applying for a marriage license.

A mention of marriage license now shows up in:

waiting period. A period that must expire before some legal right or remedy can be enjoyed or enforced. ● For example, many states have waiting periods for the issuance of marriage licenses or the purchase of handguns.

Black's Law Dictionary Seventh Edition has no entry for intermarriage. But the word now shows up in

municipium (myoo-nə-**sip**-ee-əm). [fr. Latin *munus* "honor" + *capere* "to take"] *Roman law*. A self-governing town; specif., any community allied with or conquered by Rome and allowed to maintain certain privileges (such as maintaining separate laws called *leges municipales*) and to exchange certain rights with Rome, such as intermarriage with Roman citizens.

miscegenation (mi-sej-ə-**nay**-shən). A marriage between persons of different races, formerly considered illegal in some jurisdictions. • In 1967, the U.S. Supreme Court held that laws banning interracial marriages are unconstitutional. *Loving v. Virginia*, 388 U.S. 1, 87 S.Ct. 1817 (1967). But for years, such laws technically remained on the books in some states. The last remaining state-law ban on interracial marriages was a provision in the state constitution of Alabama. The Alabama legislature voted to repeal the ban, subject to a vote of the state's citizens, in 1999. — Also termed *mixed marriage*, *interracial marriage*.

Black's Law Dictionary Seventh Edition

mixed marriage. See MISCEGENATION.

AND

miscegenation is also mentioned in

offense against the public health, safety, comfort, and morals. A crime traditionally viewed as endangering the whole of society. • The common-law offenses of this type were nuisance, bigamy, adultery, fornication, lewdness, illicit cohabitation, incest, miscegenation, sodomy, bestiality, buggery, abortion, and seduction.

Final Comments

I wanted this article to show that lawyers cannot be trusted with upholding any family values.

When I was served divorce papers, I spent thousands of dollars to find a Christian lawyer who would uphold the sanctity of marriage. There are none. No one explained to me the facts I've just presented to you.

It is my hope that someone with a good case can put an end to the divorce industry. And restore the blessings of liberty to mankind. After all, men created government to help them defend their families. But lawyers refuse to uphold the very purpose of their government.

If you cannot find a good lawyer who will establish the law, you can learn for yourself the procedures and rules that run the courts in America. I recommend an online law course. "How To Win In Court.com" self-help course.

The following are things YOU must do to win:

- Draft proper pleadings with all fact elements
- Obtain all necessary evidence before trial
- Make effective oral motions
- Draft effective written motions
- Use online legal research
- Draft compelling memoranda
- Insure a written record of all proceedings
- Object promptly to all errors of opponent
- Object promptly to all errors of judge
- Renew objections to all un-cured errors of judge
- Keep your opponent's evidence out
- Get your evidence in
- Stop opponent from proposing false orders
- Offer to draft all orders
- Stop opponent's lawyer from testifying
- ... and more ... !

If you don't know how to do these simple tasks, you will lose.
Learning is easy.

All the basic law procedures that run American courts are explained in this ."How To Win In Court" self-help course. Click HERE for FREE TOUR of Legal Self-Help Course!

You may also be interested in my other books and essays at www.NotFooledByGovernment.com.