The Importance that Maxims of Law can have on your life.

The following are the definitions of “maxims,” and then the relevant maxims of law will be listed.

1. Maxim (Bouvier’s Law Dictionary, 1856): An established principle or proposition. A principle of law universally admitted, as being just and consonant with reason.

2. Maxims in law are somewhat like axioms in geometry. 1 Bl. Com. 68. They are principles and authorities, and part of the general customs or common law of the land; and are of the same strength as acts of parliament, when the judges have determined what is a maxim; which belongs to the judges and not the jury. Termsdo Ley; Doct. & Stud. Dial. 1, c. 8. Maxims of the law are holden for law, and all other cases that may be applied to them shall be taken for granted. 1 Inst. 11. 67; 4 Rep. See 1Com. c. 68; Plowd. 27, b.

3. The application of the maxim to the case before the court, is generally the only difficulty. The true method of making the application is to ascertain how the maxim arose, and to consider whether the case to which it is applied is of the same character, or whether it is an exception to an apparently general rule.

4. The alterations of any of the maxims of the common law are dangerous. 2 Inst. 210.

5. Maxim (William C. Anderson’s A Dictionary of Law, (1893), page666): So called...because its value is the highest and its authority the most reliable, and because it is accepted by all persons at the very highest.

6. When a principle has been so long practiced and so universally acknowledged as to become a maxim, it is obligatory as part of the law.

7. Maxim of Law (Black’s Law Dictionary, 3rd Edition, (1933), page 1171): An established principle of proposition. A principle of law universally admitted as being a correct statement of the law, or as agreeable to reason. Coke defines a maxim to be “a conclusion of reason” Coke on Littleton, 11a. He says in another place, “A maxim is a proposition to be of all men confessed and granted without proof, argument, or discourse.” Coke on Littleton. 67a.

8. Maxim (Black’s Law Dictionary, 4th Edition): Maxims are but attempted general statements of rules of law and are law only to the extent of application in adjudicated cases.”

Maxims of Law

The following maxims were taken directly from man’s law dictionaries and court cases. The following books were referenced for this article:

1. Bouvier’s Law Dictionary, by John Bouvier, (1856)
2. Legal Maxims, by Broom and Bouvier, (1856)
5. Maxims of Law, by Charles A. Weisman, (1990)

Comments in [brackets] are added and not part of the maxim itself*
Maxims of Law: Accidents and Injury

· An act of God does wrong to no one.
· The act of God does no injury; that is, no one is responsible for inevitable accidents.
· No one is held to answer for the effects of a superior force, or of an accident, unless his own fault has contributed.
· The execution of law does no injury.
· An action is not given to one who is not injured.
· An action is not given to him who has received no damages.
· He who suffers a damage by his own fault, has no right to complain.
· Mistakes, neglect, or misconducts are not to be regarded as accidents.
· Whoever pays by mistake what he does not owe, may recover it back; but he who pays, knowing he owes nothing; is presumed to give.
· What one has paid knowing it not to be due, with the intention of recovering it back, he cannot recover back. [If the IRS accuses you of owing the money, if you want to go to court to dispute it, you must pay them in full what they demand and then sue them to get it back. Therefore that action by the accused places the burden of proof upon the accused rather than the accuser]
· No man ought to be burdened inconsequence of another’s act.
· There may be damage or injury inflicted without any act of injustice.
· Not every loss produces and injury.
· A personal injury does not receive satisfaction from a future course of proceeding.
· Wrong is wiped out by reconciliation.
· An injury is extinguished by the forgiveness or reconcilement of the party injured. [Luke 17:3-4, 2 Corinthians2:7-8]

Maxims of Law: Benefits and Privileges

· Favors from government often carry with them an enhanced measure of regulation.
· Anyone may renounce a law introduced for his own benefit.
· No one is obliged to accept a benefit against his consent.
· He who receives the benefit should also bear the disadvantage.
· He who derives a benefit from a thing, ought to feel the disadvantages attending it.
· He who enjoys the benefit, ought also to bear the burden.
· He who enjoys the advantage of a right takes the accompanying disadvantage.
· A privilege is, as it were, a private law.
· A privilege is a personal benefit and dies with the person.
· One who avails himself of the benefits conferred by statute cannot deny its validity.
· What I approve I do not reject. I cannot approve and reject at the same time. I cannot take the benefit of an instrument, and at the same time repudiate it.
· He who does any benefit to another for me is considered as doing it to me.

**Maxims of Law: Commerce**

· Caveatemptor (let the buyer beware).
· Let the purchaser beware.
· Let the seller beware.
· The payment of the price stands in the place of a sale.
· The payment of the price of a thing is held as a purchase.
· Goods are worth as much as they can be sold for.
· Mere recommendation of an article does not bind the vendor of it.
· It is settled that there is to be considered the home of each one of us where he may have his habitations and account-books, and where he has made an establishment of his business.
· No rule of law protects a buyer who willfully closes his ears to information, or refuses to make inquiry when circumstances of grave suspicion imperatively demand it.
· Let every one employ himself in what he knows.
· He at whose risk a thing is done, should receive the profits arising from it.
· Usury is odious in law. [Exodus 22:25, Leviticus 25:36-37, Nehemiah 5:7,10, Proverbs 28:8, Ezekiel 18:8,13,17; 22:12]

**Maxims of Law: Common Sense**

· When you doubt, do not act.
· It is a fault to meddle with what does not belong to or does not concern you.
· Many men know many things, no one knows everything.
· One is not present unless he understands.
· It avails little to know what ought to be done, if you do not know how it is to be done.
· He who questions well, learns well.
· What ever is done in excess is prohibited by law.
· No one is bound to give information about things he is ignorant of, but everyone is bound to know that which he gives information about.
· No man is bound to have fore knowledge of a Divine or a future event.
· No one is bound to arm his adversary.

**Maxims of Law: Consent and Contracts**

· Consent makes the law. A contract is a law between the parties, which can acquire force only by consent.
· Consent makes the law: the terms of a contract, lawful in its purpose, constitute the law as between the parties.
· To him consenting no injury is done.
· He who consents cannot receive an injury.
· Consent removes or obviates a mistake.
· He who mistakes is not considered as consenting.
· Every consent involves a submission; but a mere submission does not necessarily involve consent.
· A contract founded on a base and unlawful consideration, or against good morals, is null.
· One who wills a thing to be or to be done cannot complain of that thing as an injury.
· The agreement of the parties makes the law of the contract.
· The contract makes the law.
· Agreements give the law to the contract.
· The agreement of the parties overcomes or prevails against the law.
· Advice, unless fraudulent, does not create an obligation.
· No action arises out of an immoral consideration.
· No action arises on an immoral contract.
· In the agreements of the contracting parties, the rule is to regard the intention rather than the words.
· The right of survivorship does not exist among merchants for the benefit of commerce. [Take notice, heed and warning all ye International Bankters and all their minions at the Federal Reserve Bank and on Wall Street]
· When two persons are liable on a joint obligation, if one makes default the other must bear the whole.
· You ought to know with whom you deal.
· He who contracts, knows, or ought to know, the quality of the person with whom he contracts, otherwise he is not excusable.
· He who approves cannot reject.
· If anything is due to a corporation, it is not due to the individual members of it, nor do the members individually owe what the corporation owes.
· Agreement takes the place of the law: the express understanding of parties supercedes such understanding as the law would imply.
· Manner and agreement overrule the law.
· The essence of a contract being assent, there is no contract where assent is wanting.

**Maxims of Law: Court and Pleas**
· There can be no plea of that thing of which the dissolution is sought.
· A false plea is the basest of all things.
· There can be no plea against an action which entirely destroys the plea.
· He who does not deny, admits. [A well-known rule of pleading]
· No one is believed in court but upon his oath.
· An infamous person is repelled or prevented from taking an oath.
· In law none is credited unless he is sworn. All the facts must, when established by witnesses, be under oath or affirmation.

· An act of the court shall oppress none.

· The practice of a court is the law of the court.

· There ought to be an end of law suits. [INTERESTING Maxim to which I add Attorneys]

· It concerns the commonwealth that there be an end of law suits.

· It is for the public good that there be an end of litigation.

· A personal action dies with the person. This must be understood of an action for a tort only.

· Equity acts upon the person.

· No one can sue in the name of another. [Does this mean that a prosecutor working for the State of X cannot sue anyone in the Name of the State of X?]

Maxims of Law: Court Appearance

[EXTREME CAUTION: The following illustrates clearly WHY one should avoid voluntarily appearing in court without being properly prepared]

· A general appearance cures antecedent irregularity of process, a defective service, etc.

· Certain legal consequences are attached to the voluntary act of a person.

· The presence of the body cures the error in the name; the truth of the name cures an error in the description. [in court one might choose to say: For the record judge, the truth is, I am a living man known to many as John Quincy of the Jones family, and I have come here today consenting ONLY to my special appearance, and to declare my special exception and status as a private man, and further to declare that I am not the entity/person or corporation indicted on your paperwork as “JOHN QUINCY JONES”.]

· An error in the name is immaterial if the body is certain.

· An error in the name is nothing when there is certainty as to the person.

· The truth of the demonstration removes the error of the name.

Maxims of Law: Crime and Punishment

· A madman is punished by his madness alone.

· The instigator of a crime is worse than he who perpetrates it.

· They who consent to an act, and they who do it, shall be visited with equal punishment. [NEVER, NEVER, NEVER Consent to unlawful actions against you]

· Acting and consenting parties are liable to the same punishment. [NEVER act without first noting you are doing so ONLY under duress, and never give your consent]

· No one is punished for his thoughts. [“judge, based on your actions here today, one might have the thought and consider stating that you appear to be acting like ……”]

· No one is punished for merely thinking of a crime.

· He who has committed iniquity, shall not have equity.

· He who is once bad, is presumed to be always so in the same degree. [This is the reason you should
have all records EXPUNGED of all dismissed charges ever brought against you, lest you carry the burden of this maxim with you to the next encounter with the law]

· He who is once criminal is presumed to be always criminal in the same kind or way.
· Whatever is once bad, is presumed to be so always in the same degree.

· He who does not forbid a crime while he may, sanctions it. [This is the maxim to use against any judge who has NOT FORBID a crime committed in the past (by not convicting one of his buddies), and thereby he has SANCTIONED that crime, which breaks his Oath of Office and thereby immediately forces the judge OUT of Office according to the Law. A formal Judicial Complaint could be sent in the form of an affidavit using the Notary Protest process to the judges bonding company and to the State Bar Association, and such actions may cause the removal of the judge from your case, from the judicial bench, and possibly from Public Office, and also force him to forfeit all of his pay (from the time he committed the crime that forced him out of Public Office), and also to forfeit his pension.] Think one or two of these would get the attention of the judges, and possibly cause them to rethink their actions while in courtrooms?
· He who does not blame, approves.
· He is clear of blame who knows, but cannot prevent.
· No one is to be punished for the crime or wrong of another.

· No guilt attaches to him who is compelled to obey. [This is one more reason why one must always clearly give notice that any action one is compelled to perform against their will, is being taken UNDER DURESS]
· Gross negligence is held equivalent to intentional wrong.
· Misconduct binds its own authors. It is a never-failing axiom that everyone is accountable only for his own offence or wrong.

· In offenses, the will and not the consequences are to be looked to.
· It is to the intention that all law applies.
· The intention of the party is the soul of the instrument.
· Every act is to be estimated by the intention of the doer.
· An act does not make a man a criminal, unless his intention be criminal.
· An act does not make a person guilty, unless the intention be also guilty. This maxim applies only to criminal cases; in civil matters it is otherwise.

· In offenses, the intention is regarded, not the event.
· The intention amounts to nothing unless some effect follows.
· Take away the will, and every action will be indifferent.
· Your motive gives a name to your act.
· An outlaw is, as it were, put out of the protection of the law.
· Vainly does he who offends against the law, seek the help of the law.
· Drunkenness inflames and produces every crime.
· Drunkenness both aggravates and reveal severy crime.
· He who sins when drunk shall be punished when sober.
· Punishment is due if the words of an oath be false. [an Oath of Public Office must be stated in the words mandated by law or the words of the oath would be false]
· A prison is established not for the sake of punishment, but of detention and guarding.
· Those sinning secretly are punished more severely than those sinning openly.
· Punishment ought not to precede a crime.
· If one falsely accuses another of a crime, the punishment due to that crime should be inflicted upon the perjured informer. [Deuteronomy 19:18] [Would/should this maxim apply to judges who falsely convict people of crimes they know they have not committed?]

**Maxims of Law: Customs and Usages**

· Long time and long use, beyond the memory of man, suffices for right.
· Custom is the best expounder of the law.
· Custom is another law.
· A prescriptive and legitimate custom overcomes the law.
· Custom leads the willing, law compels or draws the unwilling.
· Usage is the best interpreter of things.
· Custom is the best interpreter of laws.
· What is done contrary to the custom of our ancestors, neither pleases nor appears right.

When Jesus spoke the Truth to his accusers, he would justify himself by quoting Law. First, he would quote God’s Law, and after quoting God’s Law He would often quote the accuser’s law and use that against them as well. For example, Jesus would say, “Did ye never read in the scriptures...” and then quote God's Law. Then he would turn around and say, “Is it not written in your law...” and quote their law! His accusers would have no answer, they could not overcome Him. How could anyone overcome somebody who is obeying both God’s Law and man’s law? If a man made law is just, it will be in harmony with God’s Law.

This is the purpose of this article. These maxims are the foundation and principles of the laws that man passes today. Unfortunately, men enforce their own will more than they enforce law. So, this is why, in addition to knowing God’s Law, it is also important to know man’s law, because man’s law is based upon God’s Law. And when you are accused of “breaking the law,” you can do what Jesus did, and use both God’s Law and man’s law to justify your lawful acts, for this is the only thing that will excuse you.

It is important to distinguish between commercial law and maxims of law, when quoting from their law. We should never, ever quote their codes, rules, regulations, ordinances, statutes, common law, merchant law, public policies, constitutions, etc., because these are commercial in nature, and if we use their commercial law, they can presume we are engaged in commerce (which means we are of the world), which will nullify our witness (because we are not of the world). Maxims of law are not commercial law, but are mostly based upon scripture and truth.

Here is a court case which demonstrates a typical example of the fruitlessness of describing oneself in the terms of the world, as distinguished from who and what our Heavenly Father has already told us we are.

It was rendered by JOHN V. PARKER, Chief Judge:

“Petitioner’s shield of the “Common Law” as an “Unenfranchised Sovereign Individual of the United States of America, a Republic, “provides him with the same degree of protection from federal income
taxation as did the Ghost Dance of the Sioux warrior from the repeating rifles of the federal Calvary – ZERO.”


Many insist on using the “common law” to defend themselves. The reason we should not is because, first and foremost, you do not see the term “common law” in scripture. Bond servants of Christ are only to use God’s Law. Secondly, the common law is a commercial law today, created by merchants, influenced by Roman Law, and used for commercial purposes. The following definitions are taken from “A Dictionary of Law, by William C. Anderson, 1893.”

Custom of merchants: A system of customs, originating among merchants, and allowed for the benefit of trade as part of the common law. Page 303.

Law-merchant; law of merchants: The rules applicable to commercial paper were transplanted into the common law from the law merchant. They had their origin in the customs and course of business of merchants and bankers, and are now recognized by the courts because they are demanded by the wants and conveniences of the mercantile world. Pages 670-671.

Roman Law: The common law of England has been largely influenced by the Roman law, in several respects:…Through the development of commercial law. Page910.

All of man’s laws, except for many maxims of law, are commercial in nature.