

Marriage License

Table of Contents

1. Marriage
2. Licenses
3. Miscegenation
4. Three Parties
5. The Children
6. Conclusion
7. FAQ

Marriage

Holy Matrimony is not an invention of man. God instituted marriage. According to God's plan, man and woman together form the unit of humanity. A man or a woman alone is only part of an entirety.

Marriage is not a sacrament, as is taught in some churches, but nor is it a secular contract. In the Scriptures, marriage is an institution in society that is of divine origin. This institution is one of three, Church, Family & State. Each one has individual jurisdiction in its own sphere. Each one is, in some respects, over and under the other. Each one will be held responsible before God and each one must act in accordance with Holy Scripture. Marriage is not to be regarded as a holy sacrament in the realm of grace, but honored rather as a divine ordinance in the realm of creation. Marriage is the foundation for a well-ordered society

Daily, Christians stand before God and "these witnesses" and enter into a contract with the state in which they live. This process is commonly known as the institution of marriage. Marriage was ordained by God as one of His first acts after creating the world, beasts, and mankind. God was very specific in His instructions concerning the sanctity of marriage and His order for the family. Somehow we have missed the boat and have given that which is holy unto dogs.

Scripture is abundantly clear that marriage has been instituted, created and ordained, not by the state, not by the church, but by God himself:

Genesis 2:18,21-23

18 And the LORD God said, It is not good that the man should be alone; I will make him an help meet for him.

21 And the LORD God caused a deep sleep to fall upon Adam, and he slept: and he took one of his ribs, and closed up the flesh instead thereof;

22 And the rib, which the LORD God had taken from man, made he a woman, and

brought her unto the man.

23 And Adam said, This is now bone of my bones, and flesh of my flesh: she shall be called Woman, because she was taken out of Man.

Proverbs 18:22 Whoso findeth a wife findeth a good thing, and obtaineth favour of the LORD.

Proverbs 19:14 House and riches are the inheritance of fathers: and a prudent wife is from the LORD.

Matthew 19:4-6 And he answered and said unto them, Have ye not read, that he which made them at the beginning made them male and female, And said, For this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh? Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder.

Matthew 19:12 For there are some eunuchs, which were so born from their mother's womb: and there are some eunuchs, which were made eunuchs of men: and there be eunuchs, which have made themselves eunuchs for the kingdom of heaven's sake. He that is able to receive it, let him receive it.

It is important to understand that civil government has never been divinely authorized to control families. Romans 13 enumerates the role and purpose of government. Government was established by God as "a revenger to execute wrath upon him that doeth evil." No passage in scripture grants civil government authority to regulate family affairs when no crime has been committed. Therefore...no authority exists. For "there is no power but of God" (Romans 13:1).

Even American jurisprudence, the law of civil government, recognizes that marriage is a right.

"Marriage is a natural right. It was not created by law. It existed before all law. Marriage is a right of personality." *Ramon v. Ramon*, 34 N.Y.S. 2d 100, 105.

"The freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men. Marriage is one of the 'basic civil rights of man,' fundamental to our very existence and survival. *Skinner v. Oklahoma*, 316 U.S. 535, 541 (1942). See also *Maynard v. Hill*, 125 U.S. 190 (1888)." *LOVING v. VIRGINIA*, 388 U.S. 1 (1967)

"The right to marry is of fundamental importance." *ZABLOCKI v. REDHAIL*, 434 U.S. 374 (1978)

Remember, government has no authority to regulate rights. They are here to protect the rights that God has given us. This well-recognized fact is enumerated in the works of our founding fathers time and time again, even the declaration of independence says that it is "to secure these rights, governments are instituted among men."

Even if legitimate government had authority to license the right to marry, it would be an abominable blasphemy to call this tyrannical anti-Christ system "the minister of God to thee for good" which is described as true government in Romans 13.

Licenses

In order for you to completely understand the sin of surrendering the God-ordained and instituted act of marriage it is needful for you to understand the legal ramifications of entering into a license agreement with the state. A license is defined by Black's Law Dictionary as "The permission by competent authority to do an act which without such permission, would be illegal."

As you can see from the above definition, the granting of a marriage license by the state carries with it several legal implications and assumptions. To accept and apply for a marriage license, by that very act itself, implies and presumes that:

1. It would be unlawful to marry without the states permission.
2. The state has jurisdiction to regulate contracts.
3. Marriage is revocable, pursuant to the revocation of a marriage license.
4. The state is legitimate, competent, and authorized by God to regulate and restrict marriage.
5. The state is legitimate, competent, and authorized by the Constitution to regulate and restrict marriage.

All four of these implied premises are essential elements for necessitating a license. And the denial of any one is an absolute affirmative defense against the need for a license to marry. All four assumptions are obviously wrong.

First, if the state were to deny marriage, we would still be under obligation to fulfill the command given to Noah. "Be fruitful, and multiply, and replenish the earth, and subdue it." They state does not have authority to deny the right of marriage.

Second, the state does not have jurisdiction to regulate ANY contracts.

"The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public

so long as he does not trespass upon their rights." Hale v. Henkel, 201 U.S. 43 (1906)

There are some who would argue that marriage is a "civil contract" and therefore are not covered by the constitution, to wit:

"Marriage is often referred to as a civil contract, but the emphasis in such a reference is not on the word 'contract' but upon the word 'civil' as distinguished from ecclesiastical; since there is religious freedom in this country a religious ceremony, and rules of ecclesiastical organizations with regard to marriage have no legal significance.

Though mutual assent is necessary to enter into a marriage the marriage itself is a status or relationship rather than a contract, the rights and obligations of the parties thereto being fixed by the law instead of by the parties themselves. Hence marriages are not within the provision of the United States Constitution forbidding a state to impair the obligation of contracts." Clark's Summary of American Law. Chapt I §2. The marriage status or relationship. pp. 140.

To this we would reply that state-created marriage contracts are no less protected than any other contract. But that the difference lies in the fact that, with state-created marriage contracts, the state is the superior party, and the contract creates a trust (as we will see later). As the superior party, the state has paramount interest and therefore can regulate the contract. And likewise, the fact that it is a trust shows that it is a fictitious state-created entity, like a corporation which has no rights:

"The corporation is creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter. Its powers are limited by law. It can make no contract not authorized by its charter. Its rights to act as a corporation are only preserved to it so long as it obeys the laws of its creation." Hale v. Henkel, 201 U.S. 43 (1906)

But Holy Matrimony, unlike the state-created marriage, is a covenant between God and two private individuals, soon to become one. This covenant is protected under the federal constitution which expressly prohibits the state from impairing of ANY contractual obligations, to wit:

"No State shall... pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts." USA Constitution Section 10 Clause 1.

The constitution makes no distinction between civil contracts, private contracts, public contracts, ecclesiastical contracts, or any other contracts. It is clear, concise and unambiguous. The constitution makes no distinction between civil contracts, private contracts, public contracts, ecclesiastical contracts, or any other contracts. It is clear, concise and unambiguous. If the state regulates, in any way, the obligations of contract, they have usurped authority which is expressly forbidden by the constitution.

Third, divorce is unbiblical and unlawful, excepting in cases of fornication. The revocation of a marriage license cannot undue what God has done. To wit:

Matthew 19:9 And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery.

Matthew 19:4-6 And he answered and said unto them, Have ye not read, that he which made them at the beginning made them male and female, And said, For this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh? Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder.

Leviticus 20:10 And the man that committeth adultery with another man's wife, even he that committeth adultery with his neighbour's wife, the adulterer and the adulteress shall surely be put to death.

If the state joined couples, then the state could separate them. But such is not the case. For it is God who hath joined them together, and we as men are forbidden from putting it asunder.

Fourth, God has given a very detailed description of true government. True government is "the minister of God to thee for good." Anything else is illegitimate. It is not government, and it has no authority.

Imagine for a minute that you heard a knock on your door. You go to the door and find your neighbor with a tin star pinned on his shirt and a revolver in his hand. He points the gun at you and demands that you "pay your taxes." Stunned you ask him how it is that you own him taxes, he responds by claiming "I am the government, pay your taxes." Who or what determines the criteria for legitimate government? Is it popular opinion? Is it majority vote? Is it chance? Is it the tyrant himself? Or is it God?

God is, and must be, the ultimate standard for every believer. If we allow popular opinion to supersede the word of God we have replaced theonomic law with mans law. This is, in essence, humanism. It is wholly incompatible with the life of a true Christian.

Fifth, there are many constitutional problems which we encounter if we examine the marriage license. Rights cannot be regulated, and marriage is a right.

If marriages are licensed, why don't we require licenses to have children? Are you laughing? Well, if so, stop it and get serious before you wake up wearing a striped shirt and shackles. This issue is actually being promoted in many academic and legislative circles, next year it might be law. Folks, this isn't a joke. This is a call to arms, wake up! Our freedoms are disappearing right and left, and any rights left have been regulated to death!

Rights cannot and should not be regulated by government. Whatever is not wrong is a

right. Whatever is not a right is morally wrong. Often we distinguish between that which is morally right and that which is a legal right. There should be no distinction. All men should have a legal right to do that which is morally right and not morally wrong. And all men should be able to exercise their legal rights without conflicting with a moral right. The problem is that our government now calls moral wrongs legal rights, and they call moral rights a legal wrong.

This is not to say that licenses are improper, they do have their place. But they are only applicable in situations where one individual has the power to change the action of another from a moral wrong, to a moral right. For example, it would be a moral wrong for someone to harvest his neighbor's crop, however, if he was licensed to harvest his neighbor's crop he may do so of and his act is both morally and legally right. It is therefore impossible for one to license something which he does not control; only God has the power to license marriage, because, as the owner and creator of marriage, only God has full control.

Unfortunately we live in a country that has rebelled against theonomic authority and turned from God to secular humanism. In so doing they have removed the foundation of absolute truth (Right vs. Wrong). They removed prayer and scripture from schools, and as a result, they have had to add metal detectors in response to the sharp increase in crimes. They removed God's laws for marriage (10 Commandments) from schools, and built abortion clinics to accommodate the huge rise in unwed pregnancies (by murdering the child). In short, they have removed the only firm basis for moral convictions, replacing the conscience with consequences. No longer is murder a crime because God said "Thou shalt not", instead, it has become a violation of some statutory code. They have lowered the significance of malum in se to that of malum prohibitum, thus removing the distinction between good and evil.

Miscegenation

We have already reviewed the definition of "License". In doing so we have seen that they are not required by any law, Biblical or civil. We will now review the definition of "Marriage License", once again it is inapplicable to most marriages.

"A license or permission granted by public authority to persons who intend to intermarry." - Blacks Law Dictionary

Do you intend to intermarry? The same law dictionary defines "intermarry" as "Miscegenation; mixed or interracial marriages."

Confused? Well, the fact is, marriage licenses, as they were originally intended, were only required for marriages between blacks and whites. This was due to the popular belief that black people were not men.

Application for a state-issued marriage license presupposes that you intend to engage in miscegenation.

Three Parties

It is an indisputable fact that when you obtain a state-issued marriage license the state becomes a third party to your marriage.

"Marriage is a civil contract to which there are three parties. The husband, the wife and the state." Van Koten v. Van Koten 154 N.E. 146

"For many years the law has been that the state is a third party, in fact if not in name, in every divorce action." Welch v Welch 35 njsup 255

"The state is a party at interest to the marriage contract or status together with the husband and wife." Duerner v. Duerner, 142 N.J.Eq. 759 (under C.J.S. Marriage licenses); Anonymous v. Anonymous, 62 NYS2d 130.

This may come as a shock to some people, but it remains an undeniable fact. If you have a marriage license you are a polygamist, plain and simple. Not only that, but by accepting the state as a marriage partner you have become "unequally yoked together with unbelievers"; this is expressly forbidden by scripture, to wit:

2 Corinthians 6:14-18

14 Be ye not unequally yoked together with unbelievers: for what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness?

15 And what concord hath Christ with Belial? or what part hath he that believeth with an infidel?

16 And what agreement hath the temple of God with idols? for ye are the temple of the living God; as God hath said, I will dwell in them, and walk in them; and I will be their God, and they shall be my people.

17 Wherefore come out from among them, and be ye separate, saith the Lord, and touch not the unclean thing; and I will receive you,

18 And will be a Father unto you, and ye shall be my sons and daughters, saith the Lord Almighty.

We must remember that the "civil government" currently in power has openly declared war on God. There are only two sides, either you are with Christ, or you are against him, there is no middle ground. To join in a sacred marriage covenant with a tyrannical anti-Christ system is more abominable than words can express.

The Children

We have already seen that the state is a third party to all marriages under license. We will now examine the nature of this contract and show that the contract created by a marriage license actually creates a trust where the state retains equitable ownership of "your" children.

To understand that there is a trust relationship, we must first understand a trust. A trust exists anytime ownership is bifurcated, anytime one person manages property for another, anytime one has an equitable ownership and the other has legal ownership.

In this trust the parents are trustees, the state is the beneficiary, and the children are the property (*res/corpus*) of the trust. The beneficiary owns equitable title to the trust's *corpus*, the trustees hold only legal title.

"Where there is a conflict between the interests of the state and the interests of either of the spouses, the interests of the state will be regarded as paramount."
Feikert v. Feikert, 98 N.J.Eq. 444; *Marum v Marum* 10 MISC2d 695.

Here we see that the state-issued marriage license gives the state superior interest in the property of the marriage. According to Black's 6th, "interest" denotes a right, claim, title, or legal share in something. Needless to say, the Children are obviously the byproduct and the derivative of the marriage (the trust), therefore we will refer to them as the trust's *corpus*, or *res* (property).

The ownership of these children is divided between the parents and the state. The state is deemed to be *parens patriae* and has paramount interest, that is, it has full equitable interest. The parents have legal ownership, or, in other words, they have management rights. They manage the *res* (children), but they must abide by the rules set forth by the beneficiary. If they don't, they are no longer "trustworthy" and they cease to be trustee, the state, as beneficiary, assumes, by default, the custody of the trust's *corpus*; the trustees no longer have management rights, so the state comes in and takes the children. Sound familiar?

"Parents who faithfully discharge their parental obligations with assiduity and to the full extent of their means and abilities are entitled to the custody of their children. Parental rights, however, are not absolute and are not to be unduly exalted and enforced to the detriment of the child's welfare and happiness. The right of parentage is not an absolute right of property, but is in the nature of a trust reposed in them, and is subject to their correlative duty to protect and care for the child. The law secures their parental right only so long "as they shall promptly recognize and discharge their corresponding obligations. As the child owes allegiance to the government of the country of its birth, so it is entitled to the protection of that government, which, as *parens patriæ*, must consult its welfare, comfort, and interests in regulating its custody during its minority. Citing: *Purinton v. Jamrock*, 195 Mass. 187, 80 N.E. 802, 18 L.R.A., N.S., 926." IN THE MATTER OF G.K.D., A MINOR, N.D.L., (PETITIONER) APPELLANT v. FAMILY & CHILDREN'S SERVICE OF GREATER ST. LOUIS, RESPONDENT, 332 S.W.2d 62, (1960)

As you see from the above case, the trust does exist. The beneficiary sets the rules, and if you as trustee refuse to abide by their rules you lose custody of the *res*.

The problems with this are many. There should be a trust, the children are the *res*, and the parents are the trustees, but they should not manage it for the state, God is the true

beneficiary and the true owner of both trustee and res. The "parental obligations" referred to in the case cited above are not those which God has set up, but instead are the carnal regulations of the state, which, by your marriage license, has been made the beneficiary. These regulations prohibit the commandments of God and require that which is contrary theonomic law. They prohibit parents from disciplining and training their children, but they require that the children be subjected to a state-instituted "educational" system.

The educational system is perhaps the most diabolical of all government institutions. For it is intentionally designed to destroy any faith in a creator. It breeds socialistic humanists. Unfortunately, if you have a marriage license you are bound to follow the rules set forth by the beneficiary, and that includes sending your children to be brainwashed at these communist camps. Aldof Hitler once said "Let me control the textbooks and I will control the state. The state will take youth and give to youth its own education and its own upbringing. Your child belongs to us already....what are you?" and again "Give me the youth, and Germany will rule the World", these quotes serve to show just how influential the educational system actually is.

In addition to the problems already mentioned. The state seeks to violate God's perfect law by allowing divorce, and, contrary to scripture, giving the children to the wife. To show the contrast, search the scriptures. A quick search for "motherless" returns no results, while a search for "fatherless" shows 43 passages. The distinction is great, and the difference is critical. Children raised by fathers are manly men, while children raised by mothers turn out to be soft and wimpy, they are docile little slaves who will gladly give up their freedom in exchange for big government and "more security."

If you participate and accept the conditions of this trust by applying for a license, you have in essence donated your children to the anti-Christ state; this is comparable to the abominable child-sacrifices offered to pagan gods.

Conclusion

If you get a marriage license you are a polygamist, a mere trustee in a state-created trust, a miscegenator, and a slave who must pay a fee to exercise his God-given right to marry.

I have always been amazed that pastors, during the course of a marriage ceremony, have the audacity to utter the words "Now, by the power vested in me by the State of _____, I now pronounce you man and wife." There is no state in the United States of America that actually requires a pastor obtain a license to preach the gospel. However, many willingly bow the knee to Baal in every area of their ministry; hence it is not surprising, although it is heartbreaking, that pastors willingly surrender the sacred covenant of marriage to the secular state. It is a sad commentary on just how far the church has been willing to compromise and capitulate with the anti-Christ system.

Scripture says that in the end times there will be "Doctrines of Devils". One of these doctrines is "Forbidding to marry". This is essentially what our government has done. They have regulated a right and converted the exercise of this right into a crime, unless

you pay them some money, make them a party, and donate your children. These unwarranted regulations hinder the Christian in fulfilling his duty to "be fruitful, and multiply, and replenish the earth, and subdue it."

As a Christian, I cannot in good conscience apply for a marriage license which would place me under an immoral body of laws. It would be diametrically contrary to the principles of Scripture.

We should not subject ourselves to statutory tyranny and usurpation, but instead we should pursue common-law marriages under the law of Scripture and the Christian *lex non scripta*.

"If parties... entered into common law marriage, then nothing either party did or did not do thereafter could dissolve marriage." *Thomas v Thomas* app 565 p2d 722

Don't get a license to marry! Don't marry the anti-Christ state! If you already have a marriage license you should reiterate your vows to each other under a common-law covenant, then file a writ of divorcement against the corporate state... immediately!

I pray you will be obedient to our Lord in the sacred covenant of marriage. Take heed that you do not render to Caesar the things which are God's. To compromise and capitulate on this issue is to subject your marriage to a corrupt jurisdiction. This is as grave an error as it was for Esau to sell his birthright.

FAQ

Q: Doesn't a marriage license give you rights in court? Doesn't it allow you to act as one?

A: No. If anything, it does give you "civil rights", that is privileges, but these are given at their whim, and taken back at their desire. You have true rights only when you marry under God's law.

Q: Won't the government fine me if I don't have a marriage license?

A: And if they do? Does a fine mean more to you than the law of God? Or your marriage? Yes, it is possible, but if you are well-enough versed in the fundamental common law principles you can easily defend yourself from any legal repercussion. Please read our booklet on law for help with this issue.

Q: Don't the Biblical duties of the state involve knowing who is married?

A: No. It is true that the state must Biblically try cases of adultery, fornication, rape, and unchastity, and that the verdicts pertaining to these charges depends greatly on the marital status of the involved parties. But there is no need, nor is there any requirement, for the state to maintain any database of information concerning the marital status of it's populace.

Sodomy is a crime, marriage is a right, and in some cases, a duty. You could argue that because guns can kill people all guns should be licensed, but taking safety to this extreme will inevitably destroy freedom and result in tyranny. Likewise, to use the sins of

criminals as an excuse to require the licensing of honest Citizens would be socialism. There is no end to such ludicrous ideology. It is absurd beyond imagination.

Q: Where should I record my marriage?

A: This is up to you. I suggest you utilize a marriage covenant or use the family Bible's marriage page. Make sure the covenant is signed by the pastor performing the ceremony and two witnesses. If you choose to use your Bible as your record of marriage, make sure it is also signed by the pastor and two witnesses. You can record the covenant at your local courthouse as an official document and, after having obtained a certified copy of the document, you may utilize it to change names on records, etc. There have been incidents of elected officials balking at the thought of recording marriage covenants; but I have yet to find an instance where, when confronted by the law, they refused to comply.

Q: If a man and a man marry with a State marriage license, and a man and woman marry without a State marriage license - who's really married? Is it the two men with a marriage license, or the man and woman without a marriage license?

A: The later. The first "marriage" is void ab initio and both parties should be executed.