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TRUTH IN LAW ASSOCIATION ---where--- JUSTICE LIVES

Fighting for Small Business, the Middle Class and the Poor



YOUR RIGHT TO A FREE LAWYER,
AND HOW THE LAWYER IS PAID

Every year millions of CITIZENS AND SMALL BUSINESSES are forced into court by crooks, the IRS, government agencies and lawyers and have their homes and businesses taken, their property taken, their children taken, and their money taken all without allowing these citizens and small business people their constitutional right to counsel. People lose their rights, lose their automobiles and they even lose their lives, and all the while they are denied the protection of counsel that was guaranteed to them by our founding fathers. Our founding fathers were born with the right to free counsel in civil as well as criminal suits. And our founding fathers passed that right to free counsel on to every citizen when they adopted the Ninth Amendment to the Constitution.

<http://caselaw.findlaw.com/data/Constitution/amendment09/> TRUTH IN LAW ASSOCIATION HAS PROOF THAT EVERY CITIZEN IS ENTITLED BY OUR CONSTITUTION AND LAWS TO A FREE ATTORNEY. ON THIS SITE I SHOW YOU THE ACTUAL LAWS IN FORCE FROM THE TIME OF KING HENRY UNTIL TODAY.

1) Prior to the 11th year of King Henry 7th, it was a practice of common law courts of England to appoint counsel for anyone too poor to afford counsel, as proven by the fact that English Courts have ruled that the law 11 Henry 7, cap. 12, is in affirmance of the

ancient common law of England. "The statute is in affirmance of the common law" --- *Brunt v. Wardle* (1841) 3 Man. & G. 534.

2) In the 11th year of King Henry 7th, (1495) a law was passed in England known as 11 Henry 7, cap 12, that affirmed the common law and stated that any person that was too poor to afford counsel was to be appointed counsel. (This law can be seen at the University of Texas Law Library in "Chitty's English Statutes" located on the 6th floor of the library and in the Texas Supreme Court Library, in the reserved section of English Statutes from the time of first year of Henry 7th..) ---Shortly after passing this law, King Henry sent John Cabot to America under orders to claim land for England. ---

3) Upon passage of the law the right to free counsel belonged to all English Subjects including the American Colonist.

4) The right to Free Counsel was brought to the Colonies as part of the common law, it was enacted into statute law by some colonies. North Carolina, passed a statute naming 11 Henry 7, cap. 12, as part of the law of North Carolina as the "Act of 1749 (source; BRITISH STATUTES IN AMERICAN LAW 1776 - 1836, by Elizabeth Brown,, 1964-- this may be found at the University of Texas Law Library as "KF, 366,, B7). Other colonies adopted the right as part of the common law, some without using the title of the English Statute. For example Virginia passed a law to help poor suitors in 1786 as part of its statute law and another in 1792 to help and speed poor persons in their suits (source: Index to Enrolled Bills of the General Assembly of Virginia, 1776-1862, this can be found in the official Virginia law section under Kfv 2410 W5 at the University of Texas Law Library). And Texas adopted the right to counsel under the law of May 11, 1846, stating "Be it further enacted, The judges in any case, civil or criminal, in which a party may swear that he is too poor to employ counsel shall appoint counsel for such party, who shall attend to the cause in behalf of such party without any fee or reward" (source "The General Laws of Texas" found at the Texas Legislative Law Library or the Archives of the State of Texas, both located in Austin, Texas.) ----- "The common law was in force in the colonies only in its general principles as they were applicable with such portions of it as were adopted by common consent in any one of the colonies or by statute. " ----- *The Desoto*, 46 U.S. 441. / "The courts of the United States are bound to recognize and enforce the common law." --- *U.S.. v. Marchant*, 25 U.S. 480. / "The English common law, so far as it is suitable to the condition and business of our people, and consistent with the federal and state constitutions and statutes, forms part of the common law. " --- *Van Ness v. Pacard*, 27 U.S. 137, / "The Statutes passed in England before the emigration of our ancestors, which are in amendment of the law, and applicable to our situation, constitute a part of our common law." ---- *Doe ex rem Patterson v. Winn* 30 U.S. 233.

5) In the earliest court cases recorded, in which full record of counsel is available, the record is clear; counsel was appointed on a regular basis. For example in the case of "Ashton v. Gibbs" tried in the January 1673-74 Session, the court appointed Richard Way as Attorney for Benjamin Gibbs, in Mr. Gibbs' suit for false imprisonment. And in the January, 1674-75 session counsel was appointed in the cause of action known as *Plumb v. Parke*. (source: "Records of the Suffolk County Court" a publication of THE COLONIAL SOCIETY OF MASSACHUSETTS, and marked KFM 2452, S96, at the University of Texas Law Library) The above "in forma pauperis" laws protected the citizen from frivolous suits until Congress passed another law to enforce the constitutional right to counsel.

The U.S. Congress passed the root law of 28 USC 1915, our current "in forma pauperis" law, in 1892. The intent of the law is clear from this quote taken from the CONGRESSIONAL RECORD OF 1892, page 5199. The following is the explanation of Mr

Culberson, of Texas with regard of the intent of the law concerning appointment of counsel for middle class and poor citizens "Mr. Speaker, the effect of this bill, if it should become law, will be to open the courts of the United States to a class of persons who are now denied the right of bringing suits in the courts of the United States, that have no money or property by which to comply with the rules of the courts in respect to costs. This bill provides that any individual in this class who files an affidavit that he is not able to pay the money that is required to be deposited, or to give security for the costs , he may proceed, in forma pauperis, and at the end of the lawsuit a judgement of costs is issued as in other cases."

This statement by Mr. Culberson of Texas is clear evidence of the intent of Congress to pass a law granting free counsel to all citizens. And to further understand the right to counsel in the period one must look at the law of the State of Texas at the time Mr. Culberson spoke.

IN TEXAS THE LAW GRANTING COUNSEL IS CLEAR

#1) The official State of Texas publication, cited as 2 Gammel's 1509, Section 11, in "Gammel's Laws of Texas", published in 1879, states: Be it further enacted; The judges in any case, civil or criminal, in which a party may swear that he is too poor to employ counsel shall appoint counsel for such party, who shall attend to the cause in behalf of such party without any fee or reward. It is clear that this law gives every middle class or poor person a free attorney in either a civil or criminal suit.

THE PUBLIC DOES NOT PAY FOR THIS ATTORNEY.

Our Constitution allowed each person to sue a guilty party, however, the state didn't pay the lawyers' bill, the bill was paid by the person that lost the lawsuit. The rule was that the loser pays for the lawyer of those too poor to afford counsel.

CONCLUSION

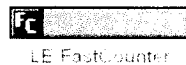
It is clear from the information presented above that our founding fathers were born with, lived with and died with the right to free counsel. And it is clear that when they adopted the Ninth Amendment that their intent was to pass the right to free counsel on to their children and to all future Citizens. And it is clear that the intent of Congress in 1892 was to support the right of the citizen to appointment of counsel. However something has happened to that right to counsel that our founding fathers fought and died to protect.

Today any wealthy person, the IRS, government agency or crook, can sue another person and take every thing that person has, all the while denying that person the protection of counsel. And wealthy litigants can continue a case in court for years, increasing the cost of a case beyond the ability of any contingency fee lawyer's ability to finance the cost of litigation. Using this tactic a crooked lawyer can bankrupt a citizen, and deny justice to the citizen and our nation.

And none of this is theory. Thousands of people every day have their property taken by the IRS, a Government Agency, or by a crooked lawyer. It is fact and it is unlawful, yet it is done every day. Our courts are manned by ex-lawyers sitting as judges. And these judges have benefited from the denial of counsel to the citizen. So these judges are not likely to stand up for the rights of citizens. Our courts are a party to this theft of our right to counsel, so we the citizens of this country cannot look to them for protection. We must protect ourselves from this

blight on our nation. And there is only one way to protect ourselves. And that one way is to vote. The purpose of this page is to help those who wish to stand with me in opposition to this theft of our right to counsel. Will you help me end this unjust and oppressive practice of our courts whereby they deny middle class citizens the means to protect their rights? If you want to help, tell your friends about this web page and ask them to help me fight this evil deed. If you want to join the fight, please email me at truelaw@swbell.net. You may join the TRUTH IN LAW ASSOCIATION or JUSTICELIVES, by simply emailing me your address and indicating that you are willing to work to get your rights back.

EVERY SMALL BUSINESS AND CITIZEN IS ENTITLED TO COUNSEL



*TO JOIN
TRUTH IN LAW ASSOCIATION
AND
"JUSTICE LIVES"
PLEASE ENTER YOUR NAME BELOW.*

- Join Truth In Law Association ---Free Membership
 - Your right to counsel under 28 USC 1915
- Ruining our Nation --- denying justice breeds injustice
 - Harvard Law Review
- Judges v. Constitution --- A flaw in our Constitution

HANDY LINKS TO LEARN ABOUT THE HISTORY OF YOUR RIGHTS

- Attorney's Tool Box
- The Constitution Society
- University Law Review Project
 - Medieval legal history
 - Archiving Early America
- The Center for Legislative Archives
 - National Center for Poverty Law
- U.S. House of Representatives Law Library
- History of American Law, University of Houston
 - Supreme Court Historical Society



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