

NORTH GEORGIA PROPERTY RIGHTS COALITION

PETITION OF RIGHT

WE the undersigned People of Georgia, rightfully claim all of our rights to our land and to the liberties to possess, use, enjoy and dispose of our lands and the resources that are located on those private lands. The bundle of rights and our liberties are clearly stated and declared in our Position Paper that was signed and served upon the State Legislators on March 15, 2006. A true and correct copy of our Position Paper is attached hereto and incorporated herein.

WE support and rightfully petition the Legislature of the State of Georgia to abdicate the power and return the rights and liberties of ownership of land that has been expropriated and taken under guise and pretense of political power and authority. Legislation has been presented and is pending that would reduce expropriated lands and resources taken for and within buffer zones along our streams and rivers. As our history, customs and traditions have established for over 600 years, an evil has been perpetrated against us and our posterity that must be abated and the wrongful and unjust assertion of power abdicated immediately.

Senate Bill 510 proposes to reduce and return the amount of land and the rights that were taken from the owners of the private lands affected by previous expropriations. Senate Bill 510 is supported by the Senate Eminent Domain and Economic Development Study Committee Report that historically refers to the Magna Carta of 1215 as a principle source of authority regarding takings and the power of eminent domain. The historical premise and explanation given in the report are too narrow and fail to show the matters leading up to the Magna Carta and Charter of Forest Liberties as well as the effects of these two binding instruments. As a result, the study premise and the proposed law fail to properly and completely address immediate issues regarding the rights and liberties of property owners that were recognized and secured in England and in the original American colonies, of which Georgia was one.

WE support this legislation but would and do demand that this legislation be changed and clearly worded to include a legislative declaration and di-

rective that all private lands and resources previously expropriated are to be immediately returned to the rightful owners.

HISTORICAL RIGHT & LIBERTY

The Magna Carta & Charter Of Forest Liberty

The history leading up to the Magna Carta and Charter of Forest Liberties of England is a tale of customary use, recognition and securing of rights and liberties and to their betrayal and abrogation by expropriation and the centralization of political power. The Magna Carta and Charter of Forest Liberties became the law of the land that restored and followed the common law, customs and traditions rather than the arbitrary and capricious edicts of a King.

The Forest Law, as it is sometimes called, was a part of that story. When a King conquered lands and its inhabitants in the Middle Ages, it was the standard policy to subdue and subjugate the people by prohibiting them from hunting and taking wild game. These were war measures that made the people dependent upon the occasional grants and privileges bestowed upon them by a conqueror. This was enforced with severe penalties, such as blinding the eyes of the offender and even death. The excessive and cruel penalties were lifted and changed in England by the Canute's Charter of 1016. Other edicts prohibited the grazing and feeding of livestock ("agist") and improving lands or constructing buildings on expropriated private lands. The edict laws regarding lands and resources under this centralized expropriation system were enforced by the King's Warrens, Sheriffs, and River Keepers. See: *An Historical Essay on the Magna Carta by Richard Thompson (1829), pgs. 4, 6 & 7.*

The ratification of the Charter of Forest Liberties and Magna Carta by King John at Runnymede on June 15, 1215, and later concluded by his son, King Henry III, in 1217, and 1225, respectively, became what was known as the law of the land. The lands and resources that were expropriated and confiscated by the Kings were returned to the Baronies and owners. See: *Magna Carta, Article 52.* Twelve Knights formed a commission that oversaw the divestment ("disafforsted") process under the Magna Carta, Articles 47 and 48. The Magna Carta, Article 48, abolished the King's Warrens,

Sheriffs and River Keepers. See: *An Historical Essay on the Magna Carta*, pgs. 6, 8; see also *Magna Carta*, Articles 4, 53. No man under the English dominion could thereafter be deprived of life, limb, property or tenement without due process of law. See: *Magna Carta*, Articles 34, 36, 39, 40.

The Charter of Forest Liberties was the more comprehensive of the two historic documents with regards to property ownership and the rights and liberties of such ownership. See: *An Historical Essay on the Magna Carta*, pgs. 329 – 336. The Forest law consummated the return of all lands and resources, other than those properly belonging to the King, and transferred the lands and resources back to the Baronies (county) and to the rightful owners. *First Forest Charter, Article I*. It also prohibited the extension of the executive powers beyond the boundaries of the Royal forests themselves. *First Forest Charter, Article III*. The owners were recognized as having inherent rights and liberties to use their lands and resources as they saw necessary and proper.

“Every Freeman may agist his own woods in the forest at his own pleasure, and shall have his pannage....” *Article IX*

“Every Freeman for the future, may, without danger, erect a mill in his own wood or upon his own land which he has in the forest; or make a warren, or pond, or marle-pit, or ditch, or turn into arable land, so that it be not to the detriment of any of the neighbors. *Article XII*.

KING JOHN RESURRECTED IN GEORGIA.

The State of Georgia has now resurrected and reinstated what was abolished and prohibited 600 years ago as an “evil.” Buffer Zone Acts and Mountain Protection Acts which prohibit the right of owners to use, enjoy, and dispose of property that belongs to them is the resurrection of King John’s efforts to humble and subjugate the freemen and owners of land in England. King John abdicated the power under the display of a large number and force of arms that was but one short stroke and moment away from justified civil war. This confrontation of right was averted by abdicating the excessive and abusive exercise of usurped powers that had violated the customs, traditions and common law of the land.

PETITION OF RIGHT

After the consummation of the Magna Carta and the Charter of Forest Liberties, the Petition of Right was developed and used to reclaim and recover inherent rights and liberties in property that were expropriated and taken under color and pretense of political powers. The right to such petitions and to redress of grievance was secured by the Constitution for the United States of America, Amendment I and by the Constitution for the State of Georgia, Section I, Article IX.

This Petition of Right and the North Georgia Property Rights Coalition Position Paper attached hereto, makes just claims of rights and liberties before the Legislature of the State of Georgia for property that has been expropriated and taken under colors and pretense of political authority. This long recognized bundle of rights and our liberties predate the existence of the State of Georgia and the Legislature. It is upon right and liberty that we stand and by right and liberty we are here. It is the continuing duty and high obligation of each and every member of the Legislature of the State of Georgia to secure the rights and liberties of the people and land owners and to provide complete redress and remedy upon these rightful and just claims.

The Georgia Constitution, Section I, Paragraph II is clear and unambiguous. ***“Protection to person and property is the paramount duty of government and shall be impartial and complete. No person shall be denied equal protection of the laws.”***

YOU AND EACH OF YOU are petitioned to amend S.B. 510 to abdicate the power and return the property and rights to property previously expropriated and are urged to once again reaffirm and fulfill your obligations to secure the rights and blessings of liberty to the people of Georgia.

