wills, and numerous other transactional instruments such as are familiar in an advanced society. To enforce these rights and the king's laws a judicial system existed. It embodied high ideals of judicial qualification and some enlightened principles of justice.

We should take thoughtful note of this Egyptian principle of universal ownership residing in the king, for in probably the most extraordinary atavistic regression in history, we are headed and have gone a long way in that direction – we, a people whose government was founded on the principle that certain inalienable rights, including the private ownership of property, were vested in each of us by our Creator. No one can be quite sure who today's king is, whether the people, the President, Congress, the Supreme Court, the political party in power, the monarchs of labor unions, the theorists of totalitarianism, or a verbalized society.

The Meaning of Ownership

At this point one example will suffice. But first we should ask ourselves what we mean, and what have constitutions and laws meant, by the term ownership. Certainly two essentials of the concept are dominion and exclusiveness – at least in some substantial measure. Without these factors the private ownership of property would be a delusion, its prime function being to place a mask of justice upon the collection of taxes.

Over 100 years ago, 100 years nearer the concepts of the Federal Constitution, a law dictionary quoted by the highest court of New York defined property as "the highest right a man can have to anything," as a term "used for that right which one hath in lands and tenements, goods and chattels, which in no way depends on another man's courtesy."[4]

Nearly 100 years ago, the California Legislature dictated this typical definition into its Civil Code (sec. 654):

> The ownership of a thing is the right of one or more persons to possess and use it to the exclusion of others.

That enactment was supplemented by another law (Civil Code, secs. 678. 669):

> The ownership of property is either absolute or qualified.
>
> The ownership of property is absolute when a single person has the absolute dominion over it, and may use it or dispose of it according to his pleasure, subject only to general laws.

[4] *Jacob's Law Dictionary*, quoted in *Stief* v. *Hart*, 1 N. Y. Reports, (Comstock), pp. 20, 24 (1847), New York Court of Appeals.

Both of those laws are normal expressions of an enlightened jurisprudence and neither of them ever has been modified, repealed, declared unconstitutional, or directly adulterated.

Another typical pronouncement of an advanced sovereign is this edict of the California Constitution (Art. 1, Sec. 1):

> All men are by nature free and independent, and have certain inalienable rights, among which are those of .... acquiring, possessing, and protecting property....

It never has been even hinted that this avouchment violates the Constitution of the United States.

In 1944 four of the ablest justices ever to serve on the Supreme Court of California joined in this official pronouncement:

> It is a principle of universal law that wherever the right to own property is recognized in a free government, practically all other rights become worthless if the government possesses an uncontrollable power over the property of the citizen.[5]

Government, as referred to in this lucid statement, of course, included the courts. The pronouncement never has been repudiated or adulterated.

Brothers in Bond

Having thus reminded ourselves of the meaning of ownership, we can better appraise the example of regression previously mentioned.

A judicial decision momentous and epochal in United States history was that of the Supreme Court in the case of *Wickard, Secretary of Agriculture* v. *Filburn,* delivered in 1942 and reported in 317 United States Reports at page 111. The decision dealt with an Ohio farmer who maintained a herd of dairy cattle and raised poultry. His income was derived from selling milk, poultry, and eggs in the local market. It was his practice to grow a small acreage of winter wheat mainly to use on his own farm for feed, for homemade flour and seedings for the next crop. It would appear from the story that in some past year or years he had sold a portion of his small wheat crop not needed on his own farm; but no evidence existed that any of the crop in question was sold or intended to be sold or in any way to be placed on the wheat market.

Acting pursuant to the Agricultural Adjustment Act, the gov-

[5] *House* v. *Los Angeles County Flood Control District*, 25 Cal. 2d 384; 153 P2d 950 (1944); Supreme Court of California. Opinion written by Justice Jesse W. Curtis, concurred in by Justices John W. Shenk, Phil S. Gibson, and B. Rey Schauer.