NATURAL LAW JURISDICTION

Memorandum of Law

The purpose of this memorandum is to establish the unalienable right of the People to be judged in Natural Law Courts by their peers and not government (judges) controlled courts. Natural Liberty is the power of acting as one thinks fit, without any restraint or control, unless by the law of nature.[1] It is the right which nature's God gives to all mankind of disposing of their persons and property after the manner they judge most consistent with their happiness, on condition of their acting within the limits of the law of nature, and so as not to interfere with an equal exercise of the same rights by other men.[2] Whereas civil liberties are granted by legislators, it is the power of doing whatever the [legislative] laws permit,[3] which is a violation of the Peoples unalienable rights to control their own behavior. We the People reject such restrictions in favor of Liberty!

We the People ordained through Article III Section 1[4] the creation of "one Supreme Court" with vested judicial powers and also vested congress with the authority to create and establish inferior courts under Article I Section 8 clause 9[5] we vested the power to constitute tribunals inferior to the Supreme Court, which has supervisory control[6] over said tribunals to prohibit them from acting outside their jurisdiction, and to reverse their extra-jurisdictional acts. Under Article III Section 2[7] we defined their judicial power in all cases, in law and equity, arising under this Constitution.

State run courts a/k/a 'equity courts' are nisi prius[8] courts presided over by judges (political servants) who rule according to regulations, statutes and codes or contracts,

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[1] 1 Bl. Comm. 125.
[2] Burlamaqui, c. 3, § 15; 1 Bl.Comm. 125.
[3] 1 Bl.Comm. 6; Inst. 1, 3, 1. See Dennis v. Moses, 18 Wash. 537, 52 P. 333, 40 L.R.A. 302.
[4] **Article III Section 1:** The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.
[5] **Article I Section 8 Clause 9:** The Congress shall have power to constitute tribunals inferior to the Supreme Court;
[6] **SUPERVISORY CONTROL:** Control exercised by courts to compel inferior tribunals to act within their jurisdiction, to prohibit them from acting outside their jurisdiction, and to reverse their extra-jurisdictional acts. - State v. Superior Court of Dane County, 170 Wis. 385, 175 N.W. 927, 928.
[7] **Article III Section 2:** The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.
[8] NISI PRIUS: is a Latin term (Bouvier's Law) Where courts bearing this name exist in the United States, they are instituted by statutory provision.; Black's 5th 'Prius' means 'first.' 'Nisi' means 'unless.' A nisi prius procedure is a procedure to which a party FIRST agrees UNLESS he objects.; Blacks 4th - A rule of procedure in courts is that if a party fails to object to something, then it means he agrees to it. A nisi procedure is a procedure to which a person has failed to object A "nisi prius court" is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first.

under American Jurisprudence. Whereas Law courts are presided over by juries (the People) who rule according to Natural Law, no judges, regulations, statutes, or codes permitted. Liberty is freedom from equity courts unless we agree. "The state cannot diminish rights of the people."[9] "No authority can, on any pretense whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state."[10] "The very meaning of 'sovereignty' is that the decree of the sovereign makes law."[11] "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."[12]

There are human made laws, a/k/a positive law, whereas Congress legislated regulations, statutes, and codes as per Article I Section 8 to control commercial and political behavior in courts' of equity. And there is Natural Law, a/k/a Common Law, whereas Congress has no authority to legislate regulations, statutes, and codes to control the Peoples' behavior. Natural Law Courts proceed in Courts' of Law.

Congress constitutionally created 94 Courts' of Record known as United States District Courts. Courts' of Record[13] are 'Natural Law[14] Courts' that proceed according to the Common Law without regulations, statutes, and codes and is presided over by the People via Juries, who are to decide all issues.

> **28 U.S. Code § 132:** Creation and composition of district courts; (a) There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district. (b) Each district court shall consist of the district judge or judges for the district in regular active service. Justices or judges designated or assigned shall be competent to sit as judges of the court. (c) Except as otherwise provided by law, or rule or order of court, the judicial power of a district court with respect to any action, suit or proceeding may be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.

"The decisions of a superior court may only be challenged in a court of appeal. The

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[9] Hurtado v. People of the State of California, 110 U.S. 516.
[10] NEW YORK CODE - N.Y. CVR. LAW § 2 : NY Code - Section 2: Supreme sovereignty in the people
[11] American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.
[12] Miranda v. Arizona, 384 US 436, 491.
[13] **COURT OF RECORD:** "A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it Proceeding according to the course of common law." Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.
[14] **AT LAW:** [Bouvier's] This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.; ALL CASES AT LAW. [Black's Law 4th] Within constitutional guaranty of jury trial, refers to common law ac-tions as distinguished from causes in equity and certain other proceedings. Breimhorst v. Beck-man, 227 Minn. 409, 35 N.W.2d 719, 734.; AT LAW. [Black's Law 4th edition, 1891] According to law; by, for, or in law; particularly in distinction from that which is done in or according to equity; or in titles such as sergeant at law, barrister at law, attorney or counsellor at law. Hooker v. Nichols, 116 N.C. 157, 21 S.E. 208.

decisions of an inferior court are subject to collateral attack. In other words, in a superior court, one may sue an inferior court directly, rather than resort to appeal to an appellate court. Decisions of a court of record may not be appealed. It is binding on ALL other courts. However, no statutory or constitutional court (whether it be an appellate or Supreme Court) can second guess the judgment of a court of record. "The judgment of a court of record, whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it."[15]

WHEN COURTS RESIST THE CONSTITUTION

"It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgment in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution."[16] "If then the courts are to regard the constitution; and the constitution is superior to any ordinary act of the legislature; the constitution, and not such ordinary act, must govern the case to which they both apply. Those then who resist the principle that the constitution is to be considered, in court, as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the constitution, and see only the law. This doctrine would subvert the very foundation of all written constitutions. It would declare that an act, which, according to the principles and theory of our government, is entirely void, is yet, in practice, completely obligatory. It would declare that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits, and declaring that those limits may be passed at pleasure… Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument."[17]

"That statute which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land."[18] "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."[19] "No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of

[15] Ex parte Watkins, 3 Pet., at 202-203. cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973).
[16] 5 Downs v. Bidwell, 182 U.S. 244 (1901).
[17] Marbury v. Madison, 5 U.S. 137 (1803) 5 U.S. 137 (Cranch) 1803.
[18] Hoke vs. Henderson,15, N.C.15,25 AM Dec 677.
[19] Miranda v. Arizona, 384 U.S. 436, 491.

the court or judge by whom it is issued; any attempt to enforce it beyond these boundaries is nothing less than lawless violence."[20] "Judges have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution."[21]

"It is in these words: '*I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge all the duties incumbent on me as according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States*.' Why does a judge swear to discharge his duties agreeably to the constitution of the United States, if that constitution forms no rule for his government, if it is closed upon him and cannot be inspected by him? If such be the real state of things, this is worse than solemn mockery. To prescribe, or to take this oath, becomes equally a crime."[22]

The People are free, independent, and sovereign with the unalienable right of due process and with no contract with any administrative (foreign) court. Thereby, the People owe the State nothing and are under no obligation that would require the People to seek leave from any servant who has no jurisdiction or authority over the People. We are not "subjects of the state" but the masters thereof. "Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts And the law is the definition and limitation of power."[23]

"It is the public policy of this state that public agencies exist to aid in the conduct of the people's business.... The people of this state do not yield their sovereignty to the agencies which serve them. ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves..."[24] "The very meaning of 'sovereignty' is that the decree of the sovereign makes law."[25]

"Under federal Law, which is applicable to all states, the U.S. Supreme Court stated that "if a court is without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void, and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification and all persons

[20] Ableman v. Booth, 21 Howard 506 (1859).
[21] Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200.
[22] Marbury v. Madison, 5 U.S. 137 (1803) 5 U.S. 137 (Cranch) 1803.
[23] Yick Wo v. Hopkins, 118 US 356, 370.
[24] CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472.
[25] American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.

concerned in executing such judgments or sentences are considered, in law, as trespassers."[26]

"Courts of Record and Courts not of Record the former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded."[27]

"A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial."[28]

A court of record is a superior court. A court not of record is an inferior court. Inferior courts are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law. Criminal courts proceed according to statutory law. Jurisdiction and procedure is defined by statute. Likewise, civil courts and admiralty courts proceed according to statutory law. Any court proceeding according to statutory law is not a court of record, which only proceeds according to common law; it is an inferior court.

The only inherent difference ordinarily recognized between superior and inferior courts is that there is a presumption in favor of the validity of the judgments of the former, none in favor of those of the latter, and that a superior court may be shown not to have had power to render a particular judgment by reference to its record. Note, however, that a "superior court" is the name of a particular court. But when a court acts by virtue of a special statute conferring jurisdiction in a certain class of cases, it is a court of inferior or limited jurisdiction for the time being, no matter what its ordinary status may be.

Unalienable Rights are the spirit of Natural Law, the Law of our Creator and not of man. All Law is to be understood in light of our Unalienable Rights. Any law repugnant to that spirit is by nature's Creator "Null and Void." The Law of the Land a/k/a the Constitution for the United States of America [Article VI] and its Cap-Stone Bill of Rights, which is the Crown of our Natural Law, were framed from the Declaration of

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[26] Basso v. UPL, 495 F. 2d 906; Brook v. Yawkey, 200 F. 2d 633; Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828)

[27] 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.

[28] Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

Independence. These are all Natural Law documents that were constructed upon Natural Law Principles. To deny Natural Law is to deny these documents.

- Declaration of Independence: "*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness.*"
- Amendment VII: "*In suits at common* (Natural) *law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common* (Natural) *law.*"

"**SYNOPSIS OF RULE OF LAW**: The Supreme Court has the implied power from the United States Constitution to review acts of Congress and to declare them void if they are found to be repugnant to the Constitution."[29]

"If one has a right, and that right has been violated, do the laws of his country afford him a remedy?[30] The very essence of liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection. In Great Britain, the king himself is sued in the respectful form of a petition, and he never fails to comply with the judgment of his court.

In the third volume of his Commentaries, page 23, Blackstone states two cases in which a remedy is afforded by mere operation of law. 'In all other cases,' he says, 'it is a general and indisputable rule, that where there is a legal right, there is also a legal remedy by suit or action at law whenever that right is invaded.' And afterwards, page 109 of the same volume, he says, 'I am next to consider such injuries as are cognizable by the courts of common law. And herein I shall for the present only remark, that all possible injuries whatsoever, that did not fall within the exclusive cognizance of either the ecclesiastical, military, or maritime tribunals, are, for that very reason, within the cognizance of the common law courts of justice; for it is a settled and invariable principle in the laws of England, that every right, when withheld, must have a remedy, and every injury its proper redress.'

"The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right. If this obloquy is to be cast on the jurisprudence of our country, it must arise from the peculiar character of the case. It behooves us then to inquire whether there be in its composition any ingredient which shall exempt from legal investigation, or exclude the injured party from legal redress. In

[29] - Marbury v. Madison: 5 US 137 (1803); All cases which have cited Marbury v. Madison case, to the Supreme Court has not ever been over turned. - See Shephard's Citation of Marbury v. Madison.
[30] 5 U.S. §137, 163.

pursuing this inquiry, the first question which presents itself, is, whether this can be arranged[31] with that class of cases which come under the description of (damnum absque injuria-a) loss without an injury… If any statement, within any law, which is passed, unconstitutional, the whole law is unconstitutional."[32]

"If a federal town be necessary for the residence of congress and the public officers, it ought to be a small one, and the government of it fixed on republican and common [Natural] law principles, carefully enumerated and established by the constitution. It is true, the states, when they shall cede places, may stipulate that the laws and government of congress in them shall always be formed on such principles."[33] "The legislature shall at no time hereafter institute any new courts but such as shall proceed according to the course of the common law, no legislation, in conflict with the Common [Natural] Law, is of any validity."[34] "The [Natural] common law is sometimes called, by way of eminence, (lex terrae), as in the statute of Magna Carta, chap. 29, where certainly the common [Natural] law is principally intended by those words, (aut per legem terrae); as appears by the exposition thereof in several subsequent statutes; … This common [Natural] law, or "law of the land," the king was sworn to maintain. This fact is recognized by a statute made at Westminster, in 1346, by Edward III., which commences in this manner."[35]

CONCLUSION: All Article III courts are courts of equity or law. **COURTS OF EQUITY** are inferior courts governed by USC Titles when proceeding in cases involving bureaucrats, corporations, bankruptcies, piracies, admiralty, maritime and other jurisdictions defined in Article I Section 8, all of which have NO AUTHORITY or JURISDICTION over the People, for the People being sovereign and above the government are not bound by positive law a/k/a human law, regulations, statutes or codes. Decisions of such an inferior court are subject to collateral attack. In other words, in a superior court, Natural Law Court, one may sue an inferior court directly, rather than resort to appeal to an appellate court. WHEREAS COURTS OF RECORD are to proceed under the rules of Natural Law. Natural law is nature's law ordained by God. Constitutions are an unalienable right, blessed by God and ordained by sovereign People. Legislators are bound by the chains of the Constitution and have no authority to create governments or write laws outside those bonds. Any judge resting in fiction of law proceeds under the

[31] 5 U.S. 137, 164.
[32] Marbury v. Madison: 5 US 137 (1803).
[33] Anti Federalist No 41-43 (Part II).
[34] Anti Federalist No 45.
[35] Trial by Jury by Lysander Spooner.

color of law,[36] office[37] and authority[38] losses all immunity. Any judge that fraudulently carries the People away to jurisdictions unknown while 'CONCEALING' Natural Law courts is guilty of high treason.[39]

[36] **COLOR OF LAW:** The appearance or semblance, without the substance, of legal right. State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148.

[37] **COLOR OF OFFICE:** An act unjustly done by the countenance of an office, being grounded upon corruption, to which the, office is as a shadow and color. Plow. 64. Day v. National Bond & Investment Co., Mo.App., 99 S.W.2d 117, 119.; A claim or assumption of right to do an act by virtue of an office, made by a person who is legally destitute of any such right. Feller v. Gates, 40 Or. 543, 67 P. 416, 56 L.R.A. 630, 91 Am.St.Rep. 492; Citizens' Bank of Colquitt v. American Surety Co. of New York, 174 Ga. 852, 164 S.E. 817; Pontiac Trust Co. v. Newell, 266 Mich. 490, 254 N.W. 178, 181.

[38] COLOR OF AUTHORITY. That semblance or presumption of authority sustaining the acts of a public officer which is derived from his apparent title to the office or from a writ or other process in his hands apparently valid and regular. State v. Oates, 86 Wis. 634, 57 N.W. 296, 39 Am.St.Rep. 912.

[39] **High Treason:** In English law. Treason against the king or sovereign, as distinguished from petit or petty treason, which might formerly be committed against a subject. 4 Bl.Comm. 74, 75; 4 Steph. Comm. 183, 184, note.