
RULES OF COMMON LAW COURTS

Memorandum of Law

The Light of Liberty's Lamp

The purpose of this Memorandum is to reveal a preponderance of evidence¹ that many members of the United States Supreme Court, the Federal Judiciary, the United States House of Representatives, and the United States Senate are systematically and covertly subverting the “Law of the Land” violating the following subsections under United States Code Title 18 Section 115; §2381 Treason,² §2382 Misprision of treason,³ §2383 Insurrection,⁴ §2384 Seditious Conspiracy,⁵ §2385 Advocating the overthrow of our Government.⁶

¹ Filed in the above said court and can be found at <https://www.nationallibertyalliance.org/action-against-judiciary>.

² **§2381 Treason:** Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.

³ **§2382 Misprision of treason:** Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.

⁴ **§2383 Rebellion or insurrection:** Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined under this title or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States.

⁵ **§2384 Seditious conspiracy:** If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.

⁶ **§2385 Advocating overthrow of Government:** Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof: Shall be fined under this title or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction. If two or more persons conspire to commit any offense named in this section, each shall be fined under this title or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction. As used in this section, the terms “organizes” and “organize,” with respect to any

*“Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.”*⁷ The Rules Enabling Act of 1934 passed by Congress in 1934 gave the Supreme Court the power to make rules of procedure and evidence for federal courts “in equity” as long as they did not “*abridge, enlarge, or modify any substantive right.*” The Supreme Court needs to be reminded that rules are not law. They are just rules with no authority to group together suits in equity and suits at common law under the term civil law, a/k/a Babylonian law. Congress doesn’t even possess such authority. We the People via the Constitution ordained only law and equity under Article III Section 1 and Section 2,

They have levied war against the Constitution⁸ and thereby We the People. They have given aid and comfort to the enemy within the United States and elsewhere. They have concealed a conspiracy to destroy our Republic. They have engaged in actions to subvert the Government of the United States. They have, conspired to conceal “Natural Law” a/k/a the “Law of the Land. They have, in congruence with the teaching of the American Bar Association, the National Lawyers Guild, the American Civil Liberties Union, the National Lawyers Association, the Southern Poverty Law Center, and many other anti-constitutional associations, knowingly and willfully advocate, abet, advise, and teach that Natural Law, and thereby the Law of the Land, has been abrogated and thus have conspired to overthrow our Republic.

The courts have concealed our Natural Law Courts under Federal Rule 2 in violation of 18 USC §1001.⁹ According to the Federal Judicial Center,¹⁰ a government agency, on September 16, 1938, pursuant to its fictional authority, under the repugnant “Rules Enabling Act of 1934” stated:

society, group, or assembly of persons, include the recruiting of new members, the forming of new units, and the regrouping or expansion of existing clubs, classes, and other units of such society, group, or assembly of persons.

⁷ *Miranda v. Arizona*, 384 U.S. 436, 491.

⁸ Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason. *Cooper v. Aaron*, 358 U.S. 1, 78 S. Ct. 1401 (1958).

⁹ **18 U.S. Code § 1001 (a)** Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; ... shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

¹⁰ **The Federal Judicial Center** is the research and education agency of the judicial branch of the United States Government. The Center supports the efficient, effective administration of justice and judicial independence. Its status as a separate agency within the judicial branch, its specific missions, and its specialized expertise enable it to pursue and encourage critical and careful examination of ways to improve judicial administration. The Center has no policy-making or enforcement authority; its role is to provide accurate, objective information and education and to encourage thorough and candid analysis of policies, practices, and procedures, <https://www.fjc.gov/history/timeline/federal-rules-civil-procedure-merge-equity-and-common-law>.

“The Supreme Court enacted uniform rules of procedure for the federal courts. Under the new rules, suits in equity and suits at common law were grouped together under the term “civil action,” claiming that “rigid application of common-law rules brought about injustice.” See attached.

This was an Act of Treason whereas the US Supreme Court and US Congress under the teachings and guidance of the treacherous subversive American Bar Association and the aforesaid anti-constitutional associations, in an Act of Treason, executed a silent coup by claiming the abrogation of Common Law, a/k/a “Natural Law,” with its Unalienable Rights that were endowed by our Creator and covertly substituted them with civil rights legislated by lawless men.

“Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them”

Miranda v. Arizona, 384 U.S.

*“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 behavior,” ... “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;--...”*



We did not give Congress or the Judiciary power to legislate or enforce civil and criminal statutes which are disguised as law and written by tyrants to conceal the Common Law and oppress the people. They have been deluded into believing we are their subjects. All judges are bound by their oath to the Supreme Law of the Land a/k/a the US Constitution under Article VI Clause 2;

“This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.” “Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason.” – Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)

Rules are an established standard, guide, or regulation; a principle or regulation set up by authority, prescribing or directing action or restraint. If you are in an equity court

then the Federal Rules of Civil Procedure apply to that jurisdiction. If you are in a court of Law then the Rules of Common Law applies.

“Common law as distinguished from equity law, it is a body of rules and principles, written or unwritten, which are of fixed and immutable authority, and which must be applied to controversies rigorously and in their entirety, and cannot be modified to suit the peculiarities of a specific case, or colored by any judicial discretion, and which rests confessedly upon custom or statute, as distinguished from any claim to ethical superiority.” - Black's Law; Klever v. Seawall, C.C.A.Ohio, 65 F. 395, 12 C.C.A. 661.

“COMMON LAW” ELUDES DEFINITION because it is NOT a list of laws; it is NOT built upon precedents or a collection of equity court rulings. Common Law is written into our hearts and minds being naturally common onto all men.¹¹ For even the godless having not the law, do by nature the things contained in the law, showing the work of the law written in their hearts, their conscience also bearing witness.¹²

Common Law is the Laws of Nature and of Nature's God that proceed upon two self-evident truths, called maxims: (1) for every injury there must be a remedy and in order (2) for there to be a crime there must be an injured party, without which no court may proceed. Maxims are brief statements of self-evident truth that control our Common Law courts. They provided discernment in the writing of our founding documents. It is an adviser to our legislatures, and every consideration of mankind that seeks what's fair and best for all.

COURTS THAT DO NOT HONOR OR CONSIDER THESE MAXIMS ARE NOT “JUST.” Indeed, whether and to what extent these common law maxims are honored by public leaders is how we test the way they administer the law to govern. Our courts were established to enforce these principles of common law, the word Justice is synonymous with virtue, and virtue is a biblical principle that emanates from Jesus Christ alone.¹³ Maxims are the laws that never changes. These statements set essential limits on truth and are essential to the fair and efficient administration of justice according to the common law of mankind. No right-thinking person can disagree with a maxim. Every court is bound by the common

¹¹ **Heb 10:16** This is the covenant that I will make with them after those days, saith the Lord, I will put my laws into their hearts, and in their minds will I write them.

¹² **Rom 2:14-15** For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: Which show the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the mean while accusing or else excusing one another.

¹³ **Luke 6:17-19** And he came down with them, and stood in the plain, and the company of his disciples, and a great multitude of people out of all Judaea and Jerusalem, and from the sea coast of Tyre and Sidon, which came to hear him, and to be healed of their diseases; And they that were vexed with unclean spirits: and they were healed. And the whole multitude sought to touch him: for there went virtue out of him, and healed them all.

law rules of equity established by the never-changing maxims. Maxims test those who judge and put an absolute limit on those who rule.

Maxims¹⁴ and precepts are the rules of common law. Maxims are self-evident truths used to adjudicate common law cases, axiom (sayings) in logic are self-evident indisputable truths the result of human reason and experience. Maxims are our common law heritage and binds us together as a people. If everyone knew the maxims of common law, our world would be a far better place.

The following is a short list of Maxims, a/k/a self-evident truth:

MAXIMS ON PRINCIPALS OF COMMON LAW

- All men are created equal.
- Men are endowed by their Creator with certain unalienable Rights.
- Liberty to all but preference to none.
- The safety of the people is the supreme law.
- The safety of the people cannot be judged but by the safety of every individual.
- To lie is to go against the mind.
- The only one who has any capacity or right or responsibility or knowledge to rebut your Affidavit of Truth is the one who is adversely affected by it. It's his job, his right, his responsibility to speak for himself.
- No one else can know what your truth is or has the free-will responsibility to state it. This is YOUR job.
- Each of us is entitled to equal treatment under law.
- Workman is worthy of his hire.
- Nothing ventured, nothing gained.

MAXIMS ON THE LEGITIMACY OF GOVERNMENT

- Just Governments derive their just powers from the consent of the governed.
- Unjust is State power where the law is either uncertain or unknown.
- The State should be subject to the law, for the law creates the State.
- The judge who decides a case without hearing both parties, though his decision be just, is himself unjust.
- Courts of justice are for the common people to command the power of the State.

MAXIMS ON TESTIMONY AND EVIDENCE

- Words should be considered only as commonly understood and not with a meaning others construe to their own purpose.

¹⁴ Maxims are but attempted general statements of rules of law and are law only to extent of application in adjudicated cases. *Swetland v. Curtiss Airports Corporation*, D.C. Ohio, 41 F. 2d 929, 936.; Coke defies a maxim to be "conclusion of reason," *Co.Litt.* 11a. He says in another place: "A maxime is a pproposition to be of all men confessed and granted without proof, argument, or discourse." *Id.* 67a.

- No one should be believed in court except upon his oath.
- Courts should not believe water runs upward of its own accord nor that impossibilities exist.
- The certainty of a thing in court arises only from making the thing certain in court.

MAXIMS ON CIVIC DUTY OF CITIZENS

- Whenever any Form of Government becomes destructive it is the Right of the People to alter or to abolish it, and to institute new Government.
- Each should use his own powers and property so as NOT to unjustly injure others.

MAXIMS ON PRIVATE PROPERTY

- There is nothing more sacred, more inviolate, than the house of every citizen.
- Every home is a castle; though the winds of heaven blow through it, officers of the State cannot enter.
- Title is the right to enjoy possession of that which is our own.

MAXIMS ON UNALIENABLE RIGHTS

- Bill of Rights is a list of self-evident truths.
- None has a greater claim to live free.
- No one should be required to betray himself, i.e., no one should be made to testify against himself.
- The right of the People to keep and bear arms is necessary for the security of a free state.
- Everyone should be presumed innocent until his guilt is established beyond a reasonable doubt.
- Liberty to all but preference to none.
- None is entitled to any privilege denied to others ... absolutely none!
- It is against justness for freemen not to have the free disposal of their own property.
- No king, no priest, no celebrity, no judge, not any person has any greater right to walk free than any lowly carpenter, plumber, or law-abiding street minstrel.

MAXIMS ON CRIME AND PUNISHMENT

- He who acts in pure defense of his own life or limb is justified.
- Crimes are more effectually prevented by the certainty than by the severity of punishment.
- Perjured witnesses should be punished for perjury and for the crimes they falsely accuse against others.

MAXIMS ON JUDICIAL REASONING

- The burden of proof lies on him who asserts the fact, not on him who denies it, because from the very nature of things a negative cannot be proof.
- No one should be twice harassed for the same offense.
- We are all equals in the sight of our law.
- Maxims test those who judge.
- Maxims put an absolute limit on those who rule.
- He who slices the pie should be last to take a piece.
- Servant judges cannot judge sovereigns.
- A thing similar is not exactly the same thing.
- Innocent until proven guilty.
- No one is above the law.
- Words should be considered only as commonly understood and not with a meaning others construe to their own purpose.
- All are equal under the law.
- Truth is expressed in the form of an affidavit.
- An un rebutted affidavit stands as truth.
- He who leaves the battlefield first loses by default.
- Sacrifice is the measure of credibility.
- A lien or claim can be satisfied only through rebuttable by affidavit point by point, resolution by jury, or payment.
- He who bears the burden ought also to derive the benefit.
- If the plaintiff does not prove his case, the defendant is absolved.
- No court and no judge can overturn or disregard or abrogate somebody's Affidavit of Truth.
- Words should be interpreted most strongly against him who uses them.

You can find ✓Maxims of Law from Bouvier's 1856 Law Dictionary - The Lawful Path and ✓Sir Edward Coke Maxims at www.nationallibertyalliance.org/court-forms

In conclusion there are 1000's of Maxims and many yet to be discovered. They are simply pure logic and justness clearly seen by any reasonable person. The FRCP are an act of treason against We the People and the Law of the Land.

Maxims are only denied by the lawless and tyrants!