**Memorandum of Law and Equity**

*Common Law Tribunal, Grand Jury Foreman*

*The judicial power shall extend to all cases, in law and equity, arising under this Constitution*. – U.S. Constitution Article III Section 2

The purpose of this memorandum is to clarify the profound difference between law and equity. Equity courts are nisi prius courts that are presided over by judges (political servants) who rule according to regulations, statutes and codes or contracts. Courts that proceed according to regulations, statutes and codes are for bureaucrats, corporations, other fictional entities and not People. Equity courts can hear contract cases between two People if both agree or if the value of the case is less than twenty dollars.

* STATUTE: An act of the legislature declaring, commanding, or prohibiting something; a particular law enacted and established by the will of the legislative department of government; the written will of the legislature, solemnly expressed according to the forms necessary to constitute it the law of the state. This word is used to designate the written law in contradistinction to the unwritten law.
* REGULATION: The act of regulating; a rule or order prescribed for management or government; a regulating principle; a precept. Rule of order prescribed by superior or competent authority relating to action of those under its control.
* CODE: A complete system of positive law, scientifically arranged, and promulgated by legislative authority, a systematic body of law.

Article I Section 8 Clause 18: Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers [listed in Clauses 1-17], and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Law courts are presided over by juries (twelve People) who rule according to Natural Law, no judges, regulations, statutes, or codes allowed in a court of law because they lack due process. Liberty is freedom from equity courts without our permission. In other words, free from government interference of our behavior. 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 is a/k/a the Declaration of Independence, the Constitution for the United States of America [Article VI] and its Cap-Stone Bill of Rights. These are all Natural Law documents that were constructed upon Natural Law Principles. To deny Natural Law is to deny these documents and to deny these founding documents would be treason.

We the People, via the Constitution, Bill of Rights and the Declaration of Independence, vested our judiciary with two jurisdictions, Law and equity! It is extremely important that we understand the differences between the two. Simply put, the tribunals in an equity court are elected or appointed ‘judges’ while the tribunals in law courts are the ‘People,’ a/k/a juries. These Law courts are called ‘courts of record’ that proceed according to ‘natural law’ liberated from statutes.

“*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*.” – United States Constitution Article VI.

**Equity law** is the system of jurisprudence administered by the purely secular tribunals. In equity courts [contract courts], judges are to act under “American Jurisprudence” which is the philosophy of law, the knowledge of things divine and human, the science of what is right and what is wrong; the constant and perpetual disposition to render every man his due. It has no direct concern with questions of moral or political policy, for they fall under the province of ethics and legislation. They are to meet out Justice, which in the most extensive sense of the word, differs little from virtue; for it includes within itself the whole circle of virtues. Justice, being in itself a part of virtue, is confined to things simply good or evil, and consists in a man's taking such a proportion of them as he ought.”

**Law** of nature [*Jus Naturale*] is Natural law [*Lex Naturale*]. It is absolute law, the true and proper law of nature a/k/a “common law as distinguished from law created by the enactment of legislatures. Common Law is the use of legal principles to discover by the light of nature or abstract reasoning comprised of the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of ancient antiquity.

“*The Supreme Court shall have appellate jurisdiction, both as to law and fact*…” in all ‘*cases in equity,*’ thereby becoming the final arbitrator and maker of case law, governed by American Jurisprudence under the rules of Common Law. The Supreme Court has NO APPELLATE authority over cases ‘*in Law*’ a/k/a Jury trials, with the one exception of protecting an individual if an unalienable right of the same is violated. Federal District Court Judges, when hearing a ‘*case in equity*’ are governed by American Jurisprudence and case law under the rules of Common Law. In cases “*in Law,*” Judges or Magistrates take on an administrative role, with no summary judgement powers. Whereas, the Jury, a/k/a Tribunal of 12 People, is the final arbitrator deciding the facts, law and remedy with the power of nullification and mercy. This is called a ‘court of record’ from which there is no appeal, as we read a decision concerning this issue by the US Supreme Court:

“*The decisions of a superior court may only be challenged in a court of appeal. The 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. Decision 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* [US Supreme 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*.”

“Under our system of government upon the individuality and intelligence of the citizen, the state does not claim to control him/her, except as his/her conduct to others, leaving him/her the sole judge as to all that affects himself/herself.” “All laws, rules and practices which are repugnant to the Constitution are null and void.” “Every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowman without his consent.” “Law is that which is laid down, ordained, or established.”

In the United States, before any court can have authority to hear a case, the court must have both in personam and subject matter jurisdiction. Any court not a court of record has no authority to proceed without the consent of the persons involved. No judge or legislators can alter that which the People ordained, to alter is high treason.

American courts are vested by the People, “the author and source of law,” through constitutions ordained by the People. Therefore, a court must first have “constitutional authority” over an individual before it can proceed. In criminal cases, a court must have an indictment by an untainted grand jury, in other words, the permission by the People to proceed. Any judge who instructs the petit jury that the said judge decides the law taints the jury and is a pseudo-court under fiction of law.

Furthermore, “all” state laws and constitutions are ultimately governed by the “Supremacy Clause” of the Constitution for the United States of America as ordained by the People in Article VI, clause 2, that defines the “Law of the Land” which renders “anything in the Constitution or Laws of any State to the Contrary notwithstanding” null and void.

“*No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence*” and “*that which the law requires to be done or forborne to a determinate person or the public at large, correlative to a vested and coextensive right in such person or the public, and the breach of which constitutes negligence*.”

Congress was not vested with legislate power to pass civil law statutes or criminal law statutes or any other statute that control the behavior of People. There are two Common Law Maxims that govern all criminal cases. (1) In order for there to be a crime, there must be an injured party. (2) The state cannot be the injured party. As for the injured party, there is a Common Law Maxim that states: For every injury, there must be a remedy. Therefore, in criminal cases, restitution is more just for all parties then incarceration.

“As to the construction, with reference to Common Law, an important cannon of construction is that constitutions must be construed to reference to the Common Law... The Common Law so permitted destruction of the abatement of nuisances by summary proceedings; and, [it] was never supposed that a constitutional provision was intended to interfere with this established principle [even] though there is no common law of the United States in a sense of a national customary law as distinguished from the common law of England adopted in the several states. In interpreting the Federal Constitution, recourse may still be had to the aid of the Common Law of England. It has been said that without reference to the common law, the language of the Federal Constitution could not be understood... The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution is the supreme law of the land; and, any statute to be valid must be In Agreement [with the Constitution]. It is impossible for both the Constitution and a law violating it [the Constitution] to be valid; one must prevail. This is succinctly stated as follows:

“*The General rule is that an unconstitutional statute, though having the form and name of law, is in reality no law; but, is wholly void and ineffective for any purpose since unconstitutionality dates from the time of its enactment and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted. Since an unconstitutional law is void, the general principles follow that it imposes no duties; confers no rights; creates no office; bestows no power or authority on anyone; affords no protection; and, justifies no acts performed under it... A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby. No one is bound to obey an unconstitutional law; and, no courts are bound to enforce it*.” 16 American Jurisprudence 2nd, Sec. 114.

**Conclusion:** Equity courts are for bureaucrats, corporations and other fictional entities. It’s a court “NOT OF RECORD” where one jurist (judge) decides the facts, law, and penalties according to regulations, statutes, codes or contract under American Jurisprudence whose decisions can be appealed to a higher court.

EQUITY: [Black's 4th] *Equity is a body of jurisprudence, or field of jurisdiction, differing in its origin, theory, and methods from the common law*. - Laird v. Union Traction Co., 208 Pa. 574, 57 A. 987; *It is a body of rules existing by the side of the original civil law, founded on distinct principles, and claiming incidentally to supersede the civil law in virtue of a superior sanctity inherent in those principles*. - Maine, Anc. Law, 27;

Whereas, Law courts are Courts of Record for the People. It’s a court where the tribunal is a jury of twelve People who decide the facts, law, and penalties according to the laws of nature’s God whose decisions cannot be appealed. Courts of Record are administrated by a magistrate who records and enforces the will of the tribunal, the People!

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 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.