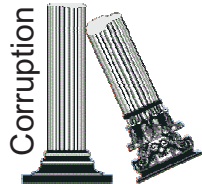
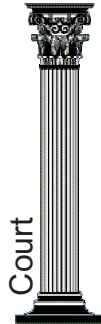
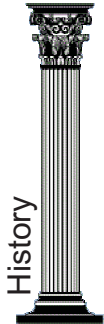


# The <sup>Real</sup> Law

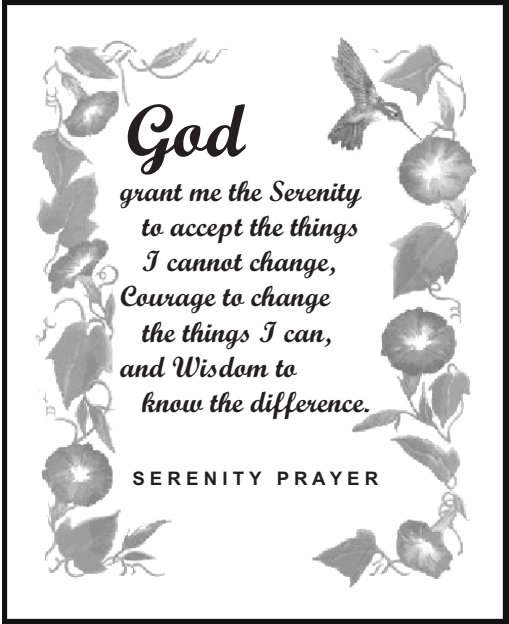


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*God*

*grant me the Serenity  
to accept the things  
I cannot change,  
Courage to change  
the things I can,  
and Wisdom to  
know the difference.*

SERENITY PRAYER

## INTRODUCTION

In 1776, Harvard University was over 100 years old and privately owned as were most schools. In the 1850's thereabouts, the first mandatory public school was established in the Boston area. The children were escorted to the school by the military over the objection of the parents.

From the 1850's to the 1950's *Civics* [the study of personal rights] was phased out and replaced by *Social Studies* and *American Government*. Today, the vast majority don't know the difference between a republic and a democracy, a people and a citizen, law and equity, or even a court of record and a nisi prius court..

This booklet and the supporting free website ([www.1215.org](http://www.1215.org)) is a culmination of 40 years legal research and life experience. We at the free library hope your eyes are opened to see the ingenious nature of the Anglo-American legal system, if only it were properly taught.

## CUT TO THE CHASE

According to the Preambles of the USA and state constitutions, the people are the sovereigns of the country. That is because the people are the creators of the government. The created may not dominate the creator. Neither the states nor the central government have any genuine sovereignty. They must operate within the limits of their constitutions, which serve as directives from the people to the governments. The Constitutions are not social contracts.

The will of the people supersedes the will of the government, because the people are the creators of the government. The 7th Amendment emphasizes that. The will is enforced through courts of record proceeding in accordance with common law procedure.

Common law is people's "**custom and usage since time immemorial.**" It supersedes statutes and codes, which are defined as equity rules created by a legislature. Statutes and codes are not real law, though they may appear and function as law.

## ANGLO-AMERICAN LAW HISTORY - - A THUMBNAIL SKETCH

753BC Roman Kingdom ---> 509BC Roman Republic ---> 27BC Roman Empire

Legend says Rome was established by the demi-god brothers, Romulus and Remus, on April 21, 753BC. The brothers argued over control of the city, but it was quickly settled when Romulus killed Remus. Betwixt the 8th and 6th centuries BC, Rome developed into a major commercial power. In 509BC the last of seven kings was deposed and Rome became a republic. The Republic lasted until 27BC, at which time it became an empire headed by Augustus.

0043 - 0409

Rome Controls England – Roman Civil Law (Senate)

For almost 400 years Rome imposed the Civil Law on its English subjects, civilians who became civilized. Power was distributed from top to bottom. The system consisted of a legislature that created laws, a praetor that administered the laws [and often created his own laws], and the citizens. The praetor was somewhat like a county sheriff who administered the laws while standing between the powers-that-be and the subjects.

04xx - 07xx

### Barbarians Control England – Divine Right of Kings

During the waning days of Rome the Barbarians were allowed to immigrate & occupy government offices. Eventually the Barbarians in the Roman military overcame the Roman structure and imposed their own system. However, there were not enough Barbarians to fill the offices, so they had to utilize the existing personnel to administer the vast Roman Empire. Implementation of the law of the Barbarians was effectively filtered through administrators trained in the Roman law. The result was somewhat a mixture in effect. The Barbarians introduced the concept of Divine Right of Kings. The king was the first visible source of God's law. Power flowed from the king. It was not possible for the king to break the law. If the king acted contrary to the law, it just meant for that moment that the king changed the law.

0793 - 1055

### Vikings (Norsemen) Control England – Common Law (the law of the people)

The Vikings brought to England the concept that power flowed from the people to the king. The king was subject to a jury of Vikings. There were even fewer Vikings than there were Barbarians. The existing administrative structure



became an imperfect mixture of the three systems of law: (1) Roman Civil Law, (2) Divine Right of Kings, and (3) Common Law.

1056 - 1216

Emergence of British Culture

The next 160 years saw a great refinement of the legal system. One of the most important developments was the Habeas Corpus, which originated in 1166 with the Assize of Clarendon. The Divine Right of Kings became the dominant philosophy. With the increase of royal power came the increase of royal abuse. The seventh British King, King John, pushed too hard and the nobility rebelled. The nobility had enough of King John's private wars, taxes, and conscription of their personnel. On June 15, 1215, some noblemen cornered King John by the Thames River at Runnymede, and promised him that they would not cut his head off if he signed the Magna Carta. He signed it. Later, the noblemen secured the blessing of Pope Innocent III. Neither the King nor the Pope intended to honor the document, but they were too politically weak to not honor it. As Providence would have it, by the end of 1216, both the King and the Pope died. The new King and Pope were not politically well established. The nobility immediately had the King and Pope recertify/bless the Magna Carta (and every British monarch has done so since). The Magna Carta radically changed the

power structure. The Viking philosophy was tentatively reinstated: the king became subject to the Grand Jury of 25. Still, the road to freedom was rocky.

10-10-1297

Confirmatio Cartarum

81 years after the Magna Carta, it became apparent that an adjustment was necessary. On October 10, 1297, King Edward signed the Confirmatio Cartarum. It locked in the Magna Carta as the Common Law upon demand by a defendant.

In those days, a plaintiff would go to the law court and sue (with or without a jury) only for money as compensation for his loss. There was no way in a law court, for example, to stop the city from bulldozing his house. If a non-monetary remedy was needed, he would make a motion for a writ [now no longer required] to allow him to take his case to the King. The King, being very busy, would authorize his right-hand-man, the chancellor, to hear the case. The chancellor was busy, too. So he would delegate the case to the court of chancery. The chancellor and his minions had all the same Divine-Right-of-Kings authority as the King himself, except on appeal the King could override the chancellor's decision. Because the King or his delegee were making new law tailored to the situation, there was no right to a jury as with a law court.

1776

## American Revolution

It's a known fact: historically, governments grow and grow until they consume their own citizens. On average, they last about 200 years. Many notable persons such as Benjamin Franklin tried to stop that pattern for the Colonies. But King George would hear none of it. The inevitable happened. Americans rejected British rule first with the Continental Association, then with the Declaration of Independence. In retaliation, King George canceled all the charters. For the initial years America, with no "legal" structure, was run by common law grand juries. Following the Declaration of Independence were the Articles of Confederation, the Northwest Ordinance, and the Constitution for the United States of America. President Abraham Lincoln, an attorney, considered each of the last 4 documents as a concurrent constitution for the USA.

## American Law

In 1776, the USA continued with the common law of England, but with some significant changes that seriously denigrated the system. First, the chancery (equity) court was procedurally combined with the law court. So far as the Constitution is concerned, they are still theoretically separate. But, by physically

combining the two courts under one judge, it became easier for judges to control the outcome of cases, which in turn leads to greater corruption. Litigants and their attorneys no longer have a clear perception of when they are at law and when they are in equity. Here's a hint: Statutes & Codes are not law. They are equity rules which the judge can enforce, modify, or suspend. The only real law is the common law, i.e. the unwritten custom and usage of the people, which the judge may not affect: e.g. see U.S. Constitution, Amendment VII. The 1789 *Constitution for the United States of America* introduced the concept of a republic.

One feature is that the people of the United States are sovereign. Sovereign means not accountable to any higher authority. As specified in the Constitution's Preamble, the people ordained and created the Constitution for the United States of America, a public corporation. The USA is a public trust located in the District of Columbia. By the way, it's easy to know when a country is actually a corporation: it has a president, secretary, and treasurer. Real countries, such as each of the American states, have governors. One could say that the District of Columbia is the world's 7th smallest country with only 68 square miles of land.

A second significant change is that the states are actually countries that have clipped sovereignty, meaning some of their sovereignty was transferred to the

Federal government. California Government Code specifically states, "Section 100 (a) The sovereignty of the state resides in the people thereof". Section 54950 states, "The people of this State do not yield their sovereignty to the agencies which serve them." The bottom line is this: Neither the States nor the Federal government have any sovereignty of their own. Their purpose is to serve the sovereign people.

So, how does this all work?

You recall that America inherited three systems of law: (1) Roman Civil Law, (2) Divine Right of Kings, and (3) Common Law.

The people live by custom and usage (common law). Ask anyone, "Have you ever read any of the laws? Of course not, unless he's a lawyer. People live by their basic sense of right and wrong, not because they read a rule somewhere.

The Legislature and the Executive Branches operate by statutes and codes (Roman Civil Law).

The courts operate in one of three modes: Divine Right of Kings, Law, Equity.

The only law court is a "court of record" that proceeds in accordance with common law procedure. It is a superior court. The judge has no authority to exercise any discretion. His job is to administer the common law procedure and the laws of the sovereign of the Court. In a sense, one could say he is the highest clerk in the court.

All other courts, regardless of name, are inferior courts. In the absence of the sovereign power, the judge acts as if he were sovereign, invoking the Divine Right of Kings, subject only to appeal to the sovereign. The judge has unlimited discretion to apply the statutes and codes, change them, suspend them, and make up his own rules. When a case is filed, unless your paper is written otherwise, the presumption is that you are proceeding according to equity rules, i.e. statutes, codes, regulations, and rules of court, but not common law.





## SOVEREIGNTY

SOVEREIGN: "The person or body having independent and supreme authority." Websters New International Dictionary, Second Edition (1953), Page 2406

In other words, a sovereign is not accountable to higher authority.

The Preamble of the Constitution for the United States of America acknowledges the people as the creators of the United States of America. A "people" is "sovereign".

PREAMBLE. "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

There is nothing in the Constitution that authorizes the created entity to commandeer its creator. The USA is specifically restricted:

AMENDMENT IX. "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

AMENDMENT X. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

NOTE WELL! In legal proceedings, only identify yourself as a people. Never identify yourself as a citizen or as a "sovereign-citizen". A people,



i.e. a sovereign, is the "independent and supreme authority". A citizen is a subject, i.e. a slave to higher authority.

AMENDMENT XIV. "Sect. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. ..." Remember, you are foremost a people, but you can be a citizen for some purposes, and a not a citizen for other purposes. The choice is yours to decide anytime, whenever you wish.

As one of the people you have all natural rights. You are entitled to all the rights which formerly belonged to the King by his prerogative (so long as you do not encroach on the sovereignty of another). You are outside and above the Constitution.

Not all of the Bill of Rights [First 10 Amendments of Constitution] apply to citizens. "Civil Rights" are actually "Roman Civil Law / Civil Privileges" defined by statute for the citizens.

## REPUBLIC vs DEMOCRACY

A Republic is best explained by first explaining a Democracy.

In a pure Democracy the people argue among themselves. The argument is resolved by voting. 51 beats 49. Whatever the majority says is imposed upon the minority. The minority has no rights. The majority doesn't need rights. In other words, the sovereignty is placed in the group. It is the group that is not accountable to higher authority. The members of the group are the citizens, and they must obey the dictates of the group. In the long run, a Democracy becomes a dictatorship of the majority.



Except for two points, a Republic is identical in all aspects to a Democracy. In a Republic the people argue among themselves, just as is done in a Democracy. The argument is resolved by voting. However, because each individual People is

sovereign, the decision of the majority can only be advice to the individual. The logic is simple: If the group can impose its will upon the individual, the individual would no longer be sovereign, and you would no longer have a Republic; it would be converted into a Democracy. At best, the group is limited to advising the individual. If a group is unreasonable, the individual sovereign is free to ignore the advice.

In the long run, a republic leads to freedom for the individual; a democracy becomes a dictatorship of the majority..

The other feature of a republic is that the individual may act directly, or he can delegate a task to his representatives. In other words, you can delegate a function to a representative, or (if it is important enough in your judgment) you can do the job yourself. In a Republic, that is why you can use the government courts, or you can create your own court.

If you create your own court, and a court official (e.g. A judge) misbehaves or attempts to override you, the tribunal (you) can issue a writ of error to rescind his action.

## COURT OF RECORD

COURT. a stage upon which the sovereign conducts his show so as to satisfy the rest of the world that his decision is a good one. That's the practical definition. The legal definition is: The person and suit of the sovereign.

COURT OF RECORD. A court of record must conform to four requirements:

1. power to fine or imprison for contempt
2. keeps a record of the proceedings
3. proceeding according to the common law (not statutes or codes)
4. the tribunal is independent of the magistrate (judge)

You will only find all the above Items in the First, Second, Third, and Fourth Editions of Black's Law Dictionary, The Fifth and later editions only show items 1 & 2. The powers-that-be could not eliminate items 3 & 4 from the law, so they eliminated them from the reference books. As a general rule-of-thumb, older dictionaries are law oriented; modern dictionaries are more policy oriented.



Note well! Item 4 says the “tribunal is independent of the magistrate (judge). All judges are magistrates. The tribunal is the person who actually makes the discretionary court decisions. The magistrate may not usurp the powers of the tribunal.

The plaintiff is the tribunal in a court of record, unless there is a fully empowered jury (not an advisory jury as in an equity court).

If the magistrate makes a decision, the plaintiff/tribunal may issue a writ of error correcting the magistrate’s error.

## CORRUPTION

"Power tends to corrupt, and absolute power corrupts absolutely." (Lord Acton) Corruption always overrides law. Behind every formal system there is an unpublished informal system. This is as true for the legal system as it is for any other system. You never know. Maybe the judge gets advice from his wife or an old school buddy, or is bribed. Or, maybe the judge does not like you, especially if you're trying to represent yourself (judges don't like amateurs in their courtrooms). Judicial arrogance is another factor. One thing for certain: All law is theory, the informal system is reality, backed up by the guns of government. In America the judges are gradually organizing themselves against the people. (See the Anti-Government Movement Guidebook written by judges for judges. It explains how to minimize the success of pro-se litigants.)

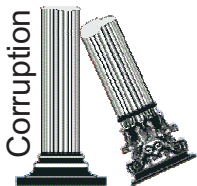
King Cambyses severely dealt with Judge Sisamnes who accepted a bribe in 6th Century B.C. In 1498 a painting was made of the event.

There are also powerful corrupt non-government forces at work. Here is

the Dodd Interview about the Reece Committee Hearings:  
<https://youtu.be/c5eHdTk5hjw>. Try not to get angry as you read the report from the Congressional Reece Committee Hearings (2085pp, 146 MB).

The Constitution provides a weak remedy. In this republic the individual can invoke his status as one of the people (not as a citizen) in a court of record. But, it's a hard fight to get the benefit.

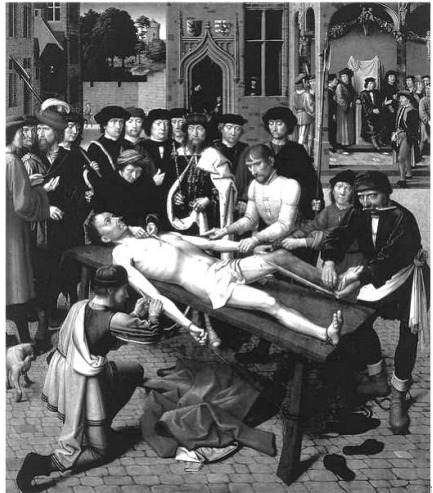
The only way to minimize corruption is to bring in a higher power such as an appellate court, supreme court, a personal lawsuit against the corrupt individual, street demonstrations, or even revolution, as when the colonies separated from England.



Judgement of Cambyses



The Flaying of Sisamnes



By Gerald David



Judgement of Cambyses Flaying of Sisamnes  
1498 by Gerard David, Groeninge Museum in Bruges

Sisamnes, Herodotus tells us, was a royal judge under the reign of King Cambyses II. He accepted a bribe from a party in a lawsuit, and therefore rendered an unjust judgment. King Cambyses learned of the bribe, accused Sisamnes, and had him arrested and punished, but by no ordinary punishment.

The punishment was as creative as it was cruel: King Cambyses slit his throat and flayed off all his skin and he strung the chair, on which Sisamnes had used to sit to deliver his verdicts, with the thongs.

Cambyses's creativity did not stop there. To replace Judge Sisamnes whom he had killed and flayed, Cambyses appointed Sisamnes's son, Otanes, as the new judge. Cambyses warned Otanes to bear in mind the source of the leather of the bench upon which he would sit to hear evidence, deliberate, and deliver his decisions. No doubt, King Cambyses' warning left an impression on his new judge.

## People's Rights vs. Citizen's Privileges

People have all natural rights. Citizens only have privileges granted by the government. The privileges are misnomered "civil rights". The Supreme Court has applied the doctrine of selective incorporation as the dominant doctrine for incorporating portions of the Bill of Rights for application to citizens of the United States.

### Amendments available to U.S. citizens

1: Religion (free exercise, establishment)

Speech

Press

Assembly

Petition

2: Right to keep and bear arms

4: Search and seizure

5: Double jeopardy

Self-incrimination

Just compensation

6: (protection has been diluted)

Speedy trial

Public trial

Jury trial

Impartial Jury

Notice of charges

Confrontation

Compulsory Process

Counsel

8: Cruel and unusual punishment

### **Amendments permissible, but not required for U.S. Citizens**

3: Quartering troops in homes (no cases)

5: Grand Jury indictment

7: Jury trial in civil cases

8: Bail (mostly)

Excessive fines under equal protection

## CONFIRMATIO CARTARUM

October 10, 1297

(The Magna Carta is the Common Law)

EDWARD, by the grace of God, King of England, Lord of Ireland, and Duke of Guian, to all those that these present letters shall hear or see, greeting. Know ye that we, to the honour of God and of Holy Church, and to the profit of our realm, have granted for us and our heirs, that the Charter of liberties, and the Charter of the forest, which were made by common assent of all the realm, in the time of King HENRY our father, shall be kept in every point without breach. (2) And we will that the same charters shall be sent under our seal, as well to our justices of the forest, as to others, and to all sheriffs of shires, and to all our other officers, and to all our cities throughout the realm, together with our writs, in the which it shall be contained, that they cause the foresaid charters to be published, and to declare to the people that **we have confirmed** them in all points; (3) and **that our justices, sheriffs, mayors, and other ministers**, which under us have the laws of our land to guide, **shall allow the said charters** pleaded before them in judgement in all their points, that is to wit, the Great Charter **as the common law** and the Charter of the forest, for the wealth of our realm.

## HEALTH NOTES

If you don't have good health, then nothing else matters. To maintain good health you need good food, good exercise, and good rest. Here are some tips we hope you find helpful:

Notes about Distilled Water, Upset Stomach, and Headache

[https://www.1215.org/lawnotes/health/distilled\\_water\\_and\\_other\\_notes.rtf](https://www.1215.org/lawnotes/health/distilled_water_and_other_notes.rtf)

All about distilled water (video)

<http://www.youtube.com/watch?v=qTtMDbMYnGM>

World Research Foundation Your first resource for health information  
& Information about the World Research Foundation

[https://www.1215.org/lawnotes/health/wrf\\_article.pdf](https://www.1215.org/lawnotes/health/wrf_article.pdf)

## DISCLAIMER

Nitty Gritty Law Library has no financial or vested interest in any of the references in this book. You are on your own as you peruse them.

## HONOR & DISHONOR

This is the most important aspect of the law. In law, "Honor" & "Dishonor" is a process. It is how you react to a presentment. Throughout the entire process you must be in honor. This applies to everything you do in the legal process. To act with dishonor toward the other person is the highest sin in any system of law.

To honor a presentment.

Accord & Satisfaction  
Conditional Acceptance  
Rejection Without Dishonor

To dishonor a presentment

Argument  
Silence

### High Principles

"In ancient times, honor was the manner of being that we now describe as having integrity. In plain language, an honorable person avoids deception whenever possible, treats others with respect and sticks to her beliefs no matter how others think or act." ~Carla Joy

"Personal integrity; allegiance to moral principles." wordia.com

"The ultimate measure of a man is not where he stands in moments of comfort, but where he stands at times of challenge and controversy." ~Martin Luther King, Jr.

"The difference between a moral man and a man of honor is that the latter regrets a discreditable act, even when it has worked and he has not been caught." ~H. L. Mencken

## ATTITUDE

Attitude is very important. Common law strategy will not work if you have a negative attitude. Many people who are defending their rights are also very angry. Not that they are not justified. However, anger is a luxury of the poor. As the saying goes, "Don't get mad. Get even."

The whole court process is about getting even. The reason the IRS does not tax court judgments is because the judgment is perceived as a compensation for what you lost. For example, if you were falsely incarcerated, that time in jail has a monetary value. The monetary judgment you receive is a monetary replacement for your injury, namely for the right you lost.

You need to psychologically detach yourself from your problem. If you don't, if you are too close to your problem, you will be blind to your options. Your mind will be channeled and you won't see other opportunities to win. Ever bought a car? After you bought it, did you notice many cars on the highway were like yours? Your mind was channeled.

The <sup>Real</sup> Law is a distillation of over 40 years of research and practical testing in the courts.

This hearsay booklet provides a concise set of basic concepts by which you can gain insight into the legal system.

Missing from this booklet is the black letter law, case law, and other authority to validate this information. For that you must view <https://1215.org/>.

We at the *Nitty Gritty Law Library* hope you benefit from this information as much as we have.