

Sovereignty, Natural Rights, Law and a Court of Record at Common Law

We the People are sovereign NOT public servants

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

*The very meaning of 'sovereignty' is that the decree of the sovereign makes law. **American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.***

*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. – **Yick Wo v. Hopkins, 118 US 356, 370 (1886)***

*...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; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty. **CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL 1793 pp471-472***

*The Constitution emanated from the people and was not the act of sovereign and independent States. **McCulloch v. Maryland, 4 Wheat. 316 [1819]. See also Chisholm v. Georgia, 2 Dall. 419, 470 [1793]; Penhallow v. Doane, 3 Dall. 54, 93 [1795]; Martin v. Hunter, 1 Wheat. 304, 324 [1816]; Barron v. Baltimore, 7 Pet. 247 [1833].***

A People permanently occupying a fixed territory bound together by common-law habits and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe. **United States v. Kusche, D.C.Cal., 56 F.Supp. 201, 207, 208.** The organization of social life which exercises sovereign power in behalf of the people. **Delany v. Moraitis, C.C.A.Md., 136 F.2d 129, 130.**

*Even if the Tribe's power to tax were derived solely from its power to exclude non-Indians from the reservation, the Tribe has the authority to impose the severance tax. Non-Indians who lawfully enter tribal lands remain subject to a tribe's power to exclude them, which power includes the lesser power to tax or place other conditions on the non-Indian's conduct or continued presence on the reservation. **The Tribe's role as commercial partner with petitioners should not be confused with its role as sovereign. It is one thing to find that the Tribe has agreed to sell the right to use the land and take valuable minerals from it, and quite another to find that the Tribe has abandoned its sovereign powers simply because it has not expressly reserved them through a contract. To presume that a sovereign forever waives the right to exercise one of its powers unless it expressly reserves the right to exercise that power in a commercial agreement turns the concept of sovereignty on its head. Merrion v. Jicarilla Apache Tribe; Amoco Production Company v. Jicarilla Apache Indian Tribe, 455 U.S. 130, 131, 102 S.Ct. 894, 71 L.Ed.2d 21 (1981)***

The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. Through the medium of their Legislature they may exercise all the powers which previous to the Revolution could have been exercised either by the King alone, or by him in conjunction with his Parliament; subject only to those restrictions which have been imposed by the Constitution of this State or of the U.S. **Lansing v. Smith, 21 D. 89., 4 Wendel 9 (1829) (New York) "D." = Decennial Digest Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 1`67; 48 C Wharves Sec. 3, 7. NOTE: Am.Dec.=American Decision, Wend. = Wendell (N.Y.)**

Law established by We the People

The **Declaration of Independence, Articles of Confederation, Constitution FOR the United States of America** and **Bill of Rights** were established and ordained by **We the People** of the United States to INSTRUCT OUR public servants (*receiving compensation from OUR tax dollars*) what they **can** and **cannot** do. The Founding Documents were also ordained and established to protect the natural rights of LIFE, LIBERTY and PROPERTY of **We the People** the **sovereigns**.

The 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."*

Take note that **We the People**:

1. of the United States
2. secure the Blessings of Liberty to ourselves and our Posterity
3. ordained and established the Constitution **FOR** the United States of America
4. the Constitution was written to instruct, *ALL those that accept compensation from tax dollars*, what they CAN and CANNOT do and to protect the natural rights of the sovereigns
5. the Constitution does not restrict the natural rights of people of the United States that **established** and **ordained** the Constitution **FOR** the United States of America but in fact protects the natural rights of people

Those points are very clear, **We the People** are the ultimate authority as the Sovereign NOT public servants who receive compensation from tax dollars of **We the People**.

Article IV Section 4

*"The United States shall guarantee to every State in this Union **a Republican Form of Government**, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence."* (Emphasis added)

Article VI

*"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**, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*

*The Senators and Representatives before mentioned, and the **Members of the several State Legislatures**, and **all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution**"* (Emphasis added)

The **Preamble to the Bill of Rights** provides more clarity that the **people** as **sovereigns** did not feel the Constitution was restrictive enough so further **declaratory** and **restrictive clauses** were added in the **10 Amendments**:

*"THE Conventions of a number of the States, having at the time of their adopting the Constitution, **expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added**: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution."*

The first **10 Amendments** are **LAW** ratified by **We the People** as **Sovereigns**:

The **5th Amendment** is very clear ALL men and women have the **LAWFUL RIGHT** to protect **OUR PROPERTY!**

5th Amendment

"No person shall ***be deprived*** of ***life, liberty, or property, without due process of law***"

The **7th Amendment** guarantees all people of the United States a **common law** natural right to a **trial by jury** if requested:

*"In suits at **common 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 law**."*

The **9th** and **10th Amendments** are very clear **We the People** of the United States did not give up any **common law** natural rights as sovereigns.

9th Amendment

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

10th Amendment

*"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**."*

Common law

A judge is a magistrate to make sure common law is followed but is NOT a law maker.

Magistrate "an official entrusted with administration of the laws" – **Merriam-Webster On-Line Dictionary**

The people of the United States are common law jury sovereigns that are tribunals to judge the law, facts and evidence of any lawsuit filed by a sovereign. A magistrate does not have authority over a sovereign.

Tribunal - The seat of a judge; the place where he administers justice. The whole body of judges who compose a jurisdiction; a judicial court; the jurisdiction which the judges exercise. **See Foster v. Worcester, 16 Pick. (Mass.) 81. – Black's Law Dictionary, 4th Ed., 1677**

Tribune – 1. In ancient Rome, a magistrate whose special function was to protect the interests of plebeian citizens from the patricians.

2. Any defender of the people.

Webster's New Practical Dictionary, 707 (1953), G. & C. Merriam Co., Springfield, Mass.

A statutory or constitutional court (whether it be an appellate or supreme court) may not second guess the judgment of a **Court of Record** at **Common Law**. The **Supreme Court of the USA** acknowledges the **Court of Record** at **Common Law** as the **ultimate authority**:

*"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."*** Ex parte Watkins, 3 Pet., at 202-203. [cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)]

Black's Law Dictionary, 4th Ed., 425, 426

Courts may be classified and divided according to several methods, the following being the more usual:

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. **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.**

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. **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.**

The proceedings of the courts of common law are records. But every minute made by a clerk of a court for his own future guidance in making up his record is not a record. **4 Wash. C.C. 698. See 10 Penn. St. 157; 2 Pick. Mass. 448; 4 N. II. 450; 6 id. 567; 5 Ohio St. 545; 3 Wend. N.Y. 267; 2 Vt. 573; 6 id. 580; 5 Day, Conn. 363; 3 T. B. Monr. Ky. 63.**

A court of record at common law 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." **Ex Parte Kearny, 55 Cal. 212; Smith v. Andrews, 6 Cal. 652**

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. **Ex parte Kearny, 55 Cal. 212.** Note, however, that in California '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." **Heydenfeldt v. Superior Court, 117 Cal. 348, 49 Pac. 210; Cohen v. Barrett, 5 Cal. 195"**
7 Cal. Jur. 579*

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.

AGAIN, 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.**" **Ex parte Watkins, 28 U.S. (3 Pet.) 193, 202-203 (1830).** [cited by **SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)**]*

The **Supreme Court of the USA** has DECLARED any action by judge(s) is **VOID** and **TREASON** when any judge(s) violates the Federal Constitution:

"Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)

Note: **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.** The U.S. Supreme Court has stated that "no state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." **See also In Re Sawyer, 124 U.S. 200 (188); U.S. v. Will, 449 U.S. 200, 216, 101 S. Ct. 471, 66 L. Ed. 2d 392, 406 (1980)"**

"Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974)

Note: **By law**, a judge is a state officer. The judge then acts not as a judge, but as a private individual (in his person). **When a judge acts as a trespasser of the law, when a judge does not follow the law, the Judge loses subject-matter jurisdiction and the judges' orders are not voidable, but VOID, and of no legal force or effect.** The **U.S. Supreme Court stated** that "when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States."

When PUBLIC SERVANTS accept compensation from the tax dollars of **We the People/Sovereigns** then PUBLIC SERVANTS have entered a CONTRACT with **We the People/Sovereigns** and are REQUIRED to follow the LAW **We the People/Sovereigns** have ORDAINED and ESTABLISHED in the **Constitution FOR the United States of America** and **Article I, Section 10, Clause 1** DECLARES there is NO LAW that can IMPAIR the OBLIGATION of CONTRACTS.

The Foundation of Law

There are basically three classes of laws: **The Laws of God**, which encompass the **Laws of Nature; The Law of the Land**, also referred to as the **Common Law**; and lastly there is **Private Law**, or man-made law, also referred to as **Contract Law**.

Our Founding Fathers believed that it was self-evident that the God of Nature is the sovereign of the universe and everything in it (as well as mankind) and that He had endowed all mankind with "certain unalienable rights" making them self-directing sovereigns, which means that any governments instituted among men derive their just powers *(only) from the consent of the governed*, who are the source of earthly power and authority. Hence any attempt to exercise any powers NOT conveyed by the People is unjust and unauthorized, *and any act done pursuant to such usurpation of power is void*.

They were further convinced that God's temporal law for mankind was expressed in the law of the land. **Common law** is **common-sense law**. It is simple, straightforward and self evident, primarily because it is based on God's Laws. It is the foundational law of the union of States.

The Founding Fathers authorized three legal systems in the Constitution, first Common Law, secondly Equity Law, and thirdly Admiralty Law, which is the law of the sea. Gradually Common Law has been displaced by Equity Law until today the Common Law is rarely heard of or understood *because it has been covered up and hidden away by the legal profession for very understandable business reasons. Such people are pursuing their own private agenda*. In fact the Common Law is generally looked upon as obscene, example: to have a common law marriage is considered to be unclean. Why? The first marriage license in the United States was issued in 1863. *The question is not whether some third party should or should not perform the service; it is whether sovereigns must get permission from their servants (the government) before they can be married*.

Private Law

Private Law is that law which comes into being when people enter into agreements creating the rules and terms by which they agree to be bound together.

State and federal constitutions are examples of private law. They come under the heading of contract law because they are contracts that establish governments and are designed to protect the People from the government. To keep the government under control, the People were very precise in the language they used to make it perfectly clear exactly what powers were being delegated AND that any powers not specifically delegated were reserved (by the People) to the states or the People.

It should be remembered that the People are the sovereigns of State governments and the States are the sovereigns of the federal government. Thus the People, either directly or indirectly, are the sovereigns over both governments. The States have been given specific and limited power. They also made sure there were provisions that safeguarded the People's right to abolish or change that government and to create a different one if they chose.

Public Law is a form of private law that results when laws are made in proper application of the delegated authority conveyed to the legislators. Title 18 (the Federal Criminal Code) is an example of public law. It was drafted to grant unto non-citizens the protections and defenses sovereigns have under common law; **Title 18 does not apply to sovereigns, who answer directly to violations of GOD's Laws.**

Administrative Law is one term used to describe private law that comes into existence when someone acquires dominion over others and can dictate to them what the law is. Title 26 (the Internal Revenue Code) is an example of Administrative Law; it and the other federal titles classified by congress as "non-public" (administrative) laws, thus apply only to subjects of the federal government. **We the People of the United States are NOT SUBJECTS but the SOVEREIGNS.**

In 1938 the United States abandoned Public Law and adopted an unconstitutional system called Public Policy. An understanding of this distinction is so vital that the definitions of these terms follow:

Public Law

That portion of law which deals with the powers, rights, duties, capacities and incapacities of government and its delegated authority. Those laws which are concerned with a government in its political capacity, considered in its quasi-private personality, i.e., as capable of holding or exercising rights or acquiring and dealing with property in the character of an individual.

Public Policy

The rules and procedures (policy) of a sovereign over its subjects. It holds that no subject can lawfully do that which has a tendency to be injurious to the public or against the public good as defined by the sovereign. Public policy is set by legislative acts and, pursuant thereto, by judicial and administrative promulgating of rules and regulations.

Such rules and regulations ***are therefore not laws*** but rather terms imposed by contract agreements. It's the contracts themselves which make these rules and regulations binding.

The People are not a subject or property of *public servants* therefore are not subject to those contracts that usurp OUR NATURAL RIGHTS of LIFE, LIBERTY and PROPERTY.

In no way do People relinquish their sovereignty therefore the People are not under the authority of any public servant but IN FACT the public servant is under the authority of the People as the sovereign!

The very concept of Public Policy and its inherent usurpation of power from the **sovereign People** is so addictive and has become so widely accepted by bureaucrats in all levels of government that they act as if they were the masters of the People, **BUT THEY ARE NOT!**

This shift in government was instituted with the Supreme Court's decision in the Erie Railroad case, as a result of which, all Supreme Court decisions prior to that time are being treated as no longer relevant in equity court proceedings. And so another milestone was reached in the conspiracy to overthrow the rights of the People.

This Administrative Law is much like Roman Law which is also called Civil Law. Conceptually, Roman or Civil Law, which is practiced in most of Europe, is diametrically opposite to the Common Law.

Under Roman or Civil Law you are guilty until proven innocent and have only those rights your master the government chooses to grant you; and what your master giveth, he can take away. Under the **Common Law** as practiced in America, you are innocent until proven guilty and **retain all rights** not delegated to government.

We are seeing more and more of this Roman class of laws in this country: if you are charged you are treated as being guilty until proven innocent. If that is happening to you, it's because of your legal status — or what "they" perceive as your legal status. **If your legal status is that of being a sovereign your unalienable rights are being violated!**

Principles Of Law Making

In the days before the turn of the century in America, the custom was for those studying law to study the Bible and the laws contained therein so that those principles would occupy a preeminent place in the minds of those practicing law. This is not the case today; rather the opposite is true. The **eternal truths contained in the Bible** have been lost from the view of those who need them the most. It is still the best place to learn about laws generally, as well as other eternal truths. The concept of a system of laws not founded upon those eternal truths is tantamount to building a house on quicksand.

In **America**, the **sovereign power resides** in and **comes only from the People**. "**We the People**" are the **sovereigns**. All the power and authority the government has ... was given to it by the **People! *If we don't have the right to do a thing, then we cannot delegate such a right to any government! ("We cannot give to anyone or anything any power or authority we do not have!"*)**

Is it not in controversion to this principle that representatives of the People — legislators or bureaucrats or judges — pretend they can make laws to implement powers **We the People** *did not* and *cannot* give them? It is self-evident! Yet they pretend they can do virtually anything they or even a majority of them merely agree among themselves (vote) to do; they publish interpretations of laws and promulgate rules based on those interpretations; or they render decisions that are clearly antithetical to the concepts set forth in the Declaration of Independence and the Constitution as the Founding Fathers understood and expounded them; and thereby they violate their sworn oath to defend and uphold the Constitution.

They know those who discover such usurpation will expose their usurpation and bring them to account and thus rectify their malfunction.

They also promote and rely on the general MISCONCEPTION that any statute passed by a legislature is valid. It is impossible for both the Constitution and legislation violating it 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 ..." **16 Am Jur 2d, Sec 177 late 2d, Sec 256**

"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 ... No one is bound to obey an unconstitutional law and no courts are bound to enforce it." **16 Am Jur 2nd Sec 177**

"The general rule is that an unconstitutional act of the Legislature protects no one. It is said that all persons are presumed to know the law, meaning that ignorance of the law excuses no one; if any person acts under an unconstitutional statute, he does so at his peril and must take the consequences." **16 Am Jur 2d Sec 178**

No ruling making or legislation can usurp natural rights that the people of the United States secured in the Constitution.

"Where rights secured by the Constitution are involved, there can be no rulemaking or legislation which would abrogate them." **[Miranda v. Arizona, 384 US 436, 491.]**

Miranda v. Arizona agreed on common law.

In order for a law to be proper, it must be just. ***It must protect equally the rights of all without violating the rights of any.*** There is nothing mysterious about proper law; it is based on reasonableness and common sense, and is harmonious with the Laws of God.

The legislature makes rules of man, but the rule of the people is God's law. A jury is considered God's representatives when they judge a case.

A jury tries to render a decision that is actually right and not according to man's laws which are equity codes, acts, statutes or any other unlawful act that usurps natural rights of sovereigns.

When **We the People** created the **6th** and **7th Amendments**, we were making sure a jury of 12 was more than just a judge but IN FACT the jury is the judicial tribunal.

A consequence of this prerogative is the legal ubiquity of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice. **(Fortesc.c.8. 2Inst.186)** *His judges are the mirror by which the king's image is reflected.* **1 Blackstone's Commentaries, 270, Chapter 7, Section 379.**

The state cannot diminish rights of the people. [Hertado v. California, 100 US 516.]

The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice. [Davis v. Wechsler, 263 US 22, 24.]

There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights. [Sherer v. Cullen, 481 F 946.]

Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. [In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.]

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; any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. [Constitution for the United States of America, Article VI, Clause 2.]

COURT. The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be. [Black's Law Dictionary, 5th Edition, page 318.]

COURT. An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times and places previously determined by lawful authority. [Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070; Black's Law Dictionary, 4th Edition, page 425]

...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.... [Confirmatio Cartarum, November 5, 1297, Sources of Our Liberties Edited by Richard L. Perry, American Bar Foundation]

Henceforth the writ which is called Praeceptum shall not be served on any one for any holding so as to cause a free man to lose his court. [Magna Carta, Article 34]

Court of Record at Common Law

Everyone must establish YOUR court that is a **Court of Record at Common Law** that REQUIRES the following rules:

1. A *judicial tribunal* having attributes and *exercising functions independently* of the person of the *magistrate designated generally to hold it* [**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**][**Black's Law Dictionary, 4th Ed., 425, 426**]
2. *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**][**Black's Law Dictionary, 4th Ed., 425, 426**]
3. *Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony.* [**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; Heining v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231**]
4. *Has power to fine or imprison for contempt.* [**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; Heining v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.**][**Black's Law Dictionary, 4th Ed., 425, 426**]
5. *Generally possesses a seal.* [**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; Heining v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.**][**Black's Law Dictionary, 4th Ed., 425, 426**]