A Concise Description of the NATURE and ORIGIN of AMERICAN LAW

On Mar 22, 2017, at 10:19 PM, Bill Thornton <x@1215.org> wrote:

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- 743BC  Founding of Rome
- 43 AD.  Rome "civilized" England when it brought in Roman Civil Law created by the Roman Senate and Prefects.
- 04xx AD  Barbarians conquered Rome. They brought in the Divine Right of Kings. The king was there by the Grace of God, and God expressed His Law through the king.
- 0793 AD  Vikings [Norsemen, Normans] conquered England. They brought in the Common Law and the jury system. The law of the people superseded the law of the king.
- 1215 AD  John, King of England signed the Magna Carta, which defined the relationship between the King, the nobility, and the people.
- 1787 AD  Edward, King of England signed the Confirmatio Cartarum, which affirmed the Magna Carta as a Common Law when demanded by a defendant.
- 1789 AD  Constitution for the United States, includes the common law of England as well as its legal traditions, which includes the Roman, Barbarian, and Viking systems.
- 06-15-1215  Magna Carta – King John, established the supremacy of the people (the peers/nobility).
- 10-10-1297  Confirmatio Cartarum, King Edward confirmed Magna Carta as common law
- 07-04-1776  Declaration of Independence; King George revoked all charters
- 03-01-1781  Articles of Confederation, Peyton Randolph, 1st president
- 07-13-1787  Northwest Ordinance AKA An Ordinance for the Government of the Territory of the United States, North-West of the River Ohio AKA Freedom Ordinance AKA The Ordinance of 1787
- 03-04-1789  Constitution for the united States of America, Geo. Washington, 15th president

The Anglo American system of law is an amalgamation of Roman Civil Law, Divine Right of Kings, and Common Law, all inherited from England.

The people ordained & established the Constitution. In the USA they are the kings/sovereigns of the country. They live by the common law. This is so because so few of them know anything about the other two systems.

The Legislature creates the statutes & codes [Roman Civil Law], which controls the Executive Branch and applies to anything within their jurisdiction, e.g. citizens and properties.

The Judicial Branch operates under the concept of Divine Right.

Things about which you did not dare think...
It runs the king's/people's court. In the absence of a king, the judge acts in the name of the king/people.

In England, by 1776 the common law courts of the king (not the people) had to conform to the written [Roman Civil] Law of the king. The judge's only authority was to apply the law in the case.

It was not possible to write a law for every situation. A plaintiff could petition the court to allow him to get a ruling direct [by Divine Right] from the king. The court would issue a writ for that purpose.

The king was too busy to handle all the cases. So, he delegated his authority to his right-hand man, the chancellor.

The Chancellor also was very busy, so he delegated his authority to one of his several courts of chancery [equity court in the USA]. The head of a court was also called a chancellor.

The chancellor had all the same authority by Divine Right that the king had, subject only to reversal [on appeal] by the top chancellor, who was in turn subject to reversal by the king. A jury's decision was advisory, and optional.

• As an aside: Because the king was the source of the law, it was not possible for him to violate the law. If he did something contrary to the law, it only meant that he temporarily changed the law at his whim. That is why he has sovereign immunity.

• Another aside: The court of claims is a moral court. Even though the king could not be sued, an individual could make a moral claim against the king, and the Court of Claims could make an award based on morality rather legality. The same idea applies to "Risk Management" department of a municipality.

In effect, the judge acts in place of the king. He has the delegated sovereign authority [subject to royal reversal on appeal] to enforce the statutes, codes, regulations, and rules, or he can modify them, or he can suspend them, or he can make up a new rule.

The chancery [equity] decisions are called "case law" when they

**Things about which you did not dare think-**
are affirmed on appeal. But remember, "case law" is still chancery, not common law, despite what is taught in the law schools.

In the USA, all statutes, codes, regulations, and rules are chancery [equity] rules. To keep you confused, they are often called statutory law, code law, and regulatory law. But, they are not [common] law.

When you go to court, and when you base your case on chancery rules, then you are not applying common law. You are in an equity court. And, you give permission to the judge to be a chancellor.

The appellate court and the Appellate Supreme court is also an equity court.

As one of the people you have unlimited power to contract. That power supersedes the limitations of the Constitution. For example, when 2 pugilists contract to go into the ring and one kills the other, that's one of the reasons he is not prosecuted for battery, manslaughter or murder.

You can contract to have your case decided by a chancellor. When you give the chancellor [judge] permission to exercise his discretion, how can you complain when he does? That is why 99% of all appeals fail.

The only way to avoid that is to be one of the people as contemplated in the Preamble of the state or Fed. Constitution, as a plaintiff or counter plaintiff, in a court of record.

To understand all the factors that come together to make that work, you should apprise yourself of the information at https://1215.org,

scroll down and click on the red pill, then follow the instructions.