

DISTRICT COURT OF THE UNITED STATES, EASTERN DISTRICT OF MICHIGAN

David Schied;

Grievant/Sui Juris

- against -

Karen Khalil, et al;

Defendants

Index # 2:15-cv-11840

Judge

Date June 25, 2015

MEMORANDUM OF LAW

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LAW & JURISDICTION

THE QUESTION that will be answered by this memorandum of law is twofold, (1) is the Jurisdiction of this court a "Common Law"1 "Court of Record", a system of jurisprudence, who's tribunal is the People; or is it Corporatism2 a Court not of Record, a system of corporate legislation, who's tribunal is a corporate officer of the court, aka judge? And, (2) is the law of the Land "statutes"3 or "Law"4? The expectations of the proceedings of this court is Justice and therefore according to Common Law.

People are despondent by the performance of the officers of their courts. People practicing law without the unconstitutional5 BAR title of "Esquire"6, find themselves hijacked, by the same, into corporate courts operating under corporate charters by magistrates fraudulently acting as the tribunal and regularly adjudicating upon the people "no standing" or "no cause of action".

1 The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are "not the law", Self v. Rhay, 61 Wn (2d) 261

2 CORPORATISM. [Webster] the organization of a society into industrial and professional corporations serving as organs of political representation and exercising control over persons and activities within their jurisdiction

3 "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 its unconstitutionality dates from the time of its enactment... In legal contemplation, it is as inoperative as if it had never been passed... Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no right, 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 law. Indeed insofar as a statute runs counter to the fundamental law of the land, (the Constitution) it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it." Bonnett v. Vallier, 116 N.W. 885, 136 Wis. 193 (1908); NORTON v. SHELBY COUNTY, 118 U.S. 425 (1886)

4 AT LAW. Blacks 4th. 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.

5 United States Constitution Article I. §9. line 8. No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state. And the original 13th Amendment's ratified March 12, 1819, [just "disappeared" in 1876]. [proof of ratification available upon request] "If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, ..., such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them."

6 ESQUIRE. In English law. A title of dignity next above gentleman, and below knight. Also a title of office given to sheriffs, sergeants, and barristers at law, justices of the peace, and others. 1 Bl.Comm. 406; 3 Steph.Comm. 15, note; Tomlins. On the use of this term in American law, particularly as applied to justices of the peace and other inferior judicial officers, see Christian v. Ashley County, 24 Ark. 151; Corn. v. Vance, 15 Serg. & R., Pa., 37.

25 Because these supposed courts of justice are fraudulently nisi prius⁷ courts it's easy to see how the victims, who don't know enough to deny jurisdiction, are found having "no standing". But as for the "no cause of action", according to even their own rules, it is in most cases outright criminal, openly, with no shame.

30 Because Michigan judges and lawyers are educated at BAR schools that instruct seditious statutes as law, and are under the fiction that common law has been legislated away and thereby its jury⁸, We The People find it essential to instruct the officers of the court in history and law before we proceed "at law". They need only read the state constitution, confirmed by the People, the US Constitution, and their own statues which also requires their obedience, it cannot be more lucid, as follows.

35 **Michigan Constitution Article VI. §19(1).** The supreme court, the court of appeals, the circuit court, the probate court and other courts designated as such by the legislature shall be "Courts of Record"⁹ and each shall have a common seal. Justices and judges of courts of record must be persons who are licensed to practice law in this state. [emphasis added]

40 **Michigan Constitution Article III §7.** The Common Law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are changed, amended or repealed. [emphasis added]

Michigan LAW (MCL) 600.8101 A district court is established in the state. The district court is a court of record.... [emphasis added]

45 Therefore, all courts of record have the authority, the power, and the duty to punish by fine, or imprisonment or both, persons guilty of any neglect of duty or misconduct in all cases where...

50 **Michigan LAW (MCL) 600.8101** "... (c) All attorneys, counselors, clerks, registers, sheriffs, coroners, and all other persons in any manner elected or appointed to perform any judicial or ministerial services, for any misbehavior in their office or trust, or for any willful neglect or violation of duty... (d) Parties to actions... for any deceit or abuse of the process or proceedings of the court. (h) All persons for assuming to be and acting as officers, attorneys, or counselors of any

⁷ **NISI PRIUS COURT** "Nisi prius" is a Latin term (Black's 5th) "Prius" means "first." "Nisi" means "unless." A "nisi prius" procedure is a procedure to which a party FIRST agrees UNLESS he objects. A rule of procedure in courts is that if a party fails to object to something, then it means he agrees to it. A nisi procedure is a procedure to which a person has failed to object A "nisi prius court" is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first.

⁸ Tribunal.

⁹ **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

55 court without authority...for unlawfully detaining any witness or party to an action
while he or she is going to, remaining at, or returning from the court where the
action is pending for trial, or for any other unlawful interference with or resistance
to the process or proceedings in any action... (k) All inferior magistrates, officers,
and tribunals for disobedience of any lawful order or process of a superior court,
or for proceeding in any cause or matter contrary to law after the cause or matter
60 has been removed from their jurisdiction... (l) The publication of a false or grossly
inaccurate report of the court's proceedings, but a court shall not punish as a
contempt the publication of true, full, and fair reports of any trial, argument,
proceedings, or decision had in the court. (m) All other cases where attachments
and proceedings as for contempts have been usually adopted and practiced in
65 courts of record to enforce the civil remedies of any parties or to protect the rights
of any party.”

Article IV the Supremacy Clause that “ORDAINS” Common Law “the Law of the land”;

70 *“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 IV

75 Common law and its Jury have not been defeated, just hidden. The enemies of Liberty, who have
taken control of our education, just eliminated it from our curriculum along with a classical
education. It is first important to understand that 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... a decision of a court of record may
80 not be appealed and is binding on all other courts*". 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. 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher,
C.C.Ga., 24 F. 481; Exparte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A.
85 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.

It is also important to understand that the judicial tribunal is the sovereign of the court or the
Jury, also-known-as the Kings Bench, which “IS” The Supreme Court of common law,
according to Blacks Law, being so called because the king sat there in person, the style of the
court being "*coram ipso rege*". See 3 Bl.Comm. 41-43. The New York Supreme Court, early on
90 in 1829 confirmed this when it said; "*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*".
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. 167; 48 C Wharves Sec. 3, 7. The U.S.
Supreme Court as late as 1973 and 1992 [in US v Williams] also confirmed that even they could

95 not second guess the Jury when they said; *“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. Inferior courts are those whose jurisdiction is limited and special and whose
proceedings are not according to the course of the common law. Criminal courts proceed
100 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. EX PARTE WATKINS, 3 Pet., at 202-203. cited by
SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973).* If the Kings Bench is not
105 present in the Court it is not a Supreme Court of Common Law it is a nisi prius court and has no
jurisdiction over the people summonsed before it without their consent.

Supreme Court Annotated Statute: CRUDEN vs. NEALE, 2 N.C. 338 2 S.E. 70 *“The state citizen
is immune from any and all government attacks and procedure”*. see, DRED SCOTT v.
SANFORD. 60 U.S. (19 How.) 393 or as the Supreme Court has stated clearly, *“...every man is
110 independent of all laws, except those prescribed by nature. He is not bound by any institutions
formed by his fellowmen without his consent”*.

It is at the Kings Bench (Jury) where the King (People) rules and decrees, it is at the moment of
the impaneling of a Grand Jury when the Supreme Court opens for Justice. And if the Grand Jury
indicts it passes the case for “final judgment” to the Petite Jury, thereby the Supreme Court
115 remains in session until judgment is decreed. The Grand Jury is the decreeing body outside the
court room and the Petite Jury is the decreeing body inside the court room.

The Grand Jury and Petite Jury are one, both are ministered by and made up of the People
chosen at random, they act and decree under the principles of Common Law that being justice,
honor, and mercy and they are guided by two common law maxims that being (1) without a
120 victim there is no crime, and (2) for every injury there must be a remedy.

Justice James Wilson, 1790, said; *“The Jury is an important instrument of government, a great
conduit of communication between those who make and administer the laws and the People. All
the operations of government and all its officers come before the scrutiny of Juries, thereby
giving them an unrivaled ability to advocate public improvements **and expose corruption in
125 government”**.*

Thomas Jefferson spoke of the Jury in the Declaration of Independence when he penned
*“governments are instituted among men, deriving their just powers from the consent of the
governed”*. The American Jury is that institution whereby the People themselves consent to their
actions; there exists no others. Therefore to deny the Jury is to deny the consent of the people
130 and thereby self rule and Liberty.

The 7th Amendment makes it unambiguously clear that the courts are to proceed according to
common law, and “NOT” statutes, for judges to rule and proceed contrary is treason.

And Amendment VII. *“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*

135 *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”.*

Evidently BAR indoctrinated lawyers have been beguiled into believing fiction, ever learning, and never able to come to the knowledge of the truth of the rich “Common Law Heritage” of the American People that are preserved in both Michigan and United States Constitutions, and supported by statutes.

140 From the very beginning of our Nation BAR members have been sabotaging the American experiment in a concerted effort to subvert the people through an all out assault upon common law and the sacred institution of juries, that continues to this day as **no references whatsoever to the “grand jury” are found in the Michigan Constitution due to its earlier deletion;**

145 The BAR lawyers/judges that claim “*that’s only in Federal Courts*”, need only acknowledge the power of the People to see truth. It has become clear that they are claiming that the states somehow over-ruled the Bill of Rights; contrary to the Article IV the Supremacy Clause that “ORDAINS” Common Law “the Law of the land”; contrary to the Michigan Constitution Article I, §3, §5, §22 and §23 that secure the Common Law Rights of the people; contrary to the
150 overwhelming United States Supreme Court rulings that a law repugnant to the constitution is void and that judges in every state are bound thereby “BY OATH” to obey, without question, and contrary to Michigan statutes. The seditious mantras that common law has been done away within the United States is a lie straight out of the belly of the BAR, an illusion of their fiction.

155 *“... Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument.”* [after more than 200 years this decision still stands] Marbury v. Madison 5 U.S. 137 (1803)

160 The states are powerless to legislate away the unalienable rights of the people under any circumstances; that would be sedition.

"The state cannot diminish rights of the people." Hurtado v. People of the State of California, 110 U.S. 516

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

"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

170 *by summary proceedings and it was never supposed that a constitutional*
provision was intended to interfere with this established principle and although
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
175 *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."
16Am Jur 2d., Sec. 114:

The state exists only by the consent of the people.

180 *"That to secure Life, Liberty and the pursuit of Happiness, Governments are*
instituted among Men, deriving their just powers from the consent of the
governed". **Thomas Jefferson Declaration of Independence.**

Evidently common law is not common opinion; common law is natural law built upon Biblical
principles, maxims, and commonsense. As Lysander Spooner pointed out government cannot
decide the law or exercise authority over jurors (the People) for such would be absolute
government, absolute despotism. Such is our condition today. **We the People are determined to**
185 **end it, here, in Michigan, at this cross road!**

The idea that "Common Law" has been done away with is purely a fantasy of the BAR, a fiction
indoctrinated in the minds of their minions, a beguilement whose time has come to a sober end
by the reality of truth. Law is not a system of statutes but a system of jurisprudence administered
by purely secular tribunals. Jurisprudence is that branch of philosophy concerned with the law
190 and the principles that lead courts to make the decisions they do, imposed by authority given by
the People alone. Judges by their oath are to yield their minds to jurisprudence and when they
refuse to do so they war against the constitution, an act of treason;

195 *"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)

200 *"Since the constitution is intended for the observance of the judiciary as well as*
other departments of government and the judges are sworn to support its
provisions, the courts are not at liberty to overlook or disregard its commands or
counteract evasions thereof, it is their duty in authorized proceedings to give full
effect to the existing constitution and to obey all constitutional provisions
irrespective of their opinion as to the wisdom or the desirability of such
provisions and irrespective of the consequences, thus it is said that the courts
should be in our alert to enforce the provisions of the United States Constitution

205 *and guard against their infringement by legislative fiat or otherwise in*
accordance with these basic principles, the rule is fixed that the duty in the proper
case to declare a law unconstitutional cannot be declined and must be performed
in accordance with the delivered judgment of the tribunal before which the
210 *validity of the enactment it is directly drawn into question. If the Constitution*
prescribes one rule and the statute the another in a different rule, it is the duty of
the courts to declare that the Constitution and not the statute governs in cases
before them for judgment.” – 16 Am Jur 2d., Sec. 155:

Judges are under BAR induced delusions that they have absolute immunity but, here in
Michigan, the self-serving feeble cases that are cited making such a claim are without the
215 authority of the people and will fail in courts of record. **Only the people are sovereign**, all
public servants, Judges, prosecutors, D.A’s, A.G’s, police, Sheriffs, governors, and legislators
are under statutes having a fiduciary duty to We the People, their employer, to act in good
behavior to obey constitutional prohibitions i.e. the rule of law, placed there by We the People,
and are therefore liable for prosecution when they do not behave accordingly. "*Where there is no*
220 *jurisdiction, there can be no discretion*", they are not above the law **when they commit a crime**
they will go to jail and are subject to civil suits.

"No man in this country is so high that he is above the law. No officer of the law
may set that law at defiance with impunity. All the officers of the government,
from the highest to the lowest, are creatures of the law and are bound to obey it ...
225 it is the only supreme power in our system of government, and every man who, by
accepting office participates in its functions, is only the more strongly bound to
submit to that supremacy, and to observe the limitations which it imposes on the
exercise of the authority which it gives." U.S. v. Lee, 106 U.S. 196, 220 1 S. Ct.
240, 261, 27 L. Ed 171 (1882)

230 "A judge must be acting within his jurisdiction as to subject matter and person, to
be entitled to immunity from civil action for his acts." Davis v. Burris, 51 Ariz.
220, 75 P.2d 689 (1938)

"When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid
statutes expressly depriving him of jurisdiction, judicial immunity is lost". Zeller
235 v. Rankin, 101 S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326

CONCLUSION

240 When a sovereign people, by fraud, are brought before nisi prius¹⁰ courts acting under corporate charter¹¹, when no such authority without their consent has been willed, and pretense of law, such a court acts under color of law,¹² all the officers of that court are subject to collateral attack in a court of record¹³.

245 The *united states* were founded upon Common Law whereas all men are created equal, with certain unalienable rights, endowed and treasured by their Creator¹⁴, ordained by the people, therefore these rights cannot be sold or transferred¹⁵, any act by the legislature to subvert that relationship would be sedition and **all participants in the execution of such a fraud would be guilty of conspiracy against the People an act of "high treason", and for a judge "treason against both the constitution" and the People.**

250 The people are not subject to the jurisdiction of the corporate United States and its subsidiaries (under the repugnant 14th Amendment), they are subject only to Natural Law, a/k/a Common Law, thereby under the jurisdiction of the "Common Law 5th Amendment Grand Jury". **The people are not citizens of the corporate "United States", and their corporate municipalities', residing in a state. But in fact citizens of one of the 50 "united states" domiciled in the same, with "unalienable rights" and "not privileges or immunities", for we**
255 **"owe nothing" to the United States or the state for our existence, We the People created the three branches of government, the three branches owe their existence to the People, are subservient to the People, and have been given no authority to legislate the behavior of the People.**

260 Michigan courts of justice by constitution are courts of record that are to proceed according to common law and when they covertly proceed under statutes they act contrary to the law. These undisclosed "Nisi Prius" Courts, operating akin to municipal courts have the deliberate outward appearance of authority but inwardly are full of dishonesty, treachery and injustice. And because all the officers, under the orchestration of the BAR, of such a court are compliant actors working

¹⁰ NISI PRIUS. (Bouvier's Law, 1856 Edition) Where courts bearing this name exist in the United States, they are instituted by statutory provision.

¹¹ CHARTER. An act of a legislature creating a corporation, or creating and defining the franchise of a corporation. Baker v. Smith, 41 RI. 17, 102 A. 721, 723; Bent v. Underdown, 156 Ind. 516, 60 N.E. 307. Also a corporation's constitution or organic law; Schultz v. City of Phcenix, 18 Ariz. 35, 156 P. 75, 76; C. J. Kubach Co. v. McGuire, 199 Cal. 215, 248 P. 676, 677; that is to say, the articles of incorporation taken in connection with the law under which the corporation was organized; Chicago Open Board of Trade v. Imperial Bldg. Co., 136 Ill.App. 606; In re Hanson's Estate, 38 S.D. 1, 159 N.W. 399, 400. The authority by virtue of which an organized body acts. Ryan v. Witt, Tex. Civ.App., 173 S.W. 952, 959. A contract between the state and the corporation, between the corporation and the stockholders, and between the stockholders and the state. Bruun v. Cook, 280 Mich. 484, 273 N.W. 774, 777.

¹² COLOR OF LAW. [Black's Law 4th] -- The appearance or semblance, without the substance, of legal right. [State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148] Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under "color of state law." (Atkins v. Lanning, 415 F. Supp. 186, 188)

¹³ 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 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)].

¹⁴ Exodus: 19:5 Now therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me above all people: for all the earth is mine:

¹⁵ UNALIENABLE. Inalienable; [Blacks 4th] incapable of being aliened, that is, sold and transferred.

265 the scam upon its prey under the “color of law” they form a conspiracy to defraud their victims.
All acts performed under the auspices¹⁶ of such a nisi prius court are quasi¹⁷ judicial acts¹⁸ under
quasi-contractus¹⁹ whereas the contract is deceitfully achieved and deliberately concealed as it
270 snares its victim; therefore all its acts are null and void, all its players subject to criminal and
civil prosecution under common law, where there exists no statute of limitations, and where it’s
victim at any time awakened, even after the illegal ruling and/or enforced payment thereof, can
recover full remedy from all the players, therefore broker beware.

In the Judicial Code of Professional Responsibility (Blacks Law 4th) §23 “...*The attorney client
relationship is personal and unique and should not be established as the result of pressures and
deceptions*”. Yet magistrates and lawyers in nisi prius courts work the prey to be represented by
275 a BAR lawyer who’s allegiance to the bar is to acquire statutory rule over its victim. Often when
met with resistance by an **awakened victim** the officers of such a court will go as far as
conspiring, for the court to have a competency hearing, in order to secure the victim under BAR
rule.

Decency, security, and liberty alike demand that government officials obey the law. In a
280 government of laws, existence of the government will be imperiled if it fails to observe the law
scrupulously. Crime is contagious, and when government becomes a lawbreaker, it breeds
contempt for the law; it invites every man to become a law unto himself. Therefore let We the
People counsel BAR lawyers/judges everywhere, that they would be well advised to take note,
that the 5th Amendment “is” Common Law, the Law of the Land, the state cannot diminish rights
285 of the people, and that there can be no rule making or legislation which would abrogate them. To
reject this is to war against the constitution and do violence against the People. Therefore this
Court is to proceed according to the course of common law, under the penalties of law, or release
its victim.



David Schied, Grievant/Sui Juris

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¹⁶ **AUSPICES.** Kindly endorsement and guidance.
¹⁷ **QUASI. Lat.** [Black’s Law 4th] As if; almost as it were; analogous to. This term is used in legal phraseology to indicate that one subject
resembles another, with which it is compared, in certain characteristics, but that there are intrinsic and material differences between them.
Bicknell v. ,Garrett, 1 Wash.2d 564, 96 P.2d 592, 595, 126 A.L.R. 258; Cannon v. Miller, 22 Wash.2d 227, 155 P.2d 500, 503, 507, 157 A.L.R.
530. Marker v. State, 25 Ala.App. 91, 142 So. 105, 106.
¹⁸ **QUASI JUDICIAL ACT.** [Black’s Law 4th] A judicial act performed by one not a judge. State Tax Commission of Utah v. Katsis, 90 Utah
406, 62 P.2d 120, 123, 107 A.L.R. 1477.
¹⁹ **QUASI-CONTRACTUS (Lat.).** [Black’s Law 4th] In civil law. An obligation similar in character to that of a contract, which arises not from
an agreement of parties but from some relation between them, or from a voluntary act of one of them. An obligation springing from voluntary and
lawful acts of parties in the absence of any agreement. Howe. Stud. Civ. L. 17L