

2023-000588

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Jun 26 2023

S.C. SUPREME COURT

Notice of Conflict or Variance of Law

Notice that under the clerk's determination that the disabled petitioners' writ filed by next friend fail to comply with the rules of the court, a conflict or variance of law arises, where the petitioners' purely equitable and constitutional rights, interests and titles are not cognizable according to the relief afforded by the court's statutory forms and procedures, and where the rights of the injured parties/beneficiaries are in jeopardy, and are those of a private citizen, and are of those classes which the constitution of the united states of america trust indenture was formed with the intent and purpose to protect, and no adequate remedy for their enforcement is provided by the forms and proceedings purely legal, the same necessity invokes and justifies, in cases to which its remedies can be applied, that jurisdiction in equity vested by the constitution of the united states of america, and which cannot be affected by the legislation of the emergency provisional congress, the states nor the agencies subject to the law of the district of Columbia. It would stand to reason then, that the original exclusive jurisdiction in equity vested by the constitution of the united states of america in this court cannot be affected by acts of congress and the statutory jurisdiction that they confer, being that of the so called "merger" of legal and equitable remedies into one form of action that took place from 1933 a.d. to 1938 a.d. and which operates under rigid and inflexible codified rules, 1 Bates, *Suits at Common Law*, 515 §681, Footnote 51 (1908). See bills bills *certiorari*. Story J. Eq. Pl., 295 §298, (8<sup>th</sup> ed. 1870).

That the acts(s) of congress and executive actions that codified, or merged, legal and equitable relief available in civil causes of action into "one cause of action" are destructive of primary equitable rights and estates vested in the petitioners, secured by the constitution, and that

historically “merger, although taking place at law, does not necessarily take place in equity; indeed, it may be said that the leaning of equity is against any merger, and that, prima facie, it does not result”. 2 Pomeroy, Eq. Jur., 1337 §788 (3<sup>rd</sup> ed. 1905.)

That petitioners are private and true American citizens of Moorish descent, posterity and heirs to the supreme law of the land easily verifiable by trust instruments ©AA209316 ©AA77869 ©AA222141 u.s. copyright service request numbers: 1-11612867887 and 1-10207115576 and not absentee from their estate and domicile of origin, any and all presumptions of state wardship tenure and presumption of death are void.

The orators intent and purpose is to invoke and apply the equitable doctrine of merger in this special circumstance to prevent the merger of legal and equitable causes of action in aid of the court’s original jurisdiction vested by the constitution of the united states of america itself to protect and enforce those primary, vested equitable rights from destruction and for purely equitable relief that can only be applied in the original and exclusive equitable jurisdiction of this court. The orators assert that invoking and exercising the original jurisdiction under the rules and court of Equity, the conflict would be resolved.