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The Home Page of the Democracy Defined Educational Campaign  
for RESTORATION and UNIVERSAL ADOPTION of  
CONSTITUTIONAL COMMON LAW TRIAL BY JURY.



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#### **FLAWS OF THE 1689 BILL OF RIGHTS REVEALED: THE BILL IS UNCONSTITUTIONAL, REPUGNANT AND VOID.**

In order to come to an appreciation of the ways in which the Bill of Rights is constitutionally repugnant and void, it is first necessary to know and understand the purpose and workings of those supreme, indispensable definitive elements of the English (cf. British) Common Law Constitution which the Bill contravenes. These contents are itemised below, and the specific infringements by the Bill are explained in the text which follows.

#### **CONTENTS**

1. The Bill of Rights Contravenes Common Law (the 1215 Great Charter's) Stipulations on Equal Justice.
2. The Coronation Compact: Usurpation (treason) by "The Estates" and modern Parliaments.



Photo: The defunct 1688 Declaration of Right is pictured on the frontispiece.

### Introduction.

The supremacy and permanence of the 1215 Great Charter Constitution Magna Carta are recognised by the 1689 Bill of Rights. That is to say, according to the wording of the Bill itself, the stipulations and requirements of the legal Rule of Law regarding the Common Law Trial by Jury Justice System (prescribed and defined by the *Articles of Common Law* which comprise the text of the Great Charter) remain in “*full force and effect in law.*”

This text explains aspects of sovereignty, the 1215 Constitution, the Common Law, the Coronation Oath and governance, an appreciation of which is essential to understanding the cardinal issues apropos of the 1689 Bill of Rights.

All societies govern (rule) through their justice system. The power to punish carries with it ALL power. The role of the Constitutional Common Law Trial by Jury Justice System is paramount over all considerations within the world-respected, permanent (virtually immutable) English and British 1215 Constitution.

Failure by individuals to learn about, and thus to know, the esoteric implications of the protective Powers, Procedures, Rights and Duty of the Citizen-Juror in the Constitutional Common Law Trial by Jury has resulted in their confused, unfitting support for the anti-democratic, illegal 1689 Bill of Rights.

The newly selected heads of state, William, Prince of Orange, and his wife Mary, daughter of the previous monarch James the Second, rejected signing the ‘Declaration’, preferring instead that parliament present William with a *statute* for his accession. No signature, no compact! (contract). The unsigned Declaration of Right is not binding on anybody and, self-evidently, not ‘constitutional’.

However, as shown hereinafter, the 1689 Bill of Rights *statute*, which was derived from the Declaration, is on many grounds, anti-constitutional, illegitimate, treasonous, repugnant, void and abrogate.

“*Judicium parium is the sole peaceful means known to humankind by which the rights of the weakest innocent citizen prevail over a massive and potentially oppressive state power.*”

— Quotation from **DEMOCRACY DEFINED, *The Manifesto* ISBN 978-1-902848-26-6.**



# WE THE PEOPLE ARE SOVEREIGN—NOT PARLIAMENT

## PART ONE

### Are You a Freeperson or Slave?

**I**T IS DEFINITIVE of a civilised society that government recognises as legal, the right of the people to live free from tyranny and enslavement: that is, tyranny and government oppression are recognised as illegal. To deter government which might have criminal objectives, this freedom requires to be secured by the threat of and when necessary the use of legal force. If no legal right exists to uphold liberty and resist illegal oppression from government and its employees, then liberty itself is not legal. If the law does not recognise and support the legal right of the people to resist lawlessness and oppression by anyone, including government, then justice and liberty are denied.

A government which judges for itself which laws are to be enforced, will impose all of those laws it chooses. However, some or all of its measures may be contrary to the legitimate interests and liberty of citizens. For this reason, it is necessary to have a tribunal independent of government, with power over government, to judge between the government's enforcement of laws and those people who would resist such laws. The tribunal must be comprised of the people of the country at large who it represents, on whom the laws are to be enforced, for the purpose of ascertaining which laws are justly enforceable on the people, and which are to be annulled and expunged.

Such a unique tribunal is the Trial by Jury.

A government bent on injustice will always commit such offences as it pleases, and act tyrannically—unless it is faced with the fully effective deterrent of authorised legal resistance. To preserve civil peace, justice, liberty and uphold a *legal* rule of law, the Trial by Jury tribunals of the People require the full forces of law and order at their disposal.

If government denies Trial by Jury, that is, if juries are forbidden from judging between the government's laws and those citizens who disobey or resist the oppressions of government, then government has absolute power, and the people are 'legally' enslaved by government. The general population thus subjected may not decide their rights and liberties for themselves, and are known to the law as slaves. As with many slaves past and present, by demonstrations of courage they might to some degree hold back their overlords and state officials who are their masters, but they are nonetheless slaves under the law. In this situation, the people have no power to judge peacefully over what they perceive to be criminal actions by government. Such government has the power to decide exactly what a person can say, do or be. The life, liberty, and property of every citizen are entirely in the hands and at the disposal of the statist politicians in power.

A government which can enforce its laws without appealing for consent from a tribunal which represents the people on whom the laws are to be enforced, is an absolute government dictatorship and is not accountable to the people. It can perpetuate its power and commit atrocities at its pleasure. Trial by Jury was emplaced precisely to counter such abhorrence. Following implementation of Trial by Jury, government cannot execute any laws by punishing violators unless it first receives consent of "the country," that is, the people, through a unanimous jury.

Thus, Trial by Jury protects all people equally, and in a democracy the people at all times keep their liberties in their own hands, never surrendering them to government even for a moment. — ... **DEMOCRACY DEFINED**, *The Manifesto*.

## THE TRAGEDY AND TREASON OF THE 1689 ‘BILL OF RIGHTS’

### THE “ESTATES OF ENGLAND,” THE LORDS AND “COMMONS.”

To understand why and how the 1689 Bill of Rights was a treasonous, tragic event in British History, it is helpful first to know *the motives and purpose* of those who were compilers of the document. The Bill of Rights was put together by members of a small, rich, self-interested oligarchical clique who called themselves the “Estates of England.”

The “Estates” was purportedly a two-tier system but it actually consisted of *only* the titled bishops, archbishops and nobility combined as one lordly estate on one hand, with an élite upper class so-called “commons” comprising the second party. I say *so-called* with irony because the nomenclature “commons” was a misnomer. The “commons” of the Estates of England at 1689 and earlier is not to be confused with the latterday members of the House of Commons freely elected by universal adult suffrage since 1928. *This* ‘commons’ in 1689 consisted of upper-class, male, property-owning rich gentry who were ‘commoners’ in name only because they happened not to have an hereditary peerage. Apart from that, the appellation ceased to apply.

An opportunity was presented by the monarchical installation of a deposed dictatorial monarch’s cloistered daughter and a new imported head of state naïve to the traditions and supremacy of English Common Law. Seizing it, the “Estates” knowingly set about scripting the suppression of the protective workings of the Common Law Constitution. William, the Dutch Prince of Orange, and his wife Mary, whose autocratic father had fallen into perilous disfavour and fled the country, were neither knowledgeable, nor in a position to dispute the Estates’ provisions in the Bill of Rights. Not only did the Bill illegally impinge upon William’s Coronation Oath but it also stifled the democratic *vox populi* (voice). It utterly suppressed the greater part of the population’s access to the Common Law Trial by Jury Justice System which provided commoners with the indispensable constitutionally-emplaced liberties (inherent rights) of Equal Justice.

That the Estates was de facto a single, self-interested, political power-grabbing group is shown by *reading the terms* of **statutes** which the Estates had enacted down the centuries, such as those of **Attaint** (which enabled judges to torture and dispossess members of juries who found Not Guilty Verdicts against the preference of the monarch or the judge); and those **statutes** which introduced **wealth and property “qualifications”** which excluded the greatest mass of the People from being selected and represented on Juries. As despotic devices devised by the “Estates,” such tragic and treasonous statutes came to include the 1689 Bill of Rights and to gestate and entrench the divisive, squalid English “class system.”

The two tiers of the “Estates” formed the familiar two Houses of Parliament, but for centuries the upper class “commons” remained an unrepresentative institution.

In the mediaeval and pre-industrial, early-modern era, England was an agrarian society. Generally, the population did not *own* housing or land. Most of all property and housing was held “tied” to the owners and tenants of land, and in that era, gold and silver coinage was a rare commodity. Accumulation of wealth was beyond the reach of most folk. Cultivation of the expansive areas of *unowned* common land—the commoners’ free allotments—was the people’s essential countryside productive resource which provided security, market trade and barter, some farthings and pennies for a puny income, but, most importantly, *precluded famine amongst the ‘non-moneyed’*. However, the oligarchical gentry had their eyes on the commoners’ common land...

## WE THE PEOPLE ARE SOVEREIGN—NOT PARLIAMENT

*In a gross act of treason, the Estates sought, through the Bill of Rights, to establish 'sovereignty' for themselves over the People and the head of state.*

### SOVEREIGNTY AND ANNULMENT BY JURY.

Magna Carta 1215 had (re-)installed *Judicium Parium* “for all time,” the Common Law’s mechanism by which **the Sovereignty of the People** is both theoretically and pragmatically established. That is, the famous *Articles of Common Law* in the Great Charter Constitution recognised the natural and legal Sovereignty of the People. This mechanism, *Judicium Parium*, which underpins and defines democracy *sine qua non\**, is the Common Law Trial by Jury.

\*Hellenic Greece of the Constitution of government by Trial by Jury received from the Athenians *the defining epithet*, *demokratia*, Democracy. See etymology, history and signification in Chapter One of *The Manifesto*.

According to *legem terræ\** common law, it is the jurors’ duty in Trial by Jury **to judge the justice of the law** and every act of enforcement and *acquit any persons accused under an arbitrary, unjust or apocryphal statute, regulation or prosecution*. This procedure is known as **Annulment by Jury\*\***.

\*\*It is sometimes referred to in a linguistically incompetent self-contradiction in terms as ‘jury nullification’.  
\**terræ* is pronounced *terry*, the ‘æ’ as in *Cæsar*, *seize*. *Terræ* is Latin for “of the land.” *Legem* is the *accusative* Latin form; *lex terræ* is the synonymous *nominative* form. *Legem Terræ*, the Law of the Land, categorically excludes all statutes, laws and regulations made by government, and judges’ precedents (case law; *stare decisis*). See *Articles of Common Law* and the meaning of the terms Common Law and The Law of the Land in ‘Legal Definitions Unalterable at Common Law,’ in Chapter Three of *The Manifesto*. (There is no relation to the much later invention of autocratic, militaristic ‘maritime law’ which is sometimes referred to as ‘the law of the sea’.)

As noted, all societies govern (rule) through their justice system. *Free people* and nations govern *themselves* through their Common Law Trial by Jury (proper noun; capitalised). The 1215 Great Charter Constitution Magna Carta ordained that, through **Judicium Parium** (Common Law Trial by Jury), *the power to punish be removed from government and justices (judges)*; viz. proofs in Articles 20, 21 and 39. The judicial duty and power to punish and set sentences are restored “in perpetuity” to the Jurors who are the judges in every cause (lawsuit) civil, criminal and fiscal. **Government justices may moderate sentences but not increase them; see that function explained in Chapter Four of *The Manifesto*.**

In Common Law Trial by Jury, a defendant may only be convicted if the jury is unanimous in its judgement; i.e., its verdict and sentence. A ‘majority’ is not ‘a jury’. Hence, according to Common Law Trial by Jury there are no ‘majority verdicts’. **There are other ineluctable reasons as to why Common Law requires Unanimity to pronounce ‘guilt’.** See Chapter Three, **DEMOCRACY DEFINED: *The Manifesto***.

Unjust laws and acts of their enforcement are crimes per se; such ‘laws’ require juries’ annulment. Those responsible for unjust laws and prosecutions require to be tried by jury for their Crimes against the People\*.

\*Cf. **Crime against Humanity; the Nuremberg Precedent, etc.**

The protection of innocent minorities or individuals depends absolutely upon the honouring of the sovereignty of every single juror **to judge** the law, on admissibility of evidence, facts, motive, the nature and gravity of the offence, mitigating circumstances, and decide the verdict and sentence\*.

\*It also depends on supplemental Common Law parameters, such as **Random Selection (by lot) of Jurors, etc.**

## THE TRAGEDY AND TREASON OF THE 1689 ‘BILL OF RIGHTS’

### THE JUROR’S DUTY.

Consider Harlan F. Stone, U.S. Chief Justice 1941-1946, on the Juror’s Duty in the authentic Trial by Jury, as follows:

*“If a juror feels that the statute involved in any criminal offence is unfair, or that it infringes upon the defendant’s natural God-given unalienable or Constitutional rights, then it is his duty to affirm that the offending statute is really no law at all and that the violation of it is no crime at all, for no one is bound to obey an unjust law.”*

*“That juror must vote Not Guilty regardless of the pressures or abuses that may be heaped on him by any or all members of the jury with whom he may in good conscience disagree. He is voting on the justice of the law according to his own conscience and convictions and not someone else’s. The law itself is on trial quite as much as the case which is to be decided.”*

U.S. Chief Justice Harlan F. Stone; Harvard Law Review. (Emphases added.) Chapter One, *The Manifesto*.

### TRIAL BY JURY WAS CONSTITUTIONALLY EMPLACED FOR THE PURPOSES OF:

A.) *not only* ascertaining guilt or innocence of the accused and where necessary for apportioning retribution, *but also*

B.) of transcendent importance, as **a barrier** to protect the vast mass of innocent citizenry from the crimes of arbitrary government, i.e., unjust laws, and from the corruption, prejudices and incompetence of fallible justices (judges). Trial by Jury enables the people to judge authoritatively what their liberties and laws are (explained below), so that the people retain all the liberties which they wish to enjoy.

### HOW EQUAL JUSTICE IS DONE:

#### THE JUROR’S DUTIES IN TRIAL BY JURY.

Wherever Trial by Jury takes place, be it in the U.S., the U.K., Australia, Canada, New Zealand, and numerous other countries, it is definitive of Trial by Jury that, after swearing to do justice, to convict the guilty and acquit the innocent, in finding their Verdict:

#### The Jurors Judge:

~on the justice of the law, and annul, by pronouncing the Not Guilty Verdict, any law or act of enforcement which is deemed unfair or unjust according to the juror’s conscience (i.e., sense of fairness, right and wrong);

~in addition to the facts, and

~on the admissibility of evidence (evidence not being pre-selected or screened-out by government or judge and/or prosecutor).

#### Jurors Must Judge:

~that the accused acted with malice aforethought, i.e., mens rea, a premeditated malicious motive, if the jury is to find guilt (‘guilt’ is a characteristic inherent or absent in motives and actions: it cannot be ascribed by legislation\*);

~on the nature and gravity of the alleged offence; and, where guilt is unanimously found,

~on mitigating circumstances if any (provocation; temptation; incitation); and

~set the sentence (with regard to its being fit and just).

\*There is neither moral justice for punishing nor political necessity (i.e., deterrent value) where there was no *mens rea*. (In the case of one person injuring another innocently or accidentally, the civil law suit and the Trial by Jury award compensation for damages.)

For jurors not to do the above, or for someone other than the jurors to make any such decisions, is another process: call it “*trial-by-someone-else*” if you will, or “*trial-by-the-judge with a false ‘jury’ watching*”—but this travesty cannot be defined as a Trial BY JURY.

## WE THE PEOPLE ARE SOVEREIGN—NOT PARLIAMENT

### THERE IS ONLY ONE TRIAL BY JURY.

It is mere falsehood to call a procedure “trial by jury” if the accused and any of the matters related to the case under judgement are tried by someone other than the jury. There is no process and no meaning to the words Trial by Jury other than that which the words themselves prescribe.

Lord Justice Denman: “*Every jury in the land is tampered with and falsely instructed by the judge when it is told it must take or accept as the law that which has been given to them, or that they must bring in a certain verdict, or that they can decide only the facts of the case.*”

Regina v. C.J. O’Connel, 1884. Emphasis added.

### THE ESTATES’ OPPORTUNISTIC GRASP FOR POWER.

Taking advantage of the naïve, vulnerable imported Dutch Prince, the Estates conspired through the Bill of Rights to deny to ‘unmoneied’ commoners, access to juror-derived sovereignty and Equal Justice. If the average person could be *prevented from serving on a Jury*, and those who *were* selected could be chosen from a pool comprised exclusively of upper class gentry, then enforcing the Estates’ acquisitive, self-interested statutes was a foregone conclusion. This latter end was achieved by the sordid machination of making the mass of the People “*unqualified*” to serve as a Juror *on statutory grounds which required Jurors to own wealth and property*.

Wealth “qualifications” in the Bill breached the laws, customs and Constitution of the People by quashing the commoner citizens’ exercise of their constitutionally-installed protective Procedure, Power, Right and Duty as Jurors to judge the law and annul prosecutions of unjust statutes by acquitting the accused detainee as Not Guilty.

Politicians’ self-aggrandising notion that “*parliament is sovereign*” is a treasonous modern politicians’ perjury in great part prompted by the void, repugnant Bill of Rights (see the guilty clause in the section on the monarch’s Oath). *On the contrary, with Unanimity required to find ‘guilt’, each individual Juror has the Sovereign Power, Right and Duty to annul the prosecution of every unjust parliamentary statute.*

*See extract from DEMOCRACY DEFINED: The Manifesto.*

### THE 1215 GREAT CHARTER CONSTITUTION

**A government, parliament/congress or legislature cannot, by legislative assertions, recite itself into constitutional power. The following ten enumerated points at common law with accompanying texts explain how this is so.**

#### LEGAL DEFINITIONS UNALTERABLE AT COMMON LAW.

##### (V) *Sovereignty*

*Definition.* Sovereignty, pre-eminence; the supreme and independent power expressed through the making and enforcing of the laws.

Distinction must be drawn between the words *sovereign* and *sovereignty*. A monarch may be denoted ‘sovereign’ but the constitutionally-bound (or symbolic) monarch explicitly cedes sovereignty, id est, the making and enforcing of the laws, to others, specifically through Common Law Trial by Jury; viz. Articles 24, 36, 39, 40, 61, etc. The monarch is *sovereign over parliament* but has no sovereignty over the People.

Note that the Coronation Oath binding the monarch to uphold the laws and customs of the People forbids monarchs from signing a *statute* into law if it breaches (is repugnant to) the Articles of the Law of the Land and Realm set into the 1215 Great Charter. The assent and signature of the sovereign (head of state) are requisite before a

## THE TRAGEDY AND TREASON OF THE 1689 ‘BILL OF RIGHTS’

parliamentary ‘bill’ may become enacted into statute law, but if a statute containing stipulations repugnant to the Constitution is signed by the head of state, the statute is nevertheless, *de jure*, **instantly void** and cannot be enforced legitimately: it is no law.

Parliament is not ‘sovereign’<sup>1</sup>. **No one** is ‘above’ the revered 1215 Constitution’s Law of the Land, parliament, judges and head of state notwithstanding. In perpetuity, commoner men and women in government are *equally* liable and subject to other commoner citizens’ private, cost-free prosecutions for acts of malice aforethought; i.e., definitive Crime at Common Law. “Acts” means both legislation and physical acts.

<sup>1</sup> See Lord Chief Justice Sir Edward Coke and the Case of Doctor Bonham, Chapter Six of *The Manifesto*.

The monarch is *sovereign over parliament* and may dissolve parliament. The head of state chooses and nominates the person who is to form an administration (‘government’). By recent convention, the person chosen heads the party with the most seats in the House of Commons, but this convention is not binding on the monarch.

Definitively, no parliament can ‘make’ a “constitutional statute” because no statute binds a subsequent parliament. (By contrast, constitutions bind governments permanently.) As shown by history, no *statute* can be ‘constitutional’, despite the overruled wayward wishful opinions of some few judges, lords, lawyers and politicians. *For example*, the section *forbidding* transfer to foreign powers of British sovereignty in the 1689 Bill of Rights *itself* was overruled by *parliament’s* ratification of statutes and treaties which took Britain into the foreign jurisdiction of the European Union.

### THE FOLLOWING FIVE FACETS OF CONSTITUTIONAL COMMON LAW TRIAL BY JURY BESTOW SOVEREIGNTY ON THE CITIZENS IN THE JURY.

*Firstly*, the Common Law Trial by Jury is prescribed by the 1215 Great Charter Constitution as the one and only legitimate justice system for all causes.

See translation and explanation of Article 39, etc., in *There Is No ‘get-out clause’ in Magna Carta*.

*Secondly*, Unanimity is requisite to find a guilty verdict beyond a reasonable doubt to protect innocent individuals and minorities. (As noted, there is neither moral justice nor political necessity, i.e., deterrent value, for punishing where there was no malice aforethought, no *mens rea*. In the case of one person injuring another innocently or accidentally, the civil law suit and the Trial by Jury award appropriate compensation for damages.)

See sections on ‘Annulment by Jury,’ ‘Annulment by Jury as Crime Prevention,’ ‘The Illegal Majority ‘Verdict’ and ‘Hung Jury,’ ‘The Meaning behind the Dysphemism ‘Rogue Juror,’ and the following, ‘The Divisibility of Sovereignty.’ Also see section on King Alfred the Great regarding condemnation of judges who interfere, tamper, in the Trial by Jury.

*Thirdly*, each individual Juror has power to annul the prosecution by finding the accused Not Guilty without obligation to disclose any reason for doing so.

See exemplification of this given by the Old Bailey Commemorative Plaque re the Penn and Mead Trial by Jury and, in finding the Verdict, the Chief Justice’s Ruling on the Jury’s independent power over the law and the directions of the judge (Chapter Two).

Also see the statement of President John Adams, lawyer, in Chapter One.

Also see *US v Moylan*; and ref. the DC Court of Appeals Ruling.

*Fourthly*, having sworn to “do justice” (see Common Law Juror’s Oath; VIII; *The Justice System*), it is axiomatic\* that authoritative judgement on the justice and legitimacy of the law which is being processed for enforcement at Trial by Jury is a specific Constitutional Duty binding on the Jurors.

\**Definition*. axiomatic, adjective, self-evident; accepted fact (*law*); unquestionable.

## WE THE PEOPLE ARE SOVEREIGN—NOT PARLIAMENT

See section on ‘The Justice System.’ The modern government-altered jurors’ ‘oaths’ are illegitimate on numerous grounds, and inequitably *ex parte* [one-sided, prejudiced; with a bias]. Also see section on the Juror’s Duties re judging on the admissibility of evidence.

*Fifthly*, whenever *the law itself is unjust* the act of its enforcement is crime *per se*. For a juror *not* to annul in those circumstances is the criminal act of abetment of the crime of Malicious Prosecution. Jurors absolutely ***must*** judge the law. It is the duty of the jurors to ensure that unjust ‘law’ is struck down and the accused tried thereunder is pronounced Not Guilty. ***This is the dutiful act of Annulment by Jury***; a principal duty of the jurors necessitated in the preclusion of the crime of tyranny. The annulment function is intrinsic to and definitive of Trial by Jury. Jurors are there to stop crime in all its manifestations.

This fifth point serves to explain firstly, why Common Law and Constitution assign the crime of High Treason to all acts which attenuate the sovereign authority of the juror; secondly, why King Alfred the Great hanged judges who interfered, tampered, in the due process of Common Law Trial by Jury (see as follows); and thirdly, why, for the slightest infringement of Magna Carta, the perpetual Sentence of Curse and Excommunication was prescribed by the lords spiritual, assisted by monarch and lords temporal<sup>1</sup>.

1 See Magna Carta, Chapter Five of *The Manifesto*.

### PARLIAMENTS’ FAUX STATUTES ARE IN TREASONOUS OPPOSITION TO THE ENGLISH CONSTITUTION AND PEOPLE.

#### (X) *Treason*

Treason is any act adjudged to undermine or be in conflict with the People’s Absolute Sovereignty ordained by the 1215 permanent Constitution of the People. Sovereignty is specifically embodied in and exercised through implementation of the Trial by Jury in accord with the Constitutional Common Law of the Land; see Items (V) *Sovereignty*; (VI) *Common Law*; (VII) *The Law of the Land, Legem Terræ*.

Common Law and Constitution assign the Crime of High Treason to all acts which attenuate or attempt to attenuate the sovereign authority of the Juror. It is to commit High Treason against the People to be implicated in any act which undermines the juror’s sovereignty; or denies or attempts to deny (the right to) the Common Law Trial by Jury Justice System for any Plaint and private prosecution (of whomsoever) through a cost-free suit-at-law (Articles 36, 39, 40, 61, etc.); *or*, for any citizen’s defence.

### WHY PRE-TRIAL EDUCATION AND INSTRUCTION OF JURORS ARE BINDING ON CONVENORS (JUDGES) AND THE LEGAL PROFESSION.

#### *The Juror’s Duty Is to Pre-Empt Tyranny, Crime and Injustice.*

Whatever the judge’s motives, ***the judge is wrong*** not to inform jurors of their Right and Duty to do justice: For example, in the State of Georgia v. Brailsford, a supreme court forfeiture trial, the facts having been ascertained, Chief Justice John Jay instructed jurors that it remained only for them to judge the law itself, saying:

***“The Jury has the right to judge both the law as well as the fact in controversy.”***  
U.S. Chief Justice John Jay; Supreme Court; Georgia v. Brailsford.

Upon pain of punishment, it is incumbent upon convenors (judges) to apprise the jurors of their straightforward duties before trial, including that of annulment. It is likewise incumbent on participating defence *and prosecuting counsel* to ensure that jurors have been thus educated on annulment. This is because, for these aforementioned judges and lawyers *not to do so* constitutes their premeditated participation in and promotion of a *pretence* instead of a real Trial by Jury (high

## THE TRAGEDY AND TREASON OF THE 1689 ‘BILL OF RIGHTS’

treason); *and* is, for each such participating individual, the personal commission of a premeditated criminal act. This latter is the case because *not to instruct jurors before the trial about the duty to annul has the potential to result in undue penalisation of an innocent person.*

Jurors cannot be expected to know that Trial by Jury definitively demands they exercise their duty of judging the law and accordingly annulling enforcement of unjust laws. This judgement of the juror’s is an essential **component** of Common Law Trial by Jury and Democracy in order to protect innocent citizens from injustices at the hands of government judges and arbitrary legislation. Therefore, *unless jurors are briefed about it before trial, the act by officers of the court of denying jurors this knowledge is the treasonous act of subversion of the authentic Trial by Jury itself.*

For judges and lawyers to withhold or be party to the act of withholding the instruction of jurors to judge the law—along with their other duties—is knowingly to participate in a subterfuge which replaces the genuine Trial by Jury. This is the commission of an act of injustice. For members of the legal profession *to receive remuneration* whilst committing the aforesaid acts gravely compounds their felony. Moreover, such remuneration posits an *incriminating venal motive* behind the legal profession’s abandonment of honour and integrity whenever they participate in unconstitutional false ‘trials by jury’, ‘processes’; and trial-by-judge. At this point, one should prompt readers to give *consideration* as to *what the lawyer’s motivation must be as to why* he or she would commit, and be party to, such a cruel courtroom act perpetrated on trusting, innocent fellow citizens...?

See **The Juror’s Duties** above.

Whenever the defendant claims injustice in the law, it must be brought to the jury’s attention; and the admissibility of the defence arguments and evidence is decided on by the jurors. One of the principal rules of natural justice expressed as the *Articles of Common Law* inscribed into Magna Carta, is that *the Jurors judge* on all aspects of the case over which they preside. For example, they and they alone decide on the admissibility of evidence (a vital function denied them today). Unless it is the jurors who judge on every aspect of evidence in each and every trial, they are not in a position to decide the verdict or the sentence; and the ‘process’ would not be a legal trial.

For the best of reasons, government and judiciary categorically cannot set sentences in any case, and merely have power to commute, i.e., lessen, not increase, sentences\*.

**\*The reasons for this aspect of the common law are explained in the chapter on Magna Carta.**

Yet today as a juror at a faux “trial by jury,” expect the judge to forbid you from judging on equity, fairness and justice. Instead, judges instruct jurors to “uphold the law” regardless; and not to allow conscience, their opinion of the law, or a defendant’s motives, to affect their decision. One can speculate *why* judges contravene the Constitution and defy civilised standards and do not inform jurors of their constitutional, legal and moral obligations: i.e., the Jurors’ Right and Duty to judge the justice of law enforcement; *why* judges misinstruct jurors that they are ‘not permitted’ to judge the law; and *why* judges decide what evidence may be heard in court, **ruling out evidence which exonerates the accused if it ‘disputes’ the legality of the law**, and **preventing** juries from reviewing all evidence and deciding on its admissibility...<sup>1</sup>

— disrespect for citizens’ ability to make fair judgements?

— the judge is the willing servant of antidemocratic oppressive government?

## WE THE PEOPLE ARE SOVEREIGN—NOT PARLIAMENT

—unwillingness to part with his or her power to prejudice the verdict and produce the outcome desired by the judge himself or by his or her political masters?

*It is no coincidence that crime has increased in proportion to the degree that citizens' power as jurors to judge the law has been lost to 'judges'.*

Nowadays, but few of the masters of crime and hardened real criminals are publicly known; still less are they caught, tried and imprisoned. Paradoxically and in a grotesque irony, as a result of government judges' enforcing corrupt legislation (which honest jurors properly educated to their duties should and would annul), there is the highest per capita rate of incarceration of the population in the history of the U.S. and U.K. It causes prisons to be filled with harmless people completely innocent of any malice or 'crime'<sup>2</sup>.

1 & 2 See THE REPORT by K. & J. d'Oudney, ISBN 9781902848211, SRC Publishing on Amazon.

The Great Charter prescribed Trial by Jury for all lawsuits. To infringe in the smallest way upon the secular provisions of Magna Carta was considered by the participating clergy to warrant extreme punishment, namely, Excommunication, internal exile; at that time a life-threatening condition. It would seem such Church powers are today defunct; nevertheless, the historic *permanent* Execration is a demonstration of the esteem inspired in people by this timeless Trial by Jury Constitution. (Details in the textbook.) See as follows, the response of King Alfred the Great (lawmaker) to judges' treason at common law by their illegitimate interventions in the *judicial* aspects of Trial by Jury (which are, naturally, solely the responsibility of the jurors). The jurors are the judges. The convenor, nowadays confusingly referred to as 'judge', has an administrative and security, not judicial, role.

### Q. "When is a judge not a judge?"

#### A. "When the 'judge' is not a member of the jury."

Until the Latin-derived word 'juror' was adopted, jurors were actually called **the judges**, in recognition of their role. "*...the judges, for so the jury were called...*" See p. 55 of Crabbe's History of the English Law, etc. In Trial by Jury, the Foreman or woman of the jury is the principal presiding officer.

It is an irrevocable principle of secular moral justice and the traditional pan-European, Irish, German, French, Spanish, Italian, the British, Australian, New Zealand, Canadian and the American people's Common Law governing jurisprudence, and of Magna Carta (Article 24 of John's Great Charter and 17 of Henry's), that Trial shall be **by Jury** and that at Trial by Jury *no judge or other officer appointed by government shall preside* in criminal cases or lawsuits in which the government is also an interested party (called pleas of the crown in the U.K.; "teneant placita corone nostre." See original 'Cotton' Manuscript Augustus ii.106\*\*). In such cases, without the observance of this prohibition there can be neither Trial by Jury, nor *legal* trial of any type.

\*\***Beware!** There is a ***treasonous fabrication*** in the official booklet and on-line British Library 'translation' of Magna Carta 1215. It *invents* this following phrase and *adds* it on to Article 24: "*...that should be held by the royal justices.*" This perjury gives the *opposite* impression that judges appointed by the king are to hold trials, whereas the following is the actual *complete* wording in Magna Carta **seen** on the original, sealed Latin document:

"Nullus vice comes, constabularius, coronator, vel alii valivi nostri, teneant placita coronæ nostræ." TRANSLATION:

## THE TRAGEDY AND TREASON OF THE 1689 ‘BILL OF RIGHTS’

**No sheriff, constable, coroner, or other of our bailiffs, shall hold pleas of our crown.**

The emphasis is added to “our” because (*as distinguished from any officials appointed to their positions by government or monarch*) at common law only locally-chosen, i.e., elected convenors (usually local bailiffs, stewards, *earldormen*, sheriffs or others), can convene Trials by Jury. At common law, the convenors (who are now duplicitously referred to as ‘judges’) have NO *judicial* function whatsoever and are (or should be) elected *regularly* by the people, never appointed by government.

See Book 4 of Blackstone’s *Analysis of the Laws of England*, p.413; and

*Introduction to Justice Sir Jeffrey Gilbert’s History of the Common Pleas*, p.2, note, & p.4; etc.

The reasons for this are simple and pure: regarding convening officers (‘judges’) at trials, impartiality and integrity cannot be obtained (nor realistically even expected) from people who enforce the laws who are selected by those who also make and maintain the laws. At the common Law of the Land, whether in civil or criminal cases, all officers who convene trials are chosen (elected) by the people. According to common law, all convenors (justices; judges) are themselves subject to common law (Article Sixty-One) and are answerable to the common law and tribunals of the people (i.e., the Trial by Jury), *and are categorically not protected by elite privilege nor impeachable by government and legislature.*

***Government appointed judges may not judge in their own (the government’s) cause.***

Article Thirty-Nine of our world-esteemed permanent 1215 Great Charter Constitution *Magna Carta transfers all power to punish out of the hands of government, the executive, the legislature and the judiciary.* The Constitutional Common Law Trial by Jury Justice System intentionally takes a person out of the hands of the government (i.e., from judges and prosecutors) and places the accused under the protection of his or her equals and the Common Law alone: Trial by Jury allows no man or woman to be punished unless the indiscriminately chosen social-equals of the accused (i.e., the jurors) *unanimously* consent to it.

Trial by Jury is so-named, for in democratic societies the trial of a citizen is by fellow citizens who comprise the jury. Trial is not ‘trial-by-government’ which could never be fair where government is also one of the contesting parties. Judges themselves comprise a branch of government, and, they are in the pay of government. Police, prison service and above all, prosecutors and judges are employed to enforce governments’ laws. Such personnel should never be asked, nor relied on, to decide impartially whether laws are just, for they *must* fulfil their task or face the fury of the government, their employer.

For the foregoing reasons, government and judiciary (justices; judges) are incompetent to require the conviction or punishment of any person for any offence whatever.

***Sir William Blackstone’s Assessment:***

### **TRIAL BY JURY IS THE GLORY OF THE ENGLISH LAW.**

A principle of the secular common law in *Magna Carta* is that NO judgement (verdict and sentence) can be valid against a party’s money, goods or person, including a judgement for contempt or costs, *unless* it be a judgement rendered by a unanimous jury following the common law Trial by Jury (*viz.* Article Thirty-Nine). Let us ponder the counsel of the renowned sage, jurist, author and judge, His Honour Sir William Blackstone, KC, SL, and remind ourselves of what democracy truly is:

## WE THE PEOPLE ARE SOVEREIGN—NOT PARLIAMENT

*“The trial by jury ever has been, and I trust ever will be, looked upon as the glory of the English law. It is the most transcendent privilege which any subject can enjoy or wish for, that he cannot be affected in his property, his liberty, or his person, but by the unanimous consent of twelve of his neighbours and equals.”*

Book 3, Blackstone’s Analysis of the Laws of England, p. 379. Emphases added.

### KING ALFRED THE GREAT

Alfred, 871 - 899; King of the Anglo-Saxons; England’s greatest ruler—the only one to earn and deserve the epithet, The Great.

Military Strategist; Leader, with profound gallantry, personally and repeatedly engaged in the van of armed combat; Founder of the defensive shield, the Royal Navy; Conqueror of the Danish and Scandinavian Invasions; Peacemaker and Statesman; elected Monarch who united England, instituted the Witan (administrative council); reaffirmed the Sovereignty of the Juror in deciding the law (viz. Unanimity); id est, government of Constitutional Legem Terræ Common Law Trial by Jury (cf. *demos-kratein; demokratia, the people rule through Trial by Jury; the Hellenic Athenian Constitution of government by Trial by Jury*); reaffirmed the judicial role of the Jurors in Trial by Jury, with convenors (nowadays misnamed ‘judges’) returned to their traditional correct functions, having no judicial role but merely court administration, security duties and subordinate to the principal official at Trial by Jury, i.e., the Jury’s elected Foreman (or today, woman); the Originator and Instigator of the culture of universal literacy; personally translated

several literary works from Latin, including Boethius’ “The Consolation of Philosophy.”

Statue of King Alfred at the historic Capital of the Kingdom of Wessex, Winchester, in Hampshire, England.

#### **Treason** (cont.) THE PRINCIPLE OF UNANIMITY.

The Principle of Unanimity was understood, and definitively and constitutionally established by King Alfred the Great in the following way:

King Alfred had Justice (judge) Cadwine hanged because Cadwine had a man named Hackwy put to death by hanging, without the unanimity of the jury of twelve men. In this case, three jurors pronounced the Not Guilty verdict against nine. Cadwine removed the three and selected three others who would also pronounce ‘guilt’.

Similarly, King Alfred had Justice Frebern hanged, because Frebern hanged a man called Harpin, when the jurors were still in doubt as to their verdict. Alfred established that when there is a doubt, it is in the interests of all people that justice should save rather than condemn.

See “The Mirror of Justices,” compiled and published by Andrew Horne in Old French. The Mirror was written within a century after Magna Carta. It contains an account of Alfred’s acts and judgements, thought to have been originally composed by him.

Also see Chapter Six, Vol. 2, ‘Works,’ by Justice James Wilson, co-author of the U.S. Constitution.



## THE TRAGEDY AND TREASON OF THE 1689 ‘BILL OF RIGHTS’

To whom and for which acts might the term treason now be applied? Viewed and judged in the clarifying light of the unalterable strictures, criteria and standards of the Common Law and Constitution, those persons and their accomplices who are adjudged guilty of breaching the aforesaid supreme code with malice aforethought are political actors. *Evidently*, persons implicated in treason and breach of the Constitution are deserving of the Trial and Judgement of their Peers.

The traitor is dangerous but only for as long as his or her deeds are not *perceived* to be what they really are: a major crime against the common good. So, how does one distinguish treason and treachery from innocent but misguided intentions? The answer is that the Supreme Law as expressed by our Common Law Constitution provides us with the straightforward mechanisms of Trial by Jury judicature by which to accuse (indict), prosecute, measure, judge and punish any person’s *malicious* acts.

### THE SPECIOUS ATTRACTION TO THE 1689 BILL OF RIGHTS.

Although the Bill promulgated the empty boast that it was an “Act Declaring the Rights and Liberties of the Subject,” its contents flatly belied those words. A reading of the Bill shows it subverted and flouted the constitutional protections afforded to the People by the Common Law Justice System. A parliamentary dictatorship was intended to be, and was in fact, established by the Bill.

Because of modern parliaments’ treachery in transferring sovereignty to the European Union, some people (McWhirter, Atkinson, et al.) clung to the Bill of Rights because amongst its terms it ‘prohibits’ such an activity, as follows:

*“And I doe declare That noe Forreigne Prince Person Prelate, State or Potentate hath or ought to have any Jurisdiction Power Superiority Preeminence or Authoritie Ecclesiasticall or Spirituall within this Realme.”*

Yet, to give authority to the Bill for *that* purpose gives authority to all its other clauses; to wit, those which destroy the People’s Sovereignty secured through Trial by Jury, the sole and precious source of their liberties enplaced “*for ever*” by the Constitution. The mass of the populace are thus enslaved to the improper whims of parliament’s members through their treasonously acquired “parliamentary sovereignty.”

Let those drawn to support the Bill by its wording above, consider the following: The Bill expressly **commands** the monarch to sign and execute parliament’s laws. The Bill states that without the “consent of parliament” it is “**illegal**” for the monarch to suspend the execution of parliament’s laws. This means that ***if parliament passes a law taking the kingdom into governance by the European Union, then the monarch must sign away sovereignty to that foreign power.***

So, the foregoing shows that the single ‘*reason*’ for Eurosceptics to claim the 1689 Bill of Rights is a “constitutional statute” purportedly “denying” parliament and head of state the right to transfer sovereignty to the EU, is crassly misconstrued. The ‘*reason*’ given is annulled by the very terms of the Bill themselves which stipulate it is illegal for the monarch to suspend execution of parliament’s statutes! **De facto**, “constitutional statute” is a contradiction in terms.

How inept are those who turned to the Bill of Rights to save us from the unelected EU soviet! They would enslave us equally to the malicious caprice of parliamentarians whose Bill destroys our inherent rights, Trial by Jury, Annulment by Jury, the Coronation Oath and all the liberties, laws and customs on which our

## WE THE PEOPLE ARE SOVEREIGN—NOT PARLIAMENT

forefathers spent lives and blood establishing and maintaining. The Bill's original proponents *and* those of modern times are traitors to the People.

*Understanding* the Juror's Sovereignty over the law in the authentic Trial by Jury shows there was ***never*** a need to rely on the Bill of Rights to show treason in the act of joining the EU! Parliament's treason is more effectively established by knowledge of the permanent 1215 Great Charter Constitution. For to subject the British population to the jurisdiction of foreign courts and laws fatally breaches the Constitutional Sovereignty of the Juror to judge and decide all causes. There is NO Trial by Jury permitted by the repugnant EU 'Treaty-Constitution'; only the despot's and statists' *trial-by-judge* instead. Yet, **the British People have perpetual sovereignty over the law through the Trial by Jury and any activity which attenuates or attempts to attenuate the sovereignty of the Juror—such as joining the EU and submitting causes to foreign laws and courts—is High Treason.**

**Those parliamentarians and courts (judges) who claim “sovereignty” for *parliament* need reminding of the fate of judges Cadwine and Frebern (described above) who also undermined the People's Sovereignty expressed through Trial by Jury...**

Without exception, history shows that all societies bereft of Common Law Trial by Jury trend inexorably into crime, inequality, strife, injustice, misery and despotism.

The paramount safeguard of the People is found in the equal right of all (sane, healthy, unconvicted) adults to be selected as a Juror and thereby be in a position to annul enforcement of unjust statutes which oppress (members of) the population.

*Furthermore*, Trial by Jury's prosecutory aspect provides the mechanism by which unjust or unwanted statutes may be entirely expunged from the roll of statutes; viz. Chapter Four, Two Ways to Equal Justice, the Counter Plaintiff, etc.

### CHURCHILL'S VIEW.

*“The power of the Executive to cast a man into prison without formulating any charge known to the law, and particularly to deny him the judgement of his peers, is in the highest degree odious and is the foundation of all totalitarian government, whether Nazi or Communist.”<sup>1</sup>*

**1 Sir Winston Churchill, Author, Chronicler, Historian, Philosopher, Nobel laureate for Literature; Prime Minister of the United Kingdom of Great Britain and Northern Ireland. See excerpt of telegram from Cairo to the U.K. Home Secretary on November the 21st, 1943; Second World War volumes.**

**Judicium parium, the Judgement of Social-Equals (pares, peers) in the 1215 Great Charter Constitution is also known as the Constitutional Common Law Trial by Jury Justice System. Emphases added.**

### UNDERSTANDING THE BILL'S SPURIOUS STATUTORY “QUALIFICATIONS.”

The Bill excluded the greater part of the populace from being selected to serve on juries and thus the people en masse were unable to judge and annul the injustice of acquisitive statutes passed by parliament. The Estates' rapacious intent was embodied not only in the actual seizure, *disseizin*, of the people's extensive common lands all over the country by established wealthy land-owners, but also in a *de facto* coup d'état by which the Estates desired nothing less than sovereignty for themselves over the monarch and People. From this illegal, constitutionally-void Bill (Act) derives the spurious, damaging invention of “parliamentary sovereignty.”

The lords spiritual and temporal with the wealthy gentry who comprised the

## THE TRAGEDY AND TREASON OF THE 1689 ‘BILL OF RIGHTS’

“commons” (so-named simply because they were commoners, not lords) were to make the vulnerable Dutch prince and his espoused, Mary, *subject* to their rule. The Estates meant to become an undisputed sovereign oligarchy ruling for their own interests and enrichment. Their inserted wealth and property “**qualifications**” ensured juries consisted *only* of male gentry close to the seat of power; the men most likely to sympathise with and enforce the oligarchy’s self-interested statutes.

To understand the flagrantly corrupt misappropriation of power by the wording “**unqualified**” and “**freeholder**” within the 1689 Bill of Rights, it is necessary to know *firstly*, that there was a **dearth** of “qualifications” required at Common Law to serve as a Juror, and *secondly*, the implications of the term **freeholder**. See this excerpt from *The Manifesto* ISBN 978-1-902848-26-6. (Some emphasis is added.)

Remember, at the time of Magna Carta “**twenty shillings**” was an income of status or the holding of a well-to-do member of the community. In pre-industrial times, production and sale of artefacts was limited as a means of acquiring income and the (common) land remained the common people’s source of food, security, and livelihood. Few and far between were those amongst skilled craftsmen and labourers who had significant incomes or owned property.

See Hallam’s *Middle Ages*.

The **freeman** was a freeborn English male of unspecified, but adult, age. Freeman came from all backgrounds, rich and poor alike, and included close and distant relatives of titled people. These commoners comprised the great mass of the folk. As individuals, those called **freeholders** or freemen may have sublet or employed labourers and need not have actually been involved in agriculture. However, the freeman’s privilege was that he had the common law right to hold (tenant; tenir, to hold) crown land from the lord of the manor (district) if some was available, in exchange for rent paid in kind and armed service if called for national defence (specifically not for waging a monarch’s foreign wars of acquisition). For this reason, freemen were also known as “**freeholders**”, *although they did not own land; it was rented*.

In the Fifteenth Century, the word ‘**freeholder**’ came to be distorted in meaning by unconstitutional, illegal **statutory interference**. The epithet then was applied to men who had come to *own property*. (Hence the term, to own ‘freehold’, which is still in use.) Trustless monarchs who had ratified (‘versions’ of) Magna Carta nevertheless began introducing these de facto “**jury selection and exclusion statutes**” *with income or property ‘qualifications’ limiting people’s eligibility as jurors, shutting out the great mass of the population from judging on issues*.

In this way, degenerate government intent on increasing its dominance over the people breached common law and Constitution to choose jurors from a pool of upper-middle and high class people close to the seats of power and privilege. Such people were those most inclined to subjugate and take advantage of less fortunate working people, and to harbour partisan prejudices in favour of the government’s increasingly numerous, fiscally corrupt, and exceedingly cruel, statutes.

*These statutory edicts of infamy would have found only disdain and dismissal from the common folk had they remained enfranchised as jurors, as was their due.* At the will of dishonourable humans installed as monarchs who owed their loyalty to *all* the people and had taken oaths to uphold the People’s laws and customs, thus

## WE THE PEOPLE ARE SOVEREIGN—NOT PARLIAMENT

commenced the squalid divisiveness of the English class system where ‘ordinary’ people’s rights are suppressed at the caprice of the privileged. The gentry could nevertheless be relied upon to *represent their own views and interests* when selected as jurors in a *pretence* of “trial by jury” wherein the courts infract the common law rule of ***random selection*** for jury pools from amongst all the local adult citizens.

Nowadays, to obtain justice, money counts... Long and sad is the history of the unlawful erosion of the people’s Trial by Jury and with it the destruction of the basis of egalitarian society, social comity, true civilisation, equal justice and democracy within Britain.

As a vassal to the lord, the freeman was a dependent commoner; a person holding land. This was distinct from the common land, to which all commoners had right of allotment and cultivation for their own disposable produce. However, all the available rentable land was soon taken up. The children of large families had to find methods of making their way in life. Freemen took to specialised crafts and skills, merchandising and trade for a living. The list is long and includes bowmaker, bowman, fletcher (arrow maker), archer, smith, bailiff, butler, steward, cooper (barrel maker), poulter, thatcher, tyler, wright, plowright, arkwright, weaver, cook, painter, chandler (candle maker), squire, furrier, spurrier (spur maker), baker, tailor, carpenter, gardener, fuller, brewer, farmer, merchant, hunter, skinner, tanner, saddler, tinker, miller, milliner, turner, tasker, spinner, dyer, groom, shepherd, and shearer. Evidently, they frequently came to be surnamed for their skill or trade.

### THE BILL’S REPUGNANT STATUTORY “*QUALIFICATIONS*.”

Trial by Jury was defined and prescribed by the 1215 Great Charter Constitution. That is to say, the Constitution set out the parameters of Common Law governing Trial by Jury; viz. Chapter Five, *The Manifesto*. There are NO “qualifications” for jury service; only exemptions. We know this from various sources of that era.

“Persons attainted of false judgements cannot be judges [note that the jurors were the judges of all aspects of the cause], nor infants, nor any under the age of twenty-one years, nor infected persons, nor idiots, nor madmen, nor deaf nor dumb, nor parties in the pleas, nor men excommunicated by the bishop, nor criminal persons.”

**Mirror of Justices, pp. 59-60.**

“Old men above three score and ten years, or being continually sick, or being diseased at the time of the summons, or not dwelling in that country [locality], shall not be put in juries of petit assizes.”

**Ruffhead’s Statutes, St. 13, Edward I, ch. 38, 1285.**

Instead of supporting the Equal Justice of Constitution and Common Law, the Bill of Rights re-asserted and prolonged *statutory* terms illegally imposed by the Estates’ earlier repugnant statutes. These had forced anti-constitutional *wealth qualifications* on citizens before they could be selected for jury service; viz. examples below. Although payments in kind and barter were frequent and allotments provided plentiful food, *cash-money was scarce*. Down the centuries, the oppressive Estates and monarchs passed these despotic statutes.

Historian, lawyer and expert on the English Constitution Lysander Spooner has valuable information on this subject. See this three-page excerpt by him from TRIAL BY JURY: Its History, True Purpose and Modern Relevance by d’Oudney & Spooner, ISBN 9781902848723.

## THE TRAGEDY AND TREASON OF THE 1689 ‘BILL OF RIGHTS’

Spooner: It seems it has never been doubted that, at common law, *all* the freeholders were eligible as jurors. If any had not been eligible, we unquestionably would have abundant evidence of the exceptions. If anybody alleges any exceptions, the burden will be on him to prove them. The presumption is that *all* were eligible.

**Any legislation which infringes any *essential principle* of the *common law* in the selection of jurors, is unconstitutional; and the juries selected in accordance with such legislation are illegal, and their judgements void.**

Since Magna Carta 1215, the legislative power in England (whether king or parliament) has never had any constitutional authority to infringe by legislation, any essential principle of the common law in the selection of jurors. All such legislation is as much unconstitutional and void, as though it abolished the Trial by Jury altogether. In reality it does abolish it.

**Although all the freemen are legally eligible as jurors, any one may nevertheless be challenged and set aside at the trial for any special *personal* disqualification, such as mental or physical inability to perform the duties; having been convicted, or being under charge of crime; interest, bias, etc. But the common law allows none of these points to be determined by the court, but only by “*triers*” [the jury].**

As the tenures of lands changed, the term *freeholder* lost its original significance and no longer described a man who held land of the state by virtue of his civil freedom, but only one who held it in fee-simple—that is, free of any liability to (rent as) military or civil services. But the government, in fixing the qualifications of jurors, has adhered to the term *freeholder* after that term has ceased to express the *thing* originally designated by it.

The principle, then, of the common law, was that every freeman or freeborn male Englishman of adult age, etc., was eligible to sit in juries by virtue of his civil freedom, or his being a member of the state or body politic. But the new ‘principle’ of the English statutes is that a man shall have a right to sit in juries because he owns lands in fee-simple.

At the common law a man was *born* to the right to sit in juries. By the introduced statutes he *buys* that right when he buys his land. And thus this, the greatest of all the political rights of an Englishman, has become a mere article of merchandise; a thing that is bought and sold in the market for what it will bring.

There can be no legality in such juries as these; but only in juries to which every free or natural born adult male Englishman is eligible. [Today, adult females are included.]

The second essential principle of the common law controlling the selection of jurors is that when the selection of the actual jurors comes to be made (from the whole body of adults), that selection shall be made in some mode which excludes the possibility of choice *on the part of the government*.

This principle forbids the selection to be made *by any officer of the government*.

At the common law the [convenors of trials] sheriffs, bailiffs, and other officers *were chosen* [elected] *by the people, instead of being appointed by the king*<sup>1</sup>. At common law, therefore, jurors selected by these officers were legally

## WE THE PEOPLE ARE SOVEREIGN—NOT PARLIAMENT

selected, so far as the principle now under discussion is concerned; that is, they were not selected by any officer who was dependent on the government.

1 See 4, Blackstone, p.413.

See also Introduction to Justice Sir Jeffrey Gilbert's *History of the Common Pleas*, p.2, note, & p.4.

In the year 1315, one hundred years after Magna Carta, the choice of sheriffs was taken from the people and it was enacted<sup>2</sup>: "That the sheriffs shall henceforth be assigned by the chancellor, treasurer, barons of the exchequer, and by the justices (judges). And in the absence of the chancellor, by the treasurer, barons and justices."

2 See (statute) 9 Edward II, sec. 2 (1315).

These officers who appointed the sheriffs were themselves appointed by the king, and held their offices during his pleasure. Their appointment of sheriffs was equivalent to an appointment by the king himself. The sheriffs thus appointed held their offices only during the pleasure of the king, and were of course mere tools of the king; and their selection of jurors was really a selection by the king himself. In this manner the king usurped the selection of the jurors who were to sit in judgement upon his own laws. Here, then, was another usurpation by which the common law Trial by Jury was destroyed, so far as related to the *county* courts in which the sheriffs presided, and which were the most important courts of the kingdom. From this cause alone, if there were no other, there has not been a legal jury in a *county* court in England for several hundred years.

From these statutes it is seen that since 1285, seventy years after Magna Carta, the common law right of all free British subjects to eligibility as jurors has been illegally abolished; and, qualifications for eligibility as jurors have been made a subject of arbitrary legislation. In other words, the government has usurped the common law, and the constitutional authority of the people, by *selecting* the jurors who were to sit in judgement upon its own acts. This is destroying the vital principle of the Trial by Jury itself, which is that the legislation of the government shall be subjected to the judgement of a tribunal taken indiscriminately from the whole people, without any choice by the government, and over which the government can exercise no control.

If the government can select the jurors, it will, of course, select those whom it supposes will be favourable to its enactments. An exclusion of *any* of the freemen from eligibility is a *selection* of those not excluded.

It is seen from the statutes cited [below] that the most absolute authority over the jury box—that is, *over the right of the people to sit in juries—has been usurped by the government*; that the qualifications of jurors have been repeatedly changed. But this is not all. The government has not only assumed arbitrarily to classify the people on the basis of property, but it has even assumed to give to some of its judges entire and absolute personal discretion in the selection of the jurors to be impanelled *in criminal cases*, as the following statutes show:

"Be it also ordained and enacted by the same authority, that all panels hereafter to be returned, which be not at the suit of any party, that shall be made and put in afore any justice of gaol delivery or justices of peace in their open sessions to inquire for the king [i.e., the prosecution service], *shall*

## THE TRAGEDY AND TREASON OF THE 1689 ‘BILL OF RIGHTS’

*hereafter be reformed by additions and taking out of names of persons by discretion of the same justices before whom such panels shall be returned; and the same justices shall hereafter command the sheriff, or his ministers in his absence, to put other persons in the same panel by their discretions; and that panel so hereafter to be made, to be good and lawful.* This act to endure only to the next parliament.”

Statute 11 Henry VII, ch. 24, sec. 6. (1495.)

This act was continued in force by (statute) 1 Henry VIII, ch. 11, 1509, to the end of the then next parliament. It was re-enacted, and made *perpetual*, by (statute) 3 Henry VIII, ch. 12, 1511.

*These acts gave unlimited authority to the king’s justices to pack juries at their whim; and abolished the last vestige of the common law right of the people to sit as jurors and judge of their own liberties in the courts to which the acts applied.*

Yet, as matters of law these statutes were no more clear violations of the common law, the fundamental and paramount “law of the land,” than were those statutes which affixed the property qualifications before named; because if the king, or the government [i.e., represented by the judge and the state prosecution service] can select jurors on the ground of property, it can select them on any other ground whatever.

Any infringement or restriction of the common law right of the whole body of the freemen of the kingdom to eligibility as jurors was in legal terms an abolition of the Trial by Jury itself. The juries no longer represented “the country,” but only a part of the country—that part too, on whose favour the government chose to rely for maintenance of its power, and which it therefore saw fit to select as being the most reliable instruments for its purposes of oppression towards the rest. And the selection was made on the same principle on which tyrannical governments generally select their supporters, viz., that of conciliating those who would be most dangerous as enemies, and most powerful as friends—that is, the wealthy.

Suppose these statutes, instead of disfranchising all whose freeholds [property] were of less than the standard value fixed by the statutes, had disfranchised all whose freeholds were of *greater* value than the same standard—would anybody ever have doubted that such legislation was inconsistent with the English constitution? or that it amounted to an entire abolition of the Trial by Jury? Certainly not. Yet it was as inconsistent with the common law, or the English constitution, to disfranchise those whose freeholds fell below any arbitrary standard fixed by the government as it would have been to disfranchise all whose freeholds rose above that standard.

**These restrictions, or indeed any one of them, of the right of eligibility of jurors, was a complete contravention and abolition of the English constitution; of its most vital and valuable part.** It was an assertion of the government, *by selecting* the individuals who were to determine the authority of its laws and the extent of its powers, to determine its own powers and the authority of its own legislation **over** the people; and a denial of all right on the part of the people to judge of or determine their own liberties against the

## WE THE PEOPLE ARE SOVEREIGN—NOT PARLIAMENT

government. *It was in reality a declaration of entire absolutism on the part of the government.* It was an act as purely despotic, *in principle*, as would have been the express abolition of all juries whatsoever.

By “the law of the land,” which the kings were sworn to maintain, every free adult male British subject was eligible to the jury box with full power to exercise his own judgement as to the authority and obligation of every statute of the king which might come before him. But the principle of these *statutes* fixing the “qualifications” of jurors is that nobody is to sit in judgement upon the acts of legislation of the king or the government except those whom the government itself shall select for that purpose. *A more complete subversion of the essential principles of the English constitution could not be devised.*

The first invasion made by *statutes* upon this common law principle was made in 1285, only seventy years after Magna Carta. It was then enacted as follows:

EXAMPLE: “*Nor shall any be put in assizes or juries, though they ought to be taken in their own shire, that hold a tenement of less than the value of twenty shillings yearly. And if such assizes and juries be taken out of the shire, no one shall be placed in them who holds a tenement of less value than forty shillings yearly at the least, except such as be witnesses in deeds or other writings, whose presence is necessary, so that they be able to travel.*”<sup>1</sup>

1 St. 13, Edward I, ch. 38. (1285.)

The next invasion upon Constitutional common law in this way was made in 1414, nearly two hundred years after Magna Carta, when a statute was enacted as follows:

“*That no person shall be admitted to pass in any inquest upon trial of the death of a man, not in any inquest betwixt party and party in plea real, nor in plea personal, whereof the debt or damage declared amount to forty marks, if the same person have not lands or tenements of the yearly value of forty shillings above all charges of the same.*”<sup>2</sup>

2 Henry V, st. 2, ch. 3. (1414.)

EXAMPLE: **In 1483, it was enacted by the statute entitled:**

“Of what **credit and estate those jurors must be** which shall be impanelled [as a juror] in the Sheriff’s Turn:” [local court]

“That no bailiff or other officer from henceforth return or impanel [put in a jury] any such person in any shire of England, to be taken or put in or upon any inquiry in any of the said Turns, but such as be of good name and fame, and **having lands and tenements of freehold** within the same shires, to the yearly value of **twenty shillings** at the least, or else **lands and tenements** holden by custom of manor, commonly called copy-hold, within the said shires, to the **yearly value of twenty-six shillings, eight pence** over all charges at the least.”<sup>3</sup>

3 1 (first statute of) Richard III, ch. 4. 1483.

Also see EXAMPLES:

3 (third statute of) Henry VII, ch. 1. 1486.

11 Henry VII, ch. 21. 1494.

11 Henry VII, ch. 26. 1494.

## THE TRAGEDY AND TREASON OF THE 1689 ‘BILL OF RIGHTS’

19 Henry VII, ch. 16. 1503.

4 Henry VIII, ch. 3, sec. 4. 1512.

23 Henry VIII, ch. 13. 1531.

27 Elizabeth I, ch. 6. 1585.

16 & 17 Charles II, ch. 3. 1664-5.

4 & 5 William and Mary, ch. 24, sec. 14. 1692.

The 1689 Bill of Rights intended to ensure that only those who “qualified” in wealth terms could serve as a Juror. This parliamentary theft of the People’s liberty and subversion of Equal Justice and the Constitution also continued *after* 1689. See EXAMPLE: 3 (third statute of) George II, ch. 25, sec. 19 & 20; 1731.

**No one is to be a juror in London, who shall not be an householder [property owner] within the said city, and have lands, tenements, or personal estate, to the value of one hundred pounds.**

Also see: 4 George II, ch. 7, sec. 3. 1731.

See Ruffhead’s Statutes, viz. Statute 13, Edward I, ch. 38. 1285.

See Henry V, St. 2, ch. 3. 1414.

End Quote from TRIAL BY JURY: Its History, True Purpose and Modern Relevance by d’Oudney & Spooner, ISBN 9781902848723.

The Bill of Rights sought illegally to suppress the People’s Sovereignty (expressed through the citizen-juror’s constitutional power to annul prosecutions of unjust or unwanted laws) by the following articles:

Bill of Rights: “And thereupon the said Lords Spiritual and Temporal and Commons... for the vindicating and asserting their ancient rights and liberties declare...

“And whereas of late years partial corrupt and **unqualified persons** have been returned and served on **juries** in trials, and particularly divers **jurors** in trials for high treason which were not **freeholders [property owners]**; All which are utterly and directly contrary to the known laws and **statutes** and freedom of this realm;”

*It is the Bill of Rights itself which is utterly and directly contrary to the known laws, customs, Constitution, Coronation Oath and freedom of this realm.* The Bill reminds officers of the courts that they are (albeit, illegally) not to permit citizens to serve as jurors unless they “qualify” on the grounds of **wealth** imposed by statute.

Another article in the Bill of Rights emphasises, “That jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials for high treason ought to be **freeholders [property owners]**.”

There cannot be a more important circumstance than a treason trial with the death penalty impending, for the jury to be randomly selected from amongst the general populace to ensure an innocent person at odds with the self-interested Estates, parliament and monarch receives a fair trial! **Trust the People** to make the judgement.

So, when one ascertains what the government’s *motive* is which underlies its unjust, anti-constitutional statutes such as the misnamed “Bill of Rights,” it is explained *why* a lawyer who works for or is part of government (like Halsbury, Chancellor) blithely interprets a stridently anti-Constitutional statute as being “constitutional”! By doing so, such criminal traitors to the British People aid and abet emplacement of oppressive government tyranny through the courts (judges; trial-by-judge).

The 1689 Bill of Rights maliciously attacks civilised mankind’s timeless, secular model Trial by Jury Justice System, a foundational Principle of Equal Justice, and the Bill of Right’s excruciating villainy by no means stops there...

## WE THE PEOPLE ARE SOVEREIGN—NOT PARLIAMENT

As we shall see in the next section apropos of the Coronation Oath, the above anti-constitutional clauses quoted from the Bill of Rights are far from being the only contumacious articles which rebel vehemently against the justice measures of our Constitution and Common Law.

Let us note that, in addition to the British New England colonists, the homeland British also suffered deeply during the abysmal reign of the detested imported Hanoverian dynasty monarch, George the Third. The Inclosure Act (cf. Enclosure Act) of 1773—a tyrannical statute in the vein of previous Inclosure Acts—enabled landowners to take possession of, and literally enclose, commoners' common land, removing commoners' longstanding right of access to and use of allotments. This thrust countless families into instant famine and penury, displacing them to swell the population of poor urban areas.

The many enclosure Acts caused the very famine which their profiting proponents claimed they would avert. The government judges upheld the enclosures. Property and/or minimum income 'qualifications' for jury duty completely *denied the poor and 'unmoneyed' access to jury duty and thus their ability peacefully to protect themselves from unjust laws.*

It is perhaps a wonder that the American Revolution was not followed by another in England, but the bloody horrors of the French Revolution nearby which soon followed that of the British colonists in New England, quietened most who had contemplated resorting to such as a solution for their troubles.

**Also see Colonial Scrip, Bankers and the New World Order, etc., in Chapter Six of *The Manifesto*.**

By 1689 there was no one remaining within the 'establishment' and its government-perverted 'justice system' willing to represent the ordinary folk and the constitutional common law code of equal justice, Magna Carta of 1215, by which even the poorest are explicitly empowered both to prosecute cost-free and to protect their rights for themselves through Annulment by Jury; ref. Chapter Four.

It cannot be reiterated too often: Common Law Trial by Jury protects everyone without exception, even the poorest.

*“Judicium parium is the sole peaceful means known to humankind by which the rights of the weakest innocent citizen prevail over a massive and potentially oppressive state power.”*

— **Quotation from DEMOCRACY DEFINED, *The Manifesto* ISBN 978-1-902848-26-6.**

Politicians today do not represent the people. Elections are a shameful charade. This is an inevitable result of the 1689 Bill of Rights with which they lawlessly assumed sovereignty. 'Parliamentary privilege' makes politicians immune to the rule of law. They are corruptly, assiduously and continuously executing the misdeeds planned by their behind-the-scenes masters, fulfilling the ambitions for global dictatorship by the international financial-corporate giant: the Rothschild, Rockefeller (Chase Manhattan), Morgan, Bush Brown Brothers Harriman, et al., cabal.

A return to the Constitution's rule of law is Magna Carta's proven, effective peaceful solution to unjust governance. At Common Law, no one is 'above' the Law of the Land, including persons within government; and *all citizens*, whoever they may be and however much wealth they have acquired, are equally liable to commoners' prosecution at Trial by Jury for acts of malice. The Great Charter was itself an act of Restoration which is now required again today; viz. The Restoration Amendment.

# THE TRAGEDY AND TREASON OF THE 1689 'BILL OF RIGHTS'

## PART TWO

### THE CORONATION COMPACT

**T**HE CORONATION COMPACT (contract) between every incumbent monarch and the People legally obliges the head of state to permit *neither* the enactment *nor* the execution of laws (statutes) which infringe upon the inherent liberties (rights), codes, laws and customs of the People referred to in the Coronation Oath. It is the monarch's absolute duty by regal authority to suspend dubious or repugnant laws and the execution of such laws in order to uphold faithfully the laws and customs of the People.

The principal components of these inalienable rights, codes, laws and customs are embodied in the Anglo-Saxon Dome-Book of King Alfred the Great, 871-899, and those set out as the famous *Articles of Common Law*, Legem Terræ; the Common Law of the Land and Realm inscribed into the world-respected 1215 Great Charter Constitution Magna Carta. The Articles define and prescribe the Trial by Jury Justice System as the sole legitimate means for settling all causes, civil, criminal and fiscal. Whenever a *statute* does infringe upon or contravene Legem Terræ Common Law, that repugnant statute is instantly void and abrogate.

Coke: *"The common law will control Acts of Parliament, and sometimes adjudge them to be utterly void; for, when an act of parliament is against common right or reason, or repugnant, or impossible to be performed, the common law\* will control it and adjudge such Act to be void."*

\*Chief Justice Coke is referring to the Common Law Trial by Jury which is the central tenet of common law and the sole legal method for *"adjudging such Act to be void."* See pp.198-200 of *The Manifesto*. Coke's Ruling. Co. Rep. 107a, 113b, 77 Eng. Rep. 638, 646 (1610).

Crabbe: *"It is admitted, on all hands, that it (Magna Carta) contains nothing but what was confirmatory of the common law, and the ancient usages of the realm, and is, properly speaking, only an enlargement of the charter of Henry I, and his successors."* Crabbe's History of the English Law, p.127. See *The Manifesto*.

Blackstone: *"It is agreed by all our historians that the Great Charter of King John was, for the most part, compiled from the ancient customs of the realm, or the laws of Edward the Confessor; by which they mean the old common law, which was established under our Saxon princes."*

Justice Sir William Blackstone, SL, KC, Introduction to the (Great) Charters; Blackstone's Law Tracts, p.289.

Coke: *"It (Magna Carta) was for the most part declaratory of the principal grounds of the fundamental laws of England. They (Magna Carta and Carta de Foresta) were, for the most part, but declarations of the ancient common laws of England, to the observation and keeping whereof the king (the government) was bound and sworn."*

Preface to Vol. 2, Lord Chief Justice Sir Edward Coke's Institutes, p.3. See *The Manifesto*.

There is no evading the fact that the monarch is sworn to uphold the People's Common Law of the Land with its Trial by Jury forming the Constitution's Justice System for all causes. The "Estates," parliaments, were and are fully aware of these circumstances.

Kelham: *"Thus stood the laws of England at the entry of William I, and it seems plain that the laws, commonly called the laws of Edward the Confessor [Anglo-Saxon successor to Alfred], were at that time the standing laws of the kingdom, and considered the great rule of their rights and liberties; and that the English were so zealous for them, 'that they were never satisfied till the said laws were reinforced, and mingled, for the most part with the coronation oath.'"*

## WE THE PEOPLE ARE SOVEREIGN—NOT PARLIAMENT

*“Accordingly, we find that this great conqueror, at his coronation on Christmas day succeeding his victory, took an oath at the altar of Saint Peter, Westminster, in sense and substance the very same with that which the Saxon kings used to take at their coronations.”*  
See Robert Kelham’s Preliminary Discourse to the Laws of William the Conqueror. Emphases added.

Parliaments may present statutes but the monarch must **NOT** enact into law any which infringe Legem Terræ, the Law of the Land (cited in Article Thirty-Nine of the 1215 Great Charter). The Trial by Jury in which the People are represented as randomly selected Jurors judging the legitimacy of the law, forms an additional, indeed a supreme, safeguard of the People’s liberties.

### CONFIRMATION OF THE 1215 GREAT CHARTER.

The authority of Magna Carta does not rely wholly or principally upon its character as a compact (contract). This is because, for centuries before the 1215 Great Charter was emplaced, its contents constituted “the Law of the Land”—the fundamental and constitutional law of the realm which the monarchs were and are sworn to maintain.

The main benefit of the Great Charter then and now is that it contains a *written confirmation and acknowledgement* by the head of state of *what the permanent unchangeable constitutional Law of the Land is*, which his or her inaugural coronation oath binds him or her to observe and uphold.

The sole legal, lawful and constitutional means of deciding all causes (lawsuits), was and remains **judicium parium**, the Common Law Trial by Jury Justice System prescribed and defined, with its common law parameters set out by the *Articles of Common Law* in the 1215 Great Charter; viz. Chapter Five of *The Manifesto*.

### WHY THE 1215 GREAT CHARTER IS NOT A “STATUTE.”

Although the Great Charter Constitution is sometimes ‘referred’ to as a ‘statute’, this is either from ignorance, the casual misapplication of terms, or, in the case of government functionaries and lawyers, specious disinformation.

The Great Charter is first and foremost a Constitutional inscription of the English (and other) People’s common law of the land at 1215 C.E., *which excludes all laws made by monarchs and government*. It comprises the Supreme Law which governs government and is more properly called **The Constitution. The 1215 Great Charter is the People’s perennial Compact with their chosen incumbent heads of state: it is NOT a statute.**

Statutes made by parliament or congress do not bind subsequent administrations, which may decide to amend or repeal a statute; but **no parliament made Magna Carta**. The Great Charter was made by the people directly with the head of state, explicitly to preclude tyranny, injustice and misgovernance by binding all heads of state and the modus operandi of government *for all time* under **judicium parium**, the judgement of social-equals also known as the Trial by Jury justice system of legem terræ, the Law of the Land. The laws of parliament cannot *change* any aspect of, or impinge in any way upon the Common Law at 1215; the perpetual binding dictates of the Great Charter. **Through the Supreme Authority of Judicium Parium, i.e., the People’s Trial by Jury Courts to which all men and women are subject without exception, the 1215 Great Charter Constitution governs government.**

Concerning specifically the Articles of Common Law in Magna Carta of 1215, this timeless common law *per se* has never been a government *statute*. Whereas government may enact and repeal *statutes*, it does not choose the People’s Constitution. It cannot go back in time to change the strictures of the 1215 Great

## THE TRAGEDY AND TREASON OF THE 1689 ‘BILL OF RIGHTS’

Charter, the universally-applicable natural, timeless secular Common Law. *Statutory* parliamentary attempts to intervene in Magna Carta of 1215 are *ultra vires*; it is beyond the legal power or scope of parliament or congress to change the genuine Common Law. The upholding by the citizens of the Constitutional Trial by Jury and its rule of law is a universal Common Law Duty. Viz. Article Sixty-One.

That the judiciary, parliament or congress should ever even so much as contemplate suppressing any aspect of Constitutional Common Law Trial by Jury by which it protects the population from crime by government, deserves to be treated as a judicable act of *mens rea*; criminal intent.

### PARLIAMENTS’ PERFIDIOUS STATUTES.

The world-respected exemplary 1215 Great Charter English Constitution must be *differentiated* from the numerous mutilated, truncated and emasculated *statutes* passed by parliaments subsequently and which were duplicitously misnamed “Magna Carta.” Monarchs and their aristocratic advisers and judges excised *Articles of Common Law* which they disliked because these exacted honourable standards of self-conduct and probity, constraining their tendency towards venality and other illicit behaviour. For example, see those faux versions of 1216 and 1225 (and thereafter) which, unlike the constitutional Magna Carta of 1215, gave no recognition to **Usury** (money-lending-at-interest) as being a Crime at Common Law; viz. the 1215 Great Charter’s Articles Eleven and Twelve.

After 1215, abridged versions were drawn up by the privileged clique surrounding the monarch, and later, more counterfeit ‘editions’ were framed with the complicity of those oligarchical parliaments self-named the “Estates of England.” They were enacted by the monarch, the Estates and courtiers at the king’s behest *without providing scrutiny to, and acquiring assent from, the mass of the Common People*.

Later, further edited ‘versions’ were passed by parliaments as *statutes*; e.g., 1297. Definitively, all these *statutes* are unconstitutional. Moreover, the statutes are repugnant because they omit and are in conflict with stipulations of our Common Law Constitution Magna Carta of 1215. They are also repugnant because they oblige the monarch to breach his or her Coronation Oath. The statutes are further rendered repugnant and void by their premeditated exclusion of the recognition given by Magna Carta 1215 to the Crime of Usury at Common Law.

Up to 1688, the repugnant statutory ‘editions’ eventually numbered thirty-five.

Lingard: “*The Charter was ratified four times by Henry the Third, twice by Edward the First, fifteen times by Edward the Third, seven times by Richard the Second, six times by Henry the Fourth, and once by Henry the Fifth.*”

See p.170, *The Manifesto*. Rev. Dr. John Lingard, *The History of England*, note, p.50; Philad. ed.

Likewise into recent times, recidivist parliaments have pruned their irrelevant *statutory* versions down to the minimum vestige with a mere three clauses remaining: The Church of England shall be free; the City of London shall have all old liberties and customs; and a deceitfully\* mistranslated combination of Articles Thirty-Nine and Forty complete the treason.

See **DEMOCRACY DEFINED: *The Manifesto*** for correct translations confirmed by Blackstone, Spooner et al, and examples from Oxford Latin Dictionary, etc.

\*The deceit mentioned above has been scurrilously adopted by modern barristers (lawyers) and is publicised by a ‘society’ purporting to ‘celebrate’ Magna Carta. This treason is meticulously exposed in Chapter Five of *The Manifesto*.

## WE THE PEOPLE ARE SOVEREIGN—NOT PARLIAMENT

### THE FIRST DUTY INCUMBENT ON THE PEOPLE.

*Firstly, as with all tyrannies, the duty to extirpate criminal governments devolves upon the People.*

It is a misconception of folks today to imagine that the feudal monarch was ‘absolute’. Far from it. That was an attribute which came much later in our history under the deranged dogma of the “divine right of kings”! According to feudal protocols, the king was at all times subject and bound under the Common Law terms of his coronation oath to uphold the Law of the Land, *legem terræ*. The king’s numerous atrocities and unchivalrous gross offences placed him outside the Law of the Land to which he was subject and already bound by oath.

*Secondly*, in all secular legal matters concerning possession of the Land of England at large, John’s *feudal position* placed the nobility, the ‘barons’, the Three Hundred Great Peers of the Realm, as *John’s equals and judges* in accord with the Common Law of the Land, quashing John’s ‘appeal’ to the pope. The religious potentate’s attempted interventions were *ultra vires*; spurious; a figment of his conceit.

*Thirdly*, correct translation and interpretation of Article Thirty-Nine (which installs the pan-European phenomenon of *judicium parium*, the Common Law Trial by Jury set out in the Great Charter), refutes all notion of a ‘get-out clause’ as a dunce’s nonsensical fiction.

### WHEN COERCIVE ENFORCEMENT OF THE RULE OF LAW IS JUSTIFIED.

The circumstances under which John came to be obliged to put his seal to the Great Charter are not those of a rebellious or unlawful “duress.” It is an assertion of ignorance or falsification to make such a claim. The point to appreciate is that at his coronation, John had subjected and bound himself by Oath under the Law of the Land and Charter ratified by his forebear Henry the First and his successors.

Throughout John’s vicious rule leading up to confrontation with the people’s just forces of law and order, he mercilessly inflicted what we would call today *a reign of terror*: widespread injustice, acts of extortion and disseizin (unlawful dispossession of property) at the hands of his lawless government justices; of his mercenary forces committing acts of homicide, wanton butchery, torture, the cutting-out of tongues, the putting out of eyes, the slitting-off of ears and noses, of robbery, rapine, extortion and depredation; in short, *inhuman criminal misrule by outlaws led by a robber king*.

Not only did John break every kind of moral and legal obligation binding on a monarch and a man, but he breached his compact (i.e., ‘contract’ or constitution) with *his equals*, the nobility—and with *all the other parties to the feudal agreement which comprised the entire population, including the land-holding freemen, churchmen, and the commoners* who shared wide allotments of common land made available for the sustenance of a large proportion of the populace.

The land and nation was feudally ‘owned’, distributed, occupied and worked. Without the concurrence of his nobles, his social-equals (peers), and all the other people who were parties to the feudal compact and similarly subject to the binding common law, King John had no authority whatsoever to make treaties with anyone—popes notwithstanding—for what he considered *his benefit, against the interests of the people and the Law of the Land*.

## THE TRAGEDY AND TREASON OF THE 1689 ‘BILL OF RIGHTS’

### USURPATION (TREASON) BY “THE ESTATES” (PARLIAMENT).

Only recently at the time of the Bill of Rights, in 1670, an historic, monumental and sensational trial at the Old Bailey<sup>1</sup>, about which scarcely a single Commoner in the Land and Colonies, and certainly no lord or parliamentarian would have been in ignorance in 1688 and 1689, had confirmed the permanent legal and constitutional sovereignty of the Juror over the law.

<sup>1</sup> See photo of the Commemorative Plaque, Old Bailey Law Courts; re. **The Right and Duty of Jurors to Judge on the Justice of Law.** Ref. pp.38-45 for account of the trial of William Penn and William Mead in Chapter Two, **DEMOCRACY DEFINED: The Manifesto.** Penn was subsequently Founder of the State of Pennsylvania.

The legal landmark **Annulment by Jury** in the Penn and Mead Trial by Jury exemplifies how, for all time, Democracy and civilisation rely utterly on ordinary citizens having ultimate control of the Justice System. In the Penn and Mead trial, jurors found not the defendants, but the law wanting—and *the enforcement of injustice is always and everywhere an illegal punishable act*<sup>1</sup>.

<sup>1</sup> Cf. **Crime Against Humanity; Principles of International law ratified 12-10-1946; the Nuremberg Precedent, etc.**

The beneficial ‘influence’ of Magna Carta and Common Law Trial by Jury results from their egalitarian spread of power to all the people. They bestow on the adult citizen the burden and duty of participating in self-government by choosing, making, deciding and enforcing laws and annulling bad statutes.

Through their obnoxious ‘Bill of Rights’, the “Estates of England,” i.e., parliament, set out *literally* to subjugate the monarch to their will; to seize sovereignty for themselves over the people and monarch; and to force the head of state to breach his Coronation Oath to uphold the laws and customs of the land.

Furthermore, in an act of high treason at Common Law, parliament perverted and obstructed the course of justice by stipulating wealth ‘qualifications’ which prevented ‘ordinary’ citizens from being selected for jury service. This devious ploy was to prevent the Commoners from annulling laws in general which treated the unmoneyed members of the population harshly, and, in particular, the Bill of Rights itself.

The famous Penn and Mead trial had shown all and sundry across the land how Trial by Jury empowered jurors to uphold standards of fairness and prevent tyranny.

Knowing that few people were literate and most would never see the text of the Bill of Rights, parliament intended to state in the Bill that there were those serving on juries who were “unqualified.” This was to remind courts (judges) and prosecutors, who were beholden to the government, about those particular (unjust) statutes which (illegally) imposed wealth ‘qualifications’. The officers of the court would then be prompted to exclude the mass of people who were without significant means from jury pools. In this way, laws and activities which treated the impecunious unfairly could be enforced through the courts with impunity because there would be no one on juries who would utilise the Annulment by Jury mechanism to override the Bill of Rights statute.

Parliament thereby committed and permitted the commission of innumerable further Crimes against the People under unjust government statutes. Yet, **that law which is unjust is itself the embodiment of crime.** The upholding or enforcing of any unjust law is a criminal act *per se*, recognised as such today by domestic and international law.

William, a trusting foreigner almost certainly unversed in the binding *Articles of Common Law* in Magna Carta of 1215—which, at his coronation, he had nevertheless vowed to uphold—was eager to sign parliament’s statute, the Bill of Rights, as the price of his throne.

## WE THE PEOPLE ARE SOVEREIGN—NOT PARLIAMENT

It is evident that no one amongst the Estates' self-interested clique attempted to teach William about the extensive implications of his Coronation Oath; especially those which, *firstly*, forbid the monarch from enacting or permitting the execution of laws which infringe upon the inherent liberties (rights), codes, laws and customs of the People, and *secondly*, that the laws and customs of the English Constitution legally empowered ordinary unmoneyed citizens to serve on juries, judge the laws, and annul those which were unjust or unwanted.

With malice aforethought, *mens rea*, these devious villains in parliament intended to misappropriate that power to themselves which legally was and remains exclusively invested in the randomly selected Juries of the People's Courts of Constitutional Common Law Trial by Jury.

William can be exonerated for his purblind, dumb acquiescence, but not so parliament. The latter treacherously conspired to have the new monarch under their complete control whether or not it meant duping him into dishonourable, indeed felonious, conduct.

The legislature then and now cannot be exonerated for usurping the monarch's duties and obligations to the People which are indissolubly binding because they are due reciprocation for the privileges of monarchy and loyalty of the populace. The apocryphal, treasonous notion heard all too often nowadays from self-aggrandising Members of Parliament that "*parliament is sovereign*" derives from treachery within the Bill of Rights with its wording as follows:

Bill of Rights: "***That the pretended power of suspending the laws or the execution of laws by regal authority without consent of Parliament is illegal.***"

The impudent judicable usurpation of monarch, People, Constitution and the Trial by Jury Justice System by a rebel parliament's contumacious Bill of Rights is glaringly exposed when the wording is read and understood. *Of course* the monarch is duty-bound by the Coronation Oath to utilise legal and lawful regal authority to suspend and reject all and any legislation which conflicts with the common law and customs of the Realm! Parliament would have the monarch breach his or her Oath and break the Supreme Law of the Land were he or she to fail in this duty.

### WILLIAM'S CORONATION OATH AND THE SUBJUGATION OF STATUTES

In an act of treason, rebellion and outright coup d'état, this illegitimate 1689 statute seeks to override our Constitution and subvert the refined democratic institution of constitutional monarchy. *According to the Bill*, the head of state has to obey *parliament*, and *not* the strictures of the Coronation Oath, *nor* those of the permanent Common Law Constitution and the People's Supreme Courts of the Trial by Jury Justice System. *Small wonder that these days members of parliament have come to deem themselves collectively 'sovereign' and erroneously claim parliament's ceding of power to the foreign governance of the EU to be 'legal'!*

*Nevertheless, parliament and courts cannot truthfully evade the constitutional and legal fact that they have been and remain deeply involved in treason.*

*It is now for the People to take back the reins of power, to bring recalcitrant MPs and judges to justice and guide parliament into redeeming its historic outrage against the British People and the constitutional institution of monarchy. The method for accomplishing this is set out in The Restoration Amendment (statute).*

## THE TRAGEDY AND TREASON OF THE 1689 ‘BILL OF RIGHTS’

Those who support this Bill of Rights and say it has “constitutional authority” are either knowing traitors or speaking without perusal and knowledge of the subject. The 1689 Bill of Rights is illegal and defunct. The Constitutional Trial by Jury’s cost-free prosecutory procedure empowers Commoners as Plaintiffs and Jurors effectively to restrain government when it runs amok. Let us all campaign to restore the ascendance of the 1215 Great Charter by statutory installation of **The Restoration Amendment**. This will deliver well-being to the people and bring persistently perfidious parliament, judges, statist bureaucrats and lawyers to justice. **THE RESTORATION AMENDMENT** may be read by copying and pasting this link to the ACTION & PAMPHLETS webpage on the DEMOCRACY DEFINED WEBSITE into your browser:  
<http://www.democracydefined.org/democracydefinedmaterial.htm>

### THE 1689 BILL OF RIGHTS ACKNOWLEDGES THE PERMANENCE AND SUPREMACY OF THE 1215 GREAT CHARTER.

It is a primary fact which must be drawn to people’s attention that the 1689 Bill of Rights acknowledges *the supremacy and permanent constitutionality* of the 1215 Great Charter. This acknowledgement comprises a self-extinguishing fatal flaw in the Bill of Rights which emphasises to all who subscribe to it, that the Bill has no authority in law over the Great Charter. If there be any disputation regarding terms which conflict between the two documents, the Great Charter legally invalidates and makes null and void, all and any specious ‘validity’ heretofore claimed for this mutinous Bill of Rights statute.

(Unless they are driven by a malicious motive), *only* those who do not understand the profoundly beneficial implications and protective legal workings of the Constitution’s *Articles of Common Law* and the authentic Constitutional Trial by Jury could be seduced into supporting the 1689 Bill. While treasonously breaching the Great Charter as described herein, the Bill does actually submit to the supremacy and permanence of the Great Charter as the Supreme Law of the Land.

The last clause in the 1689 Bill of Rights upholds and acknowledges the validity and supremacy of the **Great Charter** and the previous “law of the land” **Charters** and Coronation Oaths sworn to by monarchs, as follows:

Bill of Rights: “III. *Provided that no charter or grant or pardon granted before the three and twentieth day of October in the year of our Lord one thousand six hundred eighty-nine shall be any ways impeached or invalidated by this Act, but that **the same shall be and remain of the same force and effect in law and no other than as if this Act had never been made.**”*

**The Bill of Rights explicitly guarantees the supremacy, force and effect of the 1215 Great Charter Constitution. This assurance in fact annuls the Bill and all the renegade terms of the Bill’s insurgent instigators.**



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# KENN D'ODNEY DEMOCRACY DEFINED: *The Manifesto*



Softback, 272 large-size (A4) pages

## BACK COVER



### DEMOCRACY DEFINED:

#### *The Manifesto*

Kenn d'Oudney focuses on Democracy. The word 'democracy' is widely abused and 'defined' incorrectly. This extensively researched book explains how components of constitutional democracy have been suppressed by malefic statist interventions to produce the modern decline and the Illegality of the Status Quo.

*The Manifesto* shows how the ideal society is to be achieved.

- HERE ARE SOME REVIEWS OF THE ESSAYS UPON WHICH THIS BOOK IS BASED -

*"I think it is certainly true that Keynesian economics, as put into practice, has handed the economic power of the West to a few men who now almost totally control it. Likewise, I agree that the trial by jury is an essential bulwark of democracy and justice against a bankers' tyranny. I congratulate you on disseminating the above points."*

His Hon. Patrick S.J. Carmack, Esq. Producer of The Money Masters video documentary.

*"Thank you for your excellent work on Magna Carta. What a masterly exposition."*

Major John Gouriet, Chairman, Defenders of the Realm; Battle for Britain Campaign supported by H.G. the Duke of Wellington; Edward Fox, OBE, and Frederick Forsyth, CBE.

*"What a magnificent article! I intend to incorporate parts of it into speeches and writings."*

Professor Julian Hecklen, Jury Rights Activist; U.S. National Coordinator, Tyranny Fighters.

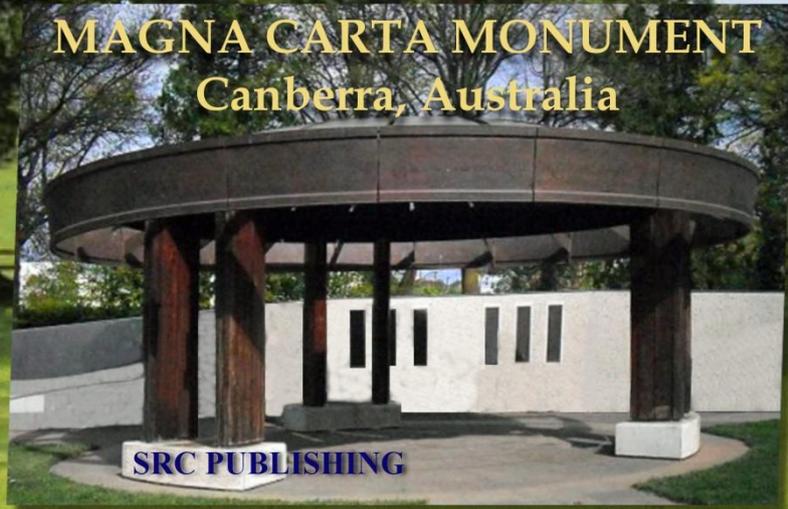
*"Superb. Should be read in every law school."*

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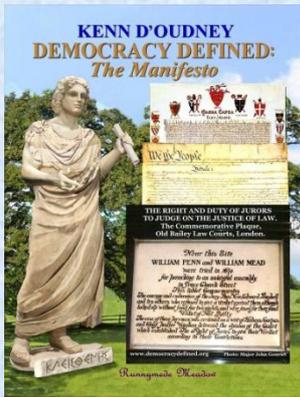
See further reviews inside.



### MAGNA CARTA MONUMENT Canberra, Australia



Kenn d'Oudney is the author of books and essays including the following:  
Kenn d'Oudney est auteur de livres et essais y compris les suivants:  
Kenn d'Oudney ist Autor von Büchern und Essays einschließlich der folgenden:



**[DEMOCRACY DEFINED: The Manifesto](#)**,  
ISBN 978-1-902848-26-6,

A Treatise for the Democracy Defined Restoration Campaign  
by Kenn d'Oudney.  
Softback, 272 large-size pages and E-book (Kindle).

The word ‘democracy’ is widely abused and ‘defined’ incorrectly. This extensively researched book explains how components of Constitutional Democracy have been suppressed by malefic statist interventions to produce the modern decline and the Illegality of the Status Quo. It sheds light on how democracy involves a variety of far-reaching issues, including political assassinations; the Ætiology of anti-Semitism; fraudulent private banking practices; and the national issuance of interest-free currency and credit.

The historical, legal and constitutional facts and quotations in this book establish the perennially subject and liable status of executive, legislature and judiciary to the universal timeless secular moral and legal tenets of equity and cost-free private prosecutions at Common Law Trial by Jury. Exposes fallacies of “constitutional” groups and individuals. Indispensable reading for anyone who wishes to uphold the West’s cherished heritage of liberty and equal justice.

*The Manifesto* reveals the theoretical and practical framework upon which the ideal human society is to be achieved: the best of all possible worlds.

*“Your book is an absolute triumph! I now understand why the term ‘Lawful Rebellion’ grates with you. I genuinely believe that your book should be compulsory reading for every one of our elected representatives...not to mention our own supporters! So well done! Excellent book and a great source of reference.”*

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JOHN S., Swindon. (E-mail to DD.)

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ROBERT JOHN MONTAGUE, Amazon reviewer.

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**- REVIEWS OF THE ESSAYS UPON WHICH THIS BOOK IS BASED -**

*“Thank you for your excellent work on Magna Carta. What a masterly exposition.”*  
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HOWARD PHILLIPS, Founder, U.S. Constitution Party, three-time Presidential nominee; Chairman of the Conservative Caucus.

*“Superb. Should be read in every law school.”*  
JOHN WALSH, Esq., Barrister-at-Law, Author; Constitutional lawyer (U.S. & Australia).

*“Kenn, Your rebuttal is masterly. Your essay is a very good read.”*  
ROBIN TILBROOK, Chairman & Party Leader; English Democrat Party.

*“What a magnificent article! (Madison and Democracy) I intend to incorporate parts of it into my speeches and writings.”*  
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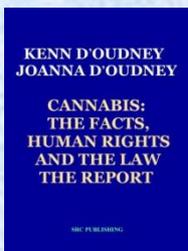
*“Kenn d’Oudney is a brilliant writer and researcher when it comes to Democracy and Trial by Jury. The best source of common law is Kenn d’Oudney.”*  
DR. JOHN WILSON, Jury Rights Activist; Chairman, Australian Common Law Party.

*“Thanks, Kenn. I’ve circulated this.”*  
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See next page.



**CANNABIS: THE FACTS, HUMAN RIGHTS AND THE LAW, THE REPORT ISBN 9781902848211**, by Kenn d'Oudney, co-authored by Joanna d'Oudney; Foreword by a Nobel laureate former Official Adviser to the U.S. government; endorsed by a Professor of Physiology Fellow of the Royal Society, academics, doctors (of a variety of disciplines) and judges (U.S. & U.K.); Softback, 260 large-size pages.

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**- REVIEWS -**

*“You have done a splendid job of producing a comprehensive summary of the evidence documenting that the prohibition of the production, sale and use of cannabis is utterly unjustified and produces many harmful effects. Any impartial person reading your REPORT will almost certainly end up favouring the relegalisation of cannabis.”*

NOBEL LAUREATE PROFESSOR MILTON FRIEDMAN, Economics' Adviser to U.S. government (Reagan Administration); Author, video and TV series writer and presenter; Senior Research Fellow, Hoover Institution on War, Revolution and Peace; Professor Emeritus, University of Chicago.

*“You represent a worthy part of the fight in many countries for the logical and beneficial use of cannabis. I thank you for that.”*

PROFESSOR PATRICK D. WALL, M.D., Author; Professor of Physiology, UMDS St. Thomas's (Teaching) Hospital, London; Fellow of the Royal Society; DM, FRCP.

*“You are to be congratulated on a work well done. Very readable. It is an important REPORT and I do hope it will be widely distributed and read.”*

PROFESSOR LESTER GRINSPOON, MD, Official Adviser on Drugs to U.S. government (Clinton Administration), Professor of Psychiatry, Harvard University School of Medicine.

*“The sections dealing with the rights and responsibilities of the jury are eloquent in their defence of fundamental individual rights. The authors correctly perceive the bedrock importance of trial by jury, and the significance of the jury's right to judge the law itself. I welcome the addition of this REPORT to the world's store of important writings on the subject of human liberty.”*

DON DOIG, BSc., Author; U.S. National Coordinator, Co-founder, Fully Informed Jury Association (FIJA) / American Jury Institute.

*“I did enjoy reading it. THE REPORT should contribute much.”*

THE HON. JONATHON PORRITT, Bt., former Adviser to U.K. government on Environment; Author; Founder, Friends of the Earth; TV series writer and presenter.

*“I have just finished reading your and Joanna's book on Cannabis. It is a masterpiece on both drug prohibition and jury rights. Thanks to both of you for writing it.”*

PROFESSOR JULIAN HEICKLEN, Jury Rights Activist; U.S. National Coordinator, Tyranny Fighters Campaign.

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***SO YOU THINK CANNABIS PROHIBITION HAS NO EFFECT UPON YOU ?***

THE REPORT ISBN 9781902848211: Part (chapter) Two contains the unprecedented (new) **Cannabis Biomass Energy Equation** (CBEE; Modern Uses) which proves the clean-combusting production-cost-free, i.e., **FREE**, cannabis *by-product* pyrolytic CH<sub>3</sub>OH is the immediate non-polluting, renewable, total world replacement for fossils and uranium, whilst macro-cultivation simultaneously *significantly increases* world production of staple seed food (protein-rich; no relaxant in seed). The CBEE exposes the bankowner-

corporate-government *monumental ulterior motive* behind fraudulent prohibition. 'Prohibition' is a venal, cartel-fabricated subterfuge; a false fuel-energy MONOPOLY.

The CBEE Formulation proffers CH<sub>3</sub>OH oil-gasoline-type fuel combustion for all power-station, industrial, land, sea and air transportation and domestic energy supply, with **ZERO net atmospheric increase of CO<sub>2</sub>**. Viz. the CBEE thereby simultaneously demonstrates governments' mendacity in their claims to wish to reduce carbon emissions, and proves the "eco" and "carbon taxes" to be **fraudulent**: a criminal government imposture completely without foundation. The *misuse* of exorbitant, world-economy-depressing fossils and uranium as 'fuel' is potentially catastrophic, legally and economically unjustifiable, and requires to be **prohibited** forthwith. See pyrolysis diagrams, photo, equation, etc.

Part Six of THE REPORT, PROHIBITION: THE PROGENITOR OF CRIME.

***"To cause crime to occur is to be accountable for the crime, morally and legally. To consent to any measure is to share responsibility for its results."***

Legalised, cannabis grows anywhere: the benign herb's foliage and flowers come *free* or at an insignificant price, but yielding no revenues to government and no profits to corporations. However, prohibition *creates* the Black Market: the Economic Effects of Prohibition (scarcity + enforcement, etc.) augment "street" value by 3000% plus, making all Black Market associated crime **inevitable**. The political commodities' prohibition, the War on Drugs, rather that is to say, *the politicians who pass and the judiciaries who maintain the legislation engender (cause) and are culpable for a significant proportion of all crimes (official statistics) throughout the West.*

EXONERATIVE FINDINGS OF FACT; Official Empirical Research; THE REPORT collates the medico-scientific Findings of Fact and Conclusions of the government-funded clinical studies conducted by world-respected research and academic institutions into non-toxic, non-addictive natural herb cannabis (differentiated from pharmaceutical *laboratory* toxic product THC). The investigations' empirical evidence exonerates cannabis from all allegations of 'harm' and 'impairment' (including tests on simulated driving) *exempting cannabis from all legislative criteria of control ('prohibition')*. All citizens persecuted thereunder are due Amnesty and Restitution (as for other Wrongful Penalisation).

MEDICATION: *Efficacious in over 100 adverse medical conditions* (viz. Official Pharmacopoeias) including applications which are *life-saving, preserve eyesight, Curative and/or Preventive*, and with potential *cheaply to replace* numerous lines of lucrative but ineffective, debilitating, addictive, toxic pharmaceuticals, rendering massive financial government-corporate *ulterior revenue and profit motive (trillions)* behind apocryphal prohibition by perjurious derogation. + Medical Case Histories.

Six Parts (chapters) include expert documentary, legal, academic, scientific, technical, medical, economic, social, criminological, philosophical **evidence**, and that which is based on grounds of equity, vindicating all private cultivation, trade, possession and use, and which further exposes perjury and venality behind prohibition 'legislation', *all acts of enforcement constituting crime per se.*

Part Seven, RESTORATION: JUSTICE AND THE CONSTITUTION, exposes corruption, ineptitude and injustice in the justice process; examines Law: natural law, supreme secular *legem terræ* Constitutional common law, treaties, statutes; quotes presidents, judges, lawyers and chief justices.

THE REPORT is regularly presented pre-trial by defendants to courts (judges) who routinely forbid all Findings of Fact, evidence and defences which *"dispute the legality of the law"* before the jury. The official expert evidence in THE REPORT establishes the apocryphal, illegal nature of the legislation. THE REPORT quotes legal grounds (national and international) which demonstrate numerous infractions

of laws by the prohibition legislation, and which show all acts of its enforcement to be crime per se. All citizens persecuted thereunder are due Amnesty and Restitution (as for other Wrongful Penalisation). This textbook demonstrates in the law: injustice, inequity, invalidity, adverse effects, venal ulterior motive, perjury, fallacious derogation, and the *inherent* illegality of law which creates the Black Market and engenders all associated crime.

The outcomes of this procedure of presenting THE REPORT as documentary evidence to the judge have proved beneficial in the extreme for defendants. \*Courts require documentary evidence presented as the published textbook (not copies or e-book).

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<http://www.democracydefined.org/>

The Home Page of the not-for-profit Educational Campaign for RESTORATION and UNIVERSAL ADOPTION of CONSTITUTIONAL COMMON LAW TRIAL BY JURY.

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