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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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[Best viewed at 125%]

OPEN LETTER TO GERARD BATTEN, MEP:

“Learn Your Constitution!”

Sent on the 15th of January, 2018; and, in absence of acknowledgement or reply, again on 18th of January.

Elected representatives of our People should know our Constitution and uphold it, but this they cannot do unless they first understand the strictures of the famous, timeless secular *Articles of Common Law* which comprise the world-respected, permanent 1215 Great Charter Constitution Magna Carta.

The Sovereignty of the Citizen-Juror over parliament and the Juror's Duty to judge over and, when deemed appropriate by the Juror, annul prosecutions of unjust, apocryphal, partisan or unwanted statute laws, by-laws and regulations by promptly acquitting the detainee, is explained in this letter e-mailed to politician Gerard Batten, a Member of the European Parliament.

The beneficial influence of Magna Carta results from its egalitarian spread of power to all the people through its defined and prescribed Common Law Trial by Jury Justice System which strips government and judiciary of all power to punish and set sentences. The virtually immutable 1215 Great Charter English and British Constitution bestows on every adult citizen as Juror the privilege, burden and duty of participating in self-government by judging, making, (deciding) and enforcing just laws and annulling prosecutions of bad statutes.

The letter herein points out Gerard Batten's woefully crucial errors and failings of understanding in regard to our immaculate Constitution and Trial by Jury in his book *ironically* named, *The Inglorious Revolution: The Subversion of the English Constitution and the Path to Freedom.*

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Dear Gerard Batten, MEP,

We refer to your book about the Constitution, *The Inglorious Revolution: The Subversion of the English Constitution and the Path to Freedom*.

Please note that comments herein are constructive and should be taken in the spirit of amity and solidarity with which they are intended. As I am sure you really do respect facts and truth, please would you give your attention to the following six points which carefully set out details to assist you and your Russian emigré collaborator, Pavel Stroilov (to whom you refer as your “researcher”), achieve an understanding of the issues.

There are serious errors found immediately within the first few pages of your book, delineated as follows. These items are well worth rewriting and revising by you because they are fundamentally important to an understanding of our Constitution and its Common Law Trial by Jury Justice System.

1. ARTICLE THIRTY-NINE does not install Habeas Corpus as claimed.

Gerard, *Did you not know that Article Thirty-Nine of our world-respected 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?*

If you *did* know, it seems strange (to say the least) that you do not state it explicitly, because Article Thirty-Nine is the single most significant aspect of our entire Constitution in protecting the People from the crimes of arbitrary government (i.e., the Crime of Tyranny at Common Law; cf. Crime against Humanity; the Nuremburg Precedent, etc.).

“Judicium parium” mentioned in Article Thirty-Nine is also known as the Constitutional Common Law Trial by Jury; or for short as: Trial by Jury (proper noun; capitalised).

“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.

Instead, your book claims Article Thirty-Nine is about Habeas Corpus, which is a cardinal error because Thirty-Nine is *very different* from Article Forty. This latter Article *precludes government from delaying justice and remanding citizens indefinitely to custody (imprisonment) by committing government to bring the accused promptly to a Trial by Jury of their fellow citizens—or set the detainee free.*

ARTICLE FORTY:

“To no one¹ will we sell², to no one deny³ or delay⁴ right⁵ or justice⁶.”

Remanding people to custody (imprisonment) under the guise of bringing them to justice and then “delaying” bringing them promptly to the Trial by Jury was a ploy utilised for corrupt ends by the tyrannical Norman monarchs and their justices (as with the squalid European Union “corpus juris” system today). Recognised much later by the Habeas Corpus *statute*, delaying justice was expressly forbidden by wording in Article 40; along with the other significant protections in that Article.

(See in depth details in the chapter on Magna Carta in the textbook DEMOCRACY DEFINED: *The Manifesto* ISBN 978-1-902848-26-6. The annotation explaining Legem Terræ is set out in full in the textbook, but briefly, the relevant terms of Common Law expressed in Legem Terræ Article Forty are (i) “**delay**,” (ii) “**right**,” and (iii) “**justice**.” These are the terms later set into *statute* law as the Habeas Corpus Act of 1679.)

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2. *Judicium parium* is the Gothic pan-European People's Constitutional Trial by Jury Justice System which predates Magna Carta by far. *Legem Terræ** (i.e., the Common Law of the Land mentioned in Article Thirty-Nine), defines and prescribes *judicium parium* as the sole legitimate justice system for all causes, civil, criminal and fiscal.

**Terræ* is pronounced *terry*, the *æ* as in *Cæsar*, *seize*.

Note: *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 (*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. (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'.)

By specifying the people's common law of the land *legem terræ*, the Great Charter *excludes government-made statutes*. Thirty-Nine denies government all power to proceed against any person's life, liberty or property unless they have first had a legal trial at common law by a randomly selected jury of their social-equals (*parium*; *pares* or *peers*); and *then* government is *only* empowered to carry out the sentence of the unanimous jury.

Sir William Blackstone's Assessment:

TRIAL BY JURY IS THE GLORY OF THE ENGLISH LAW.

A principle of *legem terræ*, the universal common law inscribed into Magna Carta, is that NO judgement (cf. 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.* Common Law Article 39). With that in mind, 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:

"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. See Chapter One, **DEMOCRACY DEFINED: *The Manifesto*** ISBN 978-1-902848-26-6.

In this one Article, Magna Carta emplaces Trial by Jury **twice**, emphasising instalment of the people's judgement of peers, i.e., the Trial by Jury, as the mode of trial: once naming "the judgement of the peers," *judicium parium*, the Trial by Jury itself (which was central to the traditions of *legem terræ*); and a second time as "the common law of the land *legem terræ*," of which Trial by Jury was/is the only legal method of trial.

3. Yes; Article Thirty-Nine strips the state, the government and judges of all power to punish; to set sentences and prescribe punishments.

The words, "...according to the judgement* of his peers" *mean* the jury sets the sentence. "...*nisi per judicium parium suorum*" *means* "unless according to the sentence of his (or her) social-equals;" (*pares* or *peers*.) In the context of a guilty verdict, *judicium* translates as verdict and sentence.

*To this day, law books use the words judgement and sentence synonymously.

In addition to Article Thirty-Nine asserting that punishments are set by the jurors, i.e., "...*according to the judgement/sentence of his peers*," further proof in Articles Twenty and Twenty-One of Magna Carta (below) makes it conclusive at Common Law that juries set the sentence, *not the government (judge)*:

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ARTICLE TWENTY:

“A freeman shall not be amerced (fined) for a small crime (delicto) but according to the degree of the crime; and for a great crime in proportion to the magnitude of it, but saving to him his contenment (the means of making a living); and after the same manner a merchant, saving to him his merchandise; and a villein shall be amerced after the same manner, saving to him his waynage (plough-tackle and cart), if he fall under our mercy; *and none of the aforesaid amercements* shall be imposed (ponatur) but according to the assessment of a jury of reputable* men of the neighbourhood.*”

*In the Great Charter, “amercement” is a fine; and “reputable” meant men who were not convicts, ill or lunatics. We know this from various sources of that era, including the following from the Mirror of Justices:

“Persons attainted of false judgements cannot be judges [note that the jurors were/are 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.”

See **The Mirror of Justices, pp. 59-60; compiled and published by Andrew Horne in Old French. The Mirror was written within a century after Magna Carta. It contains an account of King Alfred’s acts and judgements, thought to have been originally composed by him.**

“Old men above three score and ten years, 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.”

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

With the important characteristic inherent to profoundly cerebral constitutions, observe that Article Twenty of the Great Charter makes a point of stressing that punishments should be in proportion to the gravity of the crime.

See **DD Essay EIS#14: “The Crime-Generating (Inherently Illegal) and Other Degenerate Properties of Bad Laws and Disproportionate Punishments.”**

ARTICLE TWENTY-ONE:

“Earls and Barons shall not be amerced *but by their peers (social-equals)*, and according to the degree of their crime.”

The peers, i.e., the jurors, decide the sentence. Fines were the most frequent punishments. Whereas fines under the common law observed by the Anglo-Saxon kings went to the victim or his or her surviving relatives, the government of Norman kings illegally seized upon fines as a source of income. If the amounts of fines had been left to be set by the king it would have represented an irresistible pecuniary temptation for him to impose oppressive amercements on people, as indeed did King John on numerous innocent citizens. Similarly, if the king or his servants the justices were/are allowed to set sentences other than fines, they could be seduced by corrupt motives into threatening or imposing harsh sentences to achieve criminal aims.

In short, for the best of reasons, the Constitution forbids government functionaries from interfering in any judicial aspect of the judgement of a citizen’s behaviour. Magna Carta inscribed that all facets of the case were to be judged by the jurors. It was and remains the purpose of Trial by Jury to protect the people from all possible oppression by government. The jury and only the jury set the sentence.

The fact that the jury sets the sentence requires that *the jury always try every aspect of the case (the law, admissibility of evidence, facts, the nature and gravity of the offence, motive, mitigating circumstances, etc.)*, in order that the jurors know whether a sentence of punishment is to be imposed, and if so, what the suitable sentence should be.

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4. *One cannot claim to “write about the Constitution” without first learning and then expounding its principal theme and sole legitimate Justice System for all causes, civil, criminal and fiscal, prescribed in Article Thirty-Nine.*

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 (proper noun; capitalised) 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 appropriate 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.

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.

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Gerard, you have adopted a wildly apocryphal “translation” of Article 39. However, the authors of Magna Carta’s text, amongst whom was the erudite Stephen Langton, Archbishop of Canterbury, were not disposed to writing *gibberish*.

Here is your ‘version’:

“No freeman shall be taken or imprisoned or disseised (wrongfully deprived) or exiled or in any way **destroyed, nor will we go upon him, nor send upon him**, except **by** the lawful judgment of his peers **or** by the law of the land.”

(i) In Latin, **VEL** is translated as both ‘*and*’ or ‘*or*’. It means ‘*or*’ as a simple conjunction (e.g., Article Twenty-Four); but means ‘*and*’ when **VEL** is repeated within the sentence as a coordinate conjunction relating to a previous clause, as in Article Thirty-Nine; i.e., “the legal judgement (or sentence) of his peers **and** the Law of the Land.”

(ii) *Destruatur* is one of those words translators call “false friends” because they look like English words but express a different concept or have a different meaning. In context, it is translated correctly as ‘harmed’ or ‘disadvantaged’.

(iii) “*Go upon him*” makes no sense (and when seen, such wording is frequently ridiculed by classroom jocularly for the crude implications of this mistranslation).

(iv) “*Send upon him*” has no meaning approaching the correct translation.

Apropos of ‘*or*’ highlighted in red in above Item (i), speaking of the Trial by Jury as re-established by Magna Carta, His Honour Justice Sir William Blackstone corroborated that **VEL** is correctly translated in that instance as **AND** (not ‘*or*’). This is significant because to translate it as ‘*or*’ could imply that there is an *alternative* within *legem terræ* to the judgement of peers (Trial by Jury) as a means of resolving causes. Common law recognises the Trial by Jury judgement of peers as the sole and single legitimate form of trial; and the law of the land authorises no other form of trial. Of this we are certain. Trial by Battle and Trial by Ordeal had already become virtually defunct, and in any case were granted only as a last resort to a defendant *already convicted by the judgement of peers* (see Vol. 2, Hallam’s *Middle Ages*; note, p. 446). If there were *any* other form of trial provided for under the people’s *legem terræ* at the time of Magna Carta, there would certainly be evidence of it: *nonetheless* exists.

Blackstone points out that it is usual practice to construe with reference to each other, the meaning and intention of laws and charters on the same subject. Blackstone says Emperor Conrad of Germany two hundred years before Magna Carta, “*couched in almost the same words*” as Magna Carta, the identical purpose when undertaking the installation of Common Law Trial by Jury for his people, *confirming the meaning intended*:

“*Nemo beneficium suum perdat, nisi secundum consuetudinem antecessorum nostrorum, et iudicium parium suorum.*”

“No one shall lose his estate unless according to the custom of our ancestors [i.e. the common law of the land], **and** [not ‘*or*’] the judgement of his peers.”

See 3, Blackstone, 350.

Incidentally, Gerard, the following is of relevance to you as a Member of the European Parliament: The fact that Emperor Conrad the Second of Germany, 1027-1039, Holy Roman Emperor, King of the Franks (i.e., French; also known as Gauls), King of Italy, King of Burgundy, Emperor of Germany (the extensive domains of *Magna Germania*), had installed Trial by Jury for his people nearly two centuries before the 1215 Great Charter Magna Carta, **establishes the Trial by Jury Justice System as being that of the traditional and true pan-European Constitution.**

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Forming the permanent basis of the English and British Constitution, the wording of Article 39, is as follows:

“Nullus liber homo capiatur, vel imprisonetur, aut disseisetur de libero tenemento, vel libertatibus, vel liberis consuetudinibus suis, aut utlagetur, aut exuletur, aut aliquo modo destruat, nec super eum ibimus, nec super eum mittemus, nisi per legale iudicium parium suorum, vel per legem terræ.”

Here below follows the correct translation; quote Democracy Defined: *The Manifesto*.

COMMON LAW ARTICLE THIRTY-NINE.

Common Law Article Thirty-Nine of the permanent 1215 English Constitution dictates: **No freeman or free person shall be arrested or imprisoned or deprived of his freehold or his liberties or free customs, or be outlawed or exiled, or in any manner harmed (or disadvantaged), nor will we (the king / the government) proceed against him or send anyone against him (with force or arms), unless according to (that is, in execution of) the legal judgement of his peers and the Common Law of the Land (of England, as it was at the time of Magna Carta in 1215).**

See the prescribed form of Common Law Trial by Jury and detailed explanation of the translation from Latin of Article Thirty-Nine in Chapter Five of Democracy Defined: *The Manifesto* ISBN 978-1-902848-26-6.

Article 39 explicitly disallows government from denying anyone *iudicium parium*, the Trial by Jury, for defence or private cost-free prosecutions, and there is no (Robert Worcester and barrister Harry Potter fabricated) ‘get-out clause’ from this stricture.

See the constitutional, historical and legal works of Chief Justice Sir Matthew Hale, Mackintosh, Gilbert, Stewart, Crabbe, Hallam, Palgrave, Millar, Spooner, Blackstone et al.

Also ref. Hallam’s *Middle Ages*; Hume’s *History of England*, etc.

See Latin Dictionary, Examples, etc., Charlton T. Lewis, Oxford University Press.

5. Articles 36 and 39 combine with Article 61 ***to remove*** ‘*immunity-from-prosecution*’ from the monarch and all of his or her legislators, servitors and the justices (judges). No one is ‘*above*’ the Constitution’s Rule of Law. These two Articles then combine with Article Forty to make *every* man and woman without exception ***subject*** to Legem Terræ, the head of state notwithstanding. Furthermore, all commoners are equals and liable to any other private citizens’ (single or multiple plaintiffs’) ***cost-free*** prosecutions at Trial by Jury; viz. Articles 36 and 40.

N.B. Article 61 of the Constitution states explicitly that it is legal, lawful and obligatory for citizens to resist and redress *infractions of Magna Carta by government*. (This means such acts cannot be ‘*of rebellion*’, but are those of ***due enforcement of law***.)

The Sovereignty of the People is Constitutionally established and enforced through the decisions of citizen-jurors on and over the administration’s *statute* laws. Bear in mind, Trial by Jury is the only (*peaceful*) means known to mankind for holding government to the Principle of Equal Justice and the Will of the People. This is what Magna Carta 1215 was intent on achieving. **The democratic principle** of our traditional Western Constitutions’ Trial by Jury is that it is the Will of the People represented by indiscriminately chosen jurors, not the will of the court or the current transient government, which must determine what laws shall be established, maintained, and how they are enforced. In this way, Trial by Jury is the common law’s mechanism of authority by which all the rights of all the People are protected, and on which ***all rights depend***. Hence, Thomas Jefferson’s “anchor”:

“I consider Trial by Jury as the only anchor yet imagined by man, by which a government can be held to the principles of its constitution.”

See DEMOCRACY DEFINED: *The Manifesto* ISBN 978-1-902848-26-6. Ref. Letter from Thomas Jefferson to Thomas Paine, 1789. ME 7:408, Papers 15:269; and see Writings of Thomas Jefferson, ed. H.A. Washington, Lippincotts, Philadelphia.

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Jefferson held absolute and paramount the **constitutional sovereignty** of the juror in society and judicature.

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

Judicature, within definitive democracies, the power of dispensing justice by the Trial by Jury; the Common Law Justice System of Trial by Jury courts; jurisdiction; the office of juror, i.e., as judge.

6. Through your book, *The Inglorious Revolution*, a further serious **subversion** of our Constitution is committed. In the opening pages, you quote Justice Denning's 1953 **perjurious misinterpretation** of our Constitution and Common Law; a damaging falsity popular with and propagated by judges and government lawyers today in an effort to conceal the Sovereignty of the People and the profound significance of our real common law.

Here are the facts regarding the Constitution and Common Law quoted from DEMOCRACY DEFINED: *The Manifesto* ISBN 978-1-902848-26-6.

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. (Definition and Related Commentary)

(VI) Common law

Common Law is the term given to the code of laws and customs, *legem terræ*, the Law of the Land; the Trial by Jury Justice System, inscribed as Articles of the 1215 Great Charter Constitution, Magna Carta (see refs., quotations and attribution to follow).

Common Law is made (decided) from *judicium* (the judgement; verdicts and sentences) of Jurors in *judicium parium*, the Trial by Jury, the Judgement of Pares (*parium*, social-equals or peers). Trial by Jury is the sole legal justice system for all causes (lawsuits) civil, criminal and fiscal of *Legem Terræ*, the secular, pan-European and pan-Occidental, timeless, universally applicable Common Law, also known as, the Law of the Land (see definition VII; The Law of the Land).

THE GOVERNMENT'S COUNTERFEIT 'COMMON LAW'.

Confirmed by the following authorities, *genuine common law must be differentiated from that which modern government has corrupted by legislation; a counterfeit* which is "common law" *in name only*. Whereas *statutes* may contain some of the common law, as the quoted authorities show, common law itself does NOT include any *statutes* made by government; nor '*precedents*' or decisions (*stare decisis*; 'case-law') made by judges. Yet, quoted in your misleading book is the modern statist mendacity of Judge Denning.

AUTHORITIES/REFERENCES CONFIRMING WHAT COMMON LAW IS.
Here are some references confirming the common law is legem terræ and vice versa.

Sir Matthew Hale, Chief Justice of England: "*The common law is sometimes called, by way of eminence, lex terræ, as in the statute of Magna Carta, chap. 29, where certainly the common law is principally intended by those words, aut per legem terræ; as appears by the exposition thereof in several subsequent statutes; and particularly in the statute of 28 Edward III, chap. 3, which is but an exposition and explanation of that statute. Sometimes it is called lex Angliæ, as*

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in the statute of Merton, cap. 9, 'Nolumus leges Angliæ mutari,' etc. (We will that the laws of England be not changed.) Sometimes it is called lex et consuetudo regni (the law and custom of the kingdom); as in all commissions of oyer and terminer; and in the statutes of 18 Edward I, and de quo warranto, and divers others. But most commonly it is called the Common Law, or the Common Law of England; as in the statute Articuli super Chartas, chap. 15, in the statute 25 Edward III, chap. 5 (4) and infinite more records and statutes."

Sir Matthew Hale's History of the Common Law, p. 128.

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.

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."*

Blackstone's Introduction to the (Great) Charters; Blackstone's Law Tracts, p.289.

Sir Edward Coke (Chief Justice): *"The common law is the most general and ancient law of the realm. The common law appeareth in the statute* of Magna Carta, and other ancient statutes (which for the most part are affirmations of the common law) in the original writs, in judicial records, and in our books of terms and years."*

1 Coke's Institutes, p. 115. *Re. 'statute', see, secular Common Law Is Never 'extinct' or 'lost'.

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 2 Coke's Institutes, p. 3.

REAL COMMON LAW POLICES SOCIETY.

Common law governs and "polices" all law, for, to judge the law, i.e., its legality, fairness, validity, applicability, and legal meaning (interpretation), the jurors are the legal judges prescribed by constitution and common law.

"This position" (that the matter of law was decided by the justices [judges], but the matter of fact by the pares [peers, i.e., jurors]) "is wholly incompatible with the common law, for the Jurata [jury] were the sole judges both of the law and the fact."

The Hon. Justice Sir Jeffrey Gilbert's History of the Common Pleas, note, p. 70; and...

"The Annotist says, that this [i.e., whether jurors reflect upon the question of law] is indeed a maxim in the Civil-Law Jurisprudence, but it does not bind an English jury, for by the common law of the land the jury are judges as well as the matter of law, as of the fact, with this difference only, that the judge on the bench is to give them no assistance in determining the matter of fact, but if they have any doubt among themselves relating to matter of law, they may then request him to explain it to them, which when he hath done, and they are thus become well informed, they, and they only, become competent judges of the matter of law. And this is the province of the judge on the bench, namely, to show, or teach the law, but not to take upon him the trial of the delinquent, either in matter of fact or in matter of law."

Gilbert's History of the Common Pleas, p. 57.

Also see TRIAL BY JURY: Its History, True Purpose and Modern Relevance, by d'Oudney & Spooner, ISBN 9781902848723.

OPEN LETTER TO GERARD BATTEN, MEP

Whereas the Common Law constitutionally *governs* the modus operandi of government and the courts (judges), Denning, as quoted by you, erroneously states government *judges* are its ‘authors’ and ‘institutors’! Here is Denning’s damaging falsehood propagated by the Inglorious Revolution: “The law of England was in former times for the most part declared by the judges who were guided by the precedents of their predecessors. They decided each case as justice demanded and then built up principles from the individual cases. The precedents were collected and reported, and form a body of case-law unique in the history of the world.” **Confirmed above, saying *case-law* is ‘common law’ could not be further from the truth.**

It is important to recognise that once folks have learned the rudimentary facts about our Constitution and Trial by Jury they cannot fail to see for themselves how cruelly misleading the texts by Albert Burgess are. If you wish to quote or learn facts about the English Constitution, it is catastrophic to rely on Burgess’s “Layman’s Guide.” I (politely) pointed this out to Albert and Dave Barnby, his publisher, when it first came out. I was hoping for a meaningful revision of the contents which dwell vacuously upon *statutes, the alterable caprices of monarchs and parliamentary despots*; nothing to do with the revered English Constitution. Dave responded constructively with the following: “I have told Albert to expect criticism and be prepared for it. Only those who sit at home comfortably in front of the box and do nothing can expect to avoid criticism (except from their wives). Personally, I welcome criticism, as there will always be constructive criticism which could be incorporated in any future revisions.” Revisions? We’re still waiting.

Likewise, perhaps you and Pavel could respect that good advice? A radical revision and correction of your book is overdue. As extreme errors occur in the first six pages of your book, one cannot bring oneself to carry on reading it, as, no doubt, the misinformation is consistently rife throughout. If you do revise it, please let us know and we shall be glad to review the new edition for you.

When it is correctly understood, it is seen how important it is to preserve, restore and uphold our revered 1215 Great Charter Constitution Magna Carta and the Common Law Trial by Jury.

Yours sincerely,
Kenn d'Oudney.

www.democracydefined.org

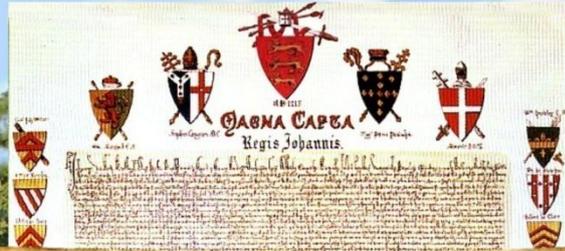
***JOIN THE CAMPAIGN TO RESTORE THE AUTHENTIC
CONSTITUTIONAL COMMON LAW TRIAL BY JURY***

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[www.democracydefined.org](http://www.democracydefined.org)

FRONT COVER

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



**THE RIGHT AND DUTY OF JURORS  
TO JUDGE ON THE JUSTICE OF LAW.  
The Commemorative Plaque,  
Old Bailey Law Courts, London.**

*Near this Site  
WILLIAM PENN and WILLIAM MEAD  
were tried in 1650  
for preaching to an unlawful assembly  
in Grace Church Street  
This tablet commemorates  
The courage and endurance of the Jury Thos Vere, Edward Bushell  
and ten others who refused to give a verdict against them although  
locked up without food for two nights and were fined for their final  
Verdict of Not Guilty  
The case of these Jurymen was reviewed on a writ of Habeas Corpus  
and Chief Justice Vaughan delivered the opinion of the Court  
which established 'The Right of Juries' to give their Verdict  
according to their Convictions*

[www.democracydefined.org](http://www.democracydefined.org)

Photo: Major John Gouriët

*Runnymede Meadow*

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 Heicklen**, Jury Rights Activist; U.S. National Coordinator, Tyranny Fighters.

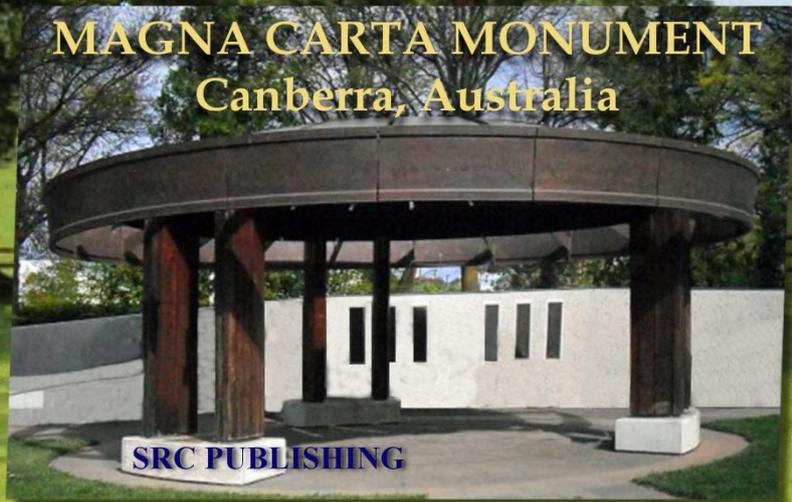
*"Superb. Should be read in every law school."*

**John Walsh, Esq.**, Barrister-at-Law, Author; Constitutional lawyer (U.S. & Australia).

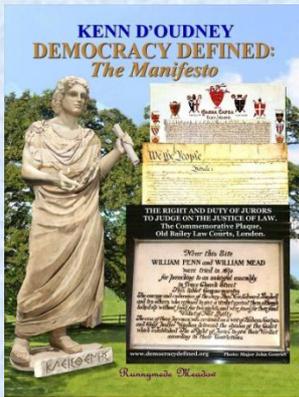
See further reviews inside.



### 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.”*

JUSTIN WALKER, Campaign Coordinator, The British Constitution Group.

*“I bought a copy of your excellent book from Amazon and I am impressed by both size and content. Frankly I haven’t been able to put it down. Every home should have one and not just every law school but every secondary school should have one in its curriculum. I particularly enjoyed the ‘Traitors to the People’ chapter. The whole book is a fascinating read, well done.”*

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

*“I am SO pleased that I’ve read this compelling book and that I now understand the true meaning of “Democracy.” Although it’s certainly not a novel, I found it as gripping as one. I had trouble putting it down. DEMOCRACY DEFINED: The Manifesto has opened my awareness dramatically.”*

CAL BUCK, West Bromwich, Amazon Reviewer.

*“The Handbook for every person on the planet explaining True Law and Democracy.”*

KENNETH JOHNS, Amazon reviewer.

*“Excellent and well-written book on how the people in the so-called free world are not free. This is the missing education they should be teaching our children in school so they become enlightened on what’s really going on in the world.”*

ROBERT JOHN MONTAGUE, Amazon reviewer.

See next page.

**- 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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HIS HON. PATRICK S.J. CARMACK, Esq. Producer, The Money Masters video documentary.

*“The d’Oudney analysis is as insightful as it is comprehensive. It will stand for years to come as the definitive critique of the European Constitution prepared by Giscard d’Estaing and others. I look forward to sharing the d’Oudney analysis with my colleagues.”*  
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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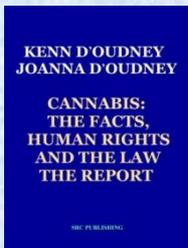
*“Kenn d’Oudney is a brilliant writer and researcher when it comes to Democracy and Trial by Jury. The best source of common law is Kenn d’Oudney.”*  
DR. JOHN WILSON, Jury Rights Activist; Chairman, Australian Common Law Party.

*“Thanks, Kenn. I’ve circulated this.”*  
SIMON RICHARDS, Campaign Director; The Freedom Association; Founded by John Gouriet; the Viscount de L’Isle, VC, KG, PC; Ross McWhirter and Norris McWhirter, CBE.

SRC Publishing Ltd., London, available from [Amazon.com](https://www.amazon.com) and [Amazon.co.uk](https://www.amazon.co.uk)

*By going to Amazon on either of the links above and clicking on ‘Look Inside’, you can see the front and back covers, check out the four Contents pages to see subject matter; and get a glimpse of the text.*

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.

SRC Publishing Ltd., London, available from [Amazon.com](https://www.amazon.com) and [Amazon.co.uk](https://www.amazon.co.uk)

**- 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.

*“I am totally amazed at THE REPORT's quality and overall goodness.”*

DR. ANNE BIEZANEK, Authoress; ChB, BSc, MB, MFHom.

**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).

SRC Publishing Ltd., London, available from [Amazon.com](http://Amazon.com) and [Amazon.co.uk](http://Amazon.co.uk)

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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.

**Join the Campaign! Download and distribute
the posters and educational pamphlets.**

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