THE POPE'S INVALID INTERVENTIONS.
EXCERPT FROM DEMOCRACY DEFINED: *THE MANIFESTO*

REPLY to Alan Skyring. ***Best viewed at 125%***
Attn. Bob Jungles, Anna von Reitz, James Montgomery et al.

Dear Alan,

The invalid interventions by the 'Church of Rome' as you put it, but actually by *the pope*, have caused NO "flow-on effects" whatsoever.

The Restoration Campaign Philosophy is set out in DEMOCRACY DEFINED: *The Manifesto* ISBN 978-1-902848-28-0 for people such as you who are interested in the Science of Justice, which, by the way, is **secular**. Following the numerous long e-mail exchanges with you, it evidently would serve you well and save us much time if you would but avail yourself of it. Having provided you with long texts and e-mails already, we shall put some more information relevant to the current fallacious dogma which is influencing you. Beware of the fact that the subject matter relating to the pan-Occidental Code, Culture and Civilisation is fraught with the pitfalls set by those who, unwittingly or maliciously, circulate disinformation. You say...

"...some of 'generally unknown goings-on' in the early Church of Rome are revealed... I mention this matter, not least because of the role which Rome played re: King John and the *Magna Carta* and the 'flow-on effects' that this has had 'down the centuries', as per 'the other **Attach'ts**' hereto.."

Some Much Propagandised Misconceptions Annihilated
APOCRYPHAL ASSERTIONS.

LET US BEGIN this chapter by examining and exposing the incorrect, fabricated, fictitious claims, seen all too often, which are made by those who wish to refute Magna Carta and all that it stands for. These fellows are the frigid foes of freedom, justice and the rule of law. Those who dissimulate on King John's behalf and derogate the 1215 Great Charter are akin to men and women who would palliate the unforgivable crimes committed by the statist régimes of Stalin or Mao-tse-tung. Magna Carta was brought into being to eliminate crime, including crimes by the state. We shall look at the unfounded assertions that the 1215 Great Charter was "invalidated" on the "grounds": firstly, that John's commitment was brought about by 'duress'; secondly, by the Pope's intervention; and thirdly, that the Charter had a 'loop-hole' which gave the monarch a 'get-out clause' in Article 39. As we shall see, these claims are dispelled by an educated understanding of the facts and circumstances.

Firstly, 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.

It is ***also*** relevant to mention here a sometimes raised but vacuous objection that, because there are now no 'barons', the modern head of state's potential and actually treasonous contraventions of the Constitution cannot be held to account as by Article Sixty-One. This is dealt with in Chapter Three; see item, No Need for the Twenty-Five Barons.

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 Charter ratified by his forebear Henry the First and his successors. Throughout John's vicious rule and leading up to the 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 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 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 equals* (peers), 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 FIRST DUTY INCUMBENT ON THE PEOPLE.

As with all tyrannies, the duty to extirpate criminal governments devolves upon the People.

The astounding revelation of Magna Carta is that, through the resolute solidarity of the great mass of people (de facto, *satya graha*), the tyrant and his cohorts in government were brought *peacefully* to recognise their commitments, obligations and responsibilities. The criminal king knowingly came to emplace a set of written rules, a Constitution, binding him and all future government to this Rule of Law.

In retrospect, one sees that these common law rules are of a secular morality and natural justice which do apply, not only in Europe, North America and

Australia, but to people in all times and places. They comprise ideal laws and guidelines to which every head of state, legislature and judiciary everywhere owes allegiance and dedication. Restoration is for Universal Adoption.

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 [Angles and Saxons, not Normans] 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*.' "**

The following points are also of note.

"***Accordingly, we find that this great conqueror, at his coronation on Christmas day succeeding his victory, took an <u>oath</u> at the altar of Saint Peter, Westminster, <u>in sense and substance the very same</u> 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. Emphasis added.

***"And at Barkhamstead, in the fourth year of his reign, in the presence of Lanfranc, Archbishop of Canterbury, for the quieting of the people, he swore that he would inviolably observe the good and approved ancient laws [specifically, the Law of the Land, the pan-European common law] which had been made by the devout and pious kings of England, his ancestors, and chiefly by King Edward; and we are told that the people then departed in good humour*."**

***Ibid*.**

Ref. also, Vol. 1, Sir Matthew Hale's History of the Common Law, p. 186.

From the onset of his rule, John was bound not only by common decency, but also by the Law of the Land. Yet, he had utterly breached the Law, using savagery and *force-without-trial-by-jury* to dispossess people of their possessions and property; leaving families destitute and without practical means of surviving.

Motivated by unbridled lust for absolute hegemony, wealth and power, and thinking that those who might oppose his actions too weak to restrain him and his mercenaries, John flagrantly forsook all semblance of lawful behaviour, breaching the Law of the Land in the most cruel ways of the outlaw and absolute despot.

FRANKS, NORMANS, ANGLO-SAXONS; ALL GOTHIC NATIONS SUBSCRIBED TO THE PAN-EUROPEAN TRIAL BY JURY.

Magna Carta was not, as is sometimes said, a creation of "French Barons." The Franks (or French) were not Normans. Indeed, these Nordic tribes were often the bitterest of enemies. Normans comprised but one of the European, or Gothic, tribes, *all of whom* subscribed to the common law justice system: the Trial by Jury.

Nor was Magna Carta an "*improvised text*" created impromptu by the Normans. Accepting as its basis the people's common law of the land which King Alfred the Great, 871-899, had codified (ref. section on Alfred), the Great Charter emplaced judicium parium, the Trial by Jury justice system of the pan-European People's common law. Thus, it is seen that this *constitution* created by Trial by Jury had by then long been extant and adopted by the Anglo-Saxons, Normans and others.

In Germany, **"The Graff (gerefa, sheriff) placed himself in the seat of judgement, and gave the charge to the assembled free Echevins [jurors], warning them to pronounce judgement according to right and justice. The Echevins…composed of the villanage (villagers) were still substantially *the judges of the court.*"**

See Vol. 2, Palgrave's Rise and Progress of the English Commonwealth; pp.147-8.
See TRIAL BY JURY, ISBN 9781902848723, for other examples and references.

It was this rule by, for and of the people through Trial by Jury (id est, definitive democracy), to which the Norman monarchs subjected themselves and swore to uphold by binding oath at coronation.

THE SUBJECT STATUS OF THE HEAD OF STATE.

As one should expect, *any* breach of the Law of the Land by the monarch relieved the freemen, barons and churchmen from all obligation and fealty (allegiance) to the king. Such a breach also put John liable and subject to the due process of enforcement of the rule of law. To this day and *ad infinitum*, all who respect justice and the rule of law are obliged to take whatever action they can to restore legitimacy to the status quo whenever statist criminality occurs—and, as of today—recurs.

Hallam: ***"The relation established between a lord and his vassal by the feudal tenure, far from containing principles of any servile and implicit obedience, permitted the compact to be dissolved in case of its violation by either party. This extended as much to <u>the sovereign</u> [king] as to inferior lords."***

Hallam's Middle Ages; Vol. 3, pp. 240-2. Emphasis added.

Hume confirms the ***<u>subject status</u>*** of 'leaders', monarchs, dukes and chieftains within the pan-European jurisprudence and law:

"The <u>king</u>, so far from being invested with arbitrary power, <u>was only considered as the first among the citizens</u>; his authority depended more on his personal qualities than on his station; he was even so far on a level with the people that a stated price was fixed for his head, and a legal fine was levied upon his murderer, which, though proportionate to his station and superior to that paid for the life of a subject, was a sensible mark of his <u>subordination to the community</u>."

See Hume, Appendix 1.

Normans, Anglo-Saxons, Franks and all the European peoples had the right to dethrone their leaders and elect replacements.

"*Nor must we imagine that the Saxon, any more than the German monarchs, succeeded each other in a <u>lineal descent</u>, or that they disposed of the crown at their pleasure. In both countries, <u>the free election of the people filled the throne</u>; and <u>their choice was the only rule by which princes reigned</u>. The succession, accordingly, of their kings was often broken and interrupted, and their depositions were frequent and groundless. The will of a prince whom they had long respected, and the favour they naturally transferred to his descendant, made them often advance him to the royal dignity; but the crown of his ancestor he considered as the gift of the people, and neither expected nor claimed it as a right. <u>The people, who in every general council or assembly could oppose and dethrone their sovereigns</u>, were in little dread of their encroachments on their liberties; and kings,*

***who found sufficient employment in keeping possession of their crowns, would not likely attack the more important privileges of their subjects*.**"
See Stuart's The Constitution of England, p. 59; ref. Spooner.

THE CONTEXTUAL MEANING OF THE WORD 'BARON', AND THE EGALITARIAN ASPECT OF THE 1215 GREAT CHARTER CONSTITUTION.

The precepts of justice installed by the Great Charter are timeless, and apply to all people. Since the adoption of the Constitution of government by Trial by Jury in the Hellenic Era (Chapter One), the Trial by Jury Justice System itself had embodied the constitution adopted throughout Europe. King Alfred the Great personally collated and wrote down the people's *customs,* or as we would call them today, laws, in his Domebook. Later, Magna Carta gave recognition to and installed this pan-European People's Trial by Jury Constitution *in writing*.

It is fascinating to see how these principles of justice expressed as the Common Law Trial by Jury were known and utilised throughout Europe, set the standard civilised constitution for the world, and eventually were also constitutionally confirmed in the Eighteenth Century by the United States' Founding Fathers (USC, Article 3, Section 2).

It is alas with the greatest sense of foreboding tinged with resolve that one observes how people in England, Russia, the United States, Australia, Canada, Europe (and all the West) have passively acquiesced to or actively participated in the criminal usurpation of their traditional Trial by Jury Constitutional Justice System. This can be ascertained by comparison of the ideals in Magna Carta with today's degenerate government. Through their corruption, or ignorance, servility, complacency and unconcern, these peoples have aided and abetted the descent of once civilised great nations into becoming dangerous modern tainted nests of injustice, warmongering, crime and avarice.

***Denigration of Magna Carta as not being egalitarian is fallacious*.** The assertion, sometimes encountered, that the Great Charter only concerned itself with the interests of the barons or property-owning classes is wrong. This misstatement of fact could only come from persons who have not understood feudalism and the Great Charter, or who, having read the Charter, wish deliberately to mislead those who have not.

The egalitarian quality of Magna Carta makes itself illustrious to those who comprehend exactly what "the judgement of peers" ***is*** in all its functions, purposes, and power. As we shall see, Magna Carta applies to simply everyone!—commoners, women, freemen, craftsmen, merchants, labourers, shopkeepers and specifically included the lowest classes, cottars, churls, serfs and villeins (villagers). It is precisely because the Trial by Jury Justice System as installed by the Great Charter gives equal protection to *all* orders or classes of English men and women that it is acknowledged by the name, ***The Great Charter of English Liberties***.

Far from only concerning itself with the nobility ("barons"), Magna Carta afforded protection equally to all citizens (ref. Articles 20, 39 and 40 in particular). It should be well noted that it continues in full force of law to do so, binding

executive, legislature, and judiciary. This is because its Articles cannot legally be revoked, altered or superseded but by the active consent of all, or nearly all, the people of England. Magna Carta relates to every member of society without exception, providing equal justice for all before the law. Magna Carta goes further. It emplaces the people, not the government, as **the judges** (of their equals) in all due process of law. The modern 'judge' is more properly called and constrained to the duties and office of a mere *convenor* of trials, a responsible official but a person wholly devoid of judicial function and authority. This 'judge' today has become the guilty usurper of the jury.

The term freeholder designates an untitled commoner. A *knighthood*, enabling the conferee to be addressed as 'Sir' and his wife as 'Lady', is a lifetime honour bestowed on a commoner freeman, and is not an inheritable title of nobility. A *damehood* is the female equivalent. Esquire is the correct, respectful form when formally addressing a gentleman commoner (not to be confused with adoption of this epithet as a distinction by the legal profession in the U.S.).

The landed nobility, being those who have an hereditary title such as duke, marquess, viscount, earl, baron or baronet, numbered circa three hundred (300); accounting for a really minute proportion of the whole population. Apart from some few instances of designated privilege wherein the title can pass down through a female, only the first-born male inherits the title at the demise of his father. *Nobles depended absolutely on the goodwill and respect of the surrounding armed common freemen*. However, note that the Norman monarchs referred not only to the lords, the entitled appointees, but *also* to their *untitled kinsmen* as "barons." This is because the word baron had the meaning, not of aristocratic signification, but of "men" or "fellows."*

*"***_The word baron, originally meaning only a man, was of very large significance, and is not unfrequently applied to common freeholders, as in the phrase court-baron._**"**
See Hallam's Middle Ages, Vol. 3, pp. 14-15.

"***_The court-baron is a court of common law, and it is the court of the barons, by which name the freeholders were sometimes anciently called; for that it is held before the freeholders who owe suit and service [jury-duty] to the manor [district]._***"**
3 Blackstone, p. 33.

Relating to the Hundred Court, Tyrrell says: **"In this court anciently, one of the principal inhabitants, called the alderman,** ***together with the barons [the common men] of the Hundred*** **(1)** ***— id est the freeholders — was judge.***"

N.B. Aldermen ***were limited term, locally-elected officials.***
1 Henry Tyrrell's History of England, p. 80. Emphasis added.

Spooner: "***It is a distinguishing feature of the feudal system…there is inseparably incident to every manor a court-baron (curia baronum) being a court in which the freeholders of the manor are the sole judges.***"
See p. 149, Trial by Jury, d'Oudney and Spooner, ISBN 9781902848723.

Gilbert: "***In court-barons or county courts the steward was not judge, but the pares (peers, jurors)only.***"
Gilbert on the Court of Exchequer, ch. 3, p. 42. Emphases added.

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The feudal head of state owed his position and loyalty to his peers, his vassals, and in return, they swore fealty and homage (allegiance) to him. Support was binding and *mutual*; but in the event of the monarch's *infraction* of the law of the land, this feudal obligation was *dissolved*, void, and no longer binding (ref. Hallam). Indeed, the following is a most relevant fact almost always conspicuously overlooked in modern lawyers' and mainstream media writers' dissimulation disguised as 'discussion' on these matters:

Lordship bestowed both obligations and responsibilities as well as privileges. Whenever the nobles came to a confrontation with the royal renegade John, they were dutifully embarking upon a legal cause of action. Acknowledging the moral obligation on them as honourable men, as appointed upholders of the Courts of Legem Terræ Common Law of the Land within the terrain of their own Shires, the nobility were under, not only a *moral*, but also a ***legal obligation*** to insist that the head of state constrain himself within the bounds of legality, or bear the consequences of his lawlessness being brought to justice. This explicit obligation on the nobility to enforce the common law was legally binding even if upholding the Law of the Land necessitated outright Civil War; viz. Article 61. Although they rarely interfered in the day to day running of the numerous courts throughout the realm, it must be remembered that the nobles were responsible for ensuring that their region functioned according to the Law of the Land. Numerous citizens, freemen usually from amongst the gentry, local dignitaries such as, knights, burgesses, aldermen, stewards, sheriffs, bailiffs and others, had the local people's mandated responsibility and authority *by election* to summons defendants and *convene* the courts of Trial by Jury. John's cruel species of tyranny was not to be tolerated. His unbounded rapacity and arbitrary dispossessions constantly breached the law and terrorised the populace. The lords were not simply released from their allegiance: they were under moral and legal obligation to uphold the common law of the land themselves, and hence, to do all that was necessary to hold John to the rule of law. Being *equals* (i.e., the king with the nobles on one hand, and on the other, the appointed administrators of his government, justices, judges, etc., being equals with all the other commoners), the head of state and government, correctly—and most appropriately—were and remain far from 'immune' to prosecution and retributive justice. The event at Runnymede was convened precisely as John's final hearing prior to full indictment for his crimes at common law; at which time legal force right up to civil war might well be needed for the just rule of law to prevail.

John refers resentfully to his peers as 'fellows' or 'men' when he used the word 'barons'. As *he* used it, the word was a rather off-hand, abrasive epithet. The nobles were the monarch's equals empowered to hold him to his coronation oath to uphold the law of the land. John owed his position and loyalty to them, but he constantly broke his side of this mutual feudal obligation. Thus, far more than the fact that the lords were released from their sworn fealty to John as his vassals, *they—and all law-abiding citizens—were categorically obliged* to uphold the common Law of the Land *themselves*.

Confronting John were law-abiding citizens righteously intent upon re-establishing justice, liberty and the rule of law in an epoch made turbulent by the misuse of power of a ruthless acquisitive delinquent masquerading as a 'lawful monarch'. In a final attempt to hold John (*and all subsequent monarchs*) subject to the Law of the Land before forcibly bringing him to retributive justice and putting another in his place, all the people, commoners, freemen, barons and churchmen "*united as one man*" (viz. Spooner) to install our unchanging 1215 Great Charter Constitution.

Common Law Article Sixty-One enjoins *the entire citizenry to hold the head of state (of whatever titular designation, president, king, queen, emperor, etc.) and his or her servitors (today comprised of parliament / congress, judiciary, government employees and enforcers) to the rule of the Law of the Land. This is the legal and unchangeable constitutional position today and for all time*.

CONSTITUTIONALLY, THE HEAD OF STATE REMAINS NO MORE THAN THE FIRST AMONG EQUALS.

This following precept is implicit in all jurisdictions (the U.S., Australia, etc.) which adopted the Constitutional Common Law Trial by Jury: The Constitution itself and the subject status of the head of state in relation to the Constitution *cannot be altered* from that time to this, nor in the future, *by the head of state or the parliament or congress*. The Common Law Constitution Magna Carta is constructed so as not to allow *any* person to be 'above' the Law of the Land. The head of state is a mere mortal and *subject* to the criteria and processes of Common Law. The Constitution and Common Law Trial by Jury recognise the head of state as only and no more than the first among equals, whoever those equals may be, and that the head of state is *liable* at constitutional common law *for infractions*. This position, which is only as it should be, is established by the sovereign position of the juror to determine all causes in Trial by Jury.

Constitutional Common Law intentionally negates the backward and preposterous self-appointed doctrines of rule by the cleverest (viz. Plato and Socrates), rule by the strongest, rule by majorities, rule by minorities, and the divine right of rulers! Under the feudal system, apart from his personally-held lands and possessions, all the land *nominally* held by the crown was permanently divested to the vassals', that is, the nobles', tenure; and thence to the nobles' vassals, 'contractees', the freemen; not forgetting also the common people's plentiful lands held "in common," allotted for their sustenance. In the face of dissent, the king had no entitlement or legitimacy to act arbitrarily, without consent. *Before and since* putting his seal to the Great Charter, the king had no *legitimate* power to dispossess *anyone* without due process of the judgement of peers (Trial by Jury); *still less*, legal authority to dispossess the entire population of its own realm!—let alone make 'deals' of any kind about The Land with foreign potentates. All of that treacherous behaviour was ***treason*** at common law and rendered John's 'treaties' made thereto, ***void***.

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THE INVALIDITY OF THE POPE'S 'INTERVENTION'.

In addition to his above-mentioned crimes, John alienated virtually all of the population further with his attempts to make *unlawful* pacts with the Pope.

Supreme authority is not vested in the monarch, for the head of state is always bound under the Supreme Law of the Land; the Common Law. Supreme authority is perennially and immutably embodied in the adult population, the Citizens of England, through the trial per pais (or pays), the Trial by Jury. The people of England were obliged then, as they always are, to enforce the Law of the Land. They have a legally binding duty to unite to maintain their Constitution and the rule of law for themselves; for there is no one else who will undertake this simple task.

The autocratic Pope had neither lawful right nor legal jurisdiction to issue his insubstantial "cassation;" still less to abuse his position to "absolve" John of his wrongs, capital offences and disseizin, criminal dispossessions. Given a moment's objective reflection, it becomes self-evident to all but the most committed servitors of autodidactic misrule that the pontiff had no jurisdiction whatever to intervene in the secular aspects of possession and rule of English and British lands within the feudal realm. Indeed, the Churchmen of England had traditionally given total commitment to the secular Law of the Land which came to be in the coronation oath and subsequently the Great Charter. Led by Archbishop Stephen Langton, the Churchmen of Britain remained determinedly behind the Constitution to bind government and monarchs for all time. The pope had grasping aspirations but no legal jurisdiction, still less any moral authority, to 'negate' the *secular* Common Law which vests supreme jurisdiction exclusively in the Peers, **the Jurors in Common Law Trial by Jury, *the deciding factor in all temporal affairs*.**

Etc.

[End quote from DEMOCRACY DEFINED: *The Manifesto* ISBN 978-1902848280]

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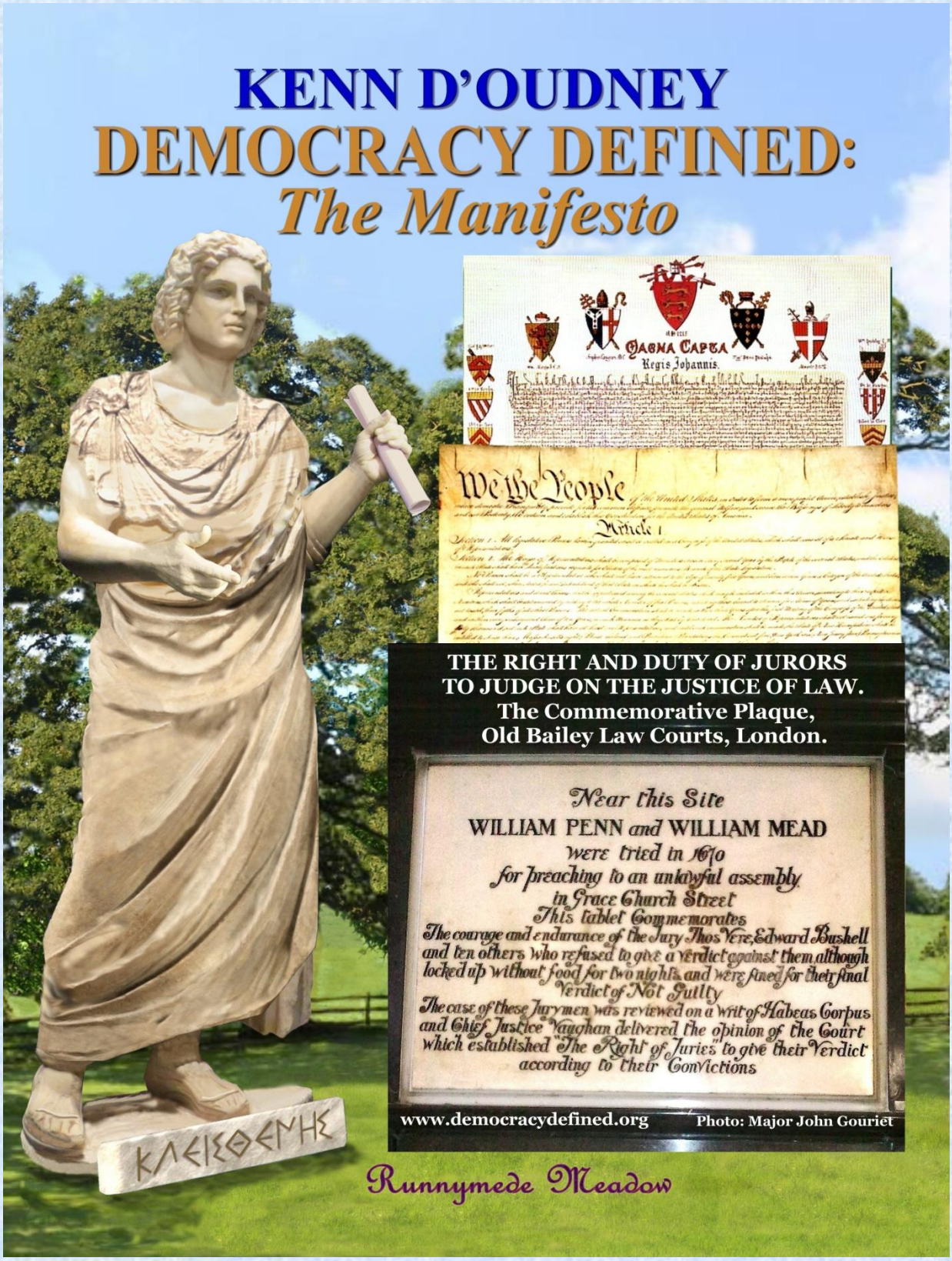

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The Manifesto

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.

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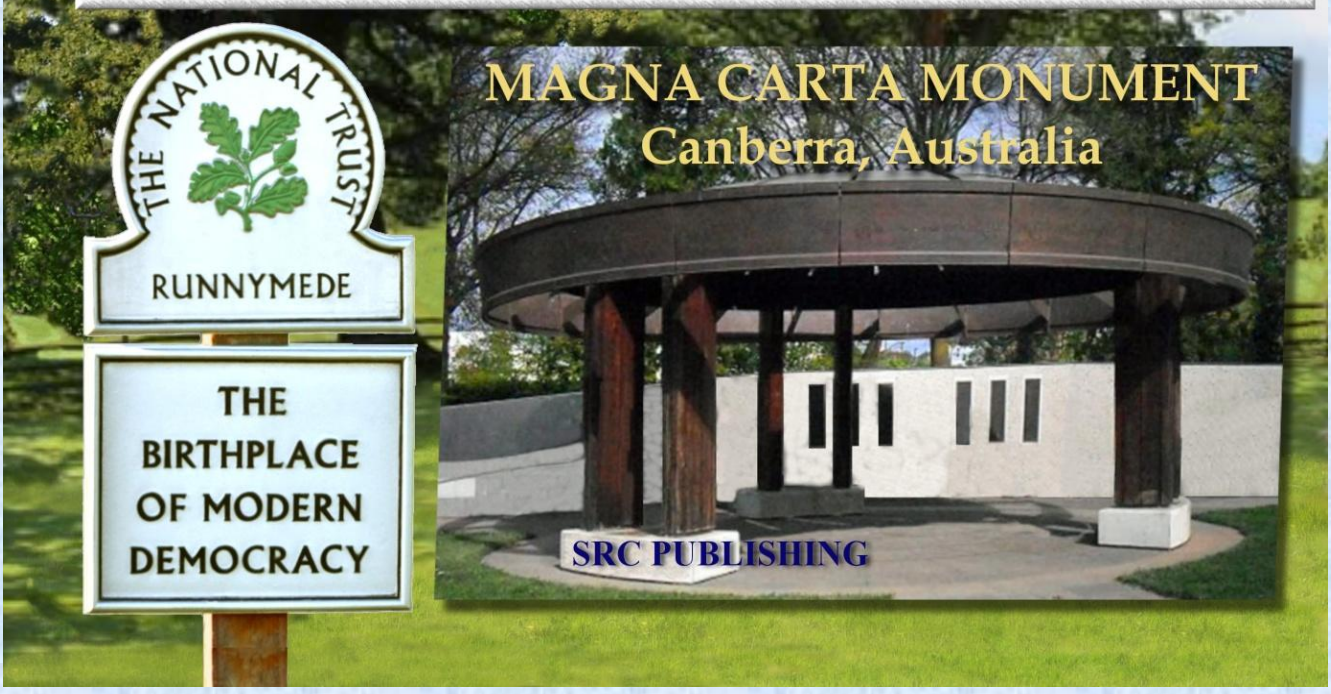

See **SYNOPSIS** and **REVIEWS** on next page**.**

Kenn d'Oudney is the author of books and essays including the following:
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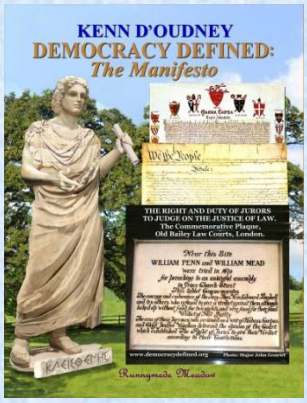

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