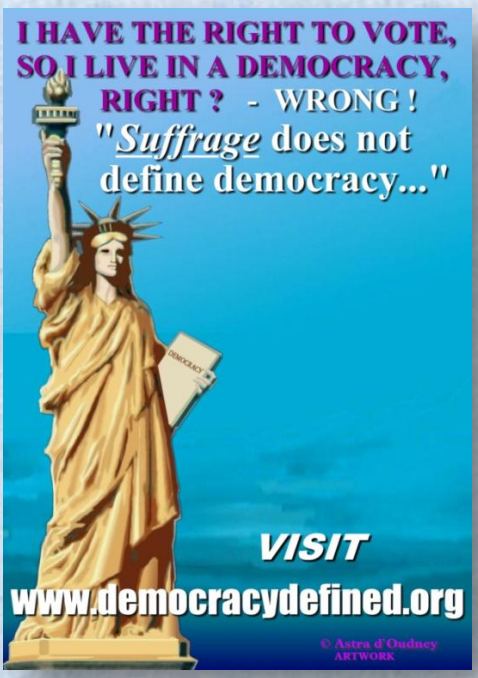

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THE RESTORATION AMENDMENT (statute**):**
***THE* POLITICAL PROGRAM FOR PATRIOTS AND INDEPENDENT CANDIDATES**

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"THERE IS NO "get out" CLAUSE IN MAGNA CARTA 1215!"

Excerpt from DEMOCRACY DEFINED: *The Manifesto*

ISBN 978-1902848280

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"TRIAL BY JURY AND THE BRITISH EMPIRE.

Later, the Common Law Trial by Jury was taught through the British Empire to much of the world, bestowing upon peoples and continents knowledge of the ideal framework of equal justice for all humans. This differentiates and elevates the British from all other Empires: Trial by Jury is indeed the cerebral jewel in the crown of human intellect. There is no greater gift or heritage than that which bestows the knowledge and understanding of how men and women can create for themselves the model just, benign civilised world society at peace."

See "The Definitive Constituents of Democracy," Chapter Three; DEMOCRACY DEFINED: *The Manifesto*
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THERE IS NO 'get-out clause' IN MAGNA CARTA; TWELVE POINTS.

1. Today, people are generally ignorant about the intricacies of the History of Magna Carta and have a lack of knowledge about Trial by Jury being the principal precept and justice system of the people's Law of the Land, legem terræ. As a result, many a deception has been easily foisted on a credulous population. To say there is a 'get-out clause' in Magna Carta is as incorrect and malign as the calumny that England or Britain has "no constitution!"

Shown in previous chapters, since time immemorial (long before Magna Carta), the Trial by Jury judgement by equals of equals was the people's justice system. Legem terræ contains no statutes of government or monarch or rulings by justices (judges).

Despite grave aberrances, the European Gothic Peoples have a long democratic tradition. Antecedent Trial by Jury in which the juror has the power, the right and the duty to judge on the justice of law in finding the Verdict, was guaranteed by Emperor Conrad of Germany two centuries before Magna Carta. (See Conrad the Second, page 93.)

See 3, Blackstone, p. 350.

To annul government enforcement of unjust laws, the Trial by Jury has been the main edifice of "the law of the land," legem terræ, the common law; and Trial by Jury was the mode of trial adopted throughout all the nations of Europe. Noted earlier, the Anglo-Saxons and Normans were familiar with it before they settled in England. To preclude arbitrary government and injustice, legem terræ prescribes that *judgement* on the justice of the law and its enforcement was and remains the exclusive preserve of the 'pares', the equals of the accused. (The jury are <u>the judges</u>; see Chapter One.)

The law of the land's judgement of peers (Trial by Jury) does not stop government from enacting legislation; but it *prohibits* government from *judging* in its own, or any, causes. Legem terræ, the law of the land, authorises that the accused may only be judged by his or her peers, i.e., randomly chosen social equals. *This* is the law of the land legem terræ and it is the crucial point of Magna Carta.

Contracts by promises and oaths have never been easy to prove, still less to enforce. A written undertaking however, takes on an altogether different complexion. This is what Magna Carta was about. The Norman kings behaved as conquerors are wont. They were disposed to harsh repression and, despite pledging oaths to be bound by the people's common law of the land, they still behaved as if *their word* was 'the law'. King John came to the throne in 1199. Following John's many acts of barbaric injustice, the historic intention of the nobles, churchmen and freemen was to strip monarchs and government *for all time* of their power to oppress the population. If the unruly, savage king did not agree to these written terms, then civil war would ensue.

Article 39 is paraphrased as follows: "No one may be punished or disadvantaged in any way except (i) according to the judgement of his peers or (ii) according to legem terræ (the law of the land of which Trial by Jury is the single legal method of trial)."

Not only does the Great Charter inscribe the common law of the land <u>legem terræ</u>—of which Trial by Jury is the <u>only</u> justice system—but it also specifies in particular, <u>judicium parium</u>, the judgement of peers; i.e., the Common Law Trial by Jury, as the means of settling causes.

In this one Article 39, Magna Carta effectively emplaces Trial by Jury <u>twice</u>, emphasising instalment of <u>the people's judgement of peers</u>, the Common Law Trial by Jury, as the mode of trial*: <u>once</u> *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 is the only method of trial.

NOTA BENE: The words, "…according to the judgement* of his peers" ***mean*** **the jury sets the sentence.**

To this day, law books use the words judgement and sentence synonymously. See the following translation from Latin; also see Articles 20 & 21, page 153.

By specifying the people's common law of the land legem terræ, the Great Charter *explicitly excludes government-made statutes*. Those who posit the falsehood of a "get-out clause" make the preposterous assertion which defies the History of Magna Carta and overturns logic. They claim that, although the barons and freemen were righteously infuriated to the point of civil war by the king's incessant cruelties and massive injustices, having brought the king to their mercy, they then deliberately or inadvertently provided the king with a "get-out clause" by which he could continue to terrorise the people at his pleasure under any statute or edict of injustice he chose to pronounce. The authors of the Great Charter Constitution were not about any such nonsense as that. Individuals today who wish to remove the Constitution's permanent legal restraints on government, misrepresent the meaning of legem terræ, claiming that "the common law of the land legem terræ" in Article 39 is "statute law"—which it is not. They supplant the real translation with the like of this mendacious monstrosity: 'No man may be punished except according to the judgement of his peers *or by the (king's statute) law*.' This disingenuous idea would only be correct if the people's legem terræ were government-made statute law. It is not. See the ***synonymity*** of 'common law' and 'legem terræ' defined by the authorities quoted (Chapter Three). **There is no "get-out clause" in Magna Carta; quod erat demonstrandum.** However, much further information follows in conclusive corroboration.

The Constitution comprises the Supreme Law; the People in juries comprise the Supreme Legislature. It is manifest ignorance—or duplicity—of Sir Robert Worcester (and others) to claim and propagandise this 'get-out clause' fiction; along with their ignoble malindoctrination of people with the ludicrous imposture that government-made statutes 'overrule' the People's Constitution. This they never do legitimately—governments contravene the Constitution only by illegal force. They rely, as dictators always have, on the ignorance, servility and apathy of the general population—and the self-interested motives which result ***in collusion*** by unprincipled or unthinking villains who work for the illegal regime, supporting the Illegality of the Status Quo.

When the People choose to move, they will reinstate (the effectiveness of) the unsurpassed traditional European common law Trial by Jury-based Constitution.

2. Another affirmation of this point that the Great Charter allows no form of trial other than the judgement of peers and no law other than that willingly subscribed by the common people, comes from the History of Magna Carta. The principal premise of the Great Charter was that no man shall be punished at the government's (king's) command: only social equals of the accused may try the case and where appropriate, pronounce sentence. Only then may government act, and then only in accord with the judgement of the pares (peers).

The History of Magna Carta shows that, having given his seal to the Great Charter, King John recognised that his laws were to be "taken for naught" unless the jurors authorised enforcement. The legislative power had not been taken from him, but only the power to enforce his laws; unless juries should consent to enforcement. This

gave the sovereign supreme authority to the people to judge all legislation and annul prosecution of any regulation which did not meet with their approval. Neither John nor any of the government's personnel, but only the people as jurors had the power to decide whether a law was to be enforced, and if so, how.

Being the cruel despot that he was, John afterwards rued having given "for ever" (Article 63) all judicial power to the people. He (the government) retained only the duty of the executive function of carrying out the judgements (sentences) of juries. Government thus serves the People. English history books relating to Magna Carta unanimously affirm John was bound by Magna Carta *and knew himself to be so*. However, not only John but all subsequent monarchs and governments are bound under the Law of the Land customs expressed as Common Law and its Trial by jury (Article 39), the founding basis for legitimising statute laws as adjudged by jurors in Trial by Jury.

It is, of course, desperate farce to try to re-write history and say some form of "get-out clause" or legal loop-hole exists in Article 39, to claim government could in some way enforce *statutes* and by-pass the sovereignty of juries to judge the law. *If there had been a "get-out clause" John would not have written to the Pope as indeed he subsequently did to plead for a cassation of the Great Charter*. In fact, in this secular and feudal matter, the Pope had no authority to intervene (see Chapter Three).

The History of Magna Carta makes fascinating reading to all who seek to know about the Trial by Jury model justice system adopted by the U.S. and other Constitutions; and which underpins civilisation.

See Echard's, Hume's, and Crabb's Histories.

3. The article [chapter or section] guaranteeing Trial by Jury is in these words:

"Nullus liber homo capiatur, vel imprisonetur, aut disseisetur, aut utlagetur, aut exuletur, aut aliquo modo destruatur; nec super eum ibimus, nec super eum mittemus, nisi per legale judicium parium suorum, vel per legem terræ."

A. 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. However, in Magna Carta, *depending on the signification intended*, the word *vel* may be rendered both by *and*, and by *or*. This is explained as follows.

In cases of arrest and imprisonment for the purpose of bringing a man to trial, *vel* should be rendered by *or*, because there cannot yet have been any judgement, verdict or sentence of a jury. In this instance, "the common law of the land legem terræ" is the restraint upon the king. It governs and guides his actions.

Common law recognises the Trial by Jury judgement of peers as the 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: nonesuch exists.

Unless and until there has been a judgement of peers there is no Verdict. Common law had long forbidden kings (or their representatives) from taking executive action of any kind against a person's life, liberty or property without the prior consent of the peers. If this restraint were removed, the king (and his representatives) would have dangerous arbitrary power to make arrests at their pleasure, and confine people to prison indefinitely under the pretence of an intention to bring to trial. Magna Carta

was introduced to deny government permanently the power to abuse and do injustice to any citizen.

B. In cases where the peers have tried the case and passed a judgement (i.e., sentence), *vel* is repeated as a coordinate relating to a previous clause giving the meaning *and*, rendering concurrence of "the judgement of the peers and the law of the land," authorising the government to execute the sentence on a party's goods or person.

C. It is usual practice to construe with reference to each other, the meaning and intention of laws and charters on the same subject. Blackstone, speaking of the Trial by Jury as established by Magna Carta, corroborated that the word *vel* should be rendered by *and*. 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, ***<u>et</u>*** judicium parium suorum."

"No one shall lose his estate unless according to the custom of our ancestors [i.e. the common law of the land], **<u>and</u>** [not *'or'*] the judgement of his peers."

See 3, Blackstone, 350.

The fact that Emperor Conrad of Germany emplaced the judgement of peers further establishes the Trial by Jury mode of justice system as being that of the traditional and true European Constitution.

4. In Latin, the word 'homo' means 'human being' (of either sex), 'person' (of either sex), or 'man'.

When the word 'homo' is utilised with the first two significations, i.e., 'human being' and 'person' which relate to both men and women, for convenience of inscription only the masculine gender is used to apply to both sexes. This is the same in French today, when Dear, 'Chers' (the masculine form) is used when writing to both a man and a woman. Otherwise one would have to write repeatedly 'his *and her*' and 'male *and female persons*' throughout the article.

Article 39 applies to "all free <u>persons</u>" as much as to all free "men" and there is nothing in the Latin which can be construed as excluding women. This is indeed re-affirmed by Article 40.

Destruatur is one of those words expert translators call "false friends" because they look like English words but express a different concept or have a different meaning. It is correctly translated as 'harmed' or 'disadvantaged'. (The English word "destroyed" means "damaged beyond repair" and is incorrect in the given context.)

FURTHER OBSERVATIONS ON THE LATIN:

5. A look at the Latin is interesting. It shows how false translations have from time to time been fabricated by despicable renegades in attempts to undermine the Great Charter's primary intention which was, by installing the judgement of peers, to extirpate for all time all possibility for government to persecute "We the People." Forming the permanent basis of the Constitution, the wording of Article 39, also seen in corresponding Articles in the Great Charters of 1225 and 1297, 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 destruatur, nec super eum ibimus, nec super eum mittemus, nisi per legale judicium parium suorum, vel per legem terræ."

In the entire Article, none of the words or wording suggest, provide for or authorise any *judicial* action by anybody other than the peers (the jury). Nothing in the Article anywhere describes the king or government as having any function other than that of *action*, and that is specifically to execute the sentence of the jury. Let us dissect and look at the wording.

Nullus liber homo capiatur, vel imprisonetur, aut disseisetur de libero tenemento, vel libertatibus, vel liberis consuetudinibus suis, aut utlagetur, aut exuletur, aut aliquo modo destruatur

No freeman shall be arrested, or imprisoned, or dispossessed of his freehold, or his liberties, or free customs, or be outlawed, or exiled, or in any manner harmed

nec super eum ibimus — These words describe a *physical* action: **"nor will we (the king or government) proceed against him"** in an executive role to execute a sentence.

nec super eum mittemus **nor send anyone against him** — The words do not imply a judicial opinion or action. There is nothing in the Latin to allow translation of the words as 'pass upon' or 'condemn'—'nor will we pass upon him, nor condemn him'—is incorrect.

It is important to see the legal difference between the true and the false translations. The wrong translation attempts to give some 'judicial' function, choice or decision to the king, whilst the true translation dictates that the king only has an executive function to carry out the jury's sentence.

The meaning and intention of the words, nec super eum ibimus, nec super eum mittemus, are confirmed by a charter conceded* previously by King John for the purpose of allowing the barons and freemen to frame the Great Charter itself. See as follows:

"Sciatis nos concessisse baronibus nostris qui contra nos sunt quod nec eos nec homines suos capiemus, nec disseisiemus nec super eos per vim vel per arma ibimus…"

"Know that we have conceded* to our barons who are opposed to us, that we will neither arrest them nor their men, nor disseize them, *nor will we proceed against them by force or by arms…*"

Blackstone's Introduction to the (Great) Charters, Note; Law Tracts, p. 294. Oxford ed.

Definition. Disseize: to dispossess wrongfully. Disseizin: arbitrary wrongful dispossession.

***The word "concede" is important. In our Latin statutes translated into English, it is usually misrepresented and mistranslated as '*grant*'—as if with an intention to indicate that "the laws, customs, and liberties" of the English people were mere *privileges* "*granted*" to them by the king; whereas it *should* be translated *concede*, to indicate simply an *acknowledgement* on the part of the king that such were the laws, customs, and liberties which had been chosen and established by the people themselves, which, of right, belonged to them, and which he was sworn and bound to respect.**

The full signification of *nec super eum ibimus, nec super eum mittemus*, is:

nor will we (the king or government) proceed against him, nor send (anyone) against him with force or arms…

The translation of the previous words is supported and made plain by correct translation of the subsequent clauses. Together the whole makes perfect sense giving expression to the well-known longstanding European peoples' democratic civilised tradition of precluding dictatorial government by the method of Trial by Jury.

nisi, after a negative clause means ***unless***

nisi per legale judicium parium suorum. Let us look at these words separately in order that the meaning can make itself transparent.

Judicium is a **judgement**, which in the case of a guilty verdict is synonymous with the word **'sentence'**. Here, 'judicium parium suorum' means 'the sentence of his peers'. **This means that the peers, the jurors, are to set the sentence.**

As noted, to this day, law books use the words judgement and sentence synonymously.

per should generally be translated as '**according to**' [not as *'by'*].
There is sense in saying that the government might punish a man *according to* the sentence pronounced by his peers. This means that the government carries the sentence into execution. Whereas, the sense is not clear if one says that a monarch might punish a man *by* a judgement of his peers.

Likewise, in the subsequent phrase 'per legem terræ' *per* should be translated as '*according to*' not as *'by'*. There is sense in saying that the monarch might proceed against a man (to effect his arrest) with force or arms, *according to* the law of the land; for this means that the king is acting as the executive officer and carrying the law into execution. Whereas, there is no clear meaning in saying that the king might proceed against a man with force or arms *by* the law of the land.

Something which is done *by* law or *according to* law is merely carrying the law into execution. If the word *by* is translated as having the intended meaning of 'by authority of law', then nothing can be done except what the law of the land authorises or is pronounced as the sentence of the peers. Again, the king or government is only authorised to carry into execution what the peers or the law of the land authorise. The correctness of the translation of *per* as *according to* is corroborated when considering the wording of Emperor Conrad of Germany's antecedent installation of the Trial by Jury two hundred years earlier.

"*Nemo beneficium (possessions, land or property) suum perdat, nisi secundum consuetudinem ante cessorum nostrorum, et judicium parium suorum*." Translation:

"No one shall lose his possessions/property, unless *according to* ("*secundum*") the custom (or common law) of our ancestors, and (according to) the sentence (or judgement) of his peers."*

*Let us acknowledge this Trial by Jury Constitution as 'Conrad's Law', the true, traditional, timeless pan-European Constitution: the People's Guarantee of Liberty and Equal Justice, *sine qua non*.

nisi per judicium parium suorum *means* **unless according to the judgement/ sentence of his peers.**

6. In addition to Article 39 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 that *juries*, not the government (judge), set the sentence:

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 contenement (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 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, 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*** (equals), and according to the degree of their crime." In setting the sentence and formulating just punishments, the jurors are advised to bear in mind the degree of malice, and the gravity or effects of the crime, and any mitigating circumstances.

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. Similarly, if the king or his servants the justices were 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 aspect of **the judgement** of a citizen's behaviour. Magna Carta inscribed that all aspects 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 and circumstances, 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.

ARTICLE THIRTY-NINE, FURTHER STIPULATIONS: CIVIL AND FISCAL CAUSES MUST ALSO BE TRIED BY JURY; 'SUMMARY JUDGEMENTS' AND 'CONTEMPT' PUNISHMENTS ARE PROHIBITED.

Article Thirty-Nine dictates: No one may be fined, punished, or penalised but by the Verdict and Sentence of a jury following a Common Law Trial by Jury. All questions of liability, responsibility and damages must be and can only be decided by the Jurors. This explains why all civil and fiscal causes, as well as criminal cases, have to be tried by jury[1]. Issues may not be decided by means other than Trial by Jury; parties may not 'waive' their right to be tried by jury, the modern corrupt statutory and judicial 'decisions' to the contrary notwithstanding.
1 Seventh Amendment to the U.S. Constitution: "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law."

Article 39 stipulates that summary judgements and punishments (as wielded today by government magistrates and judges); *and* judges' punishments for 'contempt of court' are gross infractions of the letter and spirit of the Constitution and the rule of law. All right

and power to try, judge and punish are unequivocally and uniquely invested in the jury. Judicial power is completely denied to government and judges (convenors) expressly to disarm government from arbitrary power over the populace. Moreover, regarding 'contempt': Common Law Article 39 stipulates that no one may be *punished* except according to the legal sentence (judicium; judgement) of the jurors. As a peace officer with responsibility for arranging security, the convenor ('judge') has power on behalf of the jury or him or herself, to order the arrest of an offender for a contempt (remove him from the court if necessary; and hold him to bail or imprisonment for default of bail)—but *no punishment may be inflicted against a person's life, liberties (rights) or property unless and until the 'offence' has been tried and decided upon as for any other offence*: that is, at Trial by Jury. Then, the judgement (sentence), if any, must be the jury's, *and not that of a judge*.

Today, in crude criminal breach of common law, magistrates and judges have again appropriated to themselves the completely illegitimate arbitrary power to sentence, fine, incarcerate and summarily punish, including for contempt of court. *If the judge has the power to punish for contempt*, and to determine what comprises a contempt, all the procedures, rights and duties of jurors, witnesses, counsel and parties are subject to the whim of a government judge. With such unjustifiable and illegal power, the entire administration of justice is seized into the judge's hands and the process is no longer a Trial *by Jury*. Everyone who presumes to offer anything contrary to the judge's caprice or corruption is at risk of incurring his displeasure. In this way, the outcome of every cause can be guided to the government's or the judge's favoured 'verdict' by the judge's intimidating, restraining and punishing anyone he or she pleases, whether it be the parties to the case, counsel, witnesses, or jurors / the jury. *Every process wherein the justice or judge has summary power to punish is a flagrantly felonious, unconstitutional, perverted pretence of a trial or 'process'*: a mistrial.

Spooner; a lawyer's observation:

"*This arbitrary power, which has been usurped and exercised by judges to punish for contempt, has undoubtedly much to do in subduing counsel [lawyers, barristers] into those servile, obsequious, and cowardly habits which so universally prevail among them, and which have not only cost so many clients their rights, but have also cost the people so many of their liberties*."

Definition. usurp, take a position of power or importance illegally, often by use or threat of force.

For good reason, Article 39 permanently removes all power to punish from judges and government. If the people wish to have their rights respected in courts of justice, it is manifestly of the utmost importance that they jealously guard the liberties and rights of plaintiffs, defendants, counsel, witnesses and jurors *against all arbitrary power on the part of the government or court*. Let us march forward to Restoration!

THE MEANING OF THE TERM "DUE PROCESS OF LAW."

As there is but ***one*** legal means of trying causes, that is, the Trial by Jury, the expression "due process of law" means due process at *common law* Trial by Jury. It does not mean an arbitrary or summary or judges' "due process" of *statute* law. When it is misstated that due process of law indicates *statute* law, it is a deliberate evasion intended to conceal the jury's role in judging the justice of any statute law which the government wishes to impose. The Fifth Amendment to the Constitution of the United States was framed on the same principle. When it provides that, "no person shall be deprived of life, liberty, or property, *without due process of law*," it *means* due process at *common law* Trial by Jury, the sole means for deciding crimes and causes.

7. Magna Carta does not prescribe that the government *must* punish according to the sentence of the peers: but that government shall not punish "*unless according to*" that sentence. It does not oblige the king to execute the sentence; *but it forbids him from going beyond the sentence*. Government might lessen the sentence or acquit on grounds of law, or even pardon. However, government cannot legally punish beyond the extent of the jurors' sentence. The Constitution forbids government from punishing, except according to the judgement of peers.

8. *legale* in the phrase '*nisi per legale judicium parium suorum*,' means:
firstly, the sentence must be rendered in a legal way which accords with the common law trial, i.e., the judgement of the jury of indiscriminately chosen social-equals of the accused, the Trial by a Jury of peers: for example, in unanimity to pronounce guilt by the full complement of legally empanelled jurors sworn to try the cause;

secondly, the judgement or sentence is rendered after a legal trial has taken place;

thirdly, a sentence requires to be for a legal offence. That is, the defendant is adjudged to have performed a crime as defined by the common law: an act of injustice performed from a criminal intent with malice aforethought.*

***See Crime, Legal Definitions, Chapter Three.**

If a jury were to convict and sentence a man without giving him a legal trial, or for an act which was not really and legally criminal (being without malice aforethought), then the sentence itself would not be legal. This clause forbids the government from carrying out such a sentence: the clause guarantees that government will execute no sentence or judgement unless it is ***legale judicium***, a legal sentence. If doubt exists whether a sentence be a legal one, it would require to be ascertained by a re-Trial by Jury.

(The word *'legale'* did not mean that *judicium parium suorum*, the judgement of his equals, should be a 'pre-set sentence' which any law of the king would require the peers to pronounce. For if so, the judgement would not be by the peers but would instead be a sentence by the king, which the jury would be mere mouthpieces in pronouncing—hardly an effective barrier against the tyrant oppressor.)

'Mandatory minimums' are void, being repugnant to the Common Law and Constitution's mandatory prerequisite appointing juries to set the sentence in all trials.

9. The Constitution intentionally removes the power to set sentences from the government, and democratically devolves this duty to citizen-jurors so that *the government may punish only on juries'* authorisation, and strictly only according to the jury's sentence (or a lesser, moderated one; or to pardon).

(Hence, Thomas Jefferson's 'anchor' quoted in Chapter Four: "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 The Writings of Thomas Jefferson, ed. H.A. Washington, Lippincotts, Philadelphia.

By ascribing judgement to the peers in Trial by Jury, The Constitution allowed punishments neither to be prescribed by statute, that is, by the legislative power, nor in any other manner by government or judges. Consequently, **all statutes or regulations prescribing particular punishments for particular 'offences', or giving the government's judges any authority to set punishments, were, and are, void**. Such sentences pertaining thereto are Miscarriages of Justice. All people suffering such persecution are owed a real Trial by Jury (re-trial); and if found to have acted without malice aforethought, are due (overdue) **Amnesty and Restitution.**

10. *per legem terræ* means **according to the common law of the land.**

In the aforegoing sections of this essay we have looked at the meaning of this phrase in some detail, which excludes all statutes or measures made by governments. There remain some observations which should be included.

The Great Charter Constitution affirmed that punishments were henceforth to be set by the jury, as they had always been according to the law of the land. This is, after all, a definitive attribute intrinsic to *the judgement* (or sentence) of the peers; that is, a **Trial** which is **by Jurors**. If someone other than the jury makes such decisions then the process cannot be defined as a Trial by Jury. If the law or evidence or the sentence or anything at all could be *dictated* to the jury then the trial would not be *by jury*. It would be by someone other than the jury.

History shows that when a case leads to conviction, the defendant had and has the right of appeal to government against conviction or the sentence; and can demand a new trial or an acquittal if the trial were in some way flawed or against the law.

The fact that the jury sets the sentence shows that the jurors must judge of everything which relates to the cause at issue: the law itself; on the admissibility and weight of evidence and testimony; the motive and moral intent of the accused; and the nature of the offence or injustice committed. Then, the jury must consider whether factors mitigated the culpability of the deed. The jury must try every aspect of the case in order to know what comprises the appropriate sentence. As the judges, jurors have all authority; proceedings are under their jurisdiction.

To ascertain the truth, the jurors must see all the evidence and decide which evidence is relevant. Jurors cannot try an issue unless it is they who determine what evidence is admissible. It is a most grave crime (of subreption and/or perjury) to exclude or withhold evidence from jurors which they would consider *should* be admitted were they to see it. It is inherently immoral and a criminal act to make a juror pronounce a person 'guilty', or to declare that one person owed money to another, on such partial evidence. If decisions on the evidence are taken by someone other than the jury, then the process cannot be Trial BY JURY; and it is a mistrial.

11. Where before jurors swore justly and simply "to do justice, to convict the guilty and acquit the innocent," modern government has malevolently inserted the words, "according to the evidence," into jurors' oaths. This violates Common Law, Magna Carta, and honesty, because this wording duplicitously means "only that evidence which the government [i.e., the judge] allows the jury to receive." If the government can dictate the evidence, and the jury is required to find the verdict according to that evidence, then government can dictate the verdict which the jury must reach. In that case, the trial is really a pretence, not a 'trial' at all. It is also a rigmarole of a pretended 'trial' by the government, the judge, and not by a jury. This sums up the corrupt process which takes place today. It is a shameful calumnious criminal subterfuge.

COMMON LAW ARTICLE THIRTY-NINE.

12. Common Law Article Thirty-Nine of the permanent 1215 English (*cf.* British) Constitution dictates:

No freeman or free person shall be arrested or imprisoned or dispossessed 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 nor send anyone against him (with force or arms), unless according to (that is, in execution of) the legal judgement of his peers, and (or *or*, as the case may require) the Common Law of the Land (of England, as it was at the time of Magna Carta in 1215).

See Hallam's Middle Ages; Hume's History of England; and see the works of Sir Matthew Hale, Mackintosh, Gilbert, Stuart, Crabb, Palgrave, Millar, Blackstone et al.
See Latin Dictionary, Examples, etc., Charlton T. Lewis, Oxford University Press.

The corresponding Article in Magna Carta of 1225 ratified by Henry the Third, and Edward the First in 1297, remains the wording of Magna Carta ratified by heads of state subsequently as one of "the *statutes* of government."

Magna Carta, Article 39, explicitly disallows government from denying judicium parium Trial by Jury and there is no 'get-out clause' from this stricture. We abstain from discourteous language in debating issues. However, it requires great restraint to avoid expressing many plain insults and profound contempt for people who take up this conspiratorial fabrication. Worcester gives dimwits a catchy-sounding phrase, "get-out clause," with which they then emulate the parrot by its predictable mindless repetition to elevate themselves from the insignificance of dunces to the feigned wisdom of the pontificating charlatan. Beware of lawyers who promulgate this lie too.

When Robert Worcester and others disseminate their putrescent deceit, they conspire against fellow humans and attack the very basis of democratic civilisation. They try their best but fail to undermine the moral and legal authority of the traditional European, U.S. and U.K. Constitutions—and the Universal Cause of Equal Justice.

INDISPENSABLE DEMOCRATIC PROTECTIONS FROM MAGNA CARTA.

The following criteria, also constitutionally adopted by the Founding Fathers, have been the foundation of democratic civilisation through the tribulations of a long varied history. As has repeatedly occurred in the past, instead of upholding them, present-day criminal 'politicians' serving Mammon intend their destruction. These indispensable democratic protections are as follows:

(I) the citizen's right to a Trial by a Jury for prosecution or defence (i.e., the trial by social-equals; not trial by government or its employees);
(II) the sovereign right and duty of the Juror to judge on the justice of the law and its enforcement in finding the Verdict in Trial by Jury (i.e., Annulment-by-Jury);
(III) freedom from arbitrary arrest (i.e., without probable cause);
(IV) freedom from arbitrary detention (later known as Habeas Corpus);
(V) equality before the law.

The above are constitutional protections of the people from injustice. Every government or human organisation which infringes or denies them, judicably engenders misery, strife, crime, violence and ultimately war.

Also see ratified Principles, International Law, 12/10/46; Crime against Peace; Crime against Humanity; Nuremberg Precedent, Chapter Two.

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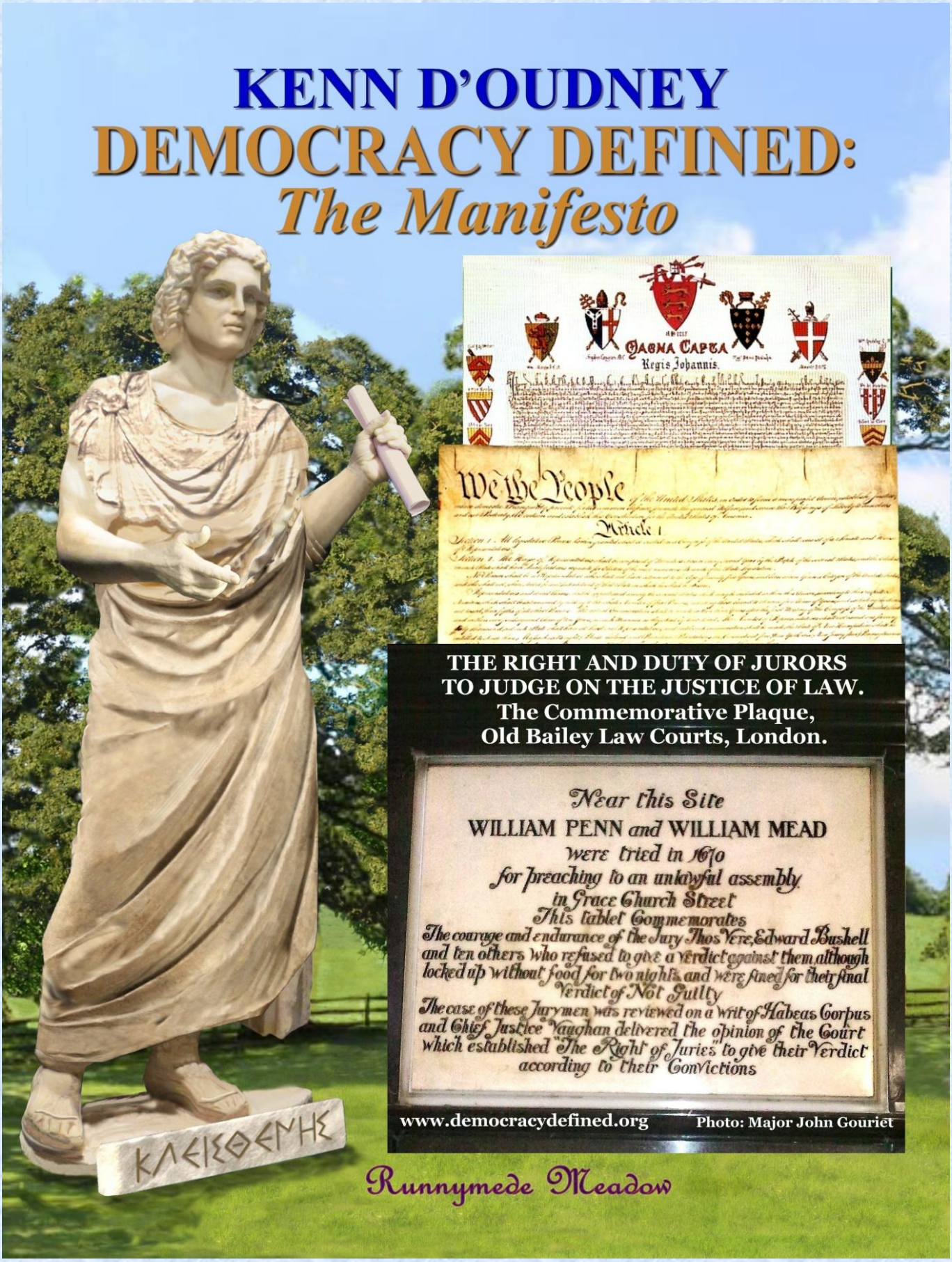

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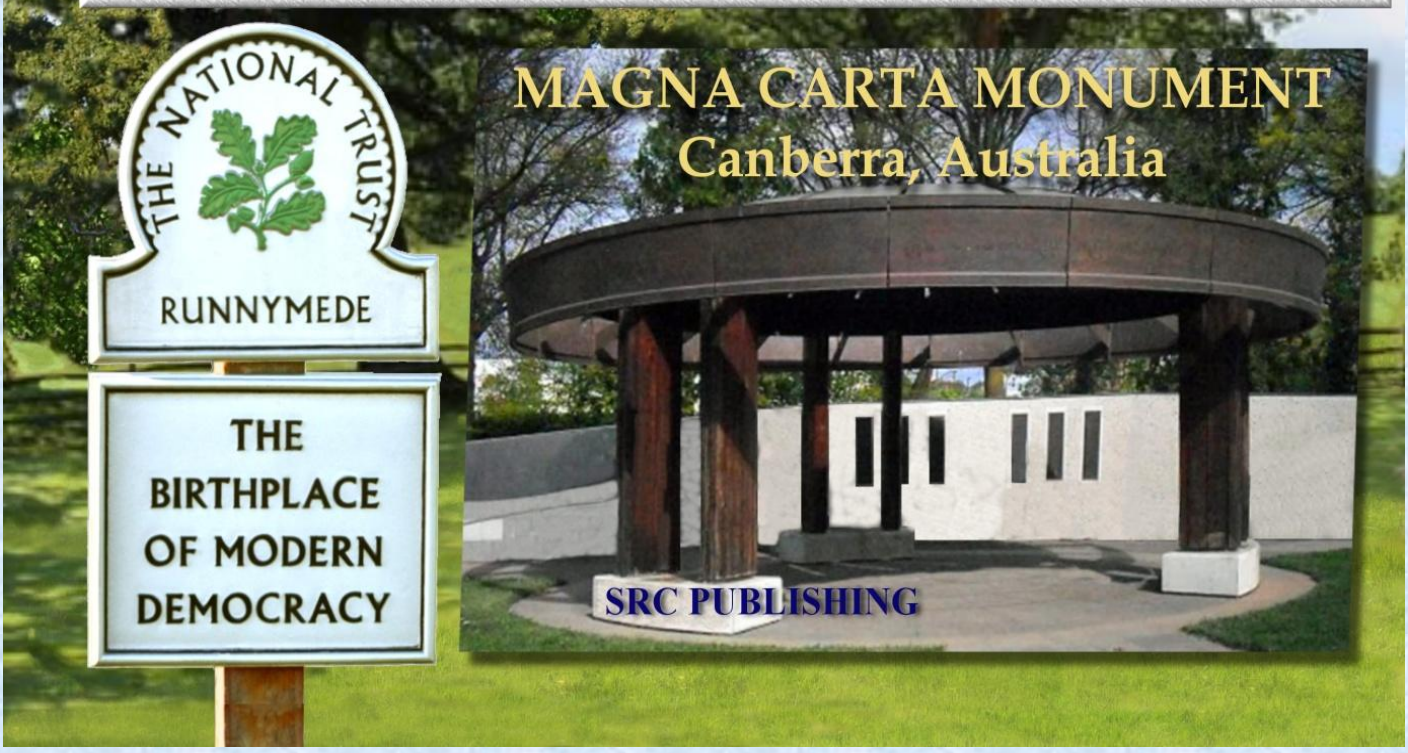

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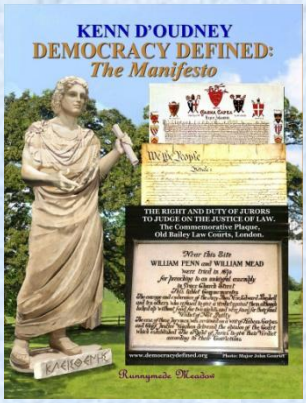

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