

SCHEDULE 1 - SKELETON ARGUMENT FOR:
HUMAN'S RESPECTIVE DUTIES RIGHTS AND OBLIGATIONS TO ONE ANOTHER
THE FOUNDATIONS OF A CIVILISED SOCIETY
IN THE BEGINNING...

NATURAL INALIENABLE HUMAN RIGHTS: ALL POSITIVE LAW IS SUBJECT TO, AND
MUST LAWFULLY UPHOLD AND SOCIETY MUST ENFORCE:

1) **OUR MIND'S OWNS OUR BODY'S AND THE HUMAN'S RIGHT TO SURVIVAL:**

- a) Creation (whatever that might be) gifted us each with our minds, and that cannot be taken without our mind's authority,
- b) Creation gifted our mind's with a body, and nothing can be done with our body's without the authority of our minds.
- c) *Between equal equities the first in order of time shall prevail* - the mind had first control over the body, and
- d) *Equity regards the beneficiary as the true owner* - the mind is the beneficiary of the body.

2) **CREATING INALIENABLE HUMAN RIGHTS:** Creation retains authority over our minds upto the survival instinct, thereby always granting lawful excuse for the following:

- a) ***Self defence of life and limb, including that of our dependants,*** and
- b) ***Shelter from the environment that is not being used by another,*** and
- c) ***Clean air to breathe,*** and
- d) ***Clean water, and right to take from those who have more than they need,*** and
- e) ***Healthy food, and right to take from those who have more than they need.*** and
- f) ***Freedom of speech to allow formulation of thoughts into understandable expressions,*** and
- g) ***Knowledge left by generations past.***

3) **THEREAFTER THE CREATOR ALLOWS OUR MINDS TO EXPERIENCE THIS COMMON 'REALITY':**

- a) **OBSERVATION, LOGIC AND REASON:** Further the creator gifted us observational **tools**; ears to hear, skin to feel, noses to smell, mouths to taste and eyes to see together allowing each to gather evidence of this reality, and the power of logic and reason to make sense of it.

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- b) **CONSCIENCE: Further the creator gifted us the 6th sense to guide the creator's will, our conscience** used so each can determine right from wrong, and fair and just as is expressed in the RULES OF EQUITY, being knowledge left for us by our forefathers
 - i) This creates humanities inalienable right to lawfully go about their life following their conscience without unlawful interference from others,
 - ii) known as the Kings peace, and
 - iii) why a man's home is their castle!

4) BY OBSERVATION, LOGIC AND REASON DISCOVERABLE TO ALL

- a) TRUTH IS SOVEREIGN AND NOT A HUMAN'S BELIEFS! It matters not what we believe, when we choose to step over the cliff edge, the truth will prevail.
 - i) Therefore, your personal past observations and experience are of no lawful standing, but create the state of your mind = **mens rea**, and
 - ii) your personal present choices of action = **actus reus**,
 - iii) determine your future actions and will be considered for mercy in judgement.
- b) CREATING ADDITIONAL UNALIENABLE LAWFUL HUMAN RIGHTS;
- c) enforceable by all,
- d) an obligation not to breach by all, and
- e) in any event are superior to any and all man created rules by any name or colour of law (fiction as opposed to observable or deducible truth):
 - i) ***Ignorance of the law is no excuse*** (the truth will prevail)
 - ii) ***To lie is to go against the mind*** (meeting of minds = no consent (lying) is fraud = limiting freedom of speech)
 - iii) ***All are equal under the law*** (no privileges = what one can do all can do)
 - iv) ***No one is above the law*** (no immunity = accountable for harm caused)
 - v) ***The law operates without fear or favour*** (due process = 'the rule of law')
 - vi) ***Innocent until proven guilty*** (the claimant must prove their right, and your obligation)

5) CONSCIENCE = the principles of law = EQUITY WHICH PREVAILS OVER THE COMMON LAW:

- a) In law conscience is expressed in the rules of equity, and
 - i) equity means what is fair and just and '

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- ii) The first element of fairness we **'feel'**, and is **expressed** in the **rules of equity** this is your **conscience**.
- iii) That determines the second element and is how we determine our judgement as to what is **right and wrong**, or simply **just**.
- iv) **So equity is a normal person's understand understanding of the word justice.**
- b) *'Equity acts in personam (i.e. on persons rather than on objects)'*, and
 - i) *'Equity will not suffer a wrong to be without a remedy'*.
 - ii) **As 'Equity regards as done what ought to be done' and**
 - iii) *'Equity imputes an intent to fulfill an obligation' means*
 - iv) *'Equity will not allow a statute to be used as a cloak for fraud'*.
 - v) **However 'One who seeks equity must do equity'**
 - vi) **as' Equity aids the vigilant not the indolent'..**
- c) **Lawful excuse** from existing binding judgements is argued under the **Rules Of Equity**, and *'Equity will take jurisdiction to avoid a multiplicity of suits'*.
 - i) Equity prevails over any existing binding precedence, as in the event of a conflict with the common law the rules of equity prevail, as legally affirmed in §49 of the Senior Courts Act 1981,
 - ii) creating an obligation of all courts, thereby creating a new **binding precedence** lower courts must follow.
 - iii) **Hence 'Equity follows the law'**, introduced by Lord Ellesmere (1596-1617) who *".... began to apply the same principle in all cases, instead of following the inclination of the moment **under the name of conscience...**'*.
 - iv) **Thereby rebutting the fraudulent misrepresentation marketed by the legal profession**, who holds a monopoly over your access to justice by controlling your beliefs, most specifically **'A man who is his own lawyer has a fool for a client'**, and that **"This Court is not, as I have often said, a Court of conscience, but a Court of Law"**. Jessel, M.R., *In re National Funds Assurance Co.* (1878), L. R. 10 C. D. 128.
- d) When those administering justice fail to be held to account, justice cannot be served due to 'legal representatives' **breach in their duty of care** to society, and in particular to their client, to uphold the peace, thereby creating a **trespass**, by the **perversion of the course of justice**
- e) Equity affirms: **'Those who stand on their rights harm no one'**

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- f) The **discovery of principles** in public **settlements** of **private disputes** obliges (binds = no alternative = must) lower courts to follow **binding precedence** set by higher courts.
 - g) This is the '**law of the land**' legally affirmed in §49 of The Senior Court Act 1981, that the rules of equity prevail in the event of a conflict with the common law (the existing binding precedence), and what is fair and just is determined by each individual's conscience, and that equity is superior to those governing is affirmed by *Equity will not allow a statute to be used as a cloak for fraud*.
- 6) **THE SOCIAL CONTRACT = HUMAN'S RIGHT TO PEACE**: The reason humans live in society is in the belief that the application of logic and reason will reduce the ravages of the state of nature;;
- a) By controlling the destructive human desires, and
 - b) promoting the constructive desire, for the greater benefit of all.
 - c) Thereby creating a duty upon each to uphold the peace,
 - i) an obligation to uphold the peace, and
 - ii) a right to enforce breaches of the peace by others.

GOVERNANCE, BY IMPOSSIBILITY, CANNOT HAVE MORE AUTHORITY THAN ANY OF THE HUMANS WHO CREATE IT

THOSE GOVERNING ARE SUBJECT TO THE LAW OF THE LAND = COMMON LAW:

- 7) **THE COMMON LAW**: The UK Supreme court, reaffirming that they have had lawful authority for centuries to settle disputes in their unanimous 11 judge Supreme Court ruling in *R (Miller) v The Prime Minister and Cherry v Advocate General for Scotland* ([2019] UKSC 41)
- a) The determination is simple and logical, reaffirming "Common law precedence" introduced by Lord Ellesmere (1596-1617) who "*.... began to apply the same principle in all cases, instead of following the inclination of the moment **under the name of conscience...***"
 - b) **REAFFIRMING**: the monarch (Royal prerogative to govern) is subordinate to law of the land and "*... **the King hath no prerogative, but that which the law of the land allows him...***", and "*...indicating that the limits of prerogative powers were set by*

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law and were determined by the courts ... the courts have exercised a supervisory jurisdiction over the decisions of the executive for centuries..”, and

- c) **REAFFIRMING:**. Those acting for HM Government are accountable to Parliament only in regards policy and efficiency “..*They are accountable to Parliament for what they do so far as regards efficiency and policy, and of that Parliament is the only judge;*”... and
- d) **REAFFIRMING:** those acting in Parliament and HM Government are accountable to the people in the courts: “...*they are responsible to a court of justice for the lawfulness of what they do, and of that the court is the only judge.*’, and
- e) **REAFFIRMING:** no exceptions including “...*the Secretary of State could not order searches of private property without authority conferred by an Act of Parliament or the common law.*”
- f) And back to where we started, the "law of the land" = common law precedence as established by Lord Ellesmere under the name of conscience!

8) **ENFORCEMENT OF THE LAW:** ‘... *cause the peace to be kept and preserved and prevent all offences against people and property...*’

- a) Public enforcement is by police constables who, in accordance with section 29 of Police Act 1996, as amended under section [83. Attestation of constables](#) of [Police Reform Act 2002](#) make the following declaration before a justice of the peace:
“I (name), of (police force) do solemnly and sincerely declare and affirm that I will well and truly serve the (monarch) in the office of constable, **with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all people;** and that I will, to the best of my power, **cause the peace to be kept and preserved and prevent all offences against people and property;** and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law.”,
- b) **affirming the there is only one law which is to:**
‘.. cause the peace to be kept and preserved and prevent all offences against people and property...’
- c) **Affirmed as a common law duty, right and obligation of each person**, codified in section [24A. Arrest without warrant: other persons](#) in the [Police and Criminal Evidence Act 1984](#) legally granting every person the same lawful powers as the police, including the same powers of arrest including the use of reasonable force, affirming:

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'All are equal under the law' and 'No one is above the law'

- 9) **BREACH OF ANOTHER'S PEACE = TRESPASS:** When another trespasses upon our mind, or our body, or our property without lawful excuse, once their needs for survival are satisfied.
- a) The Nuremburg trials following WWII settled the rule of equity which will not suffer a wrong without a remedy specifically to order following no longer being lawful excuse. Each human has a duty of care to each other human.
 - b) **Common law definition for breach of the peace:** It is now widely accepted that the correct is that which was given in the settlement between ***R v. Howell (1981)***, ie, that the behaviour of the person involved caused a believe that:
 - i) a breach of the peace had or would occur; and that
 - ii) it related to harm which was actually done or likely to be done to a person or, in his/her presence, their property.
 - c) **The 3 grounds to breach another's peace:**
 - i) **Has anyone been harmed** (NO VICTIM = NO HARM), **OR**
 - ii) **Does someone intend to cause harm**, to a person, or to his/her property, by putting such a person in fear of such harm, through an assault, affray, a riot, unlawful assembly or another disturbance, **OR**
 - iii) **By contract including with PUBLIC BODY'S at 1.1** affirmed by: [GOV.UK Pre-Action Protocol for debt claims https://www.justice.gov.uk/courts/procedure-rules/civil/pdf/protocols/debt-pap.pdf](https://www.justice.gov.uk/courts/procedure-rules/civil/pdf/protocols/debt-pap.pdf)
 - (1) Is there reasonable evidence of an agreement, giving the claimed right of enforcement anyone believes they have, showing that the other is under a duty, and hence under obligation, to perform a requested command.
 - d) The belief must be reasonable, and within the persons knowledge at the time ***'following orders is not lawful excuse'*** as settled in the binding precedence of [Commissioner of Police of the Metropolis v Raissi: CA 12 Nov 2008 \[2009\] 3 All ER 14, \[2009\] PTSR 666, \[2009\] 2 WLR 1243, \[2009\] QB 564, \[2008\] EWCA Civ 1237](#)) at 14

" following orders" is not a defence..."
- 10) **LAWFUL INDEPENDENT JUDICIARY** was also created by offer of contract, on the 2 June 1953, at the Abbey of Westminster. The Archbishop of Canterbury offered Elizabeth Alexandra Mary a contract by asking: ***"Will you to your power cause Law and Justice,***

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in Mercy, to be executed in all your judgements?" which was accepted with the words *"I will"*, and later sealed this contract in writing. The people then filling the judicial offices is also by contract, in the affirmations or oaths of office, given to the monarch, and then giving by:

a) **The Lord Chancellor** as follows :

*"I, [name], do swear that in the office of Lord High Chancellor of Great Britain I will respect the rule of law, **defend the independence of the judiciary** and discharge my duty to ensure the provision of resources for the efficient and effective support of the courts for which I am responsible. So help me God."* and

b) **The Lord Chief Justice, The Master of the Rolls, The Recorder of London and Justices of the Peace**, [judicial affirmations or oaths of office](#) is as follows:

*"I, [name], do [swear by Almighty God OR solemnly sincerely and truly declare and affirm] that I will well and truly serve our [monarch] in the office of [office], and **I will do right to all manner of people after the laws and usages of this realm, without fear or favour, affection or ill will.**"*

c) In consideration the public grant the monarch **"Regal Power"** (Royal Prerogative) and the officers make a personal gain of being paid, at the loss (expense) of the public, making these contracts **LAWFULLY enforceable** by using the **remedy** provided in the **lawful right to freely petition the monarch in HM Courts**.

11) **FOR ANY OF ACTIONS TO HAVE THE FORCE OF LAW, THE CLAIMANT MUST PROVE THAT:**

a) **FIRSTLY**, it must be **Possible** (the law cannot demand the impossible). and

b) **SECONDLY**, it must be **rational**:

i) which specifically is to control the madness of crowds, which are based upon dogmatic beliefs

ii) under the binding precedence of Council of Civil Service Unions v Minister for the Civil Service [1985] AC 374, Lord Diplock said that a decision would be *'IRRATIONAL—AND SO UNLAWFUL'* if it were:

"so outrageous in its defiance of logic or of accepted moral standards that no sensible person [discrimination, harassment or fraud] who had applied his mind to the question to be decided could have arrived at it." and

c) **THIRDLY**, it must be **reasonable (proportionate)** by considering the consequence, and hence impact, of chosen actions on others, including other creations.

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- 12) **LAWFUL GOVERNANCE** was created on the 2 June 1953, at the Abbey of Westminster. The Archbishop of Canterbury offered Elizabeth Alexandra Mary a contract by asking *"Will you solemnly promise and swear to govern the Peoples of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, Pakistan, and Ceylon, and of your Possessions and the other Territories to any of them belonging or pertaining, according to their respective laws and customs?"*, which was accepted with the words *"I solemnly promise so to do. "*, and thereafter this contract was sealed in writing. <http://kingscoronation.com/coronation-oath-elizabeth-ii/>
- a) At the time, upon acceptance of the Crown and Regal Power (legally expressed in the Bill of Rights 1688 detailed below), **"LEGISLATIVE SUPREMACY"** was granted to **"Parliament Assembled"**, and today living **"Members of Parliament"** make affirmations or oaths of allegiance before they can take up the office of MP's in accordance with [Parliamentary Oaths Act 1866](#)
 - b) *"I (name of Member) [swear by Almighty God] that I will be faithful and bear true allegiance to [monarch], [his / her] heirs and successors, according to law. [So help me God]."*, and
 - c) **" EXECUTIVE SUPREMACY"** is then conferred to those making further affirmations or oaths before serving in any office of **HM Government** in accordance with [Promissory Oaths Act 1868](#):
 - d) *"I, (Insert full name), do swear that I will well and truly serve [monarch] in the office of (Insert office of). [So help me God]."*
 - e) **'Parliament Assembled'** expresses its will by creating **"Acts of Parliament"**, called **"Primary Legislation"**, which may **confer limited authority** for the creation of **"Secondary Legislation"** to **HM Government**, to serve the monarch, and deliver the monarch's **lawful contractual obligations to each of us, the people** to:
"govern you and me according to our respective laws and customs"
 - f) In consideration the public grant the monarch **"Regal Power"** (Royal Prerogative) and the officers make a personal gain of being paid, at the loss (expense) of the public, making these contracts **LAWFULLY enforceable** by using the **remedy** provided in the **lawful right to freely petition the monarch in HM Courts**.

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- 13) **LEGAL GOVERNANCE** is expressed in the power sharing agreement detailed in the [Bill Of Rights 1688](#), legally reaffirmed in *R (Miller) v The Prime Minister and Cherry v Advocate General for Scotland* ([2019] UKSC 41) at 44, 63 and 66.
- a) The Bill of Rights 1688, is no different from Magna Carta 1215, when they also expressed their natural right to replace tyranny, to gain the submission of the existing power of enforcement, as they wanted a greater slice of the pie of the fruits of the creators creations and the fruits of the defenceless peoples labour, and
 - b) is the settlement of a dispute between the previous enforcement of power by King James II, and his tyrannous henchmen, 6 lords created an alliance with William and Mary, resulting in King James II fleeing for his life,
 - c) **CLAIMING:**
 - i) **Admitting to only represent the 'Estates of the People' at the time:**
 - ii) *'Whereas the Lords Spirituall and Temporall and Comons assembled at Westminster lawfully fully and freely representing all the Estates of the People of this **Realme** ..'*
 - d) **OFFER TO CONTRACT:**
 - e) **TO:** the living known as *'William and Mary Prince and Princesse of Orange'*
 - i) *' a certaine Declaration in Writeing made by the said Lords and Comons in the Words following viz*
 - f) **RECITING:**
 - i) *' And whereas the said late King James the Second haveing Abdicated the Government and the **Throne** being thereby Vacant'*
 - ii) claiming that had been the will of 'God':
 - iii) *'...His [X2Hignesse] he Prince of Orange (whome it **hath pleased Almighty God** to make the glorious Instrument of **Delivering this Kingdome from Popery and Arbitrary Power**) did (by the Advice of the Lords Spirituall and Temporall and diverse principall Persons of the Commons)'*
 - iv) **Declaring the subject's (those submitting to authority of another) rights** as listed (detailed below for LEGISLATIVE, EXECUTIVE AND JUDICIAL separation of powers,
 - g) **ON AUTHORITY OF THEIR ANCIENT RIGHTS AND LIBERTIES NOT TO HAVE TO LIVE UNDER TYRANNY:**
 - i) *'... (as their Auncestors in like Case have usually done) for the Vindicating and*
 - ii) *Asserting their auntient Rights and Liberties,..'*
 - h) **ACCEPTANCE OF CONTRACT:**

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- i) *'The said Rights claimed. Tender of the Crown. Regal Power exercised. Limitation of the Crown.'* Agreed:
- ii) *'...that noe Declarations Judgements Doeings or Proceedings to the Prejudice of the People in any of the said Premisses ought in any wise to be drawne hereafter into Consequence or Example....'*
- i) **BY:** *'.. William and Mary Prince and Princesse of Orange..'*
 - i) *'... be declared King and Queene of England France and Ireland and the Dominions thereunto belonging to hold the **Crowne and Royall Dignity** of the said **Kingdomes** and Dominions to them the said Prince and Princesse dureing **their Lives and the Life of the Survivour of them ..'***
 - ii) **for the duration of their lives:**
 - iii) *'..And that the sole and full **Exercise of the Regall Power** be onely in and executed by the said Prince of Orange in the Names of the said Prince and Princesse dureing their joynt Lives..'*
 - iv) **and in remainder:**
 - v) *'... And for default of such Issue to the Princesse Anne of Denmarke and the Heires of her Body...*
 - vi) *... And for default of such Issue to the Heires of the Body of the said Prince of Orange...'*
- j) **ABROGATING PREVIOUS OATHS. AND CREATING NEW OATHS OF ALLEGIANCE TO:**
 - i) *'...their Majeystes King William and Queene Mary...'*
 - ii) **and declaring supremacy from:**
 - iii) *'... That noe Forreigne Prince Person Prelate, State or Potentate hath or ought to have any Jurisdiction Power Superiority Preeminence or Authoritie Ecclesiasticall or Spirituall within this **Realme ..'***
- k) **POWER SHARING AGREEMENT:**
 - i) **of the 'Crowne and Royall Dignity'**, the rights claimed by the subjects;
 - ii) Are not only for its subjects, but ALL THE PEOPLE
 - iii) ... the **true auntient and indubitable** [not up for debate] **Rights and Liberties of the People** of this **Kingdome...'**, and
 - iv) *'... and soe shall be esteemed **allowed adjudged** [not subject to trial in any court] **deemed and taken to be** and that all and every the particulars aforesaid shall be firmly and strictly holden...'*, and

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- v) *'...and observed as they are expressed in the said Declaration...'* **and**
- vi) *..And all Officers and Ministers whatsoever shall serve their Majestyes and **their Successors according to the same in all times to come...***, **and**
- vii) *'...to Raigne over us upon the **Throne of their Auncestors ...'***, **and**
- viii) *'... **by the Lawes of this Realme our Sovereigne Liege Lord and Lady King and Queene of England France and Ireland and the Dominions thereunto belonging...***
and
- ix) *'...**Royall State Crowne and Dignity** of the said **Realmes** with all **Honours Stiles Titles Regalities Prerogatives Powers Jurisdictions and Authorities to the same belonging and appertaining ...'***
- x) *'...The said Lords Spirituall and Temporall and Commons doe in the Name of all the People aforesaid most humbly and faithfully submitt themselves their Heires and Posterities for ever and doe faithfully promise...'*, **and**
- xi) **No more Catholics to rule.**
- l) **This claim to govern the 'Kingdome' still stands undisputed today.**

SUMMARY OF DUTIES, OBLIGATIONS AND RIGHTS OF THOSE GOVERNING LEGALLY ENFORCEABLE FROM THE [Bill Of Rights 1688](#)

- m) **PARLIAMENT ASSEMBLED LEGALLY CANNOT DO ANYTHING TO PREJUDICE YOU OR ME.**
"... noe Declarations Judgements Doeings or Proceedings to the Prejudice of the People in any of the said Premisses ought in any wise to be drawne hereafter into Consequence or Example..."
- n) **LEGISLATION IS NOT LAW BY ADMISSION, AND HENCE IS NOT DISPUTABLE:**
 - i) **Firstly, by admission**, and hence settled so is not in dispute, that **Acts of Parliament are merely public guidance and advice, AND ARE NOT LAW**, is affirmed in the last sentence of the [Crown and Parliament Recognition Act 1689](#) stating: *"... **and as such ought to be...**"* = **advice and guidance = consent.**
 - ii) **Secondly,:** Acts of Parliament bind the contracting parties; The monarch, Lords Spiritual and Temporal, and the Commons who advised and consented by their own authority, as settled, and hence it is not disputed, on the title pages of Acts of Parliament expressing:

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*"Be it enacted by the **Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows -"***

(1) **authority of the same** = capacity to contracting

(2) **advice and consent** = meeting of the minds

(3) **enacted** = agreement

iii) Affirming Acts of Parliament are administrative common law, limited in authority to governance, to fulfil the monarch's first promise legally affirmed in the Bill of Rights 1688 to:

"govern you and me according to our respective laws and customs"

iv) **Thirdly**, affirmed at [legislation.gov.uk](https://www.legislation.gov.uk) website at <https://www.legislation.gov.uk/> website. It has a link to Understanding Legislation

(<https://www.legislation.gov.uk/understanding-legislation>) which;

(1) tells us there are only 2 types of legislation,

(a) Primary (by many different names) and

(b) Secondary (derives its authority from conferred powers authorised by primary legislation) Legislation, and

(2) **Scrolling down we come to "Case Law"** being the set of rulings from court judgements that set precedents for how the law legislation:

(a) has been interpreted and applied in certain cases and

(b) **Case law is not held on legislation.gov.uk."**

v) **Fourthly**, affirmed in GOV.UK Pre-Action Protocol for debt claims, which specifically expressed it includes **any public body at 1.1.**

<https://www.justice.gov.uk/courts/procedure-rules/civil/pdf/protocols/debt-pap.pdf>

that any civil matter can only be by contract.

o) HM GOVERNMENT LEGALLY MUST UPHOLD THE FOLLOWING PEOPLE'S UNALIENABLE RIGHTS:

i) The right to petition the monarch (unrestricted right to peaceful assembly for any purpose),

ii) The right to unrestricted freedom of speech (this does not apply to defamation = false statements = fraudulent misrepresentation),

iii) The right to bear suitable arms (by law if one can have them so can the other),

iv) Allow frequent elections,

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- v) Allow free elections,
- vi) Allow Parliament to frequently sit to 'redresse' all the peoples grievances.

p) **HM GOVERNMENT LEGALLY CANNOT:**

- i) HM Government is the servant of Parliament Assembled, and not it's master...
- ii) Impose cruel or unusual punishment (**no mental or physical coercion**),
- iii) Demand excessive Baile (Bail) (**Lawful test of impossibility and reasonableness**),
- iv) No grants, promises of fines or forfeiture can be demanded without conviction by trial by jury
- v) No dispensing and Late dispensing of Power, Levying Money and keeping standing armies can only be done with the **Consent of Parlyament** (now **Parliament Assembled**)

q) **HM COURTS LEGALLY CANNOT:**

- i) be based upon Ecclesiastical (religious) beliefs, and

r) **HM COURTS LEGALLY MUST:**

- i) **must be trial by jury;**
 - (1) affirmation of Magna Carta 1215, clause 39, legally affirmed in Magna Carta 1297, clause 29, creating the duties of the jury to:
 - (2) **make lawful judgement (ascertain the law),**
"I solemnly, sincerely and truly declare and affirm that I will faithfully try the defendant and give a true verdict according to the evidence."
 - (3) ***"It cannot be denied that the practice of submitting causes to the decision of twelve men was universal among all the northern tribes (of Europe) from the very remotest antiquity."***See p. 32 of Crabb's History of the English Law.
 - (4) The trial of an accused person by a jury of local equals ("**judicium parium**" in Magna Carta) pre-dates history. As noted by renowned legal authority Sir William Blackstone, the formal courts of the Common Law Trial by Jury were established and functioning from early times: ***"A hundred court is only a larger court-
baron, being held for all the inhabitants of a particular hundred, instead of a manor. The free suitors (jurors) are here also the judges, and the steward***

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the registrar, as in the case of a court-baron (a 'baron' merely being a freeholder of land; see Chapter Three). This is said by Sir Edward Coke (Chief Justice) to have been derived out of the county court for the ease of the people, that they might have justice done to them at their own doors, without any charge or loss of time; but its institution was probably coeval with that of hundreds themselves, which were formerly observed to have been introduced, though not invented, by (King) Alfred, being derived from the polity of the ancient Germans. The centeni, we may remember were the principal inhabitants of a district composed of different villages, originally in number a hundred, but afterward only called by that name, and who probably gave the same denomination to the district out of which they were chosen."*

- (5) Further affirming that the people are supreme over those governing
- ii) Making Legal directions from any judge are unlawful,
 - (1) perverting the course of justice,
 - (2) being in breach of their judicial oath,
 - (3) to uphold the monarchs first promise to govern according to,
 - (4) the peoples respective laws.
 - (5) See: Vaughan CJ of the Court of Common Pleas:
 - (a) Matters came to a head when two Quakers Penn and Mead faced charges of unlawful assembly.
 - (b) First he locked the jury up without food and water or chamber pot for days when they refused to reach a guilty verdict and then when they acquitted he fined them for contempt of court. Mr Bushel refused to pay the fine and remained in prison.
 - (c) '... 'juries are not dominated by judges: [as] a dominated jury can only go through the motions and cannot act with that functional independence which distinguishes trial by jury from a de facto trial by judge alone.'
 - <https://www.judiciary.uk/wp-content/uploads/2017/05/hallett-lj-blackstone-lecture-20170522-1.pdf>
 - (d) " The legal verdict of the Jury to be recorded is finding for the plaintiff or defendant: what they answer, if questioned concerning some particular fact, is not of their verdict essentially, neither are they bound to agree in such particulars, if they all agree to find their verdict for the plaintiff or defendant,

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then they may differ in their motives, as well as Judges may differ in their reasons for giving their verdict for the plaintiff or defendant, which is common." <https://ia803206.us.archive.org/6/items/jstor-30089486/30089486.pdf>

- (e) This was a major milestone and the jury thereby entered the picture as the defender of individual liberty; the protector of human rights. By placing the power of conviction or acquittal in the hands of the public, albeit a limited public at the time, there was as sure a defence against oppressive action by the State against the individual as was possible at the time. While the enactment of cruel and arbitrary law may remain in the hands of legislator and executive, the jury was not obliged to give effect to it.
<https://www.judiciary.uk/wp-content/uploads/2017/05/hallett-lj-blackstone-lecture-20170522-1.pdf>
- (f) It was the only means by which the public could both ensure that the law was not used as a means of oppression, and express their view on the law itself. This was the point expressed clearly by Lord Erskine in his defence of Lord Gordon for the crime of High Treason arising out of what became known as the Gordon Riots. In Erskine words:
- (g) ***'Criminal justice in the hands of the people is the basis of freedom. While that remains there can be no tyranny, because the people will not execute tyrannical law against themselves. Whenever it is lost, liberty must fall along with it. . .'***
- (h) A jury may refuse to convict in spite of the law and the evidence because it concludes that the law is an unjust law. The jury passes its verdict on the law. Secondly, it ensures that the prosecution and the judge are on trial.
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iii) **The guilt based upon the facts.**

- (1) and today are determined;
- (2) CIVIL MATTERS: adjudged on 'the balance of probabilities' (greater than 50%, or if based upon science, beyond 95% certainty), and

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- (3) CRIMINAL MATTERS 'beyond reasonable doubt' or if based upon science, beyond 99% certainty).
- iv) The lawfulness of a contract is purely determined upon the state of the mind - mens rea is the standard common law test of criminal liability (under the rules of equity any harm) is expressed in the Latin phrase ***actus reus non facit reum nisi mens sit rea***, meaning
"the act is not culpable unless the mind is guilty"
- v) The due process of law must establish both actus reus (unlawful act) and **mens rea** (guilty mind) for harm to have been caused

UNLAWFUL ACTIONS MAY INCLUDE COMMON LAW TRESPASSES OF:

- 14) **Your phone, video recorder or any other recording device is your evidence against any breach of your peace.... AND POLICE TAKING IT IS NOT ONLY THEFT BUT WORSE = PERVERTING THE COURSE OF JUSTICE:**
<https://www.inbrief.co.uk/offences/perverting-the-course-of-justice/>
- a) To pervert the course of course of justice, any one of the three acts below must be carried out:
- b) Intimidating or interfering with a case [witness](#), juror or judge;
- c) **The disposal, or fabricating, of [evidence](#)**;
- d) Falsely accusing someone of a crime, resulting in their arrest.
- 15) **DISCRIMINATION** as codified common law in the [Equality Act 2010](#) which can be found [here: https://www.legislation.gov.uk/ukpga/2010/15/contents](https://www.legislation.gov.uk/ukpga/2010/15/contents). Section [10.Religion or belief](#) specifically includes:
- a) philosophical beliefs, and
- b) a lack of a belief,
- c) **thereby making the questioning of the madness of the crowd lawful**, and
- d) anyone who restricts that is liable to [26.Harassment](#) and [27.Victimisation](#) and can be sued in their personal capacity including,
- e) **If discrimination is practiced in the workplace it is unlawful**, and grounds for suing employers resulting from UNFAIR DISMISSAL.
- f) §217 - Scotland included except §190 (home improvements) and Part 15 (Family property).

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- 16) **HARASSMENT AND STALKING** are codified common law in the [Protection from Harassment Act 1997](#) which you can find [here](https://www.legislation.gov.uk/ukpga/1997/40/contents): <https://www.legislation.gov.uk/ukpga/1997/40/contents>.
- a) Section [7. Interpretation of this group of sections](#) defines the **same action being done twice to the same person on at least 2 occasions to one person in a group**.
- i) Hence, by expressing this verbally, preferably confirmed in writing for your evidence, should you need to take the matter for public dispute resolution,
 - ii) you remove lawful excuse of honest mistake, and
 - iii) that should be sufficient, as
 - iv) any further actions would fall below the standard of a reasonable person.
 - v) This is simply bullying to get people to follow your command!
- b) Section [1. Prohibition of harassment](#) details that the person should know their conduct is unacceptable; section [2. Offence of harassment](#) details the consequences, ranging from summary conviction to imprisonment up to 6 months.
- i) Section [2A. Offence of stalking](#) details more devious methods of harassment, and I specifically include the complete list for obvious reasons, as those governing, including any public organisation, are personally liable for their actions, as previously detailed, order following is not lawful excuse:
- (a) following a person,
 - (b) contacting, or attempting to contact, a person by any means,
 - (c) publishing any statement or other material—
 - (i) relating or purporting to relate to a person, or
 - (ii) purporting to originate from a person,
 - (d) **monitoring the use by a person of the internet, email or any other form of electronic communication, (AUTHORITIES BEWARE!)**
 - (e) loitering in any place (whether public or private),
 - (f) interfering with any property in the possession of a person,
 - (g) watching or spying on a person. **(AUTHORITIES BEWARE!)**
- ii) §14 Scotland only section 8 - 11 Harassment includes 'alarm and distress'.
- 17) **BREACH OF YOUR COMMON LAW DUTY OF CARE OBLIGATIONS TO ANOTHER**, not to knowingly cause another harm by your actions, codified in the Health and Safety at Work etc. Act 1974 under sections:
- a) [2. General duties of employers to their employees](#),

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- b) [3. General duties of employers and self-employed to persons other than their employees.](#) or
 - c) [7. General duties of employees at work.](#)
- 18) **IF YOU ARE AN EMPLOYER ADDITIONALLY:** Failing to make a suitable and sufficient risk assessment under your obligations in Section [3.Risk assessment](#) of [The Management of Health and Safety at Work Regulations 1992](#)
- 19) **FRAUD:** Should you continue in your belief that your actions are lawful, and the court rules they are unlawful, that constitutes codified common law crime, in the [Fraud Act 2006](#), under sections:
- a) [2.Fraud by false representation](#), and / or
 - b) [3.Fraud by failing to disclose information](#), and or
 - c) [4.Fraud by abuse of position](#), and
 - d) includes [11.Obtaining services dishonestly](#)
 - e) for your personal gain of your wages or salary, and
 - f) at the expense of the public, by taxes or higher prices, to pay your wages or salary,
 - g) which can result in upto 10 years imprisonment plus a fine.
 - h) §15 Penalties differ in Scotland.
- 20) **FRAUD UNRAVELS EVERYTHING:** reaffirmed in the 2019 binding precedence in the unanimous 7 justice ruling in *Takhar (Appellant) v Gracefield Developments Limited and others (Respondents) [2019] UKSC 13 UKSC 2017/0072* which reaffirms ***Lazarus Estates Ltd v Beasley [1956] 1 QB 702, [1956] 1 All ER 341, [1956] 2 WLR 502***, where Lord Denning opined: *'No Court in this land will allow a person to keep an advantage he has obtained by fraud. No judgment of a court, no order of a Minister, can be allowed to stand if it has been obtained by fraud. Fraud unravels everything. The court is careful not to find fraud unless it is distinctly pleaded and proved; but once it is proved it vitiates judgments, contracts and all transactions whatsoever;'* Which is well established in the common law as far back as Lord Mansfield's famous opinion held in *Montefiori v Montefiori (1762) 1 Black W 363, 96 ER 203 Page 31;*

“no man shall set up his own iniquity as a defence, any more than as a cause of action”.

'Equity acts in person and will not suffer a wrong without a remedy'