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for RESTORATION and UNIVERSAL ADOPTION of
CONSTITUTIONAL COMMON LAW TRIAL BY JURY.



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***What Is Treason According to
the English Constitution and Common Law?***

Introduction: This short extract derives from the words and wisdom of our great historical, legal, constitutional opuses by Gibbon, Palgrave, Millar, Gilbert, Hale, Crabbe, Hallam, Spooner, Coke, Blackstone, Mackintosh, de Thoyras, Stephens, Hume, Jefferson, Madison, Franklin, Wilson (Justice James), Macaulay et al. In this pdf, *treason* to our Constitution and at Common Law is explained. It is uncomplicated, but, as you would expect, it is very different from the self-interested notions of ‘treason’ propagated by monarchs and their servitors and inserted into their *statutes*.

There is *indeed* judicable High Treason committed by our parliamentarians, judiciary and lawyers; real treason to our *Constitution* — but it is not a legitimate case to quote breach of *statutes*, which, parliament can alter or override at any time. *Treason at Common Law and Constitution involves a completely different set of laws.*

My heart sinks when I see confused thinking and misinformation circulated about our exemplary **English Constitution**. When these risible elementary misconceptions are sent as ‘Brexit material’ to newspaper editors, politicians and others, claiming ‘treason’ by MPs, I can almost hear their sniggers and scornful remarks. **Fallacies** persuade no one and entrench the opposition. This ignorance is counterproductive to the **Brexit** campaign and to the cause of straightening out our corrupted legislators thereafter — but it’s nothing a little reading won’t remedy! Given attribution (author, title & ISBN) the attached copyright pdf may be quoted and forwarded.

Kenn d’Oudney. www.democracydefined.org

WHAT IS TREASON AT CONSTITUTION AND COMMON LAW?

Friends,

The world-respected English Constitution is comprised of *legem terræ*; the Law of the Land *Articles* at 1215, also known specifically as “the common law.”¹ It is enforced through the Constitutional Common Law Trial by Jury Justice System. The People judge, vet, decide (make) and enforce the Law of the Land by **judicium**; that is, their verdicts, judgements and sentences at Common Law Trial by Jury which thus forms the final, supreme legislature and judicature in the land. The 1215 Great Charter Constitution is virtually immutable. This is because legitimate amendment to or repeal of any Article of Magna Carta may be put into effect only by the greatest mass of the total population *actively* authorising such in a plebiscite, non-participation constituting a refusal, a ‘NO Vote’, in rejection of the plebiscite and proposed amendment.

1 See (VI) *Common law* for definition/quotations of textbook authorities mentioned in Introduction.

Note that *statutes* never form a permanent constitution because, when any new statute or treaty is in conflict with earlier parliamentary legislation, the later or current law overrules the earlier one. Every adult acknowledges these incontrovertible legal facts if they are aware of the legal difference between a constitution and a *statute*. Whereas a *statute* is enacted to facilitate the uncontroversial, day-to-day nuts-and-bolts of governance, a **constitution** is a set of rules (Articles) governing the modus operandi of all administrative governments.

Statutes made by parliament are susceptible to being overruled by *subsequent* parliamentary legislation. That is, statutes are made and can be ‘unmade’ legitimately by any parliament. This applies to every parliamentary Act without exception, including those on *Treason, Misprision, Union, Supremacy, Praemunire, the Petition of Right, Bill of Rights*, etc., whether or not the statute contains wording from common law.

By contrast, **no parliament made Magna Carta, 1215**, which expresses the perennial, timeless, supreme Law of the Land (previously mostly unwritten; *lex non scripta*) which We the People came to inscribe into our Great Charter of English Liberties, formally creating...

THE 1215 GREAT CHARTER CONSTITUTION

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

LEGAL DEFINITIONS UNALTERABLE AT COMMON LAW.

Definition and Related Commentary

[Quotation from textbook abbreviated here for brevity. KD.]

(I) *A constitution*

(II) *government*

(III) *statute law*

(IV) *Tyranny*

(V) *Sovereignty*

Distinction must be drawn between the words *sovereign* and *sovereignty*. A monarch may be denoted ‘sovereign’ but the constitutionally-bound (or symbolic) monarch explicitly cedes sovereignty, *id est*, the making and enforcing of the laws, to others, specifically through the Common Law Trial by Jury; viz. Articles 24, 39, 40 and 61, etc.

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

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

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

See translation and Common Law explanation of Article 39 in section: There Is No ‘get-out clause’ in Magna Carta.

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

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

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

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

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

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

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

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

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

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

This fifth point serves to explain firstly, why Common Law and Constitution assign the crime of High Treason to all acts which attenuate the sovereign authority of the juror; secondly, why King Alfred the Great hanged judges who interfered, tampered, in the due process of Common Law Trial by Jury (see as follows); and thirdly, why, for the slightest infringement of Magna Carta, the perpetual Sentence of Curse and Excommunication was prescribed by the lords spiritual, assisted by monarch and lords temporal¹.

¹ See Magna Carta, Chapter Five.

REGARDING THE DIVISIBILITY OF SOVEREIGNTY:

If the elected body imposes any law or regulation which is inconsistent with the People’s sense of justice and fairness, it requires annulment by jurors in Trial by Jury, even by a *single* juror (unanimity required¹), who may be part of a minority race or group unfairly discriminated against by the law². In this manner, through the Trial by

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Jury, sovereignty not only resides with the people as a collective whole, but importantly, it is also embodied ‘divisibly’ with every adult citizen. Trial by Jury is thereby the active principle of democracy: the people rule³.

1 At Common Law, Unanimity is requisite to convict beyond a reasonable doubt: there is no ‘hung jury’ and no ‘majority verdict’—a ‘majority’ is not a jury. See Chapter Three for related information.

2 See Chapter One for Common Law disqualification from Jury Service of individuals or groups who adopt a thesis of mendacity (perjury; taqiyya, kitman, sharia) to promote or promulgate their interests.

3 **Hellenic Greece of the Constitution of government by Trial by Jury received from the Athenians the defining epithet, demokratia; Democracy. See Chapter One.**

Whether a society is a monarchy, a theocracy or a republic, what converts it from a despotism (a dictatorial, uncivilised state) to a democracy (the civilised state with Trial by Jury operating) is the instalment and implementation of the Trial by Jury through which the people rule. (The word democracy does not replace the word republic. Of course, the republic remains a republic; but it is both *definitively and constitutionally* a *democratic* republic.)

Where the society implements Trial by Jury with all its common law stipulations and criteria which exact conformity to the principles of equal justice, then the society is a democracy. This is as opposed to a totalitarian monarchy, republic or theocracy wherein the dominant government personnel iniquitously suppress the people’s right to the Legem Terræ Common Law Trial by Jury Justice System.

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

Sir Winston Churchill, Author, Chronicler, Historian, Philosopher, Nobel laureate for Literature; Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

Excerpt of telegram from Cairo to the U.K. Home Secretary on November the 21st, 1943.

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

(VI) *Common law* [Textbook abbreviated here. KD.]

(VII) *The Law of the Land.*

The term the Law of the Land (Legem Terræ in Magna Carta) relates to the traditional pan-European protection afforded to the whole population by itself, for the purpose of eliminating and deterring crimes in general, and crimes by government against (the) people in particular. The central doctrine and sole justice system of the Law of the Land is the Common Law Trial by Jury.

Note: terræ is pronounced *terry*, the ‘æ’ as in Cæsar, seize. The word *terræ* is Latin for “*of the land.*” Legem is the *accusative* Latin form; lex terræ is the synonymous *nominative* form. Note that Legem Terræ, the Law of the Land, categorically excludes all statutes, laws and regulations made by government, and judges’ precedents (*stare decisis*). (There is no relation to the much later invention of autocratic, militaristic ‘maritime law’ which is sometimes referred to as ‘the law of the sea’.)

Politicians are frequently heard nowadays referring incorrectly to their political statutes as, “the law of the land” out of ignorance or, more likely, to obscure the real meaning and utmost significance of the term. The historical, legal, Constitutional fact is that the term **the Law of the Land uniquely** relates to the Common Law which is inscribed as the Articles of the 1215 Great Charter Constitution, including and especially those which prescribe and define the Trial by Jury. It is through Juries’ decisions following the process of Trial by Jury that the people’s common law is

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continuously made and expressed. It is legitimately fulfilled by enforcement of **judicium**, juries' judgement, verdicts and sentences.

The common people's **protection** derives from the Trial by Jury by which the folk are responsibly empowered through the court justice system with ultimate control over wayward government. Articles Forty and Sixty-One guarantee the right to file Plaintiff and Prosecute cost-free at Trial by Jury. Article Sixty-One also renders all government persons liable to prosecution. The Constitution sets out the parameters of the only legitimate justice system, defining it by timeless principles, inscribing it as the Constitution's Articles of Law and quashing any tyrannical tendencies in politicians, judges and government employees at all levels. That is to say, *legem terræ*, the Common Law of the Land Articles prescribed by the Constitution, responsibly empower the folk to police their society, regulate and govern government, and prevail over all statutes.

The constitutional rule of law cannot *legitimately* be ignored, evaded, amended or superseded by government, politicians, parliament, congress or courts. Juries' decisions at Trial by Jury are legal, binding and constitutional. They supersede, judge, interpret, administer and rule over all the measures of administrative governments, heads of state and all decisions of government-appointed judges (again, viz. Article 61—about which more later). Infractions of the 1215 Great Charter Constitution by government and/or government personnel and employees are specifically denoted *punishable* at the behest of the People through the Constitutional Trial by Jury (see Chapter Five). *Legem Terræ* Trial by Jury provides the people with protection through the jurors' *power to judge the justice of politicians' and bureaucrats' measures of finance and law*. The people judge the very legality of their government, when necessary overseeing and scrutinising the issuance of currency and credit; **condemning Usury (all money-lending-at-interest) and Fractional Reserve Lending (fraud at common law). Common Law criminalises government borrowing at interest, and banks from lending at interest. Constitutional Restoration retroactively eliminates the 'national debt' at a stroke***.

* See Chapters Five and Six, 'Traitors to the People', for further information.

The juror's power is temporary and limited to the context of the current process for which the randomly selected citizen has been empanelled; but the jury has the power to protract proceedings, authorise investigations and *amicus curiæ*, issue subpoenas, remand to custody, and, if the jury deems it necessary, hold on for as long as it needs or takes.

Naturally, the people's common law of the land requires open government, and all that is implied by that statement. Funds taken from the people's economy which are to be spent by government may, on the order of juries, require to be frozen, audited and accounted for at any time. Taxpayers, citizen contributors to the cost of government, have absolute justification and power through Juries, which at any time may prosecute and judge the motives and actions of those who wield power. Petit Juries may instigate investigations of government personnel, taxation laws, and trial courts (judges). As one would expect of a system designed to preclude misgovernance, the Law of the Land prescribes that particular justice system by which government prosecutions of arbitrary statutes can be *annulled* and/or *redressed** by the jury. Trial by Jury *also* provides the means for the *entire expunction* of unwanted statutes from the roll¹.

1 See the *Counter Plaintiff and Two Ways to Equal Justice in Chapter Four.

The (common) Law of the Land is the legal means by which the people are obliged to police their own society by administering and dispensing justice through Trial by Jury. (The incontestable ethical and experiential reasons at common law as to why judges and government may not set the sentence are explained in the Chapter on Specific Aspects of Magna Carta.)

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[Textbook abbreviated here. KD.]

(VIII) *The Justice System*

(IX) *Crime (A)*

(IX) *Crime (B)*

(IX) *Crime (C)*

(X) *Treason*

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

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

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

The Juror's Duty Is to Pre-Empt Tyranny, Crime and Injustice.

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

"The Jury has the right to judge both the law as well as the fact in controversy."

U.S. Chief Justice John Jay; Supreme Court; Georgia v. Brailsford.

Upon pain of punishment, it is incumbent upon convenors (judges) to apprise the jurors of their straightforward duties, including annulment, before trial. It is likewise incumbent on participating defence *and prosecuting counsel* to ensure that jurors have been thus educated on annulment. This is because, for these aforementioned judges and lawyers *not to do so* constitutes their premeditated participation in and promotion of a *pretence* instead of a real Trial by Jury (high treason); *and* is, for each such participating individual, the personal commission of a premeditated criminal act. This latter is the case because *not to instruct jurors before the trial about the duty to annul has the potential to result in undue penalisation of an innocent person.*

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

For judges and lawyers to withhold or be party to the act of withholding the instruction of jurors to judge the law—along with their other duties—is knowingly to participate in a subterfuge which replaces the genuine Trial by Jury¹. This is the commission of an act of injustice with malice aforethought; definitively a crime at Common Law. For members of the legal profession *to receive remuneration* whilst committing the aforesaid acts gravely compounds their felony. Moreover, such remuneration posits an *incriminating venal motive* behind the legal profession's abandonment of honour and integrity whenever they participate in unconstitutional false 'trials by jury', 'processes'; and trial-by-judge. At this point, one should prompt

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readers to give *consideration* as to *what the lawyer's motivation must be as to why* he or she would commit, and be party to, such a cruel courtroom act perpetrated on trusting, innocent fellow citizens...?

1 See **The Juror's Duties; Chapter One.**

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

For the best of reasons, government and judiciary categorically cannot set sentences in any case, and merely have power to commute, i.e., lessen, not increase, sentences. (The reasons for this aspect of the common law are explained in the chapter on Magna Carta.)

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

— disrespect for citizens' ability to make fair judgements?
— the judge is the willing servant of antidemocratic oppressive government?
— unwillingness to part with his or her power to prejudice the verdict and produce the outcome desired by the judge himself or by his or her political masters?

It is no coincidence that crime has increased in proportion to the degree that citizens' power as jurors to judge the law has been lost to 'judges'. Nowadays, but few of the masters of crime and hardened real criminals are publicly known; still less are they caught, tried and imprisoned. Paradoxically and in a grotesque irony, as a result of government judges' enforcing corrupt legislation (which honest jurors properly educated to their duties should and would annul), there is the highest per capita rate of incarceration of the population in the history of the U.S. and U.K. It causes prisons to be filled with harmless people completely innocent of any malice or 'crime'².

1 & 2 See **THE REPORT** by K. & J. d'Oudney, ISBN 9781902848211.

The Great Charter prescribed Trial by Jury for all lawsuits. To infringe in the smallest way upon the provisions of Magna Carta was considered by the participating clergy to warrant extreme punishment, namely, Excommunication, internal exile; at that time a life-threatening condition. It would seem such Church powers are today defunct; nevertheless, the historic *permanent* Execration is a demonstration of the esteem inspired in people by this timeless Trial by Jury Constitution. Details follow...

First of all, see below the response of King Alfred the Great (lawmaker) to judges' treason at common law by their illegitimate interventions in the *judicial* aspects of Trial by Jury (which are, naturally, solely the responsibility of the jurors). The jurors are the judges. The convenor, nowadays confusingly referred to as 'judge', has an administrative, not judicial, role (see the section entitled, An Irrevocable Principle Recognised by Common Law in Regard to Judges; Chapter One).

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Treason (cont.)

THE PRINCIPLE OF UNANIMITY.

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

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

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

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

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

THE IMMACULATE UNTOUCHABLE CONSTITUTION.

Some of the *statutes* which were passed by parliaments to curtail the excesses of dictatorial monarchs have come to be apocryphally referred to as “constitutional” (such as the Petition of Right ratified by both houses in 1628, the Bill of Rights, 1689). Their good intentions and meritorious contents earned these laws the respect of significant personages and support amongst the people, but, because these are *statutes* and can be legitimately superseded by the legislature, they do not legally and correctly qualify as Constitutional.

By contrast with the untouchable 1215 Constitution, the laws and by-laws framed by the bureaucracy, passed by the parliament or legislature and enacted by the head of state, which are referred to as statutes, acts and regulations, *may* be amended by the legislature. Successive parliaments and congresses have the power to repeal or amend any *statute* they please—but nevertheless the head of state, all government personnel and statutes remain absolutely subject to the Common Law of the 1215 Great Charter Constitution and the due process of Common Law Trial by Jury.

Trial by Jury places the power to judge, annul or enforce the law with the Jurors, removing such power from government. However, government has the task and duty to pass just legislation in an equitable administration of the uncontroversial ‘nuts and bolts’ of day-to-day life. This is, of course, provided government operates legitimately; that is to say, always within the legal and lawful parameters set by the Constitution particularly in regard to the correct operation of the prescribed and defined Constitutional Justice System, the Common Law Trial by Jury. In this latter regard, over recent generations, more than simply contravening the Constitution, government has utterly obstructed the Grand Principle of Equal Justice embodied as the constitutional role of Trial by Jury *to regulate society*¹.

1 Co-author of the U.S. Constitution, ardent supporter of the Trial by Jury Justice System and Fourth President, lawyer James Madison exhorted the people to “regulate society” by expressing ultimate authority through their common law juries; see *The Publius Fallacy of Number Ten*, Chapter Two.

By their illegal interventions and usurpations of the proper Trial by Jury, successive governments have completely removed the people’s constitutional legal empowerment to protect themselves peacefully from criminal misgovernance. In its single most important aspect affecting the entire populace, de facto, individual politicians and judges have abused their position and arbitrarily abolished the Constitution. Injustice flourishes today: the functionaries, personnel and departments are treasonous and culpable.

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Constitutionally, through Trial by Jury the People have sovereignty over the head of state (Article 61) and all the persons in and employed by government whomsoever they be. Parliament and government are but the servants and employees of the People; the taxpayers.

Government may confer power but the esteem of the people can alone bestow authority.

THE UNENDING STRUGGLE AGAINST THE ENEMY WITHIN.

If at any time, albeit for an instant, the supreme power is removed from or ceded by the people, and the power is acquired by, or delegated to, a group consisting of *less* than all the People, then the democratic state has ceased to exist: an undemocratic government, that is, a dictatorship, has assumed its place. The Trial by Jury-based democratic society of the Hellenic ideal was implemented all over the world by peoples of republics and constitutionally-controlled (symbolic) monarchies—but democracy has repeatedly suffered destruction by the countervailing incursions of oppressors who treasonously brought about the annihilation of “equal justice for all.” *This massive crime is accomplished simply by suppression of the sovereignty of the juror*, de facto thereby illegally abolishing Constitutional Trial by Jury itself. Stealthily, the enemy of the people has again today taken away the jury’s supreme power and is obliterating Western Civilisation from within, without a whimper from the silent majority who have literally *everything* to lose in terms of life, love, liberty, heritage and personal property from the act by governments of the denial of Trial by Jury.

THE PARADIGM OF PERFIDY: THE TREASON ACT OF 1351.

Observe the irony in the fact that the *statute* known as the Treason Act of 1351 is itself the very paradigm, the classic example, of *treason*. For their own benefit, supporters of equal justice and all right-thinking men and women must learn to recognise and effectively resist *real* treason in all its guises.

The Constitution provides for the absolute necessity of citizens always being able to use the Trial by Jury to protect themselves from injustices being inflicted by unjust government statutes enforced through the courts. Citizens achieve this by charging and prosecuting government functionaries and employees—*attack* being the correct, effective form of *defence* in this instance; ref. Chapter Four. *As with all other crimes*, the Crime of Treason is only *legitimately* determined, tried and sentenced *by the jurors* at Trial by Jury. For all time, the 1215 Great Charter Constitution restored the juror’s sovereignty and the duty of juries *to do justice*: to decide the laws, issues and sentences.

The Treason Act, like many another, is in flagrant breach of the letter and spirit of Magna Carta. In this instance, it is because the *statute* bestows power of sentencing, including capital punishment, on *government*, as distinct from juries. In this treasonous legislation, the head of state and government give to *themselves* wholly unwarranted, illegal immunity from potential indictment at Trial by Jury by dissenting citizens, because *dissent* (i.e., political or social criticism) can be designated by government as being “treasonous.” Government judges then misinstruct juries to apply “the law.”

The statute feloniously turns the citizens’ indispensable protections and just causes into “treason.” This Treason Act is similar to the current impermissible U.K. Official Secrets Act which *illegally* spurns just causes and makes important revelations about government misbehaviour (‘whistleblowing’) into faux ‘crimes’.

At constitutional common law, it is a crime per se (Misprision) not to expose impropriety by government employees. The government excludes facts and exonerative evidence at trials when it pleases; breaches the Constitution; obstructs the course of justice; and eliminates all dispute of the legality of law and acts of its enforcement. The entire *purpose* of natural law, the common law and the Constitution—which together can be denoted The Cause of Liberty and Equal Justice—is thwarted by this and countless

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other ***treasonous government statutes***. Rather than protecting *all the people equally* from crime by government employees, the Treason Act protects *the person* of the incumbent head of state and *government functionaries*. This statute was enacted by Edward the Third, subsequently modified, and government asserts that it remains 'in force'.

The Treason Act *treasonously prescribes the sentence* for high treason (originally, that of hanging, drawing and quartering). ***All legislative acts prescribing sentences are repugnant to the Constitution and rendered null and void*** (see ethical and legal reasons explained in the Magna Carta Chapter). According to Common Law, their enforcement is crime per se, for they infringe upon the sovereignty of the juror to decide the law in each case, which includes the sentence. See the Magna Carta Chapter for common law proofs that the Jury, not the judge or government, sets the sentence.

Such treasonous statutes intentionally overthrow the Constitution and democracy. They terrorise instead of protecting the populace. They *encourage* authoritarianism in its primitive atrocity at all levels of government. They erect an impenetrable barricade behind which de facto criminals within government machinate with impunity. They treat We the People as lesser mortals than government employees. They induce an attitude of 'thuggery' in police, vented against the vulnerable, unprotected general public. It is repeated all too often nowadays in scenes re-enacting vicious acts perpetrated upon local civil populations; modern events which recall King John's unpardonable government enforcers-for-money; mercenaries.

In the same way as the Court of Star Chamber and the *statutes* of Attaint severely punished jurors for finding verdicts which displeased the judge and government (generally torture and dispossession), this old "Treason" statute maintained today is a blatant example of crude absolutism at work. Instead of administrative government working *within* the Constitution and *upholding* the principles of justice, such contumacious legislation premeditatedly seeks to return the status quo to its intense illegality extant under John's criminal misrule.

Immunity from prosecution gives government carte blanche to misappropriate, dictate, tax, incarcerate, intimidate and carnally oppress without restraint. This is criminality embodied as the fascist or the "*gulag state.*" Today, such authoritarianism suppresses great swathes of the human population. Anti-democratic government today has improperly assumed powers expressly prohibited it by the Constitution.

Of course, since John, with insensible exceptions such as monarchs Charles the First (beheaded) and James the Second (dethroned), autocrats have generally known not to oppress and fleece the population but by subtle degrees, to avoid enflaming and uniting too great a proportion of the people against them at any one time.

Folks are always slow to resist injustice inflicted upon others. The situation today is similar to that attained by Nazi Propaganda Minister Joseph Goebbels. The modern decline and degeneration of the West are exacerbated and accelerated by the much-exploited distractions of state and corporate-derived anti-Constitutional miseducation which is *propagandised* through all the wholly owned-and-controlled outlets of the mass mainstream media. This treason is committed by paid participants, editors, reporters, commentators, presenters, et al., who are in varying but serious degrees culpable for that anti-democratic crime at Common Law.

All the innumerable *statutes* which infringe the 1215 Great Charter Constitution are due annulment and obliteration. Government must be held within the legal boundary ascribed it by the Constitution *and* abide by people's decisions at Trial by Jury. The sovereignty of the juror and thus the people must be upheld at all costs. Twenty-First Century tyranny anew must be exposed, rooted out and annihilated.

WHAT IS TREASON AT CONSTITUTION AND COMMON LAW?

CICERO AND THE ENEMY WITHIN.

Marcus Tullius Cicero, 106 – 43 BCE, was a philosopher, statesman, sage, a master of rhetoric and prose, and a lawyer. Widely considered one of Rome’s greatest authors, his prolific works are extant. Let us heed his warning and take appropriate action.

“A nation can survive its fools, and even the ambitious, but it cannot survive treason from within. An enemy at the gates is less formidable, for he is known and carries his banner openly. But the traitor moves amongst those within the gate freely, his sly whispers rustling through all the alleys, and heard in the very halls of government itself—for the traitor appears not a traitor: He speaks in accents familiar to his victims, and puts on their face and arguments. He appeals to the baseness that lies deep in the hearts of all men. He rots the soul of a nation, working secretly and unknown in the night to undermine the pillars of the city. He infects the body politic until it can resist no longer. A murderer is less to fear.”

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

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

Jefferson deemed impeachment as ineffective as a scare-crow! In a letter about the judiciary to one A. Coray (see ME15:486; 1823), he made a telling observation:

“In truth, man is not made to be trusted for life if secured against all liability to account.”

*Definitive Common Law Articles 24, 39, 40 and 61 do indeed hold all men and women within or outside government liable for their actions and answerable to ‘ordinary’ citizens’ cost-free private prosecutions at Trial by Jury. **This is the principal reason for government and its servitors’ illegitimate refusal to acknowledge and submit to our Common Law 1215 Magna Carta Constitution.***

PROSECUTION ON INDICTMENT.

The justice system of common law (the 1215 Great Charter) prescribes Trial by Jury for private, cost-free prosecutions on indictment* simply by lodging a formal public charge or plaint at the local court. There is no other trial or justice system which is legitimate; ref. Common Law Articles 24, 39, 40, 61, etc., explained in Chapter Five.

**Definition.* indictment, a formal charge or accusation of a crime; from Anglo-Norman French *enditement*; from Middle English *inditement*.

Accordingly, the head of state, judges and legislature cannot *legally* prevent the private plaint or indictment of whomsoever from proceeding to Trial by Jury. Yet these cost-free private prosecutions—the only avenues to achieving a uniform state of *equal* justice—are today obstructed by government. The real Trial by Jury is no more. Such are the evil, duplicitous ways of the scheming crooks in government and the legal profession. Once again, we see Magna Carta is utterly vindicated and full Constitutional Restoration imperative.

WHAT IS TREASON AT CONSTITUTION AND COMMON LAW?

To reassure the pusillanimous who quake before government wrongdoing, it should be borne in mind that, at common law, *good* government is always completely protected by the Constitutional position of the Jury. For the Jury is empowered to judge, dismiss and punish (fine) vexatious litigants, whoever they are, government notwithstanding. However, the natural protection of the population can *only* be satisfactorily achieved by upholding the people's traditional Law of the Land, the 1215 Great Charter Constitution, which subjects all men and women equally liable to the just process of Trial by their Peers.

[Quote ends from DEMOCRACY DEFINED: *The Manifesto* ISBN 978-1-902848-24-2.]

I hope this text is helpful to patriots. Implied criticism of those confused and spreading misinformation about our immaculate Constitution is constructive and should be taken in the spirit of amity and solidarity with which it is intended.

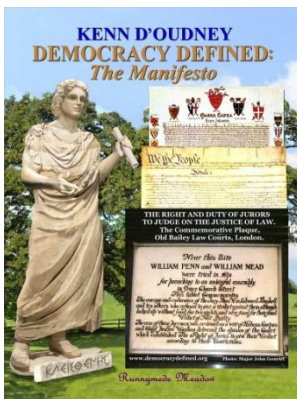
Kenn d'Oudney. www.democracydefined.org THE RESTORATION AMENDMENT.

“Better never to vote at all than vote for a person who does not make EQUAL JUSTICE the prime aim of government by RESTORATION and UNIVERSAL ADOPTION of Constitutional Legem Terræ Common Law Trial by Jury.”

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

Kenn d'Oudney est auteur de livres et essais y compris les suivants:

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

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WHAT IS TREASON AT CONSTITUTION AND COMMON LAW?

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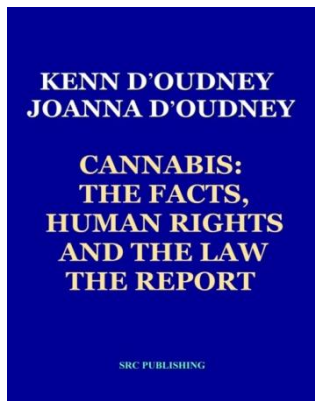
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