The Occulted Powers of the British Constitution

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It is in the administration of justice, or of law, that the freedom or subjection of a people is tested. If this administration be in accordance with the arbitrary will of the legislator—the government is a despotism, and the people are slaves. If, on the other hand, the rule of decision be those principles of natural equity and justice, which constitute, or at least are embodied in, the general conscience of mankind, the people are free ***in just so far as that conscience is enlightened****.*

from '*An Essay on the Trial by Jury*' by Lysander Spooner, 1852

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The British constitution (cf. English Constitution) and its real mechanisms that confer liberty on the people are both esoteric and concealed (occulted). It appears that even the most well-versed scholars of law have missed the elusive devices that exist in the proper-functioning, authentic common law constitution.

This document aims to break down in a matter of a few pages, the real hidden mechanisms of our common law-based Constitution based primarily on the works of the American lawyer Lysander Spooner and the research and material of Mr Kenn d'Oudney and the *Democracy Defined Campaign*. Many attempts have been made by those in positions of power over a period of eight-hundred years, to subvert the constitution through a mixture of deceit, obfuscation and miseducation. This document outlines the essential nature of how the common law constitution was indeed set-up to protect the people's liberty.

Constitutional Limitations on Government

It stands to reason that unless the people of the country have powers over their own government, the people will eventually find themselves in a place of tyranny. Unless limitations are placed upon the government and more specifically how it creates legislation, that government will eventually write itself into a position of absolute power, because power ultimately lies with those that can deliver punishment.

Unless one concedes to a system of despotism, any thinking individual must realise that the government is indeed ultimately subordinate to the sovereignty of the people. Unfortunately the prevailing thinking in our society is that this is achieved through nothing more than the mechanisms of voting in elections: the idea that the people have influence over their own government merely by voting representatives into office.

A constitutional framework can only be truly equitable and, furthermore, the people can only be truly sovereign, if they are able to ***take part in the process of the formation and even the enforcement of the laws of their community***. It is not the job of a people's government to decide on the justice of the laws of the community ***and simultaneously*** to be responsible for their enforcement: that would be the definition of dictatorship. For true equity to exist, the people must have that authority over their own governing administration; meaning that, in fact, ***the people govern themselves***. The people must not see their government as authority. If government retains the ultimate power to punish without the authority of the people then the people will ultimately be in fear of their government.

So the ultimate question might be whether or not there is some other mechanism (other than voting 'rights') that allows the people to decide on the justice of the laws of their community: to decide on the fairness of the laws by which they agree to abide.

That hidden mechanism does indeed exist in Britain, but mendacious and conniving members of the establishment, over centuries, have been effective at hiding it and removing it from the consciousness of the people, through a gradual but deliberate re-education campaign.

This elusive mechanism is Trial by Jury itself—***Judicium Parium***, as enshrined in the original 1215 Magna Carta. The important point, however, is that these common law mechanisms in their true, authentic form, bear little resemblance to the watered-down, pale imitation that exists today. The original *Judicium Parium* of the time of the late Saxon kings functioned as the champion of the citizen juror and kept all people of the country in authority over their own government and its legislation. Put another way, the Common Law (*Legem Terrae*—the law of the land) laid out in the 1215 Magna Carta was what made the government genuinely 'by', 'for' and 'of' the people.

Authentic Common Law Trial by Jury

Unlike the Trial by Jury we have today in which there is seemingly only one purpose to the jury; in authentic Common Law Trial by Jury, there was a second purpose that elevated the people in the jury to the highest law council of the land.

The 'petit' jury of twelve has the right and the duty to judge not only the accused but also the law itself. The jurors are supposed to judge on the existence of guilt in the accused: but not simply by following the legislation under which the accused was brought before them. They must make an independent decision on the guilt of the accused based on their conscience. They are looking for '*mens rea*': malice aforethought. The people form their community's laws by tapping into their sense of natural justice—***natural law***.

For this reason, under genuine common law, the juror's decision is also private and there must be ***no coercion*** of a juror by the court to reveal their reasons for their conclusion. Furthermore, in order for the accused to be found guilty, all twelve jurors must return a guilty decision. Even if the decision of only one juror of the twelve is not guilty, then the overall jury's verdict is automatically not guilty. Authentic common law fundamentally favours liberty and there is no such thing as a ***rogue juror*** or a ***majority verdict***.

David Hume describes Trial by Jury as...

> *"an institution admirable in itself, and the best calculated for the preservation of liberty and the administration of justice, that was ever devised by the wit of man."*
>
> *David Hume's History of England, Chapter Two*

The jury's verdict can ultimately disagree with the legislation and this is known today rather patronisingly as a *perverse verdict*—although there is nothing perverse, of course, for the juror to find the legislation under which the accused is brought before them as unjust. If this happens then something must be flawed in the case or the legislation itself, as it is found to be out of alignment with the consciences of the jurors. When this occurs, the legislation is annulled specifically for that case. This is the people 'governing' or policing their own society:

> *"This position" (that the matter of law was decided by the justices [judges], but the matter of fact by the pares [peers, i.e. jurors]) "is wholly incompatible with the common law, for the Jurata [jury] were the sole judges both of the law and the fact.*
>
> Kenn d'Oudney quoting in Democracy Defined: The Manifesto, on page 74, from **Justice Sir Geoffrey Gilbert's History of the Common Pleas**

D'Oudney continues quoting...

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

The above situation is what is described as ***Annulment by Jury*** (sometimes referred to rather ambiguously as *Jury Nullification*) and occurs when a defendant is brought before court.

It is important to draw the distinction again between what our current establishment and Judiciary call common law—which is known as *stare decisis* (case law)—law that is decided on precedent; and that of the ***genuine Common Law***. Our current system contains a body of wisdom made up of a series of precedents that are formed from decisions of Justices following appeals. This body of precedents does indeed contain some interesting and in many cases excellent and obviously very carefully thought-through decisions but it's important to keep in mind that in order to have such a body of 'wisdom' at all, it would have to be held by the Judiciary—an arm of government, the very organisation from which legislation was spawned. That fundamentally breaks the principles of equity on which our rule of law is based.

Under ***genuine*** Common Law, this body of case law, ***as precedent***, cannot exist—which is precisely why not only the Judiciary had a much-reduced role, but also, at the point of annulment, the jury will not be making reference to any previous decisions and are not bound by anything prior to that case: it is purely through their own conscience that they are judging the accused.

However, a more far-reaching process could lead to the complete repeal of a statute, and this involves the actual prosecution at a jury trial of those involved in the creation or upholding of unjust legislation. This process is known as ***Private Prosecution*** and, importantly, under authentic common law, this would have also ***been provided cost-free*** to citizens and could have resulted in the expunging of unwanted statutes. In Article 61 of Magna Carta it is stated that government officials have ***no*** liability protection under the Constitution.

Following contemplation and reflection on this, one can begin to realise the profound nature and power of these mechanisms in conferring liberty on the people. It is these mechanisms that provide the foundation to the term *'Consent of the Governed'*. ***The consent is provided (or not) to each piece of legislation through the jury***.

And so it was that the people ruled the country through the jury, as indeed was the case in ancient Helenic Greece. The Athenian constitution in the time of Cleisthenes around 508 to 507 BC allowed the citizens to be the final arbiter of law through their ***Exousia Rights***. (Exousia meaning 'authority' from the Greek). This same principle was adopted all over Gothic Europe and common law was typical—indeed Emperor Conrad of Germany ***two hundred years before Magna Carta*** had established the right of the juror to judge according to their conscience:

> *"Nemo beneficium suum perdat, nisi secundum consuetudinem antecessorum nostrorum, et judicium parium suorum."*
>
> *"No one shall lose his estate unless according to the custom of our ancestors, and the judgement of his peers."*
>
> See 3, Blackstone, 350

The reader will, no doubt, come to the conclusion from this that the entire system of Magistrates Courts is therefore unlawful and at odds with the British Constitution! Summary trial breaks all the principles of equity as there is no judgement by peers. The following quotation reveals the secret behind the phrase *consent of the governed*:

> *The conclusion, therefore, is that any government that can* ***for a day*** *enforce its own laws without appealing to the people (or to a tribunal fairly representing the people) for their consent, is, in theory, an absolute government irresponsible to the people, and can perpetuate its power at pleasure.*
>
> *The trial by jury is based upon a recognition of this principle, and therefore forbids the government to execute any of its laws by punishing violators in any case whatever, without first getting the consent of 'the country,' or the people, through a jury. In this way, the people at all times, hold their liberties in their own hands, and never surrender them, even for a moment, into the hands of the government.*
>
> Lysander Spooner from his essay on Trial by Jury 1852. This taken from Kenn d'Oudney's inclusion of the essay in *Trial by Jury: Its History, True Purpose and Modern Relevance* p.120

The Legislature: The Government's Limited Jurisdiction

An important revelation stems from the understanding that the people have the power to create law through the jury and that ***that*** law is a higher jurisdiction than government-created legislation. The only 'law' that the government is authorised to create under the constitution is legislation—that which is now formed through Acts of Parliament in the legislature. This is what most people today think of as law.

The Legislature is considered one of three branches of government; the other two being the Judiciary and the Executive branches. The Legislature in Britain is ***Parliament*** - made up of the two 'houses': the upper house being the Lords and the lower house being the Commons.

Legislation, as we know from the above, can be discarded through the power of the people through the petit jury of twelve: a court de jure. Due to those limitations, government cannot alter the constitutional framework in which it sits. It cannot write itself into a higher authority and certainly cannot use its right to write legislation in order to alter the very constitution that binds it. It can, however, alter or throw out legislation itself since that would have been created by government.

It is also important to understand that a further mechanism of control placed over the legislature is that of ratification by the monarch. All acts of parliament must be ratified by the head of state, who, in turn, is bound through the coronation oath ***not*** to ratify acts of parliament that are repugnant to (breach or are incompatible with) the 1215 Magna Carta. Other powers of the head of state exist such as the power to dissolve parliament and the nomination of the individual to form a 'government'; in reality more an *administration*.

> *"As distinct from supreme Constitutional customary Common Law,* ***statute law*** *is written law passed by the legislature (parliament / congress) and enacted into law on its passing by the Head of State. Whereas constitutions are permanently binding,* ***statutes*** *do not bind subsequent parliaments and cannot 'form' or be 'part' of a 'constitution'."*
>
> d'Oudney, K., Democracy Defined: The Manifesto, 2020 Third Edition, p. 68

It is also important to keep in mind that no parliament (legislature) made the original Magna Carta of 1215 (as no parliament existed at that time). The Great Charter is the people's perennial compact with the Heads of State and can therefore ***never be considered a statute*** - though it is sometimes erroneously referred to as one. As Kenn d'Oudney states, this is either through laziness, ignorance or a more conniving attempt to confuse and miseducate.

Therefore it is quite clear that the government's act of legislating new 'versions' of Magna Carta in 1225 and 1297 (the 'Confirmatio Cartarum') was treason, nothing less. To claim that parliament is sovereign is ludicrous and absurd once the aforementioned limitations are understood. For the government to attempt to alter or infringe on the constitutional documents that are an authority over it, is unlawful. It was acting *ultra vires*—outside its authority. The government is either

all-powerful and therefore tyrannical; or the truth does indeed stand that the British Constitution limits government powers: there is no middle ground.

The legislature, therefore, contains perhaps three layers in total. The bottom, and beginning of the legislative process, is the House of Commons (the Lower House) in which an act of parliament for the creation of a statute begins in the form of a Bill. This then proceeds to the second layer, the Upper House—the House of Lords, to be passed (or not).

It is important to understand the purpose of the upper house as this is especially topical right now during a time of yet more calls for reform of the House of Lords. Unfortunately this clamouring for reform is occurring against a backdrop of misunderstanding in the general population of precisely why the House of Lords consists, and has consisted to a greater extent in the past, of non-appointed, permanent office holders.

The lords who appear to the public as anachronistic, privileged and out of touch are actually there as a protection mechanism for the people against the machinations of the politicians of the lower house. The dangers of untrustworthy and dishonest ministers who listen rather less to their constituents and more to the agendas of the whip are well known. Politicians who might later enjoy lucrative positions in industry and big business due to having only recently, perhaps, been instrumental in passing 'useful' legislation beneficial to those same corporate bodies on to which they will be moving, occurs only too frequently.

The problems of the back-handers and 'special interests' of those who too often describe themselves as 'in power' as opposed to 'in office' are precisely why the upper house exists; containing those who are harder to bribe and hopefully might have a greater resistance to unscrupulous and dishonest dealings. A life time appointment or even, to a greater extent, the burden of a multi-generational family responsibility of a title will bring with it reputational concerns too. There is a solemnity and gravitas that comes with a long-term responsibility and the intention was always for these men of the upper house to temper the short-term agendas and the transient interests of those who could be more easily bribed.

The purpose of the Lower and Upper Houses could perhaps be equated to short and long-term interests of the country: the immediate concerns of the current administration balanced against the long-term fundamental character and freedoms of the realm. The people of this country had better understand this well and quickly before anymore damage is done to the House of Lords. It is easy to see why the 'here today, gone tomorrow' politicians would rather the checks and balances on them were removed.

The reason for the third 'tier' of the legislation is similar: the existence of the monarch's power to give freely the assent ***or dissent*** to a bill of parliament. The power of the head of state to ratify ***or not*** parliament's legislation is critical and this has now essentially been lost by the gradual shift towards the erroneous belief that the monarch is obliged to ratify all legislation thus morphing the head of state merely into a ceremonial figure. This is another cataclysmic loss of protection for the citizens against the tyranny of the legislature. Instead of calling for the increasingly politically correct

course of removing the ancient long-term powers of these offices, it would be advisable for the sake of the liberties of the citizens to do the opposite and to understand the importance of these protections and balances built into the country's constitutional framework.

Democracy: A Return to its Proper Meaning

Once one understands that the real mechanism by which the people have authority and control over their government is not by voting in elections but through the lost and concealed power of the jury, one begins to see how the word ***democracy*** regains its more significant and substantial meaning. The gravitas that that word once contained is restored again. The people (demos) really are ruling (kratein) their country and what was conventionally seen as 'the government' is reduced, rightfully, to its proper status as an administration working for its people whose 'employees' are public servants. The most senior position within this administrative organisation is the head of state; in our case, in Britain, the monarch.

Democracy's meaning has gradually become distorted and it is high time we regained our understanding of its roots in Helenic Greece. The exousia rights of the citizens of Athens in the time of Cleisthenes provided many powers over the state, the most important being their right ***to be the final arbiter of law***.

Our erroneous understanding that democracy has a basis merely in majority voting and especially a party political system has simply led to our enslavement. It is perhaps worth pointing out that the roots of democracy could never have been our party political system as that has only really emerged in the mid-eighteenth century. It would be nonsense to claim something that emerged so recently as being the root to the ancient, profound and revered democratic governance that we so love to hold up as the basis of our free society.

The 1215 Magna Carta is Common Law (Legem Terrae)

It is important to address this issue that the 1215 Magna Carta is, itself, ***authentic*** customary common law, contrary to what members of the Judiciary and legal profession will claim today. They will often make the claim that common law is case law (*stare decisis*) made by judges (justices). Although largely through ignorance, as already suggested, this will also, in many cases, be through a desire to misinform and obfuscate. It is in the interests of those in political power for the citizens to become hoodwinked over time about these matters and the claim that common law is judge-made is one of the many distortions they have put in place.

"It is agreed by all our historians that the Great Charter of King John was, for the most part, compiled from the ancient customs of the realm, or the laws of Edward the Confessor; by which they mean the old common law, which was established under our Saxon princes."

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

"It (Magna Carta) was for the most part declaratory of the principal grounds of the fundamental laws of England. They (Magna Carta and Carta de Foresta) were, for the most part, but declarations of the ancient common laws of England, to the observation and keeping whereof the king (the government) was bound and sworn."

Sir Edward Coke (Chief Justice), Preface to 2 Coke's Institutes, p. 3

Clearly, as already stated, the judges are the members of the jury and not the government-appointed Judge (as we call him today). A 'judge'—a government employee judging on the justice of the legislation formed by the very organisation that employs him, could hardly be described as impartial! It breaks all the principles of a democratic and equitable rule of law.

People's use of this term 'Law of the Land' is ignorant and careless because most people, including many who should know better, when using this term, are referring either to that which emanates from Parliament: ***legislation***, or ***stare decisis*** (case law), authored by justices in the Judiciary. They fail to understand, let alone make that distinction, that ***genuine*** common law is something else completely—the true Law of the Land (Legem Terrae).

The Validity of the 1215 Great Charter

There are a number of much-repeated arguments that attempt to invalidate the 1215 Magna Carta, but all of them can be dismissed once one knows and understands the historical detail and context at the time.

One of these is the argument that the Great Charter was signed under duress; and those that make this argument do so without realising that King John was, quite rightly, under duress! They forget the important fact that the King was already bound by his Coronation Oath and was under contract with the people. Under the already established common law of the late Saxon Kings, England functioned as a ***limited monarchy*** in which the Monarch, far from being considered 'absolute' in power, was in fact regarded merely as first among his equals; his peers, (the titled barons), who had the right to try him if he ignored his obligations and contravened his duties.

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

See Appendix 1 of David Hume's History of England

It is important, too, to keep in mind the crimes of the King: he was violent and he had allowed himself or his most senior aides and soldiers, to commit rape and other acts of violence. He had also made families destitute and taken land from people. These were crimes of a tyrant, and the Barons were holding John to account according to his oath and responsibilities as the most senior public servant in the land.

It is also important to understand the true nature of the ***state of aristocracy*** in England under common law. This was not merely a system of privilege for some 'lording it over' the peasants as is often assumed. This system of aristocracy was there to ensure that everyone in the land, regardless of their social status, when before a jury, was judged by those who were in the same social context as themselves—their peers. And, as already mentioned, this was also true of the King.

It was essential under this common law system that the Monarch, if he stepped out of line, was also able to be judged by ***his*** peers. Furthermore, to be a just system, it was also crucial for those peers that were to judge the monarch, to be of the same social standing, hence the King's peers were the Barons: the peers of the realm. Similarly, those of 'lower' status: the Villeins, Cottars, Churls and the like, must be judged if in court by ***their*** peers—their social equals. Under the authentic common law system of the time it was essential that every man and woman in the land, if brought before a court, must have the opportunity to be judged by those who experience the same temptations and pressures in life. They would also have access to the earlier-mentioned Private Prosecution.

Whether or not an unexpected benefit or an intention is not clear but this was nevertheless the true nature of aristocracy under the genuine Common Law; and, to return to the matter of King John, the Barons were essentially convening a common law court in which they were the judges performing their sworn duty to try the King for his crimes. They were rightly holding him to account.

The second commonly-presented argument by detractors is the claim that the Pope invalidated the 1215 Magna Carta. The Pope was not party to the formal arrangement of the head of state of England. He was an outsider who had no right to step in and involve himself in the affairs of a foreign nation. King John, for the reason already mentioned, was bound under his coronation oath and had no right to appeal to the Pope for assistance. Therefore any subsequent decree put out by the Pope had no validity and authority: the supremacy of the 1215 Magna Carta remained.

Finally, the reasons for the King and government's endeavours to re-write the Magna Carta in the form of legislation in 1225 and 1297, were obvious. This was nothing more than an attempt to legislate for more palatable versions of the Great Charter by those in political power at the time—an illegal act of treason itself as the legislature is bound by the constitutional framework in which it sits.

For them, it was imperative that they tried to reverse the damage already done by the 1215 Great Charter, to their potential power-grab over the people. For the citizens to have authority over government that was successfully established by the Charter, coupled with the perpetual nature of it—***establishing these government limitations in perpetuity on all subsequent monarchs*** and administrations, was nothing short of calamitous to those in power.

The attempts to weaken Common Law Trial by Jury in those early years was only the beginning of what was to be the establishment's subtle, pain-staking and protracted process for wrestling power back from the people over a period of hundreds of years through conniving reeducation and clever trickery. A successfully-established democratic common law constitution for the people is a serious problem for the deep state.

The Dangers of Suffrage, Majority and Consensus

It is worth laying out some thoughts here about the inherent dangers of these concepts of majority voting and consensus thinking. Too often, people are fully bought into the mindset that somehow the opinion of the greater number must hold greater value in some way. This has to be one of the most dangerous and powerful mind control tricks ever played on humanity.

Over time, most people have come to believe that majority voting is the only concept in existence for bringing fairness and justice into our society. The concept of majority voting is not embraced by our common law with the same fervour or enthusiasm as we do in our modern mind set.

All this does is create a consensus: the opinion of the lazy majority, who have usually taken the easier path of less resistance. Truth is often uncomfortable and takes more courage to face: it often hides in dark corners or under the carpet following a furtive sweep. But the thinking man will resist the temptation to adopt the opinion of the herd, instead, through quiet reflection, patience or even courage and determination, arriving at a more carefully considered position. One could easily argue that the non-conformist's perception is often closer to the truth.

How many times are we suckered into that automatic belief that the majority must be right or correct? Once considering this carefully, one could claim that the truth is more often held by the minority:

> *"Truth always rests with the minority, and the minority is always stronger than the majority, because the minority is generally formed by those who really have an opinion."*
>
> Søren Kierkegaard, 1850

Therefore what makes one think that a system of voting, designed to reward the majority with an automatic victory, is considered preferable?

"The reasonable man adapts himself to the world. The unreasonable one persists in trying to adapt the world to himself. Therefore all progress depends on the unreasonable man."

George Bernard Shaw, 1903

Is it not the minority that shapes the world? How interesting it is, then, that it only takes one member of the jury to acquit a man? The Common Law truly favours the thoughtful single juror; truly a system for the contemplative minority!

There is more to this, however. Many are tempted to take suffrage and the concept of majority to the next level with ***referenda*** by asking all citizens, individually, about one specific issue or policy. And although this, again, fails for the aforementioned reasons as it is still based on majority, there are further dangers that go completely unrecognised.

Asking the nation about measures or policy by putting it to a vote will not grant the citizen an opportunity to reflect deeply on the effects and reality of the proposed legislation. But put before a common law jury, where the jury is deciding on the justice of the law, you are placing the proposed legislation under real scrutiny with the added benefit of seeing its effects on a real man or woman potentially facing punishment, actually playing itself out in front of the court.

The jury, are using their conscience whilst judging the effects of the legislation on the accused man who could be going to prison, for example. Motive, context and state of mind are all being considered carefully and thus the law is being examined in a veritable petri dish in a 'justice laboratory'.

The fairness of a proposed measure could not receive a more painstaking and meticulous examination, surely, as it does in the context of the Common Law Trial by Jury, the foundation of our Constitution.

Usury and Our Money System

Finally, it is critical to understand that our current usurious methods of banking are quite simply extortion of the citizens and absolutely precluded by our common law constitution. There is no place in our society for the unlawful banking system of the type we have now with our private central banks that fall under the authority and central control of the Bank for International Settlements. Interest-bearing debt and fractional reserve banking is made unlawful under our Constitution for the purposes of supplying the country's money.

An alternative would be the tried and tested system of money-creation performed by the treasury, based on the assets of the nation as done at numerous points in history in both the US and Britain. Colonial Scrip, Abraham Lincoln's 'Greenbacks' and the lesser known ***Bradbury Pound*** in

Britain, are all examples of the creation of safely-backed money that would transform the economy of the country. Abundance would result in ***all*** instances of the installation of this little-known and lawful mechanism. See...

https://www.newchartistmovement.org.uk/learning-resources/justin-walker-explains-the-scam-and-the-solutions

Under a properly functioning Democratic Common Law Constitution, it is important to understand the distinction between money-creation performed by the ***treasury***—falling under the authority of a public body answerable to the people—and what we have today: money creation performed by a clique of powerful, private individuals and think-tanks with globalist agendas. The wealth and abundance that would result in a society that corrects this fundamental problem would be astounding.

Appendix: Further Distortions and Trickery

To end, it is perhaps worth mentioning some further methods of subversion to the constitution.

If one can control who serves on a jury then, of course, it stands to reason one can alter the potential outcome. Various attempts have been made to 'pack the jury' by controlling who serves on that jury and, worse, who in the country is even 'qualified' to sit on a jury.

One act of disqualification, which resulted in a huge proportion of the country losing their right to sit on a jury, was written in statute form (thus unlawful) in the 1689 Bill of Rights. Far from being 'constitutional' as many believe, the English Bill of Rights was an enemy of the people's liberty and attempted to contradict aspects of Magna Carta. From this point on, it was a condition for jurors to own wealth and property.

See the essay '*The Tragedy and Treason of the 1689 Bill of Rights*' by Kenn d'Oudney:

https://www.democracydefined.org/essays/THE_TRAGEDY_AND_TREASON_OF_THE_1689_BILL_OF_RIGHTS.pdf

As already mentioned, the gradual shift from a convener (an administrator of the court) to a full judge as an employee of the state thus usurping the preeminence of the juror as the supreme judge, was another method of subverting the constitution.

Related to this was the gradual taking of the rights of the jury to judge various aspects of the case. Under authentic common law, it is the right of the jury to judge ***all*** aspects including the facts, the law, the admissibility of evidence, motive, criminal intent and the sentence. This has gradually and unlawfully been clawed back by the state judge over time.

Under authentic common law, the principle of ***unanimity*** is crucial in which ***all*** jurors must return a guilty decision if the accused is to be found guilty. The modern concept of a 'majority verdict' is a distortion of authentic common law.

William Keyte — 07/02/2022
CommonLawConstitution.Org and New Chartist Movement

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