



House of Butterworth

Interpretation Policy

Valid as of the 1st day of November in 2021
Revised as of the 12th day of February in 2024

For to refer additions, alterations or rebuttal, email: HouseofButterworth@protonmail.com

For this policy is definitive and primary for commonality of, Diction, Reference, Terms, Roles, Associated Names, Organisations, Entities and Scripture used in regard to all administrative processes, documentation and communications with regard to a *Debtor** or *Settlor** or *Person**.

Whereas: dispute in meaning or interpretation of words is brought forward, the online dictionary of Merriam-Websters will be the foremost source of adjudication unless otherwise indicated.

For all instances: style manual(s) will not be considered or applied to documentation.

Contents

Glossary of Terms - Next page

References to Scripture – Page 9

Additional References

References To Commerce – Page 11

Bouvier's Maxims – Page 11

English Legislation Page 11 & 12

BILLS OF EXCHANGE ACT 1882

CONSUMER CREDIT ACT 1974

FRAUD ACT 2006

Private & International Law -

UNIDROIT PRINCIPLES OF INTERNATIONAL COMMERCIAL CONTRACTS

Constitution – Page 13

Consent of the Governed – Page 14

The Common Law Courts of England – Page 15

References to Supremacy – Page 15 & 16

Magna Carta 1215 Clauses 39 & 40

Divine Law

The Bill of Rights Act 1689

Regarding the Rite of Passage – Page 16

Regarding Castle Doctrine – Page 17

Case Law References – Page 18



Glossary of Terms: non-obstante.

Person: ‘in general usage [when spoken], a human being (i.e. natural person). By statute term may include labour organisations, partnerships, associations, corporations, legal representatives, trustees in bankruptcy or receivers.’ [Black Law Dictionary, Sixth Edition 1991]

- Interpretations Act 1889 (& 1978) [52&53 Vict] Section 19: ‘An Act passed before or after the Commencement of this Act, the expression “person” shall unless the contrary intention appears, includes a body corporate’
- Etymology: The word ‘person’ comes from the ancient Greek “Persona”, a character in a drama or a mask wearer [Chambers Dictionary of Etymology]

For converse – see Job:21,22; Matthew 22:16 & Galatians 2:6 in references to scripture [below]

Acronym: a word [such as *NATO*, *RADAR*, or *LASER*] formed from the initial letter or letters of each of the successive parts or major parts of a compound term *also:* an abbreviation formed from initial letters

Acquiesce: to give an implied consent to a transaction, to the accrual of a right, or to any act, by one's mere silence, or without express assent or acknowledgment., *Scott v. Jackson*, 89 Cal. 258, 26 P. 898. [Black's Law Dictionary 4th edition]

Appellation: a term used in addressing, greeting, calling out for, and making appeals of a particular living, breathing, flesh and blood woman or man.

Un-Authorised Appellation Derivatives

- Whereas: for re-presented with the appellation or title ‘Mr, Master, Mrs, Miss, et al’ of which there is no right of use.
- Whereas: for use of CAPTITALISED format (capitis diminutio/Dog Latin/Acronym/American Sign Language) for given-names or christian names or family name (surname, last name).
- Whereas: for use of initials of given-names
- Whereas: for inclusion of a ‘full stop’ (.) or other punctuation mark(s) within the derivative.

Recognised Appellation's

Given Name(s), [as in first second]
Given Name(s), House of Butterworth,
Given Name(s) of the family Butterworth,

Whereby: all are trademarked and common law copyrighted

‘known as’ will be referenced with use of familiar or nick-names

Autograph: a graphic from a living hand as a sentient, flesh and blood man or woman – it provides evidence of substance and living capacity. A thumbprint is an “autograph” for a living man or woman. For they who makes an “autograph” declares that they are a sovereign man or woman, with Living Standing, in the Common Law Jurisdiction – the National Law of the Land.

EQUITABLE NOTICE TO PUBLIC: Autographs of a Verifying Third Party Witness are private, confidential and priority, in confidence with respect to the addressees, that they may exercise their divine human right to act as a witness with impunity. Any form of tampering of a witness will constitute breach of trust. The Verifying Third Party Witness is not licensed to practice law and has not given legal advice or accepted fees for legal advice; has provided no legal assistance in the preparation of the above referenced documents; has no interest in any issue referenced therein, is NOT a party to this action and is ONLY acting in a capacity as liaison to communications between the parties. The Certifying Third Party Witness autograph are on a Presentment for purposes of service, notation of response or lack thereof,



as applicable, and as third-party verification only. All witnesses herein are operating in their private capacity as a living being and not in commerce as a juridical person, Specially and Privately Standing in Exclusive Equity, outside any judicial district, within a non-military occupied private estate not subject to the jurisdiction of any nation and as neutral in the public, non-belligerent and at peace with all beings and legal fictions, under private rights and principles. All Rights Reserved.

Beneficiary: a person or thing that receives help or an advantage from something : one that benefits from something: the person designated to receive the income of an estate that is subject to a trust: the person named (as in an insurance policy) to receive proceeds or benefits: a person or other legal entity who receives benefits from a benefactor

Bill of Exchange: “*We have repeatedly said in this court that a Bill of Exchange or a Promissory Note is to be treated as cash. It is to be honoured unless there is some good reason to the contrary*” (Lord Denning M.R. in *Fielding & Platt Ltd v Selim Najjar* [1969] 1 W.L.R. 357 at 361; [1969] 2 All E.R. 150 at 152, CA).

Capitis diminutio: In Roman law, A diminishing or abridgment of personality. Tills was a loss or curtailment of status or aggregate of legal attributes and qualifications, following upon certain changes in his civil condition. It is of three kinds, maxima, media, minima enumerated as: Capitis diminutio maxima. Maxima, the highest or most comprehensive loss of status, occurred when status was changed from one of freedom to one of bondage, when he became a slave. It swept away with it all rights of citizenship and all family rights. <https://thelawdictionary.org/capitis-diminutio/>

Conduit: a means of transmitting and distributing energy and the effects and product of toil.

©: All rights reserved under common copyright.

Common Copyright: the legal doctrine which grants copyright protection based on common law of various jurisdictions, rather than through protection of statutory law. As per The Oxford International Encyclopaedia of Legal History... It was unclear whether any common-law copyright survived the copyright act, although the argument that unpublished work should be protected was uncontentious. But once statutory copyrights of published works began to expire, the extent of any common-law copyright became of practical significance.

Corpus delicti: the facts and circumstances constituting a crime.

Creditor: A person to whom a debt is owing by another person called the “debtor.”

Debtor: a ‘person’ guilty of neglect or violation of duty: a person that owes a debt

Demurrer: **1.** One that demurs; an objector. **2.** An objection. **3.** A response to a pleading that admits the facts alleged but denies that they support a cause of action.

The formal mode of disputing the sufficiency in law of the pleading of the other side. [Blacks Law Dictionary]

Derivative: coming from another, taking from something proceeding secondary, that which has not the origin in itself, obtains existence from something foregoing and of a more primal and fundamental nature, anything created from another.

Distrain: the seizure of someone's property in order to obtain payment of money owed.



Dog Latin: a phrase or jargon that imitates Latin, often by "translating" English words (or other languages) into Latin by conjugating or declining them as if they were Latin words.

Driver: 1. any person who operates any commercial motor vehicle. 2. one employed in conducting a coach, carriage, wagon, or other vehicle, with horses, mules, or other animals, or a bicycle, tricycle, or motor car, though not a street railroad car. (Blacks Law Dictionary)

Equity: 1. a system of law originating in the English chancery and comprising a settled and formal body of legal and procedural rules and doctrines that supplement, aid, or override common and statute law and are designed to protect rights and enforce duties fixed by substantive law. 2. justice according to natural law or right. 3. the money value of a property or of an interest in a property in excess of claims or liens against it

In Latin *aequus*, meaning "even," "fair," or "equal"; however, to be fair, it was introduced to English by the French, whose adaptation of the Latin was *équité*. The French word has clear legal connotations; it means "justice" or "rightness,"

Emolument: the returns arising from office or employment usually in the form of compensation or perquisites.

Et al: and others, et cetera

Et cetera: a number of unspecified additional persons or things and others especially of the same kind: and so forth

Ens Legis: A creature of the law; an artificial being, as contrasted with a natural person. Applied to corporations, considered as deriving their existence entirely from the law.

Fiduciary: 1) held or founded in trust or confidence, a fiduciary relationship, a bank's fiduciary obligations
2) holding in trust 3) depending on public confidence for value or currency.

Four Corner Rule: a rule holding that if a document (as a contract, deed, or will) appears on its face to be complete no outside evidence may be used to challenge it [*NOTE: The number of states that accept the four corners rule is in decline*]

Fructus: [fruit, in a figurative sense] the right to derive profit from a thing possessed: for instance, by selling, leasing immovables or annexed movables, taxing for entry, et al

Given name: All of or part of personal name(s) that distinguish an individual man or woman from other members of a group, clan, tribe or family. Typically used in conjunction with an inherited **family name** held in common by members of a family.

Grantor: the party who transfers title in property to another by grant deed or quit claim deed.

Habeas Corpus: a writ requiring a person under arrest to be brought before a judge or into court, especially to secure the person's release unless lawful grounds are shown for their detention.

Juristic Person: Entity, as a firm, that is not a single natural person, as a human being, authorised by legislation with duties and rights, recognised as a legal authority having a distinct identity, a legal person.

Joinder: the act of joining, the acceptance by a party to an action of an issue tendered, the joining of causes of action in a suit, the joining of parties in a suit.

Legalese: 1. The specialised language of the legal profession. 2. Language containing an excessive amount of legal terminology or of legal jargon.



Legal Entity: an entity (as a corporation or labour union) having under the law rights and responsibilities and especially the capacity to sue and be sued.

Liability: 1 The state of being bound or obliged in law or justice to do, pay, or make good something; legal responsibility. Lawful accountability and obligations required due to civil actions or torts, or a contract's terms. (Note-Only a court-decision can set this obligation even if by mutual agreement a settlement occurs out of court. Only the liability arising from torts is covered by liability insurance. Contractual obligations have no bearing). [Blacks Law Dictionary]. The quality or state of being liable, something for which one is liable *especially* pecuniary obligation, one that acts as a disadvantage. {Miriam Webster]

Living-soul: living, breathing, flesh-and-blood man or woman distinguishable from a juristic person, a natural man or woman of creation, a sentient living being.

Man: 1. an individual human, especially an adult male human. 2. a man belonging to a particular category (as by birth, residence, membership, or occupation) usually used in combination

Woman: 1. an individual human, especially an adult female human. 2. a woman belonging to a particular category (as by birth, residence, membership, or occupation) usually used in combination

Mandatory: The action of mandamus is one, brought in a court of competent jurisdiction, to obtain an order of such court commanding an inferior tribunal, board, corporation, or person to do or not to do an act the performance or omission of which the law enjoins as a duty resulting from an office, trust, or station. Where discretion is left to the inferior tribunal or person, the mandamus can only compel it to act, but cannot control such discretion [The Law Dictionary]

Non-Obstante: notwithstanding; despite. Words anciently used in public and private instruments, intended to preclude, in advance, any interpretation contrary to certain declared objects or purposes.

Obligation: 1 the action of obligating oneself to a course of action (as by a promise or vow). 2 something (such as a formal contract, a promise, or the demands of conscience or custom) that obligates one to a course of action: a debt security (such as a mortgage or corporate bond), a commitment (as by a government) to pay a particular sum of money. 3 a condition or feeling of being obligated: a debt of gratitude. 4 something one is bound to do, a DUTY, RESPONSIBILITY.

Oxford Doctrine: A synthesis of various rules, principles, norms, interpretive guidelines and values. It explains, makes coherent or justifies a segment of the law as part of a larger system of law. Doctrines can be more or less abstract, binding or non-binding. Acting in good faith is a general principle of law. It refers to “a sense of loyalty to, and respect for, the law”; to “the absence of dissimulation, deception and fraud”; and to the “sincere belief that one acts in accordance with the law.” [<https://www.law.ox.ac.uk/events/good-faith-public-law>]

Parliament: 1) a formal conference for the discussion of public affairs specifically: a council of state in early medieval England 2) an assemblage of the nobility, clergy, and commons called together by the British sovereign as the supreme legislative body in the UNITED KINGDOM

Postal Fraud: Universal Postal Union Convention 1929, Article 9 Violations;

2.1.2 prepayment impressions;

2.1.3 impressions of franking machines or printing presses;



2.2 means of postal prepayment with the intention of obtaining illegitimate gain for oneself or for a third party

Presumption: An idea that is taken to be true on the basis of probability. A presumption must be agreed by all parties, to be true. [Oxford Dictionaries] *(If one party challenges the presumption then this is all that is required to remove the presumption as a formal challenge to that presumption. The presumption then has no standing or merit in FACT).*

Privity of Contract: A doctrine which prevents a “person” or third party who is not a party to a contract from enforcing a term on that said contract.

Probability: The extent to which something is probable; the likelihood of something happening or being the case: [Oxford Dictionaries] *(By definition then this is not substantive as it is only a probability of what may or may not be and therefore has no substance in material FACT.)*

Promissory Note: “We have repeatedly said in this court that a Bill of Exchange or a Promissory Note is to be treated as cash. It is to be honoured unless there is some good reason to the contrary” (Lord Denning M.R. in *Fielding & Platt Ltd v Selim Najjar* [1969] 1 W.L.R. 357 at 361; [1969] 2 All E.R. 150 at 152, CA).

Property: “is a right of any kind and description whether corporeal or incorporeal” [Federal court of Canada]

pro se: Latin for “for himself.” A party to a lawsuit who represents himself (acting in propria persona) is appearing in the case “pro se.” (dictionary.law.com)

Refute: to prove to be false or erroneous as an opinion or charge, to prove (a person) to be in error. (dictionary.com)

Repudiate: to reject as having no authority or binding force, to cast off or disown. (dictionary.com)

Rescind: to abrogate, annul, revoke, repeal, to invalidate [an act, measure, etc] by a later action or a higher authority. (dictionary.com)

Rule of Law: the un-a-LIEN-able rights held and reserved, natural laws, the common law of the dry soil and land and the people’s rights as prescribed and re-presented by Magna Carta and the Bill of Rights, collectively known as the Rule of Law carried out with due diligence and acting with duty of care.

Security Agreement: the written agreement between Creditor and Debtor together with all modifications of and substitutions for said Security Agreement.

Signature: See UCC§3-401 (b) (what is considered signature)

Signed: See UCC§1-201 (37) (what is considered signed)

Sojourn: a temporary stay, to stay as a temporary resident

State Agent: an individual or person or agent or third-party doing business as or acting on behalf of an organisation or entity.

THE STATE: Including but not limited to;

- United Kingdom Government (incorporated or LLC)
- United Kingdom of Great Britain and Northern Ireland



- The Commonwealth of England
- The Crown Corporation
- The Bank of England (incorporating all central banks, clearing banks and 'high street' banks, et al)
- All entities and Agencies (HMRC, HMCTS, DVLA, HM Land Registry, et al)
- All UK Government corporate agencies or subdivisions
- All Local or National or International or Multinational Governments
- All Corporations agencies and sub corporations
- All commercial Nations or Corporations contracting therein
- Any state or government or agency or entity know or unknown or not stated within or hereafter named.

Sui Juris: having full legal rights or capacity: Latin, of one's own right. 1st use 1590. Derived from taking dominion of all jurisdictions, to be self-governed

Too: 1. in addition; also; furthermore; moreover [*young, clever, and rich too.*]. 2. to an excessive extent or degree; beyond what is desirable, fitting, or right [*too sick to travel*]

Transmitting Utility: a conduit, debtor.

UCC: Uniform Commercial Code.

Usus: [use] the right to use or enjoy a thing possessed, directly and without altering it.

Usufruct: a legal right accorded to a person or party that confers the temporary right to use and derive income or benefit from someone else's property. It is a limited real right that can be found in many mixed and civil law jurisdictions. A usufructuary is the person holding the property by usufruct. The right to enjoy the use and advantages of another's property short of the destruction or waste of its substance. [Any deliberate or systematic use of the given name of a living individual by any incorporated entity pretending to represent them or their material interests to create legal fiction entities operated under-in-or for their name without the full knowledge and consent of that individual is a prohibited abuse of the rights of usufruct]

Vehicle: a means of carrying or transporting something, a piece of mechanised equipment, an agent of transmission, a medium through which something is expressed, achieved, or displayed

Vested: fully and unconditionally guaranteed as a legal right, benefit, or privilege; *Accrued, fixed, settled, absolute, established, secured, to have the character or giving the right of absolute ownership not contingent not subject to be defeated by a condition precedent* - case law in keeping with natural law, the equitable position, for equity regards the beneficiary as the true owner.

Vested Right: a right accrued to possessor with no conditions.

Vested Benefit: absolute, complete, consummate benefit with no conditions.

Without Prejudice: 1) a declaration that no rights or privileges of the concerned are to be considered as thereby waived or lost except in so far as may be expressly conceded or decided [Black's Law Dictionary – 4th edition]. 2)

Without loss of any rights in a way that does not harm or cancel the legal rights of privileges of a party [Black's Law Dictionary – 8th edition].

Your honour: a term referring to a man or woman acting under an oath of public office presiding over a court providing instruction and rulings with impartiality and honour.



References to Scripture

<https://www.biblegateway.com>

Genesis 1:26-30

²⁶ And God said, *Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.*

²⁷ So God created man in his own image, in the image of God created he him; male and female created he them.

²⁸ And God blessed them, and God said unto them, *Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.*

²⁹ And God said, *Behold, I have given you every herb bearing seed, which is upon the face of all the earth, and every tree, in the which is the fruit of a tree yielding seed; to you it shall be for meat.*

Genesis 2:7

⁷ And the LORD God formed man *of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul.*

Job 32:21-22

²¹ *Let me not, I pray you, accept any man's person, neither let me give flattering titles unto man.*

²² *For I know not to give flattering titles; in so doing my Maker would soon take me away.*

Genesis 11:7

⁷ *Come, let Us go down, and there confound their language, that they may not understand one another's speech."*

Numbers 15:29

Ye shall have one law for him that sin through ignorance, both for him that is born among the children of Israel, and for the stranger that sojourn among them.

Mathew 5:25

²⁵ "Agree with thine adversary quickly while thou art on the way with him, lest at any time the adversary deliver thee to the judge, and the judge deliver thee to the officer, and thou be cast into prison.

Numbers 30:2

If a man makes a vow to the Lord, or takes an oath to bind himself with a binding obligation, he shall not violate his word; he shall do according to all that proceeds out of his mouth.

Psalms 89:14

Justice and judgment are the habitation of thy throne: mercy and truth shall go before thy face.



Daniel 4:17

This matter is by the decree of the watchers, and the demand by the word of the holy ones: to the intent that the living may know that the most High ruleth in the kingdom of men, and giveth it to whomsoever he will, and setteth up over it the basest of men. <https://www.kingjamesbibleonline.org/Daniel-4-17/>

Deuteronomy 1:17

¹⁷ Ye shall not respect persons in judgment, but ye shall hear the small as well as the great. Ye shall not be afraid of the face of man, for the judgment is God's. And the cause that is too hard for you, bring it unto me and I will hear it.'

Proverbs 28:21

²¹ To have respect of persons is not good, for that, man will transgress for a piece of bread.

Mathew 22:16

¹⁶ And they sent out unto Him their disciples with the Herodians, saying, "Master, we know that thou art true and teachest the way of God in truth; neither carest thou for any man, for thou regardest not the person of men

Galatians 2:6

⁶ But of those who seemed to be something, (whosoever they were, it maketh no difference to me: God accepteth no man's person) — those who seemed to be somewhat in consultation added nothing to me

Psalms 118:5

⁵ I called upon the LORD in distress; the LORD answered me, and set me in an ample place.



Additional References

References To Commerce

- All are equal under the law. See Exodus 21:23-25; Lev. 24:17-21; Deut. 1:17, 19:21; Matt. 22:36-40; Luke 10:17; Col. 3:25. Legal maxims: No one is above the law; Commerce, by the law of nations, ought to be common, and not to be converted into a monopoly and the private gain of a few.
- In commerce, truth is sovereign. See Exodus 20:16; Psalms 117:2; John 8:32; II Cor. 13:8. Legal maxim: To lie is to go against the mind.
- Truth is expressed in the form of an Affidavit. See Lev. 5:4-5; Lev. 6:3-5; Lev. 19:11-13; Num. 30:2; Matt. 5:33; James 5:12.
- An unrebutted affidavit stands as truth in commerce. See 1 Pet. 1:25; Heb. 6:13-15. Legal maxim: He, who does not deny, admits. An unrebutted affidavit becomes a judgment in commerce. See Heb. 6:16-17. Any proceeding in court, tribunal or arbitration forum consists of a contest of commercial affidavits, wherein the points remaining unrebutted at the end of the contest stand as the truth to which the judgment of the law is applied.
- He who leaves the field of battle first (does not respond appropriately to an Affidavit) loses by default. See Book of Job; Matt 10:22. Legal maxim: He who does not repel a wrong when he can occasion it.
- Sacrifice is the measure of credibility. One who is not damaged, put at risk or willing to swear an oath or make an affirmation on his full commercial liability for the truth of his statements and the legitimacy of his actions, has no basis to assert claims or charges, and forfeits all credibility and right to claim the authority to do so. See Acts 7. Legal maxim: He who bears the burden ought also to derive the benefit.
- A lien or claim, under commercial law, can only be satisfied by one of the following actions: A full rebuttal by an Affidavit of Truth, point-by-point, supported by evidence and sworn or affirmed at the same level of commercial risk; the satisfaction of the claimant, whether by payment or mutual agreement; resolution by a jury, in accordance with the rules of common law. See Gen. 2-3; Matt 4; Revelation. Legal maxim: If the plaintiff does not prove his case, the defendant is absolved.
- A party injured by the fraud of another may claim triple damages, plus the principal. "And Zacchaeus stood, and said unto the Lord: Behold, Lord, the half of my goods I give to the poor, and if I have taken any thing from any man by false accusation, I restore him fourfold." Luke 19:8.

Bouvier's Maxims

- *Contra veritatem lex numquam aliquid permittit.* The law never suffers anything contrary to truth. 2 Co. Inst. 252. But sometimes it allows a conclusive presumption in opposition to truth. See 3 Bouv. Inst. n. 3061.
- *Contractus ex turpi causa, vel contra bonos mores nullus est.* A contract founded on a base and unlawful consideration, or against good morals, is null. Hob. 167; Dig. 2, 14, 27, 4.
- *Culpa lata aequiparatur dolo.* A concealed fault is equal to a deceit.
- *Ei incumbit probatio qui dicit, non qui negat.* The burden of the proof lies upon him who affirms, not he who denies. Dig. 22, 3, 2; Tait on Ev. 1; 1 Phil. Ev. 194; 1 Greenl. Ev. Sec. 74; 3 Louis. R. 83; 2 Dan. Pr. 408; 4 Bouv Inst. n. 4411.
- *Error qui non resistitur, approbatur.* An error not resisted is approved. Doct. & Stud. c. 70.
- *Ex dolo malo non oritur action.* Out of fraud no action arises. Cowper, 343; Broom's Max. 349.
- *Ex facto jus oritur.* Law arises out of fact; that is, its application must be to facts.
- *Ex tota materia emergat resolutio.* The construction or resolution should arise out of the whole subject matter.
- *Fraus est celare fraudem.* It is a fraud to conceal a fraud. 1 Vern. 270.
- *Fraus latet in generalibus.* Fraud lies hid in general expressions.
- *Idem est facere, et nolle prohibere cum possis.* It is the same thing to do a thing as not to prohibit it when in your power. 3 Co. Inst. 178.
- *Incerta pro nullius habentur.* Things uncertain are held for nothing. Dav. 33.



- *Incerta quantitas vitiat acium.* An uncertain quantity vitiates the act. 1 Roll. R.
- *Invito beneficium non datur.* No one is obliged to accept a benefit against his consent. Dig. 50, 17, 69. But if he does not dissent, he will be considered as assenting. Vide Assent.
- *Judex damnatur cum nocens absolvitur.* The judge is condemned when the guilty are acquitted.
- *Judicium non suo iudice datum nullius est momenti.* A judgment given by an improper judge is of no moment. 11 Co. 76.
- *Magna negligentia culpa est, magna culpa dolus est.* Gross negligence is a fault, gross fault is a fraud. Dig 50, 16, 226.
- *Magna culpa dolus est.* Great neglect is equivalent to fraud. Dig. 50, 16, 226; 2 Spears, R. 256; 1 Bouv. Inst. n. 646.
- *Peccatum peccato addit qui culpa quam facit patrociniū defensionis adjungit.* He adds one offence to another, who, when he commits a crime, joins to it the protection of a defence. 5 Co. 49.
- *Quando de una et eadem re, duo onerabiles existunt, unus, pro insufficientia alterius, de integro onerabitur.* When two persons are liable on a joint obligation, if one makes default the other must bear the whole. 2 Co. Inst. 277.
- *Qui non libere veritatem pronunciat, proditor est veritatis.* He, who does not willingly speak the truth, is a betrayer of the truth.
- *Qui non obstat quod obstat potest facere videtur.* He who does not prevent what he can seems to commit the thing. 2 Co. Inst. 146.
- *Qui non prohibet quod prohibere potest assentire videtur.* He, who does not forbid what he can forbid, seems to assent. 2 Inst. 305.
- *Qui non propulsat injuriam quando potest, infert.* He, who does not repel a wrong when he can, induces it. Jenk. Cent. 271.
- *Qui tacet consentire videtur.* He who is silent appears to consent. Jenk. Cent. 32.
- *Reprobata pecunia liberat solventem.* Money refused liberates the debtor. 9 Co. 79.

English Legislation

BILLS OF EXCHANGE ACT 1882

43 Dishonour by non-acceptance and its consequences

(1) A bill is dishonoured by non-acceptance-

- (a) when it is duly presented for acceptance, and such an acceptance as is prescribed by this Act is refused or cannot be obtained; or
- (b) when presentment for acceptance is excused and the bill is not accepted.

(2) Subject to the provisions of this Act when a bill is dishonoured by non-acceptance, an immediate right of recourse against the drawer and indorsers accrues to the holder, and no presentment for payment is necessary.

CONSUMER CREDIT ACT 1974

PART IX JUDICIAL CONTROL

Enforcement of certain regulated agreements and securities

127. (3) The court shall not make an enforcement order under section 65(1) if section 61(1)(a) (signing of agreements) was not complied with unless a document (whether or not in the prescribed form and complying with regulations under section 60(1)) itself containing all the prescribed terms of the agreement was signed by the debtor or hirer (whether or not in the prescribed manner).



FRAUD ACT 2006

1 Fraud

(1) A person is guilty of fraud if he is in breach of any of the sections listed on subsection (2) (which provide for different ways of committing the offence).

(2) The sections are –

- (a) section 2 - fraud by false representation
- (b) section 3 - fraud by failing to disclose information
- (c) section 4 - fraud by abuse of position

Private & International Law

UNIDROIT PRINCIPLES OF INTERNATIONAL COMMERCIAL CONTRACTS

Article 3.8 – Fraud

A party may avoid the contract when it has been led to conclude the contract by the other party's fraudulent representation, including language, practices, or fraudulent nondisclosure of circumstances which, according to reasonable standards of fair dealing, the latter party should have disclosed.

Article 5.1.3 – Cooperation between the parties

Each party shall cooperate with the other party when such co-operation may reasonably be expected for the performance of that party's obligations.

Article 7.3.4 – Adequate Assurance of Due Performance

A party who reasonably believes that there will be a fundamental non-performance by the other party may meanwhile withhold its performance. Where this assurance is not provided within a reasonable time the party demanding it may terminate the contract.

Article 7.4.1 – Right to damages

Any non-performance gives the aggrieved party a right to damages either exclusively or in conjunction with any other remedies except where the non-performance is excused under these principles.

Article 7.4.2 – Full compensation

(1) The aggrieved party is entitled to full compensation for harm sustained as a result of the non-performance. Such harm includes both any loss which it suffered and any gain of which it was deprived, taking into account any gain to the aggrieved party resulting from its avoidance of cost or harm

(2) Such harm may be nonpecuniary and includes, for instance, physical suffering and emotional distress.



Constitution.

- i. A government, parliament/congress or legislature cannot, by legislative assertions, recite itself into *constitutional* power.
- ii. A constitution is a code of laws and customs (legem terræ); the law of the land; common law (the trial by jury justice system) established by the people of a nation for the guidance and the legal and lawful control of its government, by which to preclude tyranny and lawlessness a constitution may be amended only at the behest and by the active participation of the great mass of the people and not by government.
- iii. The people create the government; therefore, a government cannot be above its own creator. As distinct from supreme constitutional customary common law, *statute* is created by a government as legislature and is not constitutional Law. The Great Charter is a constitutional inscription of the common law of the land, which excludes all laws made by monarchs or government. It is the Supreme Law that governs the government.
- iv. Statutes may be amended or repealed by subsequent administrations, but no parliament created Magna Carta. No parliament can change or impinge upon the common law as prescribed and represented by Magna Carta. Through the supreme authority of the people's Trial by Jury, the law of the land, the Great Charter 1215 constitution GOVERNS the government. Statute or legislation can never be law and this is witnessed by divine law under God alone to which no government can trespass.
- v. With this in mind: note that it has been confirmed by the esteemed Chandran Kukathas PhD of the Department of government and London School of Economics, that the state is a company of no greater standing than McDonald's. Also note it has been confirmed by the right honourable Lord justice of appeal Sir Jack Beatson FB A at the Nottingham and Trent University in 2008 that the office of the judiciary is a sub office of the State Company and that a judge in the position of officer for a court carries no greater authority than the janitor at McDonald's.
- vi. Extracts from: The Cyclic Argument of Statutory Law

"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'."

"Statutes made by parliament or congress do not bind subsequent administrations, which may decide to amend, repeal or supersede a statute; but no parliament made Magna Carta. The Great Charter was made by the people directly with the head of state, explicitly to preclude tyranny, injustice and misgovernance by binding all heads of state and the modus operandi of government "for all time" under Judicium Parium, the Trial by Jury justice system of Legem Terrae, the Law of the Land. The laws of Parliament cannot change any aspect of, or impinge in any way upon the Common Law at 1215; the perpetual binding dictates of the Great Charter. The 1215 Great Charter Constitution governs government through the Supreme Authority of the People's Trial by Jury Courts to which all men and women without exception are liable and subject."

d'Oudney, K., Democracy Defined: The Manifesto, 2020 Third Edition, p. 68
<https://www.commonlawconstitution.org/news-and-thoughts/the-cyclic-argument-of-statutory-law>

- vii. In correspondence to The Earl Marshal from The Hardwick Alliance for Real Ecology (HARE) in October 2023, leading up to Charles III coronation, the following is an extract...
 - 'Unless the people of England and Wales wish to experience government overreach that could lay the foundations of outright tyranny, common sense dictates that Parliament must never be allowed to write itself into constitutional authority. To understand the full ramifications of having a fully-fledged [Common Law Constitution](#), we will take this opportunity to remind Your Grace of two of the essential responsibilities a Monarch has:
 1. His Majesty must ensure that all trials involve a randomly selected Jury of the defendant's peers that judges all aspects of the case, independently of legislation and the judiciary meaning that Annulment can result. It is in this way, that people define their own liberties and govern themselves at all times.
 2. His Majesty must use his constitutional right to withhold Royal Assent were proposed legislation



would be violating the liberties of the people or be infringing constitutional laws and customs.

These two fundamental duties of His Majesty the King should provide a double-lock safeguard against any future encroachment of tyranny. However, it is now becoming clearer by the day that both of these safeguards have been completely overlooked by previous Monarchs, including, it has to be said, the late Queen Elizabeth II.'

- viii. The Supreme Principle of the Common Law of the Land: "Do not do unto others that which you do not want done unto you."

Consent of the Governed. [source: Case Authority WI-05257F accredited to Baron David: House of Ward]

There is a presumption of the 'Consent of the Governed'. There is a mandatory requirement before Acts or Statutes can be legally acted upon in that the 'Consent of the Governed' has validity and that it can be presented as material fact before any action/charges can be brought.

It is clear by due process that:

- a. It is illegal to act upon Acts or Statutes without the 'Consent of the Governed' where the governed have given their consent and that consent is presentable as material physical evidence of the fact.
- b. Where there is no material evidence of the 'Consent of the Governed', on and for the public record, then the status of 'Consent of the Governed' is invalid.
- c. Where there is no material evidence of 'Consent of the Governed', then The Government or The State* has no status or standing or jurisdiction, none can exist without 'consent' (agreement).
- d. When Acts or Statutes are acted upon without standing, this is illegal and a criminal action by The State*. The criminal action is Malfeasance in a public office and fraud.
- e. When criminal activity is observed to be standard practice, it is observable evidence to the fact that civil LAW is a presumption and there is no such thing as civil LAW. [see the [twelve presumptions of law-website](#)]

The Material evidence of the FACTS.

- i. It has been confirmed by the Rt. Hon. Lord Chief Justice Sir Jack Beatson FBA, on and for the record that whilst there is no material and physical evidence to the fact that the governed have given their consent, the Office of the Judiciary has no greater authority than the local manageress of McDonalds.
- ii. As the Office of the Judiciary is a sub-office of a legal embodiment, by an act of registration, the registration creates nothing of physical material substance, this is fraud by definition.
- iii. As the Office of the Judiciary can be determined to be a private commercial enterprise [LLC] built upon fraud and criminal intent, it cannot be recognisable as a valid government 'by the people for the people' in that it can be determined it is providing a judicial service for profit and gain creating conflicts of interests.
- iv. Where there is a conflict of interests between the needs of the people and The State's* policies (acts, statutes, et al) it can be assumed there is no obligation to the people or even the needs and wellbeing of company staff. [This has been confirmed by Chandran Kukathas of the London School of Economics and state office titled the Department of Government]
- v. Any objection to this observation of fact should be presented to the Rt. Hon. Lord Chief Justice Sir Jack Beatson FBA, where the Rt. Hon. Lord Chief Justice Sir Jack Beatson FBA would then have to present the material and physical evidence that the governed have given their consent.



The Common Law Courts of England

- BE IT KNOWN that the England and the UK is a Common Law Jurisdiction and that all the Courts in England and the UK are Common Law Courts where Free Men and Free Women can exercise their inalienable Right to Trial by Jury.
- Essential to the preservation of Truth, Justice, Freedom and Democracy is the Right to Trial by Jury. Any denial of this Right constitutes Treason against the People. No State Judge or Parliament can abolish or diminish this Right protecting Life, Liberty and Property.
- With each of the 12 Jurors asking, "So help me God". It is the duty and responsibility of Jurors to judge the facts and the law presented to them, so that they can administer Justice to all parties in any action Civil, Criminal and Fiscal.
- In any action, unless a Court obtains the clear and unequivocal consent of all parties to be without a Jury, that Court has no Jurisdiction to proceed summarily and any such awards, doings and proceedings shall be held to be null and void. A Public Servant, paid by the State cannot sit & judge his MASTERS'
- Common Law does NOT include any statutes made by Government or decisions made by judges.

Trial by Jury is democracy and Trial by Judge is TYRANNY.

No man or woman should give consent to the procedure of any hearing. Men and women should only agree to attend a common law court (of record) as is their rite.

References to Supremacy

Magna Carta 1215 Clauses 39 & 40

- No freeman or free person shall be arrested or imprisoned or deprived of his freehold or his liberties or free customs, or be outlawed or exiled, or in any manner harmed, nor will we (the King/Government) proceed against him nor send anyone against him (with force or arms), unless according to the legal judgement of his peers, and the common law of the land.
- To no one will we sell, to no one deny or delay right or justice. No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled. nor will we proceed with force against him. except by the lawful judgement of his equals or by the law of the land.
- Magna Carta, which sets in place the definitive Trial by Jury, was formed and passed by a legislature of Barons, and received Royal Assent, being a written statute of government law, which governs the way in which government itself may operate.
- As Magna Carta is intrinsic to the constitution of the nation, it is repeatedly ratified when Britain's Heads of State swear, at their Coronation, to uphold the statutes of the government.
- By act of union with Scotland, Magna Carta is law throughout Britain and, in respect to timeless provisions determining the Trial by Jury, applies today. This definitive Trial by Jury is also enshrined within the Constitution of the United States of America and is ratified by presidential oath at inauguration.
- The judgement of the Magna Carta Court De Jure Jury of twelve peers, both by rule of law and by the terms of a contract, shall not be overturned by court as there is no higher court in the realm.

Divine law

- Divine power can only be held and administered by God. No earthly being can claim law or power above God. Hence any person of any rank attempting to usurp the divine nature of God is guilty of heresy and blasphemy.
- Therefore, the act of a papal bull performed by pope Boniface VIII of Unum Sanctum was in fact and by grace of God Blasphemous and Heretical and could not stand In God's eyes. This very papal bull was rightly nullified in 1303 by pope Benedict XI.
- In divinity and by the grace of God, nothing and no one on earth can own another's soul as the soul is of God in the image of God and therefore divine in itself, being part of and attached to God. To say otherwise is blasphemous, heretical and a most heinous crime against God.



The Bill of Rights Act 1689

There is a provision in the Bill of Rights Act 1689 which states:

- *"That all grants and promises of fines and forfeitures of a particular person before conviction are illegal and void."*
- This states that a conviction is necessary before a fine or forfeit can be imposed. As you will be aware, the Bill of Rights is a "constitutional statute" and may not be repealed impliedly. This was stated in the case *Thoburn v City of Sunderland*, the decision commonly referred to as the "Metric Martyrs" Judgment. This was handed down in the Divisional Court (18 February 2002) by Lord Justice Laws and Mr Justice Crane (the judgment's relevant sections 62 and 63 are paraphrased).
- Section 62: "We should recognise a hierarchy of Acts of Parliament: as it were "ordinary" statutes and "constitutional statutes." The special status of constitutional statutes follows the special status of constitutional rights. Examples are the Magna Carta 1297 & The Bill of Rights 1689 . . ."
- Section 63 "Ordinary statutes may be impliedly repealed. Constitutional statutes may not . . ." This was upheld by Lords Bingham, Scott and Steyn in an appeal which went to the House of Lords on Monday 15 July 2002.
- It can be determined that all courts in this country are now administrative hearings and not a common law court. There is no act of parliament that gives authority for an administrative hearing. A judge that acts contrary to their judicial oath can suffer a commercial lien as can any individual that causes a tort.

Regarding the Rite of Passage

The only 'dedication' is that of a public rite of passage, of which the legal description is a 'right for all Her Majesty's subjects at all seasons of the year freely and at their will to pass and re-pass without let or hindrance' [Ex parte Lewis \(1888\) 21 Q.B.D. 191 Wills J](#) states in regard to public right of passage:

By definition, a financial penalty procured through a pecuniary advantage, however called, is diametrically opposed to "without let or hindrance". This is operating outside of Statute, as a man or woman cannot be levied by the State or a company; only Juristic persons (legal entities) can be levied against.

- Act of Union 1707: IV That all the Subjects of the United Kingdom of Great Britain shall from and after the Union have full Freedom and Intercourse of Trade and Navigation to and from any port or place within the said United Kingdom and the Dominions and Plantations thereunto belonging and that there be a Communication of all other Rights Privileges and Advantages which do or may belong to the Subjects of either Kingdom except where it is other-ways expressly agreed in these Articles.
- To support the obligations of the Act of Union 1707, it clearly states on the inside cover of every United Kingdom of Great Britain passport "*Her Britannic Majesty's Secretary of State Requests and requires in the Name of Her Majesty all those whom it may concern to allow the bearer to pass freely without let or hindrance, and to afford the bearer such assistance and protection as may be necessary.*
- That all Laws and Statutes in either Kingdom so far as they are contrary to or inconsistent with the Terms of these Articles or any of them shall from and after the Union cease and become void and shall be so declared to be by the respective Parliaments of the said Kingdoms.



Regarding Castle Doctrine

A Man's (or Woman's) home is a Castle and an assault on a Castle is a recognised Act of WAR. In a time of War there are casualties of War, which are just that. An Individual that knowingly enters into an act of war, or unknowingly, has entered into an act of war of their own volition. The occupants defending a Castle cannot be held culpable for casualties of war even though these casualties of war may end up dead. This is recognised from the historic traditions.

- **Castle doctrine** (also known as a **castle law** or a **defence of habitation law**) is a legal doctrine that designates an individual's or person's* abode or a legally-occupied place [a vehicle or workplace, et al] as a place in which an individual or person* has certain protections and immunities permitting, in certain circumstances, to use proportional force (up to and including deadly force) to defend themselves against an intruder, free from legal responsibility/prosecution for the consequences of the force used. Typically, deadly force is considered justified, and a defence of justifiable homicide is applicable, in cases "*when the actor reasonably fears imminent peril of death/destruction or serious harm/damage to oneself or another or property*". The doctrine is not a defined law that can be invoked, but a set of principles which is incorporated in some form in the law. http://en.wikipedia.org/wiki/Castle_doctrine



Case Law references

- A judgement by Lord Denning states a **Bill of Exchange**, once tendered, has to be treated as cash." *We have repeatedly said in this court that a Bill of Exchange or a Promissory Note is to be treated as cash. It is to be honoured unless there is some good reason to the contrary*" (Lord Denning M.R. in *Fielding & Platt Ltd v Selim Najjar* [1969] 1 W.L.R. 357 at 361; [1969] 2 All E.R. 150 at 152, CA). The principle is that a bill, cheque or note is given and taken in payment as so much cash, and not as merely given a right of action for the creditor to litigate a counterclaim (see *Jackson v Murphy* [1887] 4 T.L.R. 92).
- *Bushell's Case*, 124 Eng Reports 1006; Vaughan Reports 135, 1670. "Without a fact agreed, it is impossible for a judge or any other to know the law relating to the fact nor to direct [a verdict] concerning it. Hence it follows that the judge can never direct what the law is in any matter controverted."
- The TRYAL of William Penn and William Mead, at the Sessions held at the Old Baily in London, the 1st, 3rd, 4th, and 5th of September, 1670. "The jury has the right to determine both the law and facts ". U.S. Supreme Court Chief Justice Samuel Chase.
- CASE LAW OF – *R v Donovan* [1934] 2 KB 498 at 507, [1934] All ER Rep 207 at 210. In delivering the judgement of the Court of Criminal Appeal Swift J, said: - "If an act is unlawful in the sense of being in itself a criminal act, it is plain that it cannot be rendered lawful because the person to whose detriment it is done consents to it. No person can license another to commit a crime."
- Furthermore, case law *Rice v. Connolly*. Queen's bench division [1966] 2 QB 414, [1966] 2 All ER 649, [1966] 3 WLR 17, 130 JP 322 clearly states that a men and women have the right to remain silent and are under no obligation to supply private and or personal details to another under any circumstances. This was proven yet again with case law *Neale v DPP* [2021] EWHC 658 (Admin) [23 February 2021]
- Furthermore, case law *Harvey v Director of Public Prosecutions* [2011] EWHC 3992 [17 November 2011] clearly stated by MR JUSTICE BEAN that the use of common parlance words cannot be deemed offensive using the public order act 1986 §5.
- Furthermore, case law WI 05257F *David Ward and Warrington Borough Council* appears to prove by way of the judgement that the United Kingdom Government does not actually exist, so therefore, whoever is acting as an authority over the action of consenting, cannot hold authority over a man or woman.
- Case Law in the UK Queens Bench. *Vaughan v McKenzie* [1969] 1 QB 557 if the debtor strikes the bailiff over the head with a full milk bottle after making a forced entry, the debtor is not guilty of assault because the bailiff was there illegally. *R. v Tucker* at Hove Trial Centre Crown Court, December 2012 if the debtor gives the bailiff a good slap.
 - If a person strikes a trespasser who has refused to leave is not guilty of an offence: *Davis v Lisle* [1936] 2 KB 434
 - License to enter must be refused BEFORE the process of levy starts, *Kay v Hibbert* [1977] Crim LR 226 or *Matthews v Dwan* [1949] NZLR 1037 [*a denial of implied right of access in advance*].
 - A bailiff rendered a trespasser is liable for penalties in tort and the entry may be in breach of Article 8 of the European Convention on Human Rights if entry is not made in accordance with the law, *Jokinen v Finland* [2009] 37233/07.
 - Note: There is a claim that since the late twentieth century bailiffs have had increasing powers of entry. This is incorrect as a Bailiff in the twentieth century is a crown corporation servant and the crown authority has no authority without a legal agreement that the crown has an authority. There is no material evidence to the fact that there is any legal agreement. This fact has been confirmed, Case Authority No WI 05257F *David Ward and Warrington Borough Council* 30th Day of May 2013 at court tribunal.



- Halsbury's 4th Edition of Law 2011 confirms that administrative law is (nothing more than) an arrangement between the Executive and the Judiciary. And that the Law is absolutely clear on this subject. There is NO authority for administrative courts in England, and NO Act could be passed to legitimise them.
 - Lord Diplock stated ... (its recorded in Halsbury's) "All administrative courts are illegal and can never be legislated into existence", performing administrative acts on behalf of the executive is incompatible with the terms of the Oath, which Judges take when they are created under Section 2 of the promissory oaths act 1868, which every Judge must take. A breach of that Oath is perjury. (See Perjury Act 1911 Sec 5)
 - All Administrative Courts are unlawful "*Actions which overthrow and subvert the laws and Constitution of the Kingdom and which would lead to the destruction of the Constitution are unlawful*". The case of R V Thistlewood (1820) established that "*To destroy the Constitution of the country is an act of treason*".
 - To add: Administrative Law (so called) forms no part of 'the laws and usages of the realm' – Which Judges swear to the Sovereign to uphold via promissory oath that binds them to a specific course of conduct – otherwise they cannot be said to perform their judicial duties impartially.
 - This was confirmed by Lord Denning during the debates on the European Communities Amendment Bill, HL Deb 08 October 1986 vol 480 cc246-95 246 at 250: "*There is our judicial system deriving from the Crown as the source and fountain of justice. No court can be set up in England, no court can exist in England, except by the authority of the Head of State [King, Queen] and Parliament. That has been so ever since the Bill of Rights.*" Or The declaration of rights of 1688 actionable actions of a human being or corporate persona.
 - The Bill of Rights, stemming from the Declaration of Rights, made all star-chamber courts unlawful. All administrative courts are in essence star chambers, i.e. not subject to the normal rules of evidence – not common law courts. Administrative hearings are subject to the consent of ALL parties.
 - In reference to non-compliance of orders made by an administrative hearing and the claim of contempt of court Re: Contempt of Court. Archbolds 2011: chapter 28 section 11-page 2/1145
- In Attorney General V Newspaper Publishing PLC and others (1988) Ch 333 (Civ Div) Sir Donaldson M.R. said "*That the mens rea [guilty mind] in the law of contempt of court was something of a minefield. This was that it was wholly the creature of the common law*".
- On the 21st July 1993, the Speaker of The House of Commons issued a reminder to the courts. Betty Boothroyd said: "*There has of course been no amendment to The Bill of Rights . . . the House is entitled to expect that The Bill of Rights will be fully respected by all those appearing before the courts.*"