

An extract from Democracy Defined: The Manifesto by Kenn D'Oudney  
Pages 160 – 164 Aspects of Magna Carta

### ARTICLE SIXTY-ONE

The 1215 Great Charter specified that if the head of state violated any of its provisions, some twenty-five nobles out of their number should be appointed by the lords themselves to make war upon the king. The nobles were to maintain special vigilance throughout the land in perpetuity to see that the Charter was observed. In this Article, the monarch absolved all the people of the kingdom from their allegiance to him, authorizing and requiring them to swear to obey the twenty-five barons should they make war upon the king for infringement of the Great Charter. It was then thought by the barons and people that something substantial had been done for the permanent security of their liberties.

For the well-being of the entire population, Magna Carta was enacted to give recognition and actuality to people's permanent supreme **duty** to curtail arbitrary (i.e. corrupt, illegal) government; to uphold and enforce justice. As we have seen, Magna Carta sagaciously enacted the only system known by which to achieve this object *peacefully*.

**There is no need for the Twenty-Five Barons today; see Chapter Three.**

### EMANCIPATION: "LESS GOVERNMENT" BEGINS HERE..."

**Article Sixty-One installs the people as the legal force to police, indict, try, punish and otherwise obtain redress over wrongdoers acting as, or in the name of, government.**

It is the written constitutional law Magna Carta's limitation of government power *which gives rise to the ultimate motive* behind current miseducation. The completely incorrect notion that, "The United Kingdom does not have a written constitution," is spread by the perjury of treasonous politicians, members of the judiciary, and by compliant, manipulated workers in media and state (mis)education. These lawless moves by ignominious rascals are an attempt to eliminate or circumvent the timeless, binding supreme values *to which they and all are eternally subject*.

Regarding in particular, the much-propagated false notion of government or judicial "immunity from prosecution": article 61 recognises and establishes that

**no one** is 'above' the law of the land. **No one** who infracts legem terrae common law is 'immune' to prosecution. **No person of probity would even seek to acquire such impunity for him or herself.**

This stricture specifically includes the head of state, the most powerful people, administrative government itself (i.e. executive, legislature and judiciary) and all the agencies and employees of government. The Great Charter recognizes and dictates that the people have the permanent duty of enforcing their Constitution and the common law legem terrae, to protect themselves from lawlessness and injustices inflicted by government.

Article Sixty-One: *"If we (Head of State), our chief justice, our officials, (government) or any of our servants (government employees, police, armed services and beaurocrats) **offend in any respect against any man, or transgress any of the articles of the peace of this security**, and the offence is made known to four of the said twenty-five barons, they shall come to us – or in our absence from the kingdom to the chief justice – to declare it and claim immediate redress.*

Article Sixty-One continues: ***If we, or in our absence abroad the chief justice, make no redress within forty days**, reckoning from the day on which the offence was declared to us or him, the four barons shall refer the matter to the rest of the twenty-five barons who may distrain upon and assail us in every way possible, with the support of the whole community of the land, by seizing our castles, lands, possessions, or anything else saving only our own person and those the the queen and our children, until they have secured such redress as they have determind upon. Having secured the redress, they may then resume their normal obedience to us."*

**N.B. The Constitution says explicitly that it is legal and lawful to resist and redress infractions by government. This *means* such acts cannot be 'of rebellion', but are those of due enforcement of law.**

*"Any man who so desires may take an oath to obey the commands of the twenty-five barons for the achievement of these ends, and to join with them in **assailing** us (government) to the utmost of his power. We give public and free permission to take this oath to any man who so desires, and at no time will we prohibit any man from taking it. **Indeed, we will compel any of our subjects who are unwilling to take it to swear it at our command.**"*

**UPHOLDING CONSTITUTIONAL COMMON LAW IS NEVER "REBELLION"!**

Single-minded, unswerving, determined mass peaceful support (satya graha) for Restoration of the Trial by Jury was the method by which Magna Carta was installed. The accomplishment of another such act of Restoration by The Restoration Amendment is required today. Restoration is the way to save populations from the worsening tyranny being perpetrated by criminal administrations. Inscribed in Article Sixty-One, it remains people's perpetual duty to enforce the common law Constitution.

If government's adherence to legitimacy wavers, people are obliged to constrain government to respect the rule of law. Dstraint, assail and seize are legal but *violent* means. The Restoration Amendment is more direct and achieves the same ascendant goal *peacefully*. It does, however, demand unity of purpose and solidarity en masse. When persons in government are participants in criminal contraventions of the Constitution in general, and in particular those embodied in denial of the People's Courts of the Constitutional Common Law Trial by Jury Justice System, it is incumbent upon the **citizenry** at large to restore Trial by Jury and thus legality to the status quo, ***for there is no other party to whom the task can be entrusted.***

*Definitions* (recap.): government is comprised of the executive, the legislature and the judiciary; the citizenry, the population of citizens collectively, including military personnel.

Knowledge of the historical circumstances surrounding the inception of Magna Carta and understanding of its subject matter affirm that it cannot be extrapolated from any aspect of the document's contents that it "permits" *rebellion* of any type whatsoever. It defies logic, reason and history to suggest that the upholding of the rule of law and Constitution could ever be an act of "rebellion". ***On the contrary indeed, the Great Charter recognizes that the population has the ongoing obligation to police their own society; to treat as crimes all infractions of its Articles; and for jurors to vet, judge, make and enforce the laws.***

Those who uphold and enforce constitutional common law on wrongdoers are never thought of or described as "rebels" – any more than is the policeman who performs his duty by accosting felons. He is doing his duty: he is not "rebelling"! Consider that, in the absence of police, does the upright citizen stand idly by as a spectator to permit the rape or robbery of a fragile woman or child, if he is able by words or actions to prevent it? Of course not! Then, ask yourself, is that citizen's dutiful act of policing society to prevent crime, *rebellion*? No! It is not "rebellion" at all and could never sensibly be called one. It is *the duty* of all citizens at all times and in all ways possible to *uphold Common Law* to preclude tyranny and crime. This common law duty to police

society is unsurprisingly inscribed into the Articles of Constitution. Those who perform this duty are naturally, morally and legally authorized to do so.

Magna Carta permits NO acts of “rebellion”. Such acts are proscribed and condemned by the Great Charter. Yet, we notice puerile groups and individuals who *claim* to support the Constitution calling themselves “lawful rebels”. To adopt this deviation from truth maligns Magna Carta.

It reveals people’s lack of understanding of both their own language and the Great Charter Constitution, the very inspiration of all subsequent legitimate Constitutions, the Australian, the U.S., etc., that they could even *contemplate* using that disrespectful, contradictory term “lawful rebellion” as a *slogan*. It misleads people and totally misrepresents the honourable purpose of our Common Law Constitution. Those who wish to confront the Illegality of the Status Quo already have the moral high ground of our Common Law on their side. It is politicians who are in the wrong. Beware! “Lawful rebellion” is mocking miswording invented by those who work for the illegal regime; see what follows.

### **SCORN AND THE POWER OF WORDS.**

This issues regarding “rebellion” is not one of mere academia and semantics: it relates to the unavoidable impact of words upon people’s psyche. Intellectuals, barristers (lawyers), writers and public speakers such as politicians know well how *men and women are swayed and controlled by the choice and use of words*.

Consider the word ‘government’. It implies *authority* over those whom it ‘governs’. Every time the word is used, a spurious *myth* is entrenched into the mind, reason and memory which confers *psychological subjection and inferiority* onto the individual and populace. However, correctly-speaking. And, as recognized by our Constitution, legally, government is nothing more that a nuts-and-bolts administrative mechanism empowered only insofar as the Jury allows. That is to say, every individual within government or paid for by public finances, remains *entirely subject* to the People, the rule of law and the Trial by Jury Justice System. Yet, it takes a conscious effort to remind oneself of these facts because we are daily, if not hourly, *conditioned* to accept ‘government’ as a “supreme body above us”, which it is **not**. Under the law, government is the servant of the People paid for out of the pockets of the population who are its masters.

In this context, let us reflect upon the wisdom and advice of the Great Emancipator, Abraham Lincoln:

**“We the people are the rightful masters of both Congress and the courts – not to overthrow the Constitution, but to overthrow the men who pervert the Constitution.”**

See p.494, Political Debates between Lincoln and Douglas, published by Burrows Bros., 1897.

Likewise, the term “lawful rebellion” is the cunning cynic’s supercilious, scornful linguistic mutilation; a collusive government lawyer’s scoffing contradiction-in-terms to ridicule “*the plebs*” (the lowest classes of uneducated common people) and *bring into disrepute the citizen-juror’s Constitutional Duty to prevail over the illegalities of the administration and hold government to legitimacy*. It is *these* felons, the enemies of the People, who adopt the expression “lawful rebellion” to *derogate* the Great Charter. They wish to obliterate our Constitution *precisely because* Articles 24, 39, 40 and 61 oblige citizens to uphold the rule of law and *prosecute them*. This ring of unconscionable men and women in politics, banking, legal profession and judiciary intend to annihilate the People’s rights and the duty to enforce justice upon criminals in government and powerful positions in society.

By definition and in the event, ‘rebellion’ is an unbridled, lawless activity; it is intermittent, sporadic, and even spontaneous. The serious crime of Seditious Speech is the act by conduct of speech of inciting people *to rebel* against the authority of a state. People are correct to deprecate use of the term “rebellion” because in this context it is a misnomer; and because *unlawful implications are inextricably intimated by the word*.

Even if one adds the word ‘lawful’ to rebellion, the word ‘rebellion’ still confers insecurity and doubtful legality on “rebels”. Worse though is the fact that the term concedes a completely spurious ‘legitimacy’ and ‘superiority’ to those *in government – who are actually usurpers rebelling against the Constitution*. Whether or not one adds the term ‘lawful’ to rebellion, the expression yields ‘lawfulness’ to the government – *which is wholly incorrect, mendaciously-contrived misinterpretation of the legal position*.

So, “rebellion” is never to be confused with the sober, civilized **duty** incumbent on the people to uphold the rule of law as ordained by the Great Charter; a permanent task of spreading educational information, raising people’s awareness of the purpose, meaning and supreme nature of the Constitution, and of the citizens’ duty to enforce Common Law Only *enemies* of equal justice *oppose* the rights and duty of the people to enforce justice through Trial by Jury on those in government or powerful positions in society who breach Common Law. From malignance (or ignorance), the unaware men and women who blunderingly refer to Article Sixty-One as permitting “*lawful rebellion*” are themselves foes of the people. Actively undermining the Constitution.

People who *do* understand our Constitution are *repelled* by groups which adopt that inane *slogan*. It stimulates, attracts and motivates riff-raff who have not the slightest inkling of the intricacies of the Constitution and are only spoiling for *physical* confrontations. Rebellion might be a natural response to oppression, but it is not correct to adopt this lawyer’s sarcastic expression, because it is utilised to dissipate the validity of Common Law, slight the

Constitution, and deny Trial by Jury. Verily, the lawful policing of society and the just enforcement of Constitutional Common Law are **never** 'rebellion'. It was not so in the time of King John and is not so today. People who support the self-named 'constitution' groups who naively enthuse about "lawful rebellion" deserve a better education about their Great Charter Constitution than such groups proffer. These groups disgrace themselves.

The just enforcement of *judicium parium*, the judgment of peers, is the due process of Common Law Trial by Jury prescribed and defined by Magna Carta **and adopted by all authentic constitutions**. This is the justice system which creates, defined and upholds democracy and all true civilisation... hardly a "rebellion"! It reveals sheer malice in people – or their ignorance and utter unread inability to understand the Common Law Constitution – that they would even contemplate using that inapplicable, defamatory term as a slogan. People who uphold and enforce Constitutional Common Law on wrongdoers are never to be thought of or described as "rebels". **It is the offenders in parliament, congress and judiciaries who are contumacious: they are rebelling against the Constitution and the just rule of law; not We the people.**

## **CONSTITUTIONAL RESTORATION**

Restoration campaigners work to save their country from the grip of vicious villains who have misappropriated power and usurped the Sovereignty of the People. To describe such beneficent campaigning as "lawful rebellion" is a self-defeating malignance for several reasons. To begin with, the moral high ground is inexpugnably held by those who are active in trying to uphold the Great Charter Constitution and its rule of law. Yet, the term "rebellion" *capitulates: it surrenders the moral high ground* to those perpetrators ensconced smugly in the administration.

More than this, not only are the Restoration campaigners *morally* ascendant over the offenders within government, they are also *legally* so. That is, the campaigners for Restoration are fulfilling the duty designated to the people by their Constitution. To wit, Restoration campaigners are those very people – the Constitutionally-designated Legal Authority – enjoined by Article Sixty-One to bring about the arrest ("distrain and assail") and due process of the malefactors. Restoration campaigners are legally emplaced *over* the wrongdoers in government and are *not* "rebels".

Despite *claiming* 'lawfulness' for it, the word "rebellion" nevertheless confers **rabble** status on those who apply the term to themselves. It cannot fit those who responsibly seek to uphold and police the law within the provisions of Constitutional Common Law.

Sensible citizens reject affiliation with those who are prepared to use such an incorrect, unsuitable and self-derogating term as "rebellion".

With an understanding of the moral superiority, purpose and justice of the cause for **Restoration**, the greater part of the British, U.S. and Australian Peoples will unite in its support. The cause will gain momentum and strength in proportion to the loss of people's rights and well-being. Liberties are increasingly eclipsed and prosperity is disappearing. Injustices are being inflicted everywhere by politicians and judges.

We the People recognize the Illegality of the Status Quo. Today, we see suffering at the hands of government throughout our Western lands. We know its covert 'new world order' source and recognize politicians and government's fickle employees as organised agencies of crime. We campaign because it is our natural, moral, Constitutional and legal obligation so to do; to have miscreant politicians, bureaucrats and judges brought to justice; to restore and heal our countries and bring governments into conformity with the Great Charter Constitution's universally-applicable timeless morality and law.

Self-serving politicians and government employees (state bureaucrats, lawyers, prosecution service, Law Society and judges), are today career servants of criminal misgovernance. These paid and patronized statist oppose democracy and the Rule of Law. They deny the Constitutional duty of citizens as jurors to judge the justice of the laws and all acts of enforcement. Thereby, they infract Constitution and Common Law. Instead of respecting and upholding people's inherent dignity and rights, they instigate repeated avalanches of inequitable, apocryphal, unfounded, money-motivated, crime-engendering, inherently illegal legislation.