

The Common Law

What schools don't teach you!

**The common law is the
supreme protector of liberty**
Sir Edward Coke

Cujusque rei potissima pars est principium

The most important part of everything
is the beginning

Canada received the common law of
England with the first settlers. The law
followed the flag.  It remains.

**But what is the common law? The
common law is the best law in the
world - if you love freedom!**

*"The common law of England is one of
the great civilizing forces of the world"*

**The Inheritance of the Common
Law Richard O'Sullivan 1950 p. 8**

*"The common law does not consist of
particular cases decided upon particular
facts; it consists of a number of
principles, recognized as having existed
during the whole time and course of
common law..."*

Munster v Lamb 1883 11 Q.B.D. 599
R v Bembridge 1783 22 How. St. Tr. 155

*"The law consists, not in particular
instances and precedents, but in the
reason of the law; for reason is the life of
the law, nay the common law itself is
nothing else but reason."*

A Selection of Legal Maxims 2nd 1848
Ubi eadem ratio ibi idem jus
Broom Chapter IV p. 114
Like reasons doth make the law Co. Littl. 10. a.

But what are these principles and where are
they located?

Principle #1

*Tout ce que la loi ne defend pas est
permis - everything is permitted that is
not forbidden by law.*

Black's Dictionary of Law, 4th p. 1662

*"...in European countries the authority of
the Government was supposed to
be unbounded ... But in England the
very reverse was obtained, it is the
liberty of the subject which is
supposed to be unbounded.*

*The subject is not required to show the
grounds of his conduct"*

**Inherent Rights, O'Halloran J.
BCCA, "Obiter Dicta", part 1, p.35**

In 1608, the greatest English Judge, Sir
Edward Coke, in the infamous *Dr.
Bonham's Case* ruled that the common law
will control the King. The King was furious!
How many judges today will stand up to
our corrupt Kings/Queens?

*...the liberty of each limited only by
the like liberties of all...Every man is
free to do that which he wills,
provided he infringes not the equal
freedom of any other man"*

"Justice" – Herbert Spencer s. 27

Principle #2

Do unto others as you would have done
unto you.

Do not do unto others as you would not
have done unto you

Matthew 5:43; 7:12; 19:19 Leviticus
19:18, and others

Keep all contracts knowingly and willfully
made.

Do not infringe upon the rights, freedoms
and property of others.

Principle #3

The law of England is wisely reluctant to
admit any doctrine which is repugnant to
the settled principles and policy of its own
institution.

The common law does not recognize any
other law, including Socialism.

Brook v Brook 1858 6 WR 452

This is why there was such a dispute about
England joining the E.U. The E.U. would
make law contrary to our common law.
This has now been reversed.

Foundation of the common law

Before the printing press, these principles and
maxims on the other page, were passed down
from generation to generation, by word of
mouth, hence they were "common." Yes! These
principles and maxims were contained in the
Bible, and preserved in our Constitution!

*"The Christian religion is part of the law
of the land"*

William's Case 1797 26 How. St. Tr. 704
Streater's Case 1653 5 How. St. Tr. 287
Bracton on the Laws of England, para. 108
Commentaries on the common law, Broom
4th 1873 p. 2, 21
Coke, Blackstone, Denning and others

Email: clear2012@pm.me
Web: clearbc.org
Rallies: 1st Sat/month
12:00 p.m. Stuart Park, Kelowna **Common Law Education and Rights**

C.L.E.A.R.
 

Coronation Oath

This is the longest existing document in our Constitution - since 973 A.D.

All kings/queens must take this Oath, limiting their powers to give Royal Assent to Bills in Parliament. This is why we have a *limited Monarch*"

Let's look at the first part here, the original wording, and as used more recently:

Will you solemnly promise and swear to govern the people of this Kingdom of England, and the dominions thereto belonging, according to the statutes in Parliament agreed on and the laws and customs of the same?


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Part 1 of this Oath, is Constitutionally binding on the King/Queen and prohibits them from giving Royal Assent to Bills that violate our common law.

A person taking an oath understands precisely what he is doing.

R v Defillipi 1932 57 C.C.C. 401

More principles of the common law:

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1. The common law continually adapts for the betterment of the people
 2. Common law looks to the mind (mens rea)
 3. Possession is 9/10's of the law

How many statutes can you think of that violate our common law, our Christian principles and maxims?

Examples of common law maxims

1. The ends do not justify the means
2. Two wrongs do not make a right
3. Ignorance of the law excuses no one
4. Cannot do indirectly what can't be done directly
5. Principles can't be set aside to meet convenience
6. Every man's home is his castle
7. Truth is the mother of justice
8. Usury (interest) is odious in law
9. If laws of God and man vary, God's laws are supreme
10. Gov'ts are subject to the law
11. No one is punished for his thoughts
12. He who does not forbid a crime, sanctions it
13. Every presumption is against a wrongdoer
14. No man can take advantage of his own wrong
15. No law can be perpetual
16. No one is bound to do the impossible
17. Fraud lies in generalities
18. No one is bound to incriminate himself
19. No one can be a judge in his own cause
20. A judge is to expound, not make law
21. Enjoy your property so as to not injure others
22. Owner of land, owns all above and below
23. Multitude of those who err is no excuse for error
24. No man shall be condemned unheard
25. A right cannot arise from a wrong
26. The power which is derived, cannot be greater than that from which it is derived
27. Everything is permitted that is not forbidden in law
28. He who commands a thing to be done, does it himself
29. Bad usage of longstanding, does not confer legitimacy
30. Laws serve the vigilant, not those who sleep upon their rights
31. It is a fraud to conceal a fraud
32. Justice is neither to be denied or delayed
33. Rights may sleep, but they never die

Judicial deception

Judges have taken the law into their own hands and perverted the common law, by falsely claiming it is "judge made law." Let's examine this in more detail.

Judges rely upon precedent (past cases), or in Latin, *stare decisis*. But what if past cases were wrong and a person cannot afford to appeal? This is how our common law principles have been perverted. Gov't lawyers intentionally phrase questions to the court designed to get the relief the gov't wants (usually not good) judges intentionally or erroneously, rephrase your case, misinterpret, mis-characterize or misstate the law, so you will lose. Legal arguments, issues, facts and even law are left off the record for political purposes, so people cannot argue the important issues in the future. Precedent is set on an incomplete case and the public is none the wiser.

"...the practice of basing decisions on precedent did not come about because it was the best rule to follow in decision making, but because it enabled all existing courts to function with a minimum of trouble"

The Judicial Process Henry J. Abraham, Ch. 1

Judges were too lazy to do the work! But judges, though independent, are agents of the King. They take an Oath of Allegiance and Office to the King. They have no more powers than the King. If the King cannot give Royal Assent to a Bill because it violates his Oath, and our fundamental common law, judges cannot give it effect in court! See maxim #26 above.

People have forgotten this as they assume these politically, appointed, non-elected and non-accountable judges are demi-gods in court. They are not. Their powers are limited by the Coronation Oath as much as the King's are. They are trustees of our common law on behalf of the King.

The principles of the common law are the best in the world -

if you enjoy freedom!

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