

Blackstone and the Bill of Rights

Sir William Blackstone. (10 July 1723 – 14 February 1780) was an English jurist, justice and Tory politician most noted for his Commentaries on the Laws of England, which became the best-known description of the doctrines of the English common law.

- The Crown may not issue commands in disturbance of the law; or disturb or delay common right; and though such commandments should come, the judges shall not cease to do right.; which is also made part of their oath. And by the Bill of Rights it is declared that the pretended power of suspending, or dispensing with laws, or the execution of laws by regal authority of Parliament is illegal".

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Magna Carta 1215

- Ch. 63. Wherefore we will and firmly order that the English Church be free, and that the men in our kingdom have and hold all the aforesaid liberties, rights, and concessions, well and peaceably, freely and quietly, fully and wholly, for themselves and their heirs, of us and our heirs, in all respects and in all places forever, as is aforesaid.

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That all and singular the Rights and Liberties asserted and claimed in the said Declaration are the true auncient (ancient) and indubitable Rights and Liberties of the People of this Kingdome and shall be esteemed allowed adjudged deemed and taken to be and that all and every the particulars aforesaid shall be firmly and strictly holden and observed as they are expressed in the said Declaration and all Officers and Ministers whatsoever shall serve their Majestyes and their Successors according to the same in all times to come..."

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Void orders

"The interesting and important nature of a 'void' order of a Court is not fully understood and appreciated in England and this article is written to assist the understanding of a 'void' order and to assist legal professionals in any concerns they may have in submitting to a Court that its order is void, if indeed it is void..."

"A void order results from a 'fundamental defect' in proceedings (Upjohn U in Re Pritchard (deceased) [1963] 1 Ch 502 and Lord Denning in Firman v Ellis [1978] 3 WLR 1) or from a 'without jurisdiction'/ultra vices act of a public body or judicial office holder (Lord Denning in Pearlman v Governors of Harrow School [1978] 3 WLR 736)..."

A 'fundamental defect' includes ... where proceedings appear to be duly issued but fail to comply with a statutory requirement (Upjohn LJ in *Re Pritchard*, 1963)

(1) a fundamental defect in proceedings will make the whole proceedings a nullity

(ii) a nullity cannot be waived.

(iii) it is never too late to raise an issue of nullity; and

(iv) a person affected by a nullity by a void order has the right - *ex debito justitiae* - to have it set aside.

ex debito justitiae

of or by reason of an obligation of justice : as a matter of right, of or by reason of an obligation of justice : as a matter of right, "As an obligation arising out of the justice of the matter" — an expression often used to describe a situation where judicial review is available automatically and will seldom be denied on any overriding discretionary basis.

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Blackstone on *Diffidatio*

On 5 May, the barons, having considered as their leader, Robert Fitzwalter, acclaimed by the then 'Marshal of the army of God and Holy Church' performed the solemn feudal ceremony of *Diffidatio*, or renunciation of their fealty and homage, a formality indispensable before vassals could, without infamy, wage war upon their feudal overlord, absolved from their allegiance at Wallingford by a Canon of Durham, they marched to London...

Diffidatio (noun) The formal renunciation or dissolution of a relationship of amity, trust, allegiance, or fealty. Mid 17th century. From post-classical Latin *diffidatio* - defiance, renunciation of allegiance from *diffidat-*, past participial stem of *diffidare* + classical Latin *-iō*.

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Constitutional Convention of 1215

It was on the 15 June, then, in the year 1215 that the conference between John supported by a slender following of half-hearted magnates, upon the one side, and the mail-clad barons, backed by a multitude of determined and well-armed knights upon the other. The conference lasted for eight days, from Monday of one week till the Tuesday of the next. On Monday 15 June John set seal to the demands presented to him by the barons, accepting every one of the 'Articles' with the additional "*Forma Securitatis*" or executive

clause, vesting in twenty-five of their number full authority to constrain King John by force to observe its provisions.

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Blackstone on the rights of Englishmen

" And lastly, to vindicate these rights, when actually violate or attacked, the subjects of England are entitled, in the first place, to the regular administration and free course of justice in the courts of law; next, to the right of petitioning the king and parliament for redress of grievances; and lastly, you have the right of having and using arms for self-preservation and defence.

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Living men and women have to take a shit most days. Corporations don't and never can. Men and women who serve as corporations turn everything they contact into shit.

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