


From:

Address:

To: doing business as

Address:

Date Notice served:

Sent by recorded post.

# Notice of Conditional Acceptance

Notice to Agent is Notice to Principal. Notice to Principal is Notice to Agent

Dear

Please be aware that this is a **Notice**, a lawful instrument that requires your **urgent** attention. This 'Notice of Conditional Acceptance' may be used as evidence in my defence.

Whereas I, stand entirely under the tenets of constitutional law in lawful dissent as to my duty under the law and, that it is to my understanding entirely unlawful to comply with your demands at this time, and since the 23rd March 2001 and, that I have withdrawn Any/All presumed allegiance to the office of Sovereign (Crown) including due to my individual duties under the law (see exhibit 'F', Oath of allegiance to the Committee of the Barons), those duties being stated within Article 61 of Magna Carta 1215 (see exhibit 'C', Article 61 of Magna Carta 1215 text), invoked by Royal Proclamation according to the correct protocols of English and Commonwealth law on the 23rd day of March 2001 (See exhibit 'B', Letters between the barons' committee and the office of sovereign). Therefore, **the law forbids me to comply** with your demand(s).

Whereas it cannot legally be denied that the invocation of this most important constitutional tenet did occur on the aforesaid date and, that it stands as the **current law** of the realm, please provide me evidence in substance to counter this claim within 10 (Ten) days from your receipt of this 'Notice of Conditional Acceptance' and I shall comply with your demand(s) promptly and in full.

I do not wish to break the law , if I am coerced/forced under threat into breaking the law by you then you may be held solely liable for the consequences.

**Maxim in law: "Any act done by me against my will is not my act"**

The Daily Telegraph reported on the invocation of Article 61 of Magna Carta 1215 on the 24th March 2001. An article by Caroline Davis (see exhibit 'A') can also be viewed online under the title 'Peers petition Queen on Europe'.

The Magna Carta Society wrote: "The House of Lords Records Office confirmed in writing as recently as last September (2009) that Magna Carta, sealed by King John in June 1215, stands to this day.". Home Secretary Jack Straw said as much on 1 October 2000, when the illegal Human Rights Act came into force.

Halsbury's Laws of England says: "Magna Carta is as binding upon the Crown today as it was the day it was sealed at Runnymede."

Therefore I, do conditionally accept that has the lawful authority to make demands on me, on proof that Article 61 of Magna Carta 1215 is no longer in effect today and, that the ratification of the treaty of Nice has been revoked and, that the crown does indeed, according to English and Commonwealth Constitution law have the legal/lawful authority to make and enforce such demands.

Whilst the law provides me with 'lawful excuse' to distress the crown and its institutions at this time, it is to my understanding that **I cannot by law** consent to the demand(s) by you as for . Whereas English constitutional law forbids me to aid and abet the crown until Article 61 has been publicly revoked by the barons' committee. It also forbids me to aid and abet any other man or woman who is not also standing in open dissent in compliance with the law under Article 61 of Magna Carta 1215.
I must also compel you to abide by the constitutional law yourself, and to stand with law abiding people in lawful dissent as the law demands.

Failure to respond to this 'Notice of conditional acceptance' within the reasonable time frame allotted, and or without providing evidence in substance that clearly defines that article 61 is no longer in effect, shall be taken to mean by all interested parties (including interested third parties) that has **no** lawful claim against I, and, that any future attempt to extort monies or goods relating to this matter would be harassment, coercion and demanding monies with menaces, which may evoke a counter claim for damages against and you personally .

**A reply to this Notice must be made on the respondent's full commercial liability and on penalty of perjury.**

We are **all** responsible and culpable for our own actions or omissions under English Constitutional law. Please check the facts for yourself before replying. **Ignorance is no defence in law.**

Sincerely, without any admission of liability whatsoever and, with no attempt to deceive or to appear vexatious or frivolous and, with all my inalienable Constitutional rights reserved.

Signed:

Witnessed by:

Signature: Printed name: Date:

1.

2.

3.

**Enclosed Evidence:**

**Exhibit A:** Daily Telegraph report on the invocation of Article 61 “Peers Petition Queen on Europe”;

**Exhibit B:** The Barons petition 2001;

**Exhibit C:** Article 61 the whole translated text;

**Exhibit D:** Lord Kilmuir's letter to Edward Heath PM;.

**Exhibit E:** Link to - FCO 30/1048 - Edward Heath treason Evidence PDF file.

**Exhibit F:** Copy of the Oath of Allegiance/Declaration.

**Exhibit A:**

**Daily Telegraph report on the invocation of Article 61** - “Peers Petition Queen on Europe”. By Caroline Davies -12:00am GMT 24 Mar 2001:

“**Four** peers **invoked ancient rights under the Magna Carta yesterday** to petition the Queen to block closer integration with Europe.

The Duke of Rutland, Viscount Masserene and Ferrard, Lord Hamilton of Dalzell and Lord Ashbourne were imbued with the spirit of the ancient Charter, thrust on King John in 1215. In accordance with the Charter's Clause 61, the famous enforcement clause, the four presented a vellum parchment at Buckingham Palace, declaring that the ancient rights and freedoms of the British people had to be defended.

The clause, one of the most important in the Charter, which was pressed on King John at Runnymede, allows subjects of the realm to present a quorum of 25 barons with a petition, which four of their number then have to take to the Monarch, who must accept it. It was last used in 1688 at the start of the Glorious Revolution.

The four peers, who were all thrown out of Parliament in November 1999, proved they had that quorum by presenting Sir Robin Janvrin, the Queen's private secretary, with the petition signed by 28 hereditaries and letters of support from another 60. In addition, they claim the support of thousands of members of the public.

They say that several articles in the Treaty of Nice agreed by Tony Blair in December will destroy fundamental British liberties. The Queen has 40 days to respond. Under the Magna Carta's provisions, if the Sovereign does not observe the Charter the people may rise up and wage war on her, seizing castles, lands and possessions until they have redress."

**Exhibit B:**

**The Barons petition 2001:**

A Petition to Her Majesty Queen Elizabeth II presented under clause 61 of Magna Carta 1215. 7th February 2001. To Defend British Rights and Freedoms;

"Ma'am,

as our humble duty, we draw to Your Majesty's attention:

1. The loss of our national independence and the erosion of our ancient rights, freedoms and customs since the United Kingdom became a member of the European Economic Community (now the European Union) in 1973;

2. The terms of the Treaty of Nice, 2000, which, if ratified, will cause significant new losses of national independence, and further imperil the rights and freedoms of the British people, by surrendering powers to the European Union:
a) to enter into international treaties binding on the United Kingdom, without the consent of your Government;
b) to ban political parties, deny free association and restrict the free expression of political opinion;
c) which can be used to introduce an alien system of criminal justice, abolish the ancient British rights of habeas corpus and trial by jury, and allow onto British soil men-at-arms from other countries with powers of enforcement;
d) to create a military force which will place British service personnel under the command of the European Union without reference to British interests, and contrary to:

i) the oath of personal loyalty to the Crown sworn by British forces,
ii) the Queen's Commission, and;
iii) the United Kingdom's obligations to the North Atlantic Treaty Organisation;

e) which remove the United Kingdom's right to veto decisions not in British interests;

3. The creation by the European Union of a Charter of Fundamental Rights, which purports to give it the power to abolish such "rights" at will;

4. The unlawful use of the Royal Prerogative to:
a) suspend or offend against statutes in ways which are prejudicial and detrimental to your sovereignty, contrary to the Coronation Oath Act, 1688;
b) subvert the rights and liberties of your loyal subjects, contrary to the ruling in Nichols v Nichols, 1576;

5. Your Majesty's power to withhold the Royal Assent, and the precedent set by Queen Anne under a similar threat to the security of the Realm in 1707;

**Wherefore** it is our humble duty **to petition** Your Majesty to withhold the Royal Assent from any Parliamentary Bill which attempts to ratify the Treaty of Nice unless and until the people of the United Kingdom have given clear and specific approval; to uphold and preserve the rights, freedoms and customs of your loyal subjects as set out in Magna Carta and the Declaration of Rights, which you, our Sovereign, swore before the nation to uphold and preserve in your Coronation Oath of June 1953.

We have the honour to be Your Majesty's loyal and obedient subjects."

(signed).

**Notes:**
The House of Lords Records Office confirmed in writing as recently as last September that Magna Carta, signed by King John in June 1215, stands to this day. Home Secretary Jack Straw said as much on 1 October 2000, when the Human Rights Act came into force. Halsbury's Laws of England says: "Magna Carta is as binding upon the Crown today as it was the day it was sealed at Runnymede."

**The Treaty of Nice signed by the British Government in December 2000 includes:**

Article 24 –transforms the EU into an independent state with powers to enter into treaties with other states which would then be binding on all member states, subject to agreement determined by Qualified Majority Voting.

Article 23 -allows the EU to appoint its own representatives in other countries, effectively with ambassadorial status.

Article 191 –assumes for the EU the right to "lay down regulations governing

political parties at European level [ie: in the EU]" and withdraw or prevent the funding of political parties which do not "contribute to forming a European awareness." This is a clear restriction of free speech and free political association. It also introduces two particularly abhorrent propositions – taxation without representation and the use of sanctions to suppress public opinion.

Articles 29 and 31 – establish common policing and judicial cooperation (Eurojust).

Article 67 -allows matters of justice and home affairs to be agreed by QMV. These articles open the door to the imposition of Corpus Juris on the UK (article 31 specifically calls for cross-border policing and prosecution, and the removal of conflicts of jurisdiction), and the deployment of armed Europol law enforcement officers on the streets of Britain. These matters were originally dealt with under article 280, which mysteriously disappeared from the draft of the Nice Treaty at the very last minute, in part at least following heavy pressure from British euro-realists.

Article 17 –establishes a common foreign and defence policy for the EU, with its own military force. The House of Commons was told on 11 December 2000, that: "The entire chain of command must remain under the political control and strategic direction of the EU. NATO will be kept informed." Her Majesty The Queen is Commander in Chief of all her armed forces and Colonel in Chief of 46 of Her Regiments of the British army, every other regiment owing its loyalty directly via another member of The Royal Family as its Colonel in Chief to Her Majesty. The loss of the UK veto applies to 39 new areas of EU "competence", including indirect taxation, the environment, immigration, trade, employment, industrial policy, and regional funding. The EU also has plans for QMV to be expended to other areas not agreed at Nice, and without further treaty negotiations.

**Charter of Fundamental Rights – signed at Biarritz, autumn 2000.**

Article 52 purports to give the EU the power to abolish them at will, effectively making them meaningless. The whole proposition that the state has the right to grant and abolish fundamental human rights [ie: those we inherit at birth and hold in trust for future generations] is not only absurd but also contrary to Magna Carta, 1215, the Declaration of Rights, 1688, and the Bill of Rights 1689.

Clause 61 of Magna Carta was last invoked when the Bishop of Salisbury (Gilbert Burnet) acted on behalf of the barons and bishops of England to invite William of Orange and Mary to come to London in 1688, after King James II had failed to re-establish Roman Catholicism in England, and lost the confidence of the people. His act of abdication was to throw the Great Seal into the Thames and flee the country.

The ruling in Nichols v Nichols 1576 included the words: "Prerogative is created for

the benefit of the people and cannot be exercised to their prejudice." (The Royal Prerogative is the power delegated by the sovereign to ministers to sign treaties on behalf of the nation).

In 1707, Queen Anne withheld the Royal Assent from the Scottish Militia Bill when it became apparent that James Francis Stuart (pretender Prince of Wales, and the Queen's half-brother) was planning with Louis XIV of France to invade Scotland from Calais in an attempt to establish a Jacobite sovereign. Were such an invasion to be successful, the Queen feared a Scottish militia might be turned against the monarchy. Thus, parliament's will was denied in the interests of the sovereignty of the nation and the security of the realm.

Addressing both Houses of Parliament on 20 July 1988, at an historic meeting of both houses to mark the 300th anniversary of the Declaration of Rights, Her Majesty said that it was "still part of statute law…on which the whole foundation and edifice of our parliamentary democracy rests."
The Declaration of Rights spelt out the details:

"…the said Lords…and Commons, being the two Houses of Parliament, should continue to sit and…make effectual provision for the settlement of the …laws and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted. …the particulars aforesaid shall be firmly and strictly holden and observed…and all officers and ministers whatsoever shall serve their Majesties and their successors according to the same, in all time to come."

Both Magna Carta and the Declaration of Rights are contracts between the sovereign and the people. Because they are not statute law they cannot be repealed. Both proclaimed what were taken to be self-evident freedoms which exist by right. Equally, both were based on a concept of permanence.

List Of Signatories. Peers signing the petition:

Lord Ashbourne, The Duke of Rutland, Viscount Massereene & Ferrard (as Lord Oriel), Lord Hamilton of Dalzell signed and presented the petition at Buckingham Palace.

The petition was also signed by:

Lord Sudeley, Viscount Cowdray, Viscount Norwich, Lord Napier & Ettrick, Earl of Romney, Earl Kitchener, Lord Napier of Magdala, Lord Ailsa, Lord Sandys, Earl Cathcart, Lord Oaksey, Lord Milne, Lord Newall, Lord Barber of Tewkesbury, Lord Dormer, Viscount Exmouth, Lord Wise, Earl of Devon, Earl of Cromer, Earl of Shannon (as Lord Carleton), Lord Sandford, Marquis of Aberdeen (as Earl

Aberdeen), Lord Strathcarron, Lord Craigmyle. The Countess of Dysart also signed, but the Dysart title is Scottish and pre-dates the Union of 1707.

**Letter To The Queens Private Secretary:**

Sir Robin Janvrin, KCVO, CB Principal Private Secretary to
Her Majesty The Queen
Buckingham Palace
London

23 March 2001.

"You were kind enough to invite a letter of amplification to accompany our petition to Her Majesty. Thank you.

The Treaty of Nice raises issues of major constitutional importance. It directly threatens our rights and freedoms, and undermines oaths of loyalty to the Crown. Such fundamental matters cannot be considered merely the stuff of day-to-day politics. They directly concern the Crown, the constitution and every British subject, including generations yet unborn.

We find ourselves living in exceptional times, which call for exceptional measures. Hence our petition to Her Majesty, which exercises rights unused for over 300 years – clause 61 of Magna Carta, which were reinforced by article 5 of the Bill of Rights.

As you know, the wording of clause 61 says: …and, laying the transgression before us, petition to have that transgression redressed without delay…And we shall procure nothing from anyone, directly or indirectly, whereby any part of these concessions and liberties might be revoked or diminished; and if any such things has been procured, let it be void and null.

We have petitioned Her Majesty to withhold the Royal Assent from any Bill seeking to ratify the Treaty of Nice because there is clear evidence (which we shall address in a moment) that it is in direct conflict with the Constitution of the United Kingdom. It conflicts with Magna Carta, with the Declaration and Bill of Rights and, above all, with Her Majesty's Coronation Oath and the Oaths of Office of Her Majesty's ministers. **Every one of these protections stand to this day, which is why they are now being invoked by our petition.**

Ultimately, our supreme protection is Her Majesty's obligations under the Coronation Oath. The Queen has solemnly promised to govern the peoples of the United Kingdom according to the Statutes in Parliament agreed on and according to their

laws and customs. Her Majesty also swore to preserve all rights and privileges as by law do or shall appertain to any of them.

From the spiritual point of view, it is unimaginable that Her Majesty would seek, in effect, a divorce from her duty. From a secular point of view, the Coronation Oath is a signed contract.
Recent statements by ministers, and by the previous prime minister, confirm that they would not advise any measure which might tend to breach the Coronation Oath nor betray Her Majesty's promise to her loyal subjects. Her Majesty accepts the advice of her ministers. Conversely, it is their duty to advise in accordance with the Coronation Oath. They cannot lawfully advise a breach. Nor can they gain or remain in power without swearing allegiance to the Crown. Yet the Treaty of Nice represents precisely such a breach, and it has now been signed by the foreign secretary using the Royal Prerogative.

Blackstones Commentaries (volume 1, page 239) says of the Royal Prerogative: The splendour, rights, and powers of the Crown were attached to it for the benefit of the people. They form part of, and are, generally speaking, as ancient as the law itself. De prerogativa regis is merely declaratory of the common law…

The duties arising from the relation of sovereign and subject are reciprocal. Protection, that is, the security and governance of his dominions according to law, is the duty of the sovereign; and allegiance and subjection, with reference to the same criterion, the constitution and laws of the country, form, in return, the duty of the governed. We have already observed that the prerogatives are vested in him for the benefit of his subjects, and that his Majesty is under, and not above, the laws.

For such words to have meaning, the act of signing the Treaty of Nice by the foreign secretary demonstrates that ministers have de facto renounced their oaths of allegiance.

Indeed, faced in due course with a Bill seeking ratification of the Treaty of Nice, the only options appear to be for Her Majesty to dissolve Parliament, or for the government to resign and fight an election on the issue. The ex-government would then be faced with seeking elective power to introduce new oaths of loyalty under a new constitution as part of their new manifesto. This would distil the issues as perhaps nothing else might, since it would allow the people of the United Kingdom to decide whether or not they wished the constitution to be breached in this way, their rights and freedoms to be curtailed, and the position, powers and responsibilities of their sovereign to be diminished.

Of course, for the many thousands of subjects who have supported our petition, no such option exists.

As the Act of Supremacy and the Bill of Rights put it: all usurped and foreign power and authority may forever be clearly extinguished, and never used or obeyed in this realm. no foreign prince, person, prelate, state, or potentate shall at anytime after the last day of this session of Parliament, use, enjoy or exercise any manner of power, jurisdiction, superiority, authority, pre-eminence or privilege within this realm, but that henceforth the same shall be clearly abolished out of this realm, forever.

So it is clear that no-one – neither sovereign, nor parliament, nor government, nor people – may tamper with, dismantle, destroy or surrender our constitution. We are all tenants of it, and trustees. We inherited these rights, and we have a supreme responsibility to pass them in good order to future generations. They are not ours to discard or diminish. Which is why oaths of allegiance place an essential limitation on parliament's power, and the Queens Coronation Oath is crucial.

The Coronation Oath is a moral obligation, a religious obligation, a sworn obligation, a contractual obligation, a statutory obligation, a common law obligation, a customary obligation, an obligation on all who swear allegiance, it is the duty of government, and it is sworn for the nation, the commonwealth and all dominions.

**The Coronation Oath is the peak of a pyramid, and all subordinate oaths are bound by its limitations.** The armed services swear allegiance to the sovereign, not to the government of the day. This helps clarify the principle that allegiance is necessary, and not optional – an essential part of the checks and balances of our constitution. **Without these oaths, and their lawful enforcement, we have little to protect us from government by tyranny.**

We return now to our reasons for stating that the Treaty of Nice is unconstitutional. Our petition highlights several such clauses. We draw particular attention to article 191, which seeks to restrict the political freedom of Her Majesty's subjects.

The EU seeks to assume the right to lay down regulations governing political parties at European level [ie: in the EU] and withdraw or prevent the funding of political parties which do not contribute to forming a European awareness. This is a clear restriction of free speech and free political association. It also introduces two particularly abhorrent propositions – taxation without representation and the use of state sanctions to suppress public opinion. Our political freedom is absolute. The Bill of Rights says so. It cannot be limited in any way. Her Majesty is rightfully inscribed on our coins of the realm as Fid. Def. and Lib. Def. – Libertatis Defensor, Defender of the Freedom of the People.

It has been suggested to us that a referendum or plebiscite might be an acceptable response to the question of ratification of the Treaty of Nice, but we do not hold that view. A referendum or plebiscite which purported to make lawful the infringement of

our common law rights would itself be unlawful.

We come back to the oath of allegiance. Magna Carta says: We will appoint as justices, constables, sheriffs, or other officials, only men that know the law of the realm and are minded to keep it well…. How can such officers of the Crown organize such a referendum or plebiscite?

**These procedures would also infringe articles 1, 2 and 4 of the Bill of Rights:**

1. That the pretended power of Suspending of Lawes or the Execution of Lawes by Regall Authority without Consent of Parlyament is illegall (This must include the Coronation Oath Act).

2. That the pretended Power of Dispensing with Lawes or the Execution of Lawes by Regal Authoritie as it hath beene assumed and exercised of late is illegall.

4. That levying Money for or to the Use of the Crowne by pretence of Prerogative without Grant of Parlyament for longer time or in other manner than the same is or shall be granted is Illegall (This is further protection of our common law rights).

In the event that the Treaty of Nice is considered for Royal Assent we respectfully request that Her Majesty grant us an opportunity to examine the opinion of those who seek to alter our constitution by contrary advice. Accordingly, under those same terms of Magna Carta and the Bill of Rights quoted earlier, we the undersigned, and others – have formed a Barons Constitutional Committee to be available for consultation and to monitor the present situation as it develops ….until redress has been obtained.

We are and remain Her Majesty's most loyal and obedient subjects."

Ashbourne, Rutland, Massereene & Ferrard, Hamilton of Dalzell.

**The Reply**

I am commanded by The Queen to reply to your letter of 23rd March and the accompanying petition to Her Majesty about the Treaty of Nice.

**"The Queen continues to give this issue her closest attention. She is well aware of the strength of feeling which European Treaties, such as the Treaty of Nice, cause. As a constitutional sovereign, Her Majesty is advised by her Government who support this Treaty. As I am sure you know, the Treaty of Nice cannot enter force until it has been ratified by all Member States and in the United Kingdom this entails the necessary legislation being passed by Parliament."**

**Exhibit C:**

**Article 61 the entire translated text;**

"61. Since, moreover, for God and the amendment of our kingdom and for the better allaying of the quarrel that has arisen between us and our barons, we have granted all these concessions, desirous that they should enjoy them in complete and firm endurance forever, we give and grant to them the underwritten security, namely, that the barons choose five and twenty barons of the kingdom, whomsoever they will, who shall be bound with all their might, to observe and hold, and cause to be observed, the peace and liberties we have granted and confirmed to them by this our present Charter, so that if we, or our justiciar, or our bailiffs or any one of our officers, shall in anything be at fault towards anyone, or shall have broken any one of the articles of this peace or of this security, and the offense be notified to four barons of the foresaid five and twenty, the said four barons shall repair to us (or our justiciar, if we are out of the realm) and, laying the transgression before us, petition to have that transgression redressed without delay.

And if we shall not have corrected the transgression (or, in the event of our being out of the realm, if our justiciar shall not have corrected it) within forty days, reckoning from the time it has been intimated to us (or to our justiciar, if we should be out of the realm), the four barons aforesaid shall refer that matter to the rest of the five and twenty barons, **and those five and twenty barons shall, together with the community of the whole realm, distrain and distress us in all possible ways, namely, by seizing our castles, lands, possessions, and in any other way they can, until redress has been obtained as they deem fit**, saving harmless our own person, and the persons of our queen and children; and when redress has been obtained, they shall resume their old relations towards us.

And let whoever in the country desires it, swear to obey the orders of the said five and twenty barons for the execution of all the aforesaid matters, and along with them, to molest us to the utmost of his power; and we publicly and freely grant leave to everyone who wishes to swear, and we shall never forbid anyone to swear. **All those, moreover, in the land who of themselves and of their own accord are unwilling to swear to the twenty five to help them in constraining and molesting us, we shall by our command compel the same to swear to the effect aforesaid.**

And if any one of the five and twenty barons shall have died or departed from the land, or be incapacitated in any other manner which would prevent the aforesaid provisions being carried out, those of the said twenty five barons who are left shall choose another in his place according to their own judgement, and he shall be sworn in the same way as the others. Further, in all matters, the execution of which is entrusted, to these twenty five barons, if perchance these twenty five are present and

disagree about anything, or if some of them, after being summoned, are unwilling or unable to be present, that which the majority of those present ordain or command shall be held as fixed and established, exactly as if the whole twenty five had concurred in this; and the said twenty five shall swear that they will faithfully observe all that is aforesaid, and cause it to be observed with all their might. And we shall procure nothing from anyone, directly or indirectly, whereby any part of these concessions and liberties might be revoked or diminished; and if any such things has been procured, let it be void and null, and we shall never use it personally or by another."

**Exhibit D:**

**Lord Kilmuir letter to Edward Heath (PM);**

The Heath Government was prepared to commit acts of sedition and treason in taking the UK into the EEC. Unfortunately we do not have a copy of Heath's original letter to Lord Kilmuir and therefore Heath's questions are unknown. However it will take little imagination to guess what they were:

"My Dear Ted,

You wrote to me on the 30th November about the constitutional implications of our becoming a party to the Treaty of Rome. I have now had an opportunity of considering what you say in your letter and have studied the memoranda you sent me.

I agree with you that there are important constitutional issues involved. I have no doubt that if we do sign the Treaty, we shall suffer some loss of sovereignty, but before attempting to define or evaluate the loss I wish to make one general observation.

At the end of the day, the issue whether or not to join the European Economic Community must be decided on broad political grounds and if it appears from what follows in this letter that I find the constitutional objections serious that does not mean that I consider them conclusive. I do, however, think it important that we should appreciate clearly from the outset exactly what, from the constitutional point of view, is involved if we sign the treaty, and it is with that consideration in mind that I have addressed myself to the questions you have raised. He is clear that if we do sign the agreement with the EEC we will suffer some loss of Sovereignty.

This is clearly an act of Treason because our Constitution allows no surrender of any part of our Constitution to a foreign power beyond the control of the Queen in parliament. This is evidenced by the convention which says: (Parliament may do many things but what it may not do is surrender any of its rights to govern unless we

have been defeated in war). And the ruling given to King Edward 3rd in 1366 in which he was told that King John's action in surrendering England to the Pope, and ruling England as a Vassal King to Rome was illegal because England did not belong to John he only held it in trust for those who followed on.

The Money the Pope was demanding as tribute was not to be paid. Because England's Kings were not vassal Kings to the Pope and the money was not owed. Adherence to the Treaty of Rome would, in my opinion, affect our sovereignty in three ways:- Parliament would be required to surrender some of its functions to the organs of the community;
Answer as above. The Crown would be called on to transfer part of its treaty-making power to those organs of the community; The Constitution confers treaty making powers only on the Sovereign and the Sovereign cannot transfer those powers to a foreign power or even our own parliament because they are not the incumbent Sovereigns to give away as they only hold those powers in trust for those who follow on.

Our courts of law would sacrifice some degree of independence by becoming subordinate in certain respects to the European Court of Justice. It is a Praemunire to allow any case to be taken to a foreign court not under the control of the Sovereign. The European Court Justice or the European court of Human rights are foreign courts not under the control of our Sovereign. Praemunire is a crime akin to Treason. The position of Parliament It is clear that the memorandum prepared by your Legal Advisers that the Council of could eventually (after the system of qualified majority voting had come into force) make regulations which would be binding on us even against our wishes, and which would in fact become for us part of the law of the land.

There are two ways in which this requirement of the Treaty could in practice be implemented:- It is a Praemunire to allow any laws or regulations not made by the Sovereign in parliament to take effect as law in England. This is illegal under the Acts of Treason 1351, the Act of Praemunire 1392, The Act of Supremacy 1559, and the Declaration and Bill of Rights 1688/9.

Parliament could legislate ad hoc on each occasion that the Council make regulations requiring action by us. The difficulty would be that, since Parliament can bind neither itself not its successors, we could only comply with our obligations under the Treaty if Parliament abandoned its right of passing independent judgement on the legislative proposals put before it. A parallel is the constitutional convention whereby Parliament passes British North American Bills without question at the request of the Parliament of Canada, in this respect Parliament here has substance, if not in form, abdicated its sovereign position, and it would have protanto, to do the same for the Community. No such power exists for parliament to do this.

**This would be an Act of Treason under the 1351 Treason Act**, A Praemunire under the 1392 Act of Praemunire, an Act of Treason under the 1559 Act of Supremacy, and the 1688/9 Declaration and Bill of Rights.

It would in theory be possible for parliament to enact at the outset legislation which would give automatic force of law to any existing or future regulations made by the appropriate organs of the Community. For Parliament to do this would go far beyond the most extensive delegation of powers even in wartime that we have ever experienced and I do not think there is any likelihood of this being acceptable to the House of Commons. Whichever course were adopted, Parliament would retain in theory the liberty to repeal the relevant Act or Acts, but I would agree with you that we must act on the assumption that entry into the Community would be irrevocable, we should therefore to accept a position where Parliament had no more power to repeal its own enactments than it has in practice to abrogate the statute of Westminster.

In short. Parliament would have to transfer to the Council, or other appropriate organ of the Community, its substantive powers of legislating over the whole of a very important field. There is no constitutionally acceptable method of doing this because it would be tantamount to a total abrogation of their duty to govern us according to our laws and customs.

**And it would be an Act of Treason under the 1351 Treason Act**, A Praemunire under the 1392 Act of Praemunire, and Treason under the 1559 Act of Supremacy, and the Declaration and Bill of Rights 1688/9 Treaty-making Powers.

The proposition that every treaty entered into by the United Kingdom does to some extent fetter our freedom of action is plainly true. Some treaties such as GATT and O.E.E.C. restrict severely our liberty to make agreements with third parties and I should not regard it as detrimental to our sovereign that, by signing the Treaty of Rome, we undertook not to make tariff or trade agreements without the Council's approval. But to transfer to the council or the Commission the power to make such treaties on our behalf, and even against our will, is an entirely different proposition. There seems to me to be a clear distinction between the exercise of sovereignty involved in the conscious acceptance by us of obligations under treaty-making powers and the total or partial surrender of sovereignty involved in our cession of these powers to some other body.

To confer a sovereign state's treaty-making powers on an international organisation is the first step on the road which leads by way of confederation to the fully federal state. I do not suggest that what is involved would necessarily carry us very far in this direction, but it would be a most significant step and one for which there is no precedent in our case. Moreover, a further surrender of sovereignty of parliamentary

supremacy would necessarily be involved: as you know although the treaty-making power is vested in the Crown. Parliamentary sanction is required for any treaty which involves a change in the law or the imposition of taxation to take two examples and we cannot ratify such a treaty unless Parliament consents. But if binding treaties are to be entered into on our behalf, Parliament must surrender this function and either resign itself to becoming a rubber stamp or give the Community, in effect, the power to amend our domestic laws.

**This is a surrender of our Sovereignty a clear Act of Treason under the 1351 Treason Act and a Praemunire**, under the 1392 Act of Praemunire, it is Treason under the 1559 Act of Supremacy and the 1688/9 Declaration and Bill of Rights.

**Independence of the Courts:**

There is no precedent for our final appellate tribunal being required to refer questions of law (even in a limited field) to another court and as I assume to be the implication of 'refer'- to accept that court's decision. You will remember that when a similar proposal was considered in connection with the Council of Europe we felt strong objection to it. I have no doubt that the whole of the legal profession in this country would share my dislike for such a proposal which must inevitably detract from the independence and authority of our courts.

Of those three objections, the first two are by far the more important. I must emphasise that in my view the surrenders of sovereignly involved are serious ones and I think that as a matter of practical politics, it will not be easy to persuade Parliament or the public to accept them. I am sure that it would be a great mistake to under-estimate the force of objections to them. But these objections ought to be brought out into the open now because, if we attempt to gloss over them at this stage those who are opposed to the whole idea of our joining the Community will certainly seize on them with more damaging effect later on.
Having said this, I would emphasise once again that, although those constitutional considerations must be given their full weight when we come to balance the arguments on either side, I do not for one moment wish to convey the impression that they must necessarily tip the scale. In the long run we shall have to decide whether economic factors require us to make some sacrifices of sovereignty: my concern is to ensure that we should see exactly what it is that we are being called on to sacrifice, and how serious our loss would be. It is a Praemunire to subject Her Majesty's Courts of law to the domination of a foreign court outside of Her Majesty's control."

**Exhibit E:**

**Link to FCO 30/1048 Edward Heath Treason Evidence PDF file;**

http://www.nommeraadio.ee/meedia/pdf/RRS/Brittide%20petmine.pdf

**Exhibit F:**

**Copy of Oath of Allegiance.**