

You the People and Your Paper Work are Actually the real Common Law Court ”

Establishing and Maintaining Common Law Courts

The Common Law's First Principles establish its general legitimacy and lawfulness. This valid system gives rise to Courts with the power to protect the people as a whole by prosecuting and indicting any persons and institutions that threaten the community.

The mandate to establish such Courts is derived from the sovereignty of the people as a whole, and not from any particular political system or government. Natural Common Law Courts are therefore universal, not constricted by customary borders or laws, and are jurisdictionally competent to adjudicate any issue or grievance. Natural Common Law Courts are not subject to and do not recognize any other legal or moral authority, immunity or privilege, like those routinely claimed by heads of churches and states.

Enjoying universal jurisdiction because of its rootedness in the Natural Law, Common Law Courts can be established in any country or community, and not only within nations with a specific common law legal tradition, such as England, Canada and America.

Natural Common Law Courts are established when any number of men and women come together to judge a matter of concern to them and to their community. Thus, such Courts are invariably and naturally linked to political movements, “town hall gatherings” and Tribunals of Conscience that unite citizens and give direct voice to their concerns and demands.

The Court is thereby the expression of that voice.

The Court itself is established by the direct will and vote of the people as a whole, who elect Citizen Jury of at least twelve people, a Citizen Prosecutor to conduct the case on behalf of the people, a presiding Adjudicator whose job is strictly advisory, and a Sheriff and group of Peace Officers to enforce the summonses, warrants and verdicts of the Court.

Additionally, the community may appoint local magistrates versed in the law known as Justices of the Peace (JP's), who traditionally have the power to summon juries and issue warrants. The JP may also initiate the formation of a Common Law court.

All of the participants in a Common Law Court must present their own case in all of the Court proceedings since to allow another to “re-present” them would constitute a surrender of their

natural rights and sovereignty. This applies both to the plaintiffs and the defendants involved in any matter before the Court.

There are, accordingly, no professional lawyers or permanent presiding judges in a Natural Common Law Court system.

There is no restriction on the power of a Common Law Court to access any person, place or thing, nor any limitation on the duration or rights of the Court. The Court and its Magistrate can issue Public Summonses that are binding on any person or institution, and enforceable by the Court Sheriff, who has an unrestricted right to detain any person named in the Summons and bring them into Court.

The final verdict of the Common Law Court Jury is final and not subject to appeal, simply because a reasonable and non-coerced group of citizens can come to the truth of any matter on the basis of the evidence alone, possessed as they are of inherent knowledge of right and wrong. The truth is not mutable. A defendant is either innocent or guilty; the truth is not subject to revision or reconsideration, since then it is not true.

However, if it can be proven beyond any doubt that the Court's verdict was made unlawfully, was unduly influenced, or occurred on the basis of incomplete or faulty evidence, a Common Law Magistrate can re-open and re-try the case with the normal Jury and Court officers.

In the same way, the sentence of the Court is also final, and is enforced not only by the Court Sheriff but by all citizens. For the Common Law arises from and is the direct responsibility of all people, as are all of its procedures. The verdict really is a declaration of the people that they will govern themselves according to their own democratic law and decisions.

There is no restriction on the power of a Citizen Jury to impose a sentence on any person, group or institution. The Court Adjudicator or Magistrate has no power to alter, influence or direct the original verdict or sentence of the Jury – simply to advise the Jury on legal procedure and points of law. Finally, upon issuing its final verdict and sentence, the Common Law Court jury is automatically concluded and its members are released from their duty. No Court is maintained without the conscious consent and participation of the people themselves.

Again, there is no professional, permanent caste of either lawyers or judges in a Common Law Court system, but rather elected and temporary Court officers.

Below is an outline of how you can set up your natural Common Law Court

Step One

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COMPILING THE CASE

A Statement of Claim must be produced by those bringing a case, known as the Plaintiffs. Their Statement sets out in point from the basic facts of the dispute, the wrong being alleged, and the relief or remedy being sought.

Next, the Plaintiff's Statement of Claim must be accompanied by supporting evidence: documents and testimonies proving their case beyond any reasonable doubt.

This evidence must be duly sworn by those not party to the dispute in the form of witnessed statements; and it must consist of the original documents themselves, and not copies.

As well, anyone whose testimony is used in this body of evidence must be willing to come into Court to testify and affirm their own statement.

Step Two

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STEP TWO – SEEKING THE REMEDY OF A COMMON LAW COURT:

FILING A NOTICE OF CLAIM OF RIGHT

After gathering his case, a Plaintiff must then seek the aid of a Common Law Court and its officers. Such a Court can be brought into being by publishing a Notice of Claim of Right (see Appendix B, "Court Documents"), which is a public declaration calling for the assistance of the community in the asserting of the Plaintiff's right under Natural Justice to have his case heard through the Common Law, by way of a jury of his neighbours and peers.

Such a Notice can be published in local newspapers/gazette or simply notarized or posted in a prominent public location, like a town hall or library.

Step Three

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FORMING A COMMON LAW COURT

Within 24 hours of the issuing of such a Notice of Claim of Right, any twelve citizens of a community can constitute themselves as a Common Law Court and its jury, and must then appoint the following Court Officers from their ranks:

- a Court Adjudicator, to advise and oversee the Court
- a Public or Citizen Prosecutor to conduct the case; this person is normally the Plaintiff himself or someone he authorizes to advise but not represent him
- a Defense Counsel to advise but not represent the accused
- a Court Sheriff, either elected from the community or delegated from among existing peace officers
- Bailiffs, a Court Registrar and a Court Reporter

It is assumed that people with knowledge of the Common Law and legal procedure will act in these capacities. And, as mentioned, a Common Law Magistrate or Justice of the Peace may also initiate this formation of a Common Law Court.

Step Four

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SWEARING IN AND CONVENING THE JURY AND COURT OFFICERS: OATHS OF OFFICE

Upon the appointment of these Court Officers, the Adjudicator (a Justice of the Peace or a comparable Magistrate) will formally convene the Court by taking and administering the following Oath of Common Law Court Office to all of the Court officers:

I (name) will faithfully perform my duties as an officer of this Common Law Court according to the principles of Natural Justice and Due Process, acting at all times with integrity, honesty and lawfulness. I recognize that if I fail to consistently abide by this Oath I can and will be removed from my Office. I make this public Oath freely, without coercion or ulterior motive, and without any mental reservation.

After taking this oath, the Jury members, Court Counsellors, Sheriffs, Bailiffs and Reporter will then convene and receive instructions from the Adjudicator concerning the case. The Adjudicator is not a presiding Judge or Magistrate but an advisor to the Court, and has no power to influence, direct or halt the actions or the decisions of the Jury or other Court officers, except in the case of a gross miscarriage of justice or negligence on the part of other Court officers. Thus, the Court is self-regulating and dependent on the mutual respect and governance of all the Court officers and the Jury.

Step Five

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PRE-TRIAL CONFERENCE

The Adjudicator brings together both parties in a pre-trial conference in an attempt to settle the case prior to a trial.

If a settlement is not achieved, both parties must then engage in a mandatory Examination of Discovery, in which the evidence and counter-evidence and statements of both sides will be presented. After a period of not more than one week, this pre-trial conference will conclude and the trial will commence.

Step Six

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ISSUING OF PUBLIC SUMMONSES

No person or agency may be lawfully summoned into Common Law Court without first receiving a complete set of charges being brought against them and a formal Notice to Appear or Writ of Public Summons.

Such a Summons outlines the exact time, date and address when and where the trial will commence.

The Public Summons is applied for by the Plaintiff through the Court Registrar. The Summons will be issued under the signature of the Court Adjudicator and delivered to the Defendant by the Court Sheriff within 24 hours of its filing in the Court Registry by the Plaintiff.

The Sheriff must personally serve the Defendant, or post the Summons in a public place and record the posting if the Defendant avoids service.

The Defendant has seven days to appear in Court from the date of service.

[Post Public Notice Here](#)

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THE TRIAL COMMENCES:

OPENING ARGUMENTS

After an introduction by the Adjudicator, the trial commences with opening arguments by first the Plaintiff or Prosecutor, and then the Defendant.

The Adjudicator and both Counsellors will then have the chance to question either parties for clarification, and to make motions to the Court if it is apparent that the proceedings can be expedited.

Note: Step Seven can still occur even if one side, usually the Defendant, is not present in Court and refuses to participate. Such a trial, being conducted “in absentia”, remains a legitimate legal procedure once the Defendant is given every opportunity to appear and respond to the charges and evidence against him.

An In absentia trial will commence with the Plaintiff presenting his opening argument followed by his central case. The Court-appointed Defence Counsel will then be given the chance to argue on behalf of the absent Defendant if that is the wish of the latter.

It is often the case that a non-response or non-appearance by the Defendant can result in the Adjudicator advising the Jury to declare a verdict in favor of the Plaintiff, on the grounds that the Defendant has tacitly agreed with the case against himself by not disputing the evidence or charges, and by making no attempt to appear and defend his own good name in public.

Step Eight

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THE MAIN PROCEEDINGS

Assuming the proceedings are not being conducted in absentia and the Defendant is present, the main proceedings of the trial then commence with the Plaintiff’s presentation of the details of his evidence and argument against the Defendant, who can then respond.

The Plaintiff may be assisted by the Citizen Prosecutor.

After his presentation, the Plaintiff is then cross-examined by the Defendant or his advising Counsel.

Following cross-examination, the Defendant presents his case, with or without his advising Counsellor, and in turn is cross-examined by the Plaintiff or the Citizen Prosecutor.

Step Nine

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CLOSING SUMMARIES AND ARGUMENTS

After the main proceedings, the Adjudicator has the chance to further question both parties in order to give final advice to the Jury.

The Plaintiff and then the Defendant then have the right to give their closing summary and argument to the Court.

The Adjudicator closes with any final comments to the Jury.

Step Ten

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THE JURY RETIRES TO DELIBERATE

The Court is held in recess while the twelve citizen jury members retire to come to a unanimous verdict and a sentence, based on their appraisal of all the evidence.

There is no time restriction on their deliberations, and during that time, they are not allowed contact with anyone save the Court Bailiff, who is their guard and escort.

The Jury's verdict and sentence must be consensual, non-coerced, and unanimous.