

DECLARATION OF CLAIM OF RIGHT

To:

John **Key** – for the time being, Prime Minister of New Zealand.

Christopher **Finlayson** – for the time being, Attorney-General of New Zealand,

Michael **Heron** – the man acting as Solicitor General of New Zealand.

Peter **Marshall** – the man acting as Commissioner of Police.

January 2014.

Greetings, peace and grace be with you.

I serve herewith my Notice of Understanding and Intent and Claim of Right for your understanding.

The enclosed statement is intact and complete for now and to which I affix my mark.

Yours sincerely,

[All rights reserved]

James, son of James.

Resident at Kysusha Family Trust, XXX Ikitara Road, Wanganui East, WANGANUI.

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UPON MY HONOUR – NOTICE OF UNDERSTANDING AND INTENT AND CLAIM OF RIGHT

1. I, James, son of James a Carpenter of County Antrim [hereinafter called James], currently residing in Wanganui, New Zealand, do hereby sincerely and solemnly affirm that I am a living person of flesh and blood as created by my creator.
2. Further, I have no corporate status, but have standing as a sovereign man born free.
3. Further, I do hereby state on my honour and before God that the following is my Truth and my Law.

Understanding - Whereas:

4. I being a Christian and believing in the divine creation of man claim as of right the law of the creator.

[Maxim in law; The law of God and the law of the land are all one, and both favour and preserve the common good of the land.]

5. The basis of all Law in New Zealand is that of Common Law, which is derived from the law of the creator and is commonly referred to as the Law of The Land. This law is a basic right of protection for all people living in New Zealand and accepted by The Crown.ⁱ
6. Police Constables swear an oath to uphold Common Law and keep the peace.ⁱⁱ
7. Judges swear an oath to protect a man's right to Common Law and are in dishonour if they do not uphold and protect that right.ⁱⁱⁱ
8. In swearing an oath to God, Judges and Police Constables accept God's law and are bound by it.
9. There is no law higher than that of the creator.

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10. Law other than that of the creator is of man.
11. The only jurisdiction to which I wilfully and completely consent is that of the creator.
12. Out of necessity, compassion and consideration for my fellow man, in the best interests of keeping the peace for all of those who believe that only the laws of man exist and apply to all, I allow myself to be seen by systems created by man through the interfaces that those systems provide without, nevertheless, me consenting to their jurisdiction over me and without prejudice to my rights as a sovereign man under Common Law.

[Maxim in Law: He who mistakes is not considered consenting.]
13. Equality before the law is paramount and mandatory.
14. All law is a contract.
15. A contract requires an Offer, Consideration and Acceptance.
16. A contract cannot be enforced on a party by force or decree.

[Maxim in Law: Consent makes the law. A contract is a law between the parties, which can acquire force only by consent].
17. Contracts generated by the Crown with the intent of defrauding the rightful heir to title are fraudulent and as such, illegal under Common Law.
18. Intimidation used to force compliance with Statute/Acts is a breach of Common Law.
19. Without specific terms to the contrary, all contracts can be terminated by a party serving notice.
20. Contracts may be varied by consent of the parties.

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21. Contracts can only be made between like entities; real human to real human or fictional person to fictional person [NB, a corporation is a person, the Crown is a corporation].
22. The law of agent and principal applies, therefore, service upon one is service upon both.
23. Statute is Commercial Law/ Mercantile Law and derived from Old Admiralty Law.
24. Acts are statutes restricted in scope and applicability by the Constitution Act.
25. A statute is defined as a legislated rule of society which has been given the force of law.
26. A society is defined as a number of people joined by mutual consent to deliberate, determine and act for a common goal.
27. For something to exist legally, it must have a name.
28. The Births Deaths and Marriages Act 1933 created a legal person by way of a legal fiction.
29. The Law Societies and Bar Associations of New Zealand are the ones who create the statutes and therefore they are applicable only to their members and to those that consent.
30. The only form of government recognized as lawful in the area commonly referred to as New Zealand is a representative one.
31. All governments are corporations which provide services.
32. The Crown Corporation is a legal fiction and requires another legal fiction with which to transact.^{iv}

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33. Any living man or woman who acts in the role of a legal person is an accommodation party in joinder with the fictional legal person. This joinder creates an indivisible duo (individual), and by this artifice the living jurisdiction (de jure lawful) is surrendered and replaced by the statutory jurisdiction (de facto legal).
34. A legal person is a fictional creation of the State, and therefore it is controlled by the State. The legal person is the government's property, employee, debtor and servant, bound to comply with the government's statutes (acts, bills, rules and regulations), which are the terms and conditions of its status.
35. The legal person has no consciousness; it is a juristic person - *Ens Legis*, a name/word written on a piece of paper.
36. Fictional creatures of the State have status, whereas living men and women with flesh and blood, arms and legs have standing. The artificial person has no standing.
37. Since the government is a creation of the people, it cannot possibly have jurisdiction over its creators, unless by consent. Statute enacted by government legislation requires consent from each and man and woman in order to be valid.
38. The Crown is required to obey statute.
39. All governments and corporations, including all of their agents, are bound by the Crimes Act 1961.
40. Representation requires mutual consent.
41. In the absence of mutual consent neither representation nor governance can exist.
42. People living on the geographical area commonly referred to as New Zealand have the right to revoke or deny consent to be represented and thus governed.
43. If anyone does revoke or deny consent they exist free of government control and statutory restraints.

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44. Section 53 of the Crimes Act 1961^v establishes a Claim of Right as a lawful excuse.
45. If one is in possession of personal property under a Claim of Right, one is justified to protect or to appoint anyone to protect that property with protection from criminal responsibility for defending that property, even against a person entitled by law to possession of it and that factual truth is expressed in Section 53 of the Crimes Act 1961.
46. Section 107 of the Crimes Act 1961^{vi} acknowledges the right to disobey statutes if one has a lawful excuse, or a Claim of Right.
47. Section 56C of the Judicature Act 1908^{vii} acknowledges the right to disobey court orders if one has a lawful excuse, or a Claim of Right.
48. I, James as a Freeman-on-the-Land have lawfully revoked consent and exist free of statutory restrictions, obligations, and limitations.
49. Acting peacefully within Common Law standards is not unlawful.
50. I, known as James a Freeman-on-the-Land operate with full responsibility and am not a child of the state. I do not need to ask permission to engage in lawful/legitimate and peaceful activities, especially from those who claim limited liability.
51. All transactions of security interests require the consent of both parties.
52. The government of the day did pass the Cesti Que Vie Act 1666, wherein all men and women were declared dead and lost beyond the seas.
53. Without consent, private property was taken by the Government into trust and held until such time as a real person returned to make claim; wherein not only was title to the property to be returned, but claim could also be made for damages.
54. I, James am legally entitled to claim my title as sole Beneficiary and Executor of the trust held in the name of James JONES, born XXth Xxxxxx 19XX.

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[Maxim in Law; he who fails to assert his rights has none].

55. The trust held in the name of James JONES is henceforth, no longer in the control of the Crown. The Crown as Trustee is to convey to me the full status of the trust.

56. A permanent estoppel by acquiescence is created barring any peace officer or prosecutor from bringing charges against James, a Freeman-on-the-Land under any Act is created if this claim is not responded to in the stated fashion and time herein under, and;

57. Therefore be it resolved and known to any and all concerned and affected parties, that I, James a Freeman-on-the-Land, do hereby state clearly, specifically and unequivocally my intent;

58. To peacefully and lawfully exist free of all statutory obligations and/or restrictions, and maintain all rights at law to trade or barter, and,

59. To travel peacefully and lawfully on the geographical area commonly known as New Zealand and the Commonwealth by whatever means I deem necessary, and;

60. To be a steward of the land and waters of the geographical area commonly referred to as New Zealand and the Commonwealth and to any land for which I may lay claim.

Furthermore I claim:

61. That these actions are not outside my neighbour's standards and will in fact support said neighbour in our common desire for truth and maximum freedom, and;

62. The right to engage in these actions and further claim that all personal property held by me is held under a Claim of Right in accordance with Section 53 of the Crimes Act 1961, and;

63. The right to, at any time, appoint peace officers to protect me/or my personal property from anyone who would attempt to take it, and;

64. The inalienable right to use deadly force to protect my life, family and property, and;

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[Maxim in Law: A personal injury does not receive satisfaction from a future course of proceeding.]

65. That anyone, their principals or their agents who interfere with my lawful activities after having been served notice of this Claim of Right and who fail to properly dispute or make lawful counterclaim is breaking the law, cannot claim good faith or colour of right and that such transgressions will be dealt with in a properly convened court de jure, and;
66. That the courts of New Zealand are de facto and are in fact a profitable business of conducting, witnessing and facilitating the transactions of security interests and I further claim that they require the consent of both parties prior to providing any such services, and;
67. That my consent to perform on any statutory obligation can only be granted by a written, signed and notarised document, and;
68. That I do hereby deny consent to any transactions of a security interest issued under any Act for as herein stated as a Freeman-on-the-Land I am not subject to any Act, and;
69. The unlimited right to travel freely and unmolested throughout the geographical area commonly referred to as New Zealand, the United Kingdom and the Commonwealth realms and that evidenced perfection of this Claim will act as sufficient documentation for entry and travel to and on the geographical area commonly referred to as New Zealand, the United Kingdom and the Commonwealth realms, and;
70. The right to enjoy the unmolested pursuit of my activities and free use of the streets, avenues, highways and public roads, and;
71. The free, exclusive, unlimited and unrestricted right to use my personal property, and;
72. The right to direct my life and all of my activities the way I see fit in accordance with Common Law, and;

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73. The right to generate lawful excuse, which is a general term, which includes all of the defences which the Common Law considers sufficient reason to excuse a human being from criminal liability, and;
74. The right to claim an area of uninhabited land anywhere in the geographic area commonly referred to as New Zealand, and;
75. The right to deregister anything that has been registered by the legal fiction James JONES, and;
76. The right to establish for me or anyone under my care a FEE SCHEDULE for any transgression(s) against me, my family or anyone under my care that is or are perpetrated by peace officers, government principals, agents or justice system participants, those fees being FIVE HUNDRED DOLLARS (\$500.00) PER HOUR or portion thereof if being questioned, interrogated or in any way detained, harassed or otherwise regulated, and ONE THOUSAND DOLLARS (\$1,000.00) PER HOUR if handcuffed, transported, incarcerated or subjected to any adjudication process without my express written and Notarized consent, and a minimum of ONE MILLION DOLLARS(\$1 000 000.00) for any violence brought against me, my family or anyone under my care, and TEN THOUSAND DOLLARS (\$10 000.00) PER DAY if any personal property is being taken away from me without my express written and Notarized consent, and;
77. The right to choose a lawful method of payment upon demand, and;
78. The right to use a Notary Public, commissioner or any two (2) people not related to me by blood or marriage to secure payment of the aforementioned FEE SCHEDULE against any transgressors who by their actions or omissions harm me or anyone under my care or my interests, directly or by proxy in any way, and;
79. The right to engage the services of a Notary Public or commissioner for taking affidavits and/or any two (2) people not related to me by blood or marriage to attest to my signature for verification purposes, and which does not constitute adhesion, contract or change in status in any manner, and;

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80. The right to convene a proper court de jure in order to address any potentially criminal actions of any peace officers, government principals or agents or justice system participants who having been served notice of this claim fail to dispute or discuss or make lawful counterclaim and then interfere by act or omission with the lawful exercise of properly claimed and established rights and freedoms, and;
81. The right to provide for myself or anyone who wants it, any service provided by the Government of New Zealand;
82. The right to use any service provided by the Government of New Zealand that I deem necessary without it affecting my status as a Freeman-on-the-Land, and;
83. The right to keep and use as I see fit any and all inheritances given to me, and;
84. The right to determine what is best for me, my family and anyone under my care, and;
85. The right to govern myself accordingly, and;
86. The right to deal with any counterclaims or disputes publicly and in an open forum using discussion and negotiation and to capture on video or audio tape said discussion and negotiation for whatever lawful purpose as I see fit, and;
87. The right to refuse any service or intervention by any level of government, and;
88. The right to have, in the event of my death, all of my personal property and inheritances that I pass on, protected by this Claim and that my Will is my final word.

Offer made in good faith;

89. I, James make the following good faith offer without prejudice to all rights and remedies, to assist in the better keeping of the peace and of good order to better assist Crown businesses and their employees understanding the implications of Freeman-on-the-Land standing and reduce unnecessary delay, enquiry and expense, to make an offer as to suggestions which would facilitate employees understanding and at the same time, preserve and protect my standing as a Freeman-on-the-Land. Such suggestions are invited for consideration.

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Directions for response

- a) Affected parties wishing to dispute the claims made herein or to make their own counterclaims must respond appropriately within TEN (10) DAYS of service of notice of this action. Responses must be under Oath or attestation, upon full commercial liability and penalty of perjury and registered in the notary's office herein provided no later than TEN (10) DAYS from the date of original service as attested to by way of certificate of service, and;
- b) Failure to register a dispute against the claims made herein will result in an automatic default judgment securing forevermore all rights herein claimed and establishing permanent and irrevocable estoppel by acquiescence forevermore barring the bringing of charges under any Statute or Act against myself a Freeman-on-the-Land known as James, and;
- c) Use of a notary is for attestation and verification purposes only and does not constitute a change in status or entrance or acceptance of foreign jurisdiction.

The place of Claim of Right, geographical area known as Wanganui City, New Zealand.

Signed and witnessed this _____ day of the month of January in the year of our Lord Two Thousand and Fourteen.

James:

(Claimant - print)

(Autograph of claimant)

In witness to the above signature:

(Witness - print)

(Autograph of witness)

(Witness - print)

(Autograph of witness)

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Send counterclaims and/or disputes to:

James

C/- Kysusha Family Trust

XXX Ikitara Road

Wanganui East

WANGANUI 4500

ⁱ NZ Bill of Rights Act 1990, Imperial Laws Application Act 1988, Magna Carta, British and NZ Case Law.

ⁱⁱ **Section 22 of the Policing Act 2008**

"I, [name], swear that I will faithfully and diligently serve Her Majesty Queen Elizabeth the Second, Queen of New Zealand, her heirs and successors, without favour or affection, malice or ill-will. While a constable I will, to the best of my power, keep the peace and prevent offenses against the peace, and will, to the best of my skill and knowledge, perform all the duties of the office of constable according to law. So help me God.

ⁱⁱⁱ and I will do right to all manner of people after the laws and usages of New Zealand without fear or favour, affection or ill will. So help me God.

Cf. 1908, No. 151, s. 4

^{iv} *"Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no government, as well as any [government] law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them."* [PENHALLOW v. DOANE'S ADMINISTRATORS].

^v **53 Defence of movable property with claim of right**

- (1) Every one in peaceable possession of any movable thing under a claim of right, and every one acting under his or her authority, is protected from criminal responsibility for defending his or her possession by the use of reasonable force, even against a person entitled by law to possession, if he or she does not strike or do bodily harm to the other person.

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vi *Contravention of statute*

107 Contravention of statute

- (1) Every one is liable to imprisonment for a term not exceeding 1 year who, without lawful excuse, contravenes any enactment by wilfully doing any act which it forbids, or by wilfully omitting to do any act which it requires to be done, unless—
 - (a) some penalty or punishment is expressly provided by law in respect of such contravention as aforesaid; or
 - (b) in the case of any such contravention in respect of which no penalty or punishment is so provided, the act forbidden or required to be done is solely of an administrative or a ministerial or procedural nature, or it is otherwise inconsistent with the intent and object of the enactment, or with its context, that the contravention should be regarded as an offence.
- (2) Nothing in subsection (1) applies to any contravention of any Imperial enactment or Imperial subordinate legislation that is part of the laws of New Zealand, or to any omission to do any act which any such Imperial enactment or Imperial subordinate legislation requires to be done.
- (3) In subsection (2), the terms **Imperial enactment** and **Imperial subordinate legislation** have the meanings given to them by section 2 of the Imperial Laws Application Act 1988.

vii **56C Contempt of court**

- (1) If any person—
 - (a) assaults, threatens, intimidates, or wilfully insults a Judge, or any Registrar, or any officer of the court, or any juror, or any witness, during his sitting or attendance in court, or in going to or returning from the court; or
 - (b) wilfully interrupts or obstructs the proceedings of the court or otherwise misbehaves in court; or
 - (c) wilfully and without lawful excuse disobeys any order or direction of the court in the course of the hearing of any proceedings—any constable or officer of the court, with or without the assistance of any other person, may, by order of the Judge, take the offender into custody and detain him until the rising of the court.
- (2) In any such case as aforesaid, the Judge, if he thinks fit, may sentence the offender to imprisonment for any period not exceeding 3 months, or sentence him to pay a fine not exceeding \$1,000 for every such offence; and in default of payment of any such fine may direct that the offender be imprisoned for any period not exceeding 3 months, unless the fine is sooner paid.
- (3) Nothing in this section shall limit or affect any power or authority of the court to punish any person for contempt of court in any case to which this section does not apply.

James 5:12

King James Version (KJV)

¹²But above all things, my brethren, swear not, neither by heaven, neither by the earth, neither by any other oath: but let your yea be yea; and your nay, nay; lest ye fall into condemnation.