

13<sup>th</sup> September 2019

Address supplied to court.

Dear Sir/Madam

R –V- Cherry and others case ref: UKSC 2019/0193

- Application for permission to intervene

1.

Graham Moore seeks the permission of the Court to intervene in the above proceedings, which are listed to be heard by the Supreme Court on the 17<sup>th</sup> September 2019. The nature of the interest of Graham Moore in the proceedings and the scope of the proposed intervention are set out below.

2.

Graham Moore seeks permission to intervene by way of written submissions listed below.

3.

Plainly Graham Moore would not seek any order as to costs and it is not anticipated that any order for costs would be sought against it. Accordingly, the intervention should have minimal effect upon the length of the proceedings and no effect upon the orders made for costs.

4.

Graham Moore is a Subject of Realm of England and as such has standing. The Subject seeks to intervene to assist the Court for three reasons.

(1) England is not represented by its own Court or a Minister for England;

(2) Whilst the Scottish Court has recognised the Claim of Right 1689 either party has not referenced The Declaration of Rights

1688 (a Contract), The Bill of Rights 1688 (A Statute), The Crown and Parliament Act 1688, The Coronation Oath Act 1688 and/or The Act(s) of Union 1706/7 the latter clearly states that England and Scotland rights prior to this act still exist.

(3) The English Constitution is now being ignored.

5.

Graham Moore is an English Constitutionalist and believes in right and wrong, the Rule of Law, not left or right politics. The Bill of Rights 1688 clearly states

**“[Lawes and Liberties of this Kingdome soe that the same for the future might not be in danger againe of being subverted],** To which the said Lords Spirituall and Temporall and Commons did agree and proceede to act accordingly. Now in pursuance of the Premisses the said Lords Spirituall and Temporall and Commons in Parlyament assembled for the ratifying confirming and establishing the said Declaration and the Articles Clauses Matters and Things therein contained **[by the Force of a Law]** made in due Forme by Authority of Parlyament doe pray that it may be declared and enacted That all and singular the **[Rights and Liberties asserted and claimed]** in the said Declaration are the true auintient and indubitable Rights and Liberties of the People of this Kingdome and **[soe 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].**

6. The Bill of Rights 1688 clearly states “Adjudged”
7. The Bill of Rights 1688 clearly states “for all time to come”
8. The Bill of Rights 1688 clearly states “Forever” three times.
9. The Bill of Rights 1688 clearly states “shall stand remaine and be the Law of this Realme for ever”
10. Supremacy: The Bill of Rights 1688 clearly states “And I doe declare That noe Forreigne Prince Person Prelate, State or Potentate hath or ought to have [**any Jurisdiction Power Superiority Preeminence**] or Authoritie Ecclesiasticall or Spirituall within this Realme Soe helpe me God.

**The Bill of Rights 1688 clearly states;**

**“Freedom of Speech.**

That the Freedome of Speech and Debates [*or Proceedings in Parlyament ought not to be impeached or questioned in any Court*] or Place out of Parlyament.” Emphasise added

It is my submission that the Supreme Court should not be hearing this case, in my opinion, it is totally without merit. In fact, the Supreme Court is breaching its trust and oath by hearing the case.

14. Her Majesty the Queen swore the Coronation Oath 1688 at Her Coronation confirming the same Rights do stand.

15. Her Majesty restated by “Declaration” to the Houses of Parliament on July 20<sup>th</sup> 1988 that The Bill of Rights 1688 is in force and part of our Constitution. [Hansard]

16. The Speaker of the House of Commons 1993 Betty Boothroyd expressly advised the Courts that “The Bill of Rights 1688 was in full force” [Hansard]

### **17. Cato Conspiracy 1820 “Subverting The Constitution”**

### **18. Blackstone Commentaries:**

#### **Book 1, Chapter 6**

#### **Of the King’s Duties**

**I PROCEED next to the duties, incumbent on the king by our constitution; in consideration of which duties his dignity and prerogative are established by the laws of the land: it being a maxim in the law, [that protection and subjection are reciprocal].<sup>1</sup> And these reciprocal duties are what, I apprehend, were meant by the convention in 1688, when they declared that king James had broken the original contract between king and people. But however, as the terms of that original contract were in some measure disputed, being alleged to exist principally in theory, and to be only deducible by reason and the rules of natural law; in which deduction different understandings might very considerably differ; it was, after the revolution, [judged proper to declare these duties expressly; and to reduce that contract to a plain certainty. So that, whatever doubts might be formerly raised by weak and scrupulous minds about the existence of such an original contract, they must now entirely cease; especially with regard to every prince, who has reigned since the year 1688.]**

### **19. Diceys Comments on Parliament:**

Dicey also shows how the pre-2011 right of the Crown to dissolve parliament affirmed the political sovereignty of the people. At first glance this power looks like a continuation of earlier royal absolutism, but as Dicey put it, the reason why the House can in accordance with the constitution be dissolved ‘is that an occasion has arisen on which there is fair reason to suppose that the opinion of the House is not the opinion of the electors’. In such cases dissolution is in its essence ‘an appeal from the legal to the political sovereign’. A dissolution is allowable ‘whenever the

wishes of the legislature are, or may fairly be presumed to be, different from the wishes of the nation'. (p. 251.)

He gives as an example the dissolution of 1834, when the king replaced Melbourne's Whig administration with one led by Peel. He dissolved Parliament, but the election in 1835 went strongly against Peel's administration and the Whigs returned soon afterwards. According to Dicey, the essential point was that 'it is the verdict of the political sovereign' or nation that ultimately determines the right of a Cabinet to retain office. The power of the ruler was only to require MPs to test in an election that they were reflecting the views of the electorate.

All the conventions of the constitution, said Dicey, were 'intended to secure the ultimate supremacy of the electorate as the true political sovereign of the State'. Constitutional maxims are 'subordinate and subservient to the fundamental principle of popular sovereignty'. (p. 253.)

The intention of the litigants in the High Court case was to try to use the courts to overturn the result of the referendum. The judges quoted passages from Dicey that appear to provide a rationale. But Dicey would have recognised the referendum as a 'deliberate decision of the nation' and clearly took the view that it was the Government's duty under the constitution and its conventions to implement it. The Government is not planning to use its prerogative powers to obstruct the will of the people or to take away legal rights, but to give effect to the clearly expressed, legally authorised, decision of the electorate.

<http://civitas.org.uk/2016/12/03/briefing-note-the-supreme-court-and-article-50-what-dicey-really-said/>

**20. This is the first time since joining the EEC AKA the Common Market that the public have been asked for their vote with reference to "any" further treaties or laws. That includes treaties that substantially affected our rights as individuals. When we had an opportunity to vote, we voted to leave. The current situation not only offends against the Constitution but against law of natural justice.**

**1992/3 Maastricht Treaty no referendum**

**1997 Amsterdam Treaty no referendum  
2001 Nice Treaty no referendum  
2007 Lisbon Treaty no referendum**

**23<sup>rd</sup> June 2016 I voted to leave with a preference to the English Constitution. That vote is being disregarded contrary to natural justice.**

**21. Graham Moore, therefore [claims his right of liberty and freedom] as our ancestors and God intended.**