Quasi-Contracts and Roman Civil Law

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Quasi-Contracts

“Assumpsit - ....In its origin an action of tort, [assumpsit] was soon transformed into an action of contract, becoming afterwards a remedy where there was neither tort nor contract. Based at first only upon an express promise, it was afterwards supported upon an implied promise, and even upon a fictitious promise. Introduced as a special manifestation of the action on the case, it soon acquired the dignity of a distinct form of action, which superseded Debt, became concurrent with Account, with Case upon a bailment, a warranty, and bills of exchange, and competed with Equity in the case of the essentially equitable quasi-contracts growing out of the principle of unjust enrichment. Surely, it would be hard to find a better illustration of the flexibility and power of self-development of the Common Law.” James Barr Ames, “The History of Assumpsit,” in 3 Select Essays in Anglo-American Legal History 298 (1909).” Black’s Law Dictionary, 8th Edition, page 379 [emphasis added]
What happened?

This was a War over the intrusion of Civil Law upon the Common Law. The court of Diamond v. Harris calls the Civil Law (statutory law) "superior equity":

"It is difficult to see how the courts of this State are to ignore the common law as a rule of decision, when it is made so by statute, and adopt the civil law, even though it have the merit of superior equity."
Diamond v. Harris, (1830) 33 Tex 634, 638.

Dyett v Turner 439 P2d 266 @ 269, 20 U2d 403 [1968] The Non-Ratification of the Fourteenth Amendment by Judge A.H. Ellett, Utah Supreme Court

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What happened?

“In the meantime, "Civil Law" was the form of law imposed in the Roman Empire which was largely (if not wholly) governed by martial law rule. "Equity“ has always been understood to follow the law; to have "superior equity," is to turn things on their head. This is exactly what happens when martial law is imposed. If "equity" is the law, then it follows its own course rather than following the common law, thereby destroying the common law and leaving what is called "equity" in its place.”

Dyett v Turner 439 P2d 266 @ 269, 20 U2d 403 [1968] The Non-Ratification of the Fourteenth Amendment by Judge A.H. Ellett, Utah Supreme Court
Quasi Contracts

• "Both in Roman and English law there are certain obligations which were not in truth contractual, but which the law treats as IF they were. They are contractual in law, but not in fact, being the subject-matter of a fictitious extension of the sphere of contract to cover obligations which do not in reality fall within it." Salmond, Salmond on Jurisprudence, p. 642 (9th Edition, 1937, Sweet & Maxwell, Ltd. England). [emphasis added]
Quasi Contracts

• "Constructive/quasi contracts are based solely upon a legal fiction or fiction of law." Hill v. Waxberg, 237 F.2d 936.

• "It is a well settled rule of law that he who seeks benefits of contract must also assume burdens." Higgins v. Monckton (1938), 28 C.A.2d 723, 83 P.2d 516.

• "Voluntary acceptance of benefit of transaction is equivalent to consent to all obligations arising from it, so far as facts are known, or ought to be known, to person accepting." Northern Assurance Co. v. Stout (1911), 16 C.A. 548, 117 P. 617.
Quasi Contracts

• "A quasi contractual action presupposes acceptance and retention of a benefit by one party with full appreciation of the facts, under circumstances making it inequitable for him to retain the benefit without payment of its reasonable value." Major-Blakeney Co. v. Jenkins (1953), 121 C.A.2d 325, 263 P.2d 655, hear den.; Townsend Pierson, Inc. v. Holly-Coleman Co. (1960), 178 C.A.2d 373, 2 Cal. Rptr. 812. [emphasis added]
Roman Civil Law

• “"Civil Law," "Roman Law," and "Roman Civil Law" are convertible phrases, meaning the same system of jurisprudence. That rule of action which every particular nation, commonwealth, or city has established peculiarly for itself; more properly called "municipal" law, to distinguish it from the "law of nature," and from international law. See Bowyer, Mod. Civil Law, 19; Sevier v. Riley, 189 Cal. 170, 244 P. 323, 325” Black's Law Dictionary, Revised 4th Edition, page 312 [emphasis added] ©Common Law Copyright 2012
Roman Civil Law

• “Civil Law, that rule of action which every particular nation, commonwealth or city has established peculiarly for itself, more properly distinguished by the name of municipal law.” The Dictionary of English Law, Sweet and Maxwell Ltd., London, 1959.
US Courts

• “There are no Judicial courts in America and there has not been since 1789. Judges do not enforce Statutes and Codes. Executive Administrators enforce Statutes and Codes. There have not been any Judges in America since 1789. There have just been Administrators.” FRC v. GE 281 US 464, Keller v. PE 261 US 428 1Stat. 138-178

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US Courts

• Even the US Supreme Court operates under the authority of the President of the United States

• “Process; Mandates - All process of this Court issues in the name of the President of the United States.” Rule 45.1 US Supreme Court Rules of Procedure
“83. To take an instance, when a person *sui juris* has given himself in adoption, or a woman has passed under *manus’*, all their property, incorporeal and corporeal, and all that is due to them, is acquired by the adopting father or *coeinctionator*, except those things which perish by a *capitis diminutio*, of which kind are an usufruct, an obligation to services on the part of freedmen contracted by oath and matters enforceable by a statutable action.” The Commentaries of Gaius and Rules of Ulpian, Translated with Notes by J. T. Abdy, L.L.D., and Bryan Walker, M.A. L.L.D., 1874, Section 83, page 198-199, [emphasis added]
Roman Civil law

• “By *capitus diminutio* the right of agnation is destroyed, but that of cognation is not changed: because a *civil law doctrine* may destroy civil law rights, but it cannot destroy those of natural law.” The Commentaries of Gaius and Rules of Ulpian, Translated with Notes by J. T. Abdy, L.L.D., and Bryan Walker, M.A. L.L.D., 1874, Section 158, page 56-57, [emphasis added],
Usufruct

“6. On the other hand, we can of our own free will make land religious by conveying a corpse into a place which is our own property, provided only that the burial of the corpse devolves on us. 7. But it has been generally held that on provincial soil land cannot be made religious, because in such land the ownership belongs to the Roman people or to Caesar'' and we are considered to have only the possession and usufruct. Still, however, such a place, although it be not religious, is considered as religious, because that also which is consecrated in the provinces, not by authority of the Roman people, is strictly speaking not sacred, and yet is regarded as sacred.” The Commentaries of Gaius and Rules of Ulpian, Translated with Notes by J. T. Abdy, L.L.D., and Bryan Walker, M.A. L.L.D., 1874, Book 2, Section 6-7, page 72
Usufruct

• “12. Further some things are corporeal, some incorporeal. 13. Corporeal things are those which can be touched, as a field, a man, a garment, gold, Silver and, in a word, other things innumerable. 14. Incorporeal things are such as cannot be touched: of this kind are those which consist in a right, as an inheritance, an usufruct, or obligations in any way contracted.” The Commentaries of Gaius and Rules of Ulpian, Translated with Notes by J. T. Abdy, L.L.D., and Bryan Walker, M.A. L.L.D., 1874, Book 2, Section 12-14, page 73
Usufruct

“32. Also, since it is possible for an *usufruct* to be established over *slaves* and other animals, we must understand that usufruct over them can be established by cession in court even in the provinces. 33. Now when we said that *usufruct* admitted of cession in court only, we were not speaking at random, although it may be established by *mancipation* also, inasmuch as it may be withheld in a *mancipation* of the property: for in such a case the usufruct itself is not *mancipated*, although the result of its being withheld in *mancipating* the property is that the usufruct is left with one person and the property with another.” The Commentaries of Gaius and Rules of Ulpian, Translated with Notes by J. T. Abdy, L.L.D., and Bryan Walker, M.A., L.L.D., 1874, Book 2, Section 32-33, page 79.
Usufruct

- “MANcipate. To enslave; to bind; to tie.”

- “emAncipation. The act by which one who was unfree, or under the power and control of another, is rendered free, or set at liberty and made his own master. Town of Plainville v. Town of Milford, 119 Conn. 380, 177 A. 138, 140…. The term "emancipation" has been borrowed from the Roman law, and is constantly used in the law of parochial settlements. 7 Adol. & E., N.S., 574, note.”
Roman Civil Law

• “153. It is said that a partnership is also dissolved by a capitis diminutio, because on the principles of the civil law a capitis diminutio is held to be equivalent to death: but if the partners consent to be partners still, a new partnership is considered to arise.” The Commentaries of Gaius and Rules of Ulpian, Translated with Notes by J. T. Abdy, L.L.D., and Bryan Walker, M.A. L.L.D., 1874, Section 153, page 226-227, [emphasis added],

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Roman Civil Law

• “LAW OF STATUS - law of status. The category of law dealing with personal or nonproprietary rights, whether in rem or in personam. • It is one of the three departments into which civil law is divided. Cf. LAW OF OBLIGATIONS; LAW OF PROPERTY.” Black’s Law Dictionary 8th Edition, page 2591
Freeman is a Status under Roman Law

“FREEMAN. A person in the possession and enjoyment of all the civil and political rights accorded to the people under a free government. In the Roman law, it denoted one who was either born free or emancipated, and was the opposite of "slave." In feudal law, it designated an allodial proprietor, as distinguished from a vassal or feudal tenant. (And so in Pennsylvania colonial law. Fry's Election Case, 71 Pa. 308, 10 Am.Rep. 698.) In old English law, the word described a freeholder or tenant by free services; one who was not a villein. In modern legal phraseology, it is the appellation of a member of a city or borough having the right of suffrage, or a member of any municipal corporation invested with full civic rights.” Black’s Law Dictionary, 4th Edition, page 793.
Roman Civil Law

“Capitis deminutio is the destruction of the ‘caput’ or legal personality. Capitis deminutio, so to speak, wipes out the former individual and puts a new one in his place, and between the old and the new individual there is, legally speaking, nothing in common. A juristic personality may be thus destroyed in one of three ways: (1) by loss of the status libertatis. This is the capitis deminutio maxima; (2) by loss of the status civitatis. This is the capitis deminutio media (magna); (3) by severance from the agnatic family. This entails capitis deminutio minima.” Rudolph Sohm, The Institutes: A Textbook of the History and System of Roman Private Law 178–79 (James Crawford Ledlie trans., 3d ed. 1907). ” Black’s Law Dictionary 8th Edition, page 629 [emphasis added]
Capitalization

Capitis Diminutio Media (meaning a medium loss of status through the use of capitalization, e.g. John DOE) - A lessor or medium loss of status. This occurred where a man loses his rights of citizenship, but without losing his liberty. It carried away also the family rights.

Capitalization

- “Capitis Diminutio Maxima (meaning a maximum loss of status through the use of capitalization, e.g. JOHN DOE or DOE JOHN) - The highest or most comprehensive loss of status. This occurred when a man's condition was changed from one of freedom to one of bondage, when he became a slave. It swept away with it all rights of citizenship and all family rights.” Black's Law Dictionary 4th Edition, 1968
Roman Civil Law

• “Guerra or Guerre. War.” Ballentine Law Dictionary 1916, page 200

• “GUERRA, GUARRA, or GUERRE. War, either public or private.” Cahill Cyclopedic Law Dictionary 1922, page 469

• “RUSE DE GUERRE (Fr.) Literally, a trick of war; a strategem. It is said to be lawful among belligerents, provided it does not involve treachery and falsehood. Gratius, Dr. de la Guerre, liv. 3, Co 1. I 9.” Cahill Cyclopedic Law Dictionary 1922, page 904

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War Name

• **nom de guerre** - NOUN (plural *noms de guerre*) An assumed name under which a person engages in combat or some other activity or enterprise:

• Origin - French, literally 'war name'.

Source: Oxford Online Dictionary
United Nations Judicial Whores

• United Nations Judicial whores are so-called judges who are actually NOT judges but are clerks operating for their agency, and are bought and paid for under their UNIDROIT treaty described herein.

• United Nations Judicial whores have a kangaroo court that is pre-judged, under Roman Civil Law, and it doesn’t matter what you say or do.

• United Nations Judicial whores routinely deny due process.
United Nations Judicial Whores

• These United Nations Judicial whores are not competent to do justice, which is they themselves call it “the appearance of justice”, which is a fraud, as found in Corruption in the Court 4

• These United Nations Judicial Whores are NOT neutral or unbiased, but are bought and paid for

• “It is a fundamental right of a party to have a neutral and detached judge preside over the judicial proceedings.” Ward v Village of Monroeville, 409 U.S. 57, 61-62, 93 S.Ct 80, 83, 34 L.Ed. 2d 267 (1972); Tumey v Ohio, 273 U.S. 510, 5209, 47 S. Ct. 437, 440, 71 L.Ed. 749 (1927).
United Nations Judicial Whores

• United Nations Judicial Whores are selling their justus in violation of the Magna Carta
• “To no one will we sell, to no one will we refuse or delay right or justice” Chapter 40 Magna Carta (1215)

• United Nations Judicial Whores refuse justice of you don’t pay their extortion
• United Nations Judicial Whores delay their justus, so they can collect more royalties
Judicial Whores

• United Nations Judicial Whores pre-judgments

• Judicial Whores have a kangaroo court

  - “kangaroo court. 1. A self-appointed tribunal or mock court in which the principles of law and justice are disregarded, perverted, or parodied. …2. A court or tribunal characterized by unauthorized or irregular procedures, esp. so as to render a fair proceeding impossible. 3. A sham legal proceeding. • The term's origin is uncertain, but it appears to be an Americanism. It has been traced to 1853 in the American West. “Kangaroo” might refer to the illogical leaps between “facts” and conclusions, or to the hapless defendant's quick bounce from court to gallows.” Black’s Law Dict., 8th Ed, pgs 1076-1076
“summary proceeding. A nonjury proceeding that settles a controversy or disposes of a case in a relatively prompt and simple manner. — Also termed summary trial. Cf. plenary action under ACTION(4). “Summary proceedings were such as were directed by Act of Parliament, there was no jury, and the person accused was acquitted or sentenced only by such person as statute had appointed for his judge. The common law was wholly a stranger to summary proceedings.” A.H. Manchester. Modern Legal History of England and Wales, 1750–1950 160 (1980).” Black’s Law Dictionary 8th Edition, page 3809 [emphasis added]
Roman Civil Law

- Plenary jurisdiction is a military dictatorship, as described in my recently released video about Martial Law

Roman Civil Law

• Summary Proceeding is another name for the Star Chamber that was abolished by England.

• “The corrupt Star Chamber Courts of England required defendants to have counsel. Star Chamber stood for swiftness and arbitrary power, [Admiralty Maritime Law] it was a limitation on the common law.” Faretta v. California, 422 U.S. 806, 821 [Emphasis added]
Roman Civil Law

- "When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity; courts administrating or enforcing statutes do not act judicially, but merely ministerially." Thompson v. Smith 154 SE 583. [emphasis added]

- "Ministerial officers are incompetent to receive grants of judicial power from the legislature, their acts in attempting to exercise such powers are necessarily nullities" Burns v. Sup., Ct., SF, 140 Cal. 1

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Roman Civil Law

• "...judges who become involved in enforcement of mere statutes (civil or criminal in nature and otherwise), act as mere "clerks" of the involved agency..." K.C. Davis, ADMIN. LAW, Ch. 1 (CTP. West's 1965 Ed.)

• "It is the accepted rule, not only in state courts, but, of the federal courts as well, that when a judge is enforcing administrative law they are described as mere 'extensions of the administrative agency for superior reviewing purposes' as a ministerial clerk for an agency..." 30 Cal 596; 167 Cal 762.
Roman Civil law

• "A judge ceases to set as a judicial officer because the governing principals of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments and rationale for that of the agency. Additionally, courts are prohibited from their substituting their judgments for that of the agency." AISI v US, 568 F2d 284.
Roman Civil Law

• “Judge loses his absolute immunity from damage actions only when he acts in clear absence of all jurisdiction or performance of an act which is not judicial in nature.” Schucker v. Rockwood, 846 F.2d 1202

• “When enforcing mere statutes, judges of all courts do not act judicially” and thus are not protected by “qualified” or “limited immunity,” SEE: Owen v. City, 445 U.S. 662; Bothke v. Terry, 713 F2d 1404
Roman Civil Law

• “Officers of the court have no immunity, when violating a constitutional right, for they are deemed to know the law.” Owens v Independence 100 S.C.T. 1398 (Ezra 7:23-26)

Roman Civil Law

• “IMPOSTORS, religious. Those who falsely pretend an extraordinary commission from heaven; or terrify and abuse the people with false denunciations of judgments. The are punishable by the temporal courts with fine, imprisonment, and infamous corporal punishment. 1 Hawk. P. C. c. 5.” Tomlin’s Law Dictionary, 1835, Volume 1, [emphasis added],
Roman Civil Law

• “IMPOSTORS, religious. Those who falsely pretend an extraordinary commission from heaven; or terrify and abuse the people with false denunciations of judgments, are punishable by the temporal courts with fine, imprisonment, and infamous corporal punishment. 1 Hawk. P. C. c. 7. 4 Black 62” William’s Law Dictionary, 1816, [emphasis added],
Roman Civil Law

“IMPOSTORS in religion, are such as falsely pretend an extraordinary commission from heaven, or terrify and abuse the people with false denunciations of judgments. They are punishable by fine, imprisonment, and infamous corporal punishment. 1 Haw. 7. And by the statute 9 G.2.c.5. all persons who pretend to use any kind of witchcraft, forcery, inchantment, or conjuration; or undertake to tell fortunes; or pretend, from their skill in the occult sciences, to find out, goods that have been stolen; shall be imprisoned for a year, and once in every quarter of that year be set on the pillory.” Burn A New Law Dictionary 1792, page 376
Roman Civil Law

• “impostor. One who pretends to be someone else to deceive others, esp. to receive the benefits of a negotiable instrument. — Also spelled imposter. [Cases: Banks and Banking 147; Bills and Notes 201, 279. C.J.S. Banks and Banking §§ 415–416; Bills and Notes; Letters of Credit §§ 29, 150–151.]” Black’s Law Dictionary 8th Edition, page 2210 [emphasis added],
Void Judgment

• "Where there is no jurisdiction there is no judge; the proceeding is as nothing. Such has been the law from the days of the Marshalsea, 10 Coke 68; also Bradley v. Fisher, 13 Wall 335,351." Manning v. Ketcham, 58 F.2d 948.
Void Judgment

• “Void judgment is one which has no legal force or effect whatever, it is an absolute nullity, its invalidity may be asserted by any person whose rights are affected at any time and at any place and it need not be attacked directly but may be attacked collaterally whenever and wherever it is interposed.” City of Lufkin v. McVicker, 510 S.W. 2d 141 (Tex. Civ. App. – Beaumont 1973).
Void Judgment

• “Void order may be attacked, either directly or collaterally, at any time” In re Estate of Steinfield, 630 N.E.2d 801, certiorari denied, See also Steinfeld v. Hoddick, 513 U.S. 809, (Ill. 1994).

• “A void judgment is one which, from its inception, is and forever continues to be absolutely null, without legal efficacy, ineffectual to bind the parties or to support a right, of no legal force and effect whatever, and incapable of enforcement in any manner or to any degree.” Loyd v. Director, Dept. of Public Safety, 480 So. 2d 577 ( Ala. Civ. App. 1985).
Void ORDER

Void ORDER

• A ‘without jurisdiction’/ultra vires act is any act which a Court did not have power to do (Lord Denning in *Firman v Ellis* [1978] QB 866).

• A void order is incurably void and all proceedings based on the invalid claim or void act are also void. Even a decision of the higher Courts (High Court, Court of Appeal and Supreme Court) will be void if the decision is founded on an invalid claim or void act, because something cannot be founded on nothing (Lord Denning in *MacFoy v United Africa Co. Ltd.* [1961] AC 152).
Summary

• "In doing this, I shall have occasion incidentally to evince, how true it is that States and Governments were made for man, and, at the same time, how true it is that his creatures and servants have first deceived, next vilified, and, at last oppressed their master and maker." Chisholm v Georgia, 2 Dal. 419 at p 455

• "A state like a merchant makes a contract. A dishonest state, like a dishonest merchant willfully refuses to discharge it." Chisholm v Georgia, 2 Dal. 419 at p 456
Justice Will Come, Sooner or Later

• “Judges may die, and courts be at an end; but justice still lives, and, though she may sleep for a while, will eventually awake, and must be satisfied.” Penhallow v Doanes Administrators 3 US 54 (1795)
Conclusion

• It is my opinion, that well over 90% (probably 99% or more) of the people who work as peace officers are honest hard working people who are very patriotic, and take their oaths of office very seriously

• Many of them have not been properly trained

• Many of them are under pressure to generate revenue

• The burden is on us to educate them, since their bosses are obviously not doing it
What can we do?

• Lay a proper foundation so they cannot claim ignorance (plausible deniability).

• Demand a common law court

• Know what a true common law court is, so you can tell if they really give you a common law court

• Complain to the judicial council, (council of whores) and make sure you bring up the right issues

• Complain to politicians, etc.
What can we do?

• Make Youtube videos and circulate them far and wide!
• The last thing they want is for the people in general, to find out what they are up to
• Realize that it is NEVER over, until you say it is over!
• Never, ever, ever, ever, give up!!!
What can I do?

• Always remember, “We the people” are the ones who are really in control
  – NOT a gang of Vatican judicial whores selling their justus
  – NOT their hired thugs
  – NOT the Canada Border PIGs
What Can We Do?

• We can Refuse to participate in their de facto system
• We can educate ourselves about what a common law jury is, and what the law of the land is
• We can educate ourselves so we know when our rights are being violated
• We can educate our public servants, because many of them do not know, any more than we do
• We can educate other people by circulating this video, and any other way possible
• We can DEMAND a common law Jury of Our peers

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What can We do?

• We can work with our friends and neighbors to re-establish our common law juries and our common law de jure courts

• We can work with our friends and neighbors to get the United Nations out of America, and Canada, and anywhere that wants to be free

• The United Nations is owned and operated by the bankster thieves and their Vatican handlers
Lifeleadership

- It is really only 3-5% of the people who do anything
- It was 3-5% of the people who precipitated the American revolution
- The bankster thieves and their cronies are 3-5% of the people
Lifeleadership

• Historically, every hundred +/− there is a major change in our freedoms
  – 1778 US Constitution – more freedoms
  – 1915 Federal Reserve – less freedoms
  – Now – yet to be seen
Lifeleadership

• Provides educational material about what the issues are
• Provides a way of bringing people together
• Provides a way of generating revenue through network marketing
Lifeleadership

• Some of the CDs and DVDs that are available, cover;
  – Rascals - rascal radio
  – Potential constitutional changes
    • Townships
  – Leadership development – corporate leadership
  – Financial Fitness
  – Adversity
  – Success
  – Balance in our life – spiritual, financial, etc
Lifeleadership

• They do NOT just sign you up and leave you on your own
• They want you a minimum of 10 people deep
• Their charts show you 20 deep, 30 deep, 50 deep and 75 deep
• They need you to be successful, so you can have influence – be a leader
• We need 3-5% of the people, as leaders, so we can work together to effect change towards freedom
Meeting

• Meetings every Tuesday night in DFW at the Omni Hotel on I-635, and Luna Road exit, east of George Bush toll road
• Other meetings
• http://www.lifeleadership.com/61407761/Products/Freedom.aspx
Conclusion

• Judgment day is coming for these Canada Border Services Agency PIGs and their judicial whore PIG handlers, and I am looking forward to it!

• I am looking forward to seeing some of them do that little dance they do at the end of a common law rope!

• There are common law courts springing up all over, and these judicial whores are going to be brought to some real justice!!!!

• I am glad it is NOT up to me!
Upcoming Events

• Corruption in the Courts 4
• Taxes – Do You Consent?
• Pursuit of Happiness (Compensation for Labor)
• Money
• Quasi-contracts and Roman Civil Law
• Fire the United Nations Judicial Whores in Texas
• Fire the United Nations Judicial Whores in Canada
• City of Fort Worth PIGs
• City of Grand Prairie PIGs
Summary

• Copies of these documents can be found at My private group at Yahoo called Administering-Your-Public-Servants

• I have Youtube videos that are videos of Private Information Shares that show these and other court citations

• Send me an email for other copies of documents to; engineerwin@gmail.com
BAR Members

- All BAR members are foreign agents of the Crown, and the Vatican, as described in the Presentation about BAR Members
- The Crown is a corporation that is owned and operated by the Vatican as found in the Presentation on BAR Members