

Formal Challenge to the Twelve Presumptions of Law

Definition of presumption:

<http://www.oxforddictionaries.com/definition/english/presumption>

1. An idea that is taken to be true on the basis of probability:

As a presumption, is a presumption on which must be agreed by the parties, to be true.

THEN and EQUALLY,

If one party challenges the presumption to be true on the basis of probability, then all that is required to remove the presumption is a formal challenge to that presumption. The presumption then has no standing or merit in FACT.

A probability:

http://www.oxforddictionaries.com/definition/american_english/probability

1. The extent to which something is probable; the likelihood of something happening or being the case.

By definition then, this is not substantive as it is only a probability of what may be and therefore has NO substance in material FACT.

An incorporated **State Court** does not operate according to any true rule of law, but by presumptions (color) of the law. Therefore, if presumptions presented by the private Bar Guild are not rebutted, they become fact and are therefore said to stand true. There are twelve (12) key presumptions asserted by the private Bar Guilds which, if unchallenged, stand true, being: *Public Record, Public Service, Public Oath, Immunity, Summons, Custody, Court of Guardians, Court of Trustees, Government as Executor/Beneficiary, Agent and Agency, Incompetence, and Guilt*:

(i) ***The Presumption of Public Record*** is that any matter brought before a state Court is a matter for the public record when in fact it is presumed by the members of the private Bar Guild that the matter is a private Bar Guild business matter. Unless openly rebuked and rejected by stating clearly the matter is to be on the Public Record, the matter remains a private Bar Guild matter, completely under private Bar Guild rules;

I, Thomas Eliot, the undersigned formally challenge the *Presumption of Public Record* as it is by definition a presumption and by definition has no standing or merit in presentable or material fact.

(ii) *The Presumption of Public Service* is that all the members of the Private Bar Guild who have all sworn a solemn secret absolute oath to their Guild then act as public agents of the Government, or “public officials” by making **additional** oaths of public office that openly and deliberately **contradict** their private “**superior**” oaths to their own Guild. Unless openly rebuked and rejected, the claim stands that these private Bar Guild members are legitimate public servants and therefore trustees under public oath;

I, Thomas Eliot, the undersigned formally challenge the *Presumption of Public Service* as it is by definition a presumption and by definition has no standing or merit in presentable or material fact.

(iii) *The Presumption of Public Oath* is that all members of the Private Bar Guild acting in the capacity of “public officials” who have sworn a solemn public oath, remain bound by that oath and therefore bound to serve honestly, impartiality and fairly as dictated by their oath. Unless openly challenged and demanded, the presumption stands that the Private Bar Guild members have functioned under their public oath in contradiction to their Guild oath. If challenged, such individuals **MUST** recuse themselves as having a conflict of interest and cannot possibly stand under a public oath;

I, Thomas Eliot, the undersigned formally challenge the *Presumption of Public Oath* as it is by definition a presumption, and by definition has no standing or merit in presentable or material fact.

(iv) *The Presumption of Immunity* is that key members of the Private Bar Guild in the capacity of “public officials” acting as judges, prosecutors and magistrates who have sworn a solemn public oath in good faith are immune from personal claims of injury and liability. Unless openly challenged and their oath demanded as it is here, the presumption stands that the members of the Private Bar Guild as public trustees acting as judges, prosecutors and magistrates are immune from any personal accountability for their actions;

I, Thomas Eliot, the undersigned formally challenge the *Presumption of Immunity* as it is by definition a presumption, and by definition has no standing or merit in presentable or material fact.

(v) *The Presumption of Summons* is that by custom a summons unrebutted stands and therefore one who attends Court is presumed to accept a position (defendant, juror, witness) and jurisdiction of the court. Attendance to court is usually invitation by summons. Unless the summons is rejected and returned, with a copy of the rejection filed prior to choosing to visit or attend, jurisdiction and position as the accused and the existence of “guilt” stands;

I, Thomas Eliot, the undersigned formally challenge the *Presumption of Summons* as it is by definition a presumption, and by definition has no standing or merit in presentable or material fact.

(vi) *The Presumption of Custody* is that by custom a summons or warrant for arrest unrebutted stands and therefore one who attends Court is presumed to be a **thing** and therefore liable to be detained in custody by “Custodians”. Custodians may **only lawfully** hold custody of property and “things” **not flesh and blood soul possessing beings**. Unless this presumption is openly challenged by rejection of summons and/or at court, the presumption stands you are a thing and property, and therefore lawfully able to be kept in custody by custodians;

I, Thomas Eliot, the undersigned formally challenge the *Presumption of Custody* as it is by definition a presumption, and by definition has no standing or merit in presentable or material fact.

(vii) *The Presumption of Court of Guardians* is the presumption that as you may be listed as a “resident” of a ward of a local government area and have listed on your “passport” the letter P, you are a pauper and therefore under the “Guardian” powers of the government and its agents as a “Court of Guardians”. Unless this presumption is openly challenged to demonstrate you are both a general guardian and general executor of the matter (trust) before the court, the presumption stands and you are by default a pauper, and lunatic and therefore must obey the rules of the clerk of guardians (clerk of magistrates court);

I, Thomas Eliot, the undersigned formally challenge the *Presumption of Guardians* as it is by definition a presumption, and by definition has no standing or merit in presentable or material fact.

(viii) *The Presumption of Court of Trustees* is that members of the Private Bar Guild presume you accept the office of trustee as a “public servant” and “government employee” just by attending a Roman Court, as such Courts are always for public trustees by the rules of the Guild and the Roman System. Unless this presumption is openly challenged to state you are merely visiting by “**invitation**” to clear up the matter and you are not a government employee or public trustee in this instance, the presumption stands and is assumed as one of the most significant reasons to claim jurisdiction – simply because you “appeared”;

I, Thomas Eliot, the undersigned formally challenge the *Presumption of Trustees* as it is by definition a presumption, and by definition has no standing or merit in presentable or material fact.

(ix) *The Presumption of Government acting in two roles as Executor and*

Beneficiary is that for the matter at hand, the Private Bar Guild appoints the judge/magistrate in the capacity of Executor while the Prosecutor acts in the capacity of Beneficiary of the trust for the current matter. If the accused does seek to assert their right as Executor and Beneficiary over their body, mind and soul they are acting as an Executor De Son Tort or a “false executor” challenging the “rightful” judge as Executor.

Therefore, the judge/magistrate assumes the role of “true” executor and has the right to have you arrested, detained, fined or forced into a psychiatric evaluation. Unless this presumption is openly challenged to demonstrate you are both the true general guardian and general executor of the matter (trust) before the court, questioning and challenging whether the judge or magistrate is seeking to act as Executor De Son Tort, the presumption stands and you are by default the trustee, therefore must obey the rules of the executor (judge/magistrate) or you are an Executor De Son Tort and a judge or magistrate of the private Bar guild may seek the assistance of bailiffs or sheriffs to assert their false claim against you;

I, Thomas Eliot, the undersigned formally challenge the *Presumption of Government acting in two roles as Executor and Beneficiary* as it is by definition a presumption, and by definition has no standing or merit in presentable or material fact.

(x) ***The Presumption of Agent and Agency*** is the presumption that under contract law you have expressed and granted authority to the Judge and Magistrate through the statement of such words as “recognize, understand” or “comprehend” and therefore agree to be bound to a contract. Therefore, unless all presumptions of agent appointment are rebutted through the use of such formal rejections as “I do not recognize you”, to remove all implied or expressed appointment of the judge, prosecutor or clerk as agents, the presumption stands and you agree to be contractually bound to perform at the direction of the judge or magistrate;

I, Thomas Eliot, the undersigned formally challenge the *Presumption of Agent and Agency* as it is by definition a presumption, and by definition has no standing or merit in presentable or material fact.

(xi) ***The Presumption of Incompetence*** is the presumption that you are at least ignorant of the law, therefore incompetent to present yourself and argue properly. Therefore, the judge/magistrate as executor has the right to have you arrested, detained, fined or forced into a psychiatric evaluation. Unless this presumption is openly challenged to the fact that you know your position as executor and heir and actively rebuke and object to any contrary presumptions, then it stands by the time of pleading that you are incompetent then the judge or magistrate can do what they need to keep you obedient.

I, Thomas Eliot, the undersigned formally challenge the *Presumption of Incompetence* as it is by definition a presumption, and by definition has no standing or merit in presentable or material fact.

(xii) *The Presumption of Guilt* is the presumption that as it is presumed to be a private business meeting of the Bar Guild, you are guilty whether you plead “guilty”, do not plead or plead “not guilty”. Therefore unless you either have previously prepared an **affidavit of truth** and **motion to dismiss** with **extreme prejudice** onto the public record or call a demurrer, then the presumption is you are guilty and the private Bar Guild can hold you until a bond is prepared to guarantee the amount the guild wants to profit from you.

I, Thomas Eliot, the undersigned formally challenge the *Presumption of Guilt* as it is by definition a presumption, and by definition has no standing or merit in presentable or material fact.

I formally challenge all presumptions of law and as I have formally challenged all the twelve presumptions of law then the presumption of law formally has no substance in material FACT.

I will recognize the rule of law, when and only when there is the material evidence of, that assumed rule of law has some material evidence of substance in presentable material fact.

Until then, the search for the rule of law, that has some credibility in material fact: continues.

I, Thomas Eliot, do certify under penalty of perjury and will verify in open court, under the laws of the Republic of Arizona, without the United States, that the foregoing is **true, correct, and complete** to the best of my personal knowledge.

Smith, Thomas Eliot
For and on behalf of the legal entity THOMAS ELIOT
SMITH and the living man Thomas Eliot.