



# The Sovereign Nation of Shetland

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22 January 2019

By Royal Mail Signed For  
No. KP494799985GB

The Prime Minister  
10 Downing Street  
London SW1A 2AA

Dear Mrs May,

## **STATUS OF SHETLAND AFTER BREXIT NOTICE OF CLAIM.**

The UK government is reminded of our Notice of Claim dated 27 November 2013, of which a copy is enclosed. That claim remains unrebutted and you and the UK government are subject to estoppel preventing your denial of its contents.

### **Furthermore:**

### **Sovereignty:**

- 1 The feudal system of land ownership was in force in Scotland before 1468 arguably up to 2004, when the Abolition of Feudal Tenure etc. (Scotland) Act 2000 came into force.
- 2 Volume 18 paragraph 43 of The Laws of Scotland Stair Memorial Encyclopaedia (1993) (henceforth 'Stair'), Scotland's foremost authority, states:
  - 2.1 "From these beginnings, feudalism developed steadily, reaching its classical period in the eleventh and twelfth centuries".<sup>1</sup> Feudalism was the system of government from the earliest times, but,

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<sup>1</sup> Stair, vol.18, 43 Published 1993

importantly, was the system in force in the reign of James III of Scotland.

- 3 As to sovereignty over **Scotland**, Volume 18, paragraph 42 of Stair states:
  - 3.1 “Thus in feudalism, landownership and sovereignty coincided, so that the Crown's sovereignty **over Scotland** and its *dominium eminens*, its ultimate tenorial superiority, were the same thing, were identical concepts. **Since sovereignty involved jurisdiction, landownership implied jurisdiction, so that the royal courts could dispense justice because the Crown was the ultimate superior**, and every subordinate owner of land likewise had the right to hold courts, and in fact did so.<sup>2</sup> (My emphasis in this paragraph).
- 4 3.1 above does not explicitly identify *dominium eminens* with allodial landownership, but Vol. 18 para. 47 of Stair further states:
  - 4.1 “The *dominium eminens* or ultimate superiority of the Crown is **allodial** because not held of a higher lord, except of God”<sup>3</sup> (My emphasis).
- 5 **Thus, the conclusion is that ownership of the allodial title by the Crown is the fundamental requirement for sovereignty, jurisdiction and the ability for the royal courts (or any other courts) to dispense justice in Scotland.**
- 6 **In the feudal system it is impossible for anyone apart from the Crown to own land allodially because, by the definition at 3.1, if they did, they would be sovereign of that land.**
- 7 **All other aspects of sovereignty, such as prerogative, are inferior to that conferred by allodial title. All such aspects rely on the courts for enforcement, the authority for which is held by the owner of the allodial title.**

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<sup>2</sup> Stair, vol.18, 42

<sup>3</sup> Stair, vol. 18, 47

## **Orkney and Shetland:**

- 8 Stair, Vol. 18, Para. 47 states, in relation to land in Scotland:
  - 8.1 “But to this rule that all land is feudal, there are certain exceptions. The first is **udal** land in Orkney and Shetland, which is, as the name indicates, **allodial**.”<sup>4</sup> (My emphasis).
- 9 Greens Encyclopaedia in volume 15, paragraph 702, says:
  - 9.1 “All lands in Orkney and Shetland **remain udal**,”<sup>5</sup> (My emphasis).
- 10 Those lands are in the hands of the udal owners. The Crown, as successor to King James III of Scotland, has no claim to the allodial title of Orkney and Shetland.
- 11 **Thus, because the Crown has never owned the allodial title, Orkney and Shetland could never have legitimately become part of Scotland or the United Kingdom.**

**This concludes the argument, but a further point needs to be clarified:**

- 12 **Feudalisation:**
- 13 In the above reference at 17(a), the full quotation reads:
  - 13.1 “All lands in Orkney and Shetland remain udal, excepting those such as have been **feudalised** by charter emanating directly from the Crown, or indirectly through earldom or bishopric title.” (My emphasis).
- 14 Historically speaking, feudalisation allegedly converted allodial titles to feudal titles. It is a term used by historians and lawyers to explain away the anomaly of Orkney and Shetland. It is said to have been used by those Scottish lords to whom the Crown had granted a feudal charter. Those lords would induce udal landowners to relinquish their allodial title in exchange for a feudal title. The landowners thus purportedly became a vassal of the lord, but then had a piece of paper with some value in Scots law. However, feudal titles can only emanate from the

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<sup>4</sup> Stair, Vol. 18, para. 47

<sup>5</sup> Green's *Encyclopaedia of the Laws of Scotland*, Vol. XV, para.702, published 1933.

Crown and it is axiomatic that the Crown must have the allodial title before it can issue a feudal charter. Since this was never the case in Orkney and Shetland, the lords granting those feudal charters to udal landowners did not have a valid feudal charter from the king to enable them to issue valid feudal titles of their own.

15 On feudalisation: Stair, in vol. 24, paragraph 307, says:

15.1 “There can be no proper feudal holding which does not flow from the Crown.”<sup>6</sup>

16 *Nemo dat quod non habet*. No one can give what he does not have.

17 The Crown could not give what it did not have. Unless land was first surrendered by a landowner to the Crown, (of which there are no examples in the literature), the Crown did not have the allodial title for it to be able to grant a feudal charter in Orkney and Shetland.

Feudalisation was, **and still is**, an impossibility in Orkney and Shetland.

18 Any reference to feudalisation as regards Orkney and Shetland can be ignored. All land in Orkney and Shetland remains udal (allodial).

19 The Crown's sovereignty in Scotland was (arguably until 2004) defined by its ownership of allodial title. **It has never had the allodial title, the essential foundational authority for it to hold courts and dispense justice, in either Orkney or Shetland.**

20 **The Crown has never had, and never could have had, sovereignty over Orkney and Shetland.**

21 **Not only is the Crown's jurisdiction rejected in Orkney and Shetland, conversely sovereignty and jurisdiction are claimed by the sovereign people of Orkney and Shetland:**

22 **Orkney and Shetland, being totally udal, are owned by the legitimate allodial landowners of those islands.**

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6 Stair, *Vol. 24*, para. 307

23 **Statement 3.1 above proves that those landowners have innate sovereignty, jurisdiction and the ability to dispense justice for themselves. They have no lord or superior, except God.**

24 Please be aware that, in any Brexit or other negotiations, neither Scotland, nor The United Kingdom has any right to take into account any of the resources owned by the people of Shetland on their land, or in the seas and seabed out to 200 miles. Those resources are and remain the unalienable property of the sovereign people of Shetland. They do not belong to any third party to use in any negotiations or to make use of in any way whatsoever.

All callings not answered will be founded upon.

**You have been notified.**

If you have any dispute with any of the above, you are required to notify us in writing within thirty (30) days of your receipt of this document. Failure to do so with specificity and totality will show your acquiescence and will render you subject to estoppel or personal bar as appropriate in your jurisdiction, which will prevent your future denial.

Under Our hand and seal

A handwritten signature in black ink is positioned to the left of a circular red wax seal. The seal is embossed with a coat of arms, likely the coat of arms of Shetland.

Stuart; Hill, Acting First Minister and Sovereign without the states of Scotland or the United Kingdom.

Enc. Copy of 27/11/13 letter to Prime Minister

Copies to Nicola Sturgeon, First Minister, Scotland,  
Alistair Carmichael, alleged MP for Orkney and  
Shetland,  
Tavish Scott, alleged MSP for Shetland.

