

CHALLENGING JURISDICTION:

In any action, both parties must give their clear and unequivocal consent to be without a Jury. Without that consent, the Court has no Jurisdiction to proceed summarily and the Jurisdiction of the Court must be challenged. This Challenge can only be judged by a Special Jury. Should a Judge or Magistrate disregard or dismiss this Challenge, then he or she is liable to imprisonment for 5 years. Should a Judge or Magistrate disregard or dismiss this Challenge, that is a violation of Due Process and the Rule of Law.

Due Process is a course of legal proceedings according to rules and principles that have been established in a system for jurisprudence for the enforcement and protection of private rights. Due Process derives from early English Common Law. The first concrete expression of the Due Process idea embraced by Anglo-American law appeared in the 39th Article of Magna Carta 1215. (*Encyc. Brit.*)

The Rule of Law is the supremacy of law and embodies three concepts: the absolute predominance of regular law, so that the government has no arbitrary authority over the citizen; the equal subjection of all (including officials) to the ordinary courts; and the fact that the citizen's personal freedoms are formulated and protected by the ordinary law. (*Oxford Ref. Dictionary of Law*).

Challenges to the Jurisdiction of the Court are for (i) "Subject Matter" (ie: the power to deal with the matter to be tried); (ii) "Relationship" (ie: the power to deal with the Defendant); and (iii) "Competence" (ie: the power of the Court to act pursuant to the Laws of the State). (*Britannica*)

"Once jurisdiction is challenged, it must be proven." (*Jagens v. Lavine*, 415 S.Ct.768). "Jurisdiction can be challenged at any time, even on final determination." (*Basso v. Utah Power & Light Co.*, 495 2nd 906 at 910). "Where there is an absence of jurisdiction, all administrative and judicial proceedings are a nullity and confer no right, offer no protection, and afford no justification, and may be rejected upon direct collateral attack." (*Thompson v. Tolmie*, 2 Pet. 157, 7 L.Ed. 382; *Griffith v. Frazier*, 8 Cr. 9, 3L. Ed. 471).