

AWW:SND SCA1136-B

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THE SUPREME COURT
OF NEW SOUTH WALES
COURT OF APPEAL

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040527/06
040497/06

MASON P
TOBIAS JA

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WEDNESDAY 4 APRIL 2007

**ERIC ABRAHAM JURY V CRAIG NORMAN & 1 ORS
JOHN WILSON v STATE DEBT RECOVERY OFFICE & ANOR**

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Claimant Jury appeared in person
Claimant Wilson appeared in person
Mr R Weinstein for the Opponent

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MASON P: Have you served the s 78B notice on the
Attorneys General? You have raised a constitutional
question saying--

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CLAIMANT WILSON: That was done in the earlier case.
There was no judgment, there was no hearing, there was
nothing because the court had no jurisdiction.

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MASON P: You want this court to grant leave to appeal on
the basis that there is a constitutional right to trial by
jury in the Commonwealth constitution.

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CLAIMANT WILSON: I want it determined by a proper court
with a jury, not by inferiors such as yourself. I want to
be judged by my equals. That is the law.

MASON P: Do you ask me to dismiss your application?

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CLAIMANT WILSON: No, I want a proper court.

MASON P: Do you want it determined or not, Mr Jury?

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CLAIMANT WILSON: I want a proper court.

MASON P: Mr Wilson, do you want the case determined by
this court or not?

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CLAIMANT WILSON: Yes, it's got to be properly
constituted. Now we've already indicted one judge. We
are going to keep on indicting judges for denying people
their right for trial by jury. Do you know about Adams?
We've indicted him. That has been filed the Supreme
Court. He is facing five years in gaol for denying trial
by jury. That's what this case is all about.

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MASON P: Mr Jury, s 78B of the Commonwealth Judiciary Act
says that when a constitutional point is raised in

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proceedings, notice must be given to the Attorneys General. You have filed in the court papers a s 78B notice which refers to that point.

5 CLAIMANT JURY: But I've asked for a jury, that's what I've asked for and I've been denied that. Previously I've been denied that, that's why I appealed.

10 MASON P: If you want this court to consider whether you are entitled to a jury--

CLAIMANT JURY: Well that's what I want.

15 MASON P: If you want this court to consider whether to grant leave to determine that issue, you must serve notice on the Attorneys General of the Commonwealth and the States and the Territories. Until you can do that, we do not have power to hear the case.

20 CLAIMANT WILSON: You haven't got any power anyway, there's no jury. Here's a copy of the summons of indictment, indicting Adams for the offence which you are now committing.

25 TOBIAS JA: You mean Justice Adams, do you?

CLAIMANT JURY: Yeah, but I went before him and asked for a jury.

30 TOBIAS JA: I didn't ask you, Mr Jury. You mean Justice Adams, do you?

CLAIMANT WILSON: Michael Frederick Adams.

35 TOBIAS JA: Well just refer to him in a respectful way if you don't mind. If you want us to treat you with respect, we expect you to treat us with respect.

40 CLAIMANT WILSON: Yes, because you are my inferior.

TOBIAS JA: Don't worry about that. You are referring to Justice Adams.

45 CLAIMANT WILSON: I do worry, that's the whole basis of democracy. The people rule. You are public servants. You are the inferiors. We can only be judged by our equals, not by our inferiors. This is why we have the right to trial by jury. It's been laid down for many, many centuries.

50 TOBIAS JA: I understand that.

55 CLAIMANT WILSON: This is what you people are doing, you are denying Australians the right to trial by jury. You are denying the rule of law.

TOBIAS JA: Do you wish us to hear this application or not?

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CLAIMANT WILSON: Absolutely, but not you. I want it heard by a properly constituted court with a jury.

5 MASON P: Well you don't want it heard by this court, is that correct?

CLAIMANT WILSON: Yes, I do want it heard by this court, this court being a court properly constituted with a jury.

10 MASON P: The Court of Appeal doesn't have juries.

CLAIMANT WILSON: That is a kangaroo court.

15 MASON P: Do you want the Court of Appeal to hear this application?

CLAIMANT WILSON: It's a kangaroo court.

20 MASON P: Do you want us to hear your application or not?

CLAIMANT WILSON: Yes, with a jury, empanel a jury.

MASON P: Without a jury you don't want us to hear--

25 CLAIMANT WILSON: You don't determine the rights of the people, you don't determine the rights. The people determine their own rights, not you. In a democracy the people rule, the people have sovereignty. The people make common law. The people decide the rights of the people, not you. Do you accept your jurisdiction as an inferior? I have to give my consent to be without a jury in any action and that means in any action. That is the law that protects us against tyranny, against injustice. When lawyers go to university they aren't taught real law, they are taught a corruption of law. They are taught that statute law overrules common law. It is dead wrong. Common law doth control the acts of parliament and a judge then went against common right to be void. That's what a fellow called Lord Edward Coke said. He said that common law controls acts of parliament and renders them void. Yet what is taught in the universities? They are taught no, the judges have all the power, the judges makes the law, the parliament makes statute law which overrules common law and that is dead wrong.

45 MASON P: Mr Wilson, this is not the place to be making those sorts of statements.

50 CLAIMANT WILSON: It is, this is where--

MASON P: Mr Wilson, I am in control of this court, you are not.

55 CLAIMANT WILSON: I don't give you my consent.

MASON P: All right.

20 CLAIMANT WILSON: I have been to this so-called court
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many, many times over the last twelve years and been denied justice every time because the judiciary are evil. The bill of rights says evil counsel of judges, that's what it says, and you are doing exactly the same thing as they did back when they had to bring in the bill of rights.

10 MASON P: Mr Wilson, will you please resume your seat and be silent.

CLAIMANT WILSON: You want to see the summons?

15 MASON P: I'm asking you to resume your seat and be silent.

CLAIMANT WILSON: Okay, that's a summons indicting Adams, five years in gaol.

20 MASON P: Now Mr Jury, if you wish us to hear your application to consider whether there is a constitutional right to trial by jury, we are required by law not to proceed unless a formal notice has been given to the Attorneys General. Do you wish this court to entertain your application on the point that you raised?

25 CLAIMANT JURY: Providing there's a jury here, yes.

MASON P: But not otherwise?

30 CLAIMANT JURY: Not otherwise, no.

CLAIMANT WILSON: Say we'll put in a 78B.

35 CLAIMANT JURY: What do you call it?

MASON P: Are you prepared to serve the s 78B notice on the Attorneys General of the State, Commonwealth and Territories?

40 CLAIMANT JURY: Of course I am, yes.

CLAIMANT WILSON: I am too.

45 MASON P: Mr Weinstein, we are required by s 78B of the Judiciary Act to adjourn the proceedings for such time as is necessary and to make such order as to costs in relation to an adjournment as we think fit and we may direct a party to give notice in accordance with s 78B(1).

50 WEINSTEIN: Yes, your Honour, I am aware of that.

MASON P: Do you recognise that's the position the court is placed in?

55 WEINSTEIN: Yes, your Honour, yes.

MASON P: What we propose to do if the date is convenient to you three gentlemen, is to adjourn the matter until

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24 April, Tuesday 24 April and to give a direction about serving the notice. Is that date convenient?

5 WEINSTEIN: I can't say off the top of my head, your Honour, but I will make that date convenient, yes.

MASON P: We will do it at 9.30 if that is suitable.

10 CLAIMANT WILSON: That's fine with me because Adams is in court on 16 April. He's in court on 16 April.

FOR JUDGMENT SEE SEPARATE TRANSCRIPT

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