

AFFIDAVIT OF John Peter Bauskis

COURT DETAILS

Court: Supreme Court of New South Wales
Division: Common Law
Registry: Sydney
Case Number:

TITLE OF PROCEEDINGS

Plaintiff: John Peter Bauskis
Defendant: Michael Frederick Adams

FILING DETAILS

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AFFIDAVIT DETAILS

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AFFIDAVIT DETAILS

Name: John Peter Bauskis
Address: 79 Beckenham Street, Canley Vale, NSW 2166 .
Occupation:

On the day of, 2007, I say on oath:

1. I am the deponent.
2. I believe that the information contained in this affidavit is true.
3. On Monday, 24 July, 2006, at 10:15 AM in Court No. 2 of the King Street Annex of the NSW Supreme Court, John Wilson was before

Michael Frederick Adams. The matters were John Wilson –v- State Debt Recovery Office and State of New South Wales, File No: 20128/06, and John Wilson –v- The Crown Solicitor, File No: 20258/06. Dr. Wilson demanded that a Notice of Motion by the Crown Solicitor be heard by a Jury. Michael Adams refused to allow Trial by Jury. Dr. Wilson told Michael Frederick Adams that he was "breaking the law" and " I am going to perform a Citizen's Arrest on" him. He walked to the side of the table and started approaching Adams. Two large Sheriffs moved towards him and restrained him by grabbing my arms and pushing him backwards. Adams ordered that he be removed and announced he would continue to hear the Crown Solicitor in his absence.

4. Dr Wilson was physically taken from the Court and left in the passageway outside. He sat on the seat opposite the door while another Sheriff watched over him.

5. Dr Wilson and several others, including myself, wore the "TRIAL BY JURY IS DEMOCRACY" T-shirts and this proved to be upsetting to Justice Adams who ordered that the T-shirts be taken off by those who were wearing them or he would have them ejected from the Court, as well.

6. Then ensued some shouting from people in the Public Gallery. I was arrested by the Sheriffs and put in the cells.

7. I was returned to the Court after the lunch break when Adams J continued his attack against me and Mr. Peter Rutherford for wearing the T-shirts. He said, "The law in this court is that you remove it..... Do you intend to remove your t-shirt or not?" and I said, "No."

8. Adams continued his verbal barrage with threats. He kept on insisting that he was "the court". He asked "Do you wish to plead guilty or not guilty?". Peter Rutherford answered, "I no-plead." only to have Adams J say "The plea of not guilty is entered.". Peter maintained his stand against Adams' tirade.

9. Adams then turned his attentions to me with the same threats and demands, to which I said, "I am not pleading anything.". Adams said, "Enter a plea of not guilty." and "You are both in custody". I replied, "Illegally.".

10. Adams said, "Now, I come to the question of bail. If I do not grant you bail, you will remain in custody until such time as I am in a position

to deal with you.”. There was a general outcry from those in the Public Gallery with someone saying, “You can’t judge in your own cause.” which Peter Rutherford echoed.

11. I said to Adams, “You are the one breaking the law by not granting us a trial by jury.”. Peter Rutherford and I were imprisoned over night and returned to the Court the following morning.

12. On Tuesday, 25 July 2006, Adams accused us of “contempt..in the face of the Court itself” and continued with his threats. The transcript records the exchanges that went on.

13. A lawyer described as “amicus on behalf of the Legal Aid Commission” told Adams, “..the question is whether your Honour continues with those proceedings, to hear them, or whether instead separate proceedings could be commenced by direction to the registrar which would then be heard by a different judge?” At first, Adams J had no intention of allowing the matter to get away from him...to which the lawyer said, “If your Honour pleases.”. Then he changed his mind and said, “..in relation to Mr Bauskis I propose to refer the matter to the Registrar to deal with him according to law and in the meantime I can grant unconditional bail...”.

14. I truly believe that the Legal Aid Solicitor’s remark of “If you Honour pleases” leaves no doubt as the arbitrariness of Michael Frederick Adams, ie: that he was acting according to his own wishes, notions, or will, and not going by any rule of law, tyrannical, despotic.

15. On Friday, 28 July 2006, Peter Rutherford and I returned to the NSW Supreme Court. The title of proceedings, according to the transcript, was “3638/06 – PROTHONOTARY, SUPREME COURT OF NEW SOUTH WALES v PETER RUTHFORD & 1 OR”. However, on Friday, 4 August 2007, the file number had changed to “13638/06”.

16. On Friday, 28 July 2006, Michael Frederick Adams said to Peter and me, “And I’m going to deal with you next week I think for contempt.”.

17. On Friday, 4 August 2006, Adams refused to allow a Subpoena against himself claiming that “A judge is not a witness in such a proceeding capable of being subpoenaed. Nor should a judge, or can a judge, be required to give evidence or be cross-examined.”. Peter

Rutherford said, “You are wrong, your Honour.....This is a collateral incident.”, but still Adams refused to yield.

18. I then said, “We request trial by jury.” and Adams said, “You cannot have a trial by jury. There is no procedure for having a trial by jury for offences of this kind. Of course, he did not tell the truth.

19. I persisted and said, “I hand up a requisition for trial by jury.” and Adams J said, “I do not give leave.”. I said, “We want to file this.”. Adams said, “The law is, in proceedings of this kind, no trial by jury can occur.”. Of course, he did not tell the truth. I said, “In any action .”. Adams J said, “The matter is disposed of. You cannot have a jury. I will not permit you to file a requisition.” I said, “You are wrong in this. Don’t you know the law – really?”. Adams said, “The answer is your application is rejected. Please sit down. Do you have a further application?”. I said, “Yes.”.

20. Peter Rutherford said, “You are not independent, your Honour. You must recuse yourself in this case because the prothonotary of the Supreme Court is the Supreme Court and you are the Supreme Court and, therefore, not independent.” Adams rejected that point of law, as well.

21. Peter Rutherford said, “We are challenging the jurisdiction of the court.”. Adams asked, “Upon what basis?”. Peter Rutherford said, “We have not given our consent.”. Adams said, “Consent is immaterial. The matter does not depend upon the consent of the contemners.”

22. I said, “You have no jurisdiction over us. We are challenging jurisdiction. We demand a jury. They will hear whether you have jurisdiction, or not.”. Adams said, “You have made that point several times. You are quite wrong. Your statements about the law are completely mistaken.”. I said, “You are wrong.”. Adams then said, “I am not going to hear further argument about it.”.

23. I then said, “The original application requested trial by jury. I wanted a stamp on the subpoena. You have got yo give evidence. How can you be sitting there and also give evidence against yourself, judging in your own court?”. Adams said, “That is partly inherent jurisdiction of this court and has been part of the jurisdiction of the court since foundation and depends upon laws which have been in existence for well over 400 years.”. I said, “No it has not. You are wrong, no law can take away my rights.”. Adams said, “Please sit down,”

24. I then said, “You are denying me my right of trial by jury, are you? Please answer that.”. Adams said, “I am not answering a question. I have ruled. You are not entitled to a jury. I have no power or jurisdiction to grant you a jury.”. And the argument went on, as can be seen on the transcripts.

25. On Friday the 25th of August 2006, Michael Frederick Adams handed down his “JUDGMENT” against me with the words, “I have concluded the elements of the charge of contempt have been established beyond a reasonable doubt and, accordingly, I enter a verdict of guilty.”

26. On Tuesday, the 5th of September, Michael Frederick Adams sentenced me to 14 days imprisonment and I was taken to Silverwater gaol.

27. I truly believe there has never been the required initiating document, as a legal instrument, to commence proceedings against me, ie: there has never been a SUMMONS filed setting out the “STATEMENT OF CHARGES / INDICTMENT”. “*A charter or deed of a thing not in being, is not valid*” (a Legal Maxim).

28. The following is an account of my experience in jail following my conviction, (Falsely & illegally) on the 5-9-06 From the cells under the court I was taken to City Central, in handcuffs, There I was put in a cell with 2 others, one a drug mule (from NZ) the other I don't know, After being strip-searched and my particulars taken I was put back in the cell awaiting transport to Surry Hills, The Downing Centre Is a huge underground complex of around 80 cells, (so I was told) I was in a cell with another innocent person (he got thrown in jail by his parole officer, who was a woman who didn't like him) He spent the next 4 days trying to get someone to listen to him, to make a phone call to let his solicitor know that he was in jail. For my part I also was trying to get medication for my high blood pressure, the only way to communicate from the cells is by intercom, (which is only to be used for medical emergency,) Their excuse was that there was a person having a heart attack (that person died so they tell me, I wonder why?) anyway by Friday the 8-9-06 PM I did eventually see a nurse, By this stage I was having blurred vision and dizziness, when he took my blood pressure it was 195 over 115, normally I should be around 140 over 80 they didn't have my tablets but I got an equivalent , but only one tablet, nothing for tomorrow, luckily we were shipped of to Wollongong (handcuffed again) there was about 18 of us, (the reason we were shipped out was because there were to many prisoners in Surry Hills) I was now in a smaller cell with 3 others

(one a drug user, another for assault, another, innocent for breaching an AVO, his ex-wife got the AVO, he was living at his home with his 4 children, he had custody, she comes to his house demanding some money as he is drunk in his own house, he pushes her out , so he is charged with breach of AVO and assault,) Do you wonder were the LAW is going wrong, Justice doesn't see daylight, So I was sleeping on the floor, but sleeping and the food was at least eatable, I saw the nurse, she didn't have the right tablets but rang a doctor who prescribed a different tablet (at this stage my blood pressure was 170 over 100, still to high, any way I didn't have blurred vision or the dizziness). Our treatment was much better than Surry Hills, (all the regular crooks that I spoke too agreed that Surry Hills Corrective Services Officers were scum, that they treat all and sundry worse than animals) So Monday back to Sydney, handcuffed again, we stopped at Silverwater Corrective Centre, only to change busses, we got 1 pie for lunch, than picked up more prisoners and headed back to Surry Hills, On arrival I was put back in a cell with one other person, didn't get much time to find out what he was in for, as he left soon after, about an hour later I was told I'm moving, and guess what !!!!! back to Silverwater, (What organization, the corrective service has no service,) I was treated as a special case, they didn't get many innocent people in Silverwater, I was told that if I stayed in my civy clothes I would be isolated away from other prisoners, and I would be in my cell 24 hours per day only out for half an hour to exercise, but if I were to change into greens I would be out and mixing with the prisoners, so they talked me into it, I changed into greens, but guess what!!!! all I got was getting out of my cell for about one and a half hours, that is from about 6.30 to around 8 am, (well I didn't get to mix with the other prisoners because they were let out after me,) I was in a cell by myself ,around 10 X15 feet 2 beds a shower and a toilet, 2 hospital blankets, 1 sheet , 1 towel (the towel was used as a pillow) nobody gets reading material pen and paper to write letters The food is placed in front of your cell on the floor, The screw opens the door and kicks your food into your cell, that is if your lucky, they won't touch you or do anything for you when you talk to them they will tell you that they will do something but nothing happens, I was given the "Inmate Handbook" which is 69 pages, it gives you all the information you need but the problem is that no-one listens to you and you cant get anything done, It tells you your rights and obligations, but you cant communicate with any one. I filled out 3 self-referral forms (MRRC) to no avail, one was to see a priest, another, my right to be heard, (denied) my right to reading material, (denied) my right to pen and paper to write to the ombudsman (denied) I couldn't ring the ombudsman because when you are in your cell nobody comes to you, the only time you can do anything is when you are out of your cell, (which in

my case was from around 6.30 to 8am, so at that time am I going to get the ombudsman?) Medically they tried, but if you don't have a doctor that knows what he is doing, the nurses can only do so much, and nothing is consistent, some days I would get medication for one day at other times only for the morning or the evening, Luckily when I first arrived and saw the welfare officer, I asked for something to read, she gave me a readers digest book with about 5 storeys, that was a great help, latter when brought into the office to get classified I noticed some books on a table outside the office, well on exiting that office I grabbed 3 books, not what I wanted but something to read any way, I'm afraid that that is the only thing that kept me going, you can't sleep day and night, My 14 days were to be up on the 19-9-06, but you won't believe it on the 16-9-06 they called me and told me I was going home, great !!!! I got all my gear and went down and got changed into my civvies, just as I'm walking out the governor comes up and said that I had to go back as he had made a mistake in dates etc, So I'm back in my cell again, brilliant !! What incompetence, you wouldn't believe it, Come Monday 18-9-06 they tell me I'm going home, This time it's for real, I get changed and am let out, I ask to use the phone to get someone to pick me up, sorry ,no phone call, They are suppose too give you a rail pass, In my case nothing, I had no money, nothing, well to bad, you walk like everyone else, (how is that for treating us like human beings ??? I walked out to the gate, and asked to use the phone, sorry we cant help you, we are not aloud, great!!1 So I start walking, But what am I thinking about, this is ridicules !!!! So I walk into the nearest factory and ask to use their phone to ring my wife, to come and pick me up, luckily the young lady without hesitation rings for me and I speak to my wife, (there is still in this world some good people) within an hour I'm home and having a cup of tea, it will take a few days to get back to normal, my blood pressure will get back under control, now the real work will begin So far I have got the transcripts, John Wilson has been a great help and support to me, without him I don't think I would have managed ,now I believe that we all must come together and fight this cancer in our society, In conclusion I must say that With Gods help we must fight to correct the total corruption of our society, to make a better life , a free life for our children, and their children, if we wont do it who will, we cant let the banks win, most of the population haven't a clue of what is going on around then, so we must educate them, drag them away from the TV and open their eyes to the propaganda of TV and media, I know I have played a small part in this continua ting drama, but it needs all of us to fight the banks and the world order, please read 1984 and you will soon see that that is what we are at now, so that is my tale, if anyone needs any more information please e-mail me on siksua@hotmail.com.

29. On Friday the 4th of August 2006, I tried to file a Requisition for Trial by Jury in Court but Michael Frederick Adams said, “I do not give leave.”.

30. I truly believe that an Australian’s Right to Trial by Jury is inalienable and entrenched in Constitutional Enactments.

31. I truly believe that a “KANGAROO COURT” is defined as “a court which acts unfairly or dishonestly or disregards legal rights or disregards legal procedures” and any awards, doings and proceedings of KANGAROO COURTS shall not be drawn into consequence or example (*Petition of Right 1627*).

32. A quote from the website of <http://www.justice.qld.gov.au/courts/about/jurors.htm> says “The right to trial by jury was won in Britain in the thirteenth century, and it is still one of the key components of our court system. It is founded on the belief that everyone has the right to be tried by their equals rather than by their rulers.”.

33. So that the Jury can have an appreciation of my approach to this problem, the following is short overview, written by John Wilson:

“ WHO IS THE LAW?”

The Latin word, “iuris”, is translated into English as meaning “law, right, justice; law court; jurisdiction, authority”. In the movie, “The Verdict”, the actor, Paul Newman, stands in front of the Jury and says to them, “You are the law.”. A Jury is made up of 12 men and women who are the equals of the men and women who are the plaintiffs and defendants in a court action, and have been brought together to judge the laws and the facts presented to them.

IT’S ALL A QUESTION OF SOVEREIGNTY

Sovereignty is the ultimate authority to make and impose laws.

WHO HAS SOVEREIGNTY OVER WHOM AND WHAT?

That is to say, WHO rules? In a THEOCRACY, GOD rules. In a DEMOCRACY, People rule. In a BUREACRACY, officials rule. And, it’s all a matter of seniority or, in other words, superiority in standing.

AT Level One: GOD over Man:-

GOD created Man. GOD is superior to Man, ie: to a natural person.

AT Level Two: Man over Parliament:-

Man created Parliament. Man is superior to Parliament, ie: to an artificial person

AT Level Three: Parliament over Corporations:-

Parliament creates Corporations. Parliament is superior to Corporations, ie: to artificial persons

AT Level Four: Corporations over nothing:-

Corporations create nothing. Corporations are superior to nothing and inferior to everything.

In brief, and using the symbol, “>”, to denote “is superior to”, we have:-

GOD > Man > Parliament > Corporations.

Definitions:-

- (i) natural = product of nature; not man-made or artificial.
- (ii) artificial = made by human skill or labour; not natural.
- (iii) Natural Law = law based on the natural tendency of human beings to exercise right reason in dealing with others. Natural law precedes and is regarded as the basis of common law.

Comments:-

(i) Even Judges recognize the application of SUPERIORITY, eg: in the functioning of the Court System Superior Courts have the jurisdiction/ power to overrule Inferior Courts.

(ii) Parliaments create the Courts and Judges, which leaves:- **Man > Judges.**

(iii) A Man cannot sit in judgment of another Man, but GOD has made provision for a congregation, ie: a Jury, to do so.

(iv) A Man, being a natural person, cannot be a Corporation, ie: an artificial person. Therefore, Judges can never be “> **Man**” and to allow

Judges to judge a Man, because that would be incompatible with the sequence of SUPERIORITY.

(v) “*Hominum caus jus constitum est*” - a legal maxim translates to “*Law is established for the benefit of man*”. This is the prime objective of the Law.

(vi) Another legal maxim says, “*Nemo admittendis est inhabilitare seipsum*” which translates to “*No one is allowed to incapacitate himself*”. Therefore, a Man (ie: a natural person) cannot be an artificial person, which would incapacitate him and deny him of his Right, as a Freeman, to Trial by Jury.

(vii) Still more legal maxims say such things as, “*When laws imposed by the State fail, we must act by the Law of Nature*”, “*The Law punishes falsehood*”, “*The more common the evil, the worse*”, “*The greatest enemies to Peace are force and wrong*”,.....and, of course, “**Rights never die**”.

(viii) Magna Carta put it correctly by saying “*No Freeman shall be.... unless by the legal judgment of his own equals indeed the law of the land.*”

(ix) So, when a Man goes into a court and the Magistrate or Judge tries to make out that he has jurisdiction over you, you tell him, “***Listen, buddy, you are at Level Three in the ‘pecking order’. I am at Level Two. I have jurisdiction over you – not you over me. I have the inalienable Right to Trial by Jury - and, if I don’t want to avail myself of a Jury, I’ll give my consent to that effect. Until then, mind your place.***”

34. In the matter of *R –v- the Magistrates of Sydney 1824*, Forbes CJ laid down the Rule of Law that there must be Trial by Jury for Freeman.

35. I truly believe that I was denied Natural Justice and the Rule of Law. The Rule of Law is defined as:- “1. The supremacy of law. 2. A feature attributed to the UK constitution by Professor Dicey (*Law of the Constitution*, 1885). It embodied 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 law administered by the ordinary courts; and the fact that the citizen’s personal freedoms are formulated and protected by the ordinary law rather than by abstract constitutional declarations.(*Oxford*

Reference, A Dictionary of Law, Oxford University Press) while Natural Justice is said to be: “Rules of fair play..(that) apply equally to the decisions of administrative and domestic tribunals and any authority exercising an administrative power that affects a person’s status, rights, or liabilities. Any decision reached in contravention of natural justice is void as **ultra vires**. There are two principal rules. The first is the **rule against bias** (ie: against departure from the standard of even-handed justice required of those who occupy judicial office) – **nemo iudex in causa** (or **in propria causa**) (no man may judge in his own cause). This means that any decision, however fair it may seem, is invalid if made by a person with any financial or other interest in the outcome or any known bias that might have affected his impartiality.” (*Oxford Reference, A Dictionary of Law, Oxford University Press*).

36. Any tribunal having any effect on me whatsoever must be “competent, independent and impartial and established by law” (United Nations’ *International Covenant on Civil and Political Rights* – which is Schedule 2 of the *Human Rights and Equal Opportunities Commission Act 1986 (Cth)*).

37. The second rule of Natural Justice is known as **audi alteram partem** (hear the other side). It states that a decision cannot stand unless the person directly affected by it was given a fair opportunity both to state his case and to know and answer the other side’s case. (*Oxford Reference Dictionary of Law*). As there was no Court, ie: consent was not obtained from both parties to be without a Jury, I was not given that fair opportunity in a proper forum where **Due Process** (ie: the legal steps and measures to which I am entitled to protect myself and my interests) existed.

38. No Judge has the Jurisdiction to judge anything, including and especially “issues of law”, without the consent of both parties to be without a Jury. Judges has this false notion that they can “judge the law” and Juries can only “judge the facts”. This attitude is intolerable in the same way that the Star Chamber was declared intolerable and was duly abolished by the Habeas Corpus Act of 1640, which said:-

“ V. Be it likewise declared and enacted, by Authority of this present Parliament, That neither His majesty, His Privy Council, have or ought to have any jurisdiction, Power or Authority, by English Bill, Petition, Articles, Libel or any other arbitrary Way whatsoever, to examine or draw into question, determine or dispose of the lands, Tenements, hereditaments, Goods or Chattels of any Subjects of thei Kingdom; but

that the same ought to be tried and determined in the ordinary Courts of Justice, and by the Courts of the Law.

VI. And be it further provided and enacted, That if any Lord Chancellor, or keeper of the great Seal of England, Lord Treasurer, Keeper of the king's Privy Seal, President of the Council, Temporal Lord, Privy Counsellor, Judge or justice whatsoever, shall offend, or do any thing contrary to the Purport, true Intent and Meaning of this Law, then he or they shall for such Offence forfeit the Sum of Five hundred Pounds of lawful Money unto the Party grieved, his Executors or Administrators, who shall really prosecute for the same, and first obtain Judgment, thereupon, to be recorded in any Court of Record.....”

39. One commentary on the Star Chamber was written by Douglas V. Gnazzo in his website he calls “*Whence & Pence*” where he wrote:-
“The Star Chamber began in the 15th century and ventured far astray from the traditional system of jurisprudence, completely separate from the common-law courts of the day.... In such proceedings there was no jury, and no further court of appeal....The court had come to be considered to have already overstepped all bounds of lawful fairness under James and Charles I, but more was yet to come. The court was now nothing more than a political tribunal of the Kings Prerogative, and was slowly becoming a military tribunal. Cases were held in secrecy behind closed doors, and there were no indictments, witnesses, juries or appeals...When the people finally regained their sense of right and wrong, Charles ended up being executed...The House of Stuart did not want to give up the powers the Star Chamber and the privy Council enable them to wield. However, in 1641 the people finally stood up for their rights and passes an act to abolish the Star Chamber.”

40. “The main effect of the abolition of the Star Chamber was to establish in England a system of justice administered by the Courts of Common Law with due process instead of the administrative agencies of the executive branch of government. The statute thus constituted an important reaffirmation of the concept of due process of the Common Law including the protection of the rights to life, liberty, and property from the arbitrary prosecution of government and secured to the people the right of prosecution through the grand jury and right of conviction through the jury of peers” [Holdsworth, op.cit., I 516; Albert V. Dicey, *Introduction to the study of the law of the Constitution*, 98th Ed., London, (1915) pp 263-264].”

41. I truly believe that the People of Australia cannot allow another “Star Chamber” system to operate which would be to the serious detriment of ourselves and our children.

42. I truly believe that, at the proper determination of a Challenge to the Jurisdiction of a Court, the Special Jury would, in fact, be deciding whether Australians have the Right to Trial by Jury, ie: the People of Australia who are empanelled as a Jury will determine what Rights they have. It is called “DEMOCRACY”.

43. I truly believe that TREASON is the suppression of Democracy by denying People their Right to Trial by Jury and, therefore, Michael Frederick Adams is a TRAITOR which explains his attack on me for wearing a T-shirt proclaiming “TRIAL BY JURY IS DEMOCRACY”.

44. A plaque at the Magna Carta Monument in Canberra’s Parliamentary Triangle says, “Magna carta is now seen as a tradition mandate for trial by jury, justice for all, accountable government and no arbitrary imprisonment.”.

45. Indeed, when the Australian Prime Minister, John Winston Howard, opened the Monument on 26 September 2001, – two weeks after the Terrorists’ attack on the World trade Twin Towers in New York. In his address he said, among other things, “Quite rightly Sir Alastair referred to the importance of the values at stake in the response by the civilized world to the terrorist attack on the 11th of September.....I can’t think of things that are more important in binding us together (with the United Kingdom) than those common commitments to the liberty of the subject, the importance and the primacy of private property within an orderly democratic society, the freedom from arbitrary arrest and the right of people to be judged by their peers according to the evidence made available in that process. They are things that we have grown up to take for granted... So when I and others have spoken of that attack not only being an attack upon the people and the values of the United States but also an attack upon the people and the values of Australia and the people and the values of the United Kingdom, we have an understanding of what is involved in that. Because in the end our societies are judged by their values, they’re judged by the things that they are prepared to stand for and defend. And in the long history of the association between the people of Great Britain and the people of Australia there are many examples of their shared determination to stand together against the forces that would deny the liberty of the subject against the forces of tyranny, the forces of arbitrary arrest and detention without trial....It’s a day for all of us to

express our gratitude to those people who have fought for the fundamental liberties we have. Those people who have died for those fundamental liberties and sadly there are far too many of the young men in earlier generations of both nations who died defending freedom and died of course to give us the kind of life that we enjoy today.”

46. I truly believe that Michael Frederick Adams’ rejection of an Australian’s Right to Trial by Jury is a damning reflection on the whole demeanour of the Australian Judiciary towards the Administration of Justice that deserves the severest reprimand which will, undoubtedly, be forthcoming from a fully informed Jury.

47. “***Rights never die***” (a Legal Maxim) and the Right that consent to be without a Jury appeared in s. 3 of the Supreme Court procedure Act No. 49, 1900, ie: “(1) In any action by consent of both parties the whole or any one or more of the issues of fact in question may be tried, or the amount of any damages or compensation may be assessed by a Judge without a jury.”. There are no Acts of Parliament – including the *Uniform Civil Procedure Rules 2005*, the *Civil Procedure Act 2005*, the *Local Courts Act 1982* and the *Judicial Officers Act 1986* (claimed by the opponents to be “7. AUTHORITIES AND LEGISLATION”) - which can take away my Right to Trial by Jury. Lord Edward Coke said that “Common Law doth control Acts of Parliament and adjudges them, when against common right, to be void.”. Also there appears in the “*Annotated Constitution of the Commonwealth of Australia*” by Quick and Garran, the following passage: “A law in excess of the authority conferred by the Constitution is no law; it is wholly void and inoperative; it confers no rights, it imposes no duties; it affords no protection.”.

48. On none of the days involving me in the NSW Supreme Court, was there a “court” because there was no consent from both parties to be without a Jury and, “The consent to be tried summarily must be clear and unequivocal and failure to carry out the procedures for obtaining the consent will deprive the court of jurisdiction to determine the matters summarily” (*Halsbury’s Laws of Australia 130-13460*). Therefore, any “orders made” “shall be undone and holden for nought” (*Confirmation of Charters 1297*).

49. “Trial by Jury is the Palladium of Liberty”. It is the People’s only defence against Tyranny. Thomas Jefferson, 3rd President of the America and author of the Declaration of Independence described Trial by Jury as “the only anchor yet imagined by man that can hold a government to the principles of its constitution.”. He also wrote, “The germ of destruction of

our nation is in the power of the judiciary, an irresponsible body - working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief over the field of jurisdiction, until all shall render powerless the checks of one branch over the other and will become as venal and oppressive as the government from which we separated.”.

50. Professor of Common Law, Sir William Blackstone wrote in his “*Commentaries on the Laws of England*” that “trial by jury; called also the trial *per pais*, or *by the country*..... ever has been, and I trust ever will be, looked upon as the glory of English law. And, if it has so great an advantage over others in regulating civil property, how much must advantage be heightened, when applied to criminal cases! But we must refer to the ensuing book to these commentaries; only observing for the present, that it is the most transcendent privilege which any subject can enjoy, or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of twelve of his neighbours and equals. A constitution, that I may venture to affirm has, under providence, secured the just liberties of this nation for a long succession of ages. And therefore a celebrated French writer, who concludes, that because Rome, Sparta, and Carthage have lost their liberties, therefore those of England in time must perish, should have recollected that Rome, Sparta, and Carthage, were strangers to the trial by jury”. When one sees the value Sir William Blackstone put on the Right to Trial by Jury and put that into the context of the “germ of destruction of our nation is in the power of the judiciary” assessment by Thomas Jefferson, Australian Judges denying ordinary Australians the Right to Trial by Jury is irrefutable evidence that Australian Judges are Traitors and Terrorists.

51. The *Bill of Rights 1688* talks of “evil counsellors, judges and ministers” who “did endeavour to subvert and extirpate .. the laws and liberties of this kingdom”. An attack on the Right to Trial by Jury is a TERRORIST attack, more sinister and more purposeful, upon “those fundamental liberties” and “the people and the values of Australia”, than bombs or shooting could ever achieve. Here we have DOMESTIC TERRORISTS, acting in Australian Parliaments and in Australian Courts.

52. I truly believe that more and more Australians are waking to the reality of the stealth, cunning and wickedness of these TERRORISTS. For their own sake, I hope that the “evil counsellors, judges and ministers”, who are perpetrating and instigating the subjugation of the

Australian People, turn to their consciences and repent. I hope they admit they have done wrong and develop a genuine love for their fellow Australians.

53. Dr Wilson had the following to say about the proceedings of 24 July, 2006 in an email he sent out to a list of recipients around the world:

“Dear Fellow Australians,

Today, the 24th of July 2006, once and for all tore away any VEIL of JUSTICE and FREEDOM that may have existed IN AUSTRALIA. Today, the harsh reality of the EVILNESS and VICIOUSNESS of the Australian JUDICIARY and SHERIFF'S OFFICE were exposed and, tonight, two Australians, Peter Rutherford and John Bauskis, are in "custody" because they made their feelings known in the Supreme Court of New South Wales. Peter, in particular, was savagely set upon by three Sheriifs many times his stature. While manhandling Peter to eject him from Courtroom No. 2 of the King Street Court, they smashed the timber frame of a very substantial door. They threw him, face down, to the stone floor while he pleaded that his glasses be removed. These three burley thugs pinned him down and handcuffed him while another six Sheriffs (male and female) watched on.

The morning started with some 35 of us assembling at 8:30 AM and entering the Law Courts Building in Queen's Square, Sydney. My two actions (one against the State Debt Recovery Office and the State of New South Wales and the other against the Crown Solicitor) were in Court 7C at 8:59 AM. Assistant Registrar Howe scheduled a Notice of Motion by the Crown Solicitor to be heard across the road in the King Street Annex (a classical Victorian style Court House reminiscent of the Old Bailey). The Common Law Duty Judge was Michael Adams, a front-line hatchetman for the Judicial Mafia with whom I had tangled previously when he denied me my Right to Trial by Jury in 3 actions I had against the State of New South Wales and the St. George Bank Limited in 2001, one action I had against the State Electoral Office in 2004, and one action I had against Justice Carolyn Simpson in 2005 (transcripts and judgments on my website).

At 10:15 AM in Court No. 2 of the King Street Annex, I demanded that the Notice of Motion by the Crown Solicitor be heard by a Jury. Justice Michael Adams refused to allow Trial by Jury. I told him he was "breaking the law" and " I am going to perform a Citizen's Arrest on" him. I walked to the side of the table and started approaching him. Two large Sheriffs moved towards me and restrained me by grabbing my arms and pushing me backwards. Justice Adams ordered that I be removed and announced he would continue to hear the Crown Solicitor in my absence. I was physically taken from the Court and left in the passageway outside. I sat on the seat opposite the door while another Sheriff watched over me. I could hear arguing going on inside the Court and could see some movement through the frosted glass windows in the doors. I and several others wore the "TRIAL BY JURY IS DEMOCRACY" T-shirts and this proved to be upsetting to Justice Adams who ordered that the T-shirts be taken off by those who were wearing them or he would have them ejected from the Court, as well. All I could hear was noise and shouting. First, John Bauskis came out through the doors in the grip of 2 tough-looking Sheriffs and bundled down the corridor and out of sight. Another of the Sheriffs came out to me several times, while all this was going on, and continually took me aside to ask me to go and tell the protesters to remove their T-shirts and stop arguing with Justice Adams. I replied that they are all Freemen and they are speaking for themselves.

At approximately 10:50 AM, I was still sitting outside the Courtroom in the company of 2 or 3 others, when the doors burst open violently and through came those 3 thugs ("Sheriffs") assaulting Peter Rutherford. A camera flash went off and a female Sheriff shouted "Who took that photo? Who took that photo?" Nobody answered. Peter's hands were forced behind his back while they pinned him down and they handcuffed him, lifted him to his feet and wrestled him down the corridor and around the corner.

Of course, there was no media there - even though they had been well notified in the week previous and even prior to 10:00 AM. Media Silence is deafening, isn't it?

By 11:00AM, I was asked to go back into the Court where Justice Adams again denied me my Right to have a Jury determine the Crown Solicitor's Motion. I turned to the men and women in the Court and in the Gallery and said, "We're not going to see Justice in this Court. We might as well call it a day." We left and the Court was closed.

Ray Lovett and I went to the Rocks Police Station where I eventually made a statement to Detective Sergeant Gair and he made out an Incident Report of what happened, ie: that Justice Adams had denied me the Right to Trial by Jury which was an offence under the Imperial Acts Application Act, etc. (I had to instruct him, naturally)... and even though he initially argued that "Judges have the power to (etc)..." he did read a couple of my leaflets and then made out the report. He wrote down the number of the Report (E 27723273) but wouldn't let me sign it and would not give me a copy. I said, "Can I get a copy through Freedom of Information?" and he said, "Yes".

By way of mobile phones, Ray and I learnt that Peter and John had been taken back into Court 2 and, from there, to the Downing Centre to be held in custody. We took a taxi across town and entered the Downing Centre (a complex of courts, Sheriff's Offices and cells). I asked the fellows on the security machines where Peter and John might be.....and, just then, a lawyer came up and started asking also. We spoke and it turned out that this lawyer (Peter...?) had been appointed by Justice Adams, together with a barrister who showed up soon after. The lawyer and I spoke for a bit and they were allowed to go and see the lads (while I was not). It was getting near 5:00 PM and by that time a few more supporters had come in, including Phil Atkinson and Len Clampett. At 5:00 PM we were shunted out of the foyer and outside the complex. The others stayed another 20 minutes and Ray and I stayed on. The lawyer and the barrister eventually came out and I spoke to the lawyer while the barrister quickly left the scene without saying a word. The lawyer was keen to leave also and said that the boys had refused their offer of "help". He said they would be kept in and returned to Justice Adams in the morning at the Supreme Court...probably about 10:00 AM. My experience of being taken by the Sheriffs is that you end up (about 10:00 or 11:00 PM) at Long Bay or Silverwater.

D for DEMOCRACY DAY was an eventful one, all right. DEMOCRACY IN AUSTRALIA??????? Think again!!!!!!!

Yours sincerely,
John Wilson.

<http://www.rightsandwrong.com.au>

54. The "court hearings" conducted by Mr Justice Adams in no way approached what could be considered to be a "fair trial". It had more in common with what used to be known as a "Star Chamber" court. Douglas V. Gnazzo wrote of the Star Chamber in an article, "Whence & Pence" on his website, <http://www.financialsense.com> "The Star Chamber began in the 15th century and ventured far astray from the traditional system of jurisprudence, completely separate from the common-law courts of the day.... In such proceedings there was no jury, and no further court of appeal....The court had come to be considered to have already overstepped all bounds of lawful fairness under James and Charles I, but more was yet to come. The court was now nothing more than a political tribunal of the Kings Prerogative, and was slowly becoming a military tribunal. Cases were held in secrecy behind closed doors, and there were

no indictments, witnesses, juries or appeals...When the people finally regained their sense of right and wrong, Charles ended up being executed... The House of Stuart did not want to give up the powers the Star Chamber and the privy Council enable them to wield. However, in 1641 the people finally stood up for their rights and passes an act to abolish the Star Chamber” and he included the following quote, “The main effect of the abolition of the Star Chamber was to establish in England a system of justice administered by the Courts of Common Law with due process instead of the administrative agencies of the executive branch of government. The statute thus constituted an important reaffirmation of the concept of due process of the Common Law including the protection of the rights to life, liberty, and property from the arbitrary prosecution of government and secured to the people the right of prosecution through the grand jury and right of conviction through the jury of peers” [Holdsworth, op.cit., I 516; Albert V. Dicey, *Introduction to the study of the law of the Constitution*, 98th Ed., London, (1915) pp 263-264].

55. Michael Frederick Adams had no jurisdiction to do anything without by consent. Even s. 51 of the *District Court Act 1973 No 9* requires the signing of a “**memorandum of consent**” and any suggestion that a memorandum of consent shall be deemed to exist when I have never signed any memorandum of consent is pure fiction because, as the Legal Maxim says, “A charter or deed of a thing not in being, is not valid”.

56. Under s.24AA of the *Crimes Act 1914* attempting to dispense with the Right to Trial by Jury is an “act ..with intent to overthrow the Constitution of the Commonwealth by revolution” as the Australian Constitution guarantees the Right to Trial by Jury in its section 118 that gives “Full faith and credit” to the “Constitutional Enactments” listed in the Second Schedule PART I of the *Imperial Acts Application Act 1969 No.30*, which include *Magna Carta 1297*, *Petition of Right 1627*, *Habeas Corpus 1640* and *the Bill of Rights 1688*. Those “Rules” are clearly a product of “the judiciary, an irresponsible body - working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief over the field of jurisdiction” (*Thomas Jefferson* – see above).

57. My wearing a T-shirt proclaiming “TRIAL BY JURY IS DEMOCRACY” was in support of a LEGAL RIGHT, of DUE PROCESS and of the RULE OF LAW. .

58. Should there be any suggestion that there exists a “common law principle of judicial immunity”, this is totally untrue and unfounded. No one is above the Law this was made abundantly clear by the *1640 Habeas Corpus Act* which abolished the Star Chamber. Part of that Act says this:- “V. Be it likewise declared and enacted, by Authority of this present Parliament, That neither His Majesty, His Privy Council, have or ought to have any jurisdiction, Power or Authority, by English Bill, Petition, Articles, Libel or any other arbitrary Way whatsoever, to examine or draw into question, determine or dispose of the lands, Tenements, hereditaments, Goods or Chattels of any Subjects of their Kingdom; but that the same ought to be tried and determined in the ordinary Courts of Justice, and by the Courts of the Law.” and “VI. And be it further provided and enacted, That if any Lord Chancellor, or keeper of the great Seal of England, Lord Treasurer, Keeper of the king’s Privy Seal, President of the Council, Temporal Lord, Privy Counsellor, Judge or justice whatsoever, shall offend, or do any thing contrary to the Purport, true Intent and Meaning of this Law, then he or they shall for such Offence forfeit the Sum of Five hundred Pounds of lawful Money unto the Party grieved, his Executors or Administrators, who shall really prosecute for the same, and first obtain Judgment, thereupon, to be recorded in any Court of Record.....”.

59. No, there is no “judicial immunity”. If anyone commits an offence, he or she is liable to punishment.

60. Any Statute Laws or Rules aimed at Perverting the Course of Justice, where Justice is “the protection of rights and the punishment of wrongs”, are to be judged by a Jury who will decide whether my case has merit and whether it is a “just cause” that needs “enforcement” (from Lord Denning’s quote that “In a civilized society, the function of a court is the vindication of men’s rights and the enforcement of just causes”).

61. I am a Freeman and have the inalienable, constitutional and inherited Right to Trial by Jury as guaranteed by the Constitutional Enactments of *Magna Carta 1297*, *The Petition of Right 1627*, *The Habeas Corpus Act 1640*, and *The Bill of Rights 1688*, which are listed in the Second Schedule Part 1 of the *NSW Imperial Acts Application Act 1969 No. 30* as having come into force in New South Wales on the 25th day of July, 1928 by virtue of the *Imperial Act 9 George IV Chapter 83*. I am a man who is free, ie: not slave.

62. Section 80 of the United Kingdom’s “*An Act to constitute the Commonwealth of Australia [9th July 1900] (63 & 64 Victoria, Chapter*

12)” says that, “***The trial on indictment of any offence against any law of the Commonwealth shall be by jury, and every such trial shall be held in the State where the offence was committed, and if the offence was not committed within any State the trial shall be held at such place or places as the Parliament prescribes.***”

63. In 1988, there was a nationwide Referendum under section 128 of the Australian Constitution which included a question to alter section 80 of the Constitution so that it might read, “80. (1) The trial of a person for an offence, where the accused is liable to imprisonment for more than two years or any form of corporal punishment, shall be by jury except in the case of a trial for contempt of court or a trial of a member of the defence Force of the Commonwealth before a court-martial under a law relating to the discipline of the defence Force of the Commonwealth.”. This attempt to exclude contempt of court and courts-martial from trial by jury was overwhelmingly rejected by the Australian voters and “Not carried”. I truly believe this is proof-positive of the Will of the People that their Right to Trial by Jury shall not be taken away “in any action”.

64. Section 4A of the *Crimes Act 1914* says that, “***indictment includes an information and a presentment.***”

65. Democratic Government is “Government of the People, by the People and for the People”. There are 3 Arms or Branches of Democratic Government which are: (1) the Parliament, (2) the Executive and (3) the Judicature. The Parliament and the Executive form the representative side of Government – while the Judicature actually has the People playing a direct and active role. The Judicature is the system of Administering Justice. Justice is “***the protection of rights and the punishment of wrongs***”. The most important right is the Right to Trial by Jury. Juries are of 12 People who judge all the laws and facts put before them in the determination of that action. Juries deliver the Judgment and each Juror votes for the verdict according to his or her conscience.

66. Anyone who is against Trial by Jury is against Democracy. Anyone who is against Democracy is against Liberty. “***Anyone who is against Liberty is against Mankind***” (*Vicotme de Chateaubriand*). Anyone who is against Mankind is against God.

67. “***Trial by Jury is the only anchor yet imagined by man which can hold a government to the principles of its constitution.***” (*Thomas Jefferson*).

68. ***“Trial by Jury is the Palladium of Liberty.”*** (anon).
69. ***“Trial by Jury is the Bulwark of Freedom.”*** (anon).
70. ***“In a civilized society, the purpose of a Court is the vindication of men’s Rights and the enforcement of just causes.”*** (Lord Denning).
71. ***“For the most powerful individual in the state will be cautious of committing any flagrant invasion of another’s right, when he knows that the fact of his oppression must be examined and decided by twelve indifferent men, not appointed till the hour of the trial; and that, when once the fact is ascertained, the law must of course redress it.”*** (William Blackstone).
72. Section 25 of the *Supreme Court Act 1970 No.52* says that Judges are appointed by ***“The Governor”*** of New South Wales.
73. Section 9A of the *NSW Constitution Act 1902 No. 32*, says that the Governor of New South Wales is appointed by Her Majesty Queen Elizabeth the Second.
74. Section 3 of the *NSW Constitution Act 1902 No. 32* says that, ***“”The Legislature” means His majesty the King with the advice and consent of the legislative Council and Legislative assembly.”***
75. Section 5 of the *NSW Constitution Act 1902 No. 32* says that, ***“The Legislature shall, subject to the provisions of the Commonwealth of Australia Constitution Acr, have power to make laws for the peace, welfare and good government of New South Wales in all cases whatsoever.”***
76. Section 61 of the United Kingdom’s *“An Act to constitute the Commonwealth of Australia [9th July 1900] (63 & 64 Victoria, Chapter 12)”* says that, ***“The executive power of the Commonwealth is vested in the Queen and exercisable by the Governor-general as the Queen’s representative, and extends to the execution and maintenance of this Constitution and of the laws of the Commonwealth.”***
77. Section 2 of the United Kingdom’s *“An Act to constitute the Commonwealth of Australia [9th July 1900] (63 & 64 Victoria, Chapter 12)”* says that ***“A Governor-General appointed by the Queen shall be Her Majesty’s representative in the Commonwealth and shall have and may exercise in the Commonwealth during the Queen’s pleasure, but***

subject to this Constitution, such powers and functions of the Queen as Her Majesty may be pleased to assign to him.”

78. Section 72 of the United Kingdom’s “*An Act to constitute the Commonwealth of Australia [9th July] (63 & 64 Victoria, Chapter 12)*” says that, “***The Justices of the High Court and of the other courts created by the Parliament – (i.) Shall be appointed by the Governor-General in Council:***”.

79. Section 24AA of the *Crimes Act 1914* says, “**Treachery (1) A person shall not: (a) do any act or thing with intent: (i) to overthrow the Constitution of the Commonwealth by revolution or sabotage;(3) A person who contravenes a provision of this section shall be guilty of an indictable offence, called treachery. Penalty: Imprisonment for life.**”.

80. In response to an email sent by Dr Wilson on 19 August 2003 to the Privy Council Office, asking “***to view the Ordered Approved at the Council appointing the Governor-General of Australia, Major-General Michael Jeffery***”, the Queen-in-Council, ie: the Privy Council, have confirmed that “***there is no Order for this appointment.***”.

81. In response to an email sent by Dr Wilson on 2 September 2003 to the Privy Council Office, asking “***if there were Orders at the Council were made appointing***” “***Australian Governors-General Sir Ninian Stephens (1982 – 1989), William Hayden (1989 – 1996), Sir William Deane (1996 – 2001) and Dr. Peter Hollingworth (2001 – 2003)***”, the Privy Council again confirmed, “***I am sorry but there is no Order for this appointment.***”.

82. A letter from the Foreign & Commonwealth Office says that, “***The Queen, in her role as head of State of the United Kingdom and as such advised by British ministers, has no executive power exercisable within the Commonwealth of Australia.***”.

83. I truly believe that the appointments of the Governor-General of Australia and the Governor of New South Wales are invalid and are acts intent on overthrowing the Constitution of the Commonwealth which are punishable by “***Imprisonment for Life***”. Any appointments, such as those of Magistrates and Judges, made by the fraudulent Governor-General of Australia and the Governor of New South Wales are equally invalid and anyone carrying out judicial acts do so without jurisdiction and do so as private citizens. “***A judgment given by an improper judge is of no***

moment” (a Legal Maxim). “*A pirate is an enemy of the human race*” (a Legal Maxim).

84. “*The greatest enemies to peace are force and wrong*” (a Legal Maxim).

85. I truly believe that ought to be an **Australian People’s Grand Jury** investigation into the maladministration of the Bureaucracy of the Commonwealth of Australia when the exposure of CORRUPTION and TREACHERY on an unprecedented scale will lead to the restoration of TRUTH, JUSTICE, FREEDOM and DEMOCRACY to this nation.

SWORN

At.....

Signature of deponent.....

Signature of witness.....

Name of witness.....

Capacity of witness: