

SUMMONS

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/ADDRESS FOR SERVICE

Filed for: John Peter Bauskis
Address for service: 79 Beckenham Street, Canley Vale, NSW 2166
Telephone: 0411 038 417

HEARING DETAILS

Listed at Sydney on at

RELIEF CLAIMED

The Plaintiff claims:

- (1) RELIEF by a Jury adjudging that the defendant is guilty of denying the plaintiff his Right to Trial by Jury which is an offence under section 43 of the NSW Imperial Acts Application Act 1969 No. 30.
- (2) RELIEF by a Jury sentence the defendant to imprisonment for five years.

STATEMENT OF CHARGES/ INDICTMENT

1. It is alleged that, on Friday 4 August 2006, Michael Frederick Adams, acting as a Judge of the Supreme Court of New South Wales, Common Law Division in a courtroom in the King's Street, denied me,

John Peter Bauskis, my Right to Trial by Jury by saying, “You cannot have a trial by jury. There is no procedure for having a trial by jury for offences of this kind.” in reply to my saying, “We request trial by jury.”. This is an offence under section 43 of the NSW Imperial Acts Application Act 1969 No.30 which says, “Any person guilty of any offence under any Imperial enactment included in Part 1 of the Second Schedule for which no punishment is otherwise provided is liable to imprisonment for a term of not more than five years or to a fine not exceeding 20 penalty units, or to both such imprisonment and fine.”. Such Imperial enactments are titled “Constitutional Enactments” and include (1297) 25 Edward 1 (Magna Carta); (1627) 3 Charles 1 (The Petition of Right); (1640) 16 Charles 1 (The Habeas Corpus Act 1640); and (1688) 1 William and Mary (The Bill of Rights) which prescribe and guarantee a Freeman’s Right to Trial by Jury.

PARTICULARS

1. 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 J. 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. Justice Michael Adams refused to allow Trial by Jury. Dr. Wilson told Michael Frederick Adams J 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. Justice Adams ordered that he be removed and announced he would continue to hear the Crown Solicitor in his absence.
2. 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.
3. Dr Wilson and an estimated 30 others people, including myself, wore the "TRIAL BY JURY IS DEMOCRACY" T-shirts. Michael Frederick Adams ordered that the T-shirts be taken off by those who were wearing them or he would have them ejected from the Court.
4. Then ensued some shouting from people in the Public Gallery. I was arrested by the Sheriffs and put in the cells.

5. I was returned to the Court after the lunch break when Michael Frederick Adams 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."

6. Michael Frederick 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 Michael Frederick Adams say "The plea of not guilty is entered.". Peter maintained his stand against Adams' tirade.

7. 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.".

8. 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.

9. 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.

10. 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.

11. 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...".

12. 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”.

13. 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.”.

14. 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.

15. 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.

16. I persisted and said, “I hand up a requisition for trial by jury.” and Adams 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 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 J said, “The answer is your application is rejected. Please sit down. Do you have a further application?”. I said, “Yes.”.

17. 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.

18. Peter Rutherford said, “We are challenging the jurisdiction of the court.”. Adams J. 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.”

19. 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 J 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.”.

20. I then said, “The original application requested trial by jury. I wanted a stamp on the subpoena. You have got to 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,”

21. 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.

22. 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.”

23. On Tuesday, the 5th of September, 2006, Michael Frederick Adams sentenced me to 14 days imprisonment and I was taken to Silverwater gaol..

SIGNATURE

Signature:.....
Name: John Peter Bauskis
Capacity: Sui juris
Date:

PARTY DETAILS

PLAINTIFF

Family name: Bauskis

Given names: John Peter

Address:

Telephone:

DEFENDANT

Family name: Adams

Given names: Michael Frederick

Address: c/- Supreme Court of New South Wales,
Queen's Square, Sydney, NSW 2000.

HOW TO RESPOND

You can respond by your solicitor or barrister, or an authorised person or you (if you do not have a solicitor or barrister) attending court at the time and place for hearing. You must enter an appearance before you can appear before the court.

You can get further information about the forms that need to be filed to respond from:

- The Registry at the place of hearing
- A legal practitioner
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.

NOTICE TO DEFENDANT

If your solicitor, barrister, an authorised person or you do not attend, the court may give judgment or make orders against you. The court may also make orders for the payment of costs.

REGISTRY ADDRESS

Street address	Law Courts Building, Queen's Square, Sydney, NSW 2000
Postal address	GPO Box 3, Sydney, NSW 2001
Telephone	(02) 9230 8111