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THE SUPREME COURT
OF NEW SOUTH WALES
COMMON LAW DIVISION

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HISLOP J

MONDAY 20 OCTOBER 2008

14646/08 - JOHN WILSON v STATE OF NEW SOUTH WALES

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The Plaintiff/Respondent appeared in person
Mr C Hodgson for the Defendant/Applicant

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HIS HONOUR: Are you John Wilson?

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PLAINTIFF/RESPONDENT: I am John Wilson. I am a free man, with liberty in
Christ Jesus. I am a sovereign human being with the inalienable right to trial
by jury, when 12 of my equals are selected to try my case. Each juror will ask,
"So help me God" in order to administer justice. I will not accept anything
inferior to what I am entitled to. That is a right of trial by jury. You have no
jurisdiction in this matter and I do not give my consent.

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HIS HONOUR: You appear for yourself, do you?

PLAINTIFF/RESPONDENT: I am myself. I am a free man.

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HODGSON: This is a notice of motion seeking dismissal summarily, or
dismissal for want of prosecution.

The plaintiff filed a summons seeking relief for an alleged unlawful arrest. He
was ordered by the Court to file a statement of claim. He refuses to do so.

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PLAINTIFF/RESPONDENT: The Court has no jurisdiction.

HIS HONOUR: I will hear you--

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PLAINTIFF/RESPONDENT: You will not hear anything at all. You have no
jurisdiction. None whatsoever. You can act as a clerk but you cannot act in
any way to judge this matter. No notice of motion. No evidence. No nothing.
You have no jurisdiction in this matter.

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HIS HONOUR: Please continue, Mr Hodgson.

PLAINTIFF/RESPONDENT: Are you ignoring that?

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HODGSON: Mr Wilson refuses to comply with the order that he file a
statement of claim. The basis is similar to what he expressed previously. He
refuses to accept that there is any authorisation in the Court to make that

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direction. As such, the short point of the application is that the proceedings cannot go anywhere, become an abuse of process, and ought be dismissed or stayed until he files a statement of claim. That is the short point.

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There are two short affidavits I would read.

HIS HONOUR: How long will they take to read?

HODGSON: I would have thought 30 minutes. It is self-evident.

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HIS HONOUR: I have not had an opportunity to read the papers.

PLAINTIFF/RESPONDENT: There is no point. You have no jurisdiction.

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HODGSON: Mr Wilson filed a summons and an affidavit in support of the summons.

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On the notice of motion which was filed on 14 October 2008, I seek to read two affidavits, both of Lisa Munro, the first affirmed on 14 October 2008 and the second on 17 October 2008.

I have some relatively short written submissions I can give your Honour now, or after your Honour has read the papers.

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HIS HONOUR: What were the proceedings that commenced the action? Was it a statement of claim?

HODGSON: A summons by Mr Wilson.

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PLAINTIFF/RESPONDENT: It is a tort. It is an offence against me, against the man, me.

HODGSON: The rules require it to be pleaded. Directions were made and orders were made accordingly.

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PLAINTIFF/RESPONDENT: With no jurisdiction. I did not give my consent to be without a jury. Any notice of motion, any affidavits, all must be judged by a jury. Nothing inferior.

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HODGSON: Those are the orders Mr Wilson refuses to comply with.

PLAINTIFF/RESPONDENT: There are no orders. They are illegal and void.

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HIS HONOUR: Have you filed those affidavits, or do you wish to file them?

HODGSON: They have been filed.

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PLAINTIFF/RESPONDENT: A kangaroo Court is a Court that acts unfairly, dishonestly, disregarding legal rights or legal procedures. I have the legal right to trial by jury. I challenge the jurisdiction of the Court. That is a legal

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procedure. Is this a kangaroo Court?

HIS HONOUR: Until five minutes ago, I knew nothing of your matter. I am going to read the papers and see what it involves.

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PLAINTIFF/RESPONDENT: There is no point. You have no jurisdiction to involve yourself in any way. This is trial by jury.

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HIS HONOUR: I propose to read the papers. I will list the matter again at 12.30pm.

PLAINTIFF/RESPONDENT: With what purpose in mind?

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HIS HONOUR: With the purpose of dealing with the matter.

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PLAINTIFF/RESPONDENT: You have no jurisdiction. I challenge the jurisdiction of the Court. You have no jurisdiction. You have no authority whatsoever. The jurisdiction must be determined by a special jury and a jury will decide if I have the right of trial by jury. You have no input whatsoever. You have no authority. No jurisdiction.

HIS HONOUR: Mr Wilson, I propose to stand the matter down to 12.3pm to enable me to read the papers.

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PLAINTIFF/RESPONDENT: Read a bit of law in the meantime. Read real law. Not this fabrication that comes through as civil procedures and all that garbage. Read some real law.

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HIS HONOUR: The order I make at this stage is to stand the matter down to 12.30pm and we will deal with it then.

PLAINTIFF/RESPONDENT: You will not deal with anything. The best you can do is allocate a date for the empanelling of a jury.

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HIS HONOUR: There is no need to wait.

PLAINTIFF/RESPONDENT: So, you appoint yourself, without due process.

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STOOD DOWN IN LIST TO 12.30PM

LATER AT 12.30PM

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HIS HONOUR: Mr Hodgson, I think before we adjourned you had indicated that you were moving on a notice of motion of 14 October 2008.

HODGSON: That is correct.

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HIS HONOUR: And you read in support of that notice of motion the affidavits of Lisa Munro affirmed on 14 and 17 October 2008.

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HODGSON: That is correct.

HIS HONOUR: Is that the totality of the evidence you wish to place before the Court?

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HODGSON: Yes.

PLAINTIFF/RESPONDENT: Are you an officer of the State of New South Wales?

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HIS HONOUR: I am a judge of the Supreme Court.

PLAINTIFF/RESPONDENT: Are you an officer of the State of New South Wales? Are you an officer of the defendant?

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HIS HONOUR: Mr Wilson--

PLAINTIFF/RESPONDENT: I am asking you the first question. This is the primary question. The question is: Are you an officer of the State of New South Wales?

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HIS HONOUR: Mr Wilson--

PLAINTIFF/RESPONDENT: You are not answering the question.

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HIS HONOUR: I do not propose to answer your questions. You will answer my questions, so that the matter can proceed.

PLAINTIFF/RESPONDENT: No, no, no. You will answer my question.

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HIS HONOUR: No, Mr Wilson.

PLAINTIFF/RESPONDENT: Because this is a case between myself and the State of New South Wales, and I am asking you: Are you an officer of the State of New South Wales?

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HIS HONOUR: And I am declining to answer. I am asking you to answer the questions I put to you. Do you wish--

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PLAINTIFF/RESPONDENT: You have no jurisdiction. None whatsoever.

HIS HONOUR: Do you wish to put any matters before this Court on this application?

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PLAINTIFF/RESPONDENT: A proper Court. Not this kangaroo Court. A Court that has a trial by jury. The only legitimate, proper Court. This Court has no jurisdiction to proceed summarily. None whatsoever.

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HIS HONOUR: It will be noted that you decline to place any evidence before this Court on this notice of motion.

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PLAINTIFF/RESPONDENT: There is no Court. There is no Court. A kangaroo Court is not a proper Court.

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HIS HONOUR: Can I hear your submissions, Mr Hodgson?

PLAINTIFF/RESPONDENT: You have no jurisdiction to hear any submissions or determine any issues in this matter. I do not give my consent to deal with the matter without a jury.

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HODGSON: I have produced a short outline.

PLAINTIFF/RESPONDENT: There is a statement of the Bill of Rights which says evil counsel, Judges and ministers. You have no entitlement to hear any submissions whatsoever. You have no jurisdiction. You have no jurisdiction. You have no jurisdiction. None.

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HIS HONOUR: I will hear any submissions you wish to put.

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PLAINTIFF/RESPONDENT: Do you understand?

HIS HONOUR: It is a matter do you understand.

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PLAINTIFF/RESPONDENT: Do you understand? You are the inferior entity here. I am a free man. You are an officer of the State of the New South Wales.

HIS HONOUR: Mr Hodgson, do you wish to say anything further in relation to your outline of submissions?

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HODGSON: No. The submissions contain therein--

PLAINTIFF/RESPONDENT: This Court has no jurisdiction whatsoever. None whatsoever.

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HIS HONOUR: Mr Hodgson, I think in the notice of motion--

PLAINTIFF/RESPONDENT: Why are you talking? You have no authority here whatsoever. You have no standing.

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HIS HONOUR: Mr Wilson, you commenced these proceedings in this Court.

PLAINTIFF/RESPONDENT: And I expect a proper Court. I expect a Court of proper jurisdiction, where I have the right to trial by jury, because I am a free man. That is my entitlement. I will not accept anything inferior. I have been in these Courts for the last 12 years and they are nothing but kangaroo Courts that proceed illegally, unlawfully, wrongly. They are corrupt. Totally corrupt. You are just continuing that corruption. When are you going to learn? You cannot keep getting away with it. We have the protection of the rule of law. We have the right to trial by jury.

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HIS HONOUR: Yes, Mr Hodgson, if we could return to the notice of motion.

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PLAINTIFF/RESPONDENT: Any notice of motion can be determined by a jury, not by you. You have no jurisdiction.

HIS HONOUR: Mr Wilson, I am going to determine the notice of motion.

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PLAINTIFF/RESPONDENT: You are not going to determine anything. You have no jurisdiction. You have no authority. None.

HIS HONOUR: Whether it has any effect, I will determine it.

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PLAINTIFF/RESPONDENT: It is of no consequence or example. That is what it says in the Petition of Rights. It says any doing or proceedings of a kangaroo Court will not have a consequence or example. They are illegal and void. Denial of a trial by jury is treason. Treason.

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HIS HONOUR: Mr Hodgson, of the rules to and sections to which reference is made in the orders sought in the notice of motion, which particular ones do you rely upon?

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HODGSON: The primary reliance is on part 12 rule 7 and section 61 of the Civil Procedure Act. Section 61 provides--

HIS HONOUR: Just a moment while I turn it up.

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PLAINTIFF/RESPONDENT: I have no objection to the notice of motion as long as it is heard by a proper Court. You are not a proper Court.

HIS HONOUR: You have made that point.

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PLAINTIFF/RESPONDENT: Over and over. That is how I understand it. You have no jurisdiction in this case whatsoever. I do not give my consent to be without a jury.

You persist. You are corrupt. You are evil.

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HIS HONOUR: Section 61.

HODGSON: Primarily subsections (1) and (3). Subsection (3) is the subsection which provides for sanctions where directions are not complied with.

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PLAINTIFF/RESPONDENT: There are no directions. Directions can be made by a jury, but not by anyone else. Nothing inferior to a jury. No Registrar. No Judge. No Magistrate. Even the international covenant on civil and legal rights says that there must be a competent, independent and impartial tribunal.

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This is an action between me and the State of New South Wales. You are an

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officer of the State of New South Wales.

HIS HONOUR: Do you rely upon the other provisions, Mr Hodgson?

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HODGSON: Insofar as I need to, I do.

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PLAINTIFF/RESPONDENT: Have you been given instructions just to proceed, irrespective of the law? Is that why you had the little break? To go out and ask your other Judges: What do I do in these circumstances where I am faced with the law? What do I do? They will say: Just proceed. Just disregard the law.

HIS HONOUR: In relation to part 13--

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PLAINTIFF/RESPONDENT: Here he goes again. Talk, talk, talk. You have no standing in this Court.

HODGSON: I rely on subrules (1)(a) and (1)(c), not subrule (1) (b).

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HIS HONOUR: Could you repeat that?

HODGSON: In relation to part 13 rule 4, I rely on subrules (1)(a) and (1)(c), but not subrule (1)(b). It is not a General Steel case. It is an abuse or vexatious or frivolous case.

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PLAINTIFF/RESPONDENT: Vexatious means annoying, without grounds for action. It may be annoying to you because you are a crim and a traitor, but there are very serious grounds and they must be presented to a jury. Nothing inferior to a jury. No kangaroo Court. A proper Court.

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HIS HONOUR: Section 67, Mr Hodgson? Do you wish to say anything in particular about that?

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HODGSON: Section 67 confirms the right or the power of the Court to grant a stay.

PLAINTIFF/RESPONDENT: What Court? There is no Court here. What Court? A kangaroo Court is not a proper Court.

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HODGSON: The primary submission of the defendant is that the proceedings ought be dismissed, although it is accepted that an appropriate course in the circumstances may be to simply stay the proceedings pending the final lodgement of a statement of claim.

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PLAINTIFF/RESPONDENT: Pending the empanelment of a jury.

HIS HONOUR: If a stay was granted, it would be pending the filing of a statement of claim.

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HODGSON: Yes. That is the only complaint that the defendant has. I accept

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that it is a rather unusual case, where a plaintiff commences proceedings and will not take the necessary steps to bring them on for hearing.

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HIS HONOUR: Is there anything further? I appreciate that you have given lengthy written submissions, which I have not had a chance to read.

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HODGSON: The written submissions deal with these things. In relation to part 13 rule 4, the decision of the High Court in Bastados tracks the difference in the rules between summary dismissal based on no cause of action being disclosed and summary dismissal based on the proceedings being an abuse because they cause undue prejudice to the defendant. What the defendant says in relation to these proceedings is that, the plaintiff having commenced them, the plaintiff has an obligation to carry them through.

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PLAINTIFF/RESPONDENT: Exactly. In a proper Court.

HODGSON: Adopting the procedures and rules of the Court and following directions of the Court.

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PLAINTIFF/RESPONDENT: There is no Court.

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HODGSON: To simply leave the proceedings where they are, to not abide by the directions of the Court, causes prejudice and embarrassment to the defendant, because it is left with the proceedings undetermined and immobile.

PLAINTIFF/RESPONDENT: It says in the Magna Carta to no-one will we sell. To no-one will we deny or delay right or justice. You are seeking to delay things, are you?

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HODGSON: In relation to section 61 and part 12 rule 7, which is the want of prosecution power, the defendant says that this is a case of a deliberate disobedience of Court directions and, in those circumstances, the proceedings ought be dismissed or stayed until the directions are complied with.

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The argument for dismissal is the repeated avowal of the plaintiff that he will not comply with the directions, no matter what. I withdraw that. He will not comply with it unless the orders are made by the jury.

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PLAINTIFF/RESPONDENT: There is a legal maxim which says that a judge without jurisdiction is to be disobeyed with impunity. Have you heard that one? Nod your head. Have you heard that one?

HIS HONOUR: Do you wish to say anything further?

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PLAINTIFF/RESPONDENT: You ignored it again.

HIS HONOUR: Mr Wilson, I am prepared to entertain submissions from you, if you wish to make them.

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PLAINTIFF/RESPONDENT: There is no point. I have not got a proper Court.

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I am not going to talk to anything inferior to a jury. You have no jurisdiction. I do not give my consent to be without a jury. It is as simple as that.

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I have been railroaded by corrupt and evil Judges for the last 12 years. As a result, real people are suffering. You may not know it, but I initiated my actions 12 years ago because of the illegality of bank loans and the first Judge lied. Blatantly lied. He said the interest rate was, indeed, certain. I said, no, it was variable. From then on, it became obvious that Judges are corrupt. They are venal. That is what Thomas Jefferson said. Judges are venal. They are totally out of control.

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As a result, thousands and thousands of decent families are suffering, because of the criminality of types like you that won't obey the rule of law.

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You have a conscience. I said to this bloke about two hours ago: You have a conscience. You know what is right or wrong, but you deliberately intend to do evil. That makes you a fool. A fool. What does it gain a man? What does it profit a man to gain the whole world and lose his soul? That is what we are up against.

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You have to make a decision in your conscience. Are you going to do this criminal act, this treachery, inflicting suffering on innocent people? For what purpose?

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We are all going to die. We are all going to face the final judgment. How are you going to face it?

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This is a serious question. You have no jurisdiction. I have the right to trial by jury. I have issued a legal challenge to the jurisdiction of the Court. You have disregarded that.

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The Bill of Rights says you are evil; counsel, Judges and ministers. You are evil. You are endeavouring to subvert and extirpate the laws and liberties of the realm. Evil is the Court.

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HIS HONOUR: The Court has directed that you file--

PLAINTIFF/RESPONDENT: Not in any Court of any jurisdiction.

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HIS HONOUR: You commenced the action in this Court.

PLAINTIFF/RESPONDENT: Yes, and I expect a proper Court.

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HIS HONOUR: Can you just hear me for a moment. You are asked, or required, to put on a statement of claim setting out your--

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PLAINTIFF/RESPONDENT: I do not need to do anything like that. I put in a summons, which is a charge of false imprisonment, done by proper procedure. This is an action to seek justice, and no Mickey Mouse rules are going to detract me from that course. I demand justice, which is a protection of rights

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and a punishment of wrongs. You intend to disregard that and deny me that. You intend to deny me my inalienable right to trial by jury. You intend to disregard the procedure of the challenge to the Court. It is a kangaroo Court. Face it. Admit the truth. The truth will set you free. Admit it.

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HIS HONOUR: Is the position that you decline to file a statement of claim because you are of the opinion that any order requiring you to file a statement of claim should be made by a jury and not by a judge?

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PLAINTIFF/RESPONDENT: Exactly.

HIS HONOUR: Is that your position?

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PLAINTIFF/RESPONDENT: I will accept the jurisdiction of a jury because that is my right; to have trial by jury.

HIS HONOUR: Trial by jury is an ultimate determination by a jury; not the determination of interlocutory steps on the way.

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PLAINTIFF/RESPONDENT: Yes, it is. You read a bit of law which says that notices of motions, rule nisi, praecipe, and so forth, are determined by a jury. Okay. It says very clearly the Court or a judge. The Court is trial by jury or a judge. You can have a judge making determinations with the consent of both parties to be without a jury. Otherwise you have a Court and a Court is a jury. Nothing inferior to that.

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I have the status of a free man and I am entitled to trial by jury, which means my equals, not officers of the State. In this case, my proceeding is against the State. You are an officer of the State.

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Doesn't it become obvious to you? Can't you see the painting on the wall? Can't you see it? It is as clear as day that my proceedings are against the State of New South Wales. You are an officer of that State, and I do not give my consent to be heard without a jury.

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I cannot see how you can resist the truth, but you do. That has been the way in these Courts. That is why there is so much injustice and suffering. All the suffering that is going on is because of evil types like you, who will not obey the rule of law, the supremacy of the law.

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HIS HONOUR: Are there any further submissions you wish to put?

PLAINTIFF/RESPONDENT: I cannot hear you. Say again.

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HIS HONOUR: Are there any further submissions you wish to put?

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PLAINTIFF/RESPONDENT: They are not submissions; they are statements of fact. A submission is putting something under or to someone. I am just stating the case that you have no jurisdiction, but you insist on proceeding without jurisdiction.

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Come the end of the day, you have a conscience. You know what is right and wrong. You sit there with a starey glare at me, but you are doing wrong. You are doing evil. You are hurting people.

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We have the right to trial by jury. We have the right to justice.

HIS HONOUR: Does that complete the matters you wish to put?

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PLAINTIFF/RESPONDENT: Did you get that laugh down?

I say, again, I do not mind accepting you as a clerk, who will allocate a date to empanel a jury, but you certainly have no jurisdiction to hear this matter. None whatsoever. I will say, again, I challenge the jurisdiction of the Court.

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HIS HONOUR: I think you have said that a number of times.

PLAINTIFF/RESPONDENT: Yes. It stands as it is, but you disregard that.

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HIS HONOUR: Very well.

Mr Hodgson, is there anything you want to put in response?

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HODGSON: No.

HIS HONOUR: I think what I will do is I will reserve the judgment in this matter.

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PLAINTIFF/RESPONDENT: Yes. Go away and look into your conscience, because, when it all comes down to the bottom line, you are a man, irrespective of whether you are an officer of the Court, an officer of the State, or whatever. In the final analysis, you are a man with a conscience.

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HIS HONOUR: Right. Then I think the matter is complete for the moment. I will reserve my judgment on this issue.

PLAINTIFF/RESPONDENT: You have no right to make any judgment.

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HIS HONOUR: I understand your position.

PLAINTIFF/RESPONDENT: It is not my position; it is the position of the law.

HIS HONOUR: Very well. The Court will now adjourn.

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PLAINTIFF/RESPONDENT: What foolish people. How foolish.

JUDGMENT RESERVED

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