

THE COMMON LAW COURTS OF AUSTRALIA



PROCLAMATION:

With the UNDERSTANDING that the COMMONWEALTH of AUSTRALIA is a COMMON LAW JURISDICTION, the PEOPLE claim the inalienable RIGHT to TRIAL BY JURY so that “No free man shall be taken indeed imprisoned, either dispossessed, or outlawed, or exiled, or in any manner destroyed, nor pass over him, nor send over him, except by means of the legal judgment of his own equals indeed the law of the land.” and “To no one will we sell, to no one will we deny or delay right or justice.” (Magna Carta 1215).

“...that the Great Charters of Liberties and the Charter of the Forest, which were made by common assent of all the realm, in the time of King Henry our father, shall be kept in every point without breach....we have granted that they shall be observed in all points, and that our justices, sheriff s, mayors, and other officials which under us have to administer the laws of our land, shall allow the said charters in pleas before them and in judgments in all their points....And we will that if any judgment be given from henceforth, contrary to the points of the charters aforesaid, by the justices or by any other ministers that hold plea before them against the points of the charters, it shall be undone and holden for naught.” (Confirmation of Charters 1297).

“And where also by the statute called, The Great Charter of the Liberties of England, it is declared and enacted, That no freeman may be taken or imprisoned, or be disseised of his freehold or liberties or his free customs, or to be outlawed or exiled, or in manner destroyed, but by the lawful judgment of his peers, or by the law of the land.” and in section 8. “That the awards, doings and proceedings, to the prejudice of your people in any of the premises, shall not be drawn hereafter into consequence or example.” (Petition of Right 1627).

“UPON these accounts the trial by jury even has been, and I trust ever will be, looked upon as the glory of the English law. And, if it has so great an advantage over others in regulating civil property, how much must that advantage be heightened, when it is applied to criminal cases! But this we must refer to the ensuing book of these commentaries: only observing for the present, that it is the most transcendent privilege which any subject can enjoy, or with 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 q, 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.” (Sir William Blackstone).

TRIAL BY JURY (ie: by Law, Right and Oath) BY A JURY (ie: by twelve free men empanelled as Jurors who judge both the facts and the law so that they can conscientiously administer Justice) is the birthright of all sovereign human beings. SOVEREIGNTY is “the ultimate authority to make and impose laws”.

COMMON LAW is the Law of the People, by the People and for the People made and enforced by the unanimous Judgments of JURIES.

COMMON LAW COURTS are places where PETIT JURIES uphold the RULE OF LAW which is “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).

This PROCLAMATION is made on the fifteenth day of April 2011, at Parramatta in the State of New South Wales, by a gathering of the sovereign People of the Commonwealth of Australia.

DENIAL OF JUSTICE:

The DENIAL OF JUSTICE throughout the Commonwealth of Australia has necessitated the formation of the COMMON LAW COURTS. The violation of Civil and Political Rights guaranteed by MAGNA CARTA is most evident in the existing Courts where the Judges and Magistrates disregard those Legal Rights and Procedures. Common Law has been replaced by Commercial and Admiralty Law. When Common Law Jurisdiction is

demanded and the challenge is: “I do not consent to be without a Jury”, the reply is: “Your consent is immaterial” (Justice Adams, NSW Supreme Court).

Australian Parliaments continue to pass legislation that is repugnant to Common Law and contravenes the Principles of the Constitution. “A law in excess of the authority conferred by the Constitution is no law; it is wholly void & inoperative; it confers no rights, it imposes no duties; it affords no protection. To be valid & binding they must be within the domains of the jurisdiction mapped out & delimited in express terms, or by necessary implication, in the Constitution itself. What is not so granted to the Parliament of the Commonwealth is denied to it. What is not so granted is either reserved to the States, as expressed in their respective Constitutions, or remains vested but dormant in the people of the Commonwealth.” (“The Annotated Constitution of the Commonwealth of Australia” by Quick & Garran).

The CORPORATIZATION of Australian Courts has created STAR CHAMBER Courts which are as INTOLERABLE as they were when they were ABOLISHED by the Habeas Corpus Act of 1641. Australian Judges and Magistrates, who swear an Oath “to do right to all manner of people”, continue to hold Office when the Privy Council deny issuing Orders for the Appointment of the Governor-General of the Commonwealth of Australia or the State Governors, therefore rendering their Appointments equally as invalid.

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COURTS ARE GOVERNMENT:

Under Common Law Jurisdiction, the People have Sovereignty and govern themselves by the lawful Judgments of Juries. The reason for conducting Common Law Courts is to create an environment to recapture the Courts of Australia and return them to the People as their Courts under Common Law Jurisdiction.

PRACTICES & PROCEDURES of the Common Law Courts of Australia:

Practices and Procedures of Common Law Courts in Australia are to ensure that “In a civilized society the purpose of a court is the vindication of men’s rights and the enforcement of just causes.” (Thomas Denning), because “Magna carta is now seen as a traditional mandate for trial by jury, justice for all, accountable government and no arbitrary imprisonment. “ (Magna Carta Monument, Canberra).

THE REGISTRY:

Any Freeman, who is resident in Australia, can create a Registry for the Court and take on the role and responsibilities as its Registrar to maintain the Records of the Court in safe keeping and accessible to the Public. The address of the Registry of the Court is to be where such Records are held and from where any Notices and Summonses are issued.

INITIATING ACTIONS IN THE COURT:

Any Free Man can initiate and prosecute procedures in the Court, having first obtained an Indictment by the concurrence of a Grand Jury.

CONVENING THE COURT:

Upon filing of the Indictment with supporting Affidavits, the Registrar, with the consent of the Prosecutor named on the Indictment, schedule a place, date and time for the Court to assemble.

Copies of all the filed documents for the action are to be served on all parties to the action, with the Registry retaining the originals.

A Public Notice of the Convening of the Court is to be published over the Internet and/or in a national newspaper at least 28 days before the Court is to assemble.

COMPOSITION OF THE COURT:

Twelve Free Men to constitute the Petit Jury will be chosen by ballot from the People attending the Court. Those Jurors are to be competent, independent and impartial, and have complete power to conduct proceedings, including the admissibility of evidence, questioning all parties, and delivering their unanimous Judgment.

