WHAT IS “JURY”?

Dear Fellow Freedom Fighters,

What is "jury"?

Jury is the method by which a trial is conducted ..... c.f.: a trial being conducted "by combat".

The suffix, "(-)y", means "characterized by or inclined to the substance or action of the word or stem to which the suffix is attached".

"jur(-)" is from the Latin word, "iuris"..... there is no "j" in Latin.

"iuris" means "law, right, oath".

So, when you take your dispute to a court you expect it to be determined by what is right, by what is law, and by what is undertaken by those people in whom you are placing your trust to trial the case.

A "court" is "a place where justice is administered ... and "justice" is "the protection of rights and the punishment of wrongs".....hence, a court is a place where there is trial by jury .... where there is trial by law, right, oath..... trial by jury is paramount and essential to due process.

To have trial by jury, Magna carta guaranteed every freeman the right to the lawful judgment of his equals which is, ie: "vel", the law of the land ... as opposed to the law of the sea, where the captain of a ship prescribes or lays down what is the law. People are freemen. People are sovereign human beings created by God and not by Parliament.... and "sovereignty" is "the ultimate authority to make and impose laws".

To put it clearly and unequivocally, no court has jurisdiction to proceed summarily, ie: without a jury, unless the court obtains the clear and unequivocal consent from both parties to any action to be without a jury .... this is done by both parties signing a Memorandum of Consent.

A legal maxim says: "A judge without jurisdiction is to be disobeyed with impunity", for the clear and unequivocal reasons above.

But Australian judges and magistrates incessantly conduct their kangaroo courts, ie: courts which act unfairly or dishonestly or disregard legal rights or disregard legal procedures. These judges and magistrates are not freemen-on-the-land, but have sworn to serve Her Majesty Queen Elizabeth the Second of the United Kingdom of Great Britain and Ireland. Their offices are the creation of that Crown and their jurisdiction is only over the creations of Parliament. They swear "to do right to all manner of people..." ..... but they denial freemen their right to trial by jury.

Australian judges are perjurers, by definition, ie: they act against/away from ("per") oath/right/law ("jur").

Trial by jury is the essence of democracy, ie:of people ("demos") rule("kratos"), "the glory of English law", and "the palladium of liberty".

Therefore, Australian judges sabotage democracy .... and that is treason, ie: Australian judges are traitors.

My website contains a record of my experiences of these perjurers and traitors in their concealment of stealing by the banks.

The latest addition to the website is called "Outlawry Judgment" which is happened on 23 September 2010 in the NSW Supreme Court when David Davies endeavoured to subvert and extirpate my right to be equal before the law with other human beings... see: http://www.rightsandwrong.com.au/Vexatious_Litigant_Judgment.pdf ... sorry for the size (2MB)..... you will note that, in not one of the cases, was there trial by jury ... the perjurers are in full flight and they must be brought down.

Yours sincerely,
John Wilson.
www.rightsandwrong.com.au and www.DemocracyInGod.org
PS: What is "a jury"? .... "a jury" is "the sitting together of twelve freemen, as jurors, to administer justice by delivering a lawful judgment by judging the facts and the law of an action that is brought to court".

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WITHOUT JURY, FREEMAN ARE, IN FACT, SLAVES:

A most important document is a "NOTICE OF UNDERSTANDING AND INTENT and CLAIM OF RIGHT" which begins by establishing that you are a "Freeman-on-the-Land" and that your understanding is that "Australia is a Common Law Jurisdiction" … Common Law being "the law of the People, by the People and for the People", because that is the meaning of the word, "common".

This "NOTICE OF UNDERSTANDING….." establishes that you are "a sovereign human being created by God with certain inalienable rights', ie: rights which "cannot be taken away nor given away".

The right to trial by jury by a jury is essential for the protection and preservation of all other rights.

Persons, such as judges and magistrates (genuine or counterfeit), who tell anyone that "Parliament has sovereignty to determine that certain matters will or will not be tried by a jury" (Armitage J, Dist Ct of NSW Parramatta, 7 June 2010), are themselves guilty of High Treason and Perjury because it is an act to overthrown the Sovereignty of he People and a violation of any Judicial Oath "to do right to all manner of persons without fear or affection, favour or ill-will".

JURIES NULLIFY BAD LAWS and/or BAD CONTRACTS:

When a judge says to a jury, "I am the judge of the law." and "I remind you that those principles of law which I give to you, you are bound to accept. You are bound to apply them to the facts as you find them." (Armitage J, Dist Ct of NSW, Parramatta, 7 June, 2010), he is guilty of High Treason and Perjury.

When a judge says to a defendant when the defendant Challenges the jurisdiction of the Court, that "Your consent is immaterial. I have said your consent is immaterial. The matter is ruled upon. That is the end of it." (Adams J, Sup Ct of NSW, 4 August 2006), he is guilty of High Treason and Perjury.

A jury is only bound by their conscience… and never by any contract with anyone or anything else. In fact, there cannot be any contract

between a freeman and a statutory entity that would have a freeman bound to obey and to be subservient.

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TYPES OF TRIALS:

(Here are a few extracts from Wikipedia and Lysander Spooner)

1. **Trial by combat** (also **wager of battle**, **trial by battle** or **judicial duel**) was a method of Germanic law to settle accusations in the absence of witnesses or a confession, in which two parties in dispute fought in single combat; the winner of the fight was proclaimed to be right. In essence, it is a judicially sanctioned duel. It remained in use throughout the European Middle Ages, gradually disappearing in the course of the 16th century.

3. **Trial by drowning** is a medieval ordeal allegedly used on women suspected of witchcraft. The idea was that witches would float. As part of the trial the accused was thrown into a lake or river. If the accused sank, she was innocent and presumed not to be a witch. If the accused floated, she was presumed to be a witch and could be hanged or executed by burning. Either way, the accused faced death, and a no-win situation.

According to Frederick G. Kempin's *Historical Introduction to Anglo-American Law in a Nutshell*, a West legal text, the actual practice was to hurl the tied-up accused into a body of water. If the water received the accused, she was innocent and hopefully pulled out of the water and freed. Kempin notes that the historical record indicates a preponderance of acquittals. Also per Kempin, this was not a method of trial exclusive to charges of witchcraft, but was for villeins and other "unfree" people in medieval England. Kempin's description of the practice is congruent with a trial by ordeal of cold water.

4. **Trial by ordeal** is a judicial practice by which the guilt or innocence of the accused is determined by subjecting them to an unpleasant, usually dangerous experience. In some cases, the accused was considered innocent if they survived the test, or if their injuries healed; in others, only death was considered proof of innocence. (If the accused died, they were often presumed to have gone to a suitable reward or

punishment in the afterlife, which was considered to make trial by ordeal entirely fair.)

In medieval Europe, the trial by combat, trial by ordeal was considered a *judicium Dei*: a procedure based on the premise that God would help the innocent by performing a miracle on their behalf. The practice has much earlier roots however, being attested as far back as the Code of Hammurabi and the Code of Ur-Nammu, and also in animist tribal societies, such as the trial by ingestion of "red water" (calabar bean) in Sierra Leone, where the intended effect is magical rather than invocation of a deity's justice.

In pre-modern society, the ordeal typically ranked along with the oath and witness accounts as the central means by which to reach a judicial verdict. Indeed, the term *ordeal* itself, Old English *ordǣl*, has the meaning of "judgment, verdict" (German *Urteil*, Dutch *oordeel*), from Proto-Germanic **uzdailjam* "that which is dealt out".

According to one theory, put forward by Peter Leeson, trial by ordeal was surprisingly effective at sorting the guilty from the innocent.[1] Because defendants were believers, only the truly innocent would choose to endure a trial; guilty defendants would confess or settle cases instead. Therefore, the theory goes, church and judicial authorities would routinely rig ordeals so that the participants—presumably innocent—could pass them. If this theory is correct, medieval superstition was actually a useful motivating force for justice.[2]

Priestly cooperation in trials by fire and water was forbidden by Pope Innocent III at the Fourth Lateran Council of 1215, and replaced by compurgation.[3] Trials by ordeal became rarer over the Late Middle Ages, often replaced by confessions extracted under torture, but the practice was discontinued only in the 16th century. Johannes Hartlieb in 1456 reports a popular superstition of how to identify a thief by an ordeal by ingestion practised privately without judicial sanction.

5. A **kangaroo trial** or **kangaroo court** is a colloquial term for a sham legal proceeding or court. The outcome of a trial by kangaroo court is essentially determined in advance, usually for the purpose of providing a conviction, either by going through the motions of manipulated procedure or by allowing no defense at all.

A kangaroo court's proceedings deny due process rights in the name of expediency. Such rights include the right to summon witnesses, the right of cross-examination, the right not to incriminate oneself, the right not to be tried on secret evidence, the right to control one's own defense, the right to exclude evidence that is improperly obtained, irrelevant or

inherently inadmissible, *e.g.*, hearsay, the right to exclude judges or jurors on the grounds of partiality or conflict of interest, and the right of appeal.

6. A **secret trial** is a trial that is not open to the public, nor reported in the news. Generally no official record of the case or the judge's verdict is made available. Often there is no indictment, the accused is not able to obtain the counsel of an attorney or confront witnesses for the prosecution, and the proceedings are characterized by a perceived miscarriage of justice to the benefit of the ruling powers of the society.

In the English-speaking world, one of the most notorious secret courts was the Star Chamber as it was used under Charles I in the early 17th century. The abuses of the Star Chamber were one of the rallying points of the opposition that organized around Oliver Cromwell, and ultimately resulted in the execution of the deposed king. The term "star chamber" became a generalized term for a court that was accountable to no one (except the chief executive) and was used to suppress political dissent or eliminate the enemies of the regime.

Secret trials have been a characteristic of almost every dictatorship of the modern era. Although the Great Purges in the Soviet Union under Joseph Stalin are best remembered for the Moscow Trials, show trials in which the court became a parody of justice, most of the victims of the Terror were tried in secret. Mikhail Tukhachevsky and his fellow Red Army officers were tried in secret by a military tribunal, and their executions were announced only after the fact. The presiding judge of the Moscow Trials, Vasili Ulrikh, also presided over large numbers of secret trials lasting only a few minutes, in which he would quickly speak his way through a pre-formulated charge and verdict.

7. A **bench trial** is a trial held before a judge sitting without a jury.[1] The term is chiefly used in common law jurisdictions to describe exceptions from jury trial, as most other legal systems (Roman, Islamic and socialist) do not use juries to any great extent.

8. Trail by jury is "trial per pais". That the rights and duties of jurors must necessarily be such as are here claimed for them, will be evident when it is considered what the trial by jury is, and what is its object. *"The trial by jury," then, is a "trial by the country" - that is, by the people - as distinguished from a trial by the government.*

It was anciently called "trial *per pais*" - that is, "trial by the country." And now, in every criminal trial, the jury are told that the accused "has, for

trial, put himself upon the *country*; which *country* you (the jury) are."
The object of this trial "by the country," or by the people, in preference to a trial by the government, is to guard against every species of oppression by the government. In order to effect this end, it is indispensable that the people, or "the country," judge of and determine their own liberties against the government; instead of the government's judging of and determining its own powers over the people. How is it possible that juries can do anything to protect the liberties of the people against the government, if they are not allowed to determine what those liberties are?

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