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## The Issue Before The Court

### The 44 Affidavits

#### The County Court, December 2006

The issue before the primary court, Magistrates Court at Melbourne presided over by Ms S.L. Dixon was a failure to vote in the state election. Hearing was held 28 June 2016, “the transcript is available”.

#### The Decision

Convicted of failure to vote monetary penalty of \$3,200 with six months stay of order (22 December 2016)

#### The Criminal Charge

The sitting magistrate/judicial registrar (S/L Dixon) did conceal serious indictable offences in addition to obtaining a financial advantage by deception.

#### The Question

At the beginning of the hearing the question was asked:

“why did you not vote?”

#### My Reply:

“The election writs are not valid”.

#### The Reason

When Her Majesty Queen Elizabeth II was *removed* from a large number of Acts within the State of Western Australia – “without the statutory referendums” – that is, *the elector* was not consulted – the jurisprudence changed. In simple words, respective election writs *after* the criminal removal of The Queen were and remain election writs issued under the control and direction of a foreign power.

Any State legislation purportedly enacted that is in conflict with or contrary to The Commonwealth Constitution is struck down by Section 109 of the Principle Act.

#### The Overt Act (West Australia) – Removing The Queen

The Overt Act is titled – “Acts amendment Repeal Court and Legal Practice Act” (2003)

### **The Parliament (West Australia)**

When the West Australian Parliament was debating the bill, two specific members, both legally trained, were Peter Foss and Sue Walker. Peter Foss stated:

“I believe that parts 5 and 8 are *ultra vires* The Act”.

### **The Enactment**

The bill/act was enacted on the first day of January 2004 by the co-signatures of the then Governor John Sanderson and then Attorney-General Mr James McGinty.

### **The Constitutional Consequence**

The act is ultra vires and void – so are the election writs.

### **The Referendum Omission (WA and Commonwealth)**

The Constitution Act for the State of Western Australia was strengthened in 1978 by Sir Charles Court who reinforces the conditions now contained at *section 73(2)* of their Constitution which protect six sections or elements of their Constitution – specifically sections 2. 3. 4. 50.51. 73.

[No referendum was called or conducted.]

### **West Australian Election Commission (2003 – 2004)**

At the time 2003/2004 Mr Warwick Gately was the deputy commissioner for this commission.

### **The Criminal Elements (Since the Removal)**

The principal criminal offence that has fallen out of this West Australian “*change of jurisprudence*” is the criminal offence of *treason* with the twin offence of Misprison of Treason followed by *electoral fraud*.

### **Mr Warwick Gately (Victoria 2013)**

In the year 2013 Mr Gately became the Victorian Electoral Commissioner and is that position today. Under the Electoral Act 2002 is *one man*, that man is Mr Warwick Gately.

This is the person who instigated the failure to vote proceedings, but, at the same time continues to conceal from every *elector*, both State and Commonwealth, the real facts and is dependent on ‘the courts’ in suppressing real facts (the removal of The Queen).

## **The Criminal Proceedings (The Foreign Power)**

Because of the criminal removal of The Queen by an identified “foreign power” that is United Kingdom Freemasonry, in particular, “*The Knights of St John of Jerusalem*” a large number of private prosecutions presentments were issued in both Western Australia and Victoria respectively – Court of Petty Sessions (WA) and Magistrates Court Melbourne.

## **Western Australia (Maley and McGinty)**

On separate occasions Mr James Maley, Grand Master Freemasons West Australia was before the court and was placed *on bail* pending a further hearing.

Mr James McGinty was charged with treason and used his Director of Public Prosecutions (Mr Cock) to have the charge struck out – the person from the Prosecutors Office was Linda Black – the charges were not limited to these two.

## **Victoria (Principal Dates and Defendants)**

Within Victoria principal dates or defendants are;

- A. October 2002 –  
Informant – Mr Brian Shaw.  
Defendant – Master Charles Wheeler, the leading freemason within Victoria.  
Charged under section 316 Crimes Act 1958  
Magistrate – Cotterell (now County Court judge) permitted the public prosecutors to take over and decline to present.
  
- B. October 2001 (Freemasonry Victoria) –  
Because of the refusal by prothonotary to file a *civil writ* against Freemasonry Victoria a Grand Jury application was made – such application was heard during October 2001 by five judges and declined.
  - a. No transcript was made available
  - b. The judges entered into the evidence and as such voided the hearing
  - c. The Attorney General (Mr Hulls) did intervene in an *exparte* application
  - d. The intervention occurred resulting from the 78B notice in respect of the validity or invalidity of the 1975 Victorian Constitution Act
  - e. The Governor in 1975 was Henry Winneke a Knight of St John of Jerusalem
  - f. The president (full court – Court of Appeal)  
Presiding at the grand Jury application was John Winneke (son of Henry) who refused disclosure when challenged
  - g. The relationship – father and son – voids the hearing and permits a *rehearing* under the law applicable at the time (October 2001)

## **Alex Chernov and Warwick Gately (from West Australia)**

Alex Chernov was one of the five judges (October 2001) who later became the State Governor and issued state election writs with Mr Warwick Gately with actual and constructive knowledge that The Queen has been removed – without the statutory referendums.

### **Victoria – May 2004 (The 8 Defendants)**

Five months after the removal of The Queen (WA) by private prosecutions: eight (8) defendants were presented to the Magistrates Court at Melbourne presided over by Jelena Popovic the Public Prosecutors did the job once more and were able to *conceal from the electors* the real facts.

The 8 defendants are listed in respective affidavits inclusive of the *written decision* given by Jelena Popovic in relation to a cost application in the words of a Public Prosecutor – “to teach him a lesson” [“not in my court you will not, I will reserve the cost application for a written decision”]

No costs were permitted.

### **Victoria 2006 (Kirby and Callinan)**

During September 2006 by private prosecutions right, two High Court judges were presented to the Melbourne Magistrates Court – Justices Kirby and Callinan the Public Prosecutors did the job then declined to present – concealing the real facts from the elector.

The Reason for Presentment (Kirby and Callinan)

A six-volume affidavit that had been struck out by the Judge Mandie (Victorian Supreme Court) was heard in the High Court by the two mentioned judges – *who concealed 13 Grand Jury applications* – one of which was related to Governor General Phillip Michael Jeffrey - based entirely on the concealment element the private prosecution was filed, served and heard.

All judicial officers involved concealed the principal material fact [that fact = the criminal removal of Queen Elizabeth the Second].

### **In Victoria – December 2006 (28 Defendants)**

On the 15<sup>th</sup> December 2006, by private prosecution right, 28 defendants were presented before Chief Magistrate, Ian Gray – Melbourne Magistrates Court, the Public Prosecutors – State and Commonwealth once more arrived to *conceal the real facts*. After being non-suited and informed of such by Ian Gray, I made the remark that I rely on section 44 of The Commonwealth Constitution for doing what I am doing.

[His reply: “You will not be relying on The Constitution in my court”]

### **The Grand Jury Application (15 December 2006)**

The non-suited situation did not last the day because I did have Grand Jury applications ready, because I knew that the Public Prosecutors *plus* court officers would not do their salaried job in accordance with the law.

All named defendants have Grand Jury applications lodged at the Full Court Victoria where they remain *pending*, but concealed from the electors.

## **Criminal Code Act 1995 (CTH)**

This is the principal act mentioned in The Commonwealth Electoral Act 1918, in particular Chapter 2, but Chapter 2 extends into the whole act.

Chapter 5 is the Statute *Law of Treason* and at section 80. I. (2) (B) it states relating to treason:

“Knowing that another person intends to commit an offence against this subdivision – does not inform a police officer”

Or

“Use other reasonable endeavours to prevent the commission of the offence” “private prosecution”

“Penalty is life imprisonment”

Neither the Victorian Police, West Australian Police or the Federal Police have done anything when this offence has been brought to their attention.

## **Chief Magistrate Ian Gray (Now County Court Judge)**

After the judicial conduct of concealment as assisting the defendants to escape punishment or apprehension (15 December 2006)

[Criminal Code Act 1995 – Chapter 5, section 80. I. (2) (A)]

Mr Ian Gray was also charged by private prosecution listed for 29 January 2007.

## **The Defendants - 29 January 2007**

Resulting from the hearing 15 December 2006 there was an adjourned cost application to be heard by Ian Gray on the 29 January 2007. By the 29 January 2007, Ian Gray was one of a number of defendants inclusive of Julia Gillard, High Court judges and Mr R. Hulls plus others, Mr Peter Lauriston took over after Ian Gray left the bench.

[Mr Hulls was also a named defendant in the 15 December 2006 hearing]

## **Grand Jury Applications – 29<sup>th</sup> January 2007**

All named defendants listed before the court – protected by Public Prosecutors – did have Grand Jury applications lodged on the same day. All such applications/presentments *remain pending* in accordance with the word “pending”.

### **The Vexatious Writ (Mr Hulls)**

Amongst the Attorney Generals (all named and presented defendants) Mr Hulls got “the short straw” – he had to issue a Vexatious writ to prevent and control the damage that was being revealed in the criminal proceedings (private prosecution).

[This judicial concealment of the principle offence of treason (removing The Queen) activates “misprision of treason”].

### **Supreme Court Act “Section 21” Victoria**

The Vexatious section did grant the right to two hours in the Practice Court and a transcript. (This had to be stopped by):

#### **Vexatious Proceedings Act (Victoria)**

No more two-hour open court hearing

No more transcript

Now – “on the papers”

[With the usual “application dismissed or declined”]

### **The Constitutional Problem “Indictment”**

In relation to “indictment” these words are entrenched at section 80 of The Constitution of The Commonwealth [“trial by jury on indictment”]. *Any attempt* by courts or legislative action to pervert, prevent or decline the indictment is *struck down by section 109* of the Principal Act.

### **Attainted of Treason – The Constitution**

These words appear at section 44 (ii) of The Constitution of The Commonwealth, accordingly *because* of the criminal removal of The Queen from specific acts (Western Australia and Victoria) all purported election writs are not valid Constitutional writs. This problem “*grew legs*” because of the *judicial corruption*/the concealment of the relevant acts that have created invalid election writs.

Accordingly, [all senators and House of Representatives have arrived into Canberra on *invalid election writs* and have concealed the act of treason activating ‘*attainted of treason*’]. Which is *immediate disqualification* (invalid writs) and criminal charges of misprision of treason. [This is one of the affidavits submitted.]

### **Section 46 – “Court of Competent Jurisdiction”**

These words appear at the end of Section 46 (Commonwealth Constitution).

## **Grand Jury Jurisdiction**

Because the fraud has been activated on *the elector* by political and judicial corruption or, in legal terms, “misleading and deceptive conduct” the Grand Jury is the only jurisdiction left available.

## **Treason and Misprison (Exclusive to Grand Jury)**

The authorities speaking about Grand Jury reveal that these two offences can only obtain a valid indictment by Grand Jury.

## **Exclusive Jurisdiction (High Court)**

In relation to section 46 the ‘common informers (Parliamentary disqualification) act 1975 section 5 *now applies*:

“Original jurisdiction is confirmed on The High Court in suits under this act and no other court has jurisdiction in such a suit.”

## **The Immediate Problem (For The High Court)**

During the period, September 2006 to 29<sup>th</sup> January 2007 *all seven* High Court judges were presented to The Melbourne Magistrates Court – and as such *remain pending* – Grand Jury presentments.

## **Justice Hayne (Lost Senate Votes WA)**

Justice Hayne failed to reveal the real facts which are revealed in his criminal charge when he heard this lost votes issue (West Australia).

## **Justice Nettle (Supreme Court Victoria)**

Justice Hansen declared myself a Vexatious Litigant (civil proceeding) *the appeal* went before Justices Dodds-Streeton and Geoffrey Nettle. [100 affidavits were submitted “all were ignored” – the facts concealed.]

## **Grand Jury Applications “Lay-Observers”**

10 individuals sitting in the court on the day did lodge Grand Jury applications and affidavits at the “full court Supreme Court” 3 days after the hearing against both judges.

These applications were concealed *but*, all who were present *witnessed* the lodgements relating to the offences

The Grand Jury applications remain “pending”.

## **The Culleton Petition (High Court)**

One of the five judges sitting in The Culleton Petition was “Geoffrey Nettle” a Grand Jury defendant (pending) who did not disclose this fact when the appointment was offered.

### **Mr Peters – Victorian Bar**

The Grand Jury issue was disclosed to The Victorian Bar by myself – who immediately concealed the discovered fact (Victorian Bar).

## **The Nullity (The Hearing)**

The hearing of The Culleton Petition is a nullity, inclusive of the evident fact that Mr Culleton is now ‘attainted of treason’ with all the other senators and members (section 44 (ii) Constitution of the Commonwealth).

## **The County Court**

This application before the court under The Vexatious Proceeding Act (The Concealment Act) cannot be heard by either Judges Hannah, Sexton, Cotterell or Ian Gray. All are named for Grand Jury presentments because of their respective judicial conduct and concealment in respect of:

[Section 80 Criminal Code Act 1995 (CTH)  
Section 316 Crimes Act 1958 (Victoria)  
*Plus* Common Law and  
Section 34 Crimes Act 1914 (CTH)  
But, not limited to these offences.]

## **Inter-Se Issues and or Jurisdiction**

To this present time, I have never witnessed any court, inclusive of The High Court, hear and determine inter-se issues in accordance to the Law.

- A. The instant any inter-se comes into play the court is deprived of jurisdiction
- B. The High Court has exclusive jurisdiction
- C. The inter-se is discovered by three judges in the first instance (Judiciary Act 1903 sections 22 and 23) after which then the full bench consisting of seven

*But*, because of the criminal removal of The Queen any and all inter-se questions of issues now turn into a Question of Fact in relation to The High Court judges.



### **Question of Fact**

Originates out of section 43 (3) Crimes Act 1914 (CTH) which states that a delay in prosecution is a Question of Fact.

["Which means that the issue must go before a Jury to discover why the prosecution was delayed or halted"]

### **The Dilemma (Law of Inter-Se)**

Should High Court judges hear inter-se before their criminal proceedings are heard by a Grand Jury.