

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW.**

No. of 2001

BETWEEN:

BRIAN WILLIAM SHAW.	Plaintiff.
And	
Supreme Council of the Ancient And Accepted Rite for Australia.	1st Defendant.
And	
The United Grand Lodge of Victoria.	2nd Defendant.
And	
The Masonic Lodge of Werribee.	3rd Defendant.

AFFIDAVIT

Supporting indictment under Crimes Act 1958, Section 354

Date of document:	June 12, 2001.
Filed on behalf of:	The Plaintiff.
Prepared by:	Brian Shaw. Box 800, Werribee. 3030. Victoria.

I, Brian William Shaw, born 13-3-1947, Box 800, Werribee 3030, do affirm and state the following:

1. This affidavit is presented under Section 354 of the Crimes Act 1958, Act No 6231/1958
2. The people named in this affidavit have attempted to pervert the course of justice by conspiring together to halt the issue of a writ against the Masonic lodge. The people named herein are accused of the various indictable offences noted in the following paragraphs.
3. I state that the Supreme Court of Victoria is protecting people within the State of Victoria who would face indictable charges for unlawful oaths and conspiring according to the Crimes Act.
4. Crimes Act 1914 Act No 90 of 1999, Section 42 Conspiracy to defeat justice. Any person who conspires with another to obstruct, prevent, pervert, or defeat, the course of justice in relation to the judicial power of the Commonwealth, shall be guilty of an indictable offence.

Penalty: Imprisonment for 5 years.



5. Crimes Act 1958, Act No 6231/1958, Section 354 indictments
 Upon the application of any person supported by an affidavit disclosing an indictable offence either that the same has been committed by some body corporate or that a court has declined or refused to commit or hold to bail the alleged offender or that no presentment was made against him at the court at which the trial would in due course have taken place, or upon the application of the Director of Public Prosecutions, it shall be lawful for the Full Court to order the sheriff to summon a grand jury to appear at a Court to be holden at a time and place to be mentioned in the order; and upon receipt of such order the sheriff shall summon not less than twenty-three men to attend at such court at the time and place aforesaid to inquire present do and execute all things which on the part of the Queen shall then and there be commanded of them, and such men shall be taken from the jury book of the jury district in which such place is situate and at the time and place aforesaid the said sheriff shall bring into court the said order with the name place of abode and addition of every grand juror written on a panel signed by him and sealed with his seal of office and shall deliver the said panel to the proper officer of the said court, who shall in open court call aloud the names of the grand jurors on the said panel one of another, and the twenty-three men shall not appear such of them as do appear not being less than twelve men shall be the grand jury and shall be sworn and act as such accordingly.: Provided always that every such order shall be delivered to the sheriff ten days before the day on which the indictment to be preferred.

6. This affidavit reveals a conspiracy to attempt to pervert the course of justice within the court structure of The Supreme Court of Victoria.

7. The people are herein named as preventing the issue of this proceeding by not issuing the writ. I spent two days at prothonotary (June 7 and 8) to get the writ issued after making the alterations requested by Prothonotary. I made it clear that the matter involved indictable offences. I also made it quite clear that the non-disclosure of indictable offences after the offences were disclosed became a charge of misprision of felony plus an offence under section 321(1) of the Crimes Act 1958, Act No 6231/1958.

8. This affidavit names the following people:
 - a. Justice Beach: Practice Court Supreme Court of Victoria

 - b. Graham Ince: Associate to Justice Beach, Practice Court Supreme Court of Victoria

The people named have agreed to conceal the exposure of Freemasonry and the oaths of Freemasonry by halting the issue of this writ.

9. The charges against Freemasonry disclosed in the writ are:
- A. Perjury (Section 314, Crimes Act 6231/1958, imprisonment 15 years)
 - B. Conspiracy to defeat justice (Section 42, Crimes Act 1914, Act No 90/1999, imprisonment 5 Years)
 - C. Perverting the course of justice (Section 320 Crimes Act 1958, imprisonment 25 years)
 - D. Attempt to pervert the course of Justice (S.320 Crimes Act 1958 25 years imprisonment, S43 Crimes Act 1914 5 years imprisonment)
 - E. Misconduct in public offices (S.320, Crimes Act 1958, 10 years)
 - F. Conspiracy to cheat and defraud (s.320, Crimes Act 1958, 15 years imprisonment)
 - G. Conspiracy to commit an offence (s.321, Crimes Act 1958 indictable offence)
 - H. Concealing offences for benefit (S.326, Crimes Act 1958, 1 year imprisonment)
 - I. Misprision of felony
 - J. Abettors in indictable offences (S.323, Crimes Act 1958)
 - K. Accessories to the above (S.325(I) Crimes Act 1958)

10. Crimes Act 1958 Act No 6231/1958, Unlawful oaths to commit treason, murder etc.

(2) Every person who-

(a) Administers or is present at and consents to the administering of any oath or engagement in the nature of an oath purporting to bind the person who takes it to act in any of the ways following (that is to say): -

(vii) Not to reveal or discover any unlawful association society or confederacy or any illegal act done or to be done or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person or the import of any such oath or engagement;

Shall be guilty of an indictable offence, and shall be liable to level 6 imprisonment (5 years maximum).



11. Commonwealth Constitution Section 5.
This Act and all Laws made by Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and the laws of Commonwealth, notwithstanding anything in the laws of any State; and the laws of Commonwealth shall be in force on all British ships, the Queen's ship of war excepted, whose first port of clearance and whose port of destination are in the Commonwealth.
12. The Queen v Murphy High Court of Australia (1985) 158 CLR 596, charged on indictment in the Supreme Court of New South Wales with, attempting to pervert the course of justice in relation to the judicial power of the Commonwealth.
13. Crimes Act 1914, Act 90 of 1999, Section 4G, Indictable offences
Offences against a law of the Commonwealth punishable by imprisonment for a period exceeding 12 months are indictable offences unless the contrary intention appears.
14. Crimes Act 1958 Act No 6231/1958, Section 351
Mode of Prosecution.

All treasons and misprisions of treason shall be prosecuted by indictment only, and all other indictment or by presentment as hereinafter directed

15. Indictment
 - A. The formal written accusation of a crime made by a Grand Jury and presented to a court for prosecution against the accused person.
 - B. The act or process of preparing or bringing forward such a formal written accusation.
16. Joint Indictment
An indictment that charges two or more people with an offence.
17. Presentment
 - i) The Act of presenting or laying before a Court or other tribunal a formal statement about a matter to be dealt with legally.
 - ii) A formal written accusation returned by a Grand Jury on its own initiative, without concealment or nondisclosure of someone else's felony.



18. The Constitution of the Commonwealth of Australia Section 44
Any person who-

- (i) Is under any acknowledgement of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power: or
- (ii) Is attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer: or
- (iii) Is an undischarged bankrupt or insolvent: or
- (iv) Holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth: or
- (v) Has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons:

shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

19. Freemasonry 33rd degree oath swears "true allegiance to the Supreme Council of the 33rd degree, above all other allegiances, and never to recognize any other brother as being a member of the Scottish Rite of Freemasonry unless he also recognizes the supreme authority of the Supreme Council." Wine is handed in a human skull to seal the oath. (Source: "The deadly deception", by Jim Shaw and Tom McKenney at page 104)
20. Section 80 of the Commonwealth Constitution:
The trial on indictment of any offence against any law of the Commonwealth shall be by Jury, and even such Trial shall be held in the State where the offence was committed, and if the offence was not committed within any State the trial shall be held at such place as the Parliament prescribes.
21. Crimes Act 1958 Act No 6231/1958, Section 449

Refusal of Court to reserve a question of law.

When the Supreme Court or the County Court refuses to Reserve any Question of Law under the provisions of this Act the applicant may apply to the court of appeal for a rule or order nisi calling on that Court and also upon the Director of Public Prosecutions to show cause why such a question should not be reserved for the opinion of the Court of Appeal, and the Court of Appeal may make the same absolute or discharge it with or without costs as it thinks proper.



22. This affidavit has another affidavit with this affidavit concerning the legal treatment of Brian Charles Fyffe who is currently in Port Phillip prison after being committed to stand Trial on the charge of "Threat to kill"
23. Prior to arrest and committal of Brian Fyffe Justice Beach did not hear the Summons application in full content concerning Brian Fyffe in any fair-minded manner. The Summons was lodged and represented by Keith Hoban before Justice Beach in the Practice Court.
24. I state in this affidavit that the arrest and imprisonment of Brian Charles Fyffe on an alleged threat to kill has no comparison with the threat to kill and the content of killing that is contained within Masonic oaths such as sworn by Masters and Judges currently sitting and passing judgements in the Supreme Court of Victoria without any disclosure that they are in fact bound by different oaths than the oaths that we know to be lawful and applied within the court system.
25. In the McKinnon matter currently in trial before Justice Byrne, Justice Beach gave an order to remove all reference from their defence concerning the manner that banks create credit. Revealed in the judgement from America Minnesota in 1968 concerning Jeremy Daly, submitted but ignored by the Judiciary.
26. Justice Beach ordered the removal of all reference to Fractional Reserve Banking, in particular the Jeremy Daly Case of Minnesota 1968, from the Defence from the McKinnon Family, in the continuing defence by the McKinnons to this matter being left in their defence the following judgement from Justice Bongiorno supported the removal by Justice Beach of the Jeremy Daly judgement thereby removing a vital component of the McKinnon defence, that is the manner that banks have been able to take from the hands of government the fundamental right of the government of the people to control very directly their issue of credit creation and distribution. This right was never intended to be given into the hands of a private corporation with the ability to create unlimited credit without asset backing personally that asset backing coming instead from the assets and capital of the people of the State. In actual fact a total reversal of what should be the full function of the right of the government under Sections 51 and 115 of the Commonwealth Constitution.
27. Justice Beach also has heard two matters concerning the Walter Family Trust first in an injunction application against the National Australia Bank and ruled against the Walters. Justice Beach also ruled against the Walter Family in an Originating motion concerning a Caveat removal hearing, which Caveat was lodged by Carmen Walter.



28. At all times the Walter Family sought their fundamental and Constitutional right of the protection of the property and assets prior to the destruction of those property and assets of having the right to place their matter before a jury of 12 people, which is Statute Law in the State of Victoria of Magna Carta Article 29, incorporated into the Imperial Acts Application Act 1980, Act No 9426 Victoria, also Statute Law in the State of Victoria and statutory provision.
29. Justice Beach, when apologising to the Walter Family, after ordering against them in both Injunction application and Caveat removal to prevent a purported Bank Mortgagee Sale of their assets, which said Sale did occur, made the following comment during his hearing: "I must administer the law."
30. The people, that I am in touch with, that have had matters heard before Justice Beach stating the right of Trial by Jury are the Fyffe Family, the Walter Family and the McKinnon Family, such right exists under Magna Carta, but these constitutional and fundamental rights were declined in these matters. I was present in Court during Fyffe and Walter hearing before Justice Beach and present in Court for the McKinnon hearing before Justice Bongiorno concerning Justice Beach's orders.
31. Magna Carta (Article 29 portion):
"No free man shall be taken or imprisoned, or be disseised of his freehold, or liberties or free customs, [...], but by lawful judgement of his peers, [...]. We will sell to no man, we will not deny or defer any man either justice or right."
32. When I attempted to lodge this writ against Freemasonry I had no intention of indicting any person, what my intention was and still remains was that Freemasonry itself be placed on trial. But I will not sit idly by and watch Justice being twisted and perverted. The people do have rights and if a Justice of the Supreme Court and his Associate must be indicted to wake up these rights, then the indictment shall proceed.
33. Section 80 of the Commonwealth Constitution:
The trial on indictment of any offence against any law of the Commonwealth shall be by Jury, and even such Trial shall be held in the State where the offence was committed, and if the offence was not committed within any State the trial shall be held at such place as the Parliament prescribes.
34. I state that Justice Beach is conducting his Judicial Position in an unlawful manner.



35. Concerning the indictment of Justice Beach and his associate Graham Ince, the Questions of Law to be reserved are the following:
- A. Is the offence of non-disclosure of an indictable offence itself an indictable offence.
 - B. What constitutes a lawful oath.
 - C. Are the oaths within Freemasonry lawful or unlawful.
 - D. Do the oaths of Freemasonry contain a threat to kill.
 - E. Do the unlawful oaths of Freemasonry contain an intent to kill.
 - F. Are the oaths of Freemasonry in any manner a suicide / murder pact.
 - G. Are the oaths of Freemasonry taken in ritual with others present, a conspiracy against Peace, Order and Good Government in State and Commonwealth legislation.
36. Ezekiel Chapter 22, Verses 25/31:
There is a conspiracy of her prophets in the midst thereof, like a roaring lion ravening the prey; they have devoured souls; they have taken the treasure and precious things; they have made her many widows in the midst thereof. Her priests have violated my law, and have profaned mine holy things; they have put no difference between the holy and the profane, neither have they shewed difference between the unclean and the clean, and have hid their eyes from my Sabbaths, and I am profaned among them. Her princes in the midst thereof are like wolves ravening the prey, to shed blood, and to destroy souls, to get dishonest gain. And her prophets have daubed them with untempered mortar, seeing vanity, and divining lies unto them, saying, Thus saith the Lord GOD, when the Lord hath not spoken. The people of the land have used oppression, and exercised robbery, and have vexed the poor and needy; yea they have oppressed the stranger wrongfully. And I sought for a man among them, that should make up a hedge, and stand in the gap before me for the land, that I should destroy it: but I found none. Therefore I have poured out mine indignation upon them; I have consumed them with the fire of my wrath: their own way have I recompensed upon their heads, saith the Lord GOD.
37. Hosea Chapter 4, Verses 1/5:
Hear the word of the Lord, ye children of Israel: for the Lord hath a controversy with the inhabitants of the land, because there is no truth, nor mercy, nor knowledge of GOD in the land. By swearing, and lying, and killing, and stealing, and committing adultery, they break out and blood toucheth blood. Therefore shall the land mourn, and every one that dwelleth therein shall languish, with the beast of the field, and with the fowls of heaven; yea, the fishes of the sea shall also be taken away. Yet let no man strive, nor reprove another: for thy people are as they that



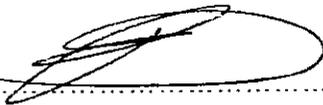
strive with the priest. Therefore shalt thou fall in the day, and the prophet also shall fall with thee in night, and I will destroy thy mother.

38. Colossians Chapter 1, Verse 14 (King James translation):
In whom we have redemption through his blood, even the forgiveness of sins:
39. I John Chapter 1, Verses 5/10:
This then is the message, which we have heard of him, and declare unto you, that GOD is light, and in him is no darkness at all. If we say that we have fellowship with him, and walk in darkness, we lie, and do not the truth: But if we walk in the light, as he is in the light we have fellowship one with another and the blood of Jesus Christ, his Son, cleanses us from all sin. If we say that we have no sin, we deceive ourselves, and the truth is not in us. If we confess our sins, he is faithful and just to forgive us our sins, and to cleanse us from all unrighteousness. If we say that we have not sinned, ye make him a liar and his word is not in us.
40. Jeremiah Chapter 13, Verses 15/18:
Hear ye, and give ear, be not proud: for the Lord hath spoken. Give glory to the Lord your GOD, before he cause darkness, and before your feet stumble upon the dark mountains, and while ye look for light, he turn it into the shadow of death, and make it gross darkness. But if ye will not hear it, my soul shall weep in secret places for your pride, and mine eye shall weep sore, and run down with tears, because the Lord's flock is carried away captive. Say onto the king and to the queen: Humble yourselves, sit down: for your principalities shall come down, even the crown of your glory.
41. Philippians Chapter 2, Verses 10/11:
That at the name of Jesus every knee should bow, of things in heaven, and things in earth, and things under the earth. And that every tongue should confess that Jesus Christ is Lord to the glory of GOD the Father.

Affirmed by BRIAN WILLIAM SHAW }
At Melbourne }
The 12th day of June 2001 }



Before



me

R. CHRYSOSTOMOU
A person employed under Part 3 of
the Public Sector Management Act 1998
with a prescribed classification.
Supreme Court of Victoria at Melbourne