Xxxx Xxxx v State of New South Wales

Case Number-2021/00326635

**Submission**

Response and Regarding: Notice of Motion to Claim Costs against the Plaintiff, filed 12 May 2023 by Sian xxxxx-acting agent/officer of the Court, for the State of New South Wales.

**Court Details**:

**Court**: Supreme Court of New South Wales

**Division**: Common Law

**Registry**: Sydney

1. We the Plaintiff, called by Xxxxx, Xxxxx, do rely upon Our affidavit, date 5th June 2023, and is to be read onto the Public Court Record.
2. We determine to collect what is lawfully, rightfully Ours: Remedy for the wrong of trespass done against Us.This is Our God given Birthright at Common Law.
3. *Plenty v Dillon* *(1991)*, Gaudron and Mc Hugh JJ said “ If the courts of common law do not uphold the rights of individuals by granting effective remedies they invite anarchy, for nothing breeds social disorder as quickly as the sense of injustice which is apt to be generated by the unlawful invasion of a persons rights, particularly when the invader is a government official”.
4. For agents of the State of New South Wales, Sian Xxxxxxx, and as an officer of the court, to claim any costs, in a matter whereby those agents volunteered to take responsibility for (3 men), responsibility for a wrong doing, responsibility for a trespass, and as decided at the court in final undisputed judgement, that a trespass did indeed take place, to then claim costs is unconscionable indeed and of no morals. We object to any such claim for costs.
5. Equity will not suffer a wrong without remedy. *Montefiori v Montefiori* *(1762)* 1 Black W 363, 96 ER 203, Lord Mansfield did state “No man shall set up his own iniquity as a defence, any more than as a cause of action”. Rules of Equity apply and stands above the law.
6. The Court and its officials must follow common law precedence and apply the Rules of Equity in all matters and in accordance with the *Earl of Oxford Case, (1615)* 21 ER 485. Equity takes precedence over Common Law. *Ibbetson, David. "The Earl of Oxford's Case (1615)*." Landmark Cases in Equity. Ed.
7. *Supreme Court Act (1933)* *Part 2-Constitution and Jurisdiction of the Supreme Court. Section 25-34*.In particular, Section 33-Law and equityapplies:

“Subject to this Act, in any matter arising in the court, if there is a conflict between the rules of equity and the rules of law with reference to that matter, the rules of equity prevail”.

1. *Joose & Anor v Australian Securities and Investment Commission M35/1998 (15 December 1998)*. The High Court of Australia, Hayne J stated, “In particular, they do not intrude upon the question of what law is to be applied by the courts. That question is resolved by covering cl 5 of the Constitution. It provides: "This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State". It is, then, to the Constitution and to laws made by the Parliament of the Commonwealth under the Constitution that the courts must look”.
2. Actions, by agents of the State, is of prejudice to Us, a Breach of Our Peace and are in breach of *Our Liberty of Subject (1354)*CHAPTER 3 28 Edw 3**.** We will not disinherit what is lawfully, rightfully Ours in this matter. Our liberties are in full force and effect. We relinquish none of Our liberties.
3. Governance is affirmed in the *Bill of Rights (1688)* (common law contract) whereby Parliament Assembled must govern the people according to Our respective laws and customs. Nothing can be done to the prejudice of the People and as such, any agents of the State, or officers of the court, have no authority whatsoever to create privilege for themselves nor rely on any legislation in this matter (of trespass-civil tort claim). We remind the State of its limitations in its duties, rights and obligations to the people as set out in the *Bill of Rights* *(1688).* Agents of the State have no authority to claim anything/costs in this matter.
4. Case law is the set of rulings from court judgements that set precedents for how the law has been interpreted and applied. Law is created by Us, the People, in accordance by the promise of the Monarch and in independent courts being “fair and just” common law. Legislation referred to by agents of the State has no application to Us in this matter.
5. All public actions are done in the name of the people and hence anything other than total transparency is unlawful, **an agent cannot** **bind its principal or principle**, **and cannot exceed the authority granted.** The People are the authority in this matter, not agents of the State.
6. We are hindered, grieved, disturbed and disquieted and in revolt to such oppression by the actions of agents of the State, agent Sian Xxxxxxx, by her claim for costs, and see this as a trespass, excessive, against Us. We vehemently do not consent to any of Our property to be taken away in any form of unconscionable “payment/costs” to agents of the State. We see Sian Xxxxxxx’ actions as an act of punishment against Us, unethical, illegal, unlawful and cruel. We will sue to be relieved of such actions, burden, inflicted by a Sian Xxxxxxx and all other agents complicit and who are in default according to common law and the rules of equity. Sian Xxxxxx is following orders and Order following is not lawful excuse. *Commissioner of Police of the Metropolis v Raissi: CA (2009) QB 564, (2008) EWCA Civ 1237*at 18.
7. Justice Xxxxx nor Justice Xxxxxx did have no right whatsoever to make their decisions against Us, the Plaintiffs, before the matter had gone to full trial, nor to deny/rob Us Our Unalienable Rights to choose and name Our Defendants of those that did trespass against Us, nor later deny Us evidence from agents of the State based on legislative “privilege” to then issue costs to Our disadvantage. *Bill of Rights* (*1688*) *CHAPTER 2 1 Will and Mar Sess 2*

**“Grants of Fines, &c. before Conviction, &c.** And severall Grants and Promises made of Fines and Forfeitures before any Conviction or Judgement against the Persons upon whome the same were to be levyed. All which are utterly directly contrary to the knowne Lawes and Statutes and Freedome of this Realme”.

1. That due to Sian Xxxxxxx’ actions as agent of the State of New South Wales against Us, thus aggravating, hindering, grieving, disturbing and disquieting Us, We do further require to recover no less than three (3) times as much as the damages awarded in the judgement by HH Wright J and furthermore do intend to see the contract entered into by the men, of ten thousand dollars each per person ($20, 000.00) upon entry upon the land, at Warrazambil Creek, recovered. We substantiate Our claim for damages as set out in the *Monopolies Act (1623).*
2. We shall not disadvantage Ourselves nor have Our God given Birth Rights, usurped, carried away by any trespass against Us, nor suffer further delay for the wrongdoing by those that did trespass against Us, nor of the no essoign of the three (3) men We did originally file against.
3. We motion the court and ask the enforcement of Our will be done according to points 1-15 within three (3) days of no less than $75, 034.07 plus interest.
4. We reserve all Our Rights and Waive none to hold jointly and severally all parties liable in this matter. The Original Defendants have not yet been held to account for their trespass against Us nor have We the Plaintiffs nor the Public been reassured, appeased nor evidenced consequences to the men who did trespass in this matter.

*Bill of Rights (1688)* *CHAPTER 2 1 Will and Mar Sess 2*

**The said Rights claimed. Tender of the Crown. Regal Power exercised. Limitation of the Crown.**

“And they doe Claime Demand and Insist upon all and singular the Premises as their undoubted Rights and Liberties and that noe Declarations Judgements Doeings or Proceedings to the Prejudice of the People in any of the said Premisses ought in any wise to be drawne hereafter into Consequence or Example.

That all and singular the Rights and Liberties asserted and claimed in the said Declaration are the true auntient and **indubitable** Rights and Liberties of the People of this Kingdome and soe shall be esteemed allowed adjudged deemed and taken to be and that all and every the particulars aforesaid shall be firmly and strictly holden and observed as they are expressed in the said Declaration **And all Officers and Ministers whatsoever shall serve their Majestyes and their Successors according to the same in all times to come”.**

1. The Bible upon which the Monarch takes oath, settles that (bible) to be a higher law than that created by those governing.
2. In the *King James Version Bible (1611)*, the first book, Genesis sets out the trust created by God, the grantor / settler of the trust property:

**i)**this common reality, and

**ii)**the fruits thereof.

1. The *KJV Bible (1611)*, Genesis Chapter 1: 26-30 expresses the beneficiaries as the people-man made in God’s image.
2. No trustee has been expressed.
3. It is settled trust law that anyone who knowingly or unknowingly trespasses on another’s trust (those governing) without the trustees legal authority (hence those governing are acting as free agents), are trustees under any colour of law, and
4. Under the common law trustee de son tort; A trustee de son tort is a person who may be regarded as owing fiduciary duties by a course of conduct that amounts to a wrong, or a tort;

**i)**are accountable, and

**ii)**liable

**iii)** to the beneficiaries (every living person),

1. Those governing are not entitled to greater share.
2. We require lawful, equitable justice be done and applied by the Court and remedy forthcoming without delay and further, to avoid multiplicity of suits. Our word is Our Bond.

Witness #1:…………………………….. ……………………………………

Name:…………………………………… First name, Executor,

Place:……………………………………. Xxxxx Xxxxx, Xxxxx, Estate,

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Witness #2:……………………………… None Waived at All Times.

Name:……………………………………. Date:……………………………..

Place:……………………………………..