**Notice of Attendance**

*Remove*

*and place your flag here*

**Notice of Rebuttal**

**of any and all Presumptions of Law**

Date known as “31 October 2022”

TO: All living men and women acting as members of the corporate entity “POLICE DEPARTMENT (VIC) ABN 63 446 481 493” trading as “VICTORIA POLICE”,

and

All living men and woman acting as employees and or agents of the corporate entity “MAGISTRATES’ COURT”, a trading name of “DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY ABN 32 790 228 959”.

Re: “Case number 12345”

**Notice to Principal is Notice to Agent**

**Notice to Agent is Notice to Principal**

1. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am recorded as such with the International Common Law Court BC / 18 / 75777, the Common Law Court Australia BC-AU-00000000333, and The People’s Court of Terra Australis PC-LS-102, and
2. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, act in the belief I am principal and executive beneficiary of the non-living Cestui Qui Vie estate/trust “JOHN ROBERT SMITH”, also referred to as “SMITH, JOHN R.” “John SMITH” “Mr John SMITH” et alia, and
3. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, act in the belief, according to the International Common Law Court (FN / 20 / 75786), the Common Law Court Australia (FNC-AU-00000000003), and The People’s Court of Terra Australis (PC-FN-165), that I am and the owner of the fictitious names “JOHN ROBERT SMITH”, “John SMITH”, “JOHN R.SMITH”, “SMITH, John”, et alia, and
4. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, declare the unalienable right and authority, as a living woman, to be heard;

“AUDI-ALTERAM-PARTEM”

and

1. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am not illiterate, and
2. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am not ignorant, and
3. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am not a pauper, and
4. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am not a lunatic, and
5. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am of the belief and comprehension that the corporate entity “MAGISTRATES COURT” is an administrative court of Trade, and
6. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am of the belief and comprehension that Trade is not Law, and
7. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am of the belief and comprehension that the corporate entity “MAGISTRATES COURT” may only act as administration, and only hear Civil claims of disputes of contract, and
8. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am of the belief and comprehension that the corporate entity “MAGISTRATES COURT” may only hear Civil claims of disputes of contract in which both/all parties agree and consent to the corporate entity “MAGISTRATES COURT” presiding over the matter, and
9. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, do not agree and do not consent to any employee and/or member of the corporate entity “MAGISTRATES COURT” hearing, presiding over, and/or determining any judgment in any matter concerning me, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, and/or the fictitious names I claim to own, those being “JOHN ROBERT SMITH”, “John SMITH”, “JOHN R.SMITH”, “SMITH, John”, “Mr. John SMITH”, et alia, without my written and autographed consent, and
10. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am of the belief and comprehension that this is not a matter of Lore, and
11. The allegations/claim relate to an alleged claim and contractual dispute between two non-living entities, and
12. A personal right of action dies with the person;

“ACTIO-PERSONALIS-MORITUR-CUM-PERSONA”

and

1. This alleged breach of contract is not between living men or women;

“NIL-INTER-VIVOS”

and

1. There is not a meeting of the minds;

“NIL-ASSENTION-MENTIUM”

and

1. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am of the belief and comprehension that there is no employee/agent of the corporate entity “MAGISTRATES’ COURT” that has any authority over Living men without consent, and
2. There is no consent, and
3. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, clearly state and define my standing in this matter as Principal and Executive Beneficiary of the so-called “Respondent”, that being the non-living Cestui Qui Vie estate/trust “JOHN ROBERT SMITH”, also referred to as “SMITH, JOHN” “John SMITH” “Mr John SMITH” et alia etc, of which I, the living woman ‘John Robert’, of the family/house/ tribe/clan “Smith”, am the owner, (FN / 20 / 75786), (FNC-AU-00000000003), (PC-FN-165), and
4. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am of the belief and comprehension that the presiding “Magistrate” presumes to take the position of, and act as, the trustee in this matter, and
5. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, have previously served, and filed with the court, an unchallenged affidavit, dated “8 August 2019”, on and with, amongst others, “Shane Patton”, acting as “Chief Commissioner” of “POLICE DEPARTMENT (VIC) ABN 63 446 481 493” trading as “VICTORIA POLICE”, and “Andrew Tenni”, “Chief Executive Officer”, “Melbourne MAGISTRATES’ COURT”, a trading name of “DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY ABN 32 790 228 959”, and
6. There were no challenges to that affidavit;

Particulars

Legal Maxim: **"QUI-NON-NEGAT-ADMITTIT”** - **He who does not deny, admits**."

and

1. That unchallenged affidavit stands as truth in law;

Legal Maxim: **“INEXPLICABILIS-LIBELLUS-PRO-VERO-IN-COMMERCIUM”** - **AN UNREBUTTED AFFIDAVIT STANDS AS TRUTH IN COMMERCE.** (12 Pet. 1:25; Heb. 6:13-15;) Claims made in an affidavit, if not rebutted, emerge as the truth of the matter.

Legal maxim: **“INCOMMODATUS-LIBELLUS-FIAT-IUDICIUM-IN-COMMERCIUM” - AN UNREBUTTED AFFIDAVIT BECOMES THE JUDGMENT IN COMMERCE.** (Heb. 6:16-17;). There is nothing left to resolve. Any proceeding in a court, tribunal, or arbitration forum consists of a contest, or duel, of commercial affidavits wherein the points remaining unrebutted in the end stand as truth and matters to which the judgment of the law is applied,

and

1. Paragraph 21 of that unchallenged affidavit states:

“The ‘soul’, ‘Alex’, in our own sovereignty, and through the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, are Sui Juris; possessing our full social and civil rights as determined by Almighty God.”

and

1. Paragraph 26 of that unchallenged affidavit states:

“The ‘soul’, ‘Alex’, and the living being we are incarnated into, ‘John Robert’, of the family “Smith” are not in any way or definition the legal ‘person’ or ‘natural person’ “JOHN ROBERT SMITH”, nor “JOHN R. SMITH”, nor “John SMITH”, nor any such “CAPITAL-LETTERED” variation of such, in any way.”

and

1. Paragraph 27 of that unchallenged affidavit states:

“The ‘soul’, ‘Alex’, does not consent nor agree to the association or definition of our being, our ‘soul’, nor the living being we are incarnated into, ‘John Robert’, of the family “Smith”, as a ‘person’ or ‘natural person’, a fiction that only exists in written form.”

and

1. Paragraph 34 of that unchallenged affidavit states:

“Neither the ‘soul’, ‘Alex’, nor the living being we are incarnated into, ‘John Robert’, of the family “Smith”, are the legally defined ‘Officer’ of the ‘person’ or ‘natural person’, or corporate entity “JOHN ROBERT SMITH”, nor “JOHN R. SMITH”, nor “John SMITH”, nor any such “CAPITAL-LETTERED” variation of such.”

and

1. Paragraph 35 of that unchallenged affidavit states:

“The ‘soul’, ‘Alex’, does not consent nor agree to the association or definition of our being, our ‘soul’, nor the living being we are incarnated into, ‘John Robert’, of the family “Smith”, as an ‘Officer’ of the ‘person’ or ‘natural person’, or corporate entity “JOHN ROBERT SMITH”, nor “JOHN R. SMITH”, nor “John SMITH”, nor any such “CAPITAL-LETTERED” variation of such.”

and

1. Paragraph 36 of that unchallenged affidavit states:

“The ‘soul’, ‘Alex’, and the living being we are incarnated into, ‘John Robert’, of the family “Smith”, do not consent to being joindered to the ‘person’ or ‘natural person’, or corporate entity “JOHN ROBERT SMITH”, nor “JOHN R. SMITH”, nor “John SMITH”, nor any such CAPITAL-LETTERED variation of such, in any way.”

and

1. Paragraph 42 of that unchallenged affidavit states:

“The ‘soul’, ‘Alex’, and the living being we are incarnated into, ‘John Robert’, of the family “Smith”, renounce, rebut, disassociate and reject that the corporate entity “DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY ABN 32 790 228 959” and/or all of its trading names, has any authority or jurisdiction over us in any way.”

and

1. Paragraph 43 of that unchallenged affidavit states:

“The ‘soul’, ‘Alex’, and the living being we are incarnated into, ‘John Robert’, of the family “Smith”, unless we specifically contract, and that written and signed contract can be produced as proof, do not acknowledge or consent that the corporate entity “DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY ABN 32 790 228 959” and/or all of its trading names, and/or all of its employees, has any authority or jurisdiction over us in any way.”

and

1. Paragraph 44 of that unchallenged affidavit states:

“The ‘soul’, ‘Alex’, and the living being we are incarnated into, ‘John Robert’, of the family “Smith”, renounce, rebut, disassociate and reject that the corporate entity “POLICE DEPARTMENT (VIC) ABN 63 446 481 493” and/or all of its trading names has any authority or jurisdiction over us in any way.”

and

1. Paragraph 45 of that unchallenged affidavit states:

“The ‘soul’, ‘Alex’, and the living being we are incarnated into, ‘John Robert’, of the family “Smith”, unless we specifically contract, and that written and signed contract can be produced as proof on demand, do not acknowledge or consent that the corporate entity “POLICE DEPARTMENT (VIC) ABN 63 446 481 493” and/or all of its trading names, and/or all of its employees, has any authority or jurisdiction over us in any way.”

and

1. “VICTORIA POLICE” is a private corporation and has no authorisation in any law or legislation, and
2. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, have no contracts with “VICTORIA POLICE”, and
3. Paragraph 45 of that unchallenged affidavit states:

“The ‘soul’, ‘Alex’, and the living being we are incarnated into, ‘John Robert’, of the family “Smith”, unless we specifically contract, and that written and signed contract can be produced as proof on demand, do not acknowledge or consent that the corporate entity “POLICE DEPARTMENT (VIC) ABN 63 446 481 493” and/or all of its trading names, and/or all of its employees, has any authority or jurisdiction over us in any way.”

and

1. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, have not consented to, and do not consent to, any presumptions of law nor any Acts, Rules, Regulations and/or Statutes, and have rebutted all presumptions of law, Acts, Rules, Regulations and/or Statutes, as they are not applicable to any Living Being without its signed consent;

“A “**statute**” is a formal written enactment of a legislative authority that governs the legal entities of a city, state, or country by way of consent. Statutes are rules made by legislative bodies; they are distinguished from case law or precedent, which is decided by courts, and regulations issued by government agencies.”

Black, Henry Campbell (1990). Black's Law Dictionary, Sixth Edition. pp. 1410.

and

1. “It is a basic principle of statutory construction that, in the absence of express language, which is clear and unambiguous, a court will not construe a statute in a manner which has the effect of curtailing, or diminishing, a well established right or freedom.”

DPP v Hamilton [2011] VSC 598 (25 November 2011) at 31.

and

1. A breach of a statutory ‘Act’, is not a crime, and
2. A breach of a statutory ‘Act’ is not a criminal offence, and
3. A breach of a statutory ‘Act’ is a civil matter related to terms of a contract, and
4. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, being a living woman, am Sui Juris (“SUI-JURIS”), Principal and Executive Beneficiary of the non-living Cestui Qui Vie estate/trust “JOHN ROBERT SMITH” do not consent, nor agree, to any “Acts”, “Legislation”, “Rules” “Directions”, and/or “Demands”, and

Re: **Notice of Attendance**

1. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, accept the “invitation” to attend the matter “12345” on the date known as “15/11/2022” at “LATROBE VALLEY MAGISTRATES COURT”, and make an attendance as a living man, with all my rights reserved, and
2. I have been made aware that this matter involves, or may involve, the trust accounts, “SMITH, JOHN R.”, “John R Smith”, and/or “JOHN R. SMITH”, of/to which I am the Principal and Executive Beneficiary, and which come under my authority and jurisdiction, and
3. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, will attend to ensure justice is upheld and to bare witness to the upholding of the fiduciary responsibilities and duty of care entitled to the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, and

Re: Notice of Rebuttal of any and all Presumptions of Law

1. Pursuant to Canon 3228, a Roman Court does not operate according to any true rule of law, but by presumptions of law, and
2. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, rebut in their entirety, all presumptions of law, and
3. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, demand this matter is to be on and for the Public Record, and rebut, rebuke and reject any claim that this matter is a private Bar Guild business matter, and
4. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, openly rebut, rebuke and reject, any claim that any and all members of private Bar Guild members are legitimate public servants and therefore trustees under public oath and I demand that any and all members of the Private Bar Guild, who have all sworn a solemn secret absolute oath to their Guild, who claim to act in the matter of “12345” on the date known as “15/11/2022” at “LATROBE VALLEY MAGISTRATES COURT” as a public agent of the Government, or “public official” by making additional oaths of public office that openly and deliberately contradict their private “superior” oaths to their own Guild, publicly rebut, rebuke and reject their oath to the Private Bar Guild, and take a public oath to God Almighty before acting as trustee in this matter.; and
5. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, openly rebut, rebuke and reject, any Presumption of Public Oath, that all members of the Private Bar Guild acting in the capacity of “public officials” claim to have sworn a solemn public oath to God Almighty and remain bound by that oath and therefore bound to serve honestly, impartiality and fairly as dictated by their oath, and
6. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, challenge and demand that any and all members of the Private Bar Guild acting in the capacity of “public officials” who claim to have sworn a solemn public oath to God Almighty must publicly rebut, rebuke and reject their oath to the Private Bar Guild, and publicly restate that oath to God Almighty, or must recuse themselves as having a conflict of interest and cannot possibly stand under a public oath; and
7. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, rebut, rebuke and reject any and all Presumptions of Immunity that any and all members of the Private Bar Guild, acting as “public officials” and/or public trustees, in the capacity of judges, prosecutors and magistrates, who claim to have sworn a solemn public oath in good faith, are immune from personal claims of injury and liability, and
8. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, challenge the Presumption of Immunity that any and all judges, prosecutors and magistrates claiming to act as public trustees in the matter of “12345” on the date known as “15/11/2022” at “LATROBE VALLEY MAGISTRATES COURT” are immune from any personal accountability for their actions, and demand that, irrespective of if they do not publicly rebut, rebuke and reject their oath to the Private Bar Guild, and publicly restate that oath to God Almighty, that they are liable to claims of remedy and to personal claims of injury and liability; and
9. All remedy shall be determined and agreed to as stated in the unchallenged affidavit of the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, dated “8 August 2019”, and
10. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, rebut, rebuke and reject the Presumption of Summons, and
11. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am not a dead entity that is “summonsed” to life via magic or spells, and
12. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, do not accept the offer or presumption of any position (defendant, juror, witness) and/or jurisdiction of the court, and An annotated copy of the criminal and counterfeit “summons” has been rejected, rebutted and rebuked and there is to be no presumption of “guilt”; and
13. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, rebut, rebuke and reject any and all Presumptions of Custody, and
14. No warrants have been served, and if any were, or are forthcoming, they are rebutted, rebuked and rejected as I, the living woman ‘John Robert’, of the family/house/tribe/ clan “Smith”, am not a dead legal fiction non-human “PERSON”, nor a “thing”, nor a property, and must not and can not be detained, nor kept in custody by “Custodians”, “Custodians” only lawfully being able to hold custody of property and “things” not flesh and blood soul possessing beings; and
15. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, rebut, rebuke and reject any and all Presumption of Court of Guardians, and
16. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, rebut, rebuke and reject that I may be listed as a “resident” of a ward of a local government area and have listed on my “passport” the letter P, and
17. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, rebut, rebuke and reject that I am a pauper and therefore under the “Guardian” powers of the government and its agents as a “Court of Guardians”, and
18. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am Sui Juris, and a general guardian and general executor of the matter “12345” listed on the date known as “15/11/2022” before the “LATROBE VALLEY MAGISTRATES COURT”, and
19. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am not a pauper, not a lunatic and not obliged nor compelled to obey any rules of the clerk of guardians (clerk of magistrates court); and
20. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, rebut, rebuke and reject any and all Presumptions of Court of Trustees, and
21. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, do not accept the presumption of any member of the Private Bar Guild that I am assuming the office of trustee as a “public servant” and “government employee” just by attending a Roman Court, as such Courts are always for public trustees by the rules of the Guild and the Roman System, and
22. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am merely visiting by special “invitation” to clear up resolve and settle the matter and I am not a government employee or public trustee in this instance; and
23. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, rebut, rebuke and reject any and all Presumptions of Government acting in two roles as Executor and Beneficiary, and
24. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, rebut, rebuke and reject that the Private Bar Guild has appointed the judge/magistrate in the capacity of Executor with the Prosecutor acting in the capacity of Beneficiary of the trust for the current matter, and
25. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am both the general guardian and general executor of the matter (trust) before the court, I am not the trustee, and therefore the court has a fiduciary responsibility to the trust and must obey the rules, instructions, and decisions of the executor, that being ‘John Robert’, of the family “Smith”; and
26. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, rebut, rebuke and reject any and all Presumptions of Executor De Son Tort, and
27. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, assert my right as Executor and Beneficiary over my body, mind and soul and challenge and question any and all courts which is/are proposing to act, and/or acting as, an Executor De Son Tort or a “false executor” and challenging me, ‘John Robert’, of the family “Smith”, who is the “rightful” judge, as Executor, and
28. The “judge/magistrate” claiming to preside in the matter “12345” has no right, nor authority, from me, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, to assume the role of “true” executor and has no right to seek the assistance of police, bailiffs or sheriffs to assert their false claim and have me, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, arrested, detained, fined or forced into a psychiatric evaluation, and
29. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, rebut, rebuke and reject any and all Presumptions of Incompetence, and
30. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am not ignorant of the law nor of any presumptions of law such as “legislation”, and, being Sui juris, am of sound mind, literate, articulate and, as principal and Executive Beneficiary, am competent to present myself and argue properly, and
31. The “judge/magistrate”, acting unlawfully as Executor De Son Tort, has no right to have me arrested, detained, fined or forced into a psychiatric evaluation, and object to any contrary presumptions; and
32. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, rebut, rebuke and reject any and all Presumptions of Guilt, and
33. I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, rebut, rebuke and reject any and all presumptions that the matter “12345” listed on the date known as “15/11/2022” before the “LATROBE VALLEY MAGISTRATES COURT” is a private business meeting of the Bar Guild, and rebut reject and rebuke any and all presumptions of “guilt”, and
34. Having prepared and served an affidavit of truth concerning my living being on this court I now make call of demurrer against the “MAGISTRATES COURT”, and
35. The “MAGISTRATES COURT”, through numerous of its agents, has breached and broken the trust of the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, and it is dismissed from ever assuming the role of trustee in any matters concerning the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, and/or any trust accounts, including, but not limited to, “SMITH, JOHN R.”, “John R Smith”, and “JOHN R. SMITH” “JOHN ROBERT. SMITH”, et alia, of/to which I, the living woman ‘John Robert’, of the family/house/tribe/clan “Smith”, am the Principal and Executive Beneficiary, and

Sincerely

Without prejudice – All rights reserved – “NON-ASSUMPSIT”

*Remove*

*and place your flag here*

‘John Robert’,

of the family/clan/house “Smith”.

Principal and Executive Benefactor of

“JOHN ROBERT SMITH”, “John SMITH”, “SMITH, JOHN”

et alia