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The speech Tony Barnett would have made to the Jury had the trial gone ahead

I firmly believe that the restraining order placed upon me was wrong.

The land acquired by Butterfly Conservation is common land. They have no right to enclose it.



Members of the jury.

1. I am before this court charged with breaching a restraining order placed on me by a previous court.
2. The order was not to enter onto land owned by Butterfly Conservation, which is identified on a plan and edged by a red line.
3. The plan, it is claimed, is of common land in Tilstock, near Whitchurch, known as Prees Heath common nature reserve, and owned, through purchase, by Butterfly Conservation.
4. That is the statement made by the prosecution witness Stephen Lewis.
5. The statement has never and cannot be corroborated. The claim is spurious because there are not any title deeds, Prees Heath is the aka of Whitchurch Heath, registered common land CL21.
6. I believe the correct identity of the parcel of land has been disguised to mislead.
7. There are plans of the area, correctly recorded and published and obtainable.
8. These can be found in my files now before this court, included are 1833, 1901, 1926 and later, 1929, and 1945 editions. they all record the common land as Whitchurch Heath.
9. Whitchurch Heath was requisitioned by the MOD for WW2 and named (Whitchurch Heath Airfield, and later Tilstock Aerodrome, Whitchurch Heath, Tilstock, there is a full military map reference identity of the common)
10. There is also a copy plan and sales list of a previous attempt at disguising this common land for corrupt agendas, it is dated August 1920, but this time as the Warren House Estate the 1929 plan was used by Captain Thomas Parker in 1932, claiming to own the common land and a dwelling to bring the common land, Whitchurch Heath common under sec. 193 LPA 1925, this was a revocable deed of declaration.
11. A copy of the deed of declaration he made in 1932 should have been forwarded to the Secretary of State. This would have been complied with if the action was lawful. No copy was forwarded.
12. There is no other information to be found in any archives.
13. The Charity that Stephen Lewis is employed with, will not commit itself to making a statement in a court of law or to make a statutory declaration to the effect that it owns the common land, or that it purchased that part of Whitchurch Heath Common, but as Prees Heath, or even that it lawfully occupies the land.
14. Stephen Lewis has misled himself because Prees Heath common nature reserve does not exist.
15. If there is a Prees Heath common with pre-registration of title deeds, I have been unable to locate it in Shropshire.
16. The aka to Whitchurch Heath Common CL21, Prees Heath, was registered by myself, in 2002 and that document is signed and dated.
17. Registration shows that I and the neighbourhood of Tilstock, Prees Higher Heath, plus many more are the registered owners of the logo Prees Heath.

18. The registration is for reference purposes only, we have no jurisdiction on the land, but until pre-registration of title deeds are disclosed that meet with the statute Quo Warranto, in order to show that ownership records pre date 1189, my registration is still engaged.
19. The Royal Commission on Common Land was set up in 1958 to establish the whereabouts of common land, the rights attached for the benefit of commoners, and identify if possible, ownership.
20. The University of Aberystwyth was commissioned by the secretary of state to carry out a further census to the ones taken in 1925 and 1936.
21. The evidence from the commission led to the Commons Registration Act 1965. Initially the registrations in 1965 were only provisional.
22. Counties, as Registration Authorities list all registered common lands of England and Wales based on information supplied to the Royal Commission in 1958 by Maff (now defra), and supplemented and corrected from details, collected by the county authorities and with subsequent information added where available.
23. The information for Shropshire was given by the clerk to the county council G.C. Godber on 19th may 1968.
24. It was established that Whitchurch Heath common holds 380 acres, this is one of 62 commons in Shropshire. It is registered as section 9 of the CRA 1965, because in common with all other common lands in Shropshire, no owners could be traced.
25. Where no owners could be traced, the Commissioner “vested” the commons into the protection of the registering authorities under sec. 9 cra 1965.
26. Sec. 9 vesting is not legal freehold so it gives no jurisdiction to the authority to do anything other than protect the land from encroachment or abuse.
27. The registration of common lands became final by 1974-75 and conclusive subject to section 10 of the Act. (And for the benefit of the neighbourhood).
28. I firmly believe that the restraining order placed upon me was wrong. The land acquired by Butterfly Conservation is common land. They have no right to enclose it.
29. At that hearing I was “defended” by a barrister working on a legal aid certificate.
30. Defending me was the last thing on this barristers mind, no reference to any of my files was made and so the restriction order was placed against me.
31. I did complain to my Counsel that I was not satisfied with his representation.
32. “Some you win some you loose” he said; “we have to display “niceties” to the court to gain the best we can”, (his words and not mine).
33. No mention of rights or a fair trial.
34. My arrest on 1st May 2012, was subject to my being on Whitchurch Heath common aka Prees Heath. The request for my arrest was by Stephen Lewis and not Butterfly Conservation who will not confirm that he is employed by them.
35. I was charged with breaching a restraining order placed upon me by Judge Barrie in 2011.
36. I have always believed that the judgement was incorrect and that the problems were not fully understood. In addition His Honour was misled by false representations given by Stephen Lewis and again Butterfly Conservation will not confirm his employment which is why I believe he is acting for himself.
37. Because of this I thought the ruling was one that should be ignored and not complied with. I had presented evidence to show that my rights to be on the common land were legitimate. I had also applied under sec.41 of the CRA 1965 to remove impediments from the common and all other works, which were illegal.
38. The courts accepted from Stephen Lewis, his claims that Butterfly Conservation owned the land; he disclosed an ill gotten land registry document and a provisional consent from the planning inspectorate, to the court.
39. These claims were never examined by the courts and I was denied my rights to question the witness regarding his claims.
40. The consent was obtained through false representations by Stephen Lewis himself and not from Butterfly Conservation.
41. It seemed to me that the courts were prepared to accept whatever the prosecution presented without question.
42. I believe that because the local authorities supported Stephen Lewis, the courts followed suit.
43. This local authority has reason to support the claims because they too illegally occupy parts of Whitchurch Heath Common land CL 21, also under the aka Prees Heath.

44. I give thanks to His Honour Judge Onions for allowing me to express myself before his court.
45. Also for advising me on how he saw my actions. It is this service, one comes to expect from an honest judge.
46. Judge Onions did make comment; his words were "perhaps the wrong decision by the previous judge was given" that did not mean that he thought it was the wrong decision.
47. Judge Onions also suggested to the prosecution "that Mr Barnett may have reasonable excuse."
48. Judge Onions perhaps saw in me that I was a reasonable person, not subject to wanton criminal actions.
49. I submit that my presence on the common was justifiable, legitimate and right.
50. My presence on the common did not require an excuse to elicit a pardon. That never entered my head, I was on Whitchurch Heath common aka Prees Heath simply because I consider that like other members of the public I have a right to be there.
51. It should be noted that common land is protected by the fact that the owner, if there is one, cannot fence it because of the rights of the commoners and the commoners cannot fence it because they do not own it.
52. Removing the status quo as the Wildlife Trusts are doing by fencing the common land, leaves it more vulnerable to misappropriation as of course it has been for centuries
53. At present the Wildlife Trusts are applying for permission to fence common land at the instigation of Natural England and with the permission of local authorities in whom the land is vested. The Planning Inspectorate appear to be rubber stamping these applications for no better reason than they are supported by the other quangos.
54. The public object and then have to pick up the cost of that objection as well as paying for the process occasioned by the quangos, meaning that they pay twice.
This is an injustice which seems to me to be lamentable.
55. I believe the law breakers are in fact these quangos, working in partnership to force their wishes on the public and commoners. I do not understand why they have always been given judgement.
56. I would therefore ask this court to accept that I acted reasonably in having disregard for such court rulings/orders in order to once again bring this injustice to the attention of the Judiciary.
57. May I use a statement which was put before the House of Lords whilst in session.
- 58. We trade our natural freedom in return for equal access to protection of the law.**
- 59. When that access is denied, then the contract is broken and all bets are off.**
- 60. There is no obligation for one side to fulfill their part, when the other refuses.**
- 61. I believe that was Lord Denning your honour**
62. Members of the Jury, I have been denied access to the protection of the laws of this country.
63. Article 6 was upper most in my mind in my last hearing before His Honour Judge Onions when applying for my trial to be before another court in another county, preferably the Royal Courts in London.
64. Judge Onions offered me a trial in Staffordshire which was not acceptable or agreed with.
65. I also questioned his confidence in finding 12 members of the public in this county that had never heard of me or knew me or had any association with the Butterfly Conservation or the common land concerned.
66. I was told that I could not appear before the royal courts because he said I was to appear before a jury as there was no indication I had been remanded.
67. Article 6 is a long examination of the Rights Convention, but it means that article 6 guarantees the rights to a fair trial but it enshrines the principal of the rule of law, upon which a democratic society is built.
68. It also enshrines the rule that one is innocent until "proved guilty" and not just found guilty, being found is not part of the Article 6 of the convention on human rights
69. I have only been "found" guilty on a mistaken decision by the presiding Judge, no evidence could be disclosed to prove me guilty of any criminal act, or evidence to cause the decision.
70. Members of the Jury I have been acting in the public interest to secure their rights to air and exercise and enjoyment of our historic open spaces. However this does not seem to have been recognized. My rights to that guarantee of a fair and unbiased trial has always been denied me.
71. Please note I am before this court on condition of arrest if I do not appear.