

# OLD UNION v. NEW UNION

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I was telling people this over seven years ago here in Washington and Oregon!

There are NO States in Original Jurisdiction in existence today. See Hepburn Dundas v. Elzey.

The OLD Union of what we used to know as the Original 13 Union States or often referred to as the "several States" were destroyed.

The NEW UNION of ALL the States that we know today are in fact and law Federal Municipal Corporations and ALL have FEDERAL TAX ID NUMBERS.

Look up the word "The" and the Significance of placing it before another word.

There is a radical difference between "The State of Washington" as opposed to STATE OF WASHINGTON.

STATE OF CALIFORNIA is NOT the same thing as "The State of California.

ALL the States in Original Jurisdiction i.e. the several States or 13 Union States of the OLD UNION were destroyed.

Read the RECONSTRUCTION ACTS.

Look up the word RECONSTRUCTION.

It's obvious that they were putting something back together that was destroyed.

And they formed a NEW UNION.

**STATE OF WASHINGTON like ALL fifty States is a Federal Municipal Corporation and is operating under Territorial Law.**

That's right, ALL States in existence today are operating under TERRITORIAL LAW.

In Washington, we have what is called the Revised Code of Washington.

**The Revised Code of Washington is the Territorial Code of 1881 Revised.**

The Territorial Code of 1881 is the Session Law or Statute Law passed by the Legislature.

**The current Revised Code of Washington i.e. the RCW's have NEVER been passed into law by the Legislature.**

The Reconstruction Acts required ALL States to ARCHIVE their Original Constitutions and replace them with what I call "**Corporate Charter Constitutions**" and made them a mere "statute" which is now superseded by Court Rules which are promulgated by the Supreme Court in every State.

*"But the legislature specifically disclaimed any intention to change the meaning of any statute. The compilers of the code were not empowered by congress to amend existing law, and doubtless had no thought of doing so ..." "...the act before us does not purport to amend a section of an act, but only a section of a compilation entitled "REVISED CODE OF WASHINGTON," WHICH IS NOT THE LAW. Such an act purporting to amend only a section of the prima facie compilation leaves the law unchanged. En Banc." - PAROSA v. TACOMA, 57 Wn.(2d) 409 (Dec.22, 1960).*

The Reconstruction Acts took away the Legal Standing, the Legal Character or the Legal Capacity from the Citizens and changed their Legal Status from "ELECTORS" in a THREE BRANCH GOVERNMENT as they were in Original Jurisdiction in the Old Union and changed them to "REGISTERED VOTERS" in a TWO BRANCH GOVERNMENT.

Want proof ?

Go to your local City Clerk and ask for a CERTIFIED COPY of your City Charter in any State.

Go to your local County Clerk and ask for a CERTIFIED COPY of your County Charter in any State.

You will find that ALL cities and counties in your State has only TWO BRANCHES. The Executive and Legislative.

### **There is NO Judicial Branch !**

The Judicial Districts were ALL Abolished in 1856 by the Act of the 34th Congress.

The U.S. Supreme Court in 1860 reviewed the Act of the 34th Congress ordered ALL the States in Existence at that time to CLOSE DOWN all the Court's of law and ALL Court's complied in every State in 1860.

NONE of the Court's in any State are Court's created by the Constitution of their State.

Every Court from top to bottom, the justice of the peace courts, the police courts, the municipal court's, the district court's and the circuit court's are **ALL Statutory Court's created by Statutes** which were enacted by the Legislature and in fact and law merely Administrative Agencies and only have the authority conferred by Statute.

### **ALL STATES in existence today are "TERRITORIES" or "POSSESSIONS" in fact and law.**

If you look carefully at your State Statute and it's corresponding Administrative Code, you will find that it was The Buck Act that allowed the States to bring in the Internal Revenue Code into the Territories and Possession's of the United States.

Here is some case law to help clarify:

*See RCW 82.04.200 which reads:*

*"RCW 82.04.200 In this state" and "WITHIN THIS STATE" "IN THIS STATE" and "WITHIN THIS STATE" includes all federal areas lying within the exterior boundaries of the state. [1961 c 15 82.04.200. Prior: 1955 c 389 21; prior L 1949 c 228 2, part; 1945 c 249 1, part; 1943 c 156 2, part; 1941 c 178 2, part; 1939 c 225 2, part; 1937 c 227 2, part; 1935 c 180 5, part; Rem. Supp. 1949 8370-5, part.] (emphasis added). And;*

"IN THIS STATE," "WITHIN THIS STATE" as stated in the above current 1999 RCW Code Section is not one of the united States of America in its original jurisdiction, nor is it part of "The State of Washington." See page 94 Session Laws of 1889-1890, December 13, 1889, making by Legislative Fiat, "State" or "State of Washington" in the Law mean, Territory or Territory of Washington. "WA" is a "fictional State within a state" which was NOT in existence at the time of the creation of The State of Washington, nor was it in existence at the time of the creation of the Territorial Code of 1881 which is still valid law today pursuant to the fact that the Code of 1881 has never been repealed.  
And;

See RCW Titles 46 and 47 wherein their code sections apply only to the above defined federal areas, to wit: "In this state" and "within this state. See the Buck Act of 1940 cited below at page 4, lines 22-24, to wit: it's codification at USC 4, §§ 105,110, et. sec., is the ciliset or vidiliset. And;

*RCW 82.04.010 Introductory.*

*Unless the context clearly requires otherwise, the definitions set forth in the sections preceding RCW 82.04.220 apply throughout this chapter. [1996 c 93 § 4; 1961 c 15 § 82.04.010. Prior: 1955 c 389 § 2; prior: 1949 c 228 § 2, part; 1945 c 249 § 1, part; 1943 c 156 § 2, part; 1941 c 178 § 2, part; 1939 c 225 § 2, part; 1937 c 227 § 2, part; 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]. And;*

#### CHAPTER 82.52 EXTENSION OF EXCISES TO FEDERAL AREAS

##### Sections

82.52.010 STATE ACCEPTS PROVISIONS OF FEDERAL (BUCK) ACT.

82.52.020 STATE'S TAX LAWS MADE APPLICABLE TO FEDERAL AREAS--EXCEPTION.

NOTES: Federal areas and jurisdiction: Title 37 RCW. Taxation of federal agencies and instrumentalities: State Constitution Art. 7 §§ 1, 3. And;

RCW 82.52.010 STATE ACCEPTS PROVISIONS OF FEDERAL (BUCK) ACT.

*The state hereby accepts jurisdiction over all federal areas located "within" its exterior boundaries to the extent that the power and authority to levy and collect taxes therein is granted by that certain act of the 76th congress of the United States, approved by the president on October 9, 1940, and entitled: "An Act to permit the states to extend their sales, use, and income taxes TO PERSONS RESIDING OR CARRYING ON BUSINESS, OR TO TRANSACTIONS OCCURRING, IN FEDERAL AREAS, AND FOR OTHER PURPOSES." [1961 c 15 § 82.52.010. Prior: 1941 c 175 § 1; Rem. Supp. 1941 § 11337-10.] And;*

RCW 47.04.050 Acceptance of federal acts.

*The "STATE OF WASHINGTON" hereby assents to the purposes, provisions, terms and conditions of the grant of money provided in an act of congress entitled: "An act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts, grants and appropriations amendatory and supplementary thereto and affecting the "STATE OF WASHINGTON". [1961 c 13 § 47.04.050. Prior: 1937 c 53 § 43; RRS § 6400-43; 1917 c 76 § 1; RRS § 6844.] And;*

RCW 47.42.920 FEDERAL REQUIREMENTS--CONFLICT AND ACCORD.

*If the secretary of the United States department of transportation finds any part of this chapter to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the "state", the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. THE RULES UNDER THIS CHAPTER SHALL MEET FEDERAL REQUIREMENTS THAT ARE A NECESSARY CONDITION TO THE RECEIPT OF FEDERAL FUNDS BY THE STATE. [1985 c 142 § 4.] And;*

In addition to the foregoing, RCW 46.04.360, under the section titled "Nonresident," reads:

*"Nonresident" means any person whose residence is outside this state and who is temporarily sojourning WITHIN THIS STATE. [1961 c 12 § 46.04.360. Prior: 1959 c 49 § 37; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.] (emphasis added) And;*

This Court must take Mandatory Judicial Notice ER201 of CR 44.1 Determination of Foreign Law of which I now object, take exception and make an OFFER OF PROOF ER

103(2) that this "fictional court" has NO jurisdiction in the premises for failure to provide proof that I was "driving" a "motor vehicle" in a "FEDERAL AREA."

See California and North Carolina's consistent definition's of those states "municipal law" which require some sort of "contract" for proper application within the "federal areas" of the "NEW UNION."

*"Section 11205. "In this State," etc.*

*"In this State" or "in the State" means within the exterior limits of the State of California and includes all territory within these limits owned or ceded to the United States of America. Added Stats 1941 section 1, effective July 1, 1943. Prior Law: Stats 1937 ch. 283 section 2 subd (d) p 621, as amended by Stats 1941 ch 162 section 1 p 1202." And;*

*"Section 6017. "In this State" or "in the State"*

*"In this State" or "in the State" means within the exterior limits of the State of California and includes all territory within these limits owned by or ceded to the United States of America. Added Stats 1941 ch 36 section 1, effective July 1, 1943. Prior Law: (a) Stats 1933 ch 1020 section 2 subd (i) p 2599, as amended by Stats 1935 ch 357 section 2 p 1256, Stats 1937 ch 778 section 1 p 2223, Stats 1939 ch 679 section 2 p 2170, Stats 1941 ch 247 section 1 p 1321. (b) Stats 1935 ch. 361 section 2 subd (j) p 1297, as amended by Stats 1937 ch 683 section 1 p 1936, Stats 1939 ch 677 section 1 p 2154, Stats 1941 ch 247 section 14 p 1334. And;*

*"N.C. G.S. 105-164.3(7) "In this State" or "in the State" means within the exterior limits of the State of North Carolina and includes all territories within such limits owned or ceded to the United States of America. (Added Stats. 1941, c. 36, p. 536, section 1.)"*

*"N.C. G.S. Sections 105-187.2 A tax is imposed for the privilege of using the highways of this State. This tax is in addition to all other taxes and fees imposed. (Stats. 19889, c.692, s.4.1)*

*"N.C. G.S. 12-3 Statutory Construction;*

*"State" and "United States". "The word "state," when applied to the different parts of the united States, shall be construed to extend to and include the District of Columbia and the several territories, so called; and the words "United States" shall be construed to include the said districts and territories and all dependencies."*

It is clear that North Carolina Statutes, California Statutes and Washington Statutes agree completely with the "Buck Act" Title 4 U.S.C.S. sections 105-110, and is identical in implication and meaning. This tax is imposed on every motor vehicle used in any "federal area" such as the Central District of STATE OF WASHINGTON aka "WA", Social Security Area, federal ZIP Code area, etc.

These definitions are consistent with the definitions mandated by the "BUCK ACT" which states in part:

*"110(d) The term "State" includes any Territory or possession of the United States." And;*

*"11(e) The term "Federal Area" means any lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency of the United States; and any Federal area, or any part thereof, which is located within the exterior boundaries of any State, shall be deemed to be a Federal area located within such State."*

The Social Security Department created 10 social security districts which like a thin plastic sheet overlay all the 50 states of the union. This creates a "fictional federal state within a state," for the purposes of applying the "Public Salary Tax Act" to these areas.

*"There has been created a fictional Federal "state within a state." Howard v. Commissioners of Sinking fund of Louisville, 344 U.S. 624, 73. S.Ct. 465, 476, 97 L.Ed. 617 (1953); Schwartz v. O'Hara TP. School Dist., 100 A.2d 621, 625, 375 Pa. 440.*

(Compare also 31 C.F.R. Part 51.2 and 52.2, which also identifies a fictional State within a state.)

This fictional "State" is identified by the use of two-letter abbreviations like "WA", "OR", "ID", "AZ", and "TX" as distinguished from the authorized abbreviations like "Wash.", etc. This fictional State also uses a ZIP codes which are within the municipal, exclusive legislative jurisdiction of Congress. And;

There is a vestige of State sovereignty remaining which cannot be acquired by the United States (District of Columbia) because of the limitation of the United States to powers delegated under the Constitution.

See Cal. 7 Ops Atty Gen. 628; 37 Am. Jur, Municipal Corp sections 23, 26; Wichita Falls v. Bowen, 143 Tex. 45, 182 S.W.2d., 154 A.L.R. 1434; 62 CJS, Mun. Corp. section 46, page 133; Norfolk County v. Portsmouth, 186 Va. 1032, 45 S.E.2d. 136; Anchorage v. Akers, (D.C. Alaska), 100 F.Supp. 2; Kiker v. Philadelphia, 346 Pa. 624, 31 A.2d 289.

This was accomplished by the institution of the "Buck Act," 4 U.S.C.S. sections 104-113, to implement the application of the "Public Salary Tax Act of 1939 to the "employees" working within the private sector. **This makes all private sector workers who have and "use" a Social Security number subject to all State and Federal laws "within the State" a "fictional Federal area" overlaying all the land "within" the United States.**

*"Respondent contends article 2(a) RCW 9.100.010 supports its argument that "state", as used in RCW 9.95.120, includes the United States. However reference to article 2(a) supports petitioner's contention. Article 2(a) specifically defines "state" to include the United States, making it clear that when the legislature intends the word "state" to include the federal jurisdiction., it has done so with language clearly manifesting that intent." IN RE LEHMAN, 93 Wn.2d 25, 27, 28 [No. 46150. En Banc. January 10, 1980.] And;*

*"In State ex rel. Best v. Superior Court, supra, we said (pp. 240, 241), ". . . By the enabling act, Washington was authorized to adopt a constitution, establish a state government, and was admitted into the Union upon equal footing with the original states, which carried with it the full power of enacting laws against crimes and punishing all those within her borders who might transgress such laws, be they citizens or not. This must be so, since the state became sovereign, with full power, except those powers which had been delegated to the national government. And relator has not contended, and cannot contend, that any power was ever delegated to the national government to enact or enforce or enforce criminal laws applicable within the territorial limits of any state, except those portions thereof which were exclusively within the jurisdiction of the Federal government, such as Indian reservations and the like. . . ." IN RE WESLEY v. SCHNECKLOTH, 55 Wn. (2d) 90, 98 [No. 34127. En Banc. November 19, 1959.] and;*

*"Both parties agreed that, prior to the passage of the Buck Act (1940) 4 U.S.C.A. SSSS 105-110, the various states of the Union had no legal basis for imposing a tax on the activities of a business or individual, when such activities were carried on exclusively within the confines of a federal reservation. They are also in agreement that the effect of the Buck Act was to grant to the states certain taxing powers. This is specifically provided in 4 U.S.C.A. 4 106:"*

*"(a) No person shall be relieved from liability for any income tax levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such a tax, by reason of his residing within a Federal area or receiving income from transactions occurring or services performed in such area; and such State or taxing authority shall have full jurisdiction and powers to levy and collect such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area." Alaska v. Baker, 64 Wn.2d 207, 390 P.2d 1009 (1964) And;*

*"The area within, and under, the jurisdiction of a state may come under the exclusive jurisdiction of the United States by purchase by the Federal Government for a purpose prescribed by the*

*Federal Constitution and with the consent of the state, or by cession of exclusive jurisdiction by the state to the United States. In either event, the land acquires a territorial status and ceases to be a part of the state, either territorially or jurisdictionally. Concessions Co. v. Morris, 109 Wash. 46, 186 Pac. 655." RYAN v. STATE, 188 Wash. 115, 130 [No. 26060. En Banc. October 28, 1936.] And;*

*"Irrespective of what tax is called by state law, if its purpose is to produce revenue, it is income tax or receipts tax Under Buck Act [4 U.S.C.S. sections 105-110]." Humble Oil & Refining Co. v. Calvert, (1971) 464 S.W.2d 170, affd. (Tex.) 478 S.W.2d 926, cert den. 409 U.S. 967, 34 L.Ed.2d 234, 93 S.Ct. 293.*

There is NO doubt that the Fictional Federal Municipal Corporate STATE OF WASHINGTON is attempting to impose directly a "USE" tax (excise) under the provision of 4 U.S.C.S. Section 105 which states in pertinent part:

*"Section 105. State and so forth, taxation affecting Federal Areas; sales and use tax. (a) No person shall be relieved from liability for payment of, collection of, or accounting for any sales or use tax levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such tax, on the ground that the sale or use, with respect to which tax is levied, occurred in whole or in part within a Federal area; and such State or taxing authority shall have full jurisdiction and power to levy and collect any such tax in any Federal area, within such State to the same extent and with the same effect as though such area was not a Federal area."*

*"A "Federal area" is any area designated by any agency, Division, or establishment of the federal government. This includes the Social Security areas designated by the Social Security Administration, any public housing area that has federal funding, a home that has a federal bank loan, a road that has federal funding, and almost everything that the federal government touches through any type of aid." Springfield v. Kenny, (1951 App.) 104 N.E.2d. 65.*

This "Federal area" attaches to anyone who has and "uses" a social security number or any personal "minimal contacts" with the federal or State governments. Thus, the federal government has usurped the Sovereignty of the People and State Sovereignty by creating these "fictional federal areas" within the boundaries of the state under the authority of the Federal Constitution, Article IV, Section 2 which reads:

*"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state."*

*"Therefore, the U.S. citizens [citizens of the District of Columbia] residing in one of the states of the union, are classified as property and franchises of the federal government as an "individual entity." Wheeling Steel Corp. v. Fox, 298 U.S. 193, 80 L.Ed. 1143, 56 S.Ct. 773.*

*"A "U.S. Citizen" upon leaving the District of Columbia becomes involved in "interstate commerce", as a "resident" does not have the common-law right to travel, of a Citizen of one of the several states." Hendrick v. Maryland S.C. Reporter's Rd. 610-625. (1914). And;*

*"The governments of the united States and each of the several states are distinct from one another. The rights of a citizen under one may be quite different from those which he has under the other." Colgate v. Harvey, 296 U.S. 404.*

*"Both before and after the Fourteenth Amendment to the federal Constitution, it has not been necessary for a person to be a citizen of the United States in order to be a citizen of his state." United States v. Cruikshank, 92 U.S. 542, 549, 23 L.Ed. 588 (1875). And;*

*"The several states are sovereign "countries" and the "United States Government is a foreign corporation with respect to a state." 81 C.J.S. 896, 102 STAT. 4673, 100-702 Sec. 1022 Laws of 100th Congress. -2nd sess., N.y. - In Merriam, 36 N.E. 505, 141 N.Y. 479, affirmed 16 S.Ct.1073, 163 U.S. 625, 41 L.Ed. 287, 20 C.J.S. 1786. And;*

WHAT IS A RESIDENT?

(Citizen and Resident are not synonymous terms, domicile and residence are not synonymous, therefore a Citizen is a nonresident. Bouviers, Blacks, Ballentines Law Dictionaries.)

*"Residence or doing business in a hostile territory is the test of an "alien enemy: within meaning of Trading with the Enemy Act and Executive Orders thereunder." Executive Order March 11, 1942. No. 9095, as amended 50 U.S.C.A. Appendix 6: Trading with the enemy Act 5 (b). In re Oneida Nat. Bank Trust Co. of Utica, 53 N.Y.S. 2d 416, 420, 421, 183 Misc. 374. And;*

*"By the modern phrase, a man who resides under the allegiance and protection of a hostile state for commercial purposes is to be considered to all civil purposes as much as an "alien enemy" as if he were born there." Hutchinson v. Brock, 11 Mass. 119, 122. And;*

See also Internal Revenue Code Section 7701(39) which reads:

*"I.R.C. Section 7701(39) IF ANY CITIZEN OR RESIDENT OF THE UNITED STATES DOES NOT RESIDE IN (AND IS NOT FOUND IN) ANY UNITED STATES JUDICIAL DISTRICT, SUCH CITIZEN OR RESIDENT SHALL BE TREATED AS RESIDING IN THE DISTRICT OF COLUMBIA FOR PURPOSES OF ANY PROVISIONS OF THIS TITLE TO " (A) jurisdiction of courts, or (B) enforcement of summons."*

Also see Internal Revenue Code Section 7408(C) and Art. 1, Section 8, Clause 17 Constitution for the United States of America as defined and reinstated in National Mutual Insurance Company of the District of Columbia, 337 U.S. 582, 93 L.Ed. 1556 (1948) and further states that citizens of the District of Columbia **are not embraced by the judicial power under Article 3 of the Constitution for the United States of America**, the same statement is held in Hepburn v. Dundas v. Elizay, 2 Cranch (U.S.) 445, 2 L.Ed. 332.; In 1804, the Supreme Court, through Chief Justice Marshall, held that a citizen of the District of Columbia was not a citizen of a state.

In NATIONAL MUTUAL INSURANCE COMPANY OF THE DISTRICT OF COLUMBIA v. TIDEWATER TRANSFER COMPANY, (SUPRA),

*"We therefore decline to overrule the opinion of Chief Justice Marshall, and we hold that the District of Columbia is not a state within Article 3 of the Constitution. In other words cases between citizens of the District and those of the states were not included of the catalogue of controversies over which the Congress could give jurisdiction to the federal courts by virtue of Article 3. In other words Congress has exclusive legislative jurisdiction over citizens of washington District of Columbia and through their plenary power nationally covers those citizens even when in one of the several states as though the district expands for the purpose of regulating its citizens wherever they go throughout the states in union. And furthermore, there is a limitation of power defined in TITLE 4-FLAG AND SEAL, SEAT OF GOVERNMENT AND THE STATES, at page 380 U.S.C. at Chapter 3 Sections 71 & 72 to wit:*

*Section 71. Permanent seat of Government*

*All that part of the territory of the United States included within the present limits of the District of Columbia shall be the permanent seat of government of the United States.*

*(July 30, 1947, chapter 389, 61 Stat. 643.)*

*Section 72. Public offices, at seat of Government*

*All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as expressly provided by law.*

*(July 30, 1947, chapter 389, 61 Stat 643.)*

## **WHAT IS OR WHO ARE CITIZENS?**

It is shown that Fourteenth Amendment citizens/subjects are artificial persons created by the legislature (Congress) and cannot claim protections secured by Article IV, section 2. III.

**Who are Citizens?** "Corporations as Citizens. " Corporations are not citizens within the meaning of this clause. The term "citizen" as there used applies only to natural persons, members of the body politic owing allegiance to the state, not to artificial persons created by the legislature and possessing only the attributes which the legislature has prescribed." Volume IX 1888 Fed. Stats. Page 162.

*"To aliens we extend these privileges (citizenship via Fourteenth Amendment) by courtesy; to others we secure them--" (Emphasis Added..) Van Valkenburg v. Brown, 43 Cal. Supreme Ct. 43, 48 (1872)*

## **WHAT IS AN ALIEN ENEMY?**

So you can further understand the word: "Alien Enemy" and what it means to be declared an enemy of the government, read the following definitions: The phrase: "Alien Enemy", is defined in Bouviers Law Dictionary as :

*"One who owes allegiance to the adverse belligerent." 1 Kent 73. And;*

*"He who owes a temporary but not a permanent allegiance is an alien enemy in respects to acts done during such temporary allegiance only; and when his allegiance terminates, his hostile character terminates also; 1 B. P. 163. And;*

*"Alien enemies are said to have no rights, no privileges, unless by the king's favor during time of war; 1 Bla. Com. 372; Bynkershoek 195; 8 Term 166. And;*

*"The phrase Alien Enemy is defined in Words and Phrases as : Residence of person in territory of nation at war with United States was sufficient to characterize him as "alien enemy" within Trading with the Enemy Act, even if he had acquired and retained American citizenship." Matarrese v. Matarrese, 59 A.2d 262, 265, 142 N.J. Eq. 226. And;*

Under the "Buck Act" 4 U.S.C.S. sections 105-110, the federal government has created a fictional "Federal area" within the boundaries of North Carolina, California and Washington. This area is similar to any territory that the federal government acquires through purchase or conquest, thereby imposing federal territorial law upon those "residing" in said "Federal area" which is called the "State of Washington."

In fine point of fact and law, the enforcement of registration and taxation of motor vehicles is being carried out under federal military territorial law as evidenced by the Executive Branch's yellow fringed military and territorial U.S. Flag flying in the courtrooms and Department of Licensing offices. See RCW 38 Militia and Military affairs.

## **THE TERM "PERSON" INCLUDES THIS STATE!!!**

In order to use a civil process to enforce a private right, there must be an agreement upon which the private right is alleged. The RCW is a compilation of private [laws](sic) Copyrighted Codes intended to govern the members of the private corporation "forum state" known as "STATE OF WASHINGTON".

STATE OF WASHINGTON having left any previously held plain of sovereignty to take on the status of a private corporation. "It is for some purposes, although not others, treated as a "person."

*"When the United States enters into a commercial business, it abandons its sovereign capacity and is to be treated like any other corporation." 91 CJS UNITED STATES §4 .*

The term person identifies this state, RCW 1.16.080 (1) The term "person" may be construed to include the United States, this state, or any state or territory, or any public or private corporation or limited liability company, as well as an individual.

## **The definition would not include this state IF this state was Sovereign!**

*"In Common Usage, the term "person" does not include the sovereign and statute employing it will ordinarily not be construed to do so." U.S. v. United Mine Workers of America, U.S. 258,91.*

See also United States v. Fox 94 U.S. 315.

## **The "person" liable to the RCW is a legal fiction.**

*RCW 9A.04.110 (17) "Person", "he", and "actor" include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association;*

Or see RCW 46.04.405 "Person" includes every natural person, firm, copartnership, corporation, association, or organization.

## **The term "person" as used in the RCW is always a fictional entity.**

See also canon of statutory construction Eiusdem Generis to wit:

*"Of the same kind, class or nature. In the construction of laws, wills, and other instruments, the "ejusdem generis rule" is that where general words follow an enumeration of persons or things, by words of a particular and specific meaning, **such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned.** U.S. v. LaBrecque" Blacks Law Dictionary 6th ED. And;*

## **STATE OF WASHINGTON IS MERELY A FEDERAL MUNICIPAL CORPORATION**

*"The territory is a municipal corporation and government, representing all the people within its borders. The county of Spokane is an agency of the territory to carry on certain functions of government. Neither the territory nor county are the real party in interest; but the inhabitants are. The territory by statute is authorized to accept and collect these bonds for the use of the people, and is a trustee of a trust expressed by statute." AINSWORTH v. TERRITORY OF WASHINGTON, 2 Wash. Territory 270, 278 (January 21, 1887). And;*

*That a state government comes within the purview of the act is manifest by the definition of "person" contained in section 302 (h) (U.S.C.A. (Supt.), section 942 (h)). If state governments are not included within the term "any other government," then no political subdivision of any state nor any state agency comes within the purview of the act, for, obviously, the political subdivisions and agencies "of the foregoing" are such as are set up and included within "any other government" within the scope of the act." SOUNDVIEW PULP CO. v. TAYLOR, 21 Wn.(d) 261, 276 ((July 22, 1944.) And;*

"The state" acts in two capacities: governmental and proprietary. The distinction between the two is best stated in Cincinnati v. Cameron, 33 Ohio St. 336, approved by this court in Seattle v. Stirrat, 55 Wash. 560, 104 Pac. 834, 30 L.R.A. (N.S.) 1275:

*"In its governmental or public character, it represents the state, while in the other it is a mere private corporation. As a political institution, the municipality occupies a different position, and is subject to different liabilities from those which are imposed upon the private corporation. But because these two characters are united in the same legal entity, it does not follow that the shield which covers the political equally protects the private corporation." STRAND v. STATE., 16 Wn.(2d) 107, 116 (January 6, 1943). And;*

It can be said :

It is an Undisputed Fact of Law pursuant to CR 8 (d) that "the Sovereign accused" does not reside or travel "IN THIS STATE" or "WITHIN THIS STATE" or within any other "FEDERAL AREAS" lying within the exterior boundaries of the State, when said Sovereign temporarily sojourns or locomotes on the "public highways" in a "recreational vehicle" pursuant to RCW 46.25.050(1)(c) and defined at WAC 308-100-210, as I am "STATELESS" to the "CORPORATE STATES," and without the conterminous United

States of America and its instrumentalities. I do not in "RE" on any "SIDE" of the court "IN THIS STATE" or "WITHIN THIS STATE." And;

Said sovereign is not a member of, nor does He have allegiance to, the Federal Conterminous United States of America, or its instrumentalities known as "WA," "OR," "AK," "CA," or "MO" further defined by Zone Improvement Plan Codes [ZIP Codes] for federal areas. See Minimum Contacts Doctrine for judicial notice, not cited. The Defendant has no (corporate) STATE OF WASHINGTON address, does not reside in the STATE OF WASHINGTON or "WITHIN" any federal areas within the exterior boundaries of "THE STATE," and only occasionally obtains postal matter at general delivery or P.O. Boxes in Five (5) different states, as he travels through Washington, the republic. And;

**Under the Original JUDICIARY ACT, the District of Columbia was NOT a State.**

*So, if under the New Judiciary Act, the District of Columbia is now a State on an equal footing with all the current States in the NEW UNION, is STATE OF WASHINGTON or STATE OF CALIFORNIA or STATE OF MISSOURI States in the Original Sense of the meaning of the word "State" as in the 1st Original Judiciary Act as referred to in Hepburn Dundas v. Elzey ?????*

Take a look at **RULE 2** in both your State and Federal Court Rules printed by Lexis Publishing which **authorized law and equity to be combined into one form of action called a civil action and thus the Roman Civil Law was brought into our law books.**

**Did CONGRESS ever authorize the States to combine law and equity into one form of action?**

**ANSWER: NO.**

CONGRESS only gave authority to the TERRITORIES or POSSESSION or FEDERAL COURT'S authority to combine law and equity into ONE FORM OF ACTION CALLED CIVIL.

Also submit a FOIA or under State law a Public Disclosure Request to your City, your County and any Municipal Court, any District Court, any Superior Court and to your Supreme Court and ask them to provide you a copy of their FEDERAL TAX ID NUMBER.

Also submit a FOIA or State Public Disclosure Request to your local Municipal or District Court and ask them to provide a copy of the judge's pay stub and you will see that they are deducting Federal Income Taxes.

Can one Sovereign Tax another Sovereign?

**Is your State Sovereign?**

**ANSWER: NO.**

**ARGUMENT:** A STATE COURT HAS NO JURISDICTION TO PROCEED "***IN REM***" ON THE FOLLOWING AUTHORITIES TO WIT:

The jurisdiction of a Federal Court of Admiralty is very narrow having been established only by direct grant under the constitution of the United States. A suit in Admiralty is designed to bring the "RES" before the court for adjudication. The "bottom" is sued and is made party defendant.

As recently as 1951 and 1963, the Washington State Supreme Court has stated that:

*"The remedy saved to suitors by the judiciary code is the right to proceed in personam against the defendant. The Moses Taylor, supra. With respect to actions in rem, the applicable principle, amply supported by authorities, is stated by Benedict, as follows: **The right to proceed in rem is the distinctive remedy of the admiralty and hence administered exclusively by the United States courts in admiralty: no State can confer jurisdiction upon its courts to proceed in rem, nor could Congress give such power to a State, since it would be contrary to the constitutional grant of such power to the Federal Government.** The saving clause of the Judiciary Act and of the Judicial Code does not contemplate admiralty in a common law court."* 1 Benedict on Admiralty (6th ed.) 38, section 23.

Our examination of the authorities leads us to subscribe to the above-quoted views of Benedict.

*. . . Moreover, the broad language of the opinion in one of these cases, Taylor v. Steamer Columbia (California), to the effect that the states have the power to confer admiralty jurisdiction upon their own courts, **was expressly disavowed** in the later California case of Fischer v. Carey, supra. In another of these cited cases, The Alcalde, supra, the Federal court specifically refused to pass upon the question of whether the state trial court had erred in appointing a receiver to take legal custody of the vessel.*

*Appellants, being minority owners, are here confronted with an admiralty principle which prevents them from obtaining, in an admiralty court, the desired sale of the vessel for partition. They seek to circumvent that obstacle by applying to the state court for relief, and point to the saving clause above referred to as permitting this recourse.*

*The fundamental purpose of Art. III, section 2, of the Federal constitution was to preserve adequate harmony and appropriate uniform rules relating to maritime matters and bring them within the control of the Federal Government." Knickerbocker Ice Co. v. Stewart, 253 U.S. 149, 64 L.Ed. 834, 40 S. Ct. 438, 11 A.L.R. 1145.*

The saving clause was never intended as a device whereby litigants could escape the uniform application of the established principles of admiralty law, as contemplated by the constitution. This is indicated by such decisions as Southern Pac. Co. v. Jensen, 244 U.S. 205, 217, 61 L.Ed. 1086, 37 S. Ct. 524; Chelentis v. Luckenbach, S.S. Co., 247 U.S. 372, 384, 62 L.Ed. 1171, 38 S. Ct. 501; Knickerbocker Ice Co. v. Stewart, supra; and Washington v. W.C. Dawson Co., 264 U.S. 219, 68 L.Ed. 646, 44 S. Ct. 302 (affirming 122 Wash. 572).

...And in the Knickerbocker case, it was said, quoting the early case of The Lottawanna, 88 U.S. 558, 22 L. Ed. 654:

*"That we have a maritime law of our own, operative throughout the United States cannot be doubted. . . . One thing, however, is unquestionable; the Constitution must have referred to a system of law coextensive with and operating uniformly in, the whole country. **It certainly could not have been the intention to place the rules and limits of maritime law under the disposal and regulation of the several States**, as that would have defeated the uniformity and consistency at which the Constitution aimed on all subjects of a commercial character affecting the intercourse of the States with each other or with foreign states." (pp. 160-161.)*

*[5] We therefore conclude that the courts of this state do not have jurisdiction, concurrent or otherwise, over the particular kind of action stated in appellant's amended complaint.*

*The judgment is affirmed.*

*MALLERY, HILL, FINLEY, and OLSON, JJ., concur." CLINE v. PRICE, 39 Wn.2d 816, 821, 822, 823 (December 27, 1951.) And;*

*"THE DISTRICT COURTS SHALL HAVE EXCLUSIVE ORIGINAL JURISDICTION, EXCLUSIVE OF THE COURTS OF THE STATES, OF:*

*"(1) ANY CIVIL CASE OF ADMIRALTY or maritime jurisdiction, savings to suitors in all cases all other remedies to which they are otherwise entitled." 28 U.S.C.A. section 1333(1)." SCUDERO v. TODD SHIPYARDS CORP., 63 Wn.2d 46 at 48 [No 36319. En Banc. October 10, 1963.] And;*

*It is clear the Constitution of the United States (Art. 3, Sec. 2, Clause 1) expressly provides that the judicial power of the United States shall extend to "all cases of Admiralty and Maritime jurisdiction;" and the Federal Judiciary Act, while it gives to the Federal Courts exclusive original cognizance over civil cases of Admiralty and Maritime jurisdiction, saves to suitors the right of the common law remedy in all cases where the common law is competent to give it."*

The following quotation from Knapp, Stout and Company vs. McCaffery, 178 Ill. 107, 69 Am. St. Rep. 290 at page 299, well illustrates the distinction between an Admiralty suit and a suit in equity for an accounting:

*"The jurisdiction of the courts of the United States to administer relief by proceeding in rem in Admiralty is unquestionably exclusive. Such proceeding, however, is against the property only. The distinguishing and characteristic feature of such suit is, that the vessel or thing proceeded against is itself seized and impleaded as the defendant, and is judged and sentenced accordingly.*

*It is this dominion of a suit in Admiralty over the vessel or thing itself which gives the title made under its decree validity against all the world. (Citing The Moses Taylor, 4 WALL. 411). No person is a defendant in such a suit. Parties who have real or personal interests determine for themselves whether they will appear and protect their interests. When a sale is made in such a proceeding, it is good against the whole world. No such remedy was sought here. This was a suit against persons. No one would be bound by decree herein except those made parties. A sale, though purporting to be of the property, would really be only a sale of the interests of the defendants therein. A personal decree for the deficiency, if any, might follow. The equitable circumstances before mentioned, growing out of the sale and assignment, a denial of possession, intention to seize the property, the duty of McCaffery to protect it from a rise of the river, and the obstacles to so doing put in his way by the Knapp Company, all furnish ground for equitable cognizance. We cannot hold that because a proceeding against the raft in Admiralty might afford some conflict, therefore a court of equity must keep its hand off, if equitable circumstances exist which justify its granting relief on well established equitable principles against persons made defendants. Moreover, if the case had any likeness to a suit in rem in Admiralty when it was started, it lost that distinctive character when the Knapp Company at its own request, took the raft and left a personal bond in its place. Thereafter the suit was wholly in personam." Citing Johnson vs. The Chicago Etc. Elevator Company, 119 U.S. 388, Gindele vs. Corrigan, 28 Ill. App. 476, 129 Ill. 582, 16 Am. St. Rep. 292."*

Furthermore, our State Supreme Court has disclaimed any jurisdiction over maritime torts. West v. Martin, 47 Wash. 417, 92 Pac. 334.

Also, the case law says that "**IN REM**" proceedings must proceed in Admiralty Jurisdiction which by the Federal Constitution is granted SOLELY to the FEDERAL COURTS EXCLUSIVE OF THE STATES.

**The States have NEVER been granted any authority by Congress to precede IN REM.**

All Marriage and Divorce proceedings, custody of children or seizure of property is exclusively conducted IN REM.

**ALL court's are in fact and law LOWER DISTRICT FEDERAL COURT'S.**

**WE HAVE NO STATE COURT'S IN EXISTENCE TODAY.**

Look at the Original Session Laws creating the Court's in your State and you will find that it says in the first act creating that court that it is a LOWER DISTRICT FEDERAL COURT.

**STATE OF WASHINGTON like every other STATE in existence today is in fact and law a FEDERAL MUNICIPAL CORPORATION operating under TERRITORIAL LAW because ALL States in existence today are in fact and law Territories and Possession of the United States.**