The presumption of Law that anyone living upon the freeholders land of Justus township which was lawfully quiet titled is either subject to federal law, State of Montana municipal codes, ordinances, regulations, etc., or that there are any "individuals" or "residents" here are just that…

Legislative Presumptions!

Present evidence of your alleged authority and present evidence to refute the following laws!

The contents of agreements made with foreign agents are no tour contention when applied to your subjects, your implied ability to regulate a Citizen of one the several states and should be our contention and standing objection.

We are not, nor do we come under the definition of a Fourteenth amendment, any other connections with the federal government was done under threat of duress, coercion, under influence and through the concealment of information by the United States government. We are aware of the immense power the federal government can wield under the guise of the police powers act, and the war powers act

In 1933 the United States was declared bankrupt by President Roosevelt by Executive Orders 6673, 6102, 6111 and by 6260.

The United States bankruptcy was confirmed by Congress on June 5, 1933 in the Congressional Record pp 4055-4058-

The United States government is operating by fraud, passing laws, and conducting corporate business under color of law. The Supreme Court has ruled for the special interest of congress that the District of Columbia and it´s territories are not governed by nor subject to the constitution of the United States. This totally contradicted the Constitution and the precedent set by our Founding Fathers.

The United States may acquire territory by conquest or by treaty, and may govern it through the exercise of the power of Congress conferred by Section 3 of article IV of the constitution.

In exercising this power, Congress is not subject to the same constitutional imitations, as when it is legislating for the United States… And in general the guaranties of the Constitution, save as they are limitations upon the exercise of executive and legislative power when exerted for or over our insular possessions, extend to them only as Congress, in the exercise of its legislative power over territory belonging to the United States, has made those guarantees applicable [Hooven & Allison & Co vs Evantt, 324 U S 652 (1945)

Another such case is Downes vs Bidwell in which the dissenting Judge points out the evil of such a unlawful decision And further supported by "the insular cases" 15 Harvard Law Review 169,281

The idea prevails with some indeed, it found expression in arguments at the bar that we have in this country substantially or practically two national governments; one to be maintained under the constitution, with all its restrictions; the other to be maintained by congress outside and independently of that instrument, by exercising such powers as other nations of the earth are accustomed to exercise.

We take leave to say that if the principles thus announced should ever receive the sanction of a the result We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism.

It will be an evil day for American liberty if the theory of a government outside of the supreme law of the land finds lodgment in our constitutional jurisprudence No higher duty rests upon these courts tan to exert their full authority to prevent all violation of the principles of the constitution (Downes vs Bidwell, 182 U S 244 (1901)]

It was not the intention of the Founding Fathers to give Congress the exclusive control of the territories, without being in subjection to the constitution. **The words in the fore-mentioned interest of congress where applicable to the corporation, this is a conflict of interest, which has made it Possible for the abuse of power and fraud, past and present.**

Through undue influence and concealment the government has created a title of nobility for the bankrupt corporation and it´s franchises (called U S citizens) giving the government unlimited resources to enforces this fraud, via illiterate and duped citizen subjects who pay for their own enslavement.

As a result of the government´s deliberate concealment of information from the American people and through the changing of the meaning of the Constitution of the United States via lawyers, Supreme Court Judges who make substantive decisions based on their special interest and a executive branch controlled by foreign agents 8(World Bank), The government has enslaved the American people

Citing 17 Am jur 2d 501 on contracts:

(151) Fraud, misrepresentation. Or imposition

In regard to contracts made by parties affecting then and interests the general theory of the law is that there must be full and free consent It is said that if consent is obtained by meditated imposition or that consent is obtained by meditated imposition or circumvention. It is to be treated imposition or that if consent is obtained by meditated imposition or circumvention; it is to be treated as a delusion, and not as a deliberate and free act of the mind. Although, the law will not generally inquire into men´s acts and contracts to determine whether they are wise and prudent, yeti t will not generally inquire into men´s acts and contracts to determine whether they are wise and prudent, yet it will not suffer them to be entrapped by the fraudulent contrivances or cunning or, deceitful management of those who purposely mislead them. Fraud is material to a contract where the contract would not have been made if the fraud had not been perpetrated.

(152) Inducing execution of contract by one not knowing its contents.

According to the prevailing view, the general rule that failure to read or have a contract read to a party thereto before signing it precludes him from complaining about its contents does not apply in the case of fraud or misrepresentation, as where he is prevented from Reading it or having it read to him by some fraud trick, artifice, or device by the other party. If a person ignorant of the contents of written contract and signs it under a mistaken belief induced by misrepresentation, that it is an instrument of a different character, without negligence on his part, the agreement is void this rule may be brought into play by silence. As where it amounts to a misrepresentation of what a person is asked to sign by failing to speak when there is a duty to explain the contents of the instrument. However, the decisions are not entirely in accord in reference to the effect of a contract by which he has been overreached Thus, the question whether one who signs a contract without Reading it is so far concluded that he cannot set up that his signature was induced by a fraudulent misrepresentation as to its contents has received varying answers.

(153) Duress, coercion intimidation. Or threats

Freedom of will is essential to the validity of an agreement Where duress is exerted on one of the parties of such a kind as to overcome his will and compel a formal assent to an undertaking when he does not really agree to it, and so as to make that appear to be his act which is not his but another´s imposed on him of self-control. The agreement is not binding unless the other deals with him in good faith, in ignorance of the improper influence and in the belief that the party coerced is not exercising his free will, and the test not so much the means by which the party is compelled to execute the agreement as the state of mind induced.

Compulsion produced by threats may be sufficient to destroy free agency and prevent the formation of a binding contact to invalidate agreement. However, as a general rule a threat must be of such a nature and made under such circumstances as to constitute a reasonable and adequate cause to control the will.

(155) Generally

At no time in the history of the common law have agreements in violation of law been allowed to stipulate for iniquity. The Law which prohibits the end will not lend its and in promoting the, means designed to carry it into effect. It will not promote in one form that which it declares wrong in another, and hence contracts which bring about results which the law seek to prevent are Unenforceable. It may therefore be said to be a fundamental principle of the law of contracts that a contract must have a lawful purpose or object, and that transactions in violation of law cannot be made the foundation of a valid contract.

The government by becoming a corporation, (See 22 U,S,C,A, 286 (e)) lays down its sovereignty and takes on that of a private citizen. It can exercise no power which is not derived from the corporate charter. (See The Blank of the United States vs Planters Bank of Georgia 6 L Ed (9 Wheat) 244,U.S. vs Burr 309 U S 242)

Such principles as “Fraud and, justice never dwell together” Wingate´s Maxims 680, and “ A right of action cannot arise out of fraud” Broom´s maxims 297, 729, 38 fed 800.

The present operations of the “de facto” government is under Foreign and Alien Constitutions, Laws, Rules and Regulations Through treaties and agreements (the U.N Charter and G.A.T.T and others) the United States has forfeited its Sovereignty and the Sovereignty of de States, making the United States subject to a foreign Power. Since the implications of these treaties and agreements, entered into as a result of the privilege of borrowing money from the World Bank, to continue the operation of the bankrupt United States government, the United States has been enlisted in collecting the debt for the World Bank. This debt has been drastically increased by the use of fiat money which has no substance, because there is no gold or silver to bank the Federal Reserve Notes. This unlawful money has caused thousands of bankruptcies and repossessions, fraudulently perpetrated by the government of the United States and the World Bank. Since 1933 congress and the **other representatives have committed high treason against the people they are sworn to protect** Congress and the Executive branch have sold out the American people for (thirty pieces of silver) the furtherance of the corporation.

Congress and executive branch have willfully and purposely auctioned off the assets of the American people. The selling off of America´s assets was made possible by the President, in **Executive Order 12803 of April 30, 1992, entitled infrastructure Privatization.** In the executive Order you **have defined the title of this treasonous act, which has been done as a result of the fraud you the government (representatives) have perpetuated.**

In section, 1 (a) it says “Privatization” means the disposition or transfer of an infrastructure asset, such as by sale or by long-term lease from a State or local government to a private party.

In sub-paragraph (b) the infrastructure Assets are defined obviously, the usury the World Bank has been receiving from the American people (unconscionable citizen subjects) is not enough, now the **World Bank is foreclosing on the United States and wants the land and the assets to pay the national debt.**

Here is the definition of sub-paragraph (b)

"Infrastructure asset" means any asset financed in whole or in part by the Federal Government and needed for the functioning of the economy Examples of such assets include, but are not limited to roads, tunnels, bridges, electricity supply facilities, mass transit, rail transportation, airports ports, waterways, water supply facilities, mass transit. Rail transportation. Airports, ports, waterways, water supply facilities, recycling and wastewater treatment facilities, solid waste disposal facilities, housing, schools, prisons, and hospitals.

Through the ignorant volunteered compliance of the American people, as a result of the deceit and fraud of the United States government (representatives) you have enslaved the American people. The corporation created this debt through miss-management and deceit, the corporation (representatives) should be responsible for this debt and it´s actions. Instead, it involves the American people through deceit trickery, duress, withheld information and coercion so the corporations (United States) can continue it´s operation, which, defrauds the American people in the most treasonous, and treacherous way ever recorded in history.

The treasury Delegation Order No. 962 states that the I.R.S. is trained under direction of the Division of " Human Resources" (U,N) and the Commissioner (international), by the "office of personnel Management".

In the 1979 Edition of 22 U,S,C,A 287. The United Nations at pg 248, you will find Executive order No. 10422. The Office of personnel Management is under direction of the Secretary General of the United Nations.

The I.R.S. is also a member in a one hundred fifty-nation pact called the "International Criminal Police Organization" found at 22 U.S.C.A. 263ª.

The "Memorandum & Agreement" between the Secretary of Treasury Corporate Governor of "THE Fund" and " The Bank" and the office of the U S Attorney General would indicate that the Attorney General and his associates (you) are soliciting and collecting information for Foreign Principals The offices of Secretary of State. Secretary of Treasury and the Attorney General whereby the whole of the government has been compromised and the trust of the United States citizens and United States of America Citizens violated.

AS ROBERT BORK SAID "WE ARE GOVERNED NOT BY LAW OR ELECTED REPRESENTATIVES BUT BY AN UNELECTED, UN REPRESENTATIVES, UNACCOUNTABLE COMMITTEE OF LAWYERS APPLYING NO WILL BUT THEIR OWN".

Because of the bankruptcy of the United States and international contracts and or agreements interred into, the common law has been set aside for U S citizens and replaced by the Uniform Commercial Code and or admiralty jurisdiction otherwise known as statutory jurisdiction. This treasonous act has taken place for the sake of commerce and in order to do so common law had to be rendered to appear to be of no effect or at least extremely hard to obtain in Federal Court. The bankruptcy of the United States caused through compelled performance, the following case.

"There is no federal Common Law, and Congress has no power to declare substantive rules of common law applicable in a State, whether they be local or general in their nature, be they

commercial law or a part of the law or torts" (SEE: Erie Railroad Co, vs Tomkins ,304 U.S. 64. 82 L. Ed 1188).

The fifty States are now federal states by treaties and covenants (U.N. treaty & G.AT.T. and other agreements) making the federal states and their citizens (tort feasor´s)subject to the World Bank The people of America are bug drained of their wealth via I.M.F and the IRS to repay the Bank's usury

> The following are excerpts from the INTERNATIONAL COVENANT ON AND POLITICAL RIGHTS. 102d Congress 2d Session. Exec. Rept. 102-23 January 30, 1992

The Covenant states expressly that obligations undertaken by the Parties extend to all parts of federal states "***without any limitations or exceptions"*** (See: page six, #5, obligations Of Federal States I.C.P.R. January 30. 1992).

The Constitution of the United States no longer exists as a working document due to the bankrupt de facto corporation, and as a result of treaties and covenants made with foreign entities, as a result Of accepted privileges by the United States government and the States.

The several states of the union.re no longer Sovereign individual Jurisdictions subject to the common-law principles set forth by our Founding Fathers.

In 1934 the Corporate States became sureties for the bankrupt United States (Article I, Section 8. Clause 17.) After the United States joined the United Nations fifty Corporate States became federal states belonging to the one world government, it's citizens are slaves and valuable only 'as long as they can produce labor and products for sale on the world market.

During the negotiation Of the Covenant, the "federal state issue assumed some importance because there were legally justified practices, at the State and local level, which were both manifestly inconsistent with the Covenant and beyond the reach of Federal authority under the law in force at that time; that is no longer the case. (See: page 18 IC.C.P.R.)

The proposed understanding is similarly to signal to our treaty partners that the U.S. will implement its obligations under the Covenant by appropriate -executive and judicial means, federal or state as appropriate, and that the Federal Government remove any federal inhibition to the States' meet their obligations. (See: page- 18 L.C.C.P.R.)

Nothing in this Covenant requires or authorizes legislation,- or other action, by the united States of America prohibited by the Constitution of the United States as interpreted by the] United States (See: page 24 [CC-P.R.). **This means that the restrictions of the**

Constitution DO come into effect when they are applied by a Sovereign Citizen of one of the states of the union, and everything you attempt to do to us with your alleged letters (ex. Attached) is nan and void as it applies to us (state Citizens).

The U.S. Government has entered into covenants -with foreign, agents and governments making it unable through these compromising covenants-to protect the- American Citizens freedom and property.

NOTICE TO ABATE/COMMON LAW and DEMURRER (NON-STATUTORY) POINTS AND AUTHORITIES, TO THE MONTANA ATTORNEY GENERAL, HIS DELEGATES, AND OTHER INTERESTED PARTIES

The Accused Citizens of Montana state demurs to the complaints/indictments and notices the courts to abate the actions on the following grounds

I

The facts stated therein do not constitute a public offense for the reason that the Accused are not "residents" of the State of Montana. There appears to be no law of any State, Municipality, governmental sub-division forbidding or commanding any act alleged to have been committed by the non-resident “Citizens of Montana” The Accused are Citizens of Montana recognized by the Constitution for the State of Montana (1889), in the Preamble, Article § I, and Article Il, § 1

II

The complaints/indictment does not substantially conform to the provisions of Penal Code section 952 for the reason that it does not contain, directly or indirectly or in substance, a statement specifically the status of Citizens of Montana as being able to commit the alleged act or the ones who committed the public act therein alleged.

III

The court has no jurisdiction of the offense(s) Charged therein for the reason shown on the face of the complaints/indictment, in that the Accused is not properly identified by the allegations, therefore the first element of a crime is missing.

IV

The complaints/indictment is defective in that certain conclusions of law are inferred as fact but no facts supporting these conclusions are shown on the face of the complaint/indictment.

V

The complaints/indictment is defective in that it does not give facts essential to conferring jurisdiction to this court of the offense(s) alleged or over the Accused.

POINTS AND AUTHORITIES

Authority for this non-statutory common law demurrer is as follows:

- ❖ a non-statutory, common law demurrer exists as a vehicle for constitutional and other attacks on the sufficiency of an accusatory pleading." (1985, 1st District), 171 cal. App, 3d, 609, 21 1 Cal. Rptr. 540.

Objections that complaint is ambiguous or uncertain or that essential facts appear only inferentially, as conclusion of law must be raised by special demurrer. Cullinan v. Mercantile Trust CO. of California (1927), 80 CA. 377, 252 P 647 Objection that essential facts appear only inferentially must be raised by special demurrer (i 936), 17 C A2d P.2d 1204

I

THE FACTS STATED DO NOT CONSTITUTE A PUBLIC OFFENSE

1 The facts as stated do not completely identify a public Offense •To establish the facts necessary to constitute a public offense the law must specify to whom it applies, and exactly what is the violation If One or the other is lacking, the facts are insufficient to constitute a public offense

2 The complaints/indictment does not in itself explain or define what the required status must be, to be within the definition of the created "public offense," The code is specific; it applies only to "residents of the state
Pleadings should set forth facts, and not merely the opinions
(1851), I c 359

The attorney by his actions has made a conclusion that the Accused are "U.S. citizens" and "residents of this state" This is erroneous and is hereby challenged

A mere conclusion of a pleader cannot be availed of to initiate and invite an issue of fact Hatfield v. Peoples Water Co. (1914), 25 C.A. 71 1, 145 P. 164.

Allegations of legal conclusions cannot be permitted to supply essential allegations of fact Bailes v. Keck (1972) 200 C. 697.254 P. 573, 51 A.L.R. 930.

A fact which constitutes an essential element of a cause of action cannot be left to inference Roberts v. Roberts 81 C.A 2d 871, 185 P.2d 381

When reliance is had upon a right or status created by Statute the pleader must state all the facts necessary to bring the case within the statute Nielson v. Gross (1911), 17 C.A. 74, 118 P 725

If plaintiff seeks to fasten liability upon defendant through medium of a particular statute, he must allege sufficient facts to bring defendant within scope of that statute and unless he does so defendant is not called upon to plead facts to take him out of operation of statute. Watts v. Currie (1940) 38 C.A.2d 615, 101 P 2d 764

Where a nonperformance of a duty imposed by statute is relied upon as the gravaman of the action, the conditions in view of which the duty is to be performed, must be alleged Fontaine v. Southern Pacific co. (1880), 54 C 645

Facts, not mere conclusions should be alleged to establish right to specific performance of contract Foley v. Cowan (1947), 80 C.A.2d 70, 181 P 2d 410.

A pleading which leaves essential facts to inference or argument is bad. Ahlers v. Smiley (1909), I l C.A 343, 104 P. 997.

A count in a complaint which does not allege any assignment or transfer to the plaintiff of the property or rights of action of the person whose claims to a right of action against the defendants are set forth in such count, is insufficient, (1914), 23 C.A. 683, 139 p 237

Performance of condition precedent upon which recovery depends must be alleged Eddy v. Hickman (1934), 136 C.A, 103, 28 P.2d 66; Mitchel v. Green (1931) 110 C.A. 259, 293 P 879

In action for specific performance of contract, it must be made to appear by affirmative allegations that consideration for contract was adequate and it is insufficient merely to state legal conclusions of such adequacy. Boro v Ruzich (1943), 58 C.A.2d 535, 137 P.2d 51.

A court has no jurisdiction to proceed with the trial of an offense without a valid indictment or information Jones v Superior Court (1979), 96 C.A.3d 390, 157 Cal Rptr. 809

3 As this learned attorney is well aware, the term "resident" and "individual" have specific, definite and precise legal meanings, Rights secured by the Constitution of Montana state (1889), Article I, § I, cannot be infringed or abolished for the purpose of raising a revenue. It is not presumed that common law is repealed by statutory or constitutional provision unless language naturally leads to the conclusion. (1935), 7 2d 3 19, 46 P2d 1007 Common law is not repealed by a statute by implication or otherwise if there is not repugnance between it and statute and if it does not appear that Legislature intended to cover whole subject. Gray v Sutherland (1954), 124 C A 2d 280. 268 P2d 754

The legislature, in enacting the Montana Code, was silent on the Citizen's Rights and thus the Common Law governs the Citizen and not the statute. Provisions of MCA respecting subjects to which it relates are controlling; but where code is (1885), Apple Estate (1885) 66 Cal 432. 6 P 7

And the court, in its equity jurisdiction, cannot remove the Accused's Unalienable Rights as these Rights are not within the jurisdiction of this court. Whenever right claimed under the rules of common law is denied, governed, or controlled by principles administered by courts of equity, latter will prevail over the former, Willis v. Wozencraft (1863), 2201. 607

[Unalienable rights) are enumerated rights that individualS, acting in their own behalf, cannot disregard or destroy, McCullough v. Brown, 19 S.E. 458, 480, 23 L R. A. 410

4 The Supreme Court of the State of Montana has held that placing statutes in code does not change their meaning or effect.

The original intent Of the laws were that they applied only to commercial activities or to statutory residents, and all: others were exempt from the regulations, Inre Sork (19 14), 167 C 294, 139 P. 684.

Courts have no right, power, or authority to extend statute by construction, so as to dispense with any conditions legislature has seen fit to impose. Gassner v. Patterson (1863), 23 C 299, likewise, the Courts must take the statute as they find it. Callahan v. San Francisco (1945), 68 C.A. 2d. 286, 156 P.2d 479; Santa Clara County District Attorney Investigators Assn. v Santa Clara-County (1975), 51 C.A.3d. 255, 124 cal. Rptr. 1 15.

Courts are not at liberty to extend application of law to subjects not included within it. Spreckles v. Graham (1924) 194 C. 516, 228 P. 1040.

The Accused are of neither class defined within the legislative intent and the complaints/indictment, as it stands, fails to bring the Accused within that intent. Thus, the complaint/indictment does not describe a public offense and the court lacks personam jurisdiction over the Accused.

II

TO CONSTITUTE JURISDICTION IN A CRIMINAL CASE THERE MUST BE JURISDICTION OF THE PERSON

5. The Constitution for the State of Montana (1889) Art. VI, states that the legislature "may also establish such municipal courts and other inferior courts as may be deemed necessary The legislature did so in the corporate constitution of 1972, Art. VI, and stated that they were of limited jurisdiction, In a court of limited and special jurisdiction every fact essential to confer the jurisdiction must be alleged; but in courts of general jurisdiction the cause of action only need be stated. Doll v Feller (1860), 16 C, 432; Schwartz. v. Burnett Pharmacy (1931), 112 C A Supp. 781, 295 P 508. In Burns v Superior court (196.1), 195 cal. App 2d. 596, 599,16 Cal. Rptr. 64, the Court held, "To constitute jurisdiction in a criminal case there must be two elements, namely, jurisdiction of the person, and jurisdiction of the subject matter, or, as it is sometimes called, of the offense". In the instant case, the person to whom the law declares it applies to must be a "resident" of the State of Montana, citizen of the United States (District of Columbia) under the so-called 14th Amendment.

6 The intent of the law is that it does not apply to the Common Law Citizen of Montana. The statute being enforced must specifically identi6' to whom it applies, and this case it does It states that it applies to every "resident" of the State, therefore "Citizens of

Montana" are not within the specific definition and intent. Penal statutes are to be construed to reach no further than their words, no person can be made subject to them by implication. Inre Twing (1922), 188 C 261, 204 P 1082; People v. Garcia (1940) 37 C A 2d Supp. 753, 98 P.2d 265

7 The construction of a statute and its applicability to a given situation are matters of law to be determined by the court. Madison Estate (1945), 26 C2d. 453, 159 P 2d 630

When the legislators speak through statutes, their enactments must be given a strict interpretation. The law must be applied as it is written. It cannot be extended by judicial interpretation Chapman v Aggeler (1941 47 C.A.2d. 848, 1 19 P.2d 204.

8 The United States and the State of Montana are two separate sovereignties, each dominant in its own sphere. Redding v. Los Angeles (1947), 81 C.A.2d 888, 185 P.2d 430.

The government of the United States is a foreign corporation with respect to a state. Inre Merriam, 36 N E 505, 141 N. Y. 479, affirmed 16 S. Ct. 1073, 163 U. S. 625, 41 L. Ed 287. Citizens of the United States (District of Columbia) owe their allegiance to the United States (District Of Columbia - foreign corporation) first, and then to the State of their residence, making them aliens resident within this State, Under constitutional amendment 14, United States citizenship is paramount and dominant, and not subordinate and derivative from State Citizenship Aroer v. United States. 245 U, S. 366, 38 S. Ct. 159, 62 L. Ed. 349.

Aliens are commonly understood as persons who owe allegiance to a foreign government De Cano V. State 110 P 2d 627, 631 and the 1943 Government Code §242 (from Political Code §57). The word "aliens" was later changed to "residents" in the later editions of the Government Code Citizens of the District of Columbia are not Citizens Of a state. Behlert v. James Foundation ofN Y, 60 F. Supp. 706, 708

Those "citizens of the United States" ("residents") are in this State as a matter of a privilege in commerce emanating from the District of Columbia created under the federal constitution No statute of Arkansas inhibits persons described as belonging to the "low and lawless type of humanity" coming into the state. Under the 14th Amendment, and under the interstate commerce clause, of the Constitution, they now have that right. State of Arkansas v. Kansas & T Coal Co. 96 F. 353. Thus "residents" in this State, being citizens of, COMMERCE as are corporations and the like, have none of the Rights of the Common Law Citizen of this State. A corporation aggregate is not considered as a Citizen or entitled to the privileges of Citizenship, except for the purpose of giving jurisdiction, for which a corporation may be considered a citizen of the State by which it is incorporated. Bank of United States v. Deveaux (1809), 5 Cranch (9 U S,) 61, Ducat v. City of Chicago (1870) 10 Wall. 410, 19 L. Ed. 972

They have "civil rights" (granted in the 1866 Civil Rights Act, 14 Stat. 27 as amended), those legislatively revocable empty imitations Of the Common Rights of the

Citizen of this State, SUBJECT TO THE STATES POLICE POWER TO REGULATE SUCH "PERSONS"
Domestic commerce is subject to the police power of the state. In Re Abel, 77 P 621, 10 Idaho 288 see In re J.F. (1969), 268 C Aid 761, 74 Cal. Rptr. 464.

Thus, for the pleader to State that this court of limited and special jurisdiction has personam jurisdiction over the Accused, absent a common law crime, merely because he is Domiciled in the State is insufficient

9 The terms "resident" and "Citizen" are not synonymous. They each have a different meaning and application according to law Prowd v. Gore 57 Cal, App 458, 207 P 490, Baldwin v. Franks, 120 U S 678, "7 S. Ct. 656, 32 L. Ed, 766, (a California case).

The California Supreme Court in K. Tashiro v. Jordan (1927), 256 P, 545, 201 Cal. 239, 53 A. L. R. 1279, affirmed 49 S. Ct. 47, 278 U, S. 123, 73 L. Ed. 214, 14C J. S. sec. 2, p. 1131, note 75, held that it “there is a clear distinction between national and State citizenship. U. S. Citizenship does not entitle citizen [small “c”]of the Privileges and Immunities of the Citizen of the State [capital "C"]”. This statement is true today as when made by the Court.

10 The Accused are not "residents" (alien, corporation, or a Statutory creation) but are in fact and Law "Citizens of Montana" with Sovereign Common Rights recognized and partially enumerated in the Constitution for the Stage of Montana (1849) Article I.

11 The pleader is absent lawful power and authority under the Constitution for the State of Montana (1889) to convert/reduce the Status of the Accused from Common Law Citizens to "residents"; to strip them of their Lawful Character and all Rights appertaining thereto and convert them to privileges for the purpose of raising a revenue or exterminating the Class of Common Law Citizens, one by one; to enforce a fiction of law not attaching to the Accused because of their Characters; to exercise a power of attorney over the Accused absent their free and voluntary consent.

12. The Accused has no power or authority to confer personam jurisdiction on the court by agreement which it would not otherwise have, People v. Scott (1984, 1st Dist.), 150 C.A. 3d, 910, 198 Cal. Rptr. 124.

CONCLUSION

Thus, for the Citizens of State there is no criminal liability for failure to act unless there is a legal duty to act Barber v. Superior Court (1983), 147 C.A. 3d 1006, 195 Cal. Rptr. 484,

The State has never proscribed the restrictions on the Citizens of Montana that the attorney has applied in this case. In the absence of legislative proscription conduct, there is no crime. People v. Dillon (1983) 34 Cal. 3d, 441, 144 Cal. Rptr. 390, 668 P, 2d 697.

The Montana Code Annotated has no restrictions nor proscribes such conduct from the Accused Citizens of Montana-

The public prosecutor (not the commissioner/Judge), should he wish to pursue these matters further, shall produce the physical evidence where the Accused knowingly, openly, and voluntarily renounced their State Citizenship for the privilege(s) of regulation. Absent such physical evidence, the court must abate for lack of personam jurisdiction.

Therefore, for the foregoing reasons these matters must be abated in the interests of justice and preservation of the state.

ARGUMENT IN SUPPORT OF NOTICE TO ABATE/ ETC . ATTACHED HERE BY AND MADE AN OFFICIAL PART OF THIS RECORD. NUNC PRO TUNC

The Constitution of Montana (1889) and the Constitution of the united States of America (1787) are the supreme law of the land. The Constitution of the Republic of Montana must be construed to be in harmony with the supreme law of the land, otherwise, the State of Montana has violated its solemn contract with the Union of States known as the united States of America, and the question raised herein becomes one which is a proper original action before the Supreme Court or the United States, sitting in an Article Ill capacity

2 An employee of the State of Montana, has made allegations in what amounts to a "Bill of Pains and Penalties" alleging that we have somewhat failed to perform to some agreement for specific performance

3 By submitting this Bill of Pains and Penalties, the individuals in question have accused us Of falling to specifically perform to some legislative statute which is being presented as evidence of the law Statutes are not laws, they are administrative regulations which are civil in nature, even when they carry sanctions of a criminal nature, unless there is an injured party brought forward as a corpus delicti.

4 Thus, in making this unsupported conclusion of law, by administratively deciding that the Accused is a subject of the statutes in question, the Accused Citizens hold that a contrary conclusion of law exists which challenges the venue and jurisdiction of this Court, and this Court must seat in a neutral position on the law side of its jurisdiction to hear and resolve the question of controversial positions of law involving venue and jurisdiction.

5 This argument is intended to serve as both a defense "At Law" in this Court, and as the basis of future actions should it become necessary to appeal the question presented to a higher authority

6 If the Accused Citizens are correct, and this Court is setting to hear a regulatory statute violation, then it is possible that the judges of this court in hearing this matter, are acting in an administrative capacity rather than a judicial capacity. This issue is discussed in detail in the argument which follows

7 This Court and its attorneys are placed on NOTICE, that if you fail to seat and hear this issue "at Law" upon a timely request, then you may have violated your oath of office to uphold and defend the Constitutions of the United States of America (1787) and the State of Montana (1 889). Such an act will serve to place you and the other parties to this action outside the realm of judicial immunity and subject to future action by this Accused Citizens of Montana. The Prosecutor in this action is specifically placed on NOTICE that he carries no shirttail immunity should he/she continue to prosecute in the absence of a determination "at law" of the question presented herein before trial.

VENUE AND JURISDICTION

8 Montana became one of the several States of the Union of States known as the United States of America in 1889 Montana is a "common-law" State, meaning that the common-law, as derived from the common law of England, is a recognized form of law in the State of Montana.

9 Article Ill of the Constitution for the United States of America gives "judicial" power to the various courts, among them the District Courts. What is not generally recognized is that the District Courts may seat in different jurisdictions, judges may wear different, hats so to speak, depending on the nature of the Case brought before them.

10 These Courts may seal at law, to hear crimes and civil complaints involving a damage or injury which is unlawful under the common law or a State, or it may seat in equity to determine specific performance to a contract, or being a creation or the foreign Corporate State. The Court may seat administratively in a fiction which may be termed legislative equity, under authority to regulate activities not of common right, such as commerce for profit and gain, or other privileged activities.

11 The Montana Codes Annotated are essentially "civil, regulatory, statutes" which were enacted to tax and regulate employees of the Federal Government & citizens of the United States (District of Columbia), and to set forth rules and regulations for the revenue production of the United States as defined in the Constitution.

12 It is an unlawful abuse of procedure to use civil statutes as "evidence of the law" in a criminal matter.

13 Both civil and criminal matters “at-law” require that the complaining party be a victim of some recognizable damage. The "Law" cannot recognize a "crime" unless there is a victim who has been damaged or injured.

14. Regulatory statutes, on the Other hand, are enacted under the Police Power authority of the State and Federal governments to regulate activities not of common right. All statute law is inferior to, and bound by the restrictions of the Constitution. These "regulatory" statutes operate as law on those subjects of the statutes, and violations may carry sanctions of a criminal nature even in the absence of a victim or injury.

15. Another self-evident truth which distinguishes "crimes" under the law from "offenses of a criminal nature" under regulatory statutes is the difference in the "rights" afforded to defendants, and in the "due process" available to the defendants.

16. In the case of true crimes "at law", the Common-Law Citizens has all his rights under the Constitution available, as well as both "substantive" and "procedural" due process. In contrast, when regulatory offenses "of a criminal nature" are present, the statutory defendant cannot demand constitutional rights, since only certain "civil rights" have been granted in these actions, and only "procedural due process" consisting of the right to be heard on the facts is allowed. Constitutional rights and substantive due process are noticeably absent, therefore, the Court must be seated in a jurisdiction other than "at law" to hear an alleged violation of a regulatory statute.

17. The Accused Common-Law Citizens hereby places all parties and the courts on NOTICE, that they are not "citizens of the United States" under the so-called 14th Amendment. Juristic persons or franchiseds persons who can be compelled to perform to the Montana Code Annotated which are civil in nature, and challenges the In Personam jurisdiction of the Court with this contrary Conclusion of law This Court is now mandated to seat on the law side of its capacity to hear evidence of the character of the Accused Citizens.

18 The Accused Common-Law Citizens contend that the attorney made a false administrative conclusion of law in an administrative capacity in first bringing this action before the Court, and in so doing failed to impart jurisdiction upon this Court to seat and hear this matter in a legislative equity jurisdiction.

19 The Accused Common-Law Citizens now demand that the attorney for the Plaintiff in this matter step forward with an offer of proof that the Accused Common-Law Citizens have lost their character as Common-Law Citizens of the Republic of Montana, and can be compelled to perform to the letter of every civil statute because they are either an alien. Statutory resident (14th Amendment citizen), juristic person (corporation), or an enfranchised person, (one who has knowingly and willingly entered into an agreement for the exchange of privilege and the attendant considerations carried with the grant of privilege).

20. Once venue and jurisdiction is challenged, this Court must seat on the law side of its jurisdiction, as a neutral arbitrator, before the allegations of statutory wrong doing can

proceed. Failure to do so may subject the judge of this court to charges of perjury for violation of his oath of office in refusing to uphold and protect the rights guaranteed and protected by the Constitution for the United States of America (1787).

21 The Accused Common-Law Citizens request that this court take judicial notice that they have been compelled to enter this court to answer the allegation, and contends that the allegations are founded upon false conclusions of law. The Memorandum of law which follows will set forth the position of the Accused Common-Law Citizens and the record will show and set forth the position of the Accused Common-Law Citizen that no evidence is before this court which contradicts the position of the Accused Citizens and the record will show except a mere fiction of law This fiction of law cannot stand in the presence of a direct challenge.

MEMORANDUM OF LAW
1
CLASSES OF CITIZENSHIP

1. The Constitution for the United States of America recognizes several classes of people existing in this Union of States, in Article 1, Section 2, and Clause 3.

2. This Court is herewith mandated to take judicial notice of the Constitution of the United States of America, the Constitution of the Republic of Montana, the Statutes at Large of the United States of America, and all case law presented herein, pursuant to the Federal Rules of Evidence, Section 201, et seq., and Article 4, Section 1 of the Constitution for the United States of America (1787).

3. Excluding "Indians not taxed", since they are not under consideration in this matter, we are left with two other classes defined in Article 1, Section 2, Clause 3, they are, "free Persons" and "three-fifths of all other".

4. The term "three fifths of all others" referred to the Black slave population and all others of races other than "white" who could not and did not have Common Law Citizenship of one of the several States, at the time the Constitution was adopted. (For an in-depth analysis of this fact, see Dred Scott v. Sandford, 19 How. 393 - U.S. v. Rhodes, 1 Abbott 39 - Slaughter House Cases, 16 Wall. 74 - Van Valkenburg v. Brown, 43 Cal. 43; U.S. v. Wong Kim Ark, 169 U.S. 649; K. Tashiro v. Jordan, 201 Cal. 239,et al.

5. The Thirteenth Amendment, ratified in 1865, served only to abolish slavery within the corporate United States. No other race other than white could claim Common Law Citizenship of one of the several States, which was afforded the protection of the Constitutions. (This is discussed in depth in Dred Scott v. Sandford supra).

6. Further proof of how this argument applies to the State of Montana is found in the Original Constitution of Montana (1889), Article 11, Section 1, states in part : "Every WHITE male citizen of the United States, and every WHITE male citizen of Mexico ..." [emphasis added]. Obviously, this provision excluded all other races from being Common Law Citizens of Montana and having the full protection of the State and Federal Constitutions. This was even before the famous Dred Scott decision. It is most notable that the Constitution of Montana was altered after the so-called 14th Amendment to delete all references to "white" male Citizens, and today it refers only to "persons".

7. Following the decision in Dred Scott supra, Congress allegedly enacted and ratified the so-called 14th Amendment to the Constitution for the United States of America to afford "statutory citizenship" status to those who were deemed excluded from this Common Law status under the Supreme Court's interpretations of the Constitution. This event unfolds in detail in the case law surrounding the 13th and 14th Amendments, with a very significant difference which is of great importance to the instant matter.

8. Such cases as the Slaughter House Cases supra - Twining v. New Jersey, 211 U.S. 78, K Tashiro v. Jordan supra, among many others, all declared that under the Law, "there is a clear distinction between a Citizen of a State and a citizen of the United States".

9. A famous French statesman, Fredrick Bastiat, noted in the early 1800's that if freedom were to be destroyed in America, it would result from the question of slavery and from the failure to equate all races and all humans as "equals". The Accused is not responsible for the errors of the past, but elects not to dwell in length on this. The errors of the 14th Amendment must now be discussed and, as abhorrent as it may sound, it is a matter of fact and law that this is the position intentional or unintentional, which forms the basis of the law, which we live with today.

10. In brief, as a result of the 13th Amendment, the Supreme Court decided that the Union of States known as the United States of America was founded by "white" people and for "white" people, and only "white" people could enjoy the Rights, Privileges and Immunities afforded and protected by the Federal and State Constitutions. This fact is most eloquently set forth in Dred Scott v. Sandford supra, in stating that "... if a black nation were to adopt our Constitution verbatim, they would have the absolute right to restrict the right of citizenship only to the black population if they chose to do so ...." Dyett v. Turner, 43 9 P 2d 266.

11. To overcome the decision in Dred Scott supra, the so−called 14th Amendment to the Constitution for the United States of America was allegedly ratified "at the point of a bayonet", and became part of that Constitution in 1868. However, an examination of the ratification by the several States shows various improper proceedings occurred which, in effect, nullify the Amendment. "I doubt that there is a judge in full possession of its

faculties, would ever rule that the 14th amendment was properly approved and adopted." State v. Phillips, 540 P.2d. 936.

12. Accused Common Law Citizen will not digress into an in-depth dissertation of the bogus ratification of the so-called 14th Amendment, because the only necessary point to be made is that the so-called 14th Amendment had a profound effect upon the Union of these United States, and this effect continues to this date.

13. The Original Constitution for the United States of America (1787) refers to Common Law Citizens of the several States in the Preamble, in Article 4, Section 2, Clause 1, and in numerous other sections always with a capital "C" when referring to this class of Common Law Citizen as a "Citizen of the United States".

14. In contrast, the so-called 14th Amendment utilizes a lower-case "c" to distinguish this class of citizens whose status makes them subject to the jurisdiction thereof as a statutory "citizen of the United States".

15. In the law, each word and each use of the word, including the capitalization or the lack of capitalization, has a distinctive legal meaning. In this case, there never was the specific status of a "citizen of the United States" until the advent of the 1866 Civil Rights Act (14 Stat. 27) which was the forerunner of the so-called 14th Amendment. (What the "United States" is discussed in the next section of this Memorandum).

16. What the so-called 14th Amendment was given to all those "residents" who could not have "Common Law Citizenship" in one of the several States under that Constitution, because they were not "white", citizenship in the nation-state that was created in 1802 by Congress and named the "United States" (District of Columbia). The original Civil Rights Act of 1866 was not encompassing enough, so it was expanded in 1964, but the effect was the same, to grant to "citizens of the United States", the equivalent rights (which are in reality, limited by various statutes and codes) of the Common Law white Citizens of the several states.

17. Under the Constitutions, "... We the People" did not surrender our individual sovereignty to either the State or Federal Government. Powers "delegated" do not equate to powers surrendered. This is a Republic, not a democracy, and the majority cannot impose its will upon the minority simply because the "Law" is already set forth. Any individual can do anything he or she wishes to do, so long as it does not damage, injure or impair the same Right of another individual. This is were the concept of a corpus delicti comes from to prove a "crime" or civil damage.

18. The case law surrounding the 13th and 14th Amendments all rings with the same message: "These amendments did not change the status of Common Law Citizenship of the white Citizens of one of the several States ".

19. This goes to the crux of the controversy, because under the so-called 14th Amendment, citizenship is a privilege and not a "Right". (See American and Ocean Ins. Co. v. Canter, 1 Pet. 511; Cook v. Tait, (1924) 265 U.S. 37).

20. It was never the intent of the so-called 14th Amendment to change the status of the Common Law Citizens of the several States. (See People v. Washington, 36 C. 658, 661 (1869); French v. Barber, 181 U.S. 324 (1900); MacKenzie v. Hare, 60 L. Ed. 297).

21. However, over the years, the so-called 14th Amendment has been used to create a fiction and to destroy American freedom through administrative regulation. How is this possible? The answer is self-evident to anyone who understands the law, namely, a "privilege" can be regulated to any degree, including revoking the privilege.

22. Since the statutory status of "citizen of the United States, subject to the jurisdiction thereof" is one of privilege, and since the so−called 14th Amendment, mandates that both Congress and the several States take measure to protect these new "subjects", both the Federal and State governments are mandated to protect ONLY these "citizens of the United States". (See Hale v. Henkel, 201 U.S. 43).

23. Of course, the amount of protection afforded has a price to pay, but the important fact is that the "privilege" of citizenship under the so-called 14th Amendment can be regulated or revoked because it is a "privilege" and not a RIGHT. Here is where the basic fundamental concept of "self-government" turns into the King "governing the subjects".

24. You can be called a "freeman", but that was a title of nobility granted by the King. To be really free encompasses a great deal more than grants of titles and privileges.

25. Over the years since 1787, since our forefathers would have rather fought than bow to involuntary servitude, the powers that be have slowly and carefully used the so-called 14th Amendment and the Social Security Act to render primary State Citizenship to extinction, in the eyes of the courts. This class of Common Law Citizens are not extinct yet, but it is simply being ignored, in order to maintain a revenue base.

26. Since the State of Montana has been mandated by the 14th Amendment to protect the statutory "citizens of the United States", and since the People in general have been falsely led to obtain "Social Security Numbers" as "U.S. citizens", the State of Montana, under prompting of the Federal Government, has used the licensing and registration of vehicles and people under the "equal protection" clause for the "Public Welfare" to perpetuate a revenue enhancement and regulation scheme by promoting the fiction that the Common Law "Citizens of a State of the Union of several States" can be regulated to the same degree as statutory "citizens of the United States".

27. We contend that both the State of Montana and the Federal Government (known as the "United States") are committing an act of GENOCIDE upon the Common Law State Citizens of the several States by perpetrating and perpetuating the "fiction of law" that everyone is a statutory "citizen of the United States". This allegations will now be discussed by and offer of proof of what exactly the United States means and is operatign as.

WHAT IS THE "UNITED STATES"?

28. As we begin, it must be noted that this Common Law State Citizen alleges "fraud" on the part of the State and Federal Governments in their failure to inform the People that they are all included (through the use of a fiction of law) in that statutory class of persons called "citizens of the United States".

29. The use of this fiction of law is particularly abhorrent in view of the fact that, when arbitrarily applied to everyone, the States lose their sovereignty, the Common Law Citizens of the State lose their absolute rights, and the "citizens of the United States" lose the fundamental guidelines which established their "civil rights" that decreases everyone's status to that of a "subject".

30. There is a clear distinction between the meanings of "United States" and "United States of America". The People of America have been fraudulently and purposely misled to believe that these terms are completely synonymous in every context.

31. In fact, in Law the term "United States of America" refers to the several States "united by and under the Constitution", while the term "United States" refers to that geographical area defined in Article 1, Section 8, Clause 17 of the Constitution.

32. In 1802, “Congress Assembled" incorporated this geographical area known as the "United States". The "United States" is, therefore, a nation-state separate and unique unto itself. Further, the "United States" is not a member of the "Union of States united by and under the Constitution", but it is bound by the Constitution to restrict its activities in dealing with the several States and the Common Law Citizens of the several States. It has exclusive power to legislate and regulate the inhabitants of its geographical territory and its statutory "citizens" under the so−called 14th Amendment, wherever they are "resident" under Article 4, Section 3, and Clause 2 of the Constitution for the United States of America (1787).

33. The term "United States" has always referred to the geographical areas defined in Article 1, Section 8, Clause 17, and or to “Congress Assemble”. The proof of this fact is found in the Articles of Confederation.

ARTICLES OF CONFEDERATION

Whereas the Delegates of the United States of America in Congress Assembled did on the fifteenth day of November in the year of our Lord One Thousand Seven Hundred and Seventy Seven, and in the Second Year of the Independence of America agree to certain Articles of Confederation and perpetual union between the States of ....

ARTICLE I. The title of this confederacy shall be "The United States of America".

ARTICLE II. Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress Assembled (Emphasis added).

NOTE: The term "United States" as used therein refers expressly to "Congress Assembled" for the several States, which comprise the Union of States .

34. As can readily be seen from the quote below, with three separate and distinct definitions for the term "United States", it becomes absolutely necessary to separate and define each use of this term in law. It is equally as necessary to separate and define to whom the law applies to when there are two classes of citizenship existing side-by-side, with different rights, privileges and immunities. Such a separate distinction is not made in the Montana Codes Anotated, but citizens of Montana are not anywhere defined in the Code, but are expressly omitted .

"United States" this term has several meanings. It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in a family of nations. It may designate territory over which sovereignty of the United States extends, or it may be the collective name of the States which are united by and under the Constitution".

Hooven & Allison Co. v. Evatt, 324 U.S. 652, 65 S.Ct. 870, 880, 89 L.Ed. 1252

35. The "United States", when used in its territorial meaning, encompasses the territorial area defined in Article 1, Section 8, Clause 17 and nothing more. In this respect, the "United States" is a foreign Nation to the States united by and under the Constitution, because the "United States" has never applied for admission to the Union of States known as the "United States of America". Hence, statutory "citizens of the United States", "subject to the jurisdiction thereof", as found in the wording of the so−called 14th Amendment is a "private Act", rather than a public act, which designates a class of people who unique to the jurisdiction of the District of Columbia, the Territories and land ceded by the States to the foreign nation-state of the "United States" for forts, magazines, etc.

36. The District of Columbia is a corporation and is only defined as a "State" in its own codes and under International Law .

37. The several States united by and under the Constitution are guaranteed a "Republican" ("rule of law") form of government in Article 4, Section 4 of the Constitution. However, the foreign creature created by Congress called the "United States", in its geographical meaning, is a "legislative democracy" ("majority rule") under International Law, rather than the Common Law.

38. The U. S. Supreme Court has ruled that this foreign nation has every right to legislate for its "citizens" and to hold subject matter and in personam jurisdiction, both within and without its territorial boundaries, when legislative acts call for such effects (see Cook v. Tait supra).

39. As a foreign nation under International law, derived from Roman Civil Law (see Kent's Commentaries on American Law, Lecture 1), it is perfectly legal for this nation to consider its people as "subjects" rather than as individual Sovereigns and the protections of the State and the Federal Constitutions do not apply to these "subjects" unless there is specific statutory legislation granting some protections (e.g., The Civil Rights Act).

40. Montana is a Republic, how does this International Law come into play in this Republic?

FAILURE TO DISCLOSE

41. Because only "white" people can hold primary Common Law State Citizenship under the Constitution, Congress created a different class of "citizen" and then legislated rights, privileges and immunities which were intended to be mirror images of the Rights, Privileges and Immunities enjoyed by the Common Law Citizens of the several States.

42. Unfortunately, the nation-state of the "United States" is a democracy and not a Republic. It is basically under International Law, rather than the Common Law, and its people hold citizenship by "privilege" rather than by "Right".

43. Certain power-mad individuals, commonly known today as the Directors of the Board of the Federal Reserve, of the twelve (12) major international banking families, have used the so-called 14th Amendment to commit "legal genocide" upon the class of Common Law Citizens known as the Citizens of the several States. This has been accomplished by the application of social security through fraud, deception and nondisclosure of material fact for the simple purpose of reducing the Union of States to a people once again enslaved to puppet masters, and simply for the gathering of revenue for the profit of the bankers .

44. It is a fact so well-known and understood that it is indisputable, that "any privilege granted by government is regulatable, taxable and subject to any restrictions or legislative act the governing body".

45. If it is necessary to do so, Accused Citizens will submit an offer of proof to show that the "Social Security Act" is, in fact, a private act applying only to the territory of the "United States", in its limited capacity, and its statutory "citizens of the United States", under the so−called 14th Amendment. Yet, this Act has been advertised and promoted throughout the several States as being "mandatory upon the public in general", rather than a "private" act.

46. The effect in law is that, when Common Law Citizens of one of the several States applies for and receives Social Security Numbers; they voluntarily surrender their primary Common Law Citizenship of a State for that of a statutory "citizen of the United States". It is most interesting that any State may "naturalize" a non-Citizen, but today everyone is naturalized under purview of the so-called 14th Amendment as Citizens of the United States. The long-term effect of this procedure is that the Common Law white State Citizens are an endangered species, on the verge of extinction, and only the "subject class citizens" will survive to be ruled at the whim and passion of a jurisdiction, which was not intended by our Founding Fathers.

VENUE AND JURISDICTION OF THE COURT

47. Section 1 of the so-called 14th Amendment has had a far−reaching effect upon the several States of this Union, because Congress mandated that it would protect its new statutory "citizens" and that the States shall each guarantee to protect these special" citizens".

48. This Nation was founded upon the fundamental principles of the Common Law and self-government, with limited actual government. In contrast, the "subjects" of the "United States" are considered to be incapable of self-government and in need of protection and regulation by those in authority.

49. The majority of statute law is civil and regulatory in nature, even when sanctions of a criminal nature are attached for alleged violations.

50. Among the rights secured by the Common Law in the Constitution in "criminal" cases are the right to know the "nature and cause" of an accusation, the right to confront an accuser, and the right to have both substantive and procedural due process accorded.

51. It is a fact that the District Court, DOES NOT disclose the nature and cause of the accusation, does not afford "substantive" due process, and rarely produces a "corpus delicti" to prove damage or injury.

52. The final proof is that the rights given to an accused in a case are "civil rights", rather than Constitutional Rights. The District Court can hear a Constitutional question, but it cannot rule upon the merits of the question, because the Constitution does not apply to regulatory statutes. They are set in place to regulate and protect the statutory "citizens of the United States" who cannot, and are not given, the right of self−government.

53. The Federal Constitution mandates that "counsel" be present at all phases of the proceedings. In contrast, District Court often conducts arraignment proceedings without either counsel for the defense or counsel for the prosecution being present.

CONCLUSION

54. This Court is proceeding under a jurisdiction, which is known to the Constitution, but is foreign to the intent of the Constitution, unless applied to those individuals who do not have Common Law access by "Right" to the protection of the Constitutions.

55. Whether this jurisdiction be named International Law, Maritime Law, Legislative Equity, Statutory Law or any other name, it is abusive and destructive of the Common Law Rights protected for the Citizens of the several States and mandated to be followed by the Constitutions of the Republic of Montana and of the United States of America.

56. The limit of police power and legislative authority is reached when a statutory "law" derogates or destroys Rights protected by the Constitution for the Common Law Citizens of the several States who can claim these Rights.

57. We are white, Common Law Citizens of the Sovereign State of Montana. This declaration of characters made openly and notoriously on the record of these proceedings.

58. As people whose primary Common Law Citizenship is of Montana, We claim all the Rights, Privileges and Immunities afforded and protected by the Constitutions of the Montana and of the United States of America (1787).

59. We have never to the best of our knowledge and belief, surrendered our original character as a Common Law Citizen of the several States, to that of a so-called 14th Amendment Federal citizen, subject to the jurisdiction of the "United States".

60. This Court is proceeding in a legislative jurisdiction, which allows a "civil" statute to be used as evidence of the Law in a "criminal proceeding", and affords only "civil

rights", "procedural due process" and the right to be heard on the facts evidenced in the statute, rather than the Law.

61. It is now incumbent upon your Court to seat on the Law side of their jurisdiction and order the plaintiff to bring forth an offer of proof that the Accused State Citizens can be subjected to a venue foreign to the supreme Law of the land and jurisdiction which uses civil statutes as evidence of the Law in criminal cases, which refuses to afford all Constitutional Rights available to the Accused in criminal matters, and which practices procedural due process to the exclusion of substantive due process, wherein only the "facts" and not the "facts and Law" are at issue.

62. Should the prosecution fail to bring forth bonafide proof that we have willfully knowingly and voluntarily surrendered our original character as a Common Law "Citizens of Montana" for that of "legislative/regulatory equity", then this Court has no alternative but to dismiss this matter of its own motion in the interests of justice, for want of lawful venue and lack of personam rem or subject matter jurisdiction.