



# The Montauk Gazette®

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 HTTP://WWW.MONTAUK.COM

## Resolved never to become slaves!

We truly do pray that this Gazette will serve as a prelude to action being taken by citizens in Montauk, the Towns of Suffolk County, and in New York to recover, defend and use our birthright liberties.

Montauk's lands were jurisdictionally incorporated in 1686 and 1852. The MFOP/Montauk Trustee Corporation assumed and consolidated the corporate rights for Montauk as the Incorporated Township of Montauk with The Articulated Rights and Constitution of the Township of Montauk in December of 2000.

The first incorporation was with a colonial charter granted by Governor Thomas Dongan of the newly Royal Province of New York in December of 1686 known as the Dongan Patent.

On June 10th, 1686 King James II vacated and annulled the Constitution of 1683 eliminating the colonial legislature and imposing autocratic corporate rule. The record shows that Easthampton placed itself in a position of military readiness and most of

**Montauk's Incorporations p.2**

### *Bob's peace (redux)*

So this is it. After four (4) years of court filings it is uncontested that Montauk is an illegally and unconstitutionally suppressed incorporated township.

Despite never being given a hearing in open court, and that the reasons given were unfounded in either the record or the law, the Appellate Division entered a decision against us.

The consequences may be very, very serious. Your sovereign rights as a freeholder of land in Montauk are of a jurisdiction that is the most powerful attainment of individual liberty constitutionally possible in America.

We have shown that these rights have been denied through a century-long history of fraud, deceit and concealment by the New York State Assembly, which we argue has no jurisdiction over Montauk or any of the other of the towns of Suffolk County.

There is no reason for the Court of Appeals to allow this trampling of our State and Federal Constitutions to continue.

If our Motion for Reargument is denied the question is what we can do next. We must distinguish between civil disobedience and civil duty because what have been suppressed and denied are constitutionally protected

**Bob's peace p. 2**

### *The General Association*

The 1775 General Association protests legislative acts by the British Parliament and its basis is virtually identical to Montauk's complaint against the New York State legislature.

Montauk's version of the General Association also incorporates applicable sections of the subsequent Declaration of Independence and the Bill of Rights amending the Constitution of the United States of America. Chapter 64 of the laws of 1788 requires us assemble in town meeting.

The state legislature's conquest of Montauk began with a 1906 enabling act that resulted in the closely watched matter of Pharaoh v. Benson, et. al and Montauk's juridical status appeared in the court papers.

A series of events quickly unfolded. In 1907 Frank Sherman Benson died suddenly of an "apoplexy" (stroke). Noticeably absent in the N.Y. Times obituary was his 15 year tenure as a director of the Long Island Historical Society which was undergoing close examination by the Tammany controlled state legislature at the time. Also absent was his ownership almost all of Montauk.

In 1909 the State legislature passed the Town Law of the State of New York with the design of imposing it on the towns of Suffolk County which to that

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### *Town of Montauk, Inc. v. Hon. Pataki, et. al.*

On May 23rd, 2008, the MFOP/Montauk Trustee Corporation filed a Motion for Reargument with the high Court of Appeals in Albany in the matter of Town of Montauk, Inc., v. Pataki, et. al.

Reargument is sought on the court's dismissal of December 18th, 2007 for failure to perfect the appeal in 60 days, a violation of the court's rules (22 NYCRR Part 500.12[b]).

The motion currently before the court argues that because the court has never found any constitutional or statutory violations, and the court has discretion over the enforcement of its own rules, that the court should vacate its dismissal and grant Montauk a hearing in this hugely important case.

We also point out no hearing was ever allowed at any level in open court. We subsequently collected the 56 signatures on a petition for a hearing that was served and filed with the court.

All defendants have been served with the motion and their answers are due by June 9th. The court will enter a decision, usually in around a month.

If we lose this motion legal precedent will be set. This effort to recover our birthright sovereign liberties will be lost and the ending of an illegal, unconstitutional and despotic government will be set back..

## Montauk's Incorporations

the men receiving the patent from Governor Dongan showed military rank.

What Easthampton received, and was forced to pay a good sum of money for, were the same jurisdictional authorities received in its mother colony of Connecticut's historic 1662 charter, considered the most powerful ever granted to a colony. All of the towns of Suffolk County received similar Charters. For this reason, the Dongan Patents have been referred to as granting "the rights of states within a state".

The 1852 second incorporation of Montauk was by the state legislature after the lands covered by the 1686 Dongan Patent for the Town of Easthampton were divided by court order in the matter of Henry P. Hedges, et. al. v. the Trustees of the Freeholders and Commonalty of the Town of Easthampton. It released all claim to Montauk pursuant to the court's order under its corporate seal by deed dated March 9th, 1852. Montauk was then incorporated by an act of the legislature on April 2nd 1852 establishing the Montauk trustee corporation and affirming its power to govern.

The Dongan Patent covers the Towns of Easthampton and Montauk and the Trustee corporations claiming rights through it are the only corporations with the constitutional authority to govern.

The franchise right of the property owners and residents of Montauk, therefore, is to assemble in town meeting and to elect trustees and with the sovereign power to govern.

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## Bob's peace (redux)

sovereign liberties. If our constitutions and laws don't count, if we can be governed as if we lost a war, we are little more than slaves.

Our options are as follows:

1. Appeal to the United States Supreme Court. All this requires is money and an attorney.
2. Pay all taxes into a trust account naming the Town of Montauk as trustee. If we notice East Hampton of this and make it so that only you have access to this account, they will have to sue the Town of Montauk.
3. Raise the Montauk Militia to consider the General Association and assert jurisdiction. Once oaths have been sworn we can take appropriate action.
4. Establish the Republican Democracy Party in the State of New York. The RDP Charter is included in The Democratic Republican™ flier. If we can't beat them in court, we'll take control of their seats.

A great deal of money, time and effort has gone into getting the case to where it is before the high Court of Appeals today. I honestly do believe, and do pray, that, since we have violated no law or constitutional requirement, the court will use its discretionary powers to hear our case.

If we are otherwise abandoned by our system of justice, I believe that we must consider the above options. If we unite and persist, we will win.

For good, for law, for Montauk, I am



Robert A. Ficalora.  
Supervisor

## The General Association

point had mostly been governing themselves under the Dongan Patents.

In 1910 Pharaoh v. Benson was summarily dismissed by declaring that the Montauk Tribe of Indians no longer existed to make a claim under the 1661, 1672, 1686 & 1702/3 deeded agreements. Earlier, in 1879, the court had held that the Montauk tribe existed but could claim no ownership of the lands only rights over them; that the fee ownership of the Indian lands remained with the owners of Montauk lands outside of the reservation areas and their heirs, successors and assigns.

Historical circumstance prevented Montauk's proprietors from defending these lands when faced with a State supported, and Al Capone-influenced, mobster named Carl Fisher. The proprietors' rights to these lands have never been extinguished, however, and with the state's liability for enabling the illegal taking of these lands, we believe the matter can be settled without injury to innocent parties, including the Town of Montauk.

In 1911 a fire destroyed the library of the legislature in Albany and all record of its historical understanding of the colonial charters and governments under them. The watchman's body was found dead on the first floor and it is hard to believe that the fire was an accident.

In 1912 the town of Southampton was the first to establish a government under the legislature's 1909 Town Law.

After the conclusion of Pharaoh in 1910, the proprietors treated Montauk as a private estate with the Indian and the Olmsted/Benson reservations as common lands.

The 1918 Last Will and Testament of Mary Benson, however, left no protections. The Executors of the 1918 estate of Mary Benson either renounced or resigned and it was moved to the administration of the Brooklyn Trust Company.

Brooklyn Trust sold the Mary Benson Montauk lands to a man associated with Al Capone (Carl Fisher) who chased the defending proprietors out of Montauk and began the subdivision and sale of the common lands.

It was a classic Capone-style operation but with little or none of his class. Carl Fisher brought the new second government of East Hampton into Montauk, organized under the still unfinished 1909 Town Law.

He created a hotel called "The Manor" at the rail-head in Montauk and held big parties for the state legislators. He carried a large mortgage from the Estate of Mary Benson and went bankrupt in 1930 after the stock market crash. He would die a penniless alcoholic in 1939.

When the Estate of Mary Benson was finally liquidated in 1957 all of the trust lands were sold to a development company. The Town of East Hampton almost immediately passed a zoning ordinance covering Montauk.

The General Association must be read with an understanding of the above history.

Montauk is the conquering state legislature's Achilles heal. The Town Board of the Town of East Hampton has no incorporation papers, it has never been legally established.

Montauk, however, is an incorporated township by rights of succession through the Dongan Patent, chartered rights that run with the land forever.

# GENERAL ASSOCIATION

Adopted by the Trustees of the Freeholders and inhabitants of the Incorporated Township of Montauk, on \_\_\_\_\_, the \_\_\_th of \_\_\_\_\_, 2008, and transmitted for signing to all of the Cities and Towns, and Counties in the State of New York.

Persuaded that the Salvation of the Rights and Liberties of America, depends, under God, on the firm union of its People, in a vigorous prosecution of the measures necessary for its safety and the rule of law under our constitutions as originally drawn and intended, and the use of the rights and liberties reserved to the People at Chapter 64 of the 1788 laws of the State of New York, and in the First and Second Amendments to the Constitution of the United States of America; and convinced of the necessity of preventing the Anarchy and confusion which attend the dissolution of the powers of lawful Government, we, the Freemen, Freeholders and Inhabitants of the Town of Montauk being greatly alarmed at the avowed design of the Legislature of the State of New York to take away our Charters, abolish our most valuable Laws and alter fundamentally the Forms of our Governments by imposing governments through conquest under the pretext of unlawful statutes and alterations, amendments or pretended repeals to the Constitution of the State of New York; we do pray for relief in the matter of the Town of Montauk, Inc. v. Pataki, et al., affecting the sovereign rights of freeholders and residents of the Towns of Suffolk County established by colonial charters, currently before the high Court of Appeals of the State of New York, and do, in the most Solemn manner, Resolve never to become Slaves, and do associate under all the ties of Religion, honor and Love to our Country, to adopt and endeavor to carry into execution, for the time being, whatever measures may be recommended without let or hindrance by the Trustees of the Incorporated Township of Montauk, or resolved upon by a suitable state Convention, for the purpose of preserving our Constitutions, and opposing the execution of the several arbitrary and oppressive acts of the legislature of the State of New York, until a reconciliation, between the State of New York and its freeholders and residents, on Constitutional Principles, (which we most ardently desire) can be obtained; and that we will in all things, follow the advice of our provisional board of Trustees, respecting the purposes aforesaid, the preservation of Peace and Good Order, and the safety of individuals and private property.

These may certify that all persons in the Town of Montauk are to be approached to sign the above Association, that are capable of bearing arms.

[The forgoing was adapted from the General Association of the Freemen, Freeholders, and inhabitants of the city and county of New-York, on Saturday, the 29th of April, 1775, and was transmitted for signing, to all the counties in the Province of New York (see: <http://longislandgenealogy.com/append3.html#general>). It was certified locally as follows: "These may certify that every male in the Town of East-Hampton have signed the above Association, that are capable of bearing arms.

By Order of the Committee, JOHN CHATFIELD, Chairman.]

## Montauk's Incorporations (cont.)

Today, however, Montauk is being governed by an unconstitutional and legally fictitious town board entity operating according to a 1909 legislative enactment, the Town Law of the State of New York.

The result of this century old and ongoing fraud has been the usurpation and suppression of the freeholding property owners' franchise right to tax and to govern.

The motion now before the court attaches a document entitled **General Association**, adapted from a 1775 document signed by "all men capable of bearing arms" in the town of East-Hampton. It was initiated and circulated by the Freemen, Freeholders, and inhabitants of the city and county of New-York. (see:

<http://longislandgenealogy.com/append3.html#general>) The motion brief states that:

**"...understanding the seriousness of the suppression of the sovereign liberties presented, your appellant is considering a number of options to lawfully attain the rights presented before you, including the distribution of the attached revised 1775 General Association that was a unifying preamble to the American Revolution in the State of New York.**

**It is amazing that the complaints presented to this court today are very much the same as those presented in the original 1775 document. And so we, too, have resolved never to become slaves"**

The General Association received a summary review by members of our board of trustees prior to filing it with the court.

This is to certify that if you are capable of bearing arms that you have been noticed and may sign the copy at left.

Please forward it with your mailing address and phone number to Montauk Trustee Corporation, P.O. Box 2612, Montauk NY 11954. You will be called by phone on or after June 18th with information on a meeting and a formal signing..

**MFOP/Montauk Trustee Corp**  
**P. O. Box 2612**  
**Montauk, NY 11954**

Acting Trustees: Helen Ficalora, Capt. Bill Grimm, Herbert McKay, Shawn Miller, Richard Monahan

ex-officio: Daniel Grimm, Louise Nielsen, Dr. John Jay Sayers, Dr. Alice Roos and over a decade of others.

Supervisor: Robert A. Ficalora

*The Mailing list used for this Gazette is three years old and incomplete.*

*Extra copies will be distributed in the shops around Montauk to give to property owners that didn't receive their copy.*

*Please support local commerce.*



BE IT THEREFORE ENACTED by the Governor, Council and Representatives convened in General Assembly...that all the Charters, Pattents, Grants made, given and granted, and well and truly executed under the seal of this Province, Constituted and Authorized by the late and present Majesties, the Kings of England ... unto the respective Corporations of bodies politick of the Cittys, Towns and Mannors, and also the several and respective freeholders within this Province, are and shall for ever be deemed, esteemed and reputed good and effectual, Charters, Patents and grants Authentic in the Law against their Majesties, their heirs and successors for ever...

-- Chapter 2 of the laws of 1691

We are before the highest court of the State of New York demanding the rule of law and redress of our grievances. We have lost no war or otherwise surrendered our rights, liberties and privileges under the 1686 Dongan patent. Chapter 2 of the laws of 1691 remains the law under Article I Section 14 of the Constitution of the State of New York making violations of the Dongan Patent enforceable against the State of New York as successor to the King.

