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Notice of Assembly

To consider lawful government and a Freeholders' Show Cause

WHY?

This notice and declaration are being served on the Governor, Attorney General and the Court of Appeals with copies provided to many others.

The MFOP/Montauk Trustee Corporation spent five years struggling with attorneys and the court system to get Montauk's case back to the high court of Hon. Chief Justice Judith S. Kaye after receiving a clear and unambiguous decision from her court that recognized the Incorporated Township of Montauk. Unfortunately, however, she had reached the mandatory retirement age and was not able to preside over our case. Amazingly, our final motion was denied on February 12th by the court without a chief justice sitting on the decision.

The case was originally intended to be joined using an Order to Show Cause (OSC) in the same manner and type as in the 1851 case of Henry P. Hedges, et. al v. Trustees of the Freeholders and Inhabitants of the Town of Easthampton that led to Montauk being split off of Easthampton and then being incorporated by the State Legislature. It seemed easy, the case was essentially *res judicata*.

However, the case got off to a bad start when the corporation's first attorney filed the *Request for Judicial Intervention* (RJI) without

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To all of the Freeholders and Inhabitants of the Incorporated Township of Montauk and also to the honorable Governor David A. Patterson, Chief Justice Jonathan Lippman, Attorney General Andrew M. Cuomo, and all of the magistrates, officials, Senators and Assemblymen of the State of New York

PLEASE TAKE NOTICE:

A five year matter at law just concluded with the court having repeatedly denied requests for orders to show why Montauk's taxes should not be taken away from East Hampton. On Labor Day, Monday, September 7th, 2009 at 2 p.m. at the firehouse in Montauk an assembly will be convened to discuss a plan for Montauk's taxes to be paid into a trust account in order to force the Town of East Hampton to show how it can claim your money.

Montauk Resolves

Whereas, on February 12th, 2009 a *Motion to Reargue* was denied at the Court of Appeals in Albany (high court, Mo. No. 2009-51] The high court had taken jurisdiction in the matter of **Town of Montauk, Inc. v. Hon. George E. Pataki, Esq., Governor of the State of New York, and the People of the State of New York met in Assembly, and the Town Board Government of the town of East**

Hampton, and the Trustees of the Freeholders and Commonalty of the town of Easthampton, and the County of Suffolk, and the Brooklyn Historical Society, and the Suffolk County Water Authority, and 511 Equities, Inc., and the Nature Conservancy, Inc. (Suffolk 27553/04; AD2nd 2005-10912), and

Whereas, it remains uncontested that the Towns of Easthampton and Southampton have two governments: the Trustees of the Freeholders and

Inhabitants created by colonial patents and Town Board governments of legally undocumented origin or existence that have operated according to the 1909 Town law of the State of New York, and

Whereas, the clear and unambiguous order upon intervention, made as a matter of right pursuant to CPLR sect..1012, was entered by the high court of Chief Justice Judith S. Kaye that recognized the Incorporated Township of Montauk (People v. Vorpahl, 2 N.Y,3d 781, Motion No. 277 May 6, 2004).

Whereas, the record before the high court included Mr. Ficalora's 2001 Affidavit in that case containing a comprehensive legal history of Montauk and included the *Articulated Rights and Constitution of the Township of Montauk* adopted in December 2000. Nothing in the Court of Appeals order evidences that it denied intervention or otherwise failed recognise the corporation as the governing body of Montauk.

Whereas, in the almost five years before the court no trial was ever had, no hearings were ever allowed in open court at any level, a press black-out was maintained, and repeated requests for orders to show-cause (OSC) why Montauk's taxes should not be removed into court pursuant to statute (CPLR §2701) were

denied from judicial chambers at both the lower court and appellate levels.

Whereas, although protected by the court, the town board government of the Town of East Hampton is unable to show that it legally exists or has a legal or constitutional right to collect Montauk's taxes, or to make our laws, control our land use, justice court or police, and

Whereas, the imposition of a state-supported, but legally fictitious, body posturing as a government over the lands and waters of Montauk remains the usurpation of Montauk property owners' longstanding franchise right to tax and to govern under the 1686 Dongan Patent and, therefore, continues to violate Chapter 2 of the laws of 1691, and

Whereas, if it is not just it is not law, and the unsupportable May 8th 2007 decision entered by the Appellate Division in the matter of the Town of Montauk, Inc. v. Pataki, et. al. (40 A.D 3rd 772, 773 (2d Dept. 2007)) is repugnant to justice and therefore rejected as a matter of law. It is our duty for ourselves and those who come after us to seek the rule of law, and

Whereas, when the 1683 Constitution of New York was disallowed in 1686 by King James II for the making of laws, the Dongan Patents granted to townships the sovereign jurisdiction of the feudal tenure of the royal Manor of East Greenwich in the county of Kent (Greenwich Palace, the royal residence at London) over which Parliament had no jurisdiction.

Whereas, the patents granted the liberty and privilege to govern by town meeting for the making, administering and enforcement of law **"so always as the said acts and order be in no wayes repugnant to the laws of England and of this Province which now are or hereafter may be established"**, and

Whereas, the foregoing feudal tenure was issued to most of the English colonies in America (now states or commonwealths), and for that reason the Dongan patents have been referred to as having granted "the rights of a state within a state". The protection of such colonial charters was a central cause in the Declaration of Independence, and

Whereas, the 1777 Constitution of the State of New York continued the laws of the province, contained the entire Declaration of Independence within it, and also expressly protected colonial charters to bodies politic and corporate such as the Dongan Patents, and

Whereas, on January 26, 1788 the draft of the proposed new federal Constitution was before the New York Assembly for ratification when a letter was published in Schenectady by James Madison (as "Publius") in the Independent Journal (now Weekly Gazette, Federalist #45). There was an urgent concern for the sovereign rights of the Freeholders and Inhabitants of the State of New York because they were deemed to be threatened by the proposed new federalist Constitution, and

Whereas, on March 7th 1788 Chapter 64 of the laws of 1788 was signed into law by Governor George Clinton that either established or affirmed the townships of New York and held that:

"The freeholders and inhabitants of each and every of the said towns... who are or shall be qualified to vote at town meetings, shall forever hereafter have Full power and authority and they are hereby directed and required to assemble together and hold town meetings..."(emphasis added)

Whereas, a Freeholder in New York (proprietor, yeoman farmer) is a property owner who holds his land in fee simple with a sovereign jurisdiction within the meets and bounds of his land and, in the absence of a feudal lord, within a township governed by a town meeting of the freeholders and inhabitants assembled with the powers of the lord of the fee within the township (eminent domain, escheat, and jurisdiction in the making, administering and enforcement of law), and

Whereas, it is clear, therefore, that the 1909 Town Law of the State of New York must be declared both illegal and unconstitutional or otherwise be repealed by the state legislature and that New York towns be instructed to convene town meetings as directed and required by the 1788 law, and

Whereas, the democratic republican government established in our name by our forbears according to constitutions and laws is now threatened by governmental actions that we hold to be both treasonous and a threat to our liberties. They have taken away our charters and altered fundamentally the forms of our government. We are not slaves, and have lost no war, but we are forced to live as if a conquered people. It is our duty to demand the rule of law, to assert the sanctity of our charters, to peaceably assemble in Town Meeting, and to take whatever action deemed necessary to remove the cancer of the imperial

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my (Mr. Ficalora's) review or signature as required by his retainer agreement. The intent had been to select the commercial division with one judge instead of leaving the judicial selection open. An unknown submission-only judge was assigned and we didn't have a chance of getting the matter to trial. Two attempts to get the OSC signed by a lower court judge were denied and it was then denied at the Appellate Division.

None of the court's avoidance changes the fact that we are left with an illegal and unconstitutional state supported entity acting as our government. What is proposed in the *Declaration* presented is using an extra-judicio process of civil duty to force the same result as sought in the OSC: **PAY YOUR PROPERTY TAXES TO THE TOWN OF MONTAUK**. You will be ordering them to show that they have a right to your money, and we know that they don't have any such right. **Please send a copy of your tax bill with your check made out to Township of Montauk c/o MFOP/Montauk Trustee Corp. to P.O. Box 2612 Montauk, NY 11954**. You should also copy the Town of East Hampton. Your deposit will not be touched until this matter is settled and it is delivered at the first Montauk town meeting.

The state, county and East Hampton governments are in receipt of this mailing and are fully aware of this plan. Our question to them is **WHY?**

We are seeking the rule of law in the recovery and defense of the sovereign individual and collective rights and liberties of jurisdiction as an incorporated township with government by town meeting. We ask Attorney General Andrew Cuomo to assist us in this effort.

state impositions upon our lands and our sovereign right to tax and to govern.

We do, therefore,

Resolve, to pay our property tax bills to the Township of Montauk for deposit in care of the MFOP/Montauk Trustee Corporation's account at the Bridgehampton National Bank and notice the town board government of East Hampton of such payment, and

Resolve, to peaceably inform all East Hampton, state and county officials visiting upon Montauk lands that they have no right or jurisdiction in Montauk and that they may be individually and severally liable for trespassing among us, and

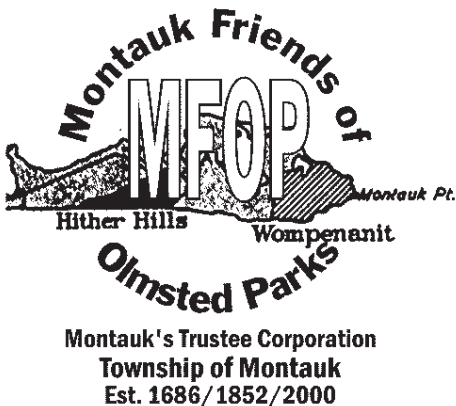
Resolve, to commence the process of town meeting set forth in the Montauk Constitution and convene a town meeting, and

Resolve, to hold political party participation and state board of election oversight of town elections to be a let and hindrance in violation of the Dongan patent, and to support the formation of the Democratic-Republican Party to establish power in state government.

For good, for law, and for liberty under the rule of law,

Robert A. Ficalora
Supervisor

(It is herewith affirmed that all parties in the matter of Town of Montauk, Inc. v. Pataki have been served by mail with this notice. RAF)



The court refused to make the Town Board show that it is a legal entity or has a right to collect your taxes or to control Montauk's land use, justice court or police. Fundamental legal and constitutional liberties have been suppressed by an imperial state legislature. Montauk's property owners can do what the courts didn't by forcing them to show how the Town Board of the Town of East Hampton makes its claims in Montauk. ***We demand the rule of law!***

PAY YOUR TAXES TO THE TOWNSHIP OF MONTAUK!

send a copy of your tax bill and check made out to
Incorporated Township of Montauk

P.O. Box 2612
Montauk, NY 11954

All receipts will be deposited in Bridgehampton National Bank account#0700000193 and held in trust untouched until the matter is settled and the town meeting of the Incorporated Township of Montauk is held according to the Montauk constitution of December 2000.

Bob Ficalora
Supervisor