

## A Fresh Start

Montauk  
July 15, 2001

Dear David,

A sua sponte (on its own motion) decision and order of the New York State Court of Appeals has been entered dismissing the appeal of the Montauk Trustee Corporation in a matter that sought to recover Montauk's municipal properties and franchises. I believe that the trustee corporation has shown conclusively that Montauk is a constitutionally powerful incorporated township usurped and suppressed by the State Legislature. The court held that I am not the authorized legal representative of the corporation because I am not an attorney. I honor the court and accept its discretion. We will attempt to return with an attorney.

When we do go back to court I look forward to a fresh start upon a complete record with all necessary parties joined up front upon clearly presented complaints. When we proceed to trial it will be one of the most important cases in the history of this state. For everyone's sake, I hope that I will be available to take us through it.

The colonial charters incorporating the towns of Suffolk County granted, issued, or otherwise delivered between 1686 and 1689 by Governor Thomas Dongan under the authority of King James II established private rights to public powers. The charters incorporated Montauk and all of the old towns of Suffolk County as proprietary democratic commonwealths. Remember that proprietary commonwealths — exclusive private democratic rights to local governmental liberties.

The history surrounding the attaining of these rights is phenomenal. The towns of Suffolk County, especially East Hampton, had been most responsible for the original establishing of what is today the State Legislature of the State of New York and its original Constitution in 1683. At that time the colony of New York remained a proprietary colony under the possession of James Stuart, the Duke of York.

The Dongan charters were issued

HERE'S ANOTHER VEHICLE-in-the-drink photo to guess at. We'll give you a clue: The date was 1970. The first caller to give us the why and wherefore will win a Star T-shirt. ☆ Christine Saar wins the T-shirt for solving last week's mystery picture, which showed Brian Kenny, David de Rosa, Jimmy Hallock, Bob Yates, Timmy Yates, and Bruce Lyons as Springs Cub Scouts in 1978. Rick Spero called first but missed one name.

E. HAMPTON STAR 7/19/01

during the short period after the duke ascended the throne as King James II. James Stuart was a known tyrant to the inhabitants of New York and was an ardent opponent of democratic liberties. Furthermore, he was a Catholic papist who threatened the Puritan settlers' coveted religious liberties.

After ascending the throne, James Stuart immediately began to eliminate democratic government in New York. There is evidence of a general uprising in the Town of East Hampton and across Suffolk County and New England. The Dongan Patent and other such colonial charters can be understood only in this context. Instead of independence from England, however, the towns received legal and contractual guarantees of the full right to their property and the governmental liberty and privileges to make their own laws and to control their own local courts.

These rights were maintained throughout the colonial era and for at least a century after the revolution with laudable results. The charters were well understood and were protected from state interference by the Constitution of the State of New York. Because of the clear terms of the Dongan Patent, neither the Colonial Legislature (now State Legislature) nor Parliament (now Congress) had the ability to establish an alternate form of government upon these lands or to make or affect local law.

This is an extremely powerful and beneficial liberty. Ninety years after the Dongan Patents were issued, the protection of this legal form of governmental liberty was to be the central cause of the American Revolution. East Hampton and Southampton men spilled their blood on Long Island soil and died to protect these rights for us, their posterity.

Our private corporate right to gov-

ern has been usurped by legislatures jealous of the jurisdictions established by the charters. Foreign and unconstitutional forms of government were quietly set up under the guise of a "modern" law enacted by the State Legislature in 1909 and recorded as the Town Law of the State of New York.

The town board appeared around 1924 and continues to claim its jurisdiction under this law. The incorporated Villages of East Hampton and Sag Harbor appear to have been set up on East Hampton lands under some similar body of federal law shortly afterward, and political parties were concurrently introduced into East Hampton politics.

In presenting the Articulated Rights and Constitution of the Township of Montauk to the court I attempted to give an idea of what we believe the Town of Montauk would look like if re-established upon the rights, principles, and practices of the original recipients of the charter. Although we are not under the jurisdiction of the Legislature, we are under the jurisdiction of the courts. I am sad that I did not get the opportunity to argue this matter before them. The model of government is eminently conservative and rests firmly on private property rights.

Colonial charters like the Dongan Patent established what should be considered among the most powerful corporations in the world. The charters established legal powers of jurisdiction fundamental to our sovereignty as a people. They should be the pride of this state and our nation. Although unsettling in the short term, if handled appropriately there is only beauty and prosperity in this picture.

For good, for law, for Montauk: Ir God we trust.

BOB FICALORA

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