

## WHY DOES THE STATE HAVE JURISDICTION OVER ME?

Today all people ask why can't I get the state off my back? Why do they say they have jurisdiction over me? Why is it that I can't seem to shake the myth that they do have jurisdiction over me? How can I rid from me, whatever they say gives them jurisdiction? Why is it they won't tell anyone what gives them jurisdiction, whether in the agency or court? Why do people say it's all admiralty when I am not in any maritime contracts?

These are but a few questions of many people have had over time and 99 percent have no clue to the answers. It is a seemingly thought provoking question to say the least. Many of us have tried to tell the people the answers. For the most part they cannot comprehend the data they are given. Maybe because it's in the court cases we have given. Maybe the people cannot comprehend the legal speak in the court decisions. Maybe it's because people don't want to believe what they read in those cases and cling to a myth of sovereignty. Maybe they believe the myth that the people created this monstrosity called government and they have to listen to the people. There are many reasons the people have not yet comprehended.

It is with this writing that I will attempt, again, to try and in doing so I will not bore you with court cases. I will attempt to give you the answer to all the above questions in a short but brief explanation. I will not go into residency, which is but one reason they can have jurisdiction over you. Hopefully you will understand.

Let's start this way; everything you do in today's world has a maritime latch. You cannot do anything without this maritime latch. What is this maritime latch you ask. Very simple, INSURANCE. Yes, insurance. You all know that this State and the United States operates as a corporation and only as a corporation. Just go to the county, parish or however the State defines the place where you live, and search the records to see when that place was incorporated. Many towns, as you enter it, will say on a big sign, entering so and so town, incorporated 1816 or some such date. Back in the 1800's the common man had no insurance. He had no life insurance, had no car insurance, had no property insurance. So what gave that particular town jurisdiction? Residency, plain and simple. But that is not the reason for this article so forget about residency in the following and do not attempt to put residency in the mix or any other item but insurance. What about life insurance, property insurance, etc.? These all have a bearing as to why they (government) control you. Since the State is a corporation they can allow other created corporations to exist by having them register with the Secretary of State to do their business in "this state". You have to remember, in law words take on a different meaning and do not mean what the dictionary makes them out to be. That word, becomes a term and the law gives use term to give that dictionary word a meaning they want it to mean. Hence "this state" is not referring to what people believe it to be. "This state" and "the state" are two separate meanings. One is corporate, the other is not corporate. This can be found on atgpress.

What about car insurance? Some people do not have a car and say that leaves me out of their jurisdiction. How about that house or land you bought? The insurance you have to get to make sure there is no hidden liens on it is all maritime. It's called Title insurance. This state has an interest in it and is a party to ownership through that insurance contract and for the most part I would say 99.99 percent of you people have no clue that this state is a party to that policy. That is the latch, just as the life insurance policy is and that car insurance is. The fact that people today all have some type of insurance is a key latch.

Here is the simple proof that you all need to do further research to prove to yourself that what is written here is true. I take this simple answer from a book called Civil Procedure, by Professor of Law, Roy L. Brooks, who teaches Civil Procedure, Employment discrimination, corporations, corporation finance, security regulations, and other similar complex litigation.

On page 66 of his book a question is asked and an answer is given on "Examination Question on Personal Jurisdiction and Service of Process." Now his answer is really couched in terms of law and not ordinary dictionary words that you are familiar with. This is how closely one must read any legal document or a book of this nature, because it has to use terms such as "this state" and "residency" to be understood in law. Even most patriots overlook this distinction between words and terms in what they read as you will see in reading the examination question. Everyone would read this in standard common everyday words. I will bold those misunderstood writings, because they are terms and you read them as words. Also note the capitalization in some of the key terms or phrases.

### Direct quote:

Williams, a **resident** of State B, sued AFC Corporation ("AFC"). A State C corporation with its principle place of business in State D, and Dexter, a **resident** of State C who owns an office building in State A, in the state trial court of State A for damages. Williams claimed that AFC, aided in the tortious conduct of Dexter, failed to deliver goods under the terms of a contract negotiated in State A. The contract was negotiated by AFC's president during a meeting held in Dexter's office building. The goods were to be delivered to Williams at a storage facility located in State A. AFC has never conducted any business in State A, with the exception of operating a demolition business specializing in the use of explosives in clearing away old buildings. This business lasted for a three month period ending one year ago. Service of process was made on AFC by delivery of the complaint and summons to its president personally in State D and on Dexter by delivery of the complaint and summons to his estranged wife living in State A. The long-arm statute adopted by State A is the following:

(1) Any **person**, whether or not a citizen or resident of **this State**, who in **person** or through an agent does any of the acts hereinafter enumerated, thereby submits such **person**, and if an **individual**, his personal representative, to the jurisdiction of the courts of **this State** as to any causes of action arising from the doing of any of said acts:

- (a) The transaction of any business within **this State** ;
- (b) The commission of a tortious act within **this State** ;
- (c) The ownership, use, or possession of any real estate situated in **this State** ; or
- (d) Contracting to **insure any person, property, or risk** located within **this State** at the time of contracting

### END of Direct quote

I don't believe that is very hard to digest, especially the last sentence. Just think that this State is a corporation operating strictly in Admiralty jurisdiction from way back in 1603 and even after the feigned Revolutionary war, still operated as the Crown's colonies, now called States and United States, in all admiralty which is international law of maritime. Knowing that all insurances are maritime in nature where ever made on earth, you can see how they have jurisdiction when you obtain life insurance, health insurance, fire insurance, car insurance, and property insurance and that little known insurance when you buy property called Title insurance.

Now do you see why "this State" claims jurisdiction over you where you had no idea how?

Many, many ways do they obtain jurisdiction and none can be any plainer than what is found in my writings on atgpress. It is so subtle for instance,

<http://www.atgpress.com/inform/gov046.htm>

<http://www.atgpress.com/inform/cs027.htm>

<http://www.atgpress.com/inform/cs032.htm>

<http://www.atgpress.com/inform/gov035.htm>

It is this last subtleties in the above cases in the writings, that is shown from the North Carolina description of Counties that will help you decide as to the latches of maritime insurance and the status you hold in this quagmire of "this State", The State, and all other terms they have used to conceal their conquest of the common people. Read this carefully all you "person", "residents" and insurance holders of "this State" in it's corporate chartering of insurance companies.

Source: North Carolina State Library.

COUNTY GOVERNMENT : HISTORICAL PERSPECTIVE

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### **The County as a Body Politic and Corporate**

A county, as a defined geographic subdivision of the state, serves many purposes. Churches, civic clubs, and other societal institutions use counties as convenient subdivisions for their own purposes. The business world may assign sales territories and franchises to areas composed of one or more counties. The county may play a role in the psychology of people born and raised "in the country" - it serves to establish where they are from and who they are, thus becoming a part of their personal identity. But the county was created in the first instance by the state as a political unit, and this remains its primary purpose.

More than forty years ago, the North Carolina Supreme Court was called upon to define a county from a legal point of view. (In the case, Wake County was a litigant and the court spoke in terms of that county, but what the Court had to say is equally true of the other ninety-nine counties):

Wake County is a body politic and corporate, created by the General Assembly of North Carolina for certain public and political purposes. Its powers as such, both express and implied, are conferred by statutes, enacted from time to time by the General Assembly, and are exercised by its Board of Commissioners .... In the exercise of ordinary government functions, [counties] are simply agencies of the State, constituted for the convenience of local administration in certain portions of the State's territory, and in the exercise of such functions they are subject to almost unlimited legislative control, except when the power is restricted by constitutional provisions.

The language used by the court is important as it established the definition of a county. A county, according to the court, is a "body politic and corporate." A body politic is a civil division of the state for purposes of governmental administration. A body corporate is a legal entity. In private law, a corporation is a legal person. A county is a legal entity or corporation of a special sort and with a public function. As such, it can buy and hold property, sue and be sued, and enter into contracts - all functions necessary to make its work as a body politic effective.

In O'Berry, State Treasurer v. Mecklenburg County, [198 N.C. 357,151 S.E. 880 ( 1930)], the court stated that "the weight of authority is to effect that all the powers and functions of a county bear reference to the general policy of the State, and are in fact an integral portion of the general administration of State policy. Historically, the primary purpose for erecting a county was to serve state purposes and to perform state functions in a given area rather than to serve the purposes of a particular geographic community. (By way of contrast, a city was primarily formed at the request of the people within its jurisdiction to serve the needs of the inhabitants.)

For the Supreme Court to say that "all the powers and functions of a county bear reference to the general policy of the State and are in fact an integral portion of the general administration of State policy" is not as restrictive as might at first reading appear. "State policy" is a very broad frame of reference; it can touch any aspect of local government. Thus, the truly significant nugget in the Supreme Court's definition of the role of counties is its statement that in the exercise of their functions, counties "are subject to almost unlimited legislative control, except when the power is restricted by constitutional provisions." In effect, if the General Assembly can be persuaded to assign counties any given power or responsibility, and, if the Constitution does not prohibit it, that assignment becomes state policy for county administration.

The court's phrases should not be drained of meaning, but they must be read in the light of the freedom the General Assembly has in withholding, assigning, withdrawing, and supervising the specific powers of any agency of government - state, county, municipality, or special district. The development of "state policy" with regard to the allocation of functions among governmental units and agencies is necessarily determined by successive legislatures' changing ideas of what is best calculated to achieve desired results.

Experience plays a major role in the determination of state policy. Frequently financial emergency and stress have produced a climate favorable to reexamination of the allocation of governmental responsibilities. Until Governor McLean's administration, the state allowed counties, cities, and other local units almost unlimited freedom in borrowing money and issuing bonds. With no one to advise or warn them in marketing their securities, many counties overextended their obligations and saw their credit ratings drop to the point where they had to pay crippling rates of interest. Eventually, some faced bankruptcy. In 1927, on the basis of this experience, and recognizing a statewide concern, the legislature established the County Government Advisory Commission and gave it the supervisory powers necessary to correct the situation. This commission effected a reversal in local government financing, and its successor, the Local Government Commission remains one of the bulwarks of North Carolina government today.

Experience with various local arrangements for road building and maintenance had a comparable effect on state policy. It is not accidental that North Carolina counties are no longer responsible for this work. Reflecting the concern of the people of the state, the legislature recognized a community of interest in roads wider than the single county and defined state policy on roads accordingly. Comparable re-definitions of the area of concern have affected governmental responsibility for operating schools, conducting elections, housing the state's system of lower courts and their records, maintaining property ownership and mortgage records, enforcing much of the state's criminal law, administering public health and public welfare programs, and carrying on state programs designed to promote the development of agriculture. Some of these functions are the responsibility of the boards of county commissioners, and some are assigned to other boards with varying relationships to the board of county commissioners. Thus, apart from the role played by the commissioners in any of these fields, it is the policy of the state to make extensive use of its counties in carrying out a large number of essential governmental operations.

From the beginning, the county has been used as the basic local unit in the judicial system and for law enforcement - there one finds the court, the courthouse, the sheriff, the jail, the clerk, and the court records. But the court is not a county court; it is a unit of the state's judicial system. The judge, the solicitor, the clerk, and the magistrates are state officials who administer state law, not county law.

The General Assembly expresses and codifies its state policy decisions by enacting statutes. In assigning duties and powers to counties, the legislature sometimes speaks in terms of mandate or command and sometimes in terms of permission and discretion. Thus, for example, counties are required to provide adequate housing for public schools, while they are given discretionary authority to exercise planning and zoning powers.

The General Assembly makes two kinds of laws--it enacts general statutes that apply statewide, but it also enacts local or special laws that apply exclusively within named counties or cities. Our State Constitution contains limitations on legislative authority to enact local laws dealing with a substantial list of topics, but in the absence of constitutional restriction, the legislative is free to permit local variety and experiment, a freedom once denounced by students of government but now seen as a useful device for demonstrating new ideas and approaches to governmental problems. Given this legislative freedom, any discussion of county powers and responsibilities must always be prefaced with a caution that what is being said about counties in general may not be true for a particular county.

**END of QUOTE**

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