

Your Right to Travel Freely - State V Marple



By Anna Von Reitz

I don't usually do this, but today, I am passing on the fruit of someone else's hard work--- at his request. For years now, New Hampshire Representative Marple has been leading the fight to preserve basic freedoms guaranteed to the people of his state for generations--- the right to travel freely, the right to keep and bear arms---- all those basic rights that we have taken too much for granted. He is currently doing battle in the court system, as he has done battle in the chambers of the state legislature. It is a fight we all need to be aware of and in whatever ways we can--- need to support.

When more elected members of the Territorial and Municipal Governments stand up and stop being led around by the nose--when they clearly realize as Representative Marple has, what is truly at stake--- the opportunity for meaningful dialogue and peaceful resolution of the current situation expands exponentially. These links will bring you up to date fast. I am also in receipt of a copy of the most recent pleadings which I am attaching (see below) as they contain an absolute gold mine of information and support for those working on right to travel and similar basic rights issues.

Please share these links regarding NH Rep Marple's court appearance with anyone concerned.

1_ <https://www.youtube.com/watch?v=zQROaeLCStU>

2_ <https://www.youtube.com/watch?v=crP4b11BFlo>

3_ <https://www.youtube.com/watch?v=iTg0k5Z931s>

4_ <https://www.youtube.com/watch?v=iTg0k5Z931s>

Most recent pleadings: [Here in Word document
http://annavonreitz.com/righttotravel.doc](http://annavonreitz.com/righttotravel.doc)

This is one of the two now in the Article III district court mandated by FRCP 55. Please share with those interested....Dick

Concord Court NH CIRCUIT COURT - Reference: State v. A MARPLE Case
Number 429-2014CR-00153

AFFIDAVIT OF TRUTH - IN COMMERCE

U.S. v. Kis, 658 F.2d 526, (7th Cir. 1981) "Indeed, no more than that is necessary to make the prima facie case." Id at 536.

Addressed to the below named Libellees in their official and individual personal capacities as Trustees of the people, to whom a Fiduciary relationship is contracted by OATH and for whom they must promptly act. Libellees listed in this document admit to the truth and guilt of having been NOTICED that Affiant had formally accepted Libellees Oaths of Office and Constitutions as by-laws, as offers to contract, creating said binding contract, under Oath, to provide protection of Constitutional Secured Rights on behalf of Affiant

Hon. M. Kristin Spath, Magistrate
Theresa A. McCafferty, Clerk of Court
6th Circuit – District Division - Concord
32 Clinton Street Concord, NH 03301

Now comes the Affiant, A. Richard: Marple, Sui Juris, an Article 30 Part II "Inhabitant" who is a Life Member of the VFW and is in his 86th year and who has firsthand knowledge of all of the facts enumerated within this Affidavit. Affiant places forth his Commercial Liability and makes his common law claim for damages, compounding now, in excess of one million silver dollars for the injuries that he has suffered over the past three years as a result of corporate public servant employees maintaining silence to written Affidavits and other communication. The courts have found such SILENCE to be FRAUD, when there is a duty to speak, and be accountable, as required by Article Eight of the New Hampshire Bill of Rights. Other unlawful acts perpetrated by corporate employees acting under "color of law" are all enumerated in the ignored Affidavits now on file at the Secretary of State office. Affiant makes demand for prosecution and enforcement of law upon all the guilty public servants named and un named co-conspirators in this Affidavit and those Affidavits filed with the Secretary of State and in the exhibits attached. It is a FACT that failure to do so will be an "Obstruction of Justice". The following stare decisis apply; *Hafer v. Melo*, 502 US 21 : "US Supreme Court held that state officials acting by "color of law" may be held personally liable for the injuries or torts they cause and that official or sovereign immunity may not be asserted.", *Scheuer v. Rhodes*, 416 US 232 (1974), 94 S. Ct. 1683, 1687 (1974), "When a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States."; *Warnock v Pecos County, Texas*, 116 F. 3d 776 - No.96-50869 Summary Calendar. July 3, 1997. It is stipulated that all exhibits attached are to be understood as being incorporated herein as if written verbatim within this affidavit.

INTRODUCTION

This Affidavit is filed pursuant 18 USC 4 and by the authority of Article 14, New Hampshire Bill of Rights, Article 32 of the New Hampshire Bill of Rights is the authority for the instructions and Information demanded by this Affiant which is in

the nature of Claim, 42 USC 1983, 42 USC 1985(3) , 42 USC 1988 (a) (b). and nature of Quo Warranto; Ames v. Kansas, 111 U.S. 449; Libellees are encouraged to study this AFFIDAVIT thoroughly and carefully before making any counter Affidavit This is a lawful NOTICE. It informs you. It means what it says, and says what it means. NOTICE , vicarious liability, a form of a strict, secondary liability that arises under the common law doctrine of agency, imposes liability on one person for a tortious act committed by another for which all libellees are at risk. A number of contexts expressed in this instrument in which joint and several liabilities arise and SILENCE to such is FRAUD.

This Affidavit is an offer and agreement with instructions for the libellees to perform their duty, obey their Oaths of Office and enforce the laws of this state. The wrong doers must be prosecuted. Specifically, corporate employees named in all the Affidavits of Truth on file at the Secretary of State office. The following FACTS are itemized point for point.

In the pure Maxims of Laws of Commerce, the eternal and unchanging principles are;

- 1-A WORKMAN IS WORTHY OF HIS HIRE. Exodus 20:15; Lev. 19:13; Mat. 10:10; Luke 10:7; II Tim. 2:6. Legal maxim: "It is against equity for freemen not to have the free disposal of their own property."
- 2.-ALL ARE EQUAL UNDER THE LAW. "Equality before the law" Exodus 21:23-25; Lev. 24: 17-21; Deut. 1;17, 19:21; Mat. 22:36-40; Luke 10:17; Col. 3:25. "No one is above The Law".
- 3- IN COMMERCE TRUTH IS SOVEREIGN. (Exodus 20:16; Ps. 117:2; John 8:32; II Cor. 13:8). Truth Rules, Your Word is your Bond.
- 4- TRUTH IS EXPRESSED BY FORM OF AN AFFIDAVIT. (Lev. 5:4- 5; Lev. 6:3-5; Lev. 19:11-13; Num. 30:2; Mat. 5:33; James 5: 12)
- 5- AN UNREBUTTED AFFIDAVIT STANDS AS TRUTH IN COMMERCE. (12 Pet. 1:25; Heb. 6:13-15;) Affidavit is the highest form of truth. Legal Maxim: "He who does not deny, admits."
- 6- AN UNREBUTTED AFFIDAVIT BECOMES THE JUDGMENT IN COMMERCE. (Heb. 6:16 17 ;). Nihil Dicit
- 7- IN COMMERCE FOR ANY MATTER TO BE RESOLVED MUST BE EXPRESSED. (Heb. 4:16; Phil. 4:6; Eph. 6:19-21). Legal Maxim: "He who fails to assert his rights has none.)
- 8- HE WHO LEAVES THE BATTLEFIELD FIRST LOSES BY DEFAULT. Mat. 10:22; Legal Maxim: "He who does not repel a wrong when he can, occasions it".
- 9- SACRIFICE IS THE MEASURE OF CREDIBILITY (NO WILLINGNESS TO SACRIFICE = NO LIABILITY, RESPONSIBILITY, AUTHORITY OR MEASURE OF CONVICTION). (Acts 7, life/death of Stephen), Legal Maxim: "He who bears the burden ought also to derive the benefit".
- 10- SATISFACTION OF A LIEN (Gen. 2-3; Mat. 4;.). In commerce a lien or claim can be satisfied by rebutting the affidavit, with a counter affidavit, point by point. It is stipulated that In case of non-resolution, doctrine of estoppel will automatically prevail. If non-payment is encountered, the Sheriff will convene a common law jury, based on the Seventh Amendment, concerning a dispute involving a claim of more than \$20.00. The only other way to satisfy a lien is to pay it.

INSTRUCTIONS, pursuant to Article 32, Part

Attached find two "Presentments ", # 1- An order signed by M. Kristin Spath, #2-An Unsigned notice of hearing with printed Theresa A. McCafferty, Clerk. Both Presentments are NOT accepted and are being returned without dishonor pursuant to the Authority of RSA 382-A: 3-501(b)(2) which specifically enumerates "(2) Upon demand of the person [ie: this affiant]whom presentment is made, the person making presentment must (i) exhibit the instrument, (ii) give reasonable identification and, if presentment is made on behalf of another person, reasonable evidence of authority to do so..." The Uniform Commercial Code, RSA 382-A is the superior authority for all commercial transactions made by the employees of corporate government in connection with the people as there is no lawful money in circulation. The Clearfield Doctrine mandates governments use of Commercial paper to achieve equal standing. The following stare decisis found in 19A Words and Phrases Permanent Edition (West) pocket) Part 94; 8 F.3d 226, 235 will be applied to the instant case 429-2014CR-00153 for immediate dismissal pursuant to the following:

The exemptions provided for in section 1 of the Motor Vehicle Transportation License Act of 1925 (Stats. 1925, p. 833 in favor of those who solely transport their own property or employees, or both, and of those who transport no persons or property for hire or compensation, by motor vehicle, have been determined in the Bacon Service Corp. v. Huss, 199 Cal. 21, 248 P. 235; case to be lawful exemptions. In re Schmolke (1926) 199 Cal. 42, 46.

"The right of a citizen to travel upon the public highways and to transport his property thereon in the ordinary course of life and business is a common right which he has under his right to enjoy life and liberty....It includes the right in so doing to use the ordinary and usual conveyances of the day; and under existing modes of travel includes the right to drive horse drawn carriage or wagon thereon, or to operate an automobile thereon for the usual and ordinary purposes of life and business. It is not a mere privilege, like the privilege of moving a house in the street, operating a business stand in the street, or transporting persons or property for hire along the street, which the city may permit or prohibit at will." Thompson v. Smith, 154 S.E. 59 "In view of this rule a statutory provision that the supervising officials "may" exempt such persons when the transportation is not on a commercial basis means that they "must exempt them".

State v. Johnson, 243 P. 1073; 60 C.J.S. section 94, page 581. "Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." Merritt v. Hunter, C.A. Kansas 170 F2d 739.

Affiant has NOT received any evidence of an "instrument" showing that "Due Process" (59 US 272) was or has been rendered and that both personal and subject matter jurisdiction have been proved and is upon the record. In fact, the record shows the exact opposite exists. The document on record entitled "Oath Purgatory," executed over 20 years ago, removes all presumptions of any corporate jurisdiction; An Oath purgatory mandates the accused to obtain an acquittal. "A purgatory oath refers to an oath by which a person destroys the presumptions which were against him/her. Such a person is said to purge himself/herself when s/he removes the suspicions which were against him/her. For example, if a person faces contempt for not attending court as a witness, s/he may purge himself/herself of the contempt by swearing to a fact which is an ample excuse." A purgatory oath allows defendants to obtain an acquittal by swearing to their own innocence. [United States v. Gecas, 120 F.3d 1419, 1438 (11th Cir. Fla. 1997), This instrument removes this Affiant from the jurisdiction of all municipal corporate states and all statutory schemes of "presumed jurisdiction" enacted for the commercial enterprises operated by the municipal corporate states for profit, Such action being contrary and repugnant to

the supreme organic law as well as Article 8, and 14 of the New Hampshire Bill of Rights. Affiant states his firsthand knowledge of the facts herein contained and hereby deposes this sworn affidavit as a prima facie case pursuant to the District Court of Pennsylvania, 395 F. Supp. 1107, etal. Judicial NOTICE is given to the proceedings enumerated in Article 6 and 4, Section 1 and 2, constitution for the united States of America. General Motors Corporation v. Blevins, 144 F. Supp. 381 (D.Colo.1956). The Oath Purgatory executed is currently upon the record in this matter, by the authority of and pursuant to 15 Statutes at Large, Chapter 249, entitled "Rights of an American Citizen in foreign States". The Right of Expatriation, "Be it enacted by the Senate and the House of Representatives of the United States of American in Congress assembled, that any declaration, instruction, opinion, order, or decision, of any officers of government which denies., restricts , impairs or questions the rights of expatriation , is hereby declared inconsistent with the fundamental principles of this government".

"This statute is clear in the prohibition expressed as is the Estoppel by Oath. That is the form of judicial estoppel within the class of estoppels arising from sworn statements made in the course of judicial proceedings generally in the form of litigation. New Hampshire v. Maine, 532 U.S. 742, 749 (2001) It is the bar of a party to deny in subsequent litigation that which he has previously stated on oath in a former litigation, in a pleading, deposition, or oral testimony." See all Affidavits on file with Secretary of State.

Further Authority to exit "corporate jurisdiction" is enumerated in Title 8, Section 1481(A)(2) which expresses." taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state or a political subdivision thereof, after having attained the age of eighteen years; or..." Thus this Affiant has established his political and civil status of being a Freeborn American Sovereign,using the Remedy and Recourse provide by Statutes. See Colten v. Kentucky (1972) 407 U.S. 104, 122, 92 S. Ct. 1953 states; "The constitutional theory is that we the people are the sovereigns, the state and federal officials only our agents." Julliard v Greenman, 110 U.S. 421, (1884), states, "There is no such thing as a power of inherent sovereignty in the government of the United States... In this country sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution entrusted to it: all else is withheld." Perry v United States, 294 U.S. 330, 353 (1935), states "The Congress cannot revoke the Sovereign power of the people to override itself as thus declared." McCullock v. Maryland, 4 Wheat 316, 404, 405, states "In the United States, Sovereignty resides in the people, who act through the organs established by the Constitution. "Yick Wo v. Hopkins, 118 US 356 @370 "Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but, in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power." Further, the case of CRUDEN v. NEALE, 2 N.C 338, 2 SE 70, is specific regarding "Consent"; "every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowmen without his consent." The 6th Circuit court Concord does not have standing to determine Affiants political or civil status. "Freedom from dictation, constraint, or control in matters affecting the conscience, ...not inconsistent with the peace and good order of society and the general welfare See Frazee's Case, 63 Mich, 396, 30 N.W. 72, 6 Am.St.Rep. 310; State v. White, 64 N.H. 48, 5 A. 828. Affiant is a sojourner in the Republic of New Hampshire, a Part II, Article 30 "Inhabitant". See, Hale v. Henkel, 201 U.S. 43 @ 74 reads; "The individual [sovereign] may stand upon his constitutional rights as a citizen. He is entitled to

carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights”.

Affiant relies upon all Courts stare decisis, as defined in *Buchanan v. Litchfield*, 102 U.S. 279 and the following citations, including all those shown in all recorded and filed un-rebutted Affidavits and Nihil Dicit judgments. The doctrine of estoppels has tolled. Estoppels by silence arise when a party is under a duty to speak but fails to do so. Estoppels by silence are also known as estoppels by standing or estoppels by inaction. Estoppel by silence arises from an obligation. Article 8 N.H. Hampshire Bill of Rights requires “accountability” by all who have subscribed to an OATH. The doctrine of estoppels by silence also is an intention to mislead or at least a willingness that others should be deceived. “To constitute an estoppel by silence, there must not only be an opportunity, but an obligation to speak, and the purchase must have been in reliance upon the conduct of the party sought to be estopped”. *Wiser v. Lawler*, 189 U.S. 260 (U.S. 1903)

All Affidavits relative to the action alleged are on file with the Secretary of State and are to be incorporated herein, word for word, as if recited within these four corners . Due diligence by the court agents and employees, requires all un-rebutted Affidavits to be placed within the record as evidence in establishing the fact that it is the Executive branch, and NOT the court that is making the accusations, hence it is the Executive branch of government that has the burden of showing how it can claim personal jurisdiction without violating the 13th amendment. This is true because the political status of one can only be determined by the voluntary act of each sovereign, based on their own individual choice. The prohibition for involuntary servitude is set forth and clearly established in the Thirteenth Amendment to the Constitution. The evidence now on record shows that the un-rebutted Affidavits of FACTS expressed, are preeminent in that they establish the fact that the 6th Circuit Concord cannot act on an action that has been predetermined by Nihil Dicit judgments on record at the Secretary of State, hence, No Personal or subject matter Jurisdiction can be asserted.

The matters alleged RSA 263:12 and RSA 263:64, have previously been determined by the SILENCE of libellees; estoppels has tolled, and judgment rendered by such silence. All Affidavits are filed with the corporate principals Secretary of State; FAULT (See RSA 382-A: 1-201(b)(17) . “Notice to Principle is Notice to Agent; Notice to Agent is Notice to Principle”. Secretary of State is the “principle” for the corporate executive branch that must produce evidence that it has obtained personal and subject matter jurisdiction over this Affiant. Further, it is a fact that the Affiant has been a victim of FRAUD (See *Nudd v. Burrows*, 91 US 416, “Fraud destroys the validity of everything into which it enters. It affects fatally even the most solemn judgments and decrees”. And *Bankrupt Act*, sect. 35; *1 Story's Eq.*, sect. 252; *Freeman on Judgments*, sect. 486. also see *United States v. Throckmorton*, 98 U.S. 61. It is a FACTY that this Affiant, complied with 18 USC 4, and placed upon the record on July 18, 2016, the conspiracy and felony committed by the Magistrate of the Candia Court and delivered copy of documentary evidence, now on file, of his violation of 18 USC 2071

It is a fact that the Affiant is NOT the accused corporate fiction, the artificial person, the "ens legis", shown upon the corporate presentments in all capital letters, pursuant to the Government Style Manual. The fiction created by the corporation is NOT the man, this Affiant. All corporate Presentments have shown the accused as A. MARPLE which is semantic deceit. Affiant has never consented to any waiver of rights or given power of attorney to anyone. It is a fact that the Affiant is not a "Person" as defined in RSA 21:9 and is therefore excluded from the statutes cited in Case 429-2014CR-00153. It is a MAXIM of LAW that statutory construction follow the principle ..." expressio unius est exclusio alterius: the express mention of one or more things of a particular class may be regarded as impliedly excluding all others."

Further, it is not alleged that the Affiant was Involved in a "Commercial use of the highways". Accordingly the following stare decisis will prevail and is to be scrupulously followed by all public servants who are employed, by the corporation providing governmental services and who have subscribed to the required "OATH of OFFICE" and understand the penalty of RSA 92:2. and risk of 18 USC 241 & 242. Instructions given are by authority and pursuant to Article 32 N. H. Bill of Rights.

"All persons in the United States are chargeable with knowledge of the Statutes-at-Large... It is well established that anyone who deals with the government assumes the risk that the agent acting in the Government's behalf has exceeded the bounds of his authority," *Bollow v. Federal Reserve Bank of San Francisco*, 650 F.2d. 1093 (9th Cir. 1981]

" 'in common usage, the term 'person' does not include the sovereign people, and statutes employing the (word person) are normally construed to exclude the sovereign people.' *Wilson v Omaha Tribe*, 442 US653 667, 61 L Ed 2d 153, 99 S Ct 2529 (1979) (quoting *United States v Cooper Corp.* 312 US 600, 604, 85 L Ed 1071, 61 S Ct 742 (1941). See also *United States v Mine Workers*, 330 US 258, 275, 91 L Ed 884, 67 S Ct 677 (1947)" *Will v Michigan State Police*, 491 US 58, 105 L. Ed. 2d 45, 109 S. Ct. 2304 b)

"The sovereign people are not a person in a legal sense". *In re Fox*, 52 N. Y. 535, 11 Am. Rep. 751; *U.S .v. Fox*, 94 U.S. 315, 24 L. Ed. 192.

"Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under a constitution. 194 B.R. at 925. " *In re Young*, 235 B.R. 666 (Bankr .M.D.Fla., 1999)

"A corporation is not a citizen within the meaning of that provision of the Constitution, which declares that the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States. Special privileges enjoyed by citizens in their own States are not secured in other States by this provision such as grants of corporate existence and powers. States may exclude a foreign corporation entirely or they may exact such security for the performance of its contracts with their citizens as, in their judgment, will best promote the public interest." [*Paul v. Virginia*, 8 Wall (U.S.) 168; 19 L. Ed 357 (1868)

U.S. Supreme Court, *Chisholm v. Georgia*, 2 U.S. 2 Dall. 419 419 (1793)

"at the Revolution, the sovereignty devolved on the people, and they are truly the sovereigns of the country, but they are sovereigns without subjects.... and have none to govern but themselves"

U.S. Supreme Court, *Luther v. Borden*, 48 U.S. 7 How. 1 1 (1849)

"No one, we believe, has ever doubted the proposition that, according to the institutions of this country, the sovereignty in every State resides in the people of the State, and that they may alter and change their form of government at their own pleasure."

U.S. Supreme Court, *Wilson v. Omaha Indian Tribe*, 442 U.S. 653 (1979) " In common usage, the term 'person' does not include the sovereign, [and] statutes employing the phrase are ordinarily construed to exclude it."

MERRITT v. HUNTER, United States Court of Appeals Tenth Circuit, 170 F.2d 739, November 5, 1948."It is only when failure to observe this safeguard amounts to denial of due process, that the court is deprived of jurisdiction."

Wyoming v. Oklahoma, 502 U.S. 437 (1992)"Whenever it appears ... that the court lacks jurisdiction of the subject matter, the court shall dismiss the action "*Jenkins v. McKeithen*, 395 U.S. 411 (1969) "In usage, the term 'person' does not include the sovereign, [and] statutes employing the phrase are ordinarily construed to exclude it."

United States v. Cooper Corp., 312 U. S. 600, 312 U. S. 604 (1941); accord, *United States v. Mine Workers*, 330 U. S. 258, 330 U. S. 275 (1947"

Scott v. Sandford, 60 U.S. 393 (1856) *Security Trust Co. v. Black River National Bank*, 187 U.S. 211 (2002); "The act of 1875, in placing upon the trial court the duty of enforcing the statutory limitations as to jurisdiction by dismissing or remanding the cause at any time when the lack of jurisdiction appears, applies to both actions at law and suits in equity." *Mc Nutt v. General Motors Acceptance Corp.* 298 U.S. 178, 189 (1936) *Hague v. Committee for Industrial Organization Et. Al.*, 307 U.S. 496 (59 S.Ct. 954, 83 L.Ed. 1423 (1939) *United States v. New York Telephone Co.*, 434 U.S. 159, 98 S.Ct. 36454 L.Ed. 2d 376 (1977) *Chapman v. Houston Welfare Rights Organization Et. Al.*, 441 U.S. 600, 99 S.Ct. 1905, 60 L.Ed. 2d 508 (1979) *Cannon v. University Chicago Et. Al.*, 441 U.S. 677, 99 S.Ct. 1946, 60 L.Ed. 2d 560 (1979) *Patsy v. Board Regents State Florida*, 457 U.S. 496, 102 S.Ct. 2557, 73 L.Ed.2d 172 (1982) *Merrill Lynch v. Curran Et Al.*, 456 U.S. 353, 102 S.Ct. 1825, 72 L.Ed.2d 182, 50 U.S.L.W. 4457 (1982) *Insurance Corporation Ireland v. Compagnie Des Bauxites De Guinee*, 456 U.S. 694, 102 S.Ct. 2099, 72 L.Ed.2d 492, 50 U.S.L.W. 4553 (1982) *Matt T. Kokkonen v. Guardian Life Insurance Company America*, 128 L.Ed.2d 391, 62 U.S.L.W. 4313 (1994)

Elliot v. Piersol, 26 US 328 @ Page 340 "But if it act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void, and form no bar to a recovery sought, even prior to a reversal, in opposition to them. They constitute no justification, and all persons concerned in executing such judgments or sentences are considered in law as trespassers. The rights of the individual are not derived from governmental agencies, either municipal, state or federal, or even from the Constitution. They exist inherently in every man, by endowment of the Creator, and are merely reaffirmed in the Constitution, and restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government. The people's rights are not derived from the government, but the government's authority comes from the people.*946 The Constitution but states again these rights already existing, and when legislative encroachment by the nation, state, or municipality invade these original and

permanent rights, it is the duty of the courts to so declare, and to afford the necessary relief. The fewer restrictions that surround the individual liberties of the citizen, except those for the preservation of the public health, safety, and morals, the more contented the people and the more successful the democracy."

City of Dallas v Mitchell, 245 S.W. 944 (1922) "Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should dismiss the action." Melo v. US , 505 F2d 1026. "There is no discretion to ignore that lack of jurisdiction." Joyce v. US , 474 F2d 215. "The burden shifts to the court to prove jurisdiction." Rosemond v. Lambert , 469 F2d 416. "Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Lantana v. Hopper, 102 F2d 188; Chicago v. New York , 37 F Supp 150. "A universal principle as old as the law is that proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property." Norwood v. Renfield , 34 C 329; Ex parte Giambonini , 49 P. 732. "Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio" In Re Application of Wyatt , 300 P. 132; Re Cavitt , 118 P2d 846. "Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term." Dillon v. Dillon , 187 P 27. "A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance." Rescue Army v. Municipal Court of Los Angeles , 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S. Ct. 1409. "A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of depriving one of a constitutional right, is an excess of jurisdiction." Wuest v. Wuest , 127 P2d 934, 937. "Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." Merritt v. Hunter , C.A. Kansas 170 F2d 739. "the fact that the petitioner was released on a promise to appear before a magistrate for an arraignment, that fact is circumstance to be considered in determining whether in first instance there was a probable cause for the arrest." Monroe v. Papa , DC, Ill. 1963 , 221 F. Supp 685. "An action by Department of Motor Vehicles, whether directly or through a court sitting administratively as the hearing officer, must be clearly defined in the statute before it has subject matter jurisdiction, without such jurisdiction of the licensee, all acts of the agency, by its employees, agents, hearing officers, are null and void." Doolan v. Carr , 125 US 618; City v Pearson , 181 Cal. 640. "Agency, or party sitting for the agency, (which would be the magistrate of a municipal court) has no authority to enforce as to any licensee unless he is acting for compensation. Such an act is highly penal in nature, and should not be construed to include anything which is not embraced within its terms. (Where) there is no charge within a complaint that the accused was employed for compensation to do the act complained of, or that the act constituted part of a contract." Schomig v. Kaiser , 189 Cal 596. "When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity; courts in administering or enforcing statutes do not act judicially, but merely ministerially". Thompson v. Smith , 154 SE 583. "A judge ceases to sit as a judicial officer because the governing principle of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments, and rationale for that of the agency. Additionally, courts are prohibited from substituting their judgment for that of the agency. Courts in administrative issues are prohibited from even listening to or hearing arguments, presentation, or rationale." ASIS v. US , 568 F2d 284.

"Ministerial officers are incompetent to receive grants of judicial power from the legislature, their acts in attempting to exercise such powers are necessarily nullities." Burns v. Sup. Ct. , SF, 140 Cal. 1. "The elementary doctrine that the constitutionality of a legislative act is open to attack only by persons whose rights are affected thereby, applies to statute relating to administrative agencies, the validity of which may not be called into question in the absence of a showing of substantial harm, actual or impending, to a legally protected interest directly resulting from the enforcement of the statute." Board of Trade v. Olson, 262 US 1; 29 ALR 2d 1051.. Chicago v. New York, 37 F Supp. 150."The law provides that once State and Federal Jurisdiction has been challenged, it must be proven." Maine v. Thiboutot, 100 S. Ct. 2502 (1980)."Jurisdiction can be challenged at any time." and "Jurisdiction, once challenged, cannot be assumed and must be decided." Basso v. Utah Power & Light Co., 495 F 2d 906, 910. "Defense of lack of jurisdiction over the subject matter may be raised at any time, even on appeal." Hill Top Developers v. Holiday Pines Service Corp., 478 So. 2d. 368 (Fla 2nd DCA 1985) "Once challenged, jurisdiction cannot be assumed, it must be proved to exist." Stuck v. Medical Examiners, 94 Ca 2d 751. 211 P2d 389. " Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732. "Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void, ab initio." In Re Application of Wyatt, 300 P. 132; Re Cavitt, 118 P2d 846. "Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term." Dillon v. Dillon, 187 P 27;. "Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." Merritt v. Hunter, C.A. Kansas 170 F2d 739. "The right to travel on the public highways is a constitutional right." Teche Lines v. Danforth, Miss. 12 So 2d 784, 787. "The right to travel is part of the liberty of which a citizen cannot be deprived without due process law under the 5th Amendment. This Right was emerging as early as the Magna Carta." Kent vs. Dules, 357 US 116 (1958). "With regard particularly to the U.S. Constitution, it is elementary that a Right secured or protected by that document cannot be overthrown or impaired by any state police authority." --Connolly vs. Union Sewer Pipe Co.184 US 540 "The claim & exercise of a constitutional right cannot be converted into a crime." Miller vs. U.S., F486, 489 Pennsylvania v. Coxe, 4 U.S. 170, 192, "Stare decisis , is a maxim to be held forever sacred, on questions of property."; Cook v. Moffat, 46 U.S. 295, 309, "So far ... as the present case is concerned, the court do not think it necessary or prudent to depart from the safe maxim of stare decisis ." Bienville Water Supply Co. v. City of Mobile, 186 U.S. 212, 217,"We may, on the principle of stare decisis , rightfully examine and consider the decision in the former case as affecting the consideration of this.".

This affidavit complies with all known rules of evidence Rule 301 FRCP & Rule 36 FRCP. It is understood to be accurate with known FACTS and stare decisis as unconditionally proved. There is an express stipulation that silence and failure to rebut, point for point, for all issues and stare decisis expressed herein within 15 days from the date "stamped received" by the Secretary of State Office for recording; will be understood as a confession and acceptance, as well as tacit acquiescence of all FACTS herein enumerated. Such Silence will, by ignoring this Affidavit, be understood as a confession of the truths enumerated and acceptance of all facts enumerated herein, including nonfeasance. The doctrine of estoppels will automatically toll and prevail, pursuant to; Carmen v. Bowen, 64 A.932 (1906) "Government officers and agents are required to affirmatively prove whatever authority they claim. In the absence of proof, they may be held personally accountable for loss, injury and damages". Ryder v United States, 115 S. Ct. 2031,

132 L.Ed.2d 136, 515 U.S. 177, "Failure to contest an assertion ... is considered evidence of acquiescence". US Supreme Court Mitchell v. United States - No. 97-7541 (Dec. 9, 1998) ; "For purposes of this subdivision an evasive or incomplete disclosure, answer, or response is to be treated as a failure to disclose, answer, or respond " 85 Cunningham v. Hamilton County No. 98-727, 527 U.S. 198 All rights Reserved. None waived. "Without Prejudice UCC 1-103, UCC 1-308.

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December 1, 2016