Thomas Cole
C/O P.O. Box 794
Petersburg Alaska

(1)

March 20-12

To Commerce and the City of Petersburg,

Regarding Borough Incorporation
From Blacks Law dictionary 6th Edition

Page 1017 Municipal Corporation. A Legal Institution formed by Charter from Soverign (State Power) creating a populous Community of a prescribed Area into a body Politic and Corporate with Corporate Name ... and for the purpose and with the Authority of subordinate self government and Improvements and local administration of affairs of State.

Populous - Full of People, Crowded, thickly populated - Websters New world College dictionary 1996

Improvements Blks 6th. A valuable addition made to Property .... Generally has Reference to Buildings, but may also include any permanent structure or other development such as streets, sidewalks, sewers, utilities + etc.

Municipal corporation is a body politic and corporate created to administer the internal concerns of the district embraced in matters peculiar to such place

And not common to the state at large
Peculiar Blks 6th, particular or special
Particular .... local ... [like local as in local Gov't]
Special Blks 6th ... Unusual extraordinary
Municipal function Blks 6th, One created
or granted for the special benifit
and Advantage of the Urban Community
embraced within the corporate boundries.
Benifit, Blks 6th Advantage profit, fruit,
gain. interest .... Benifit are something
to advantage of or profit to recipient
.... "Benifits of contract are advantage
which results results to either party
from performance by other ...
and so they provide extraordinary
benifit!
Advantage W.N.W.C. Dictionary ....(2) a favorable
position, circumstances, event, etc
(3) Gain or Benifit.

Municipality: A legally incorporated
or duly association of inhabitants of
limited area for local Gov't or other
public purposes, A Body Politic created
by the incorporation of the people of a
prescribed [Area] locality, ...
A, City borough, town township or village,

municipal purpose, public or gov't purpose as distinguished from private...

It may comprehend all activities essential to the health, [safety] morals, protection, and welfare of the municipality, Charter Blks 6th an instrument, ... in the nature of a grant, either to the whole nation, or to a class or portion of the people [ie a local gov't] or to a colony or dependency, assuring to them certain rights, liberties, or powers. Such as the "Great Charter" or "Magna Carta" ...

We have established that a municipality "or Borough". So, far is composed of

(1) a populous community,
(2) improvements such as streets, sidewalks sewers utilities etc
(3) it administers the concerns of the district embraced in matters peculiar to such place, and not common to the state at large
(4) its formed for the special benefit and advantage of urban community, within boundaries
(5) that the people are incorporated,
(6) that its for the health safety & welfare

of the Municipality,

(7) And that a Charter is a Grant of [Special Priveledge] ie certain Rights, liberties, or powers, to All the people. Certain, Blks 6th Ascertained, precise, settled, exact; definitive, clearly known; unambiguous; or, in how capable of being Identified ....

Lets now move to American Jurisprudence 56 Am Jur 2nd § 4. of the Book on Municipal Corporations

§4 A Corporation is not Municipal unless it is organized for the Government of a single city, town or village, or other compact community of persons.

56 Am Jur 2nd § 16 .... A municipal Corporation must have both Territory and Inhabitants; Both are Indispensible to its existance ... it Remains a local Community, a body of persons, the sum total of its Inhabitants, and the proper custodian and gaordian of their Collective Rights.

56 Am Jur 2nd § 18 .... Municipal Corporations, on the other hand are more amply endowed with Corporate life and function - the exist under General or Special Charter conferred at the direct solicitation or [and] by the free concent of the people who compose

them, and are created chiefly for the interest, advantage, and convenience of their inhabitants.

56 Am Jur 2nd § 39 .... The concept of a municipal corporation ... includes the [Requirement] that the territory within the boundaries .... be principally URBAN or NON RURAL, since the purpose of municipal incorporation is to furnish local self-gov't and co-operative services. the needs of the municipality and the benifits to the property. and the residents is sole justification [for formation]

56 Am Jur 2nd § 42 When a municipal corporation is bounded by a tidal navigable watercourse, its territorial limits extend only to the low watermark. When it is bounded by a fresh-water or unnavigable [stream] watercourse its territorial limits extend to the middle of the stream ....

56 Am Jur 2nd § 69 Requirements of and what constitutes contiguity.

The legal as well as popular idea of a municipal corporation in this country is that of oneness, community, locality, vicinity; a

collective body, NOT several bodies;
A collective body of Inhabitants, that is
A body of people collected or gathered
together in one mass, NOT separated
into distinct masses, and having
A community of interest because
Residents of the same place, NOT
different places. So as to territorial
extent the Idea of A [municipality
or Borough] City is one of unity. NOT
plurality; of compactness or contiguity,
NOT separation or segregation; contiguity
is generally required even in the absence
of statutory requirements to that effect...
It has even been held, it is NOT within the
power of the legislature ... to create
A single municipal corporation out of
several detached parcels, because
the Idea of A municipal corp is that
of unity, NOT plurality. And that
A thing essentially single cannot
by legislative fiat [or administrative]
be given A plural existence. All suburban
lands other than directly contiguous ...
must be regarded as unplatted ...
... Attempts to annex outly territory
to A municipality ... by A narrow sheestring
strip of land are looked upon with
disfavor by the courts ....

5 Vestal v Little Rock, 54 Ark 321, 15 SW 891, motion to modify refused, 54 Ark 329 16 SW 291; Chicago & N.W.R Co v Oconto 50 Wis 189, 6 NW 607 Holding that in consolidating or adding territory, the Legislature has no power to include in the same tract entirely separated from each other

where tracts of land are separated by the waters of a bay half a mile wide, and to reach them from the other by land it necessary to travel 10 miles and to pass through another [community] another municipality

they are detached tracts within a statute providing for organization of municipal corporations, which does not permit the incorporation of disconnected tracts

Ocean Beach Heights v Brown-Crummer Invest Co 302 U.S. 614 82 L Ed 478 58 S Ct 385 reh den 303 US 666 82 L Ed 1123, 58 S Ct 608.

Now lets look at some court rulings regarding taxes and use of property in the case of Stone v General Contract Purchase Corp 7 So 2nd 806 808 (1942) the Supreme Court of Mississippi stated the distinction between a property tax and a license or privilege tax imposed for revenue is that the function

of the property Tax is To Raise Revenue by virtue of the fact That the property is within the jurisdiction of the Taxing Power, And No Condition or Restriction is Imposed thereby upon the Use of the property Taxed, While the license or privilege Tax, even though passed To Raise Revenue, is imposed upon the Right To exercise Privilege, And its payment is made a condition To the exercise or continuance in the exercise of the privilege, business, or vocation involved. [ie Corporate activity] (Authorities Cited) See Also Reser v Umatilla County. 48 Ore 326, 330, 86 Pac 595

the Supreme Court of Illinois Stated That A Property Tax is levied for the purpose of Raising Revenue And is levied Against Property. It does no seek or in Any wise Attempt To Control the use, operation, or Regulation of the property ... A Property Tax has Nothing whatever To do with the question of Privilege, license, or permission Reif v Barrett 188 NE 889 892 355 Ill 164

where the ostensible object of an enactment is To secure the Public Comfort, welfare or safety it must Appear To be adopted To that end.

IT CANNOT INVADE the RIGHTS OF PERSONS AND PROPERTY under the guise of a mere Police Regulation. City of Mt. Vernon v Julian 369 Ill 447 451 (1938)

But the Police Power, even as thus defined, vague and just as it is ... by State or United States Constitutions has its limitations, If this were not so ... [government] and the Police Power were superior to the Constitution and if it extended to all objects which could be embraced within the meaning of "General welfare" in the Constitution would be so much waste paper, because No Right of the Individual would be beyond its reach. And every property Right and personal privilege and Immunity of the Citizen would be Invaded at the will of the State ... Tighe v Osborne 149 Md 349 357 181 A 801, 803

Property in a thing is not merely in its ownership and possession, but in the unrestricted Right of use, enjoyment and disposal. Any thing which destroys any of these elements of property. To that extent destroys the property itself, ... If the Right of Use is denied [or restricted] the Value of the property is annihilated

and ownership is Rendered a barren Right ... Since the Right of the citizen to use his property as he chooses so long as he harms nobody is inherent and .... [gauranteed by the Constitution]. The Police Power cannot be invoked for the abridgement of a particular use of Property, unless such use Reasonably endangers or threatens the Public Health, Safety or welfare. Spann v City of Dallas 235 S.W 513 514-15

So far as such use of one's property may be Had without Injury to others it is a lawful use which cannot be absolutely prohibited by the legislative department under the guise of police Power

In re Kelso 147 Cal 609. 612

ownership is not a Privilege conferred by Gov't but is one of the Rights Governments were organized to Protect. Consequently no Tax can be Imposed on the Right of ownership which is not a Tax on Property

Thompson v Kreutzer. 72 So 891 892 112 Miss 165 Jenson v Henneford 53 P2d 607 610 (wash 1936)

An excise cannot be on ownership of Property Even when excises are upon Corporations they

Are not "Imposed directly on Property of the Corporation but Rather upon its Commodity or Privilege of carrying on or doing business in the State" United Shoe Machine Corp v Cole Shoe Mfg Co, 49 NE 2d 913 922

A Tax, whether prohibitive or restrictive, on the Right of ownership and use of Property is Forbidden ... if one were not guaranteed the right to Aquire, own, And use Property, then there would be No Property. Sims v Ahrens 271 S.W 720, 725 167 Ark 557

The Fundamental maxims of a Free Government seems to Require that Rights of Personal Liberty and Private property should be held sacred ... Wilkinson v Leland 27 U.S. 627; Lawrence E Tierney Coal Co v Smith's Coordinator 203 SW 735; Thiede v. Town of Scandia Valley 217 Minn 218 225

The Individual, unlike the Corporation cannot be Taxed for the mere privilege of existing. The Corporation is an Artificial Entity which owes its existence and Chartered powers to the State. But the Individuals Right to live and own Property Are Natural Rights for the Enjoyment of which an excise cannot be imposed Redfield v Fisher 292 P 813 819 135 Ore 161 (1930)

CONSTITUTIONS ARE EXTENDED TO PRESERVE PRACTICAL AND SUBSTANTIAL RIGHTS...
DOUIS V MILLS 194 U.S 451, 457

UNDER OUR SYSTEM OF JURISPRUDENCE A PERSON'S CONSTITUTIONAL RIGHTS ~~STAND~~ STAND ABOVE ANY AND ALL RULES AND LAWS THAT MAY BE ADOPTED. ROCHOLL V CITY OF FLORENCE 188 So 247 250 (ALA. 1939)

THE RIGHT TO ENJOY PROPERTY WITHOUT UNLAWFUL DEPRIVATION IS A PERSONAL RIGHT, WHETHER THE PROPERTY IN QUESTION IS A WELFARE CHECK, A HOME, OR A SAVINGS ACCOUNT. IN FACT A FUNDAMENTAL INTERDEPENDENCE EXIST BETWEEN A PERSONS RIGHT OF LIBERTY AND ~~THE~~ PERSONAL RIGHT IN PROPERTY. NEITHER COULD HAVE MEANING WITHOUT THE OTHER.
LYNCH V HOUSHOLD FINANCE CORP 405 US 538 (1970)

NO ONE CAN MAKE US GIVE UP OUR RIGHTS AND MAKE THE CORPORATION (MUNICIPAL) THE CUSTODIAN OF OUR COLLECTIVE RIGHTS AS PREVIOUSLY MENTIONED IN 56 AM JUR 2d § 16

"WAIVERS OF CONSTITUTIONAL RIGHTS NOT ONLY MUST BE VOLUNTARY THEY MUST BE KNOWING INTELLIGENT ACTS DONE WITH SUFFICIENT AWARENESS OF THE RELEVANT CIRCUMSTANCES & CONSEQUENCES"
BRADY V US 397 742 0 748 (1970)

the very Idea that Kuprenoff is one big watershed, And the geographical Boundries of the Borough are Stratifies ~~to~~ would make quite a good case for a fraud action.

The Geographical & Climatic Impeadments can't be Twisted in To meaning ~~meaning~~ the Standards are met. - Nice Try Williams!

the STAT AS 29 05 011

An "Area" that meets the following Standards may form a Borough

The Term "Area" is a Technical word that has a Fixed meaning in this Science Art or profession

"Area" Blks 6th under the Civil Law A part of a City thats Vacant.

Civil Law Blks 6th in law of Nations. Commonwealth. or City more properly Call Municipal Law.

The Proposed Borough is NOT a part of a City thats Vacant.

You Have Ignored my First Brief - Transportation Carry Person or Property for Hire Blks 6th and the word on as it applies to the Reg Entire Borough is Connected by a System of Roads ... or Sufficient Media Communication

The 375 Suppression of the Truth is Equivalent of Suggesting Something False (17)
In the Alaska Constitution Anitizen: Guide 1992 Legislative Research Agency page 192 Article X speaks of Two Types of Boroughs, organized, and unorganized. the sparsely Populated Rural Areas are to be provided with local Government Services by the Legislature through unorganized Boroughs (section 6),
I think that should make it Clear

To Mr Brennan we are NOT A Democracy we are A Constitutional Republic. And our Rights are Protected From mere Majority votes by Article 4 Sect 4 of the American Constitution, And by Section 3 of the Alaska Statehood Act The Alaska Constitution will always be Republican in Form and will never be Repugnant to the Constition of the United States or the principles of the Declaration of Independence.
Our Rights don't Come From government they Come from God Almighty. And they Can't be Taken Away, Traded Away, or Voted Away
See INRE Duncan (139 US 461)

The Borough-petion Admits that they can't provide Emergency Services in a Timely Manner, it Doesn't Matter How many Times you're Respondin if its Too late

5 or so years Ago 2 Houses burn it To the ground, Because ~~you~~ Petersburg Couldn't Respond Timely at Green Rocks

A few short years Ago another House burned Just so of City of Kupreno Fr Because Petersburg Couldn't Respond Timely

in August of 2005 2 men were Shooting it out with each other, A Mayday went out at 7 AM, The police arrive At 9 AM, But it Took another Hour To Find A place To get out of their Boats because they didn't want to get their Feet wet, there can't Be Restricted Access! that is the Regulations, If they were more Serious About their work there might Have been some serious Injuries or worse

in the 70's someone opened a store at Scow bay. So Petersburg annexed them

Around 1980 someone opened a gas station at 6 mile, so they annexed them.

Around 1990 someone opened a store at Twin Creeks. So they annexed them

As soon as a store opens outside of Petersburg they annex them

Don't tell me we use your stores

All the Highways are public ways

As you very well know mr Brennan I could give you 30 or 40 court cites to that extent but I shouldn't have to

there is a maxim of the common law which as you know is the law of the land

that a man who uses an argument that would create an inconvenience if allowed has made a good argument

In Closing Thomas Cole is Not A Person as that word is defined in AS 01 10 060 or Any other deceptive definitions in the fraudulent Statutes

And Statutes cannot defeat my Constition Rights Gaurnanteed in the 1st Amendent To Counter Attack your Legal And Illegal Arguments

Nor Can my due Process Right be defeated by Statutes

I Take No Rights from the Alaska so Called Constition.

Artical 1 Sec 1 makes it Clear with word Industry that means much Labor & Capital Expended is a Corporation

I Am Not Under The Law, Corporations Are, My Rights come from the Common Law, the Statutes prior To the Revolution And the English Constition that the Founders

Expounded on, The 3rd ~~[illegible]~~ Line Says All persons Have A Corrispounding obligation To the People And the State.
ITS Clear that the Person IS NOT ONE of the people. And the State IS NOT the people IN their Collective Capacity

See Texas v White 7 WALL 700

Further The Due Process Clause of the Alaska Constitution. AT Art 1 Sec 7 Attempts To defeat that Right,
The Blurb on page 22 of the Alaska Const A Citizens Guide Says AND I Quote ... IT does not Simply mean that A legislative body must pass A law before it may deprive Someone of life. Liberty or Property" Enough said
This is the STUFF that Communist Constitutions Are Made of. Thats Treason good by for Know
From the Quill of His especial Sovereign
[illegible]