ORIGINAL

NO. 19-5559

IN THE

SUPREME COURT OF THE UNITED STATES

IN RE: ARNOLD KING - RELATOR

V.

MARK GARMAN - RESPONSDENT

PETITION FOR A WRIT OF EXTRAORDINARY WRITS OF HABEAS CORPUS

MR. ARNOLD KING AM-3222
SCI-ROCKVIEW
BOX A
BELLEFONTE, PA 16823-0820

QUESTIONS PRESENTED

THIS THIS HONORABLE UNITED STATES SUPREME COURT HAVE THE POWER TO;

[A] Dismiss the case and discharge relator where the case itself is against law as been made by one who had no jurisdiction over subject matter of the case/cause which makes it evident that, an lack of subject matter jurisdiction, cease to exist warranting the court to declare the law and announce the fact?

LIST OF PARTIES

[x] All parties appear in the caption of the extraordinary writ of habeas corpus on the cover page

[ ] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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PETITION ON HOW THE WRIT WILL BE IN AID OF THE COURT'S APPELLATE JURISDICTION IS UNNECESSARY, SINCE EXCEPTIONAL CIRCUMSTANCES EXIST WHICH WARRANT THE EXERCISE OF THE COURT'S DISCRETIONARY POWERS UNDER THE EXTRAORDINARY WRIT OF HABEAS CORPUS AND THE UNITED STATES FEDERAL CONSTITUTION

Relator submits the following:

1). It is unnecessary for the petition to show how the writ will be in aid of such appellate jurisdiction since the matter in question is against law, as being made by one who had no jurisdiction of the cause, making it evident in the face of equal justice, no adequate relief could not be obtained in any form or from any other court.

2). Especially where there exist an lack of jurisdiction over subject matter which can never be assumed, nor waived, that can be raised at any time, warranting the court to exercise its discretionary powers under the extraordinary writ and the United States Federal Constitution, with respect to the exceptional circumstances involved.

3). Unnecessary because this is not a matter where subject matter jurisdiction exist, which would warrant a wrong or erroneous decision to be voidable by appeal. [1]

Instead a case/cause that lack subject matter jurisdiction that does not exist, that any bad, wrong, or corrupt decision is void.

As the writ shows there are no valid laws charged against relator because they do not have enacting clauses or titles. Therefore, without valid laws there is no subject matter juridsiction and any decision rendered is void. There can be no valid judgment, either right or wrong, for any judgment rendered is void and unenforceable.

STATEMENT OF THE REASONS FOR NOT MAKING APPLICATION TO THE EASTERN DISTRICT FEDERAL COURT OF THE DISTRICT IN WHICH THE APPLICANT IS UNNECESSARY

Relator further submits the following:

4). Since the writ discloses facts that amounts to a lack of jurisdiction over subject matter in the state trial court, than jursdictuion is loss and it could not be restored by any decision above. It is of the historical essence of the writ, a civil remedy lies to test proceedings so fundamental lawless that

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1. If the state trial court decision was void for lack of jurisdiction, it cannot be made valid by an appeal decision, even though a void judgment is affirmed on appeal, it is not thereby rendered valid. When subject matter jurisdiction is lacking or do not exist, the United States Supreme Court can do nothing except dismiss the case, it has no authority to render any judgment other than one of dismissal, any other court proceeding is usurpation. The writ is meant to be used only in exceptional cases where there is clear usurpation of judicial power, leaving said court with the power to entertain even original writ petitions.

that imprisoment pursuant to then is not merely erroneous, but void, warranting the United States Supreme Court to discover where there is an lack of subject matter jurisdiction, in which a court had no jurisdiction in the first place, than when such ceases to exist, the court cannot proceed at all in any case. The only function remaining to the court is that of declare the law and announce the fact and therein dismiss the case withjout involving a merits analysis, determination for disposition. To do so, would overrule more than two centuries of jurisprudence of affirming the necessity to declare the law and announce the fact in dimissing the case, which was established over a century ago, where lack of jurisdiction over subject matter based upon a crime that is invalid, void, unconstitutional, and nonexistent. [2]

The **criminal jurisdiction** of the State of Pennsylvania courts exists only by acts of the Pennsylvania's General Assembly by statute, in which state laws are general called session laws occasionally acts or derived from Pennsylvania's Constitution. Because the State of Pennsylvania cannot rightfully say that its code cited in an bill of indictment and/or information is an act of the Pennsylvania General Assembly, it cannot, because there is no general assembly enacting clause for such law as required by title 1 Pa.C.S. § 1101. No such clause appears on the face of the law, and therefore it is not an act of the general assembly. No criminal jurisdiction exist without a bona fide act of the Pennsylvania General Assembly, and therefore, the bill of indictment and or information does not set forth a case arising under the Pennsylvania Constitution, as there is no act of the general assembly with a duly required enacting clause. Thus, there is no subject matter jurisdiction pursuant to the state courts nor to the federal judicial powers defined in Art. III § 2 of the United States Constitution.

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2 **There are no valid laws charged against relator because they do not have enacting clauses or titles. It is clear without valid laws there is no subject matter jurisdiction and any decision rendered is void. Further, there can be no valid judgment, either right or wrong, without this type of jurisdiction, and where any judgment rendered where a corut lacks jurisdiction, it is void and unenforceable and without any force or effect whatever since the judicial court which lack such than its proceedings are void, even if it made any bad, wrong, or corrput decision.**

JURISDICTION

[ ] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was **See, page i , the writ and memorandum**

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appeals at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. _____A_____.

The jurisdiction of this Court is invoked under:

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was **See, page i , the writ and memorandum**

A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____(date) in Application No. _____ A _____.

The jurisdiction of this Court is invoked under 28 U.S.C. subsec. 1257(a).

IN THE

SUPREME COURT of the UNITED STATES

PETITION FOR EXTRAORDINARY WRIT OF HABEAS CORPUS

Relator respectfully prays that a petition for extraordinary writ of habeas corpus issue in a case against law brought by one who had no jurisdiction and dismiss such for lack of subject matter.

OPINION BELOW

[ ] For cases from **federal courts**:

The opinion of the United States of appeals See, page i, writ and memorandum

[ ] reported at _____; or

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

The opinion of the United States district court appears at Appendix _____

the petition and is

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits See, page i, writ and memorandum

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

The opinion of the _____court

appears at Appendix _____ to the petition and is

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

REASON(S) FOR GRANTING EXTRAORDINARY PETITION FOR WRIT OF HABEAS CORPUS

PROCEEDUAL HISTORY

In the year of 1874, the State of Pennsylvania instituted a new Pennsylvania Constitution. This Constitution failed to show that it was established by a General Convention elected for that purpose, where if anyplace, this Convention had taken place, in violation of the Pennsylvania Constitution of 1776, Art 2 sec. 9 which states:

Section 9: "The members of the house of representatives shall be chosen annually by ballot, by the freeman of the Commonwealth, on the second Tuesday in October (except this present year) and shall meet on the fourth Monday of the same month, and shall be styled. The General Assembly of the Representatives of the freeman of Pennsylvania and shall have the power to choose their speaker, the treasurer of the state and their officers, sit on their ownadjournment; prepare bills to enact them into law; judge of the elections and qualifications of their own members; they expel a member, but not a second time for the same cause; they may adminster oaths or affirmations on examination of witness; redress grievances; impeach state criminals; grant charter of corporation; constitute towns, boroughs, cities and counties; and shall have all other powers necessary for the legislature of the free State or Commonwealth; by they shall have no power to add to, alter, abolish, or infrings any part of this constitution."

In the Pennsylvania Constitution of 1874, the General Assembly either intentionally or inadvertently omitted any language referring to an Enactment Clause. **Ir re Swartz, 47 Kan 157, 27 P. 839 (1891)**

In this civil matter on February 22, 1979, in the City of Philadelphia Pennsylvania a robbery homicide at a deli occurred.

On May 3, 1979 at about 5:05pm, two 23rd police district officers were driving down Jefferson Street, got out of their wagon, and said they approached a

negro male standing on 18th & Jefferson Street corner and therein made an inquiry as to his identification, handcuffed him, searched his person(s), got on weapon and placed him in their police wagon, and transported him to the 23rd district and than therein transported him to the Philadelphia Police Headquarters to some detective, in which he later obtained bail for that negro male while he was confined in an interrogation room.

Hours later another detective took relator before a magistrate judge with a criminal complaint charging relator for violating Pennsylvania's Criminal Penal Code Statute, and that judge revoked bail for $1,000.00 dollars which is $103.00 dollars at 10%, therein the court held relator over for court proceedings. **Appendix (A)**

On May 17, 1979, that same judge issued an order directing the district attorney office to file an bill of indictment and/or information. **Appendix (B)**

On May 22, 1979 the Assistant Distict Attorney acting on behalf of Phila Head District Attorney issued its bill(s) of indictment and/or information charging relator with criminal violations against the Commonwealth of Pennsylvania under its penal code and statutes. **Appendix (C-1-2, D-1-2, E-1-2, F-1-2, G-1-2)**

On October 15-17, 1979, before another judge, relator was tried and convicted under said penal code and statute of robbery, murder, consp, p.i.c. and invol mansl.

On April 29, 1980, this same judge in open court stated that if relator is not released from prison in seven(7) years, than he will have relator brought back before his court and would issue an order to release relator from confinement. However, every since that time relator has been incarcerated even til this very date.

Relator is asserting that the laws, charges against him are unconstitutional, invalid, null and void ab initio, and do not constitutionally exist and consequently the court lacked subject matter jurisdiction. [redacted]

MEMORANDUM OF LAW IN SUPPORT TO DISMISS THE CASE FOR LACK OF SUBJECT MATTER JURISDICTION

1). Relator submits, he is a pro se litigant, and this Honorable Court should hold his pleadings under the less stringent standard. Hains v. Kerner, 404 U.S. 519, 520-21, 92 S.Ct. 564 (1972)(explaining that pro se complaints are held "to less stringent standards than formal pleadings drafted by lawyers."); see also, McNeil v. United States, 508 U.S. 106, 113, 113 S.Ct. 1980 (1993)("[W]e have insisted that the pleadings prepared by prisoners who do not have access to counsel be liberally construed.").

2). Relator avers he have been charged, tried, convicted, sentenced and been imprisoned in a case against law as being made by one who had no jurisdiction, whereby the state of Philadelphia, Pennsylvania Common Pleas Court lacked jurisdiction over subject matter rendering the proceedings null and void and the confinement unlawful for where one who had no jurisdiction.

3. THE NATURE OF SUBJECT MATTER JURISDICTION:

- The jurisdiction of a court over the subject matter has said to be essential, necessary, indispensable and an elementary preprequisite to the exercise of judicial power. 21 C.J.S. "Courts" subsec. 18 p. 25, a court cannot proceed with a trial or make a judgment without such jurisdiction existing.

"It goes without saying that jurisdiction is of two sorts: Jurisdiction of parties invoved and objection lack of subject matter jurisdiction can never be waived; it may be raised in the case and jurisdiction of proceedings." **Dale v. School of Darby Township**, 252 A.2d 638, 434 Pa. 286 (1969).

Whenever a court discovers it lacks jurisdiction over the subject matter or the cause of action, it is compelled to dismiss the matter under all circumstances. **Hugh v. Pa. State Police**, 619 A.2d 390, 152 Pa. Commw 109 (1992).

Subject mstter jurisdiction csnnot be conferred by waiver of consent and may be raised at any time. **Metcalf v. Watertown**, 28 U.S. 586, 587, 9 S.Ct. 173 (1888); **Rodriquez v. State**, 441, 50 2d 129 (Fla app. 1983. The subject matter jurisdiction of a criminal case relates to the cause of action in general, and more specifically to the alleged crime or offense that creates the action. the subject matter of a criminal offense is the crime itself.

Subject matter in its broadest sense means the cause; the object of the thing in dispute. **Stillwell v. Markham**, 10 P.2d 15, 16, 135 Kan. 206 (1932)

An indictment or complaint in a criminal case is the main means by which a court obtains subject matter jurisdiction, and is "the juridsictional instrument upon which the accused stands trial." **United States v. Choate**, 276 F.2d 724, 728 (5th Cir. 1960); **State v. Chatmon, 671 P.2d 531, 538 (Kan. 1983)**

The complaint is the foundation of the jurisdiction of the magistrate or court. Thus if these charging instruments are invalid, there is a lack of subject matter jurisdiction.

"No valid conviction can occur if the charging instrument is void." State v. Wilson: 6 S.E. 3d 504 (1998).

But to invoke this jurisdiction, something more is required. It is necessary that the Commonwealth confront the defendant with a formal and specific accusation of the crime charged. The accusation enables the defendant to prepare any defense available to him and to protect himself against further prosecution for the same cause. It also enables a trial to pass on the sufficiency of the same cause. It also enables indictment of information to support a conviction. The right to formal notice is guaranteed by the sixth amendment of the Federal Constitution and by Article 1, section 9 of the Pennsylvania Constitution, is so basic to the fairness of subsequent "proceeding that it cannot be waived even if the defendant voluntarily submits to the jurisdiction of the court." Commonwealth v. Little: 455, Pa., 163,168,314 A.2d 270,272-273 (1974); Commonwealth ex rel. Fagan v. Frances: 53 Pa Super.278 (1913); Albrecht v. United States, 273 U.S. 1, 47 S. CT. 250, 71 L. Ed 505 (1927)."

"A person may not be punished for a crime without a formal and sufficient accusation even if he voluntarily submits to the jurisdiction of the court." Albrecht v United States, 273 U.S. 1,8,47 S.Ct.250, 71 L. Ed. 505 (1927).

"Federal Law and Supreme Court cases apply to State Court cases." Howett v. Rose 496, U.S. 356 (1990).

> Without a formal and sufficient indictment or information, a court does not acquire Subject Matter Jurisdiction and thus an accused may not be punished for a crime Honomichl v. State: 333, N.W. 2d, 797, 798 (S.D. 1983).

"Jurisdiction is determined Solely from Face of information or Indictment." Lainez v. State; 771, So 2d 617.

"Where an information charges no crime, the courts lacks jurisdiction to try the accused, and a motion to squash the charge is always timely." 22 corpus Juris Secundum "criminal law" p} 157 p. 1883'citing people v. McCarthy 445. N.E. 2d 298, 94 (11.2d.28). also see People v. Hardiman 347, N.W. 2d 460, 462 Mich. app 382 (1984).

"Where the court is without jurisdiction it has no authority to do anything other to dismiss the case." Fotenot v. State: 932 S.W. 2d 185. Jurisdiction means the power of a court to hear and determine a case; which power is conferred by a constitution or a statute or both. "Penn v. Com: 528 S.E., 2d 179, 32, Va. App.422 (2000)."
"Without a valid complaint any judgment or sentence rendered is "void Ab Initio" Ralph v. Police Court of El Cerrito, 190 p.2d 632, 634, 84 Cal. App.2d 257 (1948).

Jurisdiction to try and punish for a crime cannot be acquired by the mere assertion of it, or invoked otherwise than in the mode prescribed by law and if it is not so acquired or invoked any judgment is a nullity. 22 C.J.S. Criminal Law: 324, p.390.

The charging instrument must not only be in the particular mode or form Prescribed by the constitution and statute to be valid, but it also must contain reference to valid laws. Without a valid law, the charging instrument is insufficient and no subject matter jurisdiction exists for the matter to be tried. "Where the information charges no crime, the court lacks jurisdiction to try the accused." People v. Hardiman: 347, NW, 2d. 460, 462, 132, Mich., App. 382 (1984)."

Whether or not the complaint charges a criminal offense is a jurisdictional matter. Ex. Parte Carlson: N.W. 722, 725, 176, Wis. 528 (1922).

An invalid law charged against one in a criminal matter also negates subject matter jurisdiction by the, sheer fact that it fails to create a cause of action. "Subject Matter is the thing in controversy." Holmes v. Mason: 115 N. W., 70, 80 Neb 454 citing Black's Law Dictionary.

Without a valid law, there is no issue or controversy for a court to decide upon. Thus, where a law does not exist or does not constitutionally exist; or where the law is invalid, void or unconstitutional, there is not subject matter jurisdiction to try on offense alleged under such law.

> If a criminal statute is unconstitutional, the court lacks subject-matter jurisdiction and cannot Proceed to try case. 22 C.J.S. "Criminal Law "157 p. 189, citing People v. Katrinak: 136 Cal. APP. 3d 145, 185 Cal. Rptr. 869 (1982).
>
> Where the offense charged does not exist, the court lacks jurisdiction.
> State v. Cristenses 329 N.W., 2d 382, 383, 110 Wis.2d 538 (1983).

Not all statutes create a criminal offense. Thus where a man was charged with "A statute which does not create a criminal offense," such person was never legally charged with any crime or lawfully convicted because the trial court did not have "Jurisdiction of the subject matter," State ex rel. Hansen v. Rigg, 258 Minn., 388, 104 N.W.2d 553 (1960).

In a case where a man was convicted by violating certain sections of some laws, he later claimed that the laws were unconstitutional which deprived the county court of jurisdiction to try him for those offenses. The Supreme Court of Oregon Held:

> If these sections are unconstitutional, the law is void and an offense created by them is not A crime and a conviction under them cannot be a legal cause of imprisonment, for no court can acquire jurisdiction to try a person for an act, which are made criminal only by an unconstitutional law. Kelly v. Meyers: 263, Pac 903, 905, Ore (1928).

"Where no cognizable crime is charged, the court lacks fundamental subject matter jurisdiction to render a judgment of conviction, i.e., it is powerless in such circumstances to inquire into the facts, to apply the law and to declare the punishment for an offense", "Robinson v. State, 728, A.2d 698, 353 md 683 (1999).
"An unconstitutional statute is ineffective for any purpose." Mohammed v. Common Wealth: 992, A 2d, 897 (Pa Super 2010).

Without a valid law there can be no crime charged under that law, and where there is no crime or offense there is no controversy or cause of action, and without a cause of action there can be no subject matter jurisdiction to try a person accused of violating said law. The court then has no power or right to hear and decide a particular case involving such invalid or nonexistent laws. These authorities and others make it clear that there are no valoid laws charged against a person, there is nothing that can be deemed a crime, and without a crime there is no subject matter jurisdiction. Further, invalid or unlawful laws make the complaint fatally defective and insufficient, and without a valid complaint there is a lack of subject matter jurisdiction. Relator asserts that the laws charged against him are not vaild, or do not constitutionally exist, **as they do not conform to certain constitutional prerequisities**, and thus are not laws at all, which prevents subject matter jurisdiction to the named court.

The complaint inquestion allege that Relator has committed several crimes by the violation of certain laws which are listed in said complaint, to wit:

Title 18 P.S. §903 Criminal consp; §907(a)(b) Possession of instrument crime general and or cancelled weapon; §2502(b) Felony Murder; §2503 Vol. Mansl; §2504 Vol. Mansl; §3701 Robbery. Relator have been informed that these laws or statutes used in the complaint/bill of information indictment against him are located in and derived from a collaction of books entitled "Pennsylvania Statutes," "Pennsylvania Consolidated Statutes, etc. **See, appendix [1, 2, 3, 4, 5, 6, 7, 8, 9, 10].** Upon looking up these laws in this publiscation, relator realize that they do noty adhere to several constitutional provisions of the Pennsylvania Constitution.The official codification code are not listed in the "Session Laws." The Session Laws are published by the Secretary State of Pennsylvania. Const.Art. 3 §9. The Pardon's official codification by the General Assmbly of Pennsylvania was not enacted as a statute, nor can it be construed as such. Said title 18 has become enacted into poistive laws. However its cntents cannot be construed as acts of the Pennsylvania General Assembly because they have no evidence of being such way of enacting clause. It is only a prima facie statement of the statute law. If construction is necessary recourse must be to the original statutes themselves. The Pennsylvania Crimes Code are not true laws. They are not found in "Session Law." The greatest evidence of true law is that which bears an enacting clause, for without such one can only declare a lack of authority and subject matter jurisdictuion because of the lack of valid law from the Pennsylvania State Legislature. Any law which fails to have an enacting clause is not a law of the Legislature body to which a court has subject matter jurisdiction, for a crime exist when a law exists that prohibits or commands an action. But if there is no law, there can be no crime, and if there is no crime, there can be no subject matter jurisdiction of the court to hear such. It renders the charging instrutment void where subject matter jurisdiction is lacking because the laws used have no enacting clause and are thus void.

By Article 2 § 16 of the Constitution of Pennsylvanua [1776], all lawmaking authority for the State is vested in the Legislature of Pennsylvania. This Article also prescribes certain forms, modes, and procedures that must be followed in order for a vaild law to exist under the Constitution, it is fundamental that **nothing can be a law that is not enacted by the Legislature prescribed in the Constitution, and which fails to conform to the constitutional forms**, prerequisities or prohibitions. These are the grounds for a complaint, indictment or information and goes to the jurisdiction of a court. The following expalins in authoritive detail why the laws cited in the complaint against relator are not constitutionally valid laws.

"The provision of the constitution must be given effect even if in doing so the statute is held inoperative." State Ex Rel West v. Butler, 710 Fla. 102, 69, 771.

III. CONSTITUTIONAL MANDATE, ALL LAWS MUST HAVE AN ENACTING CLAUSE.

"An mandate of a state constitution is supreme." O'Bannon v. Gustafson, 120 Mont. 402, 303 p. 398.

"The state constitution is superior to any act of the legislature." Appeal of Pollak (cp). 89 Ohio 1. abs 112; 182, N.E. 2d 69.

"A statute is not law," Flourney v. First Nat. Ban of Shreveport, 197 La. 1067, 3 So 244, 248.

One of the forms that all laws are required to follow by **the Constitution of Pennsylvania [1776], is that they contain an enacting style or clause.** This provision is stated as follows:

Preamble: " .... do by the authority vested in us by our constituents, ordain, declare, and establish the following Declaration of Rights and Frame of Government, to be the Constitution of the Commonwealth, and to remain **in force therein forever, unaltered**, except in such articles as shall hereafter on experience be found to require improvement and which shall be the same authority of the people, fairly delegated as this frame of government directs, be amended or improved for the more effectual obtaining and securing the great end and design of all government, herein before mentioned." "Not" One of laws cited in the complaint against the relator as found in the State of Pennsylvania Constitution: 1968 contain any enacting clauses.

The constitutional provision, which prescribes an enacting clause for all laws, is not direct but is mandatory. This provision is to be strictly adhered to as asserted by the Supreme Court of Pennsylvania. Upon both principle and authority, we hold the Article 2, Section 16, of our Constitution, which provides that "the style of all laws of this state shall be, be it enacted by the legislature of the Commonwealth of Pennsylvania," is mandatory."

"Law and court made rules of expediency must not be placed above the state constitution." State v. Buete, 256 Mo 227, 165. SW 340.

"A constitutional provisions controls a statute conflicting therewith regardless of the fact that the statute was adopted as an initiative measure." McMillan v. Siemon 36 Cal app. 2d 721 98 p. 2d 790.

And that a statute without any enacting clause is void. Sjoberg v. Security Savings & Loan ASSN, 73 Minn. 203, 212 (1898).

IV. What is the purpose of the Constitutional Provision for an Enacting Clause?

To determine the validity of using law without an enacting clause against Citizens, we need to determine the purpose and function of an enacting clause: and also to see what problems or evils were intended to be avoided by including such a provision in our State Constitution. One object of the constitutional mandate for an enacting clause is now to show that the law is one enacted by the Legislative Body, which has been given the lawmaking authority under the constitution.

> The purpose of thus prescribing an enacting clause—"the style of the acts" is to establish it: to give it permanence, uniformity, and certainty: to identify the act of legislation as the general assembly: to afford evidence of its legislative statutory nature: and to secure uniformity of identification, thus prevent inadvertence, possible mistake and fraud. State v. Patterson, 4 S.E. 350, 352, 98 N.C. 660 (1887); 82 C.J.S. "Statutes," Section 65, p. 104; Joiner v. State, 155 S.E.2d 8, 10, 223 Ga. 367 (1967)
>
> What is the object of the style of a bill or enacting clause anyway? To show the Authority by which the bill is enacted into law; to show that the act comes from a place pointed out by the Constitution as the source of legislation. Ferrill v. Keel: 1151 S.W. 269, 272, 105 Ark. 380 (1912).

"Certainly there is no longer room for doubt as to the effect of all provisions of the Constitution of the State. By common consent they are deemed mandatory. I, no creature of the Constitution has power to question its authority or to hold inoperative any section or provision of it. The bill in question is not complete, it does not meet the Plain Constitutional demand without an enacting clause it is void." Commonwealth v. Illinois Cent., R...CO: 170 S. W..., 171, 175,160 Ky. 745 (1914); Louisville Trust Co. v. Morgan, 203 S.W. 555, 180 Ky. 609 (1918).

To fulfill the purpose of identifying the lawmaking authority of a law, it has been repeatedly declared by the courts of the land that an enacting clause is to appear **on the face of every law** which the people are expected to follow and obey.

> The almost unbroken custom of centuries has been to preface laws with a statement in some form declaring the enacting authority. The purpose of an enacting clause of a statute is to identify it as an act of legislation by expressing on its face the authority behind the act. 73 Am. Jur.2D, "Statutes," Section 93, p. 319, 320: Preckel v. Byrne, 243 N.W. 823, 826, 62 N.D. 356 (1932).

For an enacting clause to appear on the face of the law, it must be recorded or Published with the law so that the public can readily identify the authority for that particular law which they are expected to follow. The "statutes" used in the complaints against the **Relator** have no enacting clauses. They thus cannot be identified as acts of legislation of the Commonwealth of Pennsylvania (1776), since a law is mainly identified as a true and Constitutional law by way of its enacting clause.

The Supreme Court of Georgia asserted that a statute must have an enacting clause, even though their State Constitution had no provision for the measure. The Court stated that an enacting clause establishes a law or statute as being a true and authentic law of the State:

> The enacting clause is that portion of a statute which gives it jurisdictional identity and constitutional authenticity. Joiner v. State, supra 8, 10 (Ga., 1967).

The failure of a law to display on its face an enacting clause deprives it of Essential legality, and renders a statute which omits such clause as "a nullity and of no force of law," Joiner v. State, supra. The statutes cited in the complaints have no jurisdictional identity and are not authentic laws under the Constitution of Pennsylvania.

"The elementary doctrine that the constitutionality of a legislative act is open to attack only by persons whose rights are affected thereby, applies to a statute." Board of Trade v. Olson: 262 U.S. 1; 29 ALR 2d
105.

"It is necessary that every Law should show on its Face the Authority by which it is adopted and promulgated, and that is Should Clearly appear that it is intended by the Legislative power that enacts it, that it should take effect as a law." People v. Dattenthaler: 77, N.W. 450, 451, 118, Mich., 595 (1899); Citing Swan v. Buck, 40 Miss., 268 (1866).

The Court of Appeals of Kentucky held that the constitutional provision requiring an enacting clause is a basic concept which has a direct affect upon the validity of a law. The Court, in dealing with a law that had contained no enacting clause, stated:

> The alleged act or law in question is unnamed: it shows no sign of authority: it carries with it no evidence that the General Assemble or any other lawmaking Power is responsible or answerable for it. ***By an enacting clause, the makers of the Constitution intended that the General Assembly should make its impress or seal, as it were, upon each enactment for the sake of identity, and to assume and show responsibility. ***While the Constitution makes this a necessity, it did not originate it. The custom is in use practically everywhere, and is old as parliamentary government, as old King's decrees, and even they borrowed it. The decrees of Cyrus, King of Persia, which Holy Writ records, were not the first to be prefaced with a Statement of authority. The law was delivered to Moses in The name of the Great I Am, and the prologue to the Great Commandments is no less majestic and impelling. But, whether these edicts and commands be promulgated by the Supreme Ruler of by petty kings, or by the sovereign people themselves, they have always begun with some such form as an evidence of power and authority. Commonwealth v. Illinois Cent. R. Co.: 170, S.W. 171,172,175,160 ky.745 (1914).

The "LAWS" used against the Relator are unnamed. They show no sign of Aurthority on their face as recorded in the "Pennsylvania Statutes." They carry with them no evidence that the Legislature of Pennsylvania pursuant to Article 2 of the Constitution of Pennsylvania (1776) is responsible for these laws. Without an enacting clause the Laws referenced to in the Complaints have no official evidence that they are from an authority, which relator is subject to or required to obey.

"Local laws and ordinances enacted by a city must be consistent with the state constitution." Bell v. Vaughn, 155 Fla. 551, 21 So.2d 31.

In speaking on the necessity and purpose that each law be prefaced with an Enacting clause, the Supreme Court of Tennessee quoted the first portions of the Sjoberg case cited above, and then stated:

> The purpose of provisions of this character is that **all statutes** may **bear upon their faces & declaration of sovereign authority** by which they are enacted and declared to be the law and to promote and preserve uniformity in legislation. Such clause also import a command of obedience and clothe that statute with a certain dignity, believed in all times to command respect and aid in the enforcement of laws. State v. Burrow, 104 S.W. 526, 529, 119 Tenn. 376 (1907).

The use of an enacting clause does not merely serve as a 'FLAG' UNDER WHICH BILLS run the course through the legislative machinery. Vaughn & Ragsdale Co., v. State Bd. Of Esq., 96 P.2d 420, 424 (Mont. 1939). The enacting clause of a law goes to its substance, and is not merely procedural. Morgan v. Murray, 328 P.2d 644, 654 (Mont 1958).
Any purported statute which has no enacting clause **on its face** is not **legally binding** and obligatory upon the people, as it is not constitutionally a law at all. The Supreme Court of Michigan, in citing nymerous authorities, said that an Enacting clause was a requisite to a valid law since the enacting provision was mandatory:
Then enacting clause must be intrinsic to the law, and to "extrinsic" to it, that is, it cannot be hidden away in other records or books. Thus the enacting clause is regarded as part of the law, and has to appear directly with the law, on its face, so that on charged with said law knows the authority by which it exists.

V. Laws must be Published and Recorded with Enacting Clause.

Since it has been repeately held that an enacting clause must appear "on the face" of a laws, such a requirement affects the printing and publishing of laws. The fact that the constitution requires "all laws" to have an enacting clause makes it a equirement on not just bills with the legislature, but on published laws as well. If the constitution said "all bills" shall have an enacting clause, it probable could be said that their use in publication would not be required. But the historical usage and application of an Enacting clause had been for them to be printed and published along with the body of the law, thus appearing "on the face of the law. 3

Pennsylvania's Title 1 P.S. § 1101 Enacting Clause states;

(a) Style and position of enacting clause. ---- **All** statutes **shall** begin in **the** following **style:**
"**The** General Assembly of **the** Commonwealth of Pennsylvania hereby **enacts** as follows:"
Such **enacting clause shall be** placed immediately after **the** preamble or **the** table of contents of **the** statute, or if there **be** neither preamble nor table of contents, then immediately after **the** title.

It is obvious, then, that the enacting clause must be readily visible on the face of a Statute in the common mode in which it is published so that citizens don't have to search through the Legislative Journals or other records and books to see the kind of clause used, or if any exists at all. Thus a law in the statute book without an enacting clause is not a valid publication of law.

In regards to the validity of a law that was found in their books with a defective enacting clause, the Supreme Court of Nevada held:

> Our Constitution expressly provided that the enacting clause of every law shall be, "The People of the state of Nevada, represented in senate and assembly, do enact as follows: This language is susceptible of but one interpretation. There is no doubtful meaning as to the intention. It is, in our judgment, an imperative mandate of the people, in their Sovereign capacity, to the legislature, requiring that all law, to be binding upon them shall, upon their face, it is not a law." State of Nevada v. Rogers, 10 Nev. 120,261, (1875); appeared in Caine v. Robbins, 131 P2d 516, 518, 61 Nev. 416 (1942); Kefauver v. Spurling, 290 S.W. 14, 15 (Tenn. 1926).

The manner in which the law came to the court was by the way it was found in the Statute book, cited by the Court as "Stat. 1875, 66," and that is how they judge the validity of the law. Since they saw that the act, as it was printed in the statute book, had an insufficient enacting clause on its face, it was deemed to be "not a law." It is only by inspecting the publicly printed statute book that the people can determine the source, authority and unconstitutional authenticity of the law they are expected to follow.

It should be noted that laws in the above cases were held to be void for having no enacting clauses despite the fact that they were published in an official statute book of The State, and were next to other laws which had the proper enacting clauses.

The proceeding examples and declarations on the use and purpose of enacting clauses shows, beyond doubt that nothing can be called or regarded as a law of this State which is published without an enacting clause on its face. Nothing can exist as a law of the State which except in the manner prescribed by the State Constitution. Article 2, Section 15 of the 1776 Penna. Const. as follows: "To the end that laws before they are enacted may be more maturely considered, and the inconvenience of hasty determinations as much as possible prevented, all bills of public nature shall be printed for the consideration of the people, before they are read in the general assembly the last time for debate and amendment; and, except on occasion of sudden necessity, shall not be passed into laws until the next session of assembly; and for the more satisfaction of the public, the reasons and motives for making such laws shall be fully and clearly expressed in the preambles."

One of the provisions is that "all laws" must bear on their face a specific enacting style and is stated as follows:

"Be it enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in General Assemble met, and by the authority of the same and the general assemble shall affix their seal of every bill, as soon as it is enacted into law, which seal shall be kept by the assembly, and shall be called, the seal of the laws of Pennsylvania, and shall not be used for any other purpose." (Penna. Const., Art. 2 Sec 16).

"As long ago as 1871, this court, in Vinsant v. Knox, 27 Ark. 266, held that the Constitutional Provision that the Style of bills should be "Be in Enacted by the general assemble of the State of Arkansas," was mandatory, and that a bill without this style was Void, although otherwise regularly passed and approved." Ferrill v. Keel: 151 S.W. 269, 273, 105 Ark 380 (1912).

All laws must be published with this clause in order to be valid laws, and since the "statutes" in the "Pennsylvania Statutes" are not so published, they do not contain an enactment clause, and they are not valid laws of this Commonwealth.

VI. The Laws Referenced to in the Complaints Contain no Titles.

The laws listed in the complaints in question, as cited from the "Pennsylvania Statutes" contain no titles. All laws are to have titles indicating the subject matter of laws, as required by the Constitution of Pennsylvania (1776).

> Article 1, Sec. 16 No law shall embrace more than one subject, which shall be expressed in its title.

By this provision a title is required to be on all laws. The title is another one of the forms of a law required by the Constitution. This type of constitutional provision "makes the title an essential part of every law," thus the title "is as much a part of the act as the body itself." Leininger v. Alger, 26 N.W.2d 348, 351, 316, Mich. 644 (1947).

> The Title to a legislative act is a part thereof, and must clearly express the subject of Legislation. State v. Burlington & M.R.R. Co., 60 Neb. 741, 84 N.W. 254(1900).

Nearly all-legal authorities have held that the title is part of the act, especially when a constitutional provision for a title exists. 37 A.L.R. Annotated, PP.948, 949. What then can be said of a law in which an essential part of it is missing, except that it is not a law under the constitution?

This provision of the State Constitution, providing that every law is to have a title expressing one subject, is mandatory and is to be followed in all laws, as stated by the Supreme Court of Minnesota.

> We pointed out that our constitutional debates indicated that the constitutional requirements relating to enactment of statutes were intended to be remedial and mandatory, ---remedial, as guarding against recognized evils arising from loose and dangerous methods of conducting legislation, and mandatory, as requiring compliance by the legislature without discretion on its part to protect the public interest against such recognized evils, and that the validity of statutes should depend on compliance with such requirements*** Bull v. King, 286 N.W. 311, 313 (Minn. 1939).

The constitutional provisions for a title have been held in many other states to be mandatory in the highest sense. State v. Beckman, 185 S.E. 2d 810, 816 (MO. 1945): Leninger v. Alger, 26 N.W. 2D 384 Mich. 644; 82 C.J.S. "Statutes" Sect. 64 p. 102. The provision for a title in the constitution "renders a title indispensable"73 AM. Jur. 2D. "Statutes: Sect. 99, p. 325, citing People v. Monroe, 349 1Il. 270, 182 N.E. 439. Since such provisions regarding a title are mandatory and indispensable, the existence of a title is necessary to the validity of the act. If a title does not exist, then it is not a law pursuant to Art. 1. Sec. 16 of the Constitution of Pennsylvania (1776). In speaking of the constitutional provision requiring one subject to be embraced in the title of each law, the Supreme Court of Tennessee stated:

> That requirement of the organic law is mandatory, and, unless obeyed in every instance, the legislation attempted is invalid and of no effect whatever. State v. Yardley, 32 S.W. 481, 482, 95, Tenn. 546 (1895).

To further determine the validity of citing laws in a complaint, which have no titles, we must also look at the purpose for this constitutional provision, and the evils and problems which it was intended to prevent or defeat.

One of the aims and purpose for a title or caption to an act is to convey to the people, who are to obey it, the legislative intent behind the law.

> The constitution has made the title the conclusive index to the legislative intent as to what shall have operation. Megins v. City of Duluth, 106 N.W. 89, 90, 97 Minn. 23 (1906);
> Hyman v. State, 9 S.W. 372, 373, 87 Tenn. 109 (1888).

> In ruling as to the precise meaning of the language employed in a statue, nothing, as we have said before, is more pertinent towards ascertaining the true intention of the legislative mind in the passage of the enactment than the legislature's own interpretation of the scope and purpose of the act, as contained in the caption. Wimberley v. Georgia s. & F.R. Co., 63 S.E. 29, 5 Ga. App. 263 (1908).

> Under a constitutional provision***requiring the subject of the legislation to be expressed in the title, that portion of an act is often the very window through which the legislative intent may be seen. State v. Clinton County: 120 1, 221, Mo. 180(1906).
> The title of an act is necessarily a part of it, and in construing the act the title should be taken into consideration. Glaser v. Rothchild, 120 S.W. 1, 221 Mo. 180 (1909).

Without the title the intent of the legislature is concealed or cloaked from public view. Yet a specific purpose or function of a title to a law is to "protect the people against covert legislation" Brown v. Clower, 166 S.E.2d 363, 365, 225 Ga. 165 (1969). A title will reveal or give notice to the public of the general character of the legislation. However, the nature and intent of the "laws" in the Pennsylvania Statutes have been concealed and made uncertain by its nonuse of titles. The true nature of the subject matter of the laws therein is not made clear without titles. Thus, another purpose of the title is to apprise the people of the nature of legislation, thereby preventing fraud or deception in regard to the laws they are to follow. The U. S. Supreme Court, in determining the purpose of such a provision in state constitution, said:

> The purpose of the constitutional provision is to prevent the inclusion of incongruous and unrelated matters in the same measure and to guard against inadvertence, stealth and fraud in legislation. ***Courts strictly enforce such provisions in cases that fall within the reason on which they rest, ***and hold that, in order to warrant the setting aside of enactments for failure to comply with the rule, the violation must be substantial and plain. Pasados v. Warner, B. & Co., 279 U.S. 340, 344 (1929).

The complete omission of a title is about as substantial and plain a violation of this Constitutional provisions as can exist. The laws cited in the complaints against the **Relator**, is that nature. They have no titles at all, and thus are not laws under our State Constitution.

The Supreme Court of Idaho, in construing the purpose for its constitutional provision requiring a one-subject title on all laws, stated:

> The object of the title is to give a general statement of the subject-matter, and such a general statement will be sufficient to include all provisions of the act having a reasonable connection with the subject-matter mentioned, ***The object or purpose of the clause in the Constitution ***is to prevent the perpetration of fraud upon the members of the Legislature or the citizens of the state in the enactment of laws. Ex parte Crane, 151 Pc. 1006, 1010, 1011. 27 Idaho 671 (1915).

The Supreme Court of North Dakota, in speaking on its constitutional provision requiring titles on laws, stated that, "This provision is intended*** to prevent all surprises or misapprehensions on the part the public," State v. McEnroe, 283 N.W. 57, 61 (N.D. 1938). The Supreme Court of Minnesota, in speaking on Article 4, Sec. 27 of the State Constitution, said:

> This Section of the constitution is designed to prevent deception as to the nature or subject of legislative enactments, State v. Rigg, 109 N.W. 2D 310, 314, 260 Minn. 141 (1961).

The purposes of the constitutional provision reqquiring a one subject title, and the mischief's which was designed to prevent, and defeated by the lack of such a title on the face of a law, which a citizen is charged with violating. Upon looking at the laws charged in the complaint from the "Pennsylvania Statutes," Relator left asking, what is the subject and nature of the laws used in the complaints against him? What interests or Rights are these laws intended to affect? Since the particular objects of the provision requiring a one-subject title are defeated by the publication of laws which are completely absent of a title, the use of such a publication to indict or charge citizens with violating such laws are fraudulent and obnoxious to the Constitution.

> It is to prevent surreptitious, inconsiderate, and misapprehended legislation, carelessly, inadvertently, or unintentionally enacted through **stealth and fraud**, and similar abuses, that the subject of a law is required to be stated in the title. 73 AM. Jur. 2d, "Statutes," § 100 p. 325, cases cited.

Judge Cooley says that the object of requiring a title is to "fairly apprise the people, through **such publication of legislative proceedings** as is usually made, of the subjects of legislation that are being considered." Cooley, Const. Lim., 144. The State Constitution requires one-subject titles. The particular ends to be accomplished by requiring the title of a law are not fulfilled in the statutes referred to in the Pennsylvania Statutes. Thus the laws charged in the complaints against relator are not valid laws.

> **"Courts are the mere instruments of the law, and can will nothing, when they are said to exercise a discretion, it is mere legal discretion a discretion to be exercised in discerning the Course prescribed by Law, and when this is discerned, it is the duty of the Court to follow it. Judicial power is never exercised for the purpose of giving effect to the will of the judge; always for the purpose of giving effect to the will of the Legislature; or in other words, to the will of the Law."** (Emphasis in original) Littleton v. Berbling, 468 F.2d 389, 412 (7th Cir. 1972), citing Osborn v. Bank of the United States 9 wheat (22 U.S. 737, 866, 61 Ed 204 (1824); U.S. v. Simpson, 927 F.2d 1088, 1090 (9th Cir. 1991).

VII. THE PENNSYLVANIA STATUTES ARE OF AN UNKNOWN AND IN CERTAIN AUTHORITY.

The so called "Statutes" are not only absent enacting clauses, but are surrounded by other issues and facts which makes their authority unknown, unertain or questionable.

The title page of the "Pardons's Pennsylvania Statutes" states therein were" Complies, edited, and published by the West Publishing Group. It does not say that they are official Laws of the Legislature of Pennsylvania. The official laws of this State has always been listed in "Session Laws" of Pennsylvania. Title page to the Seession Laws make it clear as to the nature of the laws therein, to wit - "Session Laws of the Commonwealth of Pennsylvania passed during the forthy-fifth session of the Commonwealth's Legislature." "The Pardon's Pennsylvania Statutes" states that" "Pennsylvania revised statutes must not be cited, enumerated, or otherwise treated as a Session Law."
The "Session Laws" were also published by the Secretary of the State, who historically and constitutionally is in possession of the enrolled bills of the legislature which become state law. The Constitution of Pennsylvania, Art. 3 § 9 (1968) requires that every bill which passes the Senate and House, is signed by----------

the Governor , is to be deposited "in the office of the Secretary of State for preservation." Thus in this state, as in nearly all other states, all official laws, records, and documents as universally recognized by their being issued or published by the Secretary of State.

The "Pardon's Pennsylvania Statutes" are publiched by the West Publishing Group, and are also copyrighted as they aren't true public documents. In fact no true public dcument of this state or any other state, or of the United States has been or can be under copyright. Public documents are in the public domain. A copyright infers a private right over the contents of a book, suggesting that the laws in the "Pardon's Pennsylvania Statutes" are derived from a private source, and thus are not true public laws.

"Pardon's Pennsylvania Statutes," in this preface to this statute book called "Pardon't Pennsylvania Statutes," points out the difference in the various types of arrangements of laws, and states the following:

In order to understand and use the statutory law, it is necessary to know the meaning of the terms used and the inclusiveness and authority of the laws found in the various arrangements. The terms laws, acts, statutes, revisions, compilations, and codes, are often used indiscriminately, but in the following discussion each has a specific meaning.

"Pardon's Pennsylvania Statutes," then proceeds to point out the difference that exists between "Pamphelt Laws" and that of a compilation, revision or codes. "Pardon's Pennsylvania Statutes" are apparently a 'revision,' which was first published in Pennsylvania numerous years ago. Pardon's Pennsylvania Statutes" appear to be nothing more than a reference book, like "Pardon's Pennsylvania Consolidated Statutes Annotated," which are also copyrighted. The contents of such reference books cannot be used as law in charging citizens with crimes on criminal complaints.

"Pardon's Pennsylvania Statutes" does not say that the statutes in this book are official laws of the Commonwealth of Pennsylvania. Pardon's indicates that these statutes are only in "theory" laws of the state. There thus are many confusing and ambiguous statements made by the "Pardon's Pennsylvania Statutes" as to the nature and authority of the statutes in "Pardon's Pennsylvania Statutes." It is not at all made certain that they are laws pursuant to Chapter II, subsec. 16 of the Constitution of Pennsylvania {1776}. That which is uncertain cannot be accepted as true or valid law.

Uncertain things are held for nothing. (Maxim of law).

The law requires, not conjecture, by certainty. **Coffin v. Ogden**, 85 U.S. 120, 124.

Where the law is uncertain, there is no law. **Bouvier's Law Distionary**, Vol 2, "Maxims," 1880 Edition.

The purported statutes of "Pardon's Pennsylvania Statutes" do not make it clear by what authority they exist. The statutes therein have no enacting authority on their face. In fact, there is not a hint that the General Assembly of Pennsylvania had anything at all to do with these so-called statute books. thus the statutes used against the accused are just idle words which carry no authority of any kind on their face.

VIII. **ESTABLISHED RULES OF CONSTITUTIONAL CONSTRUCTION**.

The issue of subject matter jurisdiction for this case thus squarely rest upon certain provisions of the Constitution of Pennsylvania (1776), to wit:

Chapter 2, subsec. 16. The style of all laws of this state shall be: "Be it enacted, and it is hereby enacted by the representatives of the freemen of the Commonwealth of Pennsylvania in general assembly met, and by the authority of the same."

Article 3 subsec. 3, of the Pennsylvania Constitution (1968). No bill shall be passed containing more than one subject, which shall be clearly expressed in its title ....."

These provisions are not in the least ambiguous or susceptible to any other interpretation than their plain and apparent reason. The Supreme Court of Montana, in construing such provisions, said that they were "so plainly and clearly expressed and are so entirely free from ambiguity," that "there is nothing for the courts to construe." **Vaughn & Regsdale, Co. v. State of Ed**., 96 P.2d 420, 423-424. The Supreme Court of Minnesote stated how these provisions are to be construed, when it was considerting the meaning of another provision under the legislative department (Article 4 subsec. 9):

In treating of constitutional provisions, we believe it is the general rule among courts to regard them as mandatory, and not to leave it to the will or pleasure of a legislature to obey or disregard them. Where the language of the constitution is plain, we are not permitted to indulge in speculation concerning its meaning, nor whether it is the embodiment of great wisdom. The rule with reference to constitutional construction is also well stated by Johnson, J., in the case of **Newell v. People**, 7 N.Y. 9, 97, as follows:

"If the wrods embody a **definite meaning**, which involves no absurdity, and no contradiction between two parts of the same writing, than **that meaning apparent upon the face of the instrument** is the one whch alone we are at liberty to say was intended to be conveyed. In such a case there is no room for contradiction. That which the words declare is the meaning of the instrument; and **neither courts nor legislatures have the right to add to or take away from that meaning.**
It must be very plain, - nay, absolutely certain - that the people did not intend what language they had employed in its natural signification imports, before a court will feel itself at liberty to depart from the plain reading of a constitutional provisions."

State ex rel. v. Sutton, 63 Minn. 147, 149, 150, 65 N.W. 262 (1895): affirmed, State v. Holm, 62 N.W. 2D 52, 55, 56 (Minn.).

When the question of the "objects intended to be secured by the Enacting Clause Provision: was before the Supreme Court of Minnesota, the Court held that such a clause was necessary to show the people, who are to obey the law, the authority for their obedience. It was revealed that historically this was a main use for an enacting clause, and thus its use is a fundamental concept of law. The Court stated:

> All written laws, in all time and in all countries, whether in the form of decrees issued by absolute monarchs, or statutes enacted by kin and council, or by a representative Body; have, as a rule, expressed upon their face the authority by which they were promulgated or enacted. The almost unbroken custom of centuries has been to preface laws with a statement in some form declaring the enacting authority. If such an enacting clause is a mere matter of form, a relic of antiquity, serving no useful purpose, why should the constitutions of so many of our states require that all laws must have an enacting clause and prescribe its' form. If an enacting clause is useful and important, it is desirable that laws shall bear upon their face the authority by which they are enacted, so that the people who are to obey them need not search legislative and other records to ascertain the authority, then it is not beneath the dignity of the framers of a constitution, or unworthy of such an instrument, to prescribe a uniform style for such enacting clause.
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> The words of the constitution, which the style of all laws of this state shall be "Be it enacted by the legislature of the Commonwealth of Pennsylvania is mandatory. Imply that all laws must be so expressed or declared, to the end that they may express upon their face the authority by which they were enacted; and, if they do not so declare, they are not laws of this Commonwealth. Sjoberg v. Security Savings Loan Assn., 73 Minn. 203, 212-214 (1898). -State v Kozer, 239 Pac. 805,807,(Ore. 1925)- Joiner V. State, 155 S.E. 2d 8,9 223 GA 367 (1967)-25 Ruling Case Law, 'Statutes," 22 p775,776- City of Carlye V. Nicolay,165,N.E. 211,216,217,(III. 1929)

This case was initiated when it was discovered that the law in relation to "building, Loan and Savings Associations," had no enacting clause as it was printed in the Statute Book, "Laws 1897, c. 250." The Court made it clear that a law existing in that manner is "void" Sjoberg, p. 214.

"If it is law, it will be found in our books. If it is not found there, it is not law." Entick v. Carrington: 19 Howell's St. Tr. Col. 1029, 1065-1066 (1765).

The purported laws in the complaints, which the **Relator** is said to have violated, are referenced to various laws found printed in the :" Pennsylvania Statute books" I have looked up the laws charged against me in this book and found no enacting clause for any of these laws. A citizen is not expected or required to search through other records of books for the enacting authority. If such enacting authority is not "on the face" of the laws which are referenced in the complaint, than "they are not Laws of this state," and thus are not laws to which I am subject. Since they are not Laws of this State, the above-named Court has no subject matter jurisdiction, as there can be no crime that can exist from failing to follow laws, which do not constitutionally exist.

The Supreme Court of Minnesota has made it clear that article 4, section 13 of the constitution "is mandatory and that a statute without an enacting clause is void." Sjoberg v. Savings and Loan Assoc., 73 Minn. 203, 212, being that the statutes used against me are without enacting clauses and titles, they are void, which means there is no offense, no valid complaints and thus no subject matter jurisdiction. Broom v. Douglass, 75, ALA 268, 57 so 860 the same being jurisdictional facts FATAL to the government's cause (e.g. see in re FNB 154, F.64)

The provisions requiring an enacting clause and one subject titles were adhered to with the publications known as the "Session Law" and 'General Laws" for the State of Pennsylvania. But because certain people in the government thought that they could devise a more convenient way of doing things without regard for the provisions of the State Constitution, they devised the contrivance known as the "Pennsylvania Statutes," and then held it out to the public as being "law." This of course was fraud, subversion, and a great deception upon the people of this Commonwealth, which is now revealed and exposed.

There is no justification for deviating from or violating a written Constitution. The 'Pennsylvania Statutes" cannot be used as law, like the "Session Laws" were once used, solely because the circumstances have changed and we now have more laws to deal with. It cannot be said the use and need of revised statutes without titles and enacting clauses must be justified due to expediency. New circumstances of needs do not change the meaning of constitutions, as Judge Cooley expressed.

> A Constitution is not to be made to mean one thing at one time and another at some subsequent time when the circumstances may have changed as perhaps to make a different rule in the case seem desirable. A principal share of the benefit expected from written constitutions would be lost if the rules they established were so flexible as to bend to circumstances or be modified by public opinion.***(A) court or legislature, which would allow a change in public sentiment to influence in giving to a written constitution a construction not warranted by the intention of its founders, would be justly chargeable with reckless disregard of official oath and public duty; and if its course could become a precedent, These instruments would be of little avail.***What a court is to do, therefore, is to declare the law as written. T.M. Cooley, a Treatise on the Constitutional Limitations, 5TH Edition, pp. 54, 55.
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> "Law and court made rules of expediency must not be placed above the state constitution." State v. Buete, 256 Mo. 227 165, S.W. 340

There is great danger in looking beyond the Constitution itself to ascertain its meaning and the rule of government. Looking at the Constitution alone, it is not at all possible to find support for the idea that the publication called the "Pennsylvania Statutes" is valid law of this State. The original intent of the Article 1-2, Section 16, of the Pennsylvania Constitution cannot be stretched or cover their use as such. These provisions cannot be regarded as antiquated, unnecessary, or of little importance, since "no section of the constitution should be considered a superfluous." Butler Taconite v. Roemer, 282 N.W.2d 867, 870, (Minn. 1979). The Constitution was written for all times and circumstances, because it embodies Fundamental Principles which do not change from time to time.

"The constitution is a written instrument. As such, its meaning does not alter. That which is meant when it was adopted, it means now." S. Carolina v. U.S. 199 U.S. 437;448 (1905).

Judges are not to consider the political or economic impact that might ensue from upholding the Constitution as written. They are to uphold it no matter what may result, as the ancient maxim Of law states: "Though the heavens may fall, let justice be done."

Based upon the above memorandum, the Relator moves that this Action and cause be dismissed for lack of subject matter jurisdiction.

"If the trial court is without subject matter jurisdiction of the defendant's case, conviction and sentence would be void." State v. Swigger, 708, N.E. 2d 1033, 1125 Ohio app 3d 456.

"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. U.S. 505, F.2d, 1026.

"A court lacking jurisdiction cannot render judgment but must dismiss the cause at any stage of the proceedings in which it becomes apparent that jurisdiction is lacking" United States v. Siviglia 686 Fed 2d 832,835 (1981).

Nothing can be regarded as a law in this Commonwealth, which fails to conform to the Constitution of Prerequisites, which calls for an enacting clause and title. There is nothing in the complaints, which can constitutionally be regarded as laws, and thus there is nothing in them. Which, I am answerable for or which can be charged against me. Since there are no valid or constitutional laws charged against me there are no crimes that exist, consequently there is no subject matter jurisdiction by which I can be tried in the above named court.

"Municipal courts do not have jurisdiction to render judgements of felony charges." Muhammad v. State, 998, S.W. 2d, 763, 67Ark. App 262 (1999).

Caveat

I regard it as just and necessary to give fair warning to this court of the consequences of its failure to follow the Constitution of Pennsylvania and uphold its oath and duty in this matter, being that it can result in this court committing acts of treason, usurpation and tyranny. Such trespasses would be clearly evident to the public, especially in light of the clear and unambiguous provisions of the Constitution that are involved here which have no room for construction, and in light of the numerous adjudications upon them as herein stated. The possible breaches of law that may result by denying this motion are enumerated as follows:

1. The failure to uphold the clear and plain provisions of our Constitution cannot be regarded as mere error in judgment, but deliberate USURPATION. "Usurpation is defined as unauthorized arbitrary assumption and exercise of power." State ex rel. Danielson v. Village of Mound, 234 Minn. 531. 543, 48 N.W.2d 855, 863 (1951) while error is only void able, such usurpation is void.
2. The boundary between an error in judgment and the usurpation of judicial power is: The former is reversible by an appellate court and is, therefore, only void able, which the latter is a nullity. State v. Mandehr, 209 N.W. 750, 752 (Minn. 1926)

"Where any court violates the clean and unambiguous language of the Constitution, a fraud is perpetrated and no one is bound to obey it." State V. Sullen (63 Minn.), 167, 65, M 262 30LRA, 630)

To take jurisdiction where it clearly does not exist is usurpation, and no one is bound to follow acts of usurpation, and in fact it is a duty of citizens to disregard and disobey them since they are void and unenforceable. No authority need be cited for the proposition that, when a court lacks jurisdiction, any judgment rendered by it is void and unenforceable. Hooker v. Boles: 346, Fed.2d 285, 286 (1965).

> "A court cannot confer jurisdiction where none existed and cannot make a Void proceeding Valid. It is clear and well established law that a void order can be challenged in any Court." Old, Wayne, Mut L. Assoc. v. McDonough: 204 U.S. 8, 27 S. Ct. 236 1907).
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> "A court has inherent Authority to expunge Void acts of its records." Evans v. Corporate Services: 207 App.3d 297, 565, N.E. 724 (2nd dist. 1990). "A void order or decree may be attacked at any time or in any court either directly or collaterally."

The fact that the "Pennsylvania Statutes" have been in use for over 200 years cannot be held as a justification to continue to usurp power and set aside the constitutional provisions which are contrary to such usurpation, as Judge Cooley stated: Acquiescence for no length of time can legalize a clear usurpation of power, where the people have plainly expressed their will in the Constitution. Cooley, Constitution Limitations, p. 71.

3. To assume jurisdiction in this case would result in TREASON. Chief Justice John Marshall once stated: "We (judges) have no more right to decline the exercise of jurisdiction, which is given, than to usurp that which is not given. The one or the other would be treason to the constitution." Cohens v. Virginia, 6 Wheat. (19 U.S.) 264. 404 (1821); When- ever a judge acts where he/she does not have jurisdiction to act, the judge is engaged in an act or acts of treason. U.S. v Will, 449 U.S. 00,216,101 S. Ct 471, 66 L. Ed, 2d 392,406 (1980).

"When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost." Zeller v. Rankin, 101 S. Ct 2020, 451 U.S. 939, 68 L. Ed 2d 326.

"A Judge has no more right to disregard and violate the constitution than a criminal has to violate the law." People Ex Rel Sammons v. Snow, 340 111 464; 72 A.L.R. 798.
The judge of this court took an oath to uphold and support the Constitution of Pennsylvania, and His blatant disregard of the obligation and allegiance can only result in the act of treason.

4. If this court departs from the clear meaning of the Constitution. It will be regarded as a blatant act of TYRANNY, any exercise of power, which is done without the support of law or beyond what the law allows, is tyranny. It has been said, with much truth, "Where the Law ends, tyranny begins.". Merritt v. Welsh, 104 U.S. 694, 702 (1881).

"The practice of law cannot be licensed by any state." Schware v. Board of Examiners, 353 U.S. pgs 238-239 (1957).

"The lower courts are bound by Supreme Court precedent." Adams v. Dept of Juvenile Justice of New York City 143 F.3d 61, 65 (2nd 1998).

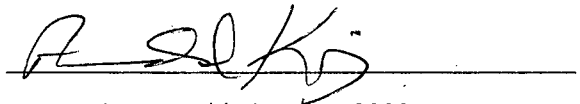
"A bar card is not a license. The right to practice law is an occupation of common right." Spims v. Ahearn's, 271 SW. 720 (1925).

"Jurisdictuion can never be assumed not even by colorable claims or statutes or black robes or officialdom or appearances, but must be substantially proven by the plaintiff/claimant of said jurisdiction. Once challenged by any proper party the plaintiff/complaint must prove their jurisdiction is a timely manner." McNutt v. General Motors Acceptance Corp, 56 S.Ct. 502 (____).

The Pennsylvania Attorney General nor the Philadlphia District Attorney for the plaintiff cannot admit evidence into the court. He/she is either an attorney or a witness." Trinsey v. Pagliaro, 229 F.Supp. 647 (Pa. DC. (1964).

"When no traverse is filed to a sworn motiobn to dismiss, the court must base its ruling on the facts alleged in the motion to dismiss." State v. Palavedo, 745 So.2d 1026, 1027 (Fla 2d, dca 1999).

Respondent has thirty (30) days to respond or rebut anything in the extraordinary writ of habeas corpus to dismiss the case and discharge relator with lawful evidence to the contrary. failure to do so is respondents full agreement to all facts stated in the petition/motion/memordanum of law to dismiss for Lack of Subject Matter Jurisdiction.



Mr. Arnold King, AM-3222.

SWORN DECLARATION

I, Arnold King, do hereby verify that the factts set forth in the within extraordinary writ and memorandum of law are true and correct to the best of my knowledge and belief and understand that any false statements herein are made subject to the penalties of title **28 U.S.C. subsec. 1746**, relating to unswrn falsification to authorities.

CONCLUSION

WHEREFORE, your relator pray that this Honorable Court grant the requested relief pursuant to title **28 U.S.C. subsec. 1651(a), and 28 U.S.C. subsec. 2241(a)(3)(A).**

Respectfully submitted,

MR. ARNOLD KING, AM-3222

Date: July 29th, 2019

Additional material from this filing is available in the Clerk's Office.