

RESIDENT

Resident Means Thing Identified

The word "resident" is constructed from two Latin roots "**res**" which translates into English as "thing" and "**ident**" which translates into English as "identified" So "**resident**" **literally means a thing that has been identified**. Are you such a thing? Your government says you are. What then does it mean to be a legal "resident" and "reside" in a State? Resident. One who has his residence in a permanent place. If you are statured as a "resident" you are subject to all kinds of civil code as a person or individual that does not apply to inhabitants who can still get the protection of the common law. For instance, in most states, a "nonresident" is exempt from any car tax imposition by local government UNLESS the nonresident is in commercial activity with the vehicle other than farm to market commerce. The term resident must be given its meaning and significance from the context in which it is used. Generally, the word 'resident' is one of common usage with numerous definitions to be found in judicial decisions. As stated in 77 C.J.S. Resident at p. 305-306, the word has no technical meaning, and no fixed meaning applicable to all cases, but rather it has many meanings, and is used in different and various senses, and it has received various interpretations by the courts. That text goes on to state that in order to constitute a person a resident of a particular state, he must intend to make, and actually make, that state his home, although he need not have determined to make it always his home. Thus a person becomes a resident of a state when he is personally present at some place of abode within the state, with no present intention of definite and early removal, and with a purpose and intent to remain for an undetermined period, not infrequently, but not necessarily, combined with a design to remain permanently. Residence indicates permanency of occupation, as distinct from lodging, or boarding, or temporary occupation, but does not include so much as domicile [sic], which requires an intention continued with residence. 19 Mc. 293; 2 Kent, Comm. 10th ed. 576. Bouvier's Law Dictionary 14th edition, Vol. II, page 470 "**Residence**" is not synonymous with "**domicile**," though the two terms are closely related; a person may have only one legal domicile at one time, but he may have more than one residence. A person's residence is said to consist of bodily presence in a place and the intention of remaining in that place. Residence is thus made up of both fact and intention. Whether a person is or is

not a resident of a particular place is a question of law and fact, to be determined from all the facts of each particular case.

As "domicile" and "residence" are usually in the same place, they are frequently used as if they had the same meaning, but they are not identical terms, for a person may have two places of residence, as in the city and country, but only one domicile. Residence means living in a particular locality, but domicile means living in that locality with intent to make it a fixed and permanent home. Residence simply required bodily presence as an inhabitant in a given place, while domicile requires bodily presence in that place and also an intention to make it one's domicile. Fuller v. Hofferbert, C./A.Ohio, 204 F.2d 592, 597. [see also In re Riley's Will, 266 N.Y.S. 209, 148 Misc. 588.] Black's Law Dictionary, Fourth Edition, Page 1176. On the face of it, nonresident sounds like somebody who doesn't live there and resident sounds like somebody who does. But I am firmly convinced (by other usage and provisions associated with the word nonresident in the code) that the colloquial meaning is not the legal meaning of these words. And this is where the Buck Act, Zip Codes, etc., do apply. You qualify yourself as a "resident" if you have a free delivery postal address. Residents and nonresident/inhabitants alike are subject to excise taxes (like the income tax). Also a Social Security participant or anybody receiving federal benefits addressed to them personally is a citizen of the United States and a "resident" of their State. If your conduct matches the definition and/or you elect on government forms by your signature to be a resident, then you have established yourself by law to be a "resident". All State codes define the word "resident" and read similar to the following statute. Intention to establish a permanent residence in this state is a factual determination to be made, in the first instance, by the property appraiser. Although any one factor is not conclusive of the establishment or non establishment of permanent residence, the following are relevant factors that may be considered by the property appraiser in making his or her determination as to a permanent residence in this state:

1. Formal declarations of the applicant.
2. Informal statements of the applicant.
3. The place of employment of the applicant.
4. The previous permanent residency by the applicant in a state other than this state or in another country and the date foreign residency was terminated.

5. The place where the applicant is registered to vote.
6. The place of issuance of a driver's license to the applicant.
7. The place of issuance of a license tag on any motor vehicle owned by the applicant.
8. The address as listed on federal income tax returns filed by the applicant.
9. The previous filing of any State tax returns by the applicant.

It seems clear from the above language that the Legislature intended by the general and unqualified use of the term 'residents' to distinguish this class of persons. Thus, the Legislature has made a distinction between residents and non residents. It would appear in the absence of any legislative direction otherwise that the above-mentioned 'fact-plus-intention' test should be applied to determine if an individual is a resident or a nonresident of the state in each particular case. A "legal residence" is a location where a person is presently living with the present intention of making it his permanent abode. A person may have several temporary local residences, but can have only one legal residence. A legal residence, or domicile, is the place where a person has fixed an abode with the present intention of making it their permanent home. "Legal residence" is defined as the "permanent fixed place of abode which person intends to be his residence and to which he intends to return despite ... temporary absences." Black's Law Dictionary 807 (5th Ed.1979) While subjective intention is the best evidence of "legal residence," the courts have clearly recognized that residence may be established by objective facts as well. Residence is a matter of objective fact, although subjective intent is the best proof of domicile, this is not to suggest that proof of legal residence cannot be measured by objective factors. If you elect to be a citizen of the United States or a US citizen by signing on a government form, you simultaneously elect to be a "resident" of your State. All of this deceptive legal language is necessary for the government's legal purposes because the States have been conquered and occupied, but not completely absorbed by the federal authority. A Tenth Amendment limit on federal authority was affirmed in the recent Brady decision. Because the States accept federal funds and federal authority with the funds, it's difficult to tell where martial law federal authority begins and federal authority from financial incentive ends. But, practically speaking, it does not matter in the legal system. The effect is the same. Your Right to Travel or Liberty of Movement Right is a common law right and if you cannot get under the common law because you have statured yourself as a resident, you only

have civil rights. Civil rights are the rights of 14th amendment citizens. They are legislated by Congress and are not the Bill of Rights' rights. Congress has not legislated a right to travel. I have seen the proposition that a State cannot interfere with your 14th Amendment right to go on the highways from State to State. The right to go on the highways among the several States without State interference has been held by the court to be a 14th Amendment Constitutional right. But the case in question did not involve "reasonable state regulation" like insurance and tags and licenses and I think that has been upheld against "residents" on numerous occasions. And residents in court are in a civil law venue under martial law. So, your right to travel without license, tags, and insurance is there in the common law if you can get statured to be under its protection and IF you can deal with the law martial law enforcement officers, judges, and procedures. Common law abatement pleas can keep you out of their traffic court, but I don't yet know how you get your impounded car back. This common law right could be extinguished by a treaty, but so far as I know has not been, yet. In conclusion, it is our opinion, unless judicially determined otherwise, that the word 'resident' as used in the Law, means a person who makes his home or place of abode within the geographical boundaries of the State with no present intention of moving outside the State or district.

Remember that it isn't about "Right" versus "Left" – it's about [the] "State" versus you!

NOTICE: Information served herein is for educational purposes only, no liability assumed for use. The information you obtain in this presentation is not, nor is it intended to be, legal advice. Author does not consent to unlawful action. Author advocates and encourages one and all to adhere to, support and defend all law which is particularly applicable. If anything in this presentation is found to be in error a good faith effort will be made to correct it in timely fashion upon notification.

VOID where prohibited by law.