

IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF TEXAS
 LUFKIN DIVISION

FILED
 U.S. DISTRICT COURT
 EASTERN DISTRICT OF TEXAS
 FEB 24 2016
 BY
 DEPUTY _____
 CIVIL ACTION NO.: 9:14-CV-138

UNITED STATES OF AMERICA, §
 §
 Plaintiff, §
 §
 v. §
 §
 JOHN PARKS TROWBRIDGE, JR., et al, §
 §
 Defendants. §

REQUEST THAT THE COURT TAKE JUDICIAL NOTICE OF ADJUDICATIVE FACT

Judicial authority is co-extensive with the legislative power of Congress; to wit:

Those who framed the constitution, intended to establish a government complete for its own purposes, supreme within its sphere, and capable of acting by its own proper powers. They intended it to consist of three co-ordinate branches, legislative, executive, and judicial. In the construction of such a government, it is an obvious maxim, 'that the judicial power should be competent to give efficacy to the constitutional laws of the Legislature.'^[1] The judicial authority, therefore, must be co-extensive with the legislative power.^[2] . . .

. . . [T]he legislative, executive, and judicial powers, of every well constructed government, are co-extensive with each other; that is, they are potentially co-extensive. The executive department may constitutionally execute every law which the Legislature may constitutionally make, and the judicial department may receive from the Legislature the power of construing every such law. [Underline emphasis added.] *Osborn v. Bank of the United States*, 22 U.S. 738, 808, 818.

No Government court of the United States, such as this Court, can take territorial jurisdiction unless the capacity to do so is given by the Constitution; to wit:

As regards all courts of the United States inferior to this tribunal, two things are necessary to create jurisdiction, whether original or appellate. The Constitution must have given to the court the capacity to take it, and an act of Congress must have supplied it. Their concurrence is necessary to vest it. It is the duty of Congress to act for that purpose up to the limits of the granted power. They may fall short of it, but cannot exceed it. To the extent that such action is not taken, the power lies dormant. It can be brought into activity in no other way. Jurisdiction, original or appellate, alike comprehensive in either case, may be given. The

¹ *Cohens v. Virginia*, 6 Wheat. Rep. 414.
² The Federalist, No. 80, *Cohens v. Virginia*, 6 Wheat. Rep. 384.

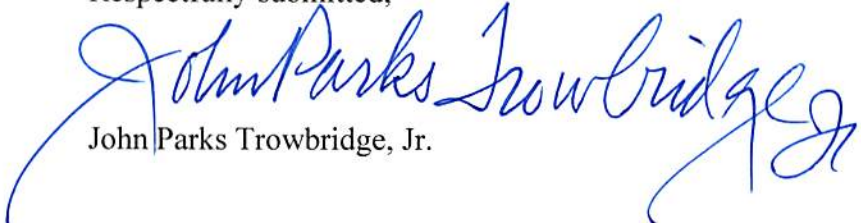
constitutional boundary line of both is the same. [Underline emphasis added.]
The Mayor v. Cooper, 73 U.S. 6 Wall. 247, 252 (1867).

The constitutional boundary line of the territorial legislative power of Congress and territorial jurisdiction of Government courts, of which this Court is one, is set forth in Articles 1 § 8(17) and 4 § 3(2), and is demarcated by the exterior limits of the collective of “Territory or other Property belonging to the United States” (Constitution, Article 4 § 3(2)).

Pursuant to Federal Rule of Evidence 201(c)(2), John Parks Trowbridge, Jr. hereby requests that the Court take judicial notice of the adjudicative fact that the geographic area occupied by the body politic of Tyler County, Texas, in which the real property that is the object of the instant lawsuit is located, is situate without “Territory or other Property belonging to the United States” (*id.*), i.e., the co-extensive geographic area in which Congress have power of territorial legislation and Government courts, of which this Court is one, territorial jurisdiction.

Date: February 24, 2016

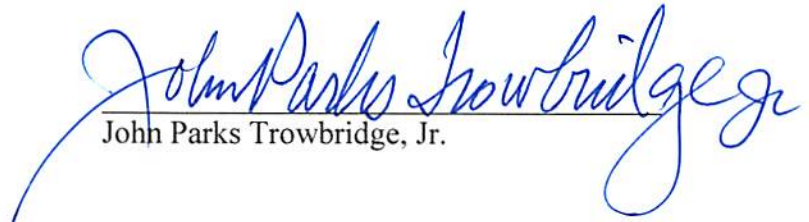
Respectfully submitted,


John Parks Trowbridge, Jr.

CERTIFICATE OF SERVICE

I certify that on February 24, 2016, the foregoing **REQUEST THAT THE COURT TAKE JUDICIAL NOTICE OF ADJUDICATIVE FACT** was served via United States Mail, postage pre-paid, as follows:

Joshua Smeltzer
Department of Justice, Tax Division
717 N. Harwood, Suite 400
Dallas, Texas 75201


John Parks Trowbridge, Jr.