

23-7835

IN THE

Supreme Court of the United States

Nos. 24-6267, 24-6268, and 24-6269

Yueseyuan Cruel.,

Petitioner,

v.

UNITED STATES OF AMERICA,

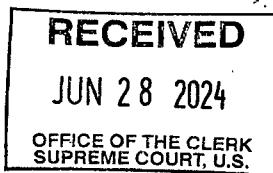
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE
FOURTH CIRCUIT

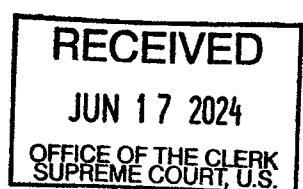
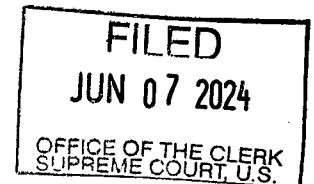
PETITION FOR WRIT OF CERTIORARI

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June 1, 2024



ORIGINAL



QUESTION PRESENTED FOR REVIEW

- (I) Whether the United States and the Several States are Artificial Persons.
- (II) Whether the 14th Amendment created Artificial Persons as citizens of the United States.
- (III) Whether Rights under the Constitution are only civil privileges and immunities and laws are commercial.
- (IV) Whether Congress in drafting laws for United States Citizens, operate outside of the Constitution because the Constitution only pertains to the States as parties to it.
- (V) Whether consent is a prerequisite to governance by the United States and application of laws of non-citizens.
- (VI) Whether a person is naturalized by way of Birth Certificate as a U.S. Citizen and whether that contract binding upon one who is not a signatory to it.

Yueseyuan Cruel, Petitioner and Defendant-Appellant below
United States of America, Respondent and Plaintiff-Appellee below

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PETITION FOR WRIT OF CERTIORARI

INTRODUCTION

The United States Constitution only authorizes the courts to take personal jurisdiction in very limited instances. Non-U.S. Citizens are not bound by the laws of Congress. U.S. Citizens do not enjoy Constitutional protections and the laws that govern them are not written to conform to the Constitution.

OPINIONS AND ORDERS BELOW

Neither the District Court nor the U.S. Court of Appeals gave an opinion.

JURISDICTION

The court of appeals entered judgment on May 24, 2024. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Relevant constitutional and statutory provisions are reproduced in the arguments herein.

STATEMENT

A. Facts giving rise to this Case

This case arises out of the United States bringing criminal complaints against a natural person and the Federal Courts taking personal jurisdiction of the same. The Civil Rights granted by the 14th Amendment may only have civil obligations, duties, and consequences. To be Enfranchised into a Political Body, that body itself must corporate instructor, an artificial person. In order to create citizens of that body, those citizens must also be artificial persons, created and naturalized by the 14th Amendment. Natural persons enjoy God given rights which cannot be impeded upon by artificial persons. The consent of the governed is the willful, knowing and intentional act of relinquishing of some of those rights to said body. Yueseyuan Cruel, at no time, was a signatory to neither a State nor the U.S. Constitution. Nor was Yueseyuan Cruel a signatory to the application for Birth Certificate which is the contract of Allegiance that created U.S. Citizenship. Said contract is not merely voidable but is hereby void in ab initio per contract law.

B. The District Court Proceedings

The U.S. Constitution set specific limits on this Court's authority to adjudicate matters before it. U.S. Citizens were not contemplated by the Framers because the United States did not have citizens, only member States which that Constitution was intended to govern. With the creation of U.S. Citizens as residents of the District of Columbia, Congress created corporate citizens outside the reach of the Constitution. These citizens have no Constitutional protections because the Constitution directs States and their actions. D.C. is not a State, and its citizens have no protections or representation. They are governed solely by Congress and the laws that govern them, particularly Titles 18 and 42 does not have to conform to the constitution when applied to the U.S. Citizen. All laws are civil in nature and crimes are commercial by default. The Supreme Court sets rule for lower courts that must adhere to the authority granted to it by the Constitution under Article 3. The District Court had subject matter jurisdiction over the cases that gave rise to this proceeding, but it did not have personal jurisdiction over Yueseyuan Cruel under its Article 3 authority. It instead applied its authority given by Congress' Article 1 authority over its citizens and without Constitutional protections. The U.S. Government and the Courts are bound by oath to uphold the Constitution and are restrained therefore by it.

C. The Appellate Court Proceedings

The United States Court of Appeals for the Fourth Circuit issues its judgment and unpublished opinion affirming the district court's order as of May 24, 2024.

REASONS WHY CERTIORARI SHOULD BE GRANTED

All allegations stated in the lower Courts are hereby reinstated and incorporated herein.

CONGRESS EXERCISE TWO SPECIES OF LEGISLATIVE POWER.

It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District of Columbia. * * * *Cohens v. Virginia*, 19 U.S. 264, 434, 6 Wheat. 265, 5 L.Ed. 257 (1821).

ISSUE 1. UNITED STATES A FICTITIOUS PERSON

Supporting Facts and Argument

Yueseyuan Cruel seeks an Absolute Discharge of all convictions entered by the District Court. The Plaintiff (United States) being a fictitious person, and therefore not capable of bringing or maintaining these actions against a natural person. An unconditional discharge where the court finds that a crime has been technically committed, but that any punishment of the defendant would be inappropriate, and the case is closed. No conviction on his record despite his plea. If the Plaintiff be a fictitious person, it abates the writ. There is but one interested party.

D.C. v. Cluss 103 U.S. 705 (1880), The Corporation which the Act of February 21, 1871 c, 62, 16 Stat. 419 created by the name of the District of Columbia succeeded to the property and liabilities of the Corporations which where thereby abolished.

The "United States" is defined in Title 28 USC Sec. 3002(15)(A) as a "Federal corporation".

It is also a municipal corporation.

Municipal. In narrower, more common, sense, it means pertaining to a local governmental unit, commonly, a city or town or other governmental unit. In its broader sense, it means pertaining to the public or governmental affairs of a state or nation or of a people. *Black's Law Dictionary* 6th Ed.

So the federal corporation United States, that pertains to the public affairs of a people, would be a municipal corporation. The federal government pertains to the affairs of its sovereign people.

Municipal corporation. A body corporate consisting of the inhabitants of a designated area created by the legislature with or without the consent of such inhabitants for governmental purposes . . .

A municipal corporation has a dual character, the one public and the other private, and exercises corresponding twofold functions and duties -- one class consisting of those acts performed by it in the exercise of delegated sovereign powers for benefit of people generally, as arm of the state, enforcing general laws made in pursuance of general policy of the state, and the other consisting of acts done in exercise of power of the municipal corporation for its own benefit, or for the benefit of its citizens alone, or citizens of the municipal corporation and its immediate locality. Black's 6th Ed.

A municipal corporation is an artificial person, as shown above, and consists of the general inhabitants called citizens, and these artificial persons (citizens) were created by the legislature, not by God. A corporation can be a citizen itself, and that corporation can have its own citizens. A corporation also has its own officers. When a corporation is dissolved, then the officers of that corporation no longer exist. A government has its own citizens and employees. When that government is dissolved, then those citizens also cease to exist, since both officers and citizens of a corporation are both artificial persons. Corporate citizen. Corporate status in the state of incorporation . . . Black's 6th Ed.

A municipal corporation in its broader sense, such as the United States, consists of the inhabitants (U.S. citizens) of a designated area (federal United States). And a corporation can through its legislative branch create artificial persons, who are termed citizens of the municipal corporation.

Chrisolm, 2 U.S. 419, *457; 1 L. Ed. 440, **456; 1793 U.S. LEXIS 249, ***91; 2 Dall. 419 "...laws derived from the pure source of equality and justice must be founded on the CONSENT of those, whose obedience they require. The Sovereign, when traced to his source, must be found in the man." It is an artificial person. It has its affairs and its interests: It has its rules: It has its rights: And it has its obligations. It may acquire property distinct from that of its members: It may incur debts to be discharged out of the public stock, not out the private fortunes of individuals. (p. 456) The only reason, I believe, why a free man is bound by human laws, is that he binds himself. Upon the same principles, upon which he becomes bound by the laws, he becomes amenable to the Courts of Justice, which are formed and authorized by those laws.

In political philosophy, the phrase consent of the governed refers to the idea that a government's legitimacy and moral right to use state power is only justified and lawful when consented to by the people or society over which that political power is exercised.

Governments are created under compacts which are corporations. In order for a natural person to be subject to the authority of a corporation there must be consent. Any laws created by governments are civil in nature as they affect the rights and privileges created for the fictitious person. Natural persons cannot be held to any criminal liability to a fictitious person.

From its inception, the United States were "fictitious persons". The Article of Confederation established a "perpetual corporate structure" with the States as re-writing their Constitutions to conform.

"Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia.

An organic law is a law, or system of laws, that form the foundation of a government, corporation or any other organization's body of rules. A constitution is a particular form of organic law for a sovereign state.

The word "corporations," in its largest sense, has a more extensive meaning than people generally are aware of. Any body politic (sole or aggregate) whether its power be restricted or transcendent, is in this sense "a corporation."

Since the United States is a fictitious person, it cannot, by itself, maintain an action against a natural person. It needs a conduit, a transmitting utility, a liaison of some sort, to "connect" the fictional person, and fictional world, in which it exists, to the real world.

A. Disability of the Plaintiff

1. The United States, as a body politic and corporate, does not possess the traditional attributes of personhood necessary to initiate or maintain legal proceedings, as established in *Respublica v. Sweers*, 1 U.S. 41 (1779).
2. Despite being recognized as a corporation for certain legal purposes, the United States lacks the inherent capacity to act as a natural person and cannot properly serve as the plaintiff in a criminal action.
3. Therefore, any action purportedly brought by the United States as plaintiff is inherently defective and warrants relief through the extraordinary remedy of a Writ of Coram Nobis.

In Rerum Natura - in the nature of things; in existence. This phrase was used in a dilatory plea alleging that the plaintiff was a fictitious person, and therefore not capable of bringing the action. The United States is in fact an artificial person and the Constitution is an Organic Act signed by the representatives of the original Thirteen States to govern the union.

RESPUBLICA v. SWEERS, 1 U.S. 41 (1779) "...the United States were not a body corporate known in law.' But the Court are of a different opinion. From the moment of their association, the United States necessarily became a body corporate; for, there was no superior from whom that character could otherwise be derived.

The Supreme Court noted that the Government, both Federal and State, are "Corporations'. It stated, "The word "corporations"...has a more extensive meaning than people generally are

aware of. ANY body politic (sole or aggregate) whether its power is restricted or transcendent, is in this sense "a corporation".

BODY POLITIC, government, corporations. When applied to the government this phrase signifies the state.

2. As to the persons who compose the body politic, they take collectively the name, of people, or nation; and individually they are citizens, when considered in relation to their political rights, and subjects as being submitted to the laws of the state.
3. When it refers to corporations, the term body politic means that the members of such corporations shall be considered as an artificial person.

"...A criminal action is a prosecution in a court of justice in the name of the government, against one or more individuals accused of a crime. See 1 Chitty's Cr. Law." Id Action – Bouvier's Law Dictionary.

Penal action refers to a criminal prosecution. Penal action also refers to a civil proceeding in which either the state or a common informer sues to recover a penalty from a defendant who violated the statute. A penal action resembles a criminal proceeding because a successful action results in a monetary penalty which is intended to punish the defendant. A penal action is brought for the recovery of a penalty or a statutory fine; and it might be brought either by the Attorney-General on behalf of the state, or by a common informer on his own account.

In 1928, the North Carolina Supreme Court was called upon to define a county from a legal point of view (O'Neal v. Wake County, 196 NC 184). In the case, Wake County was a litigant and the court spoke in terms of that county, but what the Court had to say is equally true of the other States and the United States:

The language used by the court is important as it established the definition of a county. A county, according to the court, is a "body politic and corporate." A body politic is a civil division of the state for purposes of governmental administration. A body corporate is a legal entity. In private law, a corporation is a legal person. A county is a legal entity or corporation of a special sort and with a public function. As such, it can buy and hold property, sue and be sued, and enter into contracts - all functions necessary to make its work as a body politic effective."

So, there are of two kinds of legal entities, human and non-human: natural persons (also called physical persons) and juridical persons (also called juridic, juristic, artificial, legal, or fictitious persons, Latin: persona ficta), which are other entities (such as corporations) that are treated in law as if they were persons.

While human beings acquire legal personhood when they are born, juridical persons do so when they are incorporated in accordance with law.

Legal personhood is a prerequisite to legal capacity, the ability of any legal person to amend (enter into, transfer, etc.) rights and obligations.

ISSUE 2. THE UNITED STATES CONSTITUTION DOES NOT APPLY TO THE INDIVIDUAL

Supporting Facts and Arguments

The United States Constitution's sole purpose was and is for the governance of the union of the member States. In drafting the original Constitution, the Framers sought to create a central government and system by which each State is bound. The original compact did not contemplate individual citizens, only citizen States.

...no private person has a right to complain, by suit in Court, on the ground of a breach of the Constitution. The Constitution, it is true, it is a compact, but he is not a party to it. The States are the parties to it. And they may complain. If they do, they are entitled to redress. Or they may waive the right to complain. If they do, the right stands waived.

Article III of the Constitution

Section 2 Justiciability

Clause 1 Cases or Controversies

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State,—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

“Law” is defined as “the body of rules that governs the activities of the community and which is executed by its political authority.” It is a legal system established as a set of rules on how people of the community should treat each other. It is regulated by the government and enforced by the courts. It is designed to create order, advocating freedom while at the same time enforcing order so that people can live harmoniously with each other.

EQUITY Definition & Legal Meaning. In its broadest and most general signification, this term denotes the spirit and the habit of fairness, justness, and right dealing which would regulate the intercourse of men with men.

In law, the term "equity" refers to a particular set of remedies and associated procedures involved with civil law. These equitable doctrines and procedures are distinguished from "legal" ones. While legal remedies typically involve monetary damages, equitable relief typically refers to injunctions, specific performance, or vacatur. A court will usually award equitable remedies when a legal remedy is insufficient or inadequate. For example, courts will generally award equitable relief for a claim which involves a particular or unique piece of real estate, or if the plaintiff requests specific performance.

Equity allows courts to apply justice based on natural law and on their discretion. Whenever there is a disagreement as to the application of common law, equity is applied. The most distinct difference between law and equity lies in the solutions that they offer.

Common law usually awards monetary damages in certain cases, but equity can decree for someone to act or not to act on something. In cases wherein the aggrieved party does not want monetary damages, the defendant can be ordered to return what he has taken.

Law courts can order writs which are harder to obtain and are less flexible than injunctions which are ordered by equity courts. While a law court can involve a jury, there is no jury involved in equity; the judge solely decides cases.

1. Law is the body of rules which are regulated by the government and enforced by the courts while equity is a set of rules which follows the natural law and fairness.

2. In a court of law, defendants can be ordered to pay monetary damages while in equity, if the complainant wants to get back what is taken from him instead of getting money, the court can order the defendant to do so.

3. Law can order writs while equity can order injunctions.

4. In a court of law, a case is heard by a jury and the judge while in equity only the judge settles a case.

The Constitution of the United States and its early amendments clearly recognize "law" and "equity" as being distinct branches of jurisprudence. Thus in the Judiciary Article it is provided: "The judicial power shall extend to all cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; -to all cases affecting Ambassadors, other public Ministers and Consuls; -to all Cases of admiralty and maritime Jurisdiction; -to Controversies to which the United States shall be a party; -to Controversies between two or more States; -between a State and Citizens of another State; -between Citizens of different States; between Citizens of the same State claiming lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects." (Article III, sec. 2, cl. 1.)

Similarly, the Eleventh Amendment recites that: "The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State."

Likewise the separate status of common law actions is implicit in the language of the Seventh Amendment: "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the

common law." The subsequent history of the administration of equity in this country is familiar enough. The Congress did not, as no doubt it might have done, create separate national courts of equity and law, but organized only one system of courts in which might be tried cases at law, and cases in equity, according as the same judge happened to be playing the role of common law judge, or of chancellor. But the declaration at law, and the bill in equity retained their distinct names and characteristics, and the case had to be one in law or in equity.

"In the act of Congress 'to establish the judicial courts of the United States,' this distribution of law and equity powers is frequently referred to; and by the 16th section of that act, as if to place the distinction between those powers beyond misapprehension, it is provided 'that suits in equity shall not be maintained in either of the courts of the United States in any case where plain, adequate, and complete remedy may be had at law,' at the same time affirming and separating the two classes or sources of judicial authority. In every instance in which this court has expounded the phrases, proceedings at the common law and proceedings in equity, with reference to the exercise of the judicial powers of the courts of the United States, they will be found to have interpreted the former as signifying the application of the definitions and principles and rules of the common law to rights and obligations essentially legal; and the latter, as meaning the administration with reference to equitable as contradistinguished from legal rights, of the equity law as defined and enforced by the Court of Chancery of England. . . . A practice has prevailed in some of the States (and amongst them the State of Missouri) of permitting the action of ejectment to be maintained upon warrants for land, and upon other titles not complete or legal in their character; but this practice, as was so explicitly ruled in the case of *Bennett v. Butterworth* (11 How.), can in no wise affect the jurisdiction of the Courts of the United States, who, by the Constitution and by the acts of Congress, are required to observe the distinction between legal and equitable rights, and to enforce the rules and principles of decision appropriate to each."

Rule 1. Scope and Purpose

These rules govern the procedure in all civil actions and proceedings in the United States district courts, except as stated in Rule 81. They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.

Rule 2. One Form of Action

There is one form of action—the civil action.

ISSUE 3. CONGRESS LEGISLATES CIVIL LAW FOR CORPORATE CITIZENS OF THE D.C.

Article One of the United States Constitution. Article One provides that Congress shall have power "[t]o exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States." This

allows Congress to circumvent the Constitution by legislating within the bounds of its established authority...to legislate for the United States, which is located in the District of Columbia, and for its citizens, who reside in the several states.

United States v. Benjamin More. 1, 7 U.S. 159 (1805)

Mason. When legislating over the District of Columbia, congress are bound by no constitution. If they are, they have violated it by not giving us a republican form of government.

NECESSARY AND PROPER. The Constitution of the United States, art. 1, s. 8, vests in congress the power "to make all laws, which shall be necessary and proper, for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, in any department or officer thereof." This power has ever been viewed with perhaps unfounded jealousy and distrust. It is a power expressly given, which, without this clause, would, be implied. The plain import of the clause is, that congress shall have all incidental and instrumental powers, necessary and proper to carry into execution all the express powers. It neither enlarges any power, specifically granted, nor is it a grant of any new power to congress. It is merely a declaration for the removal of all uncertainty, that the means of carrying into execution those already granted, are included in the grant. Some controversy has taken place as to what is to be considered "necessary." It has been contended that by this must be understood what is indispensable; but it is obvious the term necessary means no more than useful, needful, requisite, incidental, or conducive to. It is in this sense the word appears to have been used, when connected with the word "proper." 4 Wheat. 418-420; 3 Story, Const. Sec. 1231 to 1253.

4 U.S. § 71. Permanent seat of Government

All that part of the territory of the United States included within the present limits of the District of Columbia shall be the permanent seat of government of the United States. (July 30, 1947, ch. 389, 61 Stat. 643.)

§ 72. Public offices; at seat of Government

All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law. (July 30, 1947, ch. 389, 61 Stat. 643.)

UCC 9-307 LOCATION OF DEBTOR

(h) [Location of United States.]

The United States is located in the District of Columbia.

The 14th Amendment created (Federal Citizens - Article 1 Citizens) of the United States of America.

14th Amendment. Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

39 CFR 515.329 Person subject to the jurisdiction of the United States; person subject to U.S. jurisdiction.

The terms person subject to the jurisdiction of the United States and person subject to U.S. jurisdiction include:

(a) Any individual, wherever located, who is a citizen or resident of the United States; (b) Any person within the United States as defined in § 515.330;

39 CFR 515.330 Person within the United States.

(a) The term person within the United States, includes:

(1) Any person, wheresoever located, who is a resident of the United States; (Domicile)
(2) Any person actually within the United States; (District of Columbia)

515.308 Person.

The term person means an individual, partnership, association, corporation, or other organization.

1 U.S. Code § 1 - Words denoting number, gender, and so forth.

In determining the meaning of any Act of Congress, unless the context indicates otherwise—

the words “person” and “whoever” include corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals;

See also canon of statutory construction *Eiusdem Generis* to wit: “Of the same kind, class or nature. In the construction of laws, wills, and other instruments, the “*eiusdem generis* rule” is that where general words follow an enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general

kind or class as those specifically mentioned. U.S. v. LaBrecque" Blacks Law Dictionary 6th ED.

Fourteenth Amendment, upon the subject of citizenship, declares only that:

"all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside." Here there is a limitation to persons born or naturalized in the United States which is not extended to persons born in any place "subject to their jurisdiction."

Congress created corporate citizenship to be subject to Federal Law through the 14th Amendment and uses the Birth Certificate to attach the natural, living person. The Birth Certificate is a compact between the fictitious person and the natural person to give up his sovereign rights to government authority in exchange for privileges and immunities, same as the 13 Colonies did to create the original 13 States.

All "Crimes" legislated by Congress that act against these so called citizens are commercial crimes against and thus can only be levied against artificial entity created by Congress without harm to the natural person.

27 CFR 72.11 - Meaning of terms.

Commercial crimes. Any of the following types of crimes (Federal or State): Offenses against the revenue laws; burglary; counterfeiting; forgery; kidnapping; larceny; robbery; illegal sale or possession of deadly weapons; prostitution (including soliciting, procuring, pandering, white slaving, keeping house of ill fame, and like offenses); extortion; swindling and confidence games; and attempting to commit, conspiring to commit, or compounding any of the foregoing crimes. Addiction to narcotic drugs and use of marihuana will be treated as if such were commercial crime.

A citizen of the United States is a corporate citizen, with corporate status, created by the corporation called United States, and is acting as their agent for the purpose of collecting revenue. This citizen has only privileges and immunities under the 14th Amendment. A natural person has inalienable rights, secured by the Constitution. A person with corporate status would have privileges and immunities given by the Constitution.

Merriam-Webster's Dictionary of Law

Revenue law n: a law relating to the imposition or collection of taxes to defray the expenses of government.

Bouvier's law dictionary

REVENUE. The income of the government arising from taxation, duties, and the like; and, according to some correct lawyers, under the idea of revenue is also included the proceeds of the sale of stocks, lands, and other property owned by the government. Story, Const. §877. Vide Money Bills. By revenue is also understood the income of private individuals and corporations

Persons are not the subjects of commerce, and not being imported goods, they do not fall within the meaning founded upon the Constitution, of a power given to Congress, to regulate commerce, and the prohibition of the States for imposing a duty on imported goods. *Ibid.*; *Gibbons v. Ogden*, 9 Wheat. 1; 5 Cond. Rep. 562." U.S. Constitution,

This was prior to the passage of the 14th Amendment and the creation of U.S. (federal) Citizens, which are fictitious persons - commercial vessels (vassals).

Under the Constitution of the United States, the power of naturalization is exclusively in Congress. *Chirac v. Chirac*, 2 Wheat. 259; 4 Cond. Rep. 111; *Houston v. Moore*, 5 Wheat. 1; 4 Cond. Rep. 559.

"In the United States, Sovereignty resides in the people who act through the Organ established by the Constitution." *Chrisholm v Georgia*, 1 Led 440, at 44

"In our country the people are sovereign...and the government cannot sever its relationship to the people" *Afroyim v Rusk*, 18 Led2nd 751

"In common usage, the term person does not include the Sovereign, and statutes employing it will not ordinarily be construed to do so." *U.S. v United Mine Workers*, 330 US 258 (1947). "Congress made express provision, Rev Stat., 1 USC 1, 2 FCR Title 1, Sect. 1, for the term to extend to partnerships and corporations." *Hale v. Henkel*, 50 Led 652

The term "persons" as referred to in the Constitution are natural people with "God given rights" as apposed to "persons" created by Congress under the 14th Amendment.

By that rational, people are the true sovereigns and are only ruled by their consent. The Colonists gave consent to their respective States for governance. Then through the States (elected officials), gave consent to a union of States (States united or United States). They were the only "citizens" contemplated by the organic Constitution as that Constitution was brought into existence and ratified by those citizens. (Organic Constitution).

These "Juristic Persons" are given "Civil Rights and Privileges" under corporate Bylaws.

18 U.S. Code § 9 - Vessel of the United States defined

The term "vessel of the United States", as used in this title, means a vessel belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof.

VASSAL, feudal law. This was the name given to the holder of a fief, bound to perform feudal service; this word was then always correlative to that of lord, entitled to such service. 2. The vassal himself might be lord of some other vassal. 3. In aftertimes, this word was used to signify a species of slave who owed servitude, and was in a state of dependency on a superior lord. 2 Bl. Com. 53; Merl. Repert. h.t.

"The Congress as the instrumentality of sovereignty is endowed with certain powers to be exerted on behalf of the people in the manner and with the effect the Constitution ordains."

In other words, Congress has exclusive legislative jurisdiction over citizens of Washington District of Columbia and through their plenary power nationally covers those citizens even when in one of the several states as though the district expands for the purpose of regulating its citizens wherever they go throughout the states in union.

Since the United States is located in the District of Columbia, United States Citizens are first located in the District of Columbia (U.S.) and are regulated "throughout the states of the union."

"...A criminal action is a prosecution in a court of justice in the name of the government, against one or more individuals accused of a crime. See 1 Chitty's Cr. Law." Id Action – Bouvier's Law Dictionary.

To bring an act thus within the cognizance of the criminal law, it must be a wrong done in which the public as a community are interested, by reason of its being a breach or violation of some public right or duty...the body politic, through its representative, the government, is the actor or plaintiff; (the Government is the Real Party In Interest).

Federal Rules of Civil Procedure, Rule 17. Plaintiff and Defendant; Capacity;

Public Officers

(a) REAL PARTY IN INTEREST.

(1) Designation in General. An action must be prosecuted in the name of the real party in interest.

(2) Action in the Name of the United States for Another's Use or Benefit. When a federal statute so provides, an action for another's use or benefit must be brought in the name of the United States. (The Public or Government Policies)

Penal action refers to a criminal prosecution. Penal action also refers to a civil proceeding in which either the state or a common informer sues to recover a penalty from a defendant who violated the statute. A penal action resembles a criminal proceeding because a successful action results in a monetary penalty which is intended to punish the defendant. A penal action is brought for the recovery of a penalty or a statutory fine; and

it might be brought either by the Attorney-General on behalf of the state, or by a common informer on his own account.

The penal code is a formal set of laws or codes established by a governing authority in a particular region, state, or jurisdiction. The penal code is a comprehensive list of crimes, their coordinating definitions, and the applicable punishments attached.

1 USC 204

In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States-

(a) United States Code.-The matter set forth in the edition of the Code of Laws of the United States current at any time shall, together with the then current supplement, if any, establish prima facie the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included: Provided, however, That whenever titles of such Code shall have been enacted into positive law the text thereof shall be legal evidence of the laws therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States. (Publication as notice to public – ignorance of the law is no excuse. contact law – implicit consent.)

Bouvier's Law Dictionary 1856 Edition

PRIMA FACIE. The first blush; the first view or appearance of the business; as, the holder of a bill of exchange, indorsed in blank, is prima facie its owner.

2. "Prima facie evidence of a fact", is in law sufficient to establish the fact, unless rebutted. 6 Pet. R. 622, 632; 14 Pet. R. 334. See, generally, 7 J. J. Marsh, 425; 3 N. H. Rep. 484; 3 Stew. & Port. 267; 5 Rand. 701; 1 Pick. 332; 1 South. 77; 1 Yeates, 347; Gilp. 147; 2 N. & McCord, 320; 1 Miss. 334; 11 Conn. 95; 2 Root, 286; 16 John. 66, 136; 1 Bailey, 174; 2 A. K. Marsh. 244.

prima facie - "at first sight," on the face of it, on first consideration. Something presumed or inferred to be true, unless proven otherwise. The standard of evidence applied at U.S. extradition hearings.

Creation of citizenship gives U.S. Citizens rights and duties (privileges and immunities) under the sole discretion of the legislative body as granted by the Constitution, residing in the several states.

. No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any States deprive any person

of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

"...on which the right depends". God given – natural – unalienable rights does not "depend" on any government Constitution or Legislation.

"...the doctrine is not confined to powers that are sovereign in the full sense of juridical theory, but naturally is extended to those that, in actual administration, originate and change at their will the law of contract and property, from which persons within the jurisdiction derive their rights. A suit presupposes that the defendants are subject to the law invoked. Of course, it cannot be maintained unless they are so... because [for U.S. Citizens] the body of private (and public) rights [are] created and controlled by Congress."

Amendment 14 grants federal political and civil rights and obligations through congressional legislation which makes the United States sovereign over its citizens. This is not so with persons not giving allegiance to the United States or any of the Several States – U.S. or State Citizenship.

FRANCHISE. This word has several significations: 1. It is a right reserved to the people by the constitution; hence we say, the elective franchise, to designate the right of the people to elect their officers. 2. It is a certain privilege, conferred by grant from the government, and Vested in individuals.

2. Corporations, or bodies politic, are the most usual franchises known to our law. They have been classed among incorporeal hereditaments, perhaps improperly, as they have no inheritable quality. (hereditament any item of property, an incorporeal hereditament (such as a rent or a right of way)).

3. In England, franchises are very numerous; they, are said to be royal privileges in the hands of a subject. Vide 3 Kent, Com. 366; 2 Bouv. Inst. n. 1686; Cruise, ' Dig. tit. 27; 2 Bl. Com. 37; 15 Serg. & Rawle, 130; Finch, 164.

TO ENFRANCHISE. To make free to incorporate a man in a society or body politic.

Cunn. L. D. h. t. Vide Disfranchise

DISFRANCHISEMENT. The act of depriving a member of a corporation of his right as such, by expulsion. 1 Bouv. Inst. n. 192.

Judicial notice of Commonly Known Facts:

1. Yueseyuan Cruel is not a Citizen of any State or of the United States, or any political subdivision thereof;
2. Yueseyuan Cruel is not "Black", "Negro", "African-American" or any other derivative or the like meanings;
3. Yueseyuan Cruel is not an "Indian ", as the term is also a misnomer of "Indigenous" misplace by Christopher Columbus, and considered a "ward" of the U.S.;

4. Yueseyuan Cruel is Not a “Native” or “National” as the terms are incorporated into “Citizen”.
5. Yueseyuan Cruel is Not an “Individual” as the term is defined as “Citizen”.
6. Yueseyuan Cruel is Not a “Judicial Person”
7. Yueseyuan Cruel is NOT an Enemy of the United States, nor any of the several States of the Union.
8. Yueseyuan Cruel is an “Alien” and a “Foreign State” as to the United States.
9. Yueseyuan Cruel is not a party to the U.S. Constitution Compact (Contract of Allegiance and subordination).
10. Yueseyuan Cruel is an Indigenous Aboriginal and enjoys Autonomous Autochthon by Inheritance, Jus Sanguinis, as recognized by long-standing Treaties with the United States and the United Nations.

Yueseyuan Cruel is NOT to be confused or regarded as being a descendent of enslaved “Africans”, brought to the Americas in chains. Yueseyuan Cruel, Natural Person, In Propria Persona Sui Juris, declares that he is an Aboriginal Indigenous Man; possessing Freehold by Inheritance, by blood; standing Squarely Affirmed, aligned and bound to the Laws of Nature, with all due respect and honors given to the Constitution for the United States Republic, North America; Being a descendant of Aboriginals who originally settled here and were not incorporated, nor intended to be incorporated, into this body politic.

Webster's 1828 English Dictionary defines “American” as: AMER'ICAN, a. Pertaining to America. AMER'ICAN, n. A native of America; originally applied to the aborigines, or copper-colored races, found here by the Europeans; but now applied to the descendants of Europeans born in America.

All natives are not citizens of the United States; the descendants of the aborigines, and those of African origin, are not entitled to the rights of citizens. Anterior to the adoption of the constitution of the United States, each state had the right to make citizens of such persons as it pleased. That constitution does not authorize any but white persons to become citizens of the United States; and it must therefore be presumed that no one is a citizen who is not white. 1 Litt. R. 334; 10 Conn. R. 340; 1 Meigs, R. 331.

Natives who are not citizens are, first, the children of ambassadors, or other foreign ministers, who, although born here, are subjects or citizens of the government of their respective fathers. Secondly, Indians, in general, are not citizens. Thirdly, negroes, or descendants of the African race, in general, have no power to vote, and are not eligible to office.

The original United States Constitution only recognized the colonists who became citizens of the new sovereign states.

United States Constitution Article I, Section 2

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free (white) Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. Signed in convention September 17, 1787. Ratified June 21, 1788. A portion of Article I, Section 2, was changed by the 14th Amendment.

Act to establish an uniform Rule of Naturalization.(a) March 26, 1790.

SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, who shall have resided within the limits and Alien white under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof, on application to any common law court of record, in any one of the states wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such court, that he is a person of good character, and taking the oath or affirmation prescribed by law, to support the constitution of the United States, which oath or affirmation such court shall administer...

ALIEN, persons. One born out of the jurisdiction of the United States, who has not since been naturalized under their constitution and laws. To this there are some exceptions, as this children of the ministers of the United States in foreign courts. See Citizen, Inhabitant.

Yueseyuan Cruel, therefore, was not considered in or at the drafting of the U.S. Constitution. Yueseyuan Cruel is a free inhabitant of the Continent of North America.

The only reason, I believe, why a free man is bound by human laws, it that he binds himself. Upon the same principles, upon which he becomes bound by the laws, he becomes amenable to the Courts of Justice, which are formed and authorized by those laws.

Chrisolm, 2 U.S. 419, *457; 1 L. Ed. 440, **456; 1793 U.S. LEXIS 249, ***91; 2 Dall. 419 "...laws derived from the pure source of equality and justice must be founded on the CONSENT of those, whose obedience they require. The Sovereign, when traced to his source, must be found in the man."

In political philosophy, the phrase consent of the governed refers to the idea that a government's legitimacy and moral right to use state power is only justified and lawful when consented to by the people or society over which that political power is exercised.

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are, Life, Liberty, and the pursuit of Happiness. —That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed..." Declaration of Independence.

Article 21 of the United Nation's 1948 Universal Declaration of Human Rights states that "The will of the people shall be the basis of the authority of government".

Neither U.S. nor State Citizenship is mandated. Citizenship is an agreement of the parties by "consent" to the governance by one and the submission of the other. The Certificate of Birth is the "implied consent" given without adequate notice of right to refuse. At the age of minority, children have these decisions made by proxy. Birth on the Continent of North America does not in itself create citizenship.

All contracts must be knowing and voluntary to be binding. Fraud and deceit nullifies such contracts from its inception. Yueseyuan Cruel rejects any such assumption of citizenship and/or allegiance to the United States or any of the several States of the Union, from the beginning until now. Contracts entered into under the age of majority are void and without legal standing. After reaching the age of majority, allegiance is assumed "prima facie" unless declared otherwise.

Yueseyuan Cruel asserts that he is a man, and no other man is his superior. Natural rights are bestowed by birth, not granted by any man. The 14th Amendment grants privileges upon allegiance and admission into the body politic. "All persons born or naturalized into the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside," (See also Title 8 USC 1101 sections(3),(13), (14), (15)(C), (20), (21), (22), and (23))

The contract here is assumed to be "Allegiance" to the United States via the "Birth Certificate" as an "implied agreement of U.S. Citizenship. As stated above, it dose NOT and Yueseyuan Cruel denies any such assumption.

Alexander v. Bothsworth, 1915. "Party cannot be bound by contract that he has not made or authorized. Free consent is an indispensable element in making valid contracts."

ALLEGIANCE. The tie which binds the citizen to the government, in return for the protection which the government affords him.

2. It is natural, acquired, or local. Natural allegiance is such as is due from all men born within the United States; acquired allegiance is that which is due by a naturalized citizen. It has never been decided whether a citizen can, by expatriation, divest himself absolutely of that character. **2 Cranch, 64; 1 Peters' C. C. Rep. 159; 7 Wheat. R. 283; 9 Mass. R. 461. Infants cannot assume allegiance, (4 Bin. 49) although they enlist in the army of the United States. 5 Bin. 429.**

Rights might with propriety be also divided into natural and civil rights but as all the rights which man has received from nature have been modified and acquired anew from the civil law, it is more proper, when considering their object, to divide them into political and civil rights.

Political rights consist in the power to participate, directly or indirectly, in the establishment or management of government. These political rights are fixed by the constitution. Every citizen

"IN CONGRESS, JULY 4, 1776

The unanimous Declaration of the thirteen united States of America

When in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

I, therefore, re-submit the following Affidavit to be accepted as facts:

Affidavit

I, Yueseyuan Cruel, being of sound mind. My yeas being yea, and my nays being nay, holds these truths to be known to all.

1. The United States is a body corporate and fictitious person created for the minds of men as an agreement between other fictitious persons (member States) for their governance.
2. The United States Constitution does not operate against the Natural person, but only directs the States and grants them rights and privileges.
3. Congress Legislates only for the District of Columbia and United States possessions.
4. Congress created corporate citizens to incorporate in the U.S. body politic by its authority to create corporations and the 14th Amendment.
5. The United States is located in The District of Columbia and under the 14th Amendment, all persons born in D.C. are U.S. Citizens for D.C. is not a State as contemplated by the U.S. Constitution. Persons born in the several States are born outside of the U.S. and are therefore Naturalized by the Certificate of Birth, a contract signed by the birth mother.
6. Congress acts outside the limits of the Constitution when legislating for U.S. Citizens because they are fictitious persons and not natural persons.
7. The Laws enacted by Congress, including but not limited to, Titles 18 and 42 does not apply to natural persons, only the fictitious citizens.
8. Natural persons are separated and apart from fictitious citizens.

The Courts bias and partial. Courts are creatures of the State and Judges are appointed by and paid by the State. The Attorney General and the Prosecutor's Office represent the State as a party where the State has an interest. The Public Defender's Office is also employed by the State and owes its first loyalty to the State.

See, Corpus Juris Secundum (CJS), Volume 7, Section 4, Attorney & client: The attorney's first duty is to the courts and the public, not to the client, and wherever the duties to his client conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the latter. Clients are also called "wards" of the court in regard to their relationship with their attorneys.

Corpus Juris Secundum assumes courts will operate in a lawful manner. If the accused makes this assumption, he may learn, to his detriment, through experience, that certain questions of law, including the question of personal jurisdiction, may never be raised and addressed, especially when the accused is represented by the bar.

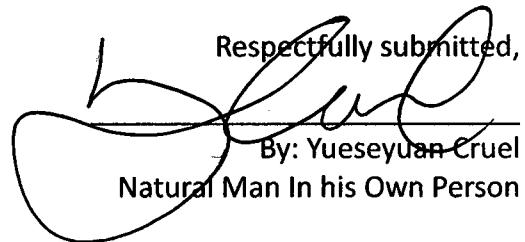
In commercial law, a principal is a person, legal or natural, who authorizes an agent to act to create one or more legal relationships with a third party. This branch of law is called agency and relies on the common law proposition *qui facit per alium, facit per se* (Latin "he who acts through another, acts personally"). It is a parallel concept to vicarious liability and strict liability (in which one person is held liable for the acts or omissions of another) in criminal law or torts.

The United States and all its agents are guilty of Personage - the crime of knowingly misrepresenting a living man as a legal fiction – some form of corporation, such as a trust, public utility, or foundation and Barratry – The crime of bringing false claims and charges based on Personage in order to use statutory law against a living man.

This Court must honor its oath to the Constitution and rule that Yueseyuan Cruel is not bound by and corporate ties to the United States or any State of the union and the acts of Congress and Legislators have no authority over him.

Relief Sought

Yueseyuan Cruel is to be seen and treated as a self-governing individual, outside of the authority and jurisdiction of the United States and the several states. All records of arrest and convictions be permanently erased.

Respectfully submitted,

By: Yueseyuan Cruel
Natural Man In his Own Person