

# **Penhallow v. Doane's Administrators and Cruden v Neale (US Cases)**

## **(1) Penhallow v. Doane's Administrators**

[Penhallow v. Doane's Administrators, 3 U.S. 54, 3 Dall. 54, 1 L. Ed. 507 \(1795\)](#) is often cited by OPCA adherents both in the United States and elsewhere in an attempt to substantiate the "[strawman](#)" narrative that governments cannot have jurisdiction over a natural person, only over a "[corporate entity](#)" allegedly created through their birth certificate. The passage that is relied on and attributed to the case, is the following:

*"Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them."*

[https://freemandelusion.com/wp-content/uploads/2021/03/penhallow-v.-doanes-administrators-3-u.s.-54-1-l.-ed.-507-3-dall.-54-1795-u.s.-lexis-329-e28093-courtlistener.com\\_.pdf](https://freemandelusion.com/wp-content/uploads/2021/03/penhallow-v.-doanes-administrators-3-u.s.-54-1-l.-ed.-507-3-dall.-54-1795-u.s.-lexis-329-e28093-courtlistener.com_.pdf)

Interestingly, this passage appears nowhere in the judgement, a point that was recognised in another US case [United States v. Heijnen, 375 F. Supp. 2d 1229, 1231 n.1 \(D.N.M. 2005\)](#).

*"Heijnen also submits that Penhallow v. Duoane's Administrators, 3 U.S. 54, 3 Dall. 54, 1 L. Ed. 507(1795), provides a more precise explanation and sets forth the following quotation:*

*Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginery, having neither actuality nor substance, is foreclosed from creating and affirming parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc, can concern itself with anything other than corporate artificial persons and the contacts between them.*

*The Court was unable to locate this quotation in Penhallow v. Doane's Administrators, 3 U.S. 54, 3 Dall. 54, 1 L. Ed. 507(1795), or in any other source."*

[https://freemandelusion.com/wp-content/uploads/2021/03/united-states-v.-heijnen-375-f.-supp.-2d-1229-e28093-courtlistener.com\\_.pdf](https://freemandelusion.com/wp-content/uploads/2021/03/united-states-v.-heijnen-375-f.-supp.-2d-1229-e28093-courtlistener.com_.pdf)

The contention itself was disposed of in a third US case, [United States v. Mooney, 2017 WL 2352002; 119 A.F.T.R.2d 2017-2052](#) citing the relevant authorities:

*"As already noted, the exact arguments raised by the Mooney Defendants, as well as, numerous variations of these arguments have correctly been repeatedly rejected by the Eighth Circuit as "meritless," "absurd," and "entirely frivolous." See, United States v. Watson, 1 F.3d 733, 734 (8th Cir. 1993) (finding defendant's assertion that he is a "free citizen of the State of Oklahoma" and not a United States citizen because he has never lived or worked in the District of Columbia or*

territories of the United States to be "meritless"); *United States v. Kruger*, 823 F.2d 587, 587-88 (8th Cir. 1991) (rejecting as "absurd" defendants' argument that the Thirteenth, Fourteenth, and Fifteenth Amendments of the United States Constitution unlawfully bestow citizenship upon "non-white races and other 'artificial statutory person'"); *United States v. Schmitt*, 784 F.2d 880, 882 (8th Cir. 1986) (finding appellants' arguments that the district court lacked personal jurisdiction over them because they are "Natural Freeman" to be "entirely frivolous"); *United States v. Sileven*, 985 F.2d 962, 970 (8th Cir. 1993) (finding similar arguments that defendant was not a federal citizen "plainly frivolous" and noting that further discussion was unnecessary); *United States v. Gerads*, 999 F.2d 1255, 1256 (8th Cir. 1993) (rejecting as "meritless" and "frivolous" appellants' assertions that they were not citizens of the United States, but instead "Free Citizens of the Republic of Minnesota" and that the district court had failed to establish "inland jurisdiction"); see, also, *United States v. Garcia*, No. 17-1012, 2017 WL 1521786, at \*1 (8th Cir. Apr. 28, 2017) (rejecting defendant's challenge to the Court's jurisdiction based on his assertion that he is a "private, sovereign, flesh and blood man" and concluding that the challenge lacked merit); *United States v. Benabe*, 654 F.3d 753, 767 (7th Cir. 2011) ("Regardless of an individual's claimed status of descent, be it as a 'sovereign citizen,' a 'secured-party creditor,' or a 'flesh-and-blood human being' that person is not beyond the jurisdiction of the courts. These theories should be rejected summarily, however they are presented."); *United States v. James*, 328 F.3d 953, 954 (7th Cir. 2003) ("Laws of the United States apply to all person within its borders."); *Schwagerl v. Fed. Nat'l Mortg. Ass'n*, No. 11-cv-3578 (DWF/JJK), 2012 WL 2060636, at \*4 (D. Minn. Apr. 11, 2012) (finding plaintiffs' argument "that the capitalized versions of their names are separate legal entities from themselves" is without basis or merit); *United States v. Beale*, No. 10-cv-4933 (ADM), 2011 WL 1302907, at \*4 (D. Minn. Apr. 6, 2011) (rejecting similar arguments); *United States v. Foster*, No. 97-cr-7103 (JMR/RLE), 1997 WL 685371, at \*7 (D. Minn. May 27, 1997) (finding defendants' assertion that they were citizens of the "Sovereign Republic County Minnesota State," and that the "United States consists of ten square miles, a/k/a District of Columbia" to be "patently frivolous under the settled law of this Circuit"); *United States v. Alexio*, No. 13-cv-1017 (JMS), 2015 WL 4069160, at \*4 (D. Haw. July 2, 2015); *Santiago v. Century 21/PHH Mortg.*, No. 1:12-cv-2792 (KOB), 2013 WL 1281776, at \*5 (N.D. Ala. Mar. 27, 2013) (citing cases rejecting similar arguments); *Paul v. New York*, No. 13-cv-5047 (SJF/AKT), 2013 WL 5973138, at \*3 (E.D.N.Y. Nov. 5, 2013) ("The conspiracy and legal revisionist theories of 'sovereign citizens' are not established in law in this court or anywhere in this country's valid legal system."); *Rice v. Maryland*, No. 9-cv-1947 (RWT), 2010 WL 2773575, at \*3 n. 2 (D. Md. July 13, 2010) ("Such a ['flesh and blood' sovereign] defense has been repeatedly rejected and has been viewed by [the Fourth Circuit] as a 'self-defeating legal strategy.'" (citing *United States v. Jenkins*, 311 Fed. App'x 655, 656 (4th Cir. 2009))."

<https://freemandelusion.com/wp-content/uploads/2021/03/united-states-v.-mooney.pdf>

The contention and the passage falsely attributed to *Penhallow v. Doane's Administrators*, 3 U.S. 54, 3 Dall. 54, 1 L. Ed. 507 (1795) has also been raised and rejected here in Australian courts, a good example is found in [Deputy Commissioner Of Taxation v Cutts \(No.4\) \[2019\] FCCA 2866](#) (From 96):

"The second case referred to by Mr Cutts was a judgment in the Supreme Court of the United States: *Penhallow v Doane's Administrators*(1795) 3 U.S. 54; (1795) 1 L. Ed. 507; (1795) 3 Dall. 54 ("Penhallow"), to which judgment was attributed the following specific quote:

*"Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them."*

*The specific quote attributed to Penhallow does not appear in the text of the judgment in Penhallow at any point: a fact confirmed in United States v. Heijnen, 375 F. Supp. 2d 1229, 1231 n.1 (D.N.M. 2005) and United States v. Mooney, 2017 WL 2352002; 119 A.F.T.R.2d 2017-2052..."*

<https://freemandelusion.com/wp-content/uploads/2020/06/deputy-commissioner-of-taxation-v-cutts-no.4-2019-fcca-2866.pdf>

## **(2) Cruden v Neale**

[\*Cruden v Neale 2 N.C. 338 \(N.C. Super. 1796\)\*](#) is also consistently relied on by OPCA adherents in an attempt to substantiate this premise. The following quote from the case is repeated:

*"There, every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowmen without his consent."*

As is often the case when adherents go quote mining, the fact that this cherry-picked passage is merely part of the submissions by the plaintiffs lawyer and does not form part of the judgment, completely escapes them.

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The plaintiff's attorney was not even trying to argue that a citizen of North Carolina would not be bound by laws of that state for which he refused to provide consent. The plaintiff was instead arguing that because he had been a British subject and had remained a British subject at the time of the American Revolution, he never become a citizen the United States of America. He was arguing that as a British subject, he had the right (as did every other British subject after the hostilities between the United States and Great Britain ended) to receive payment for a debt owed to him. (That right had been suspended while the war was going on, but the war was over.)

The Court itself concluded as follows:

First, assuming that the plaintiff was wrong, and that the plaintiff had been a citizen of the United States who had "attached himself to the enemy" (Great Britain) during the Revolutionary War, any legal disability with which he had previously been burdened with respect to recovering a debt was removed by the effect of certain statutes cited by the Court.

Second, assuming that the plaintiff was right, and that the plaintiff had never become a citizen of the United States (i.e., that he had remained a British subject), his legal disability (previously preventing him from maintaining a suit to recover the debt) was removed by article 4 of a treaty cited by the Court.

The Court thus concluded that either way, the plaintiff was entitled to maintain the lawsuit.

Nowhere did either the plaintiff's attorney or the Court itself assert that a citizen of North Carolina would not be bound by laws of North Carolina to which that citizen did not give consent.



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