

DE FACTO -v- DE JURE

DE FACTO -v- DE JURE "An officer, king, or government *de facto* is one who is in actual possession of the office or supreme power, but by usurpation, or without lawful title; while an officer, king, or governor *de jure* is one who has just claim and rightful title to the office or power, but has never had plenary possession of it, or is not in actual possession." - 4 Bl.Comm. 77, 78. MacLeod v. United States, 229 U.S. 416, 33 S.Ct. 955, 57 L.Ed. 1260; Wheatley v. Consolidated Lumber Co., 167 Cal. 441, 139 P. 1057, 1059.

The United States Supreme Court said that when a court *de-jure* exists that it supersedes the *de-facto* court's decisions.

"While acts of a de facto incumbent of an office lawfully created by law and existing are often held to be binding from reasons of public policy, the acts of a person assuming to fill and perform the duties of an office which does not exist de jure can have no validity whatever in law. An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is in legal contemplation as inoperative as though it had never been passed." - Norton v. Shelby County, 118 U.S. 425 (1886)

MISCONCEPTION TAUGHT ON QUESTIONABLE WEB-SITES - "a *de-jure* grand jury can't tell a corporate *de-facto* employee what to do because of prior superseding agreements. [**Under fraud**] The *de-facto* are not obeying their own corporate supreme court rulings (their sandbox) but the *de-jure* grand juries are being naïve to think that they can go tell a corporation on how to run its operations when all the employees, U.S. citizens, have pre-consented and released them from any ruling that they are giving the citizen. The citizen must first change his status to be a Citizen (state of the Union) and they all the *de-jure* grand jury members must also be state of the Union Citizens, and then you can commence without any prior written (adhesion) contracts in place that supersede the Constitution. It's called subject matter jurisdiction. Take that away from the court and they have a big problem.

PROBLEM: First of all no such contact can exist because rights are inalienable. Blacks 4th **UNALIENABLE** Inalienable; incapable of being aliened, that is, sold and transferred. This was clearly stated as a self evident truth in the Declaration of Independence where we read: "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." And, acknowledged again in the preamble which "decreed" that the purpose of government was to secure "the blessings of liberty to ourselves and our posterity." Second because the essence of the so called contract was hidden it becomes a fraud and unenforceable.

Furthermore, if the *de-facto* courts are not honorable to obey their own statutes during the course of their own court rulings are we that naïve to think that if we "statutorily" change our status, "which is a creation of their statutes," that they will then somehow become honorable, obey their own statutes, humbly deny themselves and return power to the People? And, doesn't such an action place us under the very jurisdiction we are trying to escape by complying to their fiction? If you argue jurisdiction in their court you submit to their jurisdiction and you lose. Likewise if you follow a statutory prescription designed, by them, to give you status in their court so that you can argue jurisdiction in their court you submit to their jurisdiction and you lose.

SOLUTION: The court houses, that these black robe tyrants use to perform their dark deeds as they open equity courts under the rules of chancery, were constructed by the authority of the People as Article III courts and still are and can be opened by the People thru Affidavit, Presentment, Indictment or Writ. Conspirators in all three branches covertly established a *de-facto* government. The only way that the People can reinstate the *de-jure* government is to educate and unify the United States Common Law Grand Juries, open courts of record in all

ninety-four judicial district courts, expose the lawlessness by way of Writs as we educate the oath-takers and when we have enough People behind the movement; the tyrants that refuse to let the People go will collapse under the stress of exposure. We are conceivably months from that event maybe less, everything is in place as we continue filing un-rebutted Writs and the People continue assembling and when we amass enough People armed with justice (*herein our one million signature campaign*) the necessary landslide will, by the Grace of God prevail and their visions of dark cites throughout America will give way to light.

CONCLUSION: Judges in courts' of equity have a legal duty¹ to satisfy the confidence of the People and when said court in conjunction with other officers of the court take advantage of the People by omitting and concealing, it becomes fraud² on the court under color of law³. "*Bad faith and fraud are synonymous, and also synonyms of dishonesty, infidelity, faithlessness, perfidy [deceit], unfairness, etc.*" ... "*Constructive fraud consists in any act of commission or omission contrary to legal or equitable duty, trust, or confidence justly reposed (confided in), which is contrary to good conscience and operates to the injury of another*"⁵. Such is the ill nature of our equity courts that have been seized by tyrants; "*a false statement as to material fact, made with intent that another rely thereon, which is believed by the other party and on which he relies and by which he is induced to act and does act to his injury, and statements are fraudulent if the speaker knows the statement to be false or if it is made with utter disregard of its truth or falsity*"⁶."

Therefore an oath to protect and uphold; such as **Article IV Section 4** whereas "*the United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion;*" "*without the intent to perform constitutes "fraudulent representation," which generally affords ground for rescission*"⁷. And all the officers in these courts of equity, by their actions, have no intentions on honoring their oaths as they unlawfully cling to their misplaced power and the Judgment of their traitorous actions draws nigh.

RESCISSION IS THE PROPER RESOLVE BY QUO WARRANTO FOR FRAUD, DECEIT AND SILENCE WHEN THERE WAS A DUTY TO SPEAK

"*Rescission*⁸ is where an act, valid in appearance, nevertheless conceals a defect, which may make it null, if demanded by any of the parties; as, for example, fraud and deceit. Nullity relates generally to public order, and cannot therefore be made good either by ratification or prescription; so that the tribunals (People through Juries) ought, for this reason alone, to decide that the null act can have no effect, without stopping to inquire whether the parties to it have or have not received any injury. Rescission, on the contrary, may be made good by the silence of the parties;" - Sunol v. Hepburn, 1 Cal. 281, citing Escriche.

¹ Article VI. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

² Fraud, in the sense of a court of equity, properly includes all acts, omissions, and concealments which involve a breach of legal or equitable duty, trust, or confidence justly reposed (confided in), and are injurious to another, or by which an undue and unconscientious advantage is taken of another. 1 Story, Eq.Jur. § 187; Howard v. West Jersey & S. S. R. Co., 102 N.J.Eq. 517, 141 A. 755, 757.

³ COLOR OF LAW. [Black's Law 4th edition, 1891] -- The appearance or semblance, without the substance, of legal right. [State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148] Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under "color of state law." (Atkins v. Lanning, 415 F. Supp. 186, 188)

⁴ Joiner v. Joiner, Tex.Civ.App., 87 S.W. 2d 903, 914, 915.

⁵ 1 Story, Eq.Jur. §258. Code Ga.1882, §3173 (Civ.Code 1910, §4622) ; People v. Kelly, 35 Barb., N.Y., 457; Jackson v. Jackson, 47 Ga. 99;

⁶ Osborne v. Simmons, Mo.App., 23 S.W.2d 1102, 1104

⁷ Mitchell v. Mitchell, 206 N.C. 546, 174 S.E. 447, 448.

⁸ RESCISSION OF CONTRACT. Annulling or abrogation or unmaking of contract and the placing of the parties to it in status quo. Sessions v. Meadows, 13 Cal.App.2d 748, 57 P.2d 548, 549. Runde v. O'Brian, 214 Iowa 921, 243 N.W. 594, 595.