

*Homo vocabulum est naturae; persona juris civilis.* Man (homo) is a term of nature; person (persona) of civil law. Calvin (from Black's Law Dictionary, Second Edition (1910), page 577.)

*Homo vocabulum est naturae; persona juris civilis*-Man is a term of nature; person of civil law. Bouvier's Law Dictionary (1914), "Maxim," p. 2136.

American Law and Procedure, Vol. 13, page 137, 1910:

"This word 'person' and its scope and bearing in the law, involving, as it does, legal fictions and also apparently [IN APPEARANCE ONLY] natural beings, it is difficult to understand; but it is absolutely necessary to grasp, at whatever cost, a true and proper understanding to the word in all the phases of its proper use. A person is here not a physical or individual person, but the status or condition with which he is invested. Not an individual or physical person, but the status, condition or character borne by physical persons. The law of persons is the law of status or condition."

Black's Law Dictionary definition of "person"

...Scope and delineation of term is necessary for determining those to whom Fourteenth Amendment of Constitution affords protection since this Amendment expressly applies to "person."

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## CHAPTER 311. CODE CONSTRUCTION ACT (TEXAS)

§ 311.005. GENERAL DEFINITIONS. The following definitions apply unless the statute or context in which the word or phrase is used requires a different definition:

(2) "**Person**" includes corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity. [Ed. Note: Reader advised to discover legal meaning of "includes".]

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## United States Code

### TITLE 15 - COMMERCE AND TRADE

#### CHAPTER 1 - MONOPOLIES AND COMBINATIONS IN RESTRAINT OF TRADE

##### § 7. "**Person**" or "**persons**" defined

The word "person", or "persons", wherever used in sections 1 to 7 of this title shall be deemed to include **corporations and associations** existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country. (Emphasis added.)

## United States Code

### TITLE 15 - COMMERCE AND TRADE

#### CHAPTER 1 - MONOPOLIES AND COMBINATIONS IN RESTRAINT OF TRADE

##### § 12. Definitions; short title

(a) The word "**person**" or "**persons**" wherever used in this Act shall be deemed to include **corporations and associations** existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country. (Emphasis added.)

[Ed. Note: Reader advised to discover legal meaning of "shall" and "include". Reader is asked, Do you see the word "man" or "woman" in these code items? Perhaps they are not "included" or "applicable"?]

## Texas Code of Criminal Procedure

### CHAPTER 17A. CORPORATIONS AND ASSOCIATIONS

#### Art. 17A.01. APPLICATION AND DEFINITIONS.

(a) This chapter sets out some of the procedural rules applicable to the criminal responsibility of corporations and associations. Where not in conflict with this chapter, the other chapters of this code apply to corporations and associations.

(b) In this code, unless the context requires a different definition:

(1) **"Agent" means a director, officer, employee, or other person authorized to act in behalf of a corporation or association.**

(2) "Association" means a government or governmental subdivision or agency, trust, partnership, or two or more persons having a joint or common economic interest.

(3) "High managerial agent" means:

(A) an officer of a corporation or association;

(B) a partner in a partnership; or

(C) an agent of a corporation or association who has duties of such responsibility that his conduct may reasonably be assumed to represent the policy of the corporation or association.

(4) **"Person," "he," and "him" include corporation and association.**

Added by Acts 1973, 63rd Leg., p. 979, ch. 399, Sec. 2(D), eff. Jan. 1, 1974. (Emphasis added.)

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#### Art. 17A.02. ALLEGATION OF NAME.

(a) **In alleging the name of a defendant corporation, it is sufficient to state in the complaint, indictment, or information the corporate name, or to state any name or designation by which the corporation is known or may be identified. It is not necessary to allege that the defendant was lawfully incorporated.** (Emphasis added.)

(b) In alleging the name of a defendant association it is sufficient to state in the complaint, indictment, or information the association's name, or to state any name or designation by which the association is known or may be identified, or to state the name or names of one or more members of the association, referring to the unnamed members as "others." It is not necessary to allege the legal form of the association.

Added by Acts 1973, 63rd Leg., p. 979, ch. 399, Sec. 2(D), eff. Jan. 1, 1974.

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The Texas Penal Code clearly is law to be administered and enforced against a person(s) i.e. Texas Government Code section 311.005(2); CCP Art 17A.01(4). However, the Penal Code fails to include the term "Sovereign." Numerous courts have held that statutes must be specific and that for a Sovereign to be bound by statute, the Sovereign must be specifically named. And without a doubt a *sui juris* man / woman is a Sovereign. [Ed. Note: Reader is advised to get to know *sui juris*.]

By way of example, the Michigan Supreme Court and the United States Supreme Court concurred and made it perfectly clear that the term "person" does not include the "Sovereign" and that for a Sovereign to be bound by statute the Sovereign must be "specifically named." *Will v. Michigan state Police*, 105 L. Ed. 2nd 45 (1938) **"Since in common usage, the term "person" does not include the Sovereign. Statutes employing the phrase are ordinarily construed to exclude it."** *United States v. Fox*, 94 US 315.

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#### **Texas Rules of Civil Procedure - RULE 52. ALLEGING A CORPORATION**

An allegation that a corporation is incorporated shall be taken as true, unless denied by the affidavit of the adverse party, his agent or attorney, whether such corporation is a public or private corporation and however created.