

**IN THE 7TH JUDICIAL CIRCUIT COURT OF MISSOURI
COUNTY OF CLAY - DIVISION 2**

William Duff,) CASE NO. 07CY-CV06125
Plaintiff,)
) ACTION
v.) FOR TRESPASS, AND
) TRESPASS ON THE CASE
OFFICER WILLIAM FRAZIER, (SERIAL 3092))
AND)
OFFICER ALAN ROTH (SERIAL # 4090)) VERIFIED
Defendants.	

JURISDICTIONAL STATEMENT – RESTATEMENT FROM THE ACTION

In comprehension of Division 2 clerk of the 7th Judicial Circuit of Missouri’s opinion that William Duff is, and has been from the moment he entered the Clay County Circuit, a *belligerent* and recognizing the potential for that sentiment to be pervasive among the officers and employees of said Circuit, William Duff finds it necessary to more carefully describe his action and authority arising therefrom as well as the authority of all the actors therein that the officers and employees of that Circuit better understand and comply. William Duff (duff) again decrees as follows:

- 1) Duff claims sole dominion and jurisdiction¹ over the subject matter in this action and his private domain; that being his Life, Liberty and property as secured by the controlling constitutions², and;
- 2) Duff claims that his Dominion over his right of action was trespassed with violence and his property taken without his act that injured another and without due process of law, and;
- 3) Duffs injuries occurred within the geographical boundaries of Clay County Missouri, and;
- 4) Duff seeks remedy in a court of record³ proceeding according to the course of the common law⁴, and;

¹ Dominion and Jurisdiction herein is interchangeable with the concept of Sovereignty.

² Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them. [Miranda v. Arizona, 384 US 436, 491.]

³ A "court of record" is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial. Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

⁴ In determining the status of the common law on the issue before us, we follow the general principle that unless a statute clearly abrogates the common law either expressly or by necessary

- 5) The common law is fully capable of providing the remedy sought by duff in this action, and;
- 6) Duff claims sole jurisdiction over the subject matter attending this action in that the injury duff sustained occurred within his private domain and is directly bonded to his Right or Reason and is therefore subject to duffs Dominion thereof, and;
- 7) Duff grants this 7th judicial circuit of Missouri jurisdiction to hold said action in a court of record proceeding according to the course of the common law in which duff is seeking its judicial power be applied to the rulings, orders and judgments of the court for good cause shown, and;
- 8) Duffs authority to seek remedy through this common law proceedings:
 - a) CONFIRMATIO CARTARUM October 10, 1297, 25 Edw. i, c. i. Danby Pickering (ed.), Statutes at Large (Cambridge, 1726-1807), I, 273-75. Declares the Magna Carta to be the common law of England
 - b) In 1776, the framers of the Maryland Constitution adopted the common law as part of the law of this state. The provision in Article 5 of the Declaration of Rights that the inhabitants of Maryland are entitled to the common law of England referred to the mass of the common law as it existed in England on July 4, 1776. and as it prevailed in Maryland either practically or potentially, except such portions thereof as were inconsistent with the spirit of the Constitution and the nature of the new political institutions. Gladden v Slate, 273 Md 383, 330 A2d 176.
 - c) The common law, as it existed during the second year of the reign of King James II, was decreed by the people to be the law of the United States of America 1791 in the ninth amendment and adopted by the people of Missouri in its original Constitution as referenced by RSMo 1.010
 - d) MAGNA CARTA Article 34. Henceforth the writ which is called Praeceptum shall not be served on any one for any holding so as to cause a free man to lose his court.⁵
 - e) MAGNA CARTA Article 39. No freeman shall be taken, or imprisoned, or disseized, or outlawed, or exiled, or in any way harmed--nor will we go upon or send upon him--save by the lawful judgment of his peers or by the law of the land.
 , and;
- 9) Duff allocates his jurisdiction as follows;
 - a) Jurisdiction to hold the instant proceedings is allocated to the 7th Judicial Circuit of Missouri in division 2. by The honorable Anthony (REX) Gabbert as evidenced by duffs filing of this action.
 - b) Authority to extend or withhold the judicial power emanating from the people of Missouri is inherent in the 7th judicial circuit of Missouri but only upon just cause shown as described in writing and filed into the record of this case.

implication, the common law rule remains valid. N.E. & R. Partnership v. Stone, 745 S.W.2d 266, 267-68 (Mo. App. S.D. 1988).

⁵ "Praeceptum" = order to show cause against property. "Rights" are property. A free man (i.e. nobleman) has his own land and people (slaves). The king may not force a nobleman into the kings court in such a way that the nobleman would be deprived of his own court.

- c) No jurisdiction to decide jurisdiction is granted to the 7th Judicial Circuit of Missouri
 - d) Jurisdiction to hear and decide the facts and law of this case⁶ is allocated to the tribunal⁷ established in this case
 - e) All evidence shall be reduced to certified written transcript or affidavit and filed into the case file of this case
- 10) Authorities consistent with that of a Special Master are allocated to John Michael Oyer as defined by Federal Rules of Procedure.
- 11) The law of this case is decreed in Exhibit F attached to duffs original action hereon. Duff reserves the right to revise and extend said law of the case without limitation as circumstances demand.
- 12) With respect to the rulings, orders and decisions of this court, The Honorable Anthony Gabbert shall agree by signature thereon or disagree with written cause shown for same to be filed into the case file of this case. Upon agreement, whether implied or actual, the judicial power of Missouri shall be extended to said rulings, orders and decisions. In the event the Honorable Anthony Gabbert, after reasonable time period from filing with that Division, fails to agree or disagree or notice a need for additional time for consideration, the ruling, order or decision of the court shall be presumed agreed to by The Honorable Anthony Gabbert and the judicial power of the people of Missouri shall attach without further consideration.
- 13) No other enactments or decisions by any government department or agency shall be evidence of a fact related to this case except as the tribunal so consents.

IT IS SO DECREED

William Duff
Private attorney
www.williamduff.com

ccc; defendants

⁶ The very meaning of 'sovereignty' is that the decree of the sovereign makes law. [American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.]

⁷ A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]\