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Monday, April 07, 2008

CHIEF JUSTICE  
C/O Thomas F. Simon, Clerk  
Supreme Court of Missouri  
Post Office Box 150  
Jefferson City, MO 65102

Re: Duff v Saxon, et al  
CASE NO. 08CY-CV00142  
And  
Duff v Frazier, et al  
CASE NO. 07CY-CV06125

Dear Chief Justice,

I am a 61 year old Missourian, born and raised. I am having a problem with some of your judges in the 7<sup>th</sup> Judicial Circuit that I would like you to personally inquire into and correct. I have filed two cases in that circuit and am having the exact same problem with them. You will not be creating a conflict by addressing this issue due to the nature of the court of record<sup>1</sup> established, in that, the court of record decides the matter and there is no appeal from such a court<sup>2</sup>. The reason

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<sup>1</sup> 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.

<sup>2</sup> "The judgment of a court of record whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it." Ex parte Watkins, 3 Pet., at 202-203. [cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)]

I am writing you is that you have ministerial authority over all circuits and it is that ministerial assistance I need. Your judges are undermining the authority of the tribunal in each case and thereby obstructing justice. Based upon the allocation of subject matter jurisdiction in these cases your judges have no standing to issue orders or rulings as that function is the sole province of the tribunal. Ignoring that fact, your judges are issuing orders and judgments and generally undermining the authority of that tribunal and blocking justice. Further, these judges are applying rules and statutes that are foreign to the course of the common law and the law of the case and using discretion they have no standing to use. All these problems persist in the face of repeated notice of error. I am sure you have the ability to see all the documents filed in the case files so you should have no problem corroborating this information.

Both cases are filed as trespass upon my property<sup>3</sup> in a court of record proceeding according to the course of the common law. Both cases have similar subject matter, that being my exclusive right in my property<sup>4</sup> being trespassed by named and not yet named defendants. I initiated each case and the initial filing documents allocated jurisdiction to hold the case to the 7<sup>th</sup> Judicial Circuit Court and the subject matter jurisdiction was allocated to the tribunal (made up of the sovereign and his suit). The law of the case was decreed by me<sup>5</sup> in exhibit F of the initial filing documents for each case.

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<sup>3</sup> <http://www.isil.org/resources/introduction.swf>

<sup>4</sup> Websters: Property Right: 2 a: something owned or possessed; *specifically* : a piece of real estate **b**: the exclusive right to possess, enjoy, and dispose of a thing. Bouvier's Property Right: 2. All things are not the subject of property the sea, the air, and the like, cannot be appropriated; every one may enjoy them, but he has no exclusive right in them. When things are fully our own, or when all others are excluded from meddling with them, or from interfering about them, it is plain that no person besides the proprietor, who has this exclusive right, can have any, claim either to use them, or to hinder him from disposing of them as, he pleases; so that property, considered as an exclusive right to things, contains not only a right to use those things, but a right to dispose of them, either by exchanging them for other things, or by giving them away to any other person, without any consideration, or even throwing them away. Rutherf. Inst. 20; Domat, liv. prel. tit. 3; Poth. Des Choses; 18 Vin. Ab. 63; 7 Com. Dig. 175; Com. Dig. Biens. See also 2 B. & C. 281; S. C. 9 E. C. L. R. 87; 3 D. & R. 394; 9 B. & C. 396; S. C. 17 E. C. L. R. 404; 1 C. & M. 39; 4 Call, 472; 18 Ves. 193; 6 Bing. 630.

<sup>5</sup> "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.

My authority over the subject matter is in my exclusivity over my property in my Body, my automobile and my home, all of which are trespassed by named and unnamed defendants who did so willfully and wantonly, as all were in possession of actual written notice of their wrongdoing and my refusal to consent prior to their acts, did take and cause to be sold my automobile and my home without due process of the common law (that being the law of the land) or judicial adjudication and my body was held for bail. All acts against my property could only be justified under color of authority. My exclusivity is understood interchangeably to be my sovereignty and dominion over my property and my sole standing (jurisdiction) to decide its use and disposal which is secured by the constitutions of this State and for this nation.. Said exclusivity was never alleged by defendants to be effected by my injury to another person or property, nor was there any injury done by me.

By this time I can just hear you thinking that the common law maxim; “no man can be the judge in his own cause”, would cause me to be in error respecting my construction of the court, as it would appear that I was judging my own cause. First of all, the tribunal is, not me, but rather it is my sovereign character respecting my domain (property) combined with my suit<sup>6</sup>. If you have never heard of such a thing consider this: The State, upon its property interest (that being its constitutional authority and subsequent regulation over all that is within its domain), decrees the law, accuses the offender, prosecutes the offender and decides the matter, all of which are agents for that state and all as a derivative of its sovereignty over the subject matter as granted to it by the constitution for the state (that being its property right). No different in my cases. I solely possess the subject matter over the property within my domain and the trespass thereon. It is only I who can determine the use and disposal of property belonging to me (my domain). Without my consent, no third party could decide this matter without injuring (diminishing) my dominion over that subject matter. As such, since I do not consent to a third party using my authority, I am doing exactly what the State does every day and I am authorized to do it for the exact same reasons. The only dynamic that could alter this conclusion is that I really am not a free man, I don't have a Right to own property with exclusivity or that I am a subject of the state

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<sup>6</sup> Quando duo juro concurrunt in und person, aequum est ac si essent in diversis. When two rights concur in one person, it is the same as if they were in two separate persons. 4 Co. 118.

and therefore subject to its sole discretion as to the use I put property I possess. That dynamic is not comprehended by the controlling constitutions therefore it is repugnant there to and I reject this dynamic as being an impossibility<sup>7</sup>. And there can be no impossibility in the law.

It should be manifest to all courts that the people within Missouri have entrusted their judicial power to the Missouri judiciary. Further, It should be manifest to all courts that the judicial power of the people shall be extended to all cases in law and equity. As such, while it is true that there is no obligation to extend the judicial power to an unjust judgment or order, the judicial power of the people must extend unless by show of cause why the judgment or order should not stand as presented and not rebutted. It is this duty that your judges have failed to perform. Each order, judgment and decision issued by the tribunal defined its authority, and provided all parties including the judge holding the case to show cause why that order should not take effect. Your judges neither extended the judicial power nor did they show cause why the act of the tribunal should not stand in all instances. It appears to me that your judges have a duty to do one or the other. They are either to extend the judicial power to the will of the tribunal or show cause why that power should not be extended as a matter of law. Instead, your judges ignored and caused other judicial personnel to ignore the will of the tribunal and issued their own orders, judgments and decisions in direct contravention of the law and rules of the cases. In this way and without standing the judges have shown contempt for this judicial process and obstructed justice.

Finally, fulfilling my due diligence obligation, I reported this judicial activism to Jim Smith at the Committee on Judicial retirement and discipline who responded by claiming the matter was appeal able and therefore did not engage that commission. This claim can not be correct for two reasons. First, there is no appeal from this action, and Second, the actions of your judges are attempting to issue the equivalent of a Praeceptum that would cause this free man to loose his court in abrogation of Article 34 of the Magna Carta.

I could go on for pages citing supreme court cases and the Magna Carta but I will assume you already understand the due process of the law means the due process of the common law and it is the law of this land and enactments by congress or legislatures that abrogate it do not withstand it

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<sup>7</sup> Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit. Whenever there is a doubt between liberty and slavery, the decision must be in favor of liberty. Dig. 50, 17, 20.

and that no Praeipce can issue that would cause a free man to lose his court<sup>8</sup>. Having now attempted to inform your discipline committee and having been routinely dismissed this issue falls on you or the federal courts to correct. As such, and still With the confidence that the Missouri judiciary is not completely broken I submit this matter to you and await your action that secures my life liberty and property. Please copy me on all correspondence hereon.

Please reign in your judges and cause them to act according to the ministerial standing they do have and to cease exceeding that standing by usurping the authority of the tribunal in these cases. Further I ask that you cut through the red tape in doing so as time is of the essence.

Thank you for your assistance.

Sincerely,

William David Duff III

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- <sup>8</sup> 34. *Henceforth the writ which is called Praeipce shall not*
  - *be served on any one for any holding so as to cause a free man to*
  - *lose his court.*

"Praeipce" = 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.

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