

1 William Duff
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3 Independence, Mo 64052
4 816-600-8569
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7 **MEMORANDUM OF LAW AND VALUE**
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- 9 1. WHEREAS; Kansas City, Missouri Police officers are employees of the State of Missouri,
10 and;
- 11 2. WHEREAS; The State of Missouri, by and through the acts of its agents, took private property
12 belonging solely to William Duff on or about 6/5/2007 without the lawful judgment of the
13 people within Missouri nor in compliance with the law of this land and said property was/is
14 used for the benefit of the State of Missouri and/or its subdivisions, and;
- 15 3. WHEREAS: The state agents demurred to the facts herein stated as recorded upon the record
16 of the 7th Judicial circuit court of Missouri at Case # 07CV-CY06125, and;
- 17 4. WHEREAS; The Missouri Constitution 1820, at Article XIII, Section 7, declares; "that no
18 private property ought to be taken or applied to public use without just compensation.",
19 and;
- 20 5. WHEREAS: The current Missouri Constitution, at Article I Section 26 clause 1, declares;
21 "Section 26. That private property shall not be taken or damaged for public use without just
22 compensation.; and
- 23 6. WHEREAS: The current Missouri Constitution at Article I, Section 10, declares: "That no
24 person shall be deprived of life, liberty or property without due process of law."; and
- 25 7. WHEREAS: Due Process of law, as referenced above, is referencing Due Process of the
26 Common law, and;
- 27 8. WHEREAS: The Conformatio Carturum of 1297 AD (English Bill of Right) declares the
28 common law to include the Great Charter (Magna Charta) as the common law of England and
29 is therefore the law of that land, and;
- 30 9. WHEREAS: The Common Law of England was retained by the People of the Framing
31 generation and their posterity in America as adjusted to the different circumstances arising in
32 this American society and is incorporated into the Constitution for the United States of America
33 which is the Supreme Law of this land, and in the Constitution of this State;
- 34 10. WHEREAS: the substance of the Magna Charta respecting to due process is fully engaged in
35 the Constitution of the United States and the 1820 Constitution of this state as it is not alterable
36 by the Legislature or the courts of this state and as it is an immutable principle of the law of this
37 land as is described in." Ekern v. McGovern, 154 Wis. 157, 142 N.W. 595, 620 (1913), to wit;
38 **"Due process of law does not mean merely according to the will of the Legislature, or the**
39 **will of some judicial or quasi-judicial body upon whom it may confer authority.** It means
40 according to the law of the land, including the Constitution with its guaranties and the
41 legislative enactments and rules duly made by its authority, so far as they are consistent with
42 constitutional limitations.", the selective incorporation doctrine and the 14th amendment not
43 withstanding, and;
- 44 11. WHEREAS; The due process of the Magna Charta (which is clearly incorporated in our
45 American constitutions through, among others, Amendments 4 and 5,) mandates at:

- 46 a. Article 28. "No constable or other bailiff of ours shall take the corn or other chattels of
47 any one except he straightway give money for them, or can be allowed a respite in that
48 regard by the will of the seller.", and
49 b. Article 30. "No sheriff nor bailiff of ours, nor any one else, shall take the horses or carts
50 of any freeman for transport, unless by the will of that freeman.", and
51 c. Article 34. "Henceforth the writ which is called Praecipe shall not be served on any one
52 for any holding so as to cause a free man to lose his court.", and
53 d. Article 39. "No freeman shall be taken, or imprisoned, or disseized, or outlawed, or
54 exiled, or in any way harmed--nor will we go upon or send upon him--save by the
55 lawful judgment of his peers or by the law of the land.", and
56 e. Article 40. "To none will we sell, to none deny or delay, right or justice.", and,
57 f. Article 52. "If anyone shall have been disseized by us, or removed, without a legal
58 sentence of his peers, from his lands, castles, liberties or lawful right, we shall
59 straightway restore them to him. And if a dispute shall arise concerning this matter it
60 shall be settled according to the judgment of the twenty-five barons who are mentioned
61 below as sureties for the peace.", and,
62 g. Article 55. "All fines imposed by us unjustly and contrary to the law of the land, and all
63 amerciaments made unjustly and contrary to the law of the land, shall be altogether
64 remitted, or it shall be done with regard to them according to the judgment of the twenty
65 five barons mentioned below as sureties for the peace, or according to the judgment of
66 the majority of them....", and
67 12. NOW THEREFORE; As Duff avers, and there being no material evidence to the contrary, The
68 police officers, prosecutors and judges of the City of Kansas City and its Municipal court and
69 the 7th Judicial Circuit Court of Missouri, having been noticed of the wrong they embraced did,
70 with willful and wanton intent to injure, act in concert with other executive and judicial officers
71 of the 7th and 16th judicial circuits of Missouri to effect the taking of private property herein
72 described belonging solely to William Duff, without providing compensation therefor and by
73 frustrating the rule of law, being described above, in that the taking was not performed
74 according to the will of the people nor in accordance with the law of this land. The Said State
75 of Missouri is made responsible for the acts of its office holders by its own constitution and that
76 of the federal constitution inasmuch as it prohibits the state from acting as herein described is
77 compelled thereby to compensate William Duff as follows;

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79 **VALUATION OF PROPERTY TAKEN**
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- 81 1. Liberty being the solely owned property of William Duff. Value calculated as follows
82 a. Lee v. Lee, 33 U.S. 8 Pet. 44 44 (1834) establishes at a minimum that a mans liberty is
83 worth to him, and recognized by the United States Supreme Court, to be in all cases
84 more than \$1000.00 in 1834 gold backed dollars, and
85 b. The value of gold in 1834 was \$4.24, and
86 c. One Thousand 1834 dollars is 235.84 ounces of gold, and
87 d. Today value of gold in 2009 is \$939.00
88 e. One thousand 1834 dollars is equal to \$221,462.00 in 2009
89 i. compensation due William Duff for taking of Liberty is at least \$221,462.
90 2. 1996 Buick Riviera (sp?),vin#Ig4gd2215t4710t, condition –Excellent
91 a. Blue Book value at time of taking was in excess of \$5000.00

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NOTICE: Payment of the amounts herein specified does not bar any other liability herewith associated
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Respectfully

William Duff
2605 S Westport rd
Independence, Mo 64052

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Cc: Missouri Attorney General's Office
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