

In the Common Law Court
Butler County, Commonwealth of Pennsylvania

the man: joe myers,	)	Case number: 19-10516
)	
acting as a plaintiff	)	Constitutional/Common law civil
)	
	)	Type of filing:
)	
vs.	)	Common law trial by jury demanded and required
)	
	)	Common law Claim of trespass - notice of court of record and order - dated 2-29-24
the men and women: timothy f. mccune,)	
)	
joseph h. chivers, john/jack w.)	
)	
murtagh jr., graydon brewer, carl v.)	
)	
nanni, jack lewis, jim gallagher, greg	)	Related case numbers:
)	
loverick, edward tassey, Cleveland-	)	Pennsylvania Commonwealth Court
)	
Cliffs (formerly AK Steel, formerly	)	Number 04-10477
	)	Number 04-10707
Armco steel - includes all men and)	
women acting as executives, management	)	United States District Court for Western Pennsylvania - Number 04-674
)	
and board of directors) et al,	)	Pennsylvania Superior Court - Number 1892 WDA 2019
)	
lourenco goncalves, UAW - United Auto	)	Pennsylvania Supreme Court - Number 283 WAL 2020
)	
Workers (formerly Butler Armco)	
)	
Independent Union) et al, shawn fain,)	
)	
angelo papa, william cunningham,)	
)	
michael lettrich, maria milie jones,)	
)	
dennis roman, nicholas j. koch, adam)	
)	
hobaugh, john t. bender, alice beck	)	filed by:
)	
dubow, carolyn h. nichols, joseph d.	)	a man, joe myers, one of the people of the United States
	)	12137 Emerald Green Court
seletyn, bobbi jo wagner, richard a.	)	Jacksonville, Florida 32246
	)	Mobile: 904-254-6472
goldinger, david r. workman	)	LawAndMankind@gmail.com
)	
acting as defendants)	
)	
)	

PROTHONOTARY'S
OFFICE-BUTLER CO.
ENTERED & FILED
2024 MAR -1 A & 4b

Common law Claim of trespass – notice of court of record and order
dated 2-28-24

I am joe myers, one of the people of the United States, provides this notice of a **common law court of record** claim of **19 Counts of trespass** *dated 12-31-23* is against the following, **acting as defendants**: timothy f. mccune, joseph h. chivers, john/jack w. murtagh jr., graydon brewer, carl v. nanni, jack lewis, jim gallagher, greg loverick, edward tassey, Cleveland-Cliffs (formerly AK Steel, formerly Armco steel – includes all men and women acting as executives, management and board of directors) et al, lourenco goncalves, UAW - United Auto Workers (formerly Butler Armco Independent Union) et al, shawn fain, angelo papa, william cunningham, michael lettrich, maria milie jones, dennis roman, nicholas j. koch, adam hobaugh, john t. bender, alice beck dubow, carolyn h. nichols, joseph d. seletyn, bobbi jo wagner, richard a. goldinger and david r. workman.

The men and women acting as prothonotary, court administration, judges, legal counsel, etcetera, should know myers filed a **common law court of record** but so there is no mistake of myers natural rights under common law that are being usurped right now the following is to clarify myers **lawful common law court of record**.

myers, one of the people of the United States, is a sovereign and not subject to anyone. The *Constitution for the United States of America* was established and ordained by the people to restrict public servants' positions listed in the Constitution. The people of the United States as sovereigns are under common law courts to resolve trespasses, NOT equity or any other courts.

Sovereign: "The person or body having an independent and supreme authority."
Websters New International Dictionary, Second Edition (1953) page 2406

So as not to diminish the status of myers or the status of the men and women, acting as defendants, as that of sovereigns, the following is why there is no capitalization of names in this record:

Blacks Law Dictionary – Revised Fourth Edition, 1968 – provides a more comprehensive definition as follows:

Capitis Diminutio (meaning the diminishing of status through the use of capitalization) – In **Roman law**. A diminishing or abridgment of personality; a loss or curtailment of a man's status or aggregate of legal attributes and qualifications.

Capitis Diminutio Maxima (meaning a maximum loss of status through the use of capitalization, e.g. JOHN DOE or DOE JOHN) – The highest or most comprehensive loss of **status**. This occurred when a man's condition was changed from one of freedom to one of bondage, **when he became a slave**. It swept away with it all rights of citizenship and all family rights.

Capitis Diminutio Media (meaning a medium loss of status through the use of capitalization, e.g. John DOE) – A lessor or medium loss of status. This occurred where a man **loses his rights of citizenship**, but without losing his liberty. It carried away also the family rights.

Capitis Diminutio Minima (meaning a minimum loss of status through the use of capitalization, e.g. John Doe) - The lowest or least comprehensive degree of loss of status.

Diminutio. – Lat. In **civil law**. Diminution; a taking away; loss or depravation.

A People permanently occupying a fixed territory bound together by common-law habits and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe. *United States v. Kusche*, D.C.Cal., 56 F.Supp. 201, 207, 208. The organization of social life which exercises sovereign power in behalf of the people. *Delany v. Moraitis*, C.C.A.Md., 136 F.2d 129, 130.

The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. Through the medium of their Legislature they may exercise all the powers which previous to the Revolution could have been exercised either by the King alone, or by him in conjunction with his Parliament; subject only to those restrictions which have been imposed by the Constitution of this State or of the U.S.

Lansing v. Smith, 21 D. 89., 4 Wendel 9 (1829) (New York)
"D." = Decennial Digest

Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89
10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228;
37 C Nav.Wat. Sec. 219; Nuls Sec. 1`67; 48 C Wharves Sec. 3, 7.
NOTE: Am.Dec.=American Decision, Wend. = Wendell (N.Y.)

"...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty." CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL 1793 pp471-472

"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.

"Even if the Tribe's power to tax were derived solely from its power to exclude non-Indians from the reservation, the Tribe has the authority to impose the severance tax. Non-Indians who lawfully enter tribal lands remain subject to a tribe's power to exclude them, which power includes the lesser power to tax or place other conditions on the non-Indian's conduct or continued presence on the reservation. ***The Tribe's role as commercial partner with petitioners should not be confused with its role as sovereign. It is one thing to find that the Tribe has agreed to sell the right to use the land and take valuable minerals from it, and quite another to find that the Tribe has abandoned its sovereign powers simply because it has not expressly reserved them through a contract. To presume that a sovereign forever waives the right to exercise one of its powers unless it expressly reserves the right to exercise that power in a commercial agreement turns the concept of sovereignty on its head.***" Merrion v. Jicarilla Apache Tribe; Amoco Production Company v. Jicarilla Apache Indian Tribe, 455 U.S. 130, 131, 102 S.Ct. 894, 71 L.Ed.2d 21 (1981)

The Constitution emanated from the people and was not the act of sovereign and independent States. McCulloch v. Maryland, 4 Wheat. 316 [1819]. See also Chisholm v. Georgia, 2 Dall. 419, 470 [1793]; Penhallow v. Doane, 3 Dall. 54, 93 [1795]; Martin v. Hunter, 1 Wheat. 304, 324 [1816]; Barron v. Baltimore, 7 Pet. 247 [1833].

The Preamble:

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

Take note that **We the People**:

1. of the United States
2. ordained and established the Constitution
3. the Constitution was **FOR** the United States of America
4. the Constitution was written to instruct, ALL those that accept compensation from tax dollars, what they CAN and CANNOT do and protect the natural rights of the sovereigns
5. the Constitution does not restrict the natural rights of people of the United States that **established** and **ordained** the Constitution **FOR** the United States of America but in fact protects the natural rights of people

Those points are very clear, **We the People** are the sovereign NOT public servants.

The **Preamble to the Bill of Rights** provides more clarity that the **people** as **sovereigns** did not feel the Constitution was restrictive enough so further **declaratory** and **restrictive clauses** were added in the **10 Amendments**:

"THE Conventions of a number of the States, having at the time of their adopting the Constitution, **expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added**: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution."

The first 10 Amendments are **LAW** and the **7th Amendment** guarantees all people of the United States a **common law** natural right to a **trial by jury**:

"**In suits at common law**, where the value in controversy shall exceed twenty dollars, **the right of trial by jury shall be preserved**, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law."

The first **9th** and **10th Amendments** are very clear the people of the United States did not give up any **common law** natural rights as sovereigns.

9th Amendment

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

10th Amendment

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

The *Constitution of the Commonwealth of Pennsylvania* clearly established the sovereignty of the people of the United States and the common law natural rights of the people:

Preamble

"WE, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution."

ARTICLE I – DECLARATION OF RIGHTS

Section 1. Inherent rights of mankind.

"All men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness."

Section 2. Political powers.

"All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and inalienable right to alter, reform or abolish their government in such manner as they may think proper."

Section 6. Trial by jury

*"Trial by jury shall be as heretofore, and the right thereof remain inviolate. The General Assembly may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case. Furthermore, in criminal cases the Commonwealth shall have the same right to trial by jury as does the accused.
(May 18, 1971, P.L.765, J.R.1; Nov. 3, 1998, P.L.1328, J.R.2)"*

A judge is a magistrate to make sure common law is followed but is NOT a law maker.

Magistrate "an official entrusted with administration of the laws" – *Merriam-Webster On-Line Dictionary*

The people of the United States are common law jury sovereigns that are tribunals to judge the law, facts and evidence of any lawsuit filed by a sovereign. A magistrate does not have authority over a sovereign.

Tribunal - The seat of a judge; the place where he administers justice. The whole body of judges who compose a jurisdiction; a judicial court; the jurisdiction which the judges exercise. See *Foster v. Worcester*, 16 Pick. (Mass.) 81. – *Black's Law Dictionary, 4th Ed., 1677*

Tribune – 1. In ancient Rome, a magistrate whose special function was to protect the interests of plebeian citizens from the patricians.

2. Any defender of the people.

Webster's New Practical Dictionary, 707 (1953), G. & C. Merriam Co., Springfield, Mass.

A statutory or constitutional court (whether it be an appellate or supreme court) may not second guess the judgment of a common law court of record. The Supreme Court of the USA acknowledges the **common law as supreme**:

"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)]

myers **Common law Claim of trespass – 19 Counts** is a **court of record** and requires the following:

1. power to fine or imprison for contempt
2. keeps a record of the proceedings
3. proceeding according to the common law (not statutes or codes)
4. the tribunal (jury) is independent of the magistrate (judge)
5. generally has a seal (optional)

Black's Law Dictionary, 4th Ed., 425, 426

Courts may be classified and divided according to several methods, the following being the more usual:

COURTS OF RECORD and COURTS NOT OF RECORD. The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. 3 Bl. Comm. 24; 3 Steph. Comm. 383; *The Thomas Fletcher*, C.C.Ga., 24 F. 481; *Ex parte Thistleton*, 52 Cal 225; *Erwin v. U.S.*, D.C.Ga., 37 F. 488, 2 L.R.A. 229; *Heininger v. Davis*, 96 Ohio St. 205, 117 N.E. 229, 231.

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.

The proceedings of the courts of common law are records. But every minute made by a clerk of a court for his own future guidance in making up his record is not a record. 4 Wash. C.C. 698. See 10 Penn. St. 157; 2 Pick. Mass. 448; 4 N. II. 450; 6 id. 567; 5 Ohio St. 545; 3 Wend. N.Y. 267; 2 Vt. 573; 6 id. 580; 5 Day, Conn. 363; 3 T. B. Monr. Ky. 63.

A common law court of record is a "superior court."

A court NOT of record is an "inferior court."

"Inferior courts" are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law." *Ex Parte Kearny*, 55 Cal. 212; *Smith v. Andrews*, 6 Cal. 652

Criminal courts proceed according to statutory law. Jurisdiction and procedure is defined by statute. Likewise, civil courts and admiralty courts proceed according to statutory law. Any court proceeding according to statutory law is not a court of record (which only proceeds according to common law); it is an inferior court.

"The only inherent difference ordinarily recognized between superior and inferior courts is that there is a presumption in favor of the validity of the judgments of the former, none in favor of those of the latter, and that a superior court may be shown not to have had power to render a particular judgment by reference to its record. Ex parte Kearny, 55 Cal. 212. Note, however, that in California 'superior court' is the name of a particular court. But when a court acts by virtue of a special statute conferring jurisdiction in a certain class of cases, it is a court of inferior or limited jurisdiction for the time being, no matter what its ordinary status may be." Heydenfeldt v. Superior Court, 117 Cal. 348, 49 Pac. 210; Cohen v. Barrett, 5 Cal. 195" 7 Cal. Jur. 579

The decisions of a superior court may only be challenged in a court of appeal.

The decisions of an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court.

Decision of a ***court of record*** may not be appealed.
It is binding on ALL other courts.

No statutory or constitutional court (whether it be an appellate or supreme court) can second guess the judgment of a court of record.

"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, 28 U.S. (3 Pet.) 193, 202-203 (1830). [cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)]

No ruling making or legislation can usurp natural rights that the people of the United States secured in the Constitution.

"Where rights secured by the Constitution are involved, there can be no rulemaking or legislation which would abrogate them." Miranda v. Arizona

Miranda v. Arizona did agree that common law is law.

The legislature makes rules of man, but the rule of the people is God's law. A jury is considered God's representatives when they judge a case.

A jury tries to render a decision that is actually right and not according to man's laws which are codes, acts, statutes or any other unlawful act that usurps natural rights of sovereigns.

When We the People created the 6th and 7th Amendments we were making sure a jury of 12 was more than just a judge.

myers has repeatedly been denied a common law court of record trial by jury of sovereigns and objects to the treason of the inferior courts.

myers as the sovereign, objects to any actions in the equity court, that is an inferior court, which is null and void, which means there can be no order by the magistrate, preliminary objections or any such unlawful acts outside common law jurisdiction.

myers as the sovereign, by the common law court of record, which is the superior court, established by myers, challenges the jurisdiction of the inferior court.

myers as the sovereign, established a common law court which is a superior court of record regarding 19 Counts of trespass and requires a jury selection date and trial by jury of sovereign's date.

Since myers established a common law court of record, myers has signed the attached order that must be followed. The men and women, *receiving compensation from tax dollars*, must assign the ***jury selection*** date and ***trial by jury of sovereign's*** date.

Dated February 28, 2024

By: JOE MYERS

Filed by: a man, joe myers, one of the people of the United States

12137 Emerald Green Court

Jacksonville, FL 32246

Phone: 904-254-6472

Email: LawAndMankind@gmail.com

**In the Common Law Court of Common Pleas
Butler County, Commonwealth of Pennsylvania**

the man: joe myers,	)	Case No.: No. 19-10516
)	
acting as a plaintiff	)	Constitutional/Common law civil
)	
	)	Type of filing:
)	
vs.	)	Common law trial by jury demanded and required
)	
)	
the men and women: timothy f. mccune,	)	Common law Claim of trespass - 19
	)	Counts - dated 12-31-23
et al)	
)	
acting as defendants)	

ORDER

On this 28th day of February 2024, the unlawful oral arguments scheduled for 3-5-2024 is hereby vacated and myers Common law Claim of trespass dated 12-31-23 on 19 Counts it is hereby ORDERED to be heard by a common law jury of sovereigns. According to the common law court of record a:

Jury selection will be set for this _____ day of _____, 2024

Common law trial by jury will commence this _____ day of _____, 2024.

By the Common Law Court

by: JOE MYERS

Filed by: a man, joe myers, one of the people of
United States

Certificate of Service

joe myers, a man, acting as a plaintiff certifies that this Common law **Claim of trespass** - notice of court of record and order - dated 2-28-24, was served on the following via U.S. Mail, First-Class, dated February 28, 2024

Butler County Common Law Court

Att: kelly ferrari

First Floor, Government Center

124 W. Diamond Street

Butler, PA 16001

by: joe myers _____

by: joe myers, a man