

mailed 4-21-18

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK**

• 445 Broadway; Albany, NY 12207-2936 •

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John Vidurek, Gerard Aprea, et al
Plaintiffs

- Against -

Governor A. Cuomo, New York State Senate
and New York State Assembly
Defendants

Jurisdiction: Court of Record, under
the rules of Common Law¹

Magistrate: Christian F. Hummel
Case NO: 1:18-cv-392

**EX PARTE
RIGHT TO PROCEED WITHOUT COST
WRIT OF ERROR**

NEW YORK STATE)
) :SS.
10 DUTCHESS COUNTY)

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On April 2, 2018 plaintiffs filed an Action² at Law³ that proceeds under the rules⁴ of
common law⁵ which is not to be defeated, see "Statement of Jurisdiction lines 49-69 in
Action at Law dated March 31, 2018, filed April 3, 2018 and stated above. See also,
cover sheet (on file) where plaintiffs declared this is an Action concerning unalienable

¹ "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.

² An action is simply the right to enforce one's demands in a court of law. See Pollock, Expansion of C. L. 92.

³ AT LAW: [Bouvier's] This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.

⁴ Maxim: An established principle or proposition. A principle of law universally admitted, as being just and consonant with reason. Maxims in law are somewhat like axioms in geometry. 1 Bl. Com. 68. They are principles and authorities, and part of the general customs or common law of the land; Terms do Ley; Doct. & Stud. Dial. 1, c. 8. Maxims of the law are holden for law, and all other cases that may be applied to them shall be taken for granted. 1 Inst. 11. 67; 4 Rep. See 1 Com. c. 68; Plowd. 27, b.

⁵ Bill of Rights Amendment VII

rights and not civil rights. Federal courts unlawfully proceed nisi prius⁶, under statutory construction⁷, under the rules of chancery, and not under common law.

20 The court's civil cover sheet provides no escape from civil law and the summons filled-out by the clerk under the courts instructions unlawfully corrals the People into an administrative process. Whereas, plaintiffs' perceive that the officers of the administrative court wrongly believes that they can charge money for services and not be held liable, thereby slamming the People into jurisdictions foreign to our Constitution. This ignores American Jurisprudence⁸, which is secured by our Constitution; Magistrate Christian F. Hummel is to take judicial notice of the following:

25 U.S. Constitution Article VI: *This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.*

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American Jurisprudence Constitutional Law §326: "Free Justice and Open Courts; Remedy for All Injuries.- In most of the state Constitutions there are provisions, varying slightly in terms, which stipulate that justice shall be administered to all without delay or denial, without sale or prejudice, and that the courts shall always be open to all alike.

35 These provisions are based largely upon the Magna Charta, chap. 40, which provides; "We will sell to no man. We will not deny to any man either justice or right." The chief purpose of the Magna Charta provision was to prohibit the King from selling

⁶ NISI PRIUS. (Bouvier's Law) Where courts bearing this name exist in the United States, they are instituted by statutory provision.; "Nisi prius" is a Latin term (Black's 5th) "Prius" means "first." "Nisi" means "unless." A "nisi prius" procedure is a procedure to which a party FIRST agrees UNLESS he objects. A rule of procedure in courts is that if a party fails to object to something, then it means he agrees to it. A nisi procedure is a procedure to which a person has failed to object A "nisi prius court" is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first.

⁷ STATUTORY CONSTRUCTION: "The primary and general rule of statutory construction is that the intent of the lawmaker is to be found in the language that he has used. He is presumed to know the meaning of the words and the rules of grammar" [United States v. Goldenberg, 168 U.S. 95]

⁸ Jurisprudence is the knowledge of things divine and human, the science of what is right and what is wrong. Dig. 1, 1, 10, 2; Inst. 1, 1, 1. This definition is adopted by Bracton, word for word. Bract. fol. 3.

justice by imposing fees on litigants through his courts and to deal a death blow to the attendant venal and disgraceful practices of a corrupt judiciary in demanding oppressive gratuities for giving or withholding decisions in pending causes. It has been appropriately said that in a free government the doors of litigation are already wide open and must constantly remain so. The extent of the constitutional provision has been regarded as broader than the original confines of Magna Charta, and such constitutional provision has been held to prohibit the selling of justice not merely by magistrates but by the State itself.” [Emphasis added].

“*Plaintiff should not be charged fees, or costs for the lawful and constitutional right to petition this court in this matter in which he is entitled to relief, as it appears that the filing fee rule was originally implemented for fictions and subjects of the State and should not be applied to the Plaintiff who is a natural individual and entitled to relief.*” - Hale v. Henkel)(201 U.S. 43

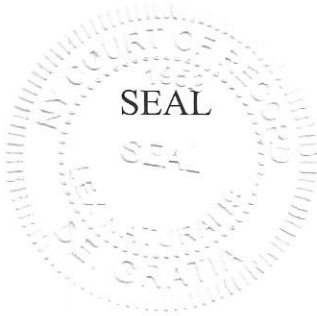
A constitutional provision that right and justice shall be administered according to such guaranties is mandatory upon the departments of government. Hence, it requires that a cause shall not be heard before a prejudicial court. The word "prejudice" however, in the constitutional provision that justice shall be administered without prejudice, cannot be said to apply to contempt's committed by a litigant after he has accepted the forum. These guarantees cannot be destroyed, denied, abridged or impaired by legislative enactments.


MANDATORY NOTICE OF CLAIMANT'S RIGHT TO COURT WITHOUT "FEES"
As found in: New York ex rel. Bank of Commerce v. Commissioner of Taxes for City and County of New York, 2 Black 620 (1863) Please take mandatory notice (Federal Rules of Evidence 201(d)) that Plaintiff has a lawful right to proceed without cost, based upon the following law: The U.S. Supreme Court has ruled that “*a natural*

individual entitled to relief is entitled to free access to its judicial tribunals and public
65 offices in every State in the Union” - Crandall v. Nevada, 6 Wall 35).

People are to have free access to Courts and public offices, filing fees impede access to
justice and services. "Living as we do under a common government, charged with the
great concerns of the whole Union, every citizen of the United States from the most
70 remote states or territories, is entitled to free access not only to the principal
departments established at Washington, but also to its judicial tribunals and public
offices in every state in the Union.” - Crandell v. Nevada, 6 Wall 35

Wherefore, Magistrate Christian F. Hummel within seven (7) days of receipt of this
Writ of Error is to direct the Clerk to return the \$400 extorted from the plaintiffs or
75 Show Cause why the coerced monies should not be returned.



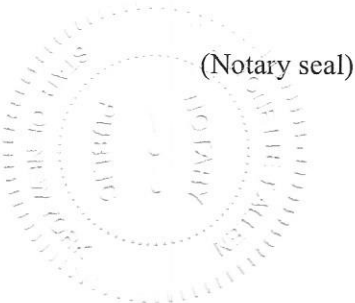



John Vidurek, et al

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NOTARY

In New York State, Dutchess County, on April 21, 2018 before me, Antoinette Allen,
the undersigned Notary Public, personally appeared John Vidurek, to me known to be the living man described
85 herein, who executed the forgoing instrument, and has sworn before me that he/she executed the same as his/her
free-will act and deed.





Notary

