

You Have A Constitutionally Secured Right To Travel

“The **activity licensed by state DMVs** and in connection with which individuals must submit personal information to the DMV - **the operation of motor vehicles - is itself integrally related to interstate commerce**”.

Seth Waxman, Solicitor General

U.S. Department of Justice

BRIEF FOR THE PETITIONERS

Reno v. Condon, No. 98-1464, decided January 12, 2000, United States Supreme Court

Waivers of constitutional rights not only must be voluntary but must be knowing, intelligent acts done with a sufficient awareness of the relevant circumstances and likely consequences.

Brady v. United States, 397 US 742, 90 S.Ct. 1463 (1970)

“The people shall have the right freely to assemble together, to consult for the common good, to instruct their representatives, and to petition the legislature for the redress of grievances”

Constitution of the State of California, Article 1, Section 10.

"To lay out roads or highways is exclusively within the power and control of the government. To do so is one of its most important and onerous duties. Roads or highways, over which the Government has supervision and which it is bound to provide, include not only the chief and principal thoroughfares which traverse the country, but also those of less general use which are lateral and serve to connect neighborhoods and individuals with the main arteries of trade and travel. Whenever the necessities or the convenience of the public, which includes everybody, requires a road, for the purposes of trade or travel, it is the duty of the Government to provide one, ..."

Sherman v. Buick (1867) 32 Cal. 241, 252-253.

You have the constitutionally secured and protected right to travel in and with your private property on the streets and highways you pay for in legitimate taxes free of government control and without government permission:

Ex parte Stork (Cr. 1843)

(Supreme Court of California. **Feb. 24, 1914**) *

1. LICENSES (§ 5*)-CHAUFFEURS.

The occupation of a chauffeur is one calling for regulation and therefore permitting a regulatory license tax.

[Ed. Note. -For other cases, see licenses, Cent. Dig §§4, 19; dec. Dig. § 5*]

2. STATUTES (§ 81*0 -SPECIAL LEGISLATION-CLASSIFICATION.

Dividing, as does St. 1913, p. 639, drivers of automobiles into two classes, one professional chauffeurs, and requiring them to obtain a license, and pay an annual fee of \$2, the other embracing all others, who are not required to secure a license

or pay a license fee, is sound classification and not arbitrary, so as to constitute special legislation.

139 Pac.Rptr. 684

167 Cal. 294

...The latter case [In the Matter of Application of Stork, 167 Cal. 294, 295], upholding the validity of a statute requiring chauffeurs to pay a license fee but exempting all other drivers from payment, states in respect to the differences between the two classes of drivers (p. 296): ...

Beamon v. Dept. of Motor Vehicles (1960), 180 Cal. App. 2d 200, 4 Cal. Rptr. 396.

*** *Stork has not been overturned!***

"... This section [2 of the Motor Vehicle Act] provides that: '... such self-propelling vehicles as are used neither for the conveyance of persons for hire, pleasure, or business, nor for the transportation of freight, are hereby **exempted from the payment of the fees in this act prescribed**. The department shall furnish, free of charge, distinguishing plates for motor vehicles thus exempt.'"

Marin Municipal Water Dist. v. Chenu (1922) 188 Cal. 734, 737.

"The next exemption applies to those who use said public highways for the transportation of their own property or employees or both and to those who transport no persons or property for hire or compensation. It is obvious that those who operate motor vehicles for the transportation of persons or property for hire enjoy a different and more extensive use of the public highways. They are thereby enabled to engage in business on the public highways and to provide themselves a livelihood, particularly because of the existence of the public highways and the facilities thereby afforded. Such extraordinary use constitutes a natural distinction and a full justification for their separate classification and for relieving from the burden of the license tax those who merely employ the public highways for the transportation of their own property or employees. ..."

Bacon Service Corporation v. Huss (1926), 199 Cal. 21, 30.

"An act to impose a license fee for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle; to provide for certain exemptions; to provide for the enforcement of the provisions hereof and for the disposition of the amounts collected on account of such license; to make an appropriation for the purpose of this act; and to repeal all acts or parts of acts in conflict herewith.

(Stats. 1925, ch 412, p. 833. Approved by the Governor May 23, 1925.)

"An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately."

(Stats. 1933, ch 339, p. 928. Effective May 15, 1933.)

DRIVER. One employed...

Bouvier's Law Dictionary, 1856

DRIVER-- one employed in conducting a coach, carriage, wagon, or other vehicle..."

BOUVIER'S LAW DICTIONARY, (1914)p. 940.

DRIVER. One employed...

Black's Law Dictionary, 4th Ed, 1951

Corpus Juris Secundum §151. –Chauffeur or Operator

A distinction is recognized between an operator and a chauffeur under some licensing regulations, "chauffeur" referring to one who is paid for driving an automobile.

60 C.J.S. MOTOR VEHICLES §§ 150 - 151, p. 797 (also see "Tests"(1) and (2))

"Where a term has two meanings differing in the degree merely, it is to be understood in the larger sense wherever it occurs unless it appears to have been used in the narrower sense, by some form of direct expression, or from the context, the nature of the subject matter, or the res gestae."

Miller v. Miller (1867) 33 Cal. 353, 355.

CALIFORNIA VEHICLE CODE

SECTION 12500-12527

12500. (a) **No person** shall drive a motor vehicle upon a highway unless the person then holds a valid driver's license...

CALIFORNIA PENAL CODE

SECTION 630-637.9

632(b). The term "**person**" includes an individual, **business association, partnership, corporation, limited liability company, or other legal entity**,...

United States Code

TITLE 15 - COMMERCE AND TRADE

CHAPTER 1 - MONOPOLIES AND COMBINATIONS IN RESTRAINT OF TRADE

§ 7. "Person" or "persons" defined

The word "person", or "persons", wherever used in sections 1 to 7 of this title shall be deemed to include **corporations and associations** existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

United States Code

TITLE 15 - COMMERCE AND TRADE

CHAPTER 1 - MONOPOLIES AND COMBINATIONS IN RESTRAINT OF TRADE

§ 12. Definitions; short title

(a) The word "**person**" or "**persons**" wherever used in this Act shall be deemed to include **corporations and associations** existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

18 USC Sec. 31

PART I - CRIMES

CHAPTER 2 - AIRCRAFT AND MOTOR VEHICLES

Sec. 31. Definitions

When used in this chapter the term -

"**Motor vehicle**" means every description of carriage or other contrivance propelled or drawn by mechanical power and **used for commercial purposes** on the highways in the transportation of passengers, passengers and property, or property or cargo;

“A state cannot impose restrictions on the acceptance of a license that will deprive the licensee of his constitutional rights”.

Ruckenbrod v. Mullins, 102 Utah 548, 133 P.2d. 325, 144 ALR 839

Why are we "REQUIRED" to pay the DMV BEFORE we can use our car to get to work, the doctor, our family and friends, our place of worship, our elected servants offices to "redress" our grievances?

We aren't! The Legislature has not been GRANTED the power and authority to make any such laws. The law reflects this fact.

[Definition of: License](#)

[Essay on the Definition of: "Person" as used in the Vehicle Code](#)

NOTICE - This is from West's Annotated California Commercial Code, 1998. They have been assigned different numbers but the definitions are essentially the same.

California Commercial Code §9109

§9109. Classification of Goods: “Consumer goods”; “Equipment”; “Farm Products”; “Inventory”

Goods are

- (1) “Consumer goods” if they are used or bought for use primarily for personal, family or household purposes;
- (2) “Equipment” if they are used or bought for the use primarily in business (including farming or a profession) or by a debtor who is a nonprofit organization or a government subdivision or agency or if the goods are not included in the definitions of inventory, farm products, or consumer goods.

California Code Comment

By John A. Bohn and Charles J. Williams

Prior California Law

1. The classification of goods in this section is new statutory law. The significance of this classification is described in Official Comment 1.

Although goods cannot belong to more than one category at any time, they may change their classification depending upon who holds them and for what reason. Each classification is mutually exclusive but the four classifications described are intended to include all goods. Official Comment 2.

Do you use your car as described by the Legislature at CC Section 9109(1) or 9109(2)? If you use it as

described at Section 9109(1) you'll find no registration requirement in the Vehicle Code for personal property described by the terms: "**household**" or "**consumer goods**". You can't be force against you will to classify your property as something it isn't. The question is, do you use your car, truck, van motor cycle etc., for household purposes or commercial purposes? Answer this question correctly and you'll have determined whether it's **required** to be registered or not.

[California Attorney General's Opinion 97 - 202](#)

The State Legislature is of the opinion a "vehicle" isn't part of your estate:

Probate Code Section 13050:

§13050, Probate, Vehicle

§13050(b) for purposes of this part, all of the **following property shall be excluded in determining the property or estate of the decedent** or its value:

(1) **Any vehicle registered** under division 3 (commencing with Section 4000) of the Vehicle Code or titled under Division 16.5 (commencing with Section 38000) of the Vehicle Code.

18 USC Sec. 31

PART I - CRIMES

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"**Motor vehicle**" means every description of carriage or other contrivance propelled or drawn by mechanical power and **used for commercial purposes** on the highways in the transportation of passengers, passengers and property, or property or cargo;

Is there a possibility you **miscalssified** your private property which should be properly classified as "household" or "consumer goods"?

REMEMBER:

Constitution for the State of California, 1849:

Sec. 1.

All men are by nature free and independent, and have certain unalienable rights, among which are those of enjoying and defending life and liberty: **acquiring, possessing and protecting property**: and pursuing and obtaining safety and happiness.

The Legislature has **NO AUTHORITY** to compel you to register your private property used for "household" purposes.

"[T]he Legislature, either by amending (section 1382) or otherwise, may not nullify a constitutional provision."

Rost v. Municipal Court of Southern Judicial Dist., County of San Mateo (1960) 85 A.L.R.2d 974, 979 Headnote 5.

"A state cannot impose restrictions on the acceptance of a license that will deprive the licensee of his constitutional rights".

Ruckenbrod v. Mullins, 102 Utah 548, 133 P.2d. 325, 144 ALR 839

Additionally, the Legislature has **NO AUTHORITY** to compel you to enter a contract with anyone, let alone an insurance company and the DMV won't register any *vehicle* that isn't registered. The question is do you use a car, truck, van, motor cycle (**private property use for private and "household" purposes**) or a "vehicle" or "motor vehicle"?

Are you sure it's what you think it is?

Travel Citations

"The terms "Travel" and "traveler" are usually construed in their broad and general sense... so as to include all those who rightfully use the highways viatically and who have occasion to pass over them for the purpose of business, convenience, or pleasure."

25 AM. JUR 1st, Highways, Sec. 427

"Traveler--one who passes from place to place, whether for pleasure, instruction, business, or health."

BOUVIER'S LAW DICTIONARY (1914) p. 3309.

"TRAVEL--to journey or to pass through or over; as a county, district, road, etc. To go from one place to another, whether on foot, on horseback, or in any conveyance as a train, an automobile, carriage, ship, or aircraft; make a journey."

CENTURY DICTIONARY P. 2034.

"If the right of passing through a state by a citizen of the United States is one guaranteed by the Constitution, it must be sacred from taxation.

Crandell v Nevada, 6 Wall 35, 46 (1867)

Those who can tax the exercise of this right (to travel)... can make its exercise so costly as to deprive it (from the indigent citizen)... those who can tax the (right to travel)... can close the doors to all those who do not have a full purse.

Murdock v Pennsylvania, supra at 112. (Compare Crandell v Nevada, supra)

[inserts added]

1. The constitutional rights of an individual are fundamental and inalienable rights. They cannot be destroyed nor diminished by legislative act, or failure to act. The duty of seeing that they are protected and preserved inviolate falls squarely upon the shoulders of the judiciary.

State ex ref. Ricco v. Biggs, 198 Ore. 413, 430.

2. One of the rights involved in this case is the fundamental right of liberty, one which the trial

court has lightly passed over in order to justify its decision. The decision of the trial court did not consider the constitution as a whole but rather focused on the legislative power. Those in government cannot set constitutional law at defiance by lightly passing over a citizen's right to liberty which the constitution guarantees.

3. The right to personal liberty is one of the most sacred and valuable rights of a citizen, and should not be regarded lightly.

State v. Zolantakis, 259 P. 1044, 1046, 70 Utah 296.

4. One of the most important rights guaranteed under our Constitution, that of the liberty of the citizen, is involved and cannot be lightly passed over, nor can encroachments upon that right be tolerated even under the argument that, in the main, the general result sought is a beneficent one. The law may not be set at defiance, even to subserve the best-intentioned effort; much less by officers who have taken an oath to uphold it.

Ex parte Arata, 198 Pac. 814, 816; 52 Cal. App. 380.

5. That this right of liberty which the Appellant possesses includes the right of locomotion or travel is basic and obvious. The establishment and understanding of this right of liberty, as it applies to the Appellant, is of paramount importance in making a judicial determination in this case. The 'liberty' claimed at trial includes the 'right to travel.'

6. The Supreme Court has recognized that personal liberty includes "the right of locomotion, the right to remove from one place to another according to inclination."

Bauer v. Acheson, 106 F.Supp. 445, 450 (1952).

7. This right of the people in the [use of] streets and highways of the State, whether inside or outside the municipalities thereof, is a paramount right.

Peoples Gas, Light & Coke Co. v. City of Chicago, 109 N.E.2d 777, 781; 413 Ill. 457 (1952).

8. It is well settled that the public are entitled to a free passage along the highway.

Michelsen v. Dwyer, 63 N.W.2d 513, 517, 158 Neb. 427 (1954).

9. Our society is builded in part upon the free passage of men and goods, and the public streets and highways may rightfully be used for travel by everyone.

Hanson v. Hall, 202 Minn. 381, 383.

10. Public ways, as applied to ways by land, are usually termed "highways" or "public roads," and are such ways as every citizen has a right to use.

Kripp v. Curtis, 11 P. 879; 71 Cal. 62.

11. A highway includes all public ways which the public generally has right to use for passage and traffic, and includes streets in cities, sidewalks, turnpikes and bridges.

Central Ill. Coal Mining Co. v. Illinois Power Co., 249 Ill. App. 199.

12. Our court has stressed the basic right of the transient public and abutting property owners to the free passage of vehicles on public highways and the paramount function of travel as overriding all other subordinate uses of our streets.

State v. Perry, 269 Minn. 204, 206.

13. A highway is a way over which the public have a free right of passage.

Yale University v. City of New Haven, 134 Atl. 268, 271, 104 Conn. 610.

14. A highway is a public road, which every citizen of the state has a right to use for the purpose of travel.

Shelby County Com'rs v. Castetter, 33 N.E. 986, 987, 7 Ind. App. 309; ***Spindler v. Toomey***, 111 N.E.2d 715, 716 (Ind.-1953).

15. The public have a right of free and unobstructed transit over streets, sidewalks and alleys, and this is the primary and appropriate use to which they are generally dedicated.

Pugh v. City, 176 Iowa 593, 599, 156 N.W. 892, 894.

16. It is well-settled law that every member of the public has the right to use the public roads in a reasonable manner for the promotion of his health and happiness.

Sumner County v. Interurban Transp. Co., 141 Tenn. 493, 500.

17. A highway is a road or way upon which all persons have a right to travel at pleasure. It is the right of all persons to travel upon a road.

Gulf & S.I.R. Co. v. Adkinson, 77 So. 954, 955; 117 Miss. 118.

18. HIGHWAY.-A free and public road, way, or street; one which every person has the right to use. Black's Law Dictionary, 2d Ed. (1910), p. 571.

19. The right to travel over a street or highway is a primary absolute right of everyone.

Foster's, Inc. v. Boise City, 118 P.2d 721, 728.

20. A highway is a passage, road or street which every citizen has a right to use.

Ohio, Indiana, & W. Ry. Co. v. People, 39 Ill. App. 473.

21. Highways are public roads, which every citizen has a right to use.

Wild v. Deig, 43 Ind. 455, 458; 13 Am.Rep. 399.

22. The essential feature of a highway is that it is a way over which the public at large has the right to pass.

State v. Pierson, 204 A.2d 838, 840; 2 Conn. Cir. 660.

23. It is settled that the streets of a city belong to the people of a state and the use thereof is an inalienable right of every citizen of the state.

Whyte v. City of Sacramento, 65 Cal. App. 534, 547, 224 Pac. 1008, 1013 (1924);
Escobedo v. State Dept. of Motor Vehicles, 222 Pac.2d 1, 5, 35 Cal.2d 870 (1950).

24. The right of a citizen to travel upon the public highways and to transport his property thereon in the ordinary course of life and business is a common right which he has under his right to enjoy life and liberty, to acquire and possess property, and to pursue happiness and safety.

Thompson v. Smith, 154 S.E. 579, 583 (Va.-1930).

25. This right of the people to the use of the public streets of a city is so well established and so universally recognized in this country, that it has become a part of the alphabet of fundamental rights of the citizen.

Swift v. City of Topeka, 23 Pac. 1075, 1076, 43 Kan. 671, 674.

26. The right of a citizen to use the highways, including the streets of the city or town, for travel and to transport his goods, is an inherent right which cannot be taken from him.

Florida Motor Lines v. Ward, 137 So. 163, 167. Also: State v. Quigg, 114 So. 859, 862 (Fla.-1927); **Davis v. City of Houston**, 264 S.W. 625, 629 (Text Civ. App., 1924).

27. The right to travel, to go from place to place as the means of transportation permit, is a natural right subject to the rights of others and to reasonable regulation under law.

Shachtman v. Dulles, 225 Fed.2d 938, 941 (1955).

28. Every citizen has an inalienable right to make use of the public highways of the state; every citizen has full freedom to travel from place to place in the enjoyment of life and liberty.

People v. Nothaus, 363 P.2d 180, 182 (Colo.-1961).

29. A highway according to the common law, is a place in which all the people have a right to pass. A common street and public highway are the same, and any way which is common to all the people may be called a 'highway.'

Skinner v. Town of Weathersfield, 63 A. 142, 143; 78 Vt. 410.

30. At common law every member of the public has the right to use, in a reasonable manner and with due care, public roads, inclusive of public bridges.

Shell Oil Co. v. Jackson County, 193 S.W.2d 268, 271 (Text Civ. App.-1946).

31. It has been held directly in a number of cases that at common law a driver of a vehicle has the right to drive upon any part of the highway.

Boyer v. North End Drayage Co., 67 S.W. (2d) 769, 770 (Mo.App.-1934).

32. The common law rule was that a public highway was a "way common and free to all the king's subjects to pass and repass at liberty," and this court has recognized that the "right to travel a highway belongs to everybody in the state, . . . that a highway belongs to the public, and is free and common as a way to every citizen of the land."

House-Wives League v. City of Indianapolis, 204 Ind. 685, 688-89.

33. Under the general law a public street is a public highway, and, if a highway, it is a "road which every citizen has a right to use." The right of the citizen to pass and repass on it is limited to no particular part of it for, as said in the books, "the public are entitled not only to a free passage along the highway, but to a free passage along any portion of it not in the actual use of some other traveler." 1 Hawk. P.C. 22; Ang. & D. Highways, § 226. * * * Under the common law a public highway was "a way common and free to all the king's subjects to pass and repass at liberty."

State v. Stroud, 52 S.W. 697, 698 (Tenn.-1899); see also, 3 Kent, Comm. 432.

34. There can be no denial of the general proposition that every citizen of the United States, and every citizen of each State of the Union, as an attribute of personal liberty, has the right ordinarily, of free transit from, or through the territory of any State. This freedom of egress or ingress is guaranteed to all by the clearest implications of the Federal, as well as of the State constitution. It has been said that even in England, whence our system of jurisprudence was derived, the right to personal liberty did not depend on any express statute, but "it was the birthright of every freeman."- Cooley's Const. Lim. 342. This right was said by Sir William Blackstone to consist in "the power of locomotion, of changing situation, or of moving one's person to whatsoever place one's inclination may direct, without imprisonment or restraint, unless by due process of law."

1 B1. Comm. 134. Joseph v. Randolph, 71 Ala. 499, 504-505.

35. That the lower court and Respondent should ignore and trample over the meaning and original intent of our State Constitution and recognize only current statutes, is not only being legally nearsighted but is a gross violation of their oath of office. As a result the trial court gravely erred in its decision. The liberty to travel and to move from place to place, which existed under the common law, and which existed in colonial America, also exists under the State Constitutions. The "liberty" in the Constitution secures the same rights it included at common law and means the same thing—a right to travel: Freedom of locomotion, although subject to proper restrictions, is included in the 'liberty' guaranteed by State Constitution.

Commonwealth v. Doe, 167 A. 241, 242; 109 Pa. Super. 187.

36. The law does not denounce motor carriages, as such, on the public ways. * * * they have an equal right with other vehicles in common use to occupy the streets and roads. * * * It is improper to say that the driver of the horse has rights in the road superior to the driver of the automobile. Both have the right to use the easement.

Indiana Springs Co. v. Brown, 165 Ind. 465, 468.

37. The right to make use of an automobile as a vehicle of travel along the highways of the state, is no longer an open question. The owners thereof have the same rights in the roads and streets as the drivers of horses or those riding a bicycle or traveling in some other vehicle.

House v. Cramer, 112 N.W. 3; 134 Iowa 374;

Farnsworth v. Tampa Electric Co., 57 So. 233, 237, 62 Fla. 166.

38. Automobiles have the right to use the highways of the State on an equal footing with other vehicles.

Cumberland Telp. & Telg. Co. v. Yeiser, 141 Ky. 15.

39. Each citizen has the absolute right to choose for himself the mode of conveyance he desires, whether it be by wagon or carriage, by horse, motor or electric car, or by bicycle, or astride of a horse, subject to the sole condition that he will observe all those requirements that are known as the law of the road.

Swift v. City of Topeka, 43 Kan. 671, 674.

40. A farmer has the same right to the use of the highways of the state, whether on foot or in a motor vehicle, as any other citizen.

Draffin v. Massey, 92 S.E.2d 38, 42.

41. IV. "The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall enjoy free ingress and regress to and from any other State,..."

Articles of Confederation 1777

42. "The right to travel over a street or highway is a primary absolute right of everyone."

Foster's, Inc. v. Boise City, 118 P.2d 721, 728.

43. "The right of a citizen to travel upon the public highways and to transport his property thereon in the ordinary course of life and business is a common right which he has under his right to enjoy life and liberty, to acquire and possess property, and to pursue happiness and safety".

Thompson v. Smith, 154 S.E. 579, 583 (Va.-1930).

44. "It is settled that the streets of a city belong to the people of a state and the use thereof is an inalienable right of every citizen of the state".

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45. "This right of the people to the use of the public streets of a city is so well established and so universally recognized in this country, that it has become a part of the alphabet of fundamental rights of the citizen".

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46. "The right of a citizen to use the highways, including the streets of the city or town, for travel and to transport his goods, is an inherent right which cannot be taken from him."

Florida Motor Lines v. Ward, 137 So. 163, 167.

State v. Quigg, 114 So. 859, 862 (Fla.-1927);

Davis v. City of Houston, 264 S.W. 625, 629 (Tex. Civ. App., 1924).

47. "Every citizen has an inalienable right to make use of the public highways of the state; every citizen has full freedom to travel from place to place in the enjoyment of life and liberty."

People v. Nothaus, 363 P.2d 180, 182 (Colo.-1961).

48. "A highway according to the common law, is a place in which all the people have a right to pass. A common street and public highway are the same, and any way which is common to all the people may be called a 'highway.'"

Skinner v. Town of Weathersfield, 63 A. 142, 143; 78 Vt. 410.

49. "At common law every member of the public has the right to use, in a reasonable manner and with due care, public roads, inclusive of public bridges."

Shell Oil Co. v. Jackson County, 193 S.W.2d 268, 271 (Tex. Civ. App.-1946).

50. "It is well settled that the public are entitled to a free passage along the highway".

Michelsen v. Dwyer, 63 N.W.2d 513, 517, 158 Neb. 427 (1954).

51. "Our society is builded in part upon the free passage of men and goods, and the public streets and highways may rightfully be used for travel by everyone."

Hanson v. Hall, 202 Minn. 381, 383.

52. "Public ways, as applied to ways by land, are usually termed "highways" or "public roads," and are such ways as every citizen has a right to use."

Kripp v. Curtis, 1 P. 879; 71 Cal. 62.

53. "A highway includes all public ways which the public generally has right to use for passage and traffic, and includes streets in cities, sidewalks, turnpikes and bridges."

Central Ill. Coal Mining Co. v. Illinois Power Co., 249 Ill. App. 199.

54. "Our court has stressed the basic right of the transient public and abutting property owners to the free passage of vehicles on public highways and the paramount function of travel as overriding all other subordinate uses of our streets."

State v. Perry, 269 Minn. 204, 206.

55. "A highway is a way over which the public have a free right of passage."

Yale University v. City of New Haven, 134 Atl. 268, 271, 104 Conn. 610.

56. "A highway is a public road, which every citizen of the state has a right to use for the purpose of travel."

Shelby County Com'rs v. Castetter, 33 N.E. 986, 987, 7 Ind. App. 309;
Spindler v. Toomey, 111 N. E. 2d 715, 716 (Ind. -1 953).

57. "The public have a right of free and unobstructed transit over streets, sidewalks and alleys, and this is the primary and appropriate use to which they are generally dedicated."

Pugh v. City, 176 Iowa 593, 599, 156 N.W. 892, 894.

58. "It is well-settled law that every member of the public has the right to use the public roads in a reasonable manner for the promotion of his health and happiness."

Sumner County v. Interurban Transp. Co., 141 Tenn. 493, 500.

59. "A highway is a road or way upon which all persons have a right to travel at pleasure. It is the right of all persons to travel upon a road."

Gulf & S.L.R. Co. v. Adkinson, 77 So. 954, 955; 117 Miss. 118.

60. "the right of free ingress into other States, and egress from them."

Paul v. Virginia, 8 Wall. (75 U.S.) 168, 180 (1868);

Travis v. Yale & Towne Mfg. Co., 252 U.S. 60, 78 (1919).

61. "Members of Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day".

Article 1, § 4, Second Paragraph, Constitution for the United States of America

62. "Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes".

Article 2, §3, Second Paragraph, Constitution for the United States of America

63. "If the right of passing through a State by a citizen of the United States is one guaranteed to him by the Constitution, it must be as sacred from State taxation as the right derived by the importer from the payment of duties to sell the goods on which the duties were paid."

Crandall v. Nevada, supra, 47.

65. "the power of locomotion, of changing situation, or of moving one's person to whatsoever place one's inclination may direct, without imprisonment or restraint, unless by due process of law".

1 Bl. Corn. 134. Sir William Blackstone

66. "... It was clearly and definitely established by the decision of [the United States supreme] court in *St. Louis v. Western Union Tel. Co.*, 148 U. S. 92, [13 Sup. Ct. 485, 37 L. Ed. 380], [that] '... streets and highways; they are the public property of the state. While for purposes of travel and common use they are open to the citizens of every state alike, and no state can by its legislation deprive the citizens of another state of such common use, yet when an appropriation of any part of this public property to an exclusive use is sought, whether by a citizen or corporation of the same or another state, or a corporation of the national government, it is within the competency of the state, representing the sovereignty of that local public, to exact for its benefit compensation for this exclusive appropriation. It matters not for what that exclusive appropriation is taken, ... the state may if it chooses exact from the party or corporation given such exclusive use pecuniary compensation to the general public for being deprived of the common use of the portion thus appropriated.'

"These views were reaffirmed and applied in *Postal Tel. Co. v. Baltimore*, 156 U. S. 210, [15 Sup. Ct. 356, 39 L. Ed. 399], and approved in *Richmond v. Southern Bell T. & T. Co.*, 174 U. S. 771, [19 Sup. Ct. 778, 43 L. Ed. 1162], and they have not been modified by any subsequent decision."

Western Union Tel. Co. v. Hopkins (1911) 160 Cal. 106, 115-117.

67. "... Those engaged in a business and using vehicles to transact it are doing so to the constant detriment of the street and are also in the enjoyment of a use thereof which is a use not commonly exercised by all the inhabitants of the municipality. It is therefore only proper and fair that those who make use of the streets in the conduct of a business privilege should pay therefor; and that those who use the streets most should pay more than those who use them less."

Bramman v. City of Alameda (1912) 162 Cal. 648, 654.

68. "... In one of the so-called elevator cases, that of *Munn v. Illinois*, 94 U. S. 113, [24 L. Ed. 77], it is said: '**When, therefore, one devotes his property to a use in which the public have an interest, he in effect grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created.**' But so long as he uses his property for private use, and in the absence of devoting it to public use, the public has no interest therein which entitles it to a voice in its control. Other case to the same effect are *Budd v. New York*, 143 U. S. 517, [36 L. Ed. 247, 12 Sup. Ct. Rep. 468]; *Weems Steamboat Co. v. People's Co.*, 214 U. S. 345, [16 Ann. Cas. 1222, 53 L. Ed. 1024, 29 Sup. Ct. Rep. 661]; *Monongahela Nav. Co. v. United States*, 148 U. S. 336, [37 L. Ed. 463, 13 Sup. Ct. Rep. 622]; and *Del Mar Water Co. v. Eshleman*, 167 Cal. 666, [140 Pac. 591, 948]. Indeed, our attention is directed to no authority in this state or elsewhere holding otherwise."

Associated etc. Co. v. Railroad Commission (1917) 176 Cal. 518, 526.

69. "... That subjecting petitioners' property to the use of the public as common carriers constitutes a taking of the same, admits of no controversy. 'Whenever a law deprives the owner of the beneficial use and free enjoyment of his property, or imposes restraints upon such use and enjoyment that materially affect its value, without legal process or compensation, it deprives him of his property within the meaning of the constitution. ... It is not necessary, in order to render the statute obnoxious to the restraints of the constitution, that it must in terms or effect authorize the actual physical taking of the property or the thing itself, so long as it affects its free use and enjoyment, or the power of disposition at the will of the owner.' (*Forster v. Scott*, 136 N. Y. 577, [18 L. R. A. 543, 32 N. E. 976]; *Monongahela Nav. Co. v. United States*, 148 U. S. 312, 336, [37 L. Ed. 463, 13 Sup. Ct. Rep. 622]. ... Mr. Lewis in his work on Eminent Domain, third edition, section 11, says: 'A law which authorizes the taking of private property without compensation, ... cannot be considered as due process of law in a free government.' (*Chicago etc, R. R. Co. v. Chicago*, 166 U. S. 226, [41 L. Ed. 979, 17 Sup. Ct. Rep. 581].")

Associated etc. Co. v. Railroad Commission (1917) 176 Cal. 518, 528-530.

70. "'The right of a citizen to travel upon the highway and transport his property thereon in the ordinary course of life and business differs radically and obviously from that of one who makes the highway his place of business and uses it for private gain, in the running of a stage coach or omnibus. The former is the usual and ordinary right of a citizen, a right common to all; while the latter is special, unusual and extraordinary. As to the former, the extent of legislative power is that of regulation; but as to the latter its power is broader; the right may be wholly denied, or it may be permitted to some and denied to others, because of its extraordinary nature. This distinction, elementary and fundamental in character, is recognized by all the authorities.'

"The argument is that the privilege of using the public highways as a place for the transaction of

private business is not a vested right but a privilege which the state may grant or withhold at its pleasure; that having the right to withhold such privilege it may grant the same upon such terms and conditions as it may see fit to impose; that it may say in effect to the applicant for such privilege, 'I will grant you the privilege of using the public highways for private gain in the transaction of your business upon the condition that you in turn shall dedicate the property used by you in such business to the public use of public transportation.' There is much force in this contention.

"It has been repeatedly decided that the right of a common carrier to use the public highways for the conduct of his business as such is not a vested or natural right, but is a mere privilege or license which the legislature may grant or withhold in its discretion, or which it may grant upon such conditions as it may see fit to impose. [Citations omitted.] The supreme court of Washington said in *Hadfield v. Lundin*, [98 Wash. 657, Ann. Cas. 1918C, 942, L. R. A. 1918B, 909, 168 Pac. 516]: 'If any proposition may be said to be established by authority, the right of the state in the exercise of its police power to prohibit the use of the streets as a place of private business, or as the chief instrumentality in conducting such business, must be held so established. Nor can it be questioned that the power to prohibit includes the power to regulate even to the extent that the regulation under given conditions may be tantamount to a prohibition. Where the power to prohibit exists, the reasonableness of any regulation is palpably a legislative question, pure and simple.' ... Upon principle, however, we perceive no reason why the rule should not apply with equal force to the case of a private carrier who proposes to use the street as a place of private business or as the chief instrumentality thereof. The rule ... rests equally upon the circumstance that he is using the public highways as the chief instrumentality of a private business conducted for private gain. In other words, he is enjoying a special privilege in the highways which are constructed and maintained at public expense and designed for the common use of all. ... We are of the opinion that the state has the right in the granting of such special privileges in its public highways to require that the recipient thereof in consideration therefor return a reasonable quid pro quo to the public ..."

Frost v. Railroad Commission (1925) 197 Cal. 230, 236-238.

71. "... It is now universally recognized that the state does possess such power [to impose such burdens and limitations upon private carriers when using the public highways for the transaction of their business] with respect to common carriers using the public highways for the transaction of their business in the transportation of persons or property for hire. That rule is stated as follows by the supreme court of the United States: 'A citizen may have, under the fourteenth amendment, the right to travel and transport his property upon them (the public highways) by auto vehicle, but he has no right to make the highways his place of business by using them as a common carrier for hire. Such use is a privilege which may be granted or withheld by the state in its discretion, without violating either the due process clause or the equal protection clause.' (*Buck v. Kuykendall*, 267 U. S. 307 [38 A. L. R. 286, 69 L. Ed. 623, 45 Sup. Ct. Rep. 324].) (Italics added.) Petitioners emphasize the words which we have italicized and insist that this rule is limited in its application to common carriers. We think it is equally applicable to all persons who seek to make a special and private use of the public highways by transacting their private business thereon and that it applies with equal force to private carriers who engage in the business of transportation for hire upon the public highways."

Holmes v. Railroad Commission (1925) 197 Cal. 627, 633.

72. "... One who transports merely his own freight over the highway is not a carrier, private or otherwise. He may be a farmer or a manufacturer or a merchant or what not, but the business in which he is engaged is not the business of transportation. He is not a carrier unless he engages in the business of transportation of the persons or property of others for compensation. One who transports merely his own goods is of necessity engaged in some business other than transportation and the transportation of such goods is no more than an incident to such business."

Holmes v. Railroad Commission (1925) 197 Cal. 627, 638.

73. "As indicated by its title, the act was designed to impose a license tax upon those engaged in the business of operating motor vehicles upon the public highways for the transportation of persons or property for compensation. Section 1 defines certain words and phrases employed in the act. The term 'operator' is declared generally to include all persons, firms, associations, and corporations who operate motor vehicles upon any public highway in the state and thereby engage in the transportation of persons or property for hire or compensation. The term 'motor vehicles' is defined to mean and include all vehicles, automobiles, trucks, or trailers operated upon or over the public highways of this state whether the same be propelled or operated by steam or electricity or propelled or operated by combustion of gasoline, distillate, or other volatile and inflammable liquid fuels. ...

"Section 2 of the act provides: 'Each operator of a motor vehicle within this state who transports or desires to transport for compensation or hire persons or property upon or over any public highway within this state shall apply to and secure from the board of equalization of the State of California a license to operate each and all of the motor vehicles which such operator desires to operate or which such operator from time to time may operate.' ...

It is provided in Section 7 that any operator using the public highways of the state for the transportation of persons or property for hire, either as a public or private carrier without first obtaining the license ... is guilty of a misdemeanor ..."

Bacon Service Corporation v. Huss (1926) 199 Cal. 21, 26-27.

74. "Prior to November 2, 1926, the Statutes of 1925 imposed a license tax ... on those operating motor vehicles over the public highways for hire, ... On November 2, 1926, the People adopted an amendment to article XIII, section 15, of the Constitution, changing the tax rate ... on carriage of passengers and ... on transportation of property, and relieving the carrier of municipal licenses and taxes. ... The amendment contained the provision that 'Such taxes shall be in lieu of all other taxes and licenses' upon the property of such companies."

People v. Borderland Express (1933) 218 Cal. 680, 681.

75. "... [T]he exemptions provided for in section 1 of the Motor Vehicle Transportation License Act of 1925 (Stats. 1925, p. 833) in favor of those who solely transport their own property or employees, or both, and of those who transport no persons or property for hire or compensation, by motor vehicle,] have been determined in the Bacon Service Corporation case to be lawful exemptions.

In re Schmolke (1926) 199 Cal. 42, 46.

DRIVER. One employed...

Bouvier's Law Dictionary, 1856

DRIVER. One employed...

Black's Law Dictionary, 4th Ed, 1951

The federal government is of the opinion you are in Interstate Commerce because you have a contract with the DMV and you gave your personal and private information to the DMV "involuntarily". Seth Waxman, Solicitor General of the United States believes this is true.

Therefore under the rules of contracts you have grounds for voiding the contract with the

DMV,

[RENO v. CONDON, Merits, 98-1464](#)

and read what the federal governments position is for yourself.

[Do I use a "motor vehicle" or "private property", "household" or "consumer goods"? determine for yourself!](#)

[State v. Federal Citizenship Citations](#)