

Do I use a "motor vehicle" to get from Point A to Point B or do I use private property/consumer or household goods to get from Point A to Point B?

Ex parte Stork (Cr. 1843) 684 167 Cal. 294
(Supreme Court of California. Feb. 24, 1914)

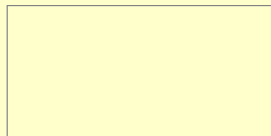
1. LICENSES (§ 5*) - CHAUFFEURS.

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*) - 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.



"... 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.

Is your car devoted to public or private use? Are you being paid when you use it?

Ok, so the Supreme Court of California tells me there are 2 classes for people using these things. One class requires a license the other class doesn't.

The question I need to ask is: "Do I use my car in a way that I am required to ask for government permission to use it"?

The Constitution secures my right to acquire property and the Legislature has defined what property is at California Commercial Code Section 9109.

Ok, so the federal government's definition of a "motor vehicle" is at:

Title 18 United States Code, Sec. 31

PART I - CRIMES

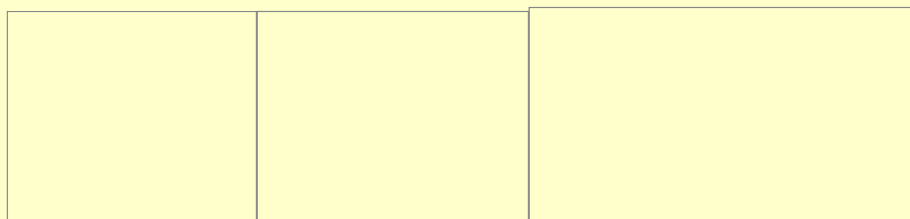
CHAPTER 2 - AIRCRAFT AND MOTOR VEHICLES

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;

These then, must be what is being described in the foregoing USC title:



Just cause my car doesn't look like the foregoing images doesn't exempt it from the definitions used by the federal government and State government IF I get when I use it.

This then: MUST be the single element that makes all of the things with motors defined as "Equipment" by the State government at Commercial Code Section 9109(2) and the federal government at Title 18 USC, Section 31, the SAME.

Ok, so the federal government defines "motor vehicle" as something used for "commercial purposes". Is this how I use my car?

So if I get this for using this , then it is properly described at Title 18 of the United States Codes, at Section 31.

We also find the California Legislature has defined such property as "Equipment". See Commercial Code Section 9190(2):

Commercial Code

§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.
[Definitions of "Farm Products" and "Inventory" omitted]

Ok, so the Legislature tells me "Equipment... ..IF used or brought for use primarily in business...", meaning

I would get some of this because of the way I used my car, it would be properly described as something "requiring" registration.

There MUST BE *evidence* (receipts, bill of lading etc) of this kind of use that would place the car into the category or class of a "motor vehicle" or "Equipment", and absent this evidence the does not meet the description of the the thing required to be registered.

One of the first questions to ask in determining whether the is used commercially is to ask:

Do I get when I use ?

When I go to do I get ?

When I go to the do I get ?

When I go do I get ?

When I go to do I get ?

When I go the store for do I get ?

When I go from my to my place of work,
do I get ?

When I go from my place of work to my ,
do I get ?

The "evidence" I get would be represented by a RECEIPT or Bill of Lading for "hauling" or "transporting". This "evidence" would need to be submitted into evidence by the officer or his attorney to "prove" one is "driving". If there is no evidence in the form of RECEIPTS or Bills of Lading, the officer lacks required evidence to prove his claim that you are one of those "persons" required and regulated by the Vehicle Code. The officer simply can not make a claim in open court without some evidence to sustain his/her allegation/s, or that would be "false swearing", that you are sausage merchant for instance, if you are, in fact, a math teacher, and then compel the court to order you to pay a fine for a sausage merchant violation that has absolutely nothing to do with rules and regulations for math teachers. So if you do the math and you don't come up with the answer: "Sausage Merchant", then the fine CAN NOT apply because the court lacks jurisdiction to order a penalty for something one is not legally obligated to do or not do. If there is no obligation there can be no liability, this is selfevident.

DRIVER. One employed...
Bouvier's Law Dictionary, 1856

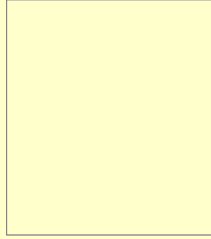
DRIVER. One employed...
Black's Law Dictionary, 4th Ed, 1951

Hmmm, we're informed by way of the foregoing legal definitions of driver that "employment" is a condition or element to determine if one is a "driver".

When one is employed one gets .

So if one doesn't get when they use , one seems to have met the

burden of reasonable doubt that they **are not "required"** to possess a license as they are not of the class the Legislature declared is required to in 1913. (See Ex parte Stork, above.)



Therefore, when one of these stops me and DEMANDS that I produce a license, he has PRESUMED I am engaging in a "regulated" activity:

“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”.

[In the Supreme Court of the United States, No. 98-1464](#), JANET RENO, ATTORNEY GENERAL, ET AL., PETITIONERS v CHARLIE CONDON, ATTORNEY GENERAL OF SOUTH CAROLINA, ET AL., ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT, BRIEF FOR THE PETITIONERS.

[Emphasis added]

CALIFORNIA EVIDENCE CODE

SECTION 600-607

600. (a) A presumption is an assumption of fact that the law requires to be made from another fact or group of facts found or otherwise established in the action. A presumption is not evidence.

(b) An inference is a deduction of fact that may logically and reasonably be drawn from another fact or group of facts found or otherwise established in the action.

601. A presumption is either conclusive or rebuttable. Every rebuttable presumption is either (a) a presumption affecting the burden of producing evidence or (b) a presumption affecting the burden of proof. [Emphasis added]

602. A statute providing that a fact or group of facts is prima facie evidence of another fact establishes a rebuttable presumption.

604. The effect of a presumption affecting the burden of producing evidence is to require the trier of fact to assume the existence of the presumed fact unless and **until evidence is introduced which would support a finding of its nonexistence**, in which case the trier of fact shall determine the existence or nonexistence of the presumed fact from the evidence and without regard to the presumption. Nothing in this section shall be construed to prevent the drawing of any inference that may be appropriate.[Emphasis added]

There is no other conclusion possible. When a demands the production of documents, a PRESUMPTION HAD TO BE MADE FIRST. THE PRESUMPTION IS THE PRECIPITATING CAUSE OF THE DEMAND.

The has become my accuser.

EVIDENCE CODE
SECTION 520-523

520. The party claiming that a person is guilty of crime or wrongdoing has the burden of proof on that issue.

The is a public servant and an employee of the Executive branch of government. Hence he is an Executive officer and required to swear an oath prior to the lawful exercise of his duties:

GOVERNMENT CODE
SECTION 1360-1369

1360. Unless otherwise provided, before any officer enters on the duties of his office, he shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution of California.

As a public servant the has sworn an oath to protect and defend my constitutionally secured and protected inalienable rights.

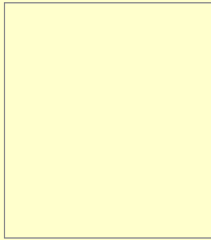
Do I have the unalienable right to travel in my private property from Point A to Point B for private and/or household purposes which ALL government employees ARE NOT authorized to deny nor DISPARAGE?

I am informed that:

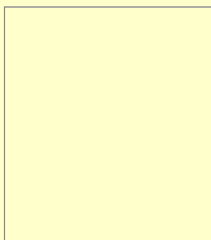
Sec. 10.

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 redress of grievances.

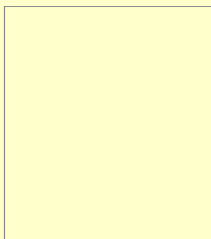
Constitution of the State of California, 1849



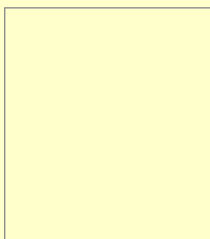
The who stops me and demands that I produce anything, demands that I perform specifically to his command/demand, and he/she better have some evidence I am required to or he/she will be in violation of his oath (breach of agreement) and liable in damages. The servant does not command whom he serves absent a contract. And the contract in question, when you are detained when in your car, is the one you allegedly have with the DMV.



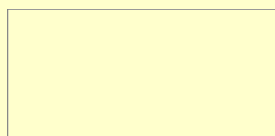
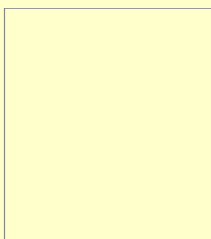
The must prove that I have a contract establishing obligations and liability with the DMV.



The must prove that what I did was a government regulated activity lawfully exercisable under license only.



When a DEMANDS that I produce what constitutes "evidence", Driver License, proof of registration, proof of insurance, the officer has PRESUMED I am of a class of "regulated persons".



The PRESUMES that my does not belong to me and that I have a

relationship with the DMV.

The must prove that my is a "motor vehicle" as defined by the federal government at Title 18, USC, Section 31.

The must prove that I have bailed my with the DMV.

The must prove that the I am a "person" as defined in the Vehicle Code.

The must prove that I am in possession of anything belonging to the DMV. I.E. a "privilege". The plates, driver license, pink slip, tabs all belong to the DMV and not "owned" by the party who they are issued to.

The as my primary accuser MUST PROVE EVERY ELEMENT of his accusation in order to prevail in a court of law.

Absent any proof, the will not prevail.

The can not compel/force me to be a witness against myself (**Cal Evidence Code sect. 940**). The DEMAND for the production of a driver license, proof of registration, proof of insurance, is a

demand that I produce "evidence" that may be used against me. The has taken an oath to protect and defend the Constitution and my secured and protected unalienable rights, therefore I can not be compelled/forced by a public servant to waive my right of due process of law and give testimony or evidence that may be used against me.

Use one of these for purely private and/or household purposes, and you are not REQUIRED to register it with the DMV nor request government permission to use it on the streets of California. There is NO REQUIREMENT found in the Statutes nor any code that unequivocally requires one of the people as defined by the State Legislature at Government Code Section 54950,

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created”.

to request government permission to exercise any reserved or constitutionally secured right and to register their private car and place it into a trust relationship with the DMV as Trustee.

Learn how to correct the mistakes you made by entering contracts that you did not fully understand at the time you signed them. [Richard McDonald](#) provides guidance for those seeking to correct the legal record and remedying mistakes inadvertently made. Learn the difference between Citizen and resident. By understanding your correct status you can determine with certainty which laws apply to you and which ones don't. Status is key to jurisdiction and without jurisdiction government agents are powerless to act against you.

[Go get](#) RENO v. CONDON, MERITS, 98-1464