

## **NOTICE TO PEACE OFFICERS REQUESTING A DRIVER'S LICENCE**

*This is a Private automobile- exempt from commercial motor vehicle regulations and statutes, protected by the constitution of these united states, and upheld by supreme and appellate courts in each and every state of these united states.*

Warning: You are about to violate your official oath.

MY STATEMENT;

The supreme court has upheld that if a public servant violates his oath to protect the constitution, and the citizen, he is no longer acting in official capacity. If you issue citations, illegally arrest, assault, detain, kidnap, or commit theft upon me, you will be prosecuted to the fullest extent of the law.

If you are unfamiliar with any of the terms or legal definitions in this affidavit, please call your supervisor.

If this is a "traffic stop" you've got the wrong automobile, I do not now and will not in the future traffic goods, or commodities of any kind. I travel the roadways in pursuit of life and liberty, not corporate gain.

My automobile is not a "motor vehicle" or "vehicle" it is not used in the operation of any commerce, it is not used to haul passengers or freight for monetary gain. It is my automobile, and is my personal property – an extension of my household

I am not a "driver" who "operates" a "motor vehicle". ("Driver -- One *employed* in conducting a coach, carriage, wagon, or other vehicle..." Bovier's Law Dictionary, 1914 ed., p. 940.) A driver is a person for hire using the roadways as his place of business, hauling freight, or passengers for monetary gain. I am not employed as a driver, and i do not "operate" any "vehicle" or "motor vehicle" governed by "transportation" code. "transportation" is the act of transporting, for monetary gain. I am merely a traveler in my automobile.

I am not a carrier for-hire. I am a private citizen going about my daily activities exercising my unalienable right to travel.

I noticed red lights declaring an emergency, which is why i pulled to the side. If there is an emergency and my help is needed, please notify me, and i will help if i am able. If there is no emergency please tell me why I am not free to go. (I am not about to, nor am I now, and I did not Just recently Commit any crime.)

Included below are several examples, Definitions, Citations of Supreme court rulings and other EVIDENCE. "Driver's License" is a Permission issued to anyone using the roads in commerce.

" **"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 transportation of passengers, passengers and property, or property and cargo; ... **"Used for commercial purposes"** means the carriage of persons or property for **any fare, fee, rate, charge or other consideration**, or directly or indirectly in connection with any business, or other **undertaking intended for profit[.]**" 18 U.S.C. 31.

"A **carriage is** peculiarly a family or **household** article. It contributes in a large degree to the health, convenience, comfort, and welfare of the householder or of the family." Arthur v Morgan, 113 U.S. 495, 500, 5 S.Ct. 241, 243 S.D. NY 1884).

"The Supreme Court, in Arthur v. Morgan, 112 U.S. 495, 5 S.Ct. 241, 28 L.Ed. 825, held that **carriages were properly classified as household effects**, and we see no reason that automobiles should not be similarly disposed of." Hillhouse v United States, 152 F. 163, 164 (2nd Cir. 1907).

"A soldier's **personal automobile** is part of his **"household goods[.]"** U.S. v Bomar, C.A.5(Tex.), 8 F.3d 226, 235" 19A Words and Phrases - Permanent Edition (West) pocket part 94.  
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#### **AUTOMOBILES NOT CLASSIFIED AS VEHICLES**

"Automobile purchased for the **purpose of transporting buyer to and from his**

**place of employment was "consumer goods"** as defined in UCC 9-109." Mallicoat v Volunteer Finance & Loan Corp., 3 UCC Rep Serv 1035; 415 S.W.2d 347 (Tenn. App., 1966).

"The provisions of UCC 2-316 of the Maryland UCC do not apply to sales of consumer goods (a term which includes automobiles, whether new or used, that are bought primarily for personal, family, or household use)." Maryland Independent Automobile Dealers Assoc., Inc. v Administrator, Motor Vehicle Admin., 25 UCC Rep Serv 699; 394 A.2d 820, 41 Md App 7 (1978).

"An automobile was part of testatrix' **"household goods"** within codicil. In re Mitchell's Will, 38 N.Y.S.2d 673, 674, 675 [1942]." 19A Words and Phrases - Permanent Edition (West) 512. Cites Arthur v Morgan, supra.

"[T]he expression **"personal effects"** clearly includes an automobile[.]" In re Burnside's Will, 59 N.Y.S.2d 829, 831 (1945). Cites Hillhouse, Arthur, and Mitchell's Will, supra.

"[A] yacht and six automobiles were **"personal belongings"** and **"household effects[.]"**" In re Bloomingdale's Estate, 142 N.Y.S.2d 781, 782 (1955). In re Bloomingdale's Estate, 142 N.Y.S.2d 781, 782 (1955).

"No State government entity has the power to allow or deny **passage on the highways**, byways, nor waterways... transporting his vehicles and personal property for either recreation or business, but by being subject only to local regulation i.e., safety, caution, traffic lights, speed limits, etc. **Travel is**

not a privilege requiring, licensing, vehicle registration, or forced insurances." Chicago Coach Co. v. City of Chicago, 337 Ill. 200, 169 N.E. 22.

## **RIGHT TO TRAVEL**

"The right to travel is part of the Liberty of which a citizen cannot deprived without due process of law under the Fifth Amendment. This Right was emerging as early as the Magna Carta." Kent vs. Dulles, 357 US 116 (1958).

"With regard particularly to the U.S. Constitution, it is elementary that a Right secured or protected by that document cannot be overthrown or impaired by any state police authority." Connolly vs. Union Sewer Pipe Co., 184 US 540; Lafarier vs. Grand Trunk R.R. Co., 24 A. 848; O'Neil vs. Providence Amusement Co., 108 A. 887

No person shall be...deprived of Life, Liberty, or Property without due process of law.

## **CONVERSION OF A RIGHT TO A CRIME**

As previously demonstrated, the Citizen has the Right to travel and to transport his property upon the public highways in the ordinary course of life and business. However, if one exercises this Right to travel (without first giving up the Right and converting that Right into a privilege) the Citizen is by statute, guilty of a crime. This amounts to converting the exercise of a Constitutional Right into a crime.

"We find it intolerable that one constitutional right should have to be surrendered in order to assert another". SIMMONS v US, supra.

"When rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." Miranda vs. Arizona, 384 US 436 p. 491.

"The claim and exercise of a Constitutional right cannot be converted into a crime." Miller v. U.S. 230 F 2d 486, 489.

History is clear that the first ten amendments to the Constitution were adopted to secure certain common law rights of the people, against invasion by the Federal Government." Bell v. Hood, 71 F.Supp., 813, 816 (1947) U.S.D.C. -- So. Dist. CA.

"The state cannot diminish Rights of the people." Hurtado vs. California, 110 US 516.

## **IN ADDITION:**

Since no notice is given to people applying for driver's (or other) licenses that they have a perfect right to use the roads without any permission, and that they surrender valuable rights by taking on the regulation system of licensure, the state has committed a massive

construction fraud. This occurs when any person is told that they must have a license in order to use the public roads and highways.

The license, being a legal contract under which the state is empowered with policing powers is only valid when the licensee takes on the burdens of the contract and bargains away his or her rights knowingly, intentionally, and voluntarily.

Few know that the driver's license is a contract without which the police are powerless to regulate the people's actions or activities.

Few if any licensees intentionally surrender valuable rights. They are told that they must have the license. As we have seen, this is not the case.

No one in their right mind voluntarily surrenders complete liberty and accepts in its place a set of regulations.

*"The people never give up their liberties but under some delusion." Edmund Burke, 1784.*

## **SURRENDER OF RIGHTS**

A Citizen cannot be forced to give up his/her Rights in the name of regulation.

"...the only limitations found restricting the right of the state to condition the use of the public highways as a means of vehicular transportation for compensation are (1) that the state must not exact of those it permits to use the highways for hauling for gain that they surrender any of their inherent U.S. Constitutional Rights as a condition precedent to obtaining permission for such use..." [emphasis added] Riley vs. Laeson, 142 So. 619; Stephenson vs. Binford, supra.

If one cannot be placed in a position of being forced to surrender Rights in order to exercise a privilege, how much more must this maxim of law, then, apply when one is simply exercising (putting into use) a Right?

"To be that statute which would deprive a Citizen of the rights of person or property, without a regular trial, according to the course and usage of the common law, would not be the law of the land." Hoke vs. Henderson, 15 NC 15.

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"We find it intolerable that one Constitutional Right should have to be surrendered in order to assert another." Simons vs. United States, 390 US 389.

Since the state requires that one give up Rights in order to exercise the privilege of driving, the regulation cannot stand under the police power, due process, or regulation, but must be exposed as a statute which is oppressive and one which has been misapplied to deprive the Citizen of Rights guaranteed by the United States Constitution and the state constitutions.

## **MORE CASE LAW CITATIONS OF THE SUPREME COURT:**

**The fundamental Right to travel is NOT a Privilege, it's a gift granted by your Maker, and restated by our founding fathers as Unalienable and cannot be taken by any Man / Government made Law or color of law known as a private Code (secret) or a Statute, To Wit:**

"As general rule men have natural right to do anything which their inclinations may suggest, if it be not evil in itself, and **in no way impairs the rights of others.**" In Re Newman (1858), 9 C. 502.

"**Traveling** is passing from place to place--act of **performing journey;**

**and traveler is person who travels.**" In Re Archy (1858), 9 C. 47.

"Right of transit through each state, with every species of property known to constitution of United States, and recognized by that paramount law, is secured by that instrument to each citizen, and does not depend upon uncertain and changeable ground of mere comity." In Re Archy (1858), 9 C. 47.

"Traffic infractions are not a crime." People v. Battle, 50 Cal. App.3, step 1, Super, 123 Cal. Rptr. 636, 639.

"First, it is **well established law** that the **highways** of the state **are public property**, and **their primary and preferred use is for private purposes**, and that their use for purposes of gain is special and extraordinary which, generally at least, the legislature may prohibit or condition as it sees fit." Stephenson vs. Rinford, 287 US 251;

Pachard vs Banton, 264 US 140, and cases cited; Frost and F. Trucking Co. vs. Railroad Commission, 271 US 592; Railroad commission vs.

Inter-City Forwarding Co., 57 SW.2d 290; Parlett Cooperative vs.

Tidewater Lines, 164 A. 313.

Freedom to travel is, indeed, an important aspect of the citizen's "liberty". We are first concerned with the extent, if any, to which Congress has authorized its curtailment. (Road) Kent v. Dulles, 357 U.S. 116, 127.

The right to travel is a part of the "liberty" of which the citizen cannot be deprived without due process of law under the Fifth Amendment.

So much is conceded by the solicitor general. In Anglo Saxon law that right was emerging at least as early as Magna Carta. Kent v. Dulles, 357 U.S. 116, 125.

"The use of the highway for the purpose of travel and transportation is not a mere privilege but a common and fundamental right of which the public and individuals cannot rightfully be deprived."

## Chicago

Motor Coach v. Chicago, 337 Ill. 200, 169 NE 22, 66 ALR 834. Ligare v. Chicago, 139 Ill. 46, 28 NE 934. Boone v. Clark, 214 SW 607; 25 AM JUR (1st) Highways, Sec. 163.

"The right of the citizen to travel upon the public highways and to transport his property thereon, either by a carriage or automobile, is not a mere privilege which a City may prohibit or permit at will, but a common right which he has under the right to Life, Liberty and the Pursuit of Happiness."

Thompson v. Smith 154 SE 579.

"Even the legislature has no power to deny to a citizen the right to travel upon the highway and transport his property in the ordinary course of his business or pleasure, though this right may be regulated in accordance with public interest and convenience. Chicago Coach Co. v. City of Chicago, 337 Ill. 200, 169 N.E. 22, 206.

"... 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].)

"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."

In **Thompson v. Smith**, Chief of Police. Supreme Court of Appeals of Virginia. 155 Va. 367, 154 S.E. 579, 71 A.L.R. 604. Sept. 12, 1930 **it states:**

**Constitutional law:** Citizen's right to travel upon public highways and transport his property thereon in ordinary course of life and business is common right. The right of a citizen so to do is that which he has under his right to enjoy life and liberty, to acquire property, and to pursue happiness and safety.

**Automobiles, Highways:** Citizen's right to travel upon public highways includes right to use usual conveyances of time, including horse-drawn carriage, or automobile, for ordinary purposes of life and business.

**Injunction:** Injunction lies against enforcement of **void statute or ordinance**, where **legal remedy is not as complete or adequate as injunction**, or where **threatened or attempted enforcement will do irreparable injury to person in interfering with exercise of common fundamental personal right**.

By "irreparable injury" is meant an injury of such a nature that fair and reasonable redress may not be had in a court of law and that to refuse the injunction would be a denial of justice.

**Constitutional Law § 101 - right to travel - 5.** The nature of the Federal Union and constitutional concepts of personal liberty unite to require that all citizens be free to travel throughout the length and breadth of the United States uninhibited by statutes, rules, or regulations which unreasonably burden or restrict this movement. **6.** Although not explicitly mentioned in the Federal Constitution, the right freely to travel from one state to another is a basic right under the constitution.

**Constitutional Law § 101 - law chilling assertion of rights - 7.** If a law has no other purpose than to chill the assertion of constitutional rights by penalizing those who choose to exercise them, then it is patently unconstitutional. **Shapiro v Thompson**, 394 US 618, 22 L Ed 2d 600, 89 S Ct 1322.