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3

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5 Related pages:

6 This is one of several "right to drive" briefs at this link: www.lawyerdude.8k.com/right2drive.html

7 Berks County Court of Common Pleas

8 Berks County court house , 633 Court Street, Reading, PA 19601
Judge Arthur Grim, Presiding, Civil side. Mary Ann R Sutton, Prothonotary 610 478 6970
www.countyofberks.com <http://www.co.berks.pa.us/courts/site/default.asp>

9 William Hoster,
10 Petitioner/ Applicant

Case #
Brief #5597 Preliminary version 1.502

11 v
Cprl. Wayne Elser #6059 of troop L,
Troop L of Penn. State Police,
12 Justice Court at Oley, Pennsylvania,
Respondents.

Dombrowski Application for writ to prohibit Cprl.
Wayne Elser #6059 and his troop from
contacting Hoster regarding his licensure
and to overturn applicant's conviction at a
court of no record.

13 Application for Order to Show Cause why this writ
should not issue.

14 Memorandum of Authorities.

15 Proof of Service.

16 Date: Tuesday 15 August 2006

Time: 1:30 pm

17 Place: 633 Court Street, Reading PA

18 We use the roads as tenants in common; No License is needed.

19 Notice of Application for Writ of Prohibition and Application for Order to Show Cause

20 To all respondents: At the venue designated in the caption or at such other venue as shall be
deemed appropriate I will ask the court to stop you from interfering with my right to use the road.

21 Signed _____ William Hoster, age 71, excellent driver.

22 Sign on side of Grampa's truck: "Not for Hire"

23 "Complete freedom of the highways is so old and well established a blessing that we have forgotten the
24 days of the Robber Barons and toll roads, and yet, under an act like this, arbitrarily administered, the
highways may be completely monopolized, if, through lack of interest, the people submit, then they may
25 look to see the most sacred of their liberties taken from them one by one, by more or less rapid
encroachment." -Robertson vs. Department of Public Works, 180 Wash 133,147

26 "Personal liberty largely consists of the Right of locomotion -- to go where and when one pleases -- only so
27 far restrained as the Rights of others may make it necessary for the welfare of all other citizens. The Right
of the Citizen to travel upon the public highways and to transport his property thereon, by horsedrawn
28 carriage, wagon, or automobile, is not a mere privilege which may be permitted or prohibited at will, but
the common Right which he has under his Right to life, liberty, and the pursuit of happiness. Under this

1 Constitutional guarantee one may, therefore, under normal conditions, travel at his inclination along the
2 public highways or in public places, and while conducting himself in an orderly and decent manner, neither
3 interfering with nor disturbing another's Rights, he will be protected, not only in his person, but in his safe
4 conduct." [emphasis added] American Jurisprudence 1st. Constitutional Law, Sect.329, p 1135.

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6 Table #1 U.S. Supreme Court cases cited herein:

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13 Dombrowski Petition to enjoin prosecution of William Hoster and to Enjoin police
14 employee from contacting Hoster regarding his licensure.

15 Application for Order to Show Cause why Pennsylvania should not be enjoined from
16 prosecuting William Hoster regarding his right to drive.

17 Statement of the case/ Declaration of Defendant

18 Trial by court of no record.

19 Now I operate my farm suffering the hardship of being deprived of being able to drive my
20 pickup.

21 I belong to a legal defense mutual support group. We found a lawyer.

22 Memorandum of Authorities

23 History of the driver license

24 In the Beginning we built roads. We shared common tenancy.

25 Breach of Social Contract

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27 Defendant did not suddenly lose his right to drive.

28 We use the road as common tenants - not as renters from the state

Comparison of Tenant in Common to Licensee

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Supreme Court's Views on the right to Locomotion

The Department of Motor Vehicles has by stealthy encroachment overstepped its bounds

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States may not compact with each other without permission of Congress.

Some cases that flesh out the difference between "rights" and "privileges"

Liberties may not be licensed - although by stealthy encroachment that was the trend

The Constitutional Right to Travel. Locomotion. Association.

1 General Ancient Libertarian Premise
2 Argument
3 Right to Use Roads and Highways.
4 The Common Law Right to Travel
5 Automobiles and the Right to Travel.
6 Defendant is not required to have a driver license.
7 There is no compelling state interest
8 Some would say that the right to travel is limited to travel without a car. They are wrong.
9 Licensing distinguished from mere Regulation
10 The California Constitution contains no grant of power to take away our right to use the
road - and such a grant would violate the privileges and immunities clause.
11 Abrogation of the Right of Property by stealthy encroachment
12 Conclusions applicable to Defendant's use of the roads in common tenancy

11 **Tables of Authorities cited herein:**

12 Table #1 U.S. Supreme Court cases cited herein:

13 Aptheker v. Secretary of State, 378 U.S. 500 (1964) 1

14 Boyd v. United States (1886) 1

15 Gibbons v. Ogden (Feb 1824) 22 US 1, 6 L Ed 23, 9 Wheat 1. Steamboat licensing dispute. 1

16 Graham v. Department of Pub. Welfare, 403 U.S. 365 (1971) 1

17 Kent v. Dulles, 357 U.S. 116 (1958) 1

18 Murdock v. Pennsylvania (1943) www.lawyerdude.8k.com/murdock.html 1 319 U.S. 105 2

19 Oregon v. Mitchell, 400 U.S. 112 (1970) 1

20 Shapiro v. Thompson, 394 U.S. 618 (1969) 1

21 U.S. v Mersky (1960) 361 U.S. 431: An administrative regulation, of course, is not a "statute." 1

22 United States v. Guest, 383 U.S. 745 (1966) 1

23 Zemel v. Rusk, 381 U.S. 1 (1965) 1

21 **Table #2: Lower Federal Court Cases cited herein:**

22 Douglas v City of Jeannette 130 F 2nd 652, 655. 1

23 Knoll Golf Club v U.S., 179 F Supp 377 1

24 **Table #3 California Cases cited herein.**

25 Escobedo v. State Dept. of Motor Vehicles (1950), 222 Pac. 2d 1, 5, 35 Cal.2d 870 (1950). The losing side
made all the correct arguments in this case. correct argument 1

26 **Table #4: Cases from other states cited herein:**

27 Beard v City of Atlanta (___) 86 SE 2nd 672, 676; 91 Ga. App. 584. 1

28 Chicago Motor Coach v. Chicago, 169 NE 221. "The use of the highway for the purpose of travel and
transportation is not a mere privilege, but a common fundamental right of which the public and individuals

1 cannot rightfully be deprived." 1

2 City of Louisville v Sebree (19__) 214 SW 2nd 248, 308 Ky 420 1

3 Littleton v Burgess 82 P 864, 866, 14 Wyo 173. 1

4 Payne v. Massey (19__) 196 SW 2nd 493, 145 Tex 273. 1

5 Robertson vs. Department of Public Works, 180 Wash 133,147 "Complete freedom of the highways is so
6 old and well established a blessing that we have forgotten the days of the Robber Barons and toll roads,
7 and yet, under an act like this, arbitrarily administered, the highways may be completely monopolized, if,
8 through lack of interest, the people submit, then they may look to see the most sacred of their liberties
9 taken from them one by one, by more or less rapid encroachment."

10 1 2

11 Taylor v Smith, 140 Va. 217, 235 1

12 Thompson v. Smith, 154 SE 579. 1

13 Wool v Larner, 26 A 2nd 89, 92, 112 Vt. 431. 1

14 **Table #5: Pennsylvania statutes and rules cited herein:**

15 **Table #6: Constitutional clauses cited herein:**

16 California Constitution 1

17 Edwards v California. 1

18 equal protection 1

19 Equal Protection Clause 1

20 U.S. Constitution: Art. 1 Section 10, Clause 3: " No state shall, without Consent of Congress, . . . enter into
21 any Agreement or Compact with another State. . ." 1

22 U.S. v Guest 1

23 **Table #7: Learned Treatises and Encyclopedias cited herein:**

24 American Jurisprudence, 1st Edition. Constitutional Law, Sect.329, p.1135 "The Right of the Citizen to
25 travel upon the public highways and to transport his property thereon, by horsedrawn carriage, wagon, or
26 automobile, is not a mere privilege which may be permitted or prohibited at will, but the common Right
27 which he has under his Right to life, liberty, and the pursuit of happiness. Under this Constitutional
28 guarantee one may, therefore, under normal conditions, travel at his inclination along the public highways
or in public places, and while conducting himself in an orderly and decent manner, neither interfering with
nor disturbing another's Rights, he will be protected, not only in his person, but in his safe conduct."

1

2 Dombrowski Petition to enjoin prosecution of William Hoster and to Enjoin police employee from
3 contacting Hoster regarding his licensure.

4 Application for Order to Show Cause why Pennsylvania should not be enjoined from prosecuting William
5 Hoster regarding his right to drive.

6 Petitioner William Hoster asks this court to issue an Order to Show Cause why Respondents
7 should not should not be enjoined from prosecuting William Hoster regarding his right to drive.

8 Statement of the case/ Declaration of Defendant

9 I, William Hoster, declare the following under penalty of perjury:

10 I am 71 years old. I was raised by Mennonites. I speak Pennsylvania Dutch. I operate a farm. I live
11 alone. I am severely hardshipped by being treated like a child. I speak Pennsylvania Dutch. I have lived on

1 this farm for 30 years. I am severely hardshipped by being treated like a child. I am a 71 year old farmer in
2 terror of driving my own truck down roads built with my tax money for the past half century. On 29
3 September 2001 I exercised my right to use the roads. I drove my old Ford pickup truck. On my way home
4 I noticed that a police car followed me for 3.5 miles.

5 At 1:45 pm Corporal Elser made a pretextual and illegal traffic stop. He lied telling me that my tail
6 lights were out, but I drove directly to a gas station and the lights all worked perfect there.

7 I was on Pricetown road. Pricetown is 20 miles from my farm.

8 I knew this Corporal Elser from previous unpleasant experiences with him. I notice that another
9 officer stood at the right door with his hand on his gun as though he were arresting Bonny and Clyde.

10 On this day, 29 September Elser gave me 3 tickets:

- 11 a. J 083918-2 Driver required to be licensed;
- 12 b. J 083219-3 Tire Equipment and Traction Surfaces; and
- 13 c. J 0832920-5 Financial Responsibility Required.

14 Notice that he gave me no ticket for bad lights. Then Elser said to me "I know where you live".
15 The information should have been suppressed for violation of the 4th amendment, but the court denied
16 me my right to counsel. I am a 71 year old farmer in terror of driving my own truck down roads built with
17 my tax money for the past half century.

18 Trial by court of no record.

19 I pleaded not guilty.

20 My trial was held on November 5, 2001 before Ronald Mest.

21 I suffered a fake trial there being no court reporter. This was in a "district court"

22 I suffered a denial of my right to a jury.

23 I suffered a denial of many of my rights.

24 I was ordered to pay \$219.

25 On November 13th, 2001 the 8th day after trial, I attempted to file a notice of appeal. I contend that
26 this notice of appeal was by law satisfactory and therefore constituted adequate notice of appeal.

27 To be sure of following the procedure, I asked David Connolly to file a redundant notice of appeal.

28 My legal adviser, David Connolly, express mailed my notice of appeal so that it would arrive in
time.

The serial number on the Express Mail package was EF 198367148. Express Mail is guaranteed
to arrive on the next day.

The post office failed its guarantee of delivery by the appointed date.

My redundant notice of appeal arrived on the 16th day, one day late. Nonetheless I had already
filed a notice of appeal. The law respects substance more than form.

I have been afraid to drive my truck since that encounter with the angry policeman and the
oppressive court which denied my right to appeal - and also committed a host of other violations of my civil
rights. I consider the trial a legal nullity.

Now I operate my farm suffering the hardship of being deprived of being able to drive my pickup.

Farmers are sui generis - a class of their own. Farmers learn to drive at age 11. I have driven
horses. I have driven all manner of farm machinery. Of all these devices, the automobile and pickup truck
are the easiest. I have been driving cars and trucks since 1943 when I was 11 years old. And now some
man with a badge is doing a public service by insisting that I obtain permission from the state to drive on

1 the road. This makes no sense.

2 I belong to a legal defense mutual support group. We found a lawyer.

3 Turns out that I am not the only one who feels the oppression on farm folks. Here is what my
4 lawyer says: At first they wanted the Amish to pay social security taxes. Then Congress intervened to
5 avoid a conflict. Then they wanted to Amish to make their kids go to school until the 12th grade. The
6 Supreme Court ruled in favor of the Amish in Wisconsin v Yoder . The driver license is even more
7 oppressive than the license that the court declared unconstitutional in Murdock v. Pennsylvania (1943):

8 See for yourself: www.lawyerdude.8k.com/murdock.html

9 Constitutional law is the study of competing societal goals. No societal goal is offended if we find a
10 law inapplicable to farmers; we have a unique lifestyle. We are more and more a discrete and insular
11 minority. We have our own unarticulated social norms. Law necessary in the city (where kids don't learn to
12 drive as early or as well) are not necessary in the country. When you have an angry city cop trying to
13 impose his will on farm folks, well that just aint right.

14 I ask this court to order the police to leave me alone and let me operate my farm in peace as I
15 have for the past 40 years.

16 Signed _____, Petitioner

17 William Hoster

18 **Memorandum of Authorities**
19 **History of the driver license**

20 In the Beginning we built roads. We shared common tenancy.

21 The townships generally required citizens to contribute approximately 10 days in the spring to fix
22 the roads. Those citizens with wagons hauled macadam rock and other materials.

23 **Breach of Social Contract**

24 The implied contract was this: "Help us build roads and the benefit will flow to us and to our
25 children and to our children's children". That was a social contract. The police now by stealthy
26 encroachment have made it to appear that the roads were not built according to social contract. The
27 police not make it appear that they own the roads. They attempt to force us to buy a ticket to use the
28 roads. They patrol the road in front of my house like knights of the king's road. I am 71 years old. I ask the
court to make the necessary orders to permit me to drive my pickup on the roads that I helped build by
paying land taxes for a half century.

Evolution of Driver License - as related by Charles Sprinkle of Ojai, California

Charles was born in 1939 in West Virginia. He says that volunteers patrolled the roads carrying
gasoline for people with car problems. Eventually every driver paid 25 cents toward the gasoline fund. The
receipt for this 25 cents was your license to use the road and partake of the services should you become
stranded.

Declaration of Douglas Palaschak re: The law of licensure of farm trucks.

I, Douglas Palaschak, declare the following under penalty of perjury: I remember. I was raised on a
grand corn and soybean farm in Illinois. When I was age 9, each of my Grandfathers owned a grain truck.
Both trucks said the same thing on the side: "Not for hire". I pondered this strange message for many
years. Why would you not hire your truck out? Why make an issue of it before anybody even asks? The
answer seemed to be that if you hired out your truck then you became subject to a higher tax on the truck.
In fact to this day there is a rule, perhaps unwritten, that a farmer may drive his truck to the nearest grain
elevator just as he may drive his tractor and wagon, to wit: without regard for licenses on the driver or the
truck - because none are needed for the tractor and wagon hauling corn in from the field.

I drove a grain truck again on the farm in the harvests of 1996, 1997, and 1998. I drove it without a
driver license for a truck, and, as I recall, the trucks, or at least one of them was not currently registered.

1 That is how the issue arose.

2 _____
3 Douglas Palaschak

4 Defendant did not suddenly lose his right to drive.

5 By stealthy encroachment the state takes away our liberty and sells it back to us as a license. The
6 stealth encroachment process of the corporation/ state against the human depends on time for its
7 success. The human lives perhaps 85 years. The corporation/ state has eternal life. As each succeeding
8 generation dies off, the next generation fails to remember the lessons and history of the previous
9 generation. The corporation state counts on that. Defendant remembers the way it was.

10 We use the road as common tenants - not as renters from the state

11 Stealthy encroachment at work: The state counts on this generation to forget that we use the roads
12 as tenants in common - not as licensees! Teodor Marian and his Mentor Richard McDonald have
13 researched this vein. By looking back at old disputes regarding roads, rivers, and other ways of passage,
14 we see clearly that the view was that public property is nothing more than property held in common
15 tenancy for use by the public.

16 Comparison of Tenant in Common to Licensee

17 The licensee must request the license from the licensor, he cannot demand it from him. The
18 licensor cannot require the licensee to take his license under the licensee has encroached upon the thing
19 or act that the licensor has competent authority over. You cannot demand a liquor license. By comparison
20 you can use the road without even demanding anything. It is there to be used by all.

21 The Nature of a License: permission to do something that one otherwise may not do.

22 You may not hunt pheasant in my corn field without my permission. However, we each have the
23 right, barring abuse, to use the road. We are tenants in common on the road.

24 To license means to confer on a person the right to do something which otherwise he would not have the
25 right to do. City of Louisville v Sebree (19__) 214 SW 2nd 248, 308 Ky 420

26 The state cannot sell a right to drive; it was already ours.

27 The object of a license is to confer a right or power, which does not exist without it. Payne v. Massey
28 (19__) 196 SW 2nd 493, 145 Tex 273.

29 The word "license" means permission, or authority; and a license to do any particular thing, is a
30 permission or authority to do that thing; and if granted by a person having power to grant it, transfers to the
31 grantee the right to do whatever it purports to authorize. Gibbons v. Ogden (Feb 1824) 22 US 1, 6 L Ed
32 23, 9 Wheat 1.

33 Supreme Court's Views on the right to Locomotion

34 A good place to start is Edwards v California (1941) 314 U.S. 160. The court held that a state may not
35 condition interstate travel upon wealth Footnote . (That yellow cartoon word bubble is a footnote. Click on
36 it and the footnote will pop up.) I contend that the driver license scheme is merely a regressive tax and
37 therefore an impermissible barrier to interstate commerce. People are commerce. Interstate commerce
38 includes, ironically, in-state commerce, for purpose of this analysis.

39 The Department of Motor Vehicles has by stealthy encroachment overstepped its bounds

40 There is a case that says that all administrative law is unconstitutional. We need not be that
41 drastic. Certainly there are some things that the Department of Motor Vehicles can do lawfully. They can
42 assist in transferring title of a car. They can administer a driver test. Even if the state legislature
43 cooperates and passes a "statute" for the motor vehicle code, that "statute" is really more like a
44 "regulation" in that even the legislature has no power to impede commerce absent compelling state
45 interest.

1 **The culprit here is stealthy encroachment; the state has attempted to change the meaning of**
2 **words. Read "Public Licenses and Private Rights (1953) Excerpts from 33 Oregon Law Review 1**
3 **(Barnett, 1953) This article becomes even stronger if you add the due process progress in the past**
4 **half century. This page is www.lawyerdude.8k.com/5943.html**

5 The so-called driver license is not a license but 2 other things: It is a receipt for payment of the
6 road tax - which was a subject of discussion by Henry David Thoreau. It is also a proof of driving
7 competency. Today it is also an internal passport.

8 The driving license laws are all overbroad and they all deny equal protection. The state has
9 carved out a plethora of examples. They need to merely recognize some exception for Farmer Hoster.
10 They recognize an exception for soldiers and postal carriers even though no such exception is written in
11 the statute. As to farmers there is custom and tradition; that is what Hoster relies on, but getting back to
12 overbreadth, the postal case is from 1920. Johnson v Maryland <http://www.lawyerdude.8m.com/5089.html>
13 254 U.S. 51 (1920) **The courts will gladly recognize the importance of postal workers,**
14 **military, and out of state drivers and consular folks, but it sees its own people as serfs,**
15 **as a cash sow. This is fundamentally wrong. There is a lot to say about this concept of**
16 **discrimination by a state against its own people. We are NOT subjects of the state. This,**
17 **I think, is what Charlie Sprinkle thinks. I agree with him. The man fought for our country**
18 **in a war where he could have been killed, and now they tell him that he cannot drive here**
19 **without their permission - but the Korean folks who were on the other side can come**
20 **here and drive without a California license.** This is the old case that says that postal workers
21 don't need no stinking driver license - but now the state wants to make sure that farmer William Hoster
22 has one even though he is 68 years old and never had a driver license and has driven tractors, trucks,
23 combines, cars, and, uh, horses all his life.

24 And cops can speed.

25 And firemen can speed.

26 And the military folks need no driver license - or license plates.

27 Conclusion. Most laws of general application are not laws of general application. there is the overlord
28 group and the sheeple. This is the grist of Overbreadth. There is almost always an overbreadth case to
be made regarding a traffic ticket.

Here is my overbreadth page: <http://www.lawyerdude.8m.com/5089.html>

The state sees itself as the king of us. They don't want to fight the government. The law has never been
well argued for the folks who have no license. License is permission to do something that you would not
have a right to do otherwise. You buy license to sell a patented object. Then, recently in history, the
states reached critical mass and decided to become feudal kingdoms and profit centers. This postal case
is published on the net at www.lawyerdude.8m.com/5274.html

The Supreme Court said in U.S. v Mersky (1960) 361 U.S. 431: An administrative regulation, of
course, is not a "statute." While in practical effect regulations may be called "little laws," 1. 7 they are at
most but offspring of statutes." I cite this case only to point out that indeed there is a difference between
regulations and statutes. Furthermore, not all laws are created equal. Furthermore, a statute that
regulates without constitutional authority is a nullity even though it be published in the books, recognized
by the police and lower courts, and even though it be unchallenged for decades. Such is current state of
driver license laws in these United States. We are in the age of government excess. Over half the working
people work for some form of government. By manipulating the money, by imprisoning dissenters, by
owning the bulk of the stock of public corporations, by deceptive bookkeeping, and by other oppression,
fraud, and malice, the governments have lulled the populace into a belief in the presumed regularity of
whatever the government says. Well, I am here to tell you it aint so!

Supreme Court's older Traditional View of Right to Travel Footnote

"The right of the citizen to travel upon the public highways and to transport his property thereon, either by
carriage or by automobile, is not a mere privilege which a city may prohibit or permit at will, but a common

1 law right which he has under the right to life, liberty, and the pursuit of happiness." Thompson v. Smith,
154 SE 579.

2 "The use of the highway for the purpose of travel and transportation is not a mere privilege, but a common
3 fundamental right of which the public and individuals cannot rightfully be deprived." Chicago Motor Coach
v. Chicago, 169 NE 221.

4 "Complete freedom of the highways is so old and well established a blessing that we have forgotten the
5 days of the Robber Barons and toll roads, and yet, under an act like this, arbitrarily administered, the
6 highways may be completely monopolized, if, through lack of interest, the people submit, then they may
look to see the most sacred of their liberties taken from them one by one, by more or less rapid
encroachment." Robertson vs. Department of Public Works, 180 Wash 133,147.

7 "Personal liberty largely consists of the Right of locomotion -- to go where and when one pleases -- only so
8 far restrained as the Rights of others may make it necessary for the welfare of all other citizens. The Right
9 of the Citizen to travel upon the public highways and to transport his property thereon, by horsedrawn
10 carriage, wagon, or automobile, is not a mere privilege which may be permitted or prohibited at will, but
11 the common Right which he has under his Right to life, liberty, and the pursuit of happiness. Under this
Constitutional guarantee one may, therefore, under normal conditions, travel at his inclination along the
public highways or in public places, and while conducting himself in an orderly and decent manner, neither
interfering with nor disturbing another's Rights, he will be protected, not only in his person, but in his safe
conduct." American Jurisprudence 1st Edition, Constitutional Law, Sect.329, p.1135.

The leading cases regarding travel in general are:

12 Kent v. Dulles, 357 U.S. 116 (1958)

13 Aptheker v. Secretary of State, 378 U.S. 500 (1964)

14 Zemel v. Rusk, 381 U.S. 1 (1965)

15 United States v. Guest, 383 U.S. 745 (1966)

16 Shapiro v. Thompson, 394 U.S. 618 (1969)

17 Oregon v. Mitchell, 400 U.S. 112 (1970)

Graham v. Department of Pub. Welfare, 403 U.S. 365 (1971)

States may not compact with each other without permission of Congress.

18 Consider the compact by which all states seem to want you to have a driver license from one state only.

19 U.S. Constitution: Art. 1 Section 10, Clause 3: " No state shall, without Consent of Congress, . . . enter into
20 any Agreement or Compact with another State. . . "

Some cases that flesh out the difference between "rights" and "privileges"

21 The permission or license is a special right or privilege. Once a license exists only the licensee has
22 he right to do the thing the licensor allows. The licensee is privileged over others who do not have a
license. It thus is a privilege to have the right to do the thing that is licensed. In other words, the right or
23 permission granted by the licensor is a privilege since he controls who can and who cannot exercise the
right. If the licensor grants the licensee a right or benefit, it is called a privilege:

24 The word privilege is defined as a peculiar benefit, favor, or advantage, a right or immunity not
enjoyed by all, or it may be enjoyed only under special conditions. Knoll Golf Club v U.S., 179 F Supp 377

25 Since the right or permission to do a thing is called a license, and since the right is "peculiar" to the
licensee alone, the license is called a privilege. Anything that requires a license is a privilege.

26 A license for the sale of intoxicating liquor is a privilege. Chiordi v Jernigan 129 P 2nd 640, 642; 46 NM
27 396.

28 Even privileges must be administered even-handedly. Authority: Equal Protection Clause.

1 Also, grandfather clauses, and implied clauses, forbid the state to take away a vested right.

2 Those have the right to do something cannot be licensed for what they already have right to do as such
license would be meaningless. City of Chicago v Collins (19__) 51 NE 907, 910.

3 Also, those things which are considered as inalienable rights, which all Americans possess, cannot
be licensed since those are not held to be a privilege.

4 The right to freedom of speech, freedom of the press, freedom of assembly, and freedom of
5 religious worship are not privileges. Douglas v City of Jeannette 130 F 2nd 652, 655.

6 A license bypasses a legal barrier or makes an otherwise unlawful act lawful. The nature of a
license allows the licensee to do something he could not otherwise legally do. Thus, a license gives the
licensee the right to do something that would otherwise be illegal or unlawful for him to do.

7 A license is a mere permit to do something that without it would be unlawful. Littleton v Burgess, 82
8 P 864, 866, 14 Wyo 173.

9 A license is a right granted by some competent authority to do an act which, without such license,
would be illegal. Beard v City of Atlanta (___) 86 SE 2nd 672, 676; 91 Ga. App. 584.

10 A licensee is one privileged to enter or remain on land by virtue of the possessor's consent,
whether given by invitation or permission. Wool v Larner, 26 A 2nd 89, 92, 112 Vt. 431.

11 The licensor has the power to prohibit. Since the licensor is in the position to grant a right or
permission it logically follows that he has the power to prohibit the act also. Likewise, having the power to
12 prohibit something from being done, it follows as a corollary that power also exists to permit its use. Taylor
v Smith, 140 Va. 217, 235. Thus, where the power to license exists so does he power to prohibit.

13 The authority to license implies the power to prohibit, such being the meaning of the term. The City of
14 Burlington v. Bumgardner, 42 Iowa 673, 674.

15 The power to license necessarily includes the power to inhibit unlicensed persons from doing the
acts authorized by license. The power to refuse license necessarily gives the power to limit the issuance of
licenses. Ex parte M.T. Dickey, 76 W. Va.576, 585; 85 SE 781.

16 A license means leave to do a thing which the licensor could prevent. Blatz Brewing Co. v. Collins,
17 160 P.2d 37, 39; 69 Cal. A. 2d 639.

18 Since the Motor Vehicles Departments, i.e., licensors, the Motor Vehicles Department(s) can issue
or refuse to issue a license and thereby permit or prohibit anyone from exercising the right or privilege they
has authority over.

19 A license carries limitations, restrictions and requirements. Whenever a license is issued the
20 licensee is under certain limitations and requirements established by the Motor Vehicles Department
(licensor), which may be implied or expressed when the license was issued. These limitations and
21 requirements are often in the form of rules and regulations and may be referred to as the "terms" of the
license, which the licensee is subject to. The following decision reveals these characteristics:

22 "Licensee," as used in Pub. St. c. 100, in reference to certain licensees, and providing that no such
licensee shall place or maintain any screen, curtain, or other obstruction on the licensed premises, refers
23 to every licensee, and not merely such as have been required by the licensing board to remove a screen,
curtain, or other obstruction. Commonwealth v. Rourke, 6 N.E. 383, 384; 141Mass. 321.

24 Those that are licensed under the statute cited above are restricted in their ability to erect curtains,
25 screens, or other obstructions on their premises due to the terms of the license. It matters not where these
terms were directly stated to the licensee or stated in the rules and regulations that cover such licensed
26 businesses, the licensee still becomes subject to the terms of the license. There can be no argument that
such terms are unreasonable as the licensor is in authority to make any such rules.

27 If a city chooses to grant permission [a license] to individuals to conduct a taxicab business in its
streets, it can prescribe such terms and conditions as it may see fit, and individuals desiring to avail
28 themselves of such terms and conditions, whether they are reasonable or unreasonable. Eason v. Dowdy,

1 219 Ga. 555.

2 Also, any argument that such terms are in violation of one's rights has no legal standing. When
3 person(s) takes a license, he in effect must waive any rights that would otherwise conflict with the terms of
4 the license. The licensor has the authority over the thing being licensed therefore his term must prevail
5 over the rights of the licensee and out of respect of the licensor's right to control the thing or act. Thus, the
6 rights of the licensee are limited by the terms of the license.

7 The rights of a licensee can rise no higher than the terms of the statute or ordinance by which he
8 became the holder. *Steves et al. v Robie*, 139 Me. 359, 363.

9 The licensee must submit to the rules, limitations, and requirements the licensor sets out as the
10 terms of the license.

11 A license is revocable by the licensor. When a license exists, it is within the power of the Motor
12 Vehicles Department(s) (licensor) to revoke the license at any time this entity wishes.

13 Permits to carry on a liquor business issued under Liquor Control Act are mere licenses revocable
14 as provided in such act. *State v. Hawlew*, 44 N.E. 2d 815, 820.

15 A license, pure and simple, is a mere personal privilege, and it is revocable at law, at the pleasure
16 of the licensor, even when money has been paid for it. *River Development Corp. v. Liberty Corp.*, 133 A.
17 2d 373, 385; 45 N.J. Super. 445.

18 A license is one to whom an owner of realty has granted a mere right of occupancy, and such
19 license is revocable at the option of the licensor. *Caldwell v. Mitchell*, 158 NYS 2d 868, 870.

20 The licensee cannot possibly revoke the license he is the holder of since he did not give himself
21 the permission or license in the first place. Only the licensor can revoke a license.

22 The terms and rules of a license are amendable. Restrictions, limitations, and requirements can be
23 added, deleting or modified at a future date and become new terms of the license. Here again only the
24 licensor is able to amend the terms and conditions of the license. Thus, when the licensor makes a
25 requirement after the license is issued, the licensee is subject to that requirement just as though it were an
26 original condition of the license.

27 The foregoing characteristics of a license reveal the legal principles that potentially exist whenever
28 licensing takes place.

A license is often found under the law of contracts and apparently shares some attributes of
contract. However, in its truest sense, a license is not a contract and it has generally been so held.

A license is merely a privilege to do business and is not a contract between authority granting it
and grantee nor is it a property right, nor does it create a vested right. *Mayo v. Market Fruit Co. of Sanford*,
Fla., 40 So. 2d 555, 559.

A license is merely a permit or privilege to do what otherwise would be unlawful, and is not a
contract between the authority, federal, state, or municipal granting it and the person to whom it is granted,
and is not property or a property right. *American States Water Services Co. of California v Johnson*, 88
P.2d 770, 774; 31 Cal. App. 2d 606.

A license requires that one of the parties have competent authority over the thing or the act
involved in the agreement whereas a contract does not. A license can be terminated by one of the parties
at any time but a contract cannot. These authorities also show that a license is not property right because
it is not in itself property. Neither is a license a vested right but only a privilege.

The Undersigned now brings to light in what manner can a license be used when controlling the
acts of individuals that are regarded as "natural rights," or in exercising [3] "constitutional rights."

Liberties may not be licensed - although by stealthy encroachment that was the trend

The terms liberty and license are often viewed as two different things. Liberty being a sacred right
everyone has, and a license being a grant that is often assigned and documented by way of a piece of

1 paper. This is true where we use these words as if they are commonly understood.

2 Liberty is viewed as an inherent and inalienable right, and one all free men naturally possess. This is to
3 be distinguished from the type of right given by an individual or government, which is commonly called a
license. Thus, the latter is not, and cannot be, considered as a substitute for the former.

4 However, the technical and legal definition of these two words is actually synonymous.

5 A license gives one the right or "liberty" to do a certain thing.

6 Definition: "License": Leave; permission; authority or liberty given to do or forbear any act. A
license may be verbal or written; when written, the paper containing the authority is called a license. A
man is not permitted to retail spirituous liquors till he has obtained a license. Webster's American
Dictionary, 1828.

7 It can be seen by this definition that a license is a liberty. Once one has a "license" one has "liberty"
8 or is at liberty to do something.

9 The Constitutional Right to Travel. Locomotion. Association.

10 U.S. v Guest

11 Edwards v California.

12 The basis of the RIGHT TO TRAVEL primarily centers around the peoples inalienable and natural right of
13 "liberty." At times, both "The State" and the U.S. Constitution recognize liberty.

14 General Ancient Libertarian Premise

15 Personal liberty, which is guaranteed to every citizen under our Constitution and laws, consists of
16 the right of locomotion - to go where one pleases, and when, and to do what may lead to one's business
or pleasure, only so far restrained as the rights of others may make necessary for the welfare of all other
citizens.

17 One may travel along the public highways or in public places. *** These are rights which existed
long before our [their Federal] Constitution, and we have taken just pride in their maintenance, making
them a part of the fundamental law of the land. Pinkerton v. Verberg, 78 Mich. 573, 584, 44 N.W. 579
(1889).

18 There now exists policies/laws that attempt to prohibit travel in the several states that attempt to prohibit
travel by way of "driver's licenses" and taxes, along with other quasi-State laws.

19 The two rights of liberty and property which are taken for granted, are extremely important rights and
20 when claimed and asserted should not be taken lightly by the courts.

21 This court has consistently held to the view that liberty of the person and the right to the control of
one's own property are very sacred rights which should not be taken away or withheld except for very
urgent reasons. In re Guardianship of Colliton, 164 N.W. 2d 480, 483; 41Wis. 2d 487 (1969).

22 Since the Governors Convention on March 6, 1933 and the bankruptcy of this Nation by the
23 infamous Franklin D. Roosevelt on March 9, 1933, the States have come increasingly more and more
aggressive in controlling the people and their property, and these States will now not tolerate anyone
traveling in their domain without their permission, i.e. license. Just a short time after this bankruptcy, on
24 April 21, 1933, the license law was passed, but not enforced....?

25 When government passes an unlawful act, such as the licensing of a right, people need to know
they have no obligation to obey it, for it is void from the time it was enacted:

26 An unconstitutional legislative enactment, through law in form, is in fact not law at all. It confers no
27 rights; it imposes no duties; it affords no protection; it is in legal contemplation as inoperative as though it
had never been passed. Bonnett v. Vallier, 116 N.W. 885, 136 Wis. 193 (1908); Norton v. Shelby County,
28 118 U.S. 425, 442.

1 Where the people remain ignorant of the law, they will be in bondage. Quoting Thomas Jefferson:
"If a people expects to be ignorant and free, they expect what never was and never will be."

2 The following maxim was often cited in early America to guard against this problem:

3 That no free government, or the blessings of liberty, can be preserved to any people but by a firm
adherence to justice and virtue, and by a frequent recurrence to fundamental principles. See, Bonnett v.
4 Vallier, 116 N.W. 885, 136 Wis. 193 (1908); Norton v. Shelby County, 118 U.S. 425, 442.

5 Defendant claims all God given Natural Rights and asserts these inherited rights that are
unalienable reinforced in "The Declaration of Independence" (1776), where the defendant does not
6 descend from, here, now, and in the future, knowingly or unknowingly.

Status, and Alliance of Administrators of this Legislative Tribunal/Court:

7 The acting members/officers doing business in this instant matter have taken an "Oath of Office,"
8 an alliance, The Constitution for the United States of America, Preamble (1787). Thus, it is these
instruments (along with social and moral obligations) that are first and foremost duty to uphold. Therefore
9 the Defendant will hold these representatives/officers/employees/trustees to their Oaths and/or alliances].

Argument

10 One of the rights involved in this matter is liberty, the liberty belonging to Defendant, which are
11 fundamental and inalienable rights. They cannot be destroyed or diminished by legislative acts, or failure
to act.

12 Those acting in government cannot override constitutional law, i.e. The Bill of Rights, at defiance
13 by lightly passing over the peoples rights to liberty which is so deeply imbedded in God given Rights and
your constitutions.

14 The right of liberty encapsulates the right of locomotion or travel is basic and obvious. The
establishment and understanding of this liberty, as it applies to the defendant, is of paramount importance
15 in making a decision in this matter. The "Liberty" claimed here includes the Aright to travel." This "Right to
Travel," however, is not created by the Constitution but rather by the Union, which your alliance to the
16 Constitution protects.

Right to Use Roads and Highways.

17 The first issue that must be established is what is the nature of a public road or highway, and what are
18 the rights of the defendant thereon. All of your authorities agree that the use of roadways for ordinary
travel is a basic and fundamental right:

19 A highway is a way over which the public have a free right of passage. Yale University v. City of
New Haven, 104 Conn. 610; 134 Atl. 268, 271.

20 The essential features of a highway is that it is a way over which the public at large has he right to
21 pass. State v. Pierson, 2 Conn. Cir. 660; 204 A.2d 838.

22 This right pf the people is in the street and highways of the state, whether inside or outside the
municipalities thereof, is a paramount right. Light & Coke v. City of Chicago, N.E.2d 777, 781; 413 Ill. 457
(1952).

23 It is well settled that the public are entitled to a free passage along the highway. Michelson v.
24 Dwyer, 63 N.W.2d 513, 517; 158 Neb. 427 (1954).

25 Our society is built in part upon 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.

26 Public ways, as applied to ways by land, are usually termed "highways" or "public roads," are such
ways as every citizen has a right to use. Kripp v. Curtis, 11 P. 879; 71 Cal. 62

27 A highway includes all public ways which the public generally has a right to use for passage and
28 traffic, and includes streets in cities, sidewalks, turnpikes and bridges. Central Ill. Coal Mining Co. v.
Illinois Power Co., 249 Ill. App.199.

1 Our courts has stressed he basic right of the transient public and abutting property owners to the
2 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

3 A highway is a public road, which every citizen of the state has a right to use for the purpose of
4 travel. Shelby County Com'rs v. Castetter, 33 N.E. 986, 987, 7 Ind. App. 309; Spindler v. Toomey, 111
N.E. 2nd 715, 716 (Ind.-1963).

5 The public have a right of free and unobstructed transit over streets, sidewalks and alleys, and this
is the primary appropriate use to which they are generally dedicated. Pugh v. City, 176 Iowa 593, 599, 156
N.W. 892, 894.

6 It is well settled law that every member of the public has a right to use the public roads in a
7 reasonable manner for the promotion of his health and happiness. Sumner v. County v. Interurban
Transp. Co., 141 Tenn. 493 500.

8 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.

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

11 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

12 A right is a passage, road or street which every citizen has a right to use. Ohio, Indiana, & W. Ry.
13 Co. v. People, 39 Ill. App. 473.

14 Highways are public roads, which every citizen has a right to use. Wild v. Deig, 43 Ind. 455, 458;
13 Am. Rep. 399.

15 The courts of this land have repeatedly and consistently concurred on the fact that the people have
16 a right to travel on the public roads and highways of this country. But the nature of this right must be
determined. What type of right is it questioned here? It is only a statutory right or an inherent right? The
17 cases cited indicate that it is a fundamental, inalienable, inherent and constitutional right. Other authorities
verify this to be true:

18 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
19 Pac. 1008, 1013 (1924); Escobedo v. State Dept. of Motor Vehicles (1950), 222 Pac. 2d 1, 5, 35 Cal.2d
870 (1950).

20 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
21 liberty, to acquire and possess property, and to pursue happiness and safety. Thompson v. Smith, 154
S.E. 579, 583 (Va.-1930).

22 This right of the people to the use of the public streets of a city is so well established and so
23 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 Kansas 671, 674.

24 The right of a citizen to use the highways, include 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
25 So. 163, 167. Also: State v. Quigg, 114 So. 859, 862 (Fla.-1927); Davis v. City of Houston, 264 S.W. 625,
629 (Tex. Civ. App., 1924).

26 The right to travel, to go from place to place as the means of transportation permit, is a natural
27 right subject to the rights of others and to reasonable regulation under law. Shactman v Dulles, 225 F.2d
938, 941 (1955)

28 The right of the citizen to travel upon the public highways and to transport his property thereon

1 either by carriage or by automobile, is not a mere privilege which a city may prohibit or permit at will, but, a
common right.@ See Thompson v Smith, 154 SE 579.

2 "All citizens of the United States of America have a right to pass and re-pass through every part of it
3 without interruption, as freely as in their own state." See Smith v. Turner, 48 U.S. 283, 12 L Ed. 702.

4 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
5 P.2d 180, 182 (Colo.-1961).

6 Definition of "Passenger: "One who is traveling, as in a public coach, or in a ship, or on foot. This is
the usual, through corrupt orthography." See American Dictionary Of The English Language By Noah
7 Webster, 1828.

8 It is thus well established that the right to travel by an American/ citizen on the public roads is a
fundamental and constitutional right and, in fact, inalienable and natural right, one inherent in an
American/ citizen and secured by the Organic Law of the Land.

9 The Common Law Right to Travel

10 The concept that traveling upon the roads is a basis fundamental right of every citizen, i.e.,
American, in the land is not a new concept in law. The right of every person to freely travel on public ways
is well grounded in the ancient common law:

11 A highway according to the common law, is a place in which all the people have a right to pass. A
12 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.

13 At common law every member of the public has a right to use, in a reasonable manner and with
14 due care, public roads, inclusive of public bridges. Shell Oil Co. v Jackson County , 193 S.W. 2d 268, 271
(Tex. Civ. App.-1946).

15 "In Oregon v. Mitchell, 400 U.S. 112, 27 L. Ed. 2nd 272, 92 S.Ct. 260, Brennan, joined by White
16 and Marshall stated that for more than a century, the Supreme Court has recognized the constitutional
right of all citizens to unhindered interstate travel and that both the existence of this right and its
17 fundamental importance in America has been long been established beyond question." Also see Dunn v.
Blumstein, 405 U.S. 330, 31 Lawyer's Edition 2nd 272, 92 S.Ct. 995, 56 Columbia L. Rev. 47.

18 "The rule is firmly established that the right of a citizen of one state to pass into any state of the
Union . . . without molestation [restriction] is secured and protected by the United States Constitution." See
16A Am Jur 2d 607 Page 550-6, Freedom to travel.

19 It has been held directly in a number of cases that at common law a driver of a vehicle has the
20 right to drive upon any part of the highway. Boyer v North End Drayage Co., 67 S.W.2d 769, 770 (Mo.
App.-1934).

21 The common law rule was that a public highway was a "way common and free to all the king's
22 subjects to pass and repass at liberty," and this court 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
23 every citizen on the land." House-Wives League v. City of Indianapolis, 204 Ind. 685, 688-89.

24 In quoting from some old English law books on the common law, the Tennessee Chancery
Appeals Court stated the following:

25 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
26 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;
27 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); Also
28 see, 3 Kent, Comm. 432

1 The complete freedom and common right to travel on the highways is so old and well established
2 that it has never been questioned, until this century. The general recognition of this right is due to its
3 fundamental importance in our civilized society. It thus is a fundamental right that was secured by both
4 Federal and State constitutions.

5 There can be no denial of the general proposition that every citizen of the United States, and every
6 citizen of each state of the Union, as an attribute of personal liberty, has the right ordinarily, of free transit
7 from, or through the territory of any State. This freedom of egress or ingress is guaranteed to all by the
8 clearest implications of the Federal, as well as of the State constitution. It has been said that even in
9 England, whence our system of jurisprudence was derived, the right to personal liberty did not depend on
10 any express statute, but "it was the birthright of every freeman."-Cooley's Const. Lim. 342.

11 This right was said by Sir William Blackstone to consist in "the power of locomotion, of changing
12 situation, or of moving one's person to whatever place one's inclination may direct, without imprisonment
13 or restraint, unless by due process of law." 1 Bl. Comm. 134 Joseph v. Randolph, 71 Ala. 499, 504-505.

14 The use of roads for travel is a very ancient practice. The right to travel upon them has been
15 recognized since the early Roman Empire. This right to freely travel as an attribute of personal liberty was
16 so basic and fundamental in early America that it never became the subject matter of colonial legislation.
17 Not even under the tyranny of King George III was the right to travel suppressed. Liberty was recognized
18 and secured by all of the original state constitutions. When Connecticut was a Colony, its citizens
19 possessed this liberty and right to travel. The Constitution of Connecticut when adopted secured this
20 inalienable right to liberty, locomotion, or travel on the public ways.

21 That the lower court/tribunal and Appellee should then ignore and trample over the meaning and
22 original intent of the State Constitution and recognize only current statutes set by quasi legislation, is not
23 only being legally nearsighted but is a gross violation of their oath of office. As a result the trial
24 court/tribunal gravely erred in its decision. The liberty to travel and to move from place to place, which
25 existed under the common law, and which existed in colonial America, also exists under the State
26 Constitutions. The "liberty" in the Constitution secures the same rights it included at common law and
27 meaning the same thing-a right to travel"

28 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.

Automobiles and the Right to Travel.

This inalienable and constitutional right to travel on public roads includes the use of an automobile
as a means of conveyance. Since the invention of the automobile the courts of this land have universally
recognized the automobile not only as a lawful means of conveyance, but one that has equal rights with
other modes of travel using public ways:

The law does not denounce motor carriages, as such, on 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 roads superior to the driver of the automobile. Both have the right to use the
easement. Indiana Springs Co. v. Brown, 165 Ind. 465, 468.

The right to make use of an automobile as a vehicle of travel long 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.

Automobiles have the right to use the highways of the State on an equal footing with other
vehicles. Cumberland Telephone. & Telegraph Co. v Yeiser, 141 Ky. 15.

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 Kansas 671, 674.

1 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.

2 There can be no question of the right of automobile owners to occupy and use the public streets of
3 cities, or highways in the rural districts. Liebrecht v. Crandall, 126 N.W. 69, 110 Minn. 454, 456.

4 The automobile may be used with safety to others users of the highway, and in its proper use upon
the highways there is an equal right with the users of other vehicles properly upon the highways. The law
5 recognizes such right of use upon general principles. Brinkman v Pacholike, 84 N.E. 762, 764, 41 Ind.
App. 662, 666.

6 Automotive vehicles are lawful means of conveyance and have equal rights upon the streets with
horses and carriages. Chicago Coach Co. v. City of Chicago, 337 Ill. 200, 205; See also: Christy v. Elliot,
7 216 Ill. 31; Ward v. Meredith, 202 Ill. 66; Shinkle v. McCullough, 116 Ky. 960; Butler v. Cabe, 116 Ark. 26,
28-29.

8 Though, as we have said, automobiles are lawful vehicles and have equal rights on the highways
with horses and carriages. Daily v. Maxwell, 133 S.W. 351, 354. Matson v. Dawson, 178 N.W. 2d 588,
9 591.

10 A traveler has an equal right to employ an automobile as a means of transportation and to occupy
the public highways with other vehicles in common use. Campbell v. Walker, 78 Atl. 601, 603, 2 Boyce
11 (Del.) 41.

12 There is no distinction made by these authorities (and many others) in the mode of travel a citizen
chooses to use on a public way. A citizen has the same inalienable right to travel on a public road by use
of an automobile as another citizen does traveling on foot or bicycle thereon:

13 A highway is a public way open and free to any one who has occasion to pass along it on foot or
with any kind of vehicle. Schlesinger v. City of Atlanta, 129 S.E. 861, 867, 161 Ga. 148, 159; Holland v.
14 Shackelford, 137 S.E. 2d 298, 304, 220 Ga. 104; Stavola v. Palmer, 73 A.2d 831, 838, 136 Conn. 670

15 Persons may lawfully ride in automobiles, as they may lawfully ride on bicycles. Doherty v. Ayer, 83
N.E. 677, 197 Mass. 241, 246; Molway v. City of Chicago, 88 N.E. 485, 486, 239 Ill. 486; Smiley v. East St.
16 Louis Ry. Co., 100 N.E. 157, 158.

17 The owner of an automobile has the same right as the owner of other vehicles to use the highway,*
* * A traveler on foot has the same right to the use of the public highways as an automobile or any other
18 vehicle. Simeone v. Lindsay, 65 Atl. 778, 779; Hannigan v. Wright, 63 Atl. 234, 236.

19 A traveler on foot has the same right to use of the public highway as an automobile or any other
vehicle. Cecchi v. Lindsay, 75 Atl. 376, 377, 1 Boyce (Del.) 185.

20 To further qualify the right to travel on the public roads by way of an automobile, several courts
have made the obvious connection between its use and that of a constitutional liberty or as an individual
21 right. This could only be the natural conclusion: If traveling per se is an inalienable and constitutional right,
and if the automobiles has "equal rights" with the older forms of travel such as on foot or horseback, the
22 logical deduction here is that traveling by way of an automobile on a public way is a constitutional,
inalienable, and fundamental right:

23 The use of the automobile as a necessary adjunct to the earning of a livelihood in modern life
requires us in the interest of realism to conclude that the right to use an automobile on the public highways
24 partakes of the nature of a liberty within the meaning of the constitutional guarantees of which the citizen
not be deprived without due process of law. Berberian v. Lussier, 139 A.2d 869, 872; 87 R.I. 226, 231
25 (1958). See also: Schecter v. Killingsworth, 380 P.2d 136, 140; 93 Ariz. 273 (1963).

26 The right to operate a motor vehicle [an automobile] upon the public streets and highways is not a
mere privilege. It is a right of liberty, the enjoyment of which is protected by the guarantees of the federal
27 and state constitutions. Adams v. City of Pocatello, 416 P.2d 46, 48; 91 Idaho 99 (1966).

28 The right of a citizen to travel upon the public highways* * *includes the right in so doing to use the
ordinary and usual conveyances of the day; and under the existing modes of travel includes the right to

1 drive a horse-drawn carriage or wagon thereon, or to operate an automobile thereon, for the usual and
ordinary purposes of life and business. * * *The rights aforesaid, being fundamental, are constitutional
rights. *Teche Lines v. Danforth*, 12 So.2d 784, 787 (Miss.-1943). See also *Thompson v. Smith*, supra.

3 Thus, there can be no question that the defendant has an inherent, constitutional, and inalienable
right to travel in his automobile on the public roads and streets, whether in Connecticut or anywhere else
4 in the several states in Union. Will This court/tribunal admit that the defendant has a constitutional right to
travel in his automobile or state that the defendant has not a right to use the streets and highways for
5 travel without a driver's license (not for gain)? Will it become obvious that this lower court/tribunal avoided
the facts and preferred not to recognize the true nature of the defendant's vested and constitutional rights
6 in this case?

7 The liberty to travel in this land is interwoven into the fabric of the Organic Law of the United States
of America and Connecticut. It is one of our most sacred and fundamental rights. It thus is one that can
never be attacked, violated, suppressed, or destroyed by any level or branch of government. This would
8 be in total defiance and contradiction to the very purpose our form of government was established, that
being to secure such inherent and natural rights:

9 We hold these truths to be self-evident, that all men are created equal; that they are endowed by
their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of
10 Happiness-That to secure these rights, Governments are instituted among Men, deriving their just powers
from the consent of the governed... The Declaration of Independence-1776.

11 It is apparent the lower court has grossly underestimated the broad spectrum of rights that are
encompassed in the terms "inalienable rights" or Constitutional Rights," along with their meaning and
12 origin. These rights, being a gift of God, were secured by the Constitution of Connecticut, and cannot be
dissolved away by legislative acts. Every inherent and inalienable right at common law, and which is in
13 existence to date, when our constitution was adopted:

14 The office and purpose of the constitution is to shape and fix the limits of government activity. It
thus proclaims, safeguards and preserves in basic form the pre-existing laws, rights, mores, habits and
15 modes of thought and life of the people as developed under the common law and as existing at the time of
its adoption to the extent and as therein stated. *Dean v. Paolicelli*, 72 S.E. 2d 506, 510; 194 Va. 219
16 (1952).

17 Hence, it may be said with great propriety, that a constitution "measures the powers of the rules,
but it does not measure the rights of the governed;" that is not the origin of rights, nor the fountain of
18 law-but it is the "framework of the political government, and necessarily based upon the pre-existing
condition of laws, rights, habits, modes of thought." *Cooley Con. Lim.*, 37 *Atchison & Nebraska R.R. Co. v. Baty*,
19 6 Neb. 37, 41.

20 The rights of the individual are not derived from governmental agencies, either municipal, state, or
federal, or even from the Constitution. They exist inherently in every man, by endowment of the Creator,
21 and are merely reaffirmed in the Constitution, and restricted only to the extent that they have been
voluntarily surrendered by the citizenship to the agencies of government. The people's rights are not
22 derived from the government, but the government's authority comes from the people. The Constitution but
states again these rights already existing, and when legislative encroachment by the nation, state, or
23 municipality invade these original and preserved rights, it is the duty of the courts to so declare, and to
afford the necessary relief. *City of Dallas et al. v. Mitchell*, 245 S.W. 944, 945-46 (Tex-1922).

24 There is nothing primitive about a State Constitution. It is based upon the pre-existing laws, rights
habits, and modes of thought of the people who ordained it, * * *and must be construed in the light of this
25 fact. *Commonwealth v City of Newport News*, 164 S.E. 689, 696 (1932).

26 The purpose and intent of a written constitution is to preserve the ancient rights held at common
law, and constitutional provisions are to be so interpreted (See, *American Jurisprudence*, 2nd Ed., Vol. 16,
27 '321). It thus becomes plain that all rights that the people inherently possessed when Connecticut was a
Colony, were secured by the Constitution of Pennsylvania when adopted. That the right to freely travel, by
28 what ever means available, on public ways had existed at that time cannot be doubted. The people who

1 adopted the Constitution certainly did not “surrender” their liberty to freely travel by becoming citizens
2 and/or residents of Connecticut. In fact they made sure that the Constitution would “secure the same to
3 ourselves and our posterity.” This is the main reason why the Constitution was “ordained and established”
4 (I bid).

5 This principle, along with the broad meaning of “liberty,” were evidently not understood by the trial
6 court. Defendant would have prohibiting the State from restricting his right to travel via licensing. Thus, the
7 trial court believes that if a right is not exactly spelled out in the Constitution (such as the right to travel),
8 then it constitutionally does not exist. It has been held by a sister State, Minnesota Supreme Court that
9 citizens possess such rights whether they are enumerated in a constitution or not:

10 The rights, privileges, and immunities of citizens exist notwithstanding there is no specific
11 enumeration thereof in state constitutions. These instruments measure the powers of rulers, but they do
12 not measure the rights of the governed.* * *The constitution of Minnesota specifically recognizes the right
13 to “life, liberty or property,” but does not attempt to enumerate all “the rights or privileges secured to any
14 citizen thereof” It, however, significantly provides: “The enumeration of rights in this constitution shall not
15 be construed to deny or impair others retained by and inherent in the people.” Thiede v. Town of Scandia
16 Valley, 217 Minn. 218, 225; 14 N.W. 2d 400 (1944).

17 It should be quite obvious from the forgoing authorities that a citizen does have an inalienable and
18 Constitutional right to travel on the public highways, which includes the use of an automobile as a means
19 of conveyance. This means the State Legislature cannot impair or suspend this Constitutional right or
20 prohibit the Defendant from exercising it.

21 We realize that the police is elastic to meet changing conditions and changing needs, yet it cannot
22 be used to abrogate or limit personal liberty or property rights contrary to constitutional sanction. City of
23 Cincinnati v. Correll, 49 N.E. 2d 412, 414; 141 Ohio St. 535.

24 By the expression “constitutional right,” as just used, we mean a right guaranteed to the citizen by
25 the Constitution and so guaranteed as to prevent legislative interference with that right. Delaney v.
26 Plunkett, 91 S.E. 561; 146 Ga. 547.

27 The right to travel on the land was an inherent right, which had existed before the adoption of
28 Connecticut’s Constitution. This right includes all modes of travel, whether by horse, wagon, or carriage,
or by walking, and also includes automobiles (not for gain) since they have “equal rights” with other modes
of travel. Thus, the defendant is here again claiming and asserting his inalienable and constitutional right
to travel on the public roads of this land, whether on foot, or by bicycle, or automobile or other means of
conveyance existing or yet to be discovered. This is a right under the Constitution of Connecticut, which
this court is bound to uphold and protect.

Defendant is not required to have a driver license.

Hey, you don’t require soldiers to have driver licenses? It’s a denial of equal protection to license some but
not others.

Defendant already possess an inherent and constitutional right to travel and that the statutes would
be an invasion and trespass on his rights. This trespass would of course be unconstitutional. Thus, while
the statute used against the defendant may be constitutionally applied to certain individuals under certain
circumstances, they are invalid as they are applied to and enforced upon the defendant. So even though
the statutes themselves may be valid when applied to certain persons, such as those involved in
commerce, for profit, they cannot be lawfully applied to the defendant due to the legal facts surrounding
this case(e.g. defendant’s rights, status, etc.). This legal reasoning has been upheld in a sister State
Supreme Court:

We have held in a number of cases that an ordinance may be reasonable and proper as applied to
one set of facts and arbitrary and invalid when enforced under other circumstances. State v Perry, 204,
207 (1964).

This case involves the invasion and violation of constitutional rights. These rights are the supreme
law of the State. The burden on the State is great.

1 There is no compelling state interest

2 We demand the same standard as for speech. Most folks would rather go a day without talking
than lose their driving privileges for a day. It's that important.

3 Where fundamental personal liberties are involved, they may not be abridged by the States simply
4 on a showing that a regulatory statute has some rational relationship to the effectuation of a proper state
purpose. Where there is a significant encroachment upon personal liberty, the State may prevail only upon
5 showing a subordinating interest which is compelling. *City of Carmel-By-The-Sea v. Young*, 466 P.2d 225,
232; 85 Cal. Rept. 1 (1970).

6 The constitutional rights of liberty and property may be limited only to the extent necessary to
subserve the public interest. *Cameron v. International Alliance, Etc.*, 176 Atl. 692, 700; 118 N.J. Eq. 11
7 (1935).

8 The Nature of a License:

9 A license is merely a permit or privilege to do what otherwise would be unlawful. *Payne v. Massey*,
196 S.W. 2d 493; 145 Tex. 237, 241.

10 The purpose of a license is to make lawful what would be unlawful without it. *State v. Minneapolis-
St. Paul Metro Airports Commission*, 25 N.W. 2d 718, 725.

11 A license is a right granted by some competent authority to do an act which, without such license,
12 would be illegal. *Beard v. City of Atlanta*, 86 S.E. 2d 672, 676; 91 Ga. App. 584.

13 A license confers the right to do that which without the license would be unlawful. *Antlers Athletic
Ass'n v. Hartung*, 274 P. 831, 832; 85 Colo. 125

14 A license is a mere permit to do something that without it would be unlawful. *Littleton v. Burgess*,
82 P. 864, 866; 14 Wyo. 173.

15 Generally, a license is a permit to do what, without a license, would not be lawful. *Bateman v City
16 of Winter Park*, 37 So. 2d 362, 363; 160 Fla. 906.

17 Definition: License: A permission, accorded by a competent authority, conferring the right to do
some act which without such authorization would be illegal, or wold be a trespass or a tort. *Black's Law
18 Dicti0nary*, 2d Ed. P. 723 (1910).

19 Where this court/tribunal may be correct in asserting that the defendant is required to have a
"driver's License," it must be then, according to the above authorities, because it is "unlawful" for him to
20 freely travel in his automobile on the public roads. However, the foregoing cases show that the
automobile, as a means of conveyance, is just as lawful as traveling on foot, horse, or bicycle since their
rights are mutual, equal, and coordinate-a right, which was secured by the Constitution of Connecticut.
21 Thus, the use of an automobile is lawful because it involves the exercise of a Constitutional Right, and the
legislature cannot make the exercise of such a right unlawful by requiring a license of citizens (Americans)
22 before allowed to exercise that right. It has been well settled that it is lawful for a citizen to travel using an
automobile as a means of conveyance.

23 Automobiles are lawful vehicles and have equal rights on the highway with horses and carriages, *
* *. *Daily v. Maxwell*, 133 S.W. 351, 354; 152 Mo. App. 415.

24 Automobiles are a lawful means of conveyance, and have equal rights upon the public roads with
25 horses and carriages * * *. *Shinkle v. McCullough*, 77 S.W. 196, 197; 116 Ky. 960; *Christy v. Elliott*, 74
N.E. 1037, 1041; 216 Ill. 31; *Fletcher v. Dixon*, 68 Atl. 875, 877 (Md.)

26 Under the principles and rules of the common law, automobiles should be recognized as lawful
vehicles. *Sapp v. Hunter*, 115 S.W. 463, 466, 134 Mo. App. 685

27 The case history of the automobile shows that it has always been lawful to travel on the public
28 roads and streets with an automobile. The obvious reason why it is lawful to travel on the public roads by

1 whatever means of conveyance available is that the public roads belong to the people or the public
generally and were established or dedicated for the purpose of common travel.

2 The streets of a city belong to the people of the state, and every citizen of the state has a right to
3 the use thereof. Ex parte Daniels, 183 Cal. 636, 639.

4 It is well established law that the highways of the state are public property; and their primary and
5 preferred use is for private purposes; * * *. Stephenson v. Binford, 287 U.S. 251, 264.

6 A highway belongs to the public, and is free and common as a way to every citizen on the land.
7 House-Wives League v. City of Indianapolis, 204 Ind. 685, 689.

8 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.

9 The public highways belong to the people for use in the ordinary way. Barney v. Board of Railroad
10 Com'rs, 17 Pac. 2d 82, 85 (Mont.-1932)

11 The streets of the city belong to the public. For ordinary use and general transportation and traffic,
12 they are free and common to all, and any control sought to be exercised over them must be such as will
13 not defeat or seriously interfere with their enjoyment. Melconian v. Grand Rapids, 188 N.W. 521, 524.

14 The streets belong to the public, the city being its trustee, * * *. Green v. City of San Antonio, 178
15 S.W. 6, 9.

16 Some would say that the right to travel is limited to travel without a car. They are wrong.

17 To make travel by automobile unlawful (by requiring a license) would violate the concept that their
18 use as a means of conveyance is to be equal with citizens using other modes of conveyance. Where a
19 driver's license is valid against the defendant, there would now exist a "distinction" as to the degree of right
20 to the use of the public roads for travel. Other modes of travel are not to have a superior right in the use of
21 public ways over one using a specific mode of conveyance:

22 Persons making use of horses as a means of travel or traffic by the highways have no rights
23 therein superior to those who make use of the ways in other modes, * * * Improved methods of locomotion
24 are perfectly admissible if any shall be discovered, and they cannot be executed from the existing public
25 roads * * * A highway is a public way for the use of the public in general, for passage and traffic, without
26 distinction. Macomber v. Nichols, 34 Mich, 212, 216, 22 Am. Rep. 522.

27 But the streets of a city may be as freely used by those who ride in automobiles as by pedestrians
28 or travelers. Corcoran v. City of New York, 188 N.Y. 131, 139.

There is no doubt that the owners of automobiles have the same rights in the streets and highways
of the State that the drivers of horses have. Wright v Crane, 142 Mich. 508, 510.

Automobiles * * * are lawful vehicles and as such are entitled to the privilege of using the public
highways. Their drivers have equal rights with the occupants of wagons, carriages, and other vehicles.
Hall v. Compton, 130 Mo. App. 675, 680.

Where automobiles are a lawful means of travel, and where they have the same rights upon the
road as more ancient means of travel, then how can it be it that one must have a license before being
allowed to travel in an automobile? Could one be required to have a license to travel by wagon, by
horseback, by foot, or by boat on a river? All of history declares that as new modes of travel, possessing
the natural, fundamental right to be used for travel:

If there is any one fact established in the history of society and of the law itself, it is that the mode
of exercising this easement [highways] is expansive, developing, and growing as civilizations. In the most
primitive state of society the conception of a highway was merely a footpath; in a slightly more advanced
state it included the idea of a way for pack animals-constituting, respectively, the "iter," the "actus," and the
"via" of the Romans. And thus the methods of using public highways expanded with the growth of
civilization, until today our urban highways are devoted to a variety of uses not known in former times.
Carter v Northwestern Telephone Exch. Co., 60 Minn. 539, 63 N.W. 111; Molway v. City of Chicago, 88

1 N.E. 485, 486, 239 Ill. 4.

2 It is now well settled by all the courts that automobiles are lawful modern modes of travel and
3 convenience, and that they have the same right upon the public highways as any other means of
4 conveyance.* * * In all human activities the law keeps up with the improvements and progress brought
5 about by discovery and invention. Riley v. Fisher, 146 S.W. 581, 583 (Tex. Civ. App.).

6 The point made here is that all modes of travel have an equal right to freely use the public roads
7 for common travel. In Thompson v. Dodge, 58 Minn. 555, the Minnesota Supreme Court had pointed out
8 this principle by showing that "A person riding a bicycle upon the public highways has the same rights in
9 so doing as persons using other vehicles thereon." It also pointed out that an older form of travel, "has no
10 right superior" to the more modern forms of conveyance because "the rights of each are equal." Thus, the
11 legislature cannot make it unlawful for a citizen to travel on the public highways when using an automobile
12 (or a light weight pick-up vehicle use for personal conveyance, not for gain) by compelling one to take out
13 a "driver's license," thereby stating it is unlawful to travel in that mode and putting a burden one not on
14 other Americans.

15 To compel one who uses his automobile for his private business and pleasure only, to submit to an
16 examination and to take out a license (if the examining board see fit to grant it) is imposing a burden upon
17 one class of citizens in the use of the streets, not imposed upon the others. We must therefore hold this
18 ordinance, so far as it obliges appellee to take out a license before he can use his own automobile in his
19 own business or for his own pleasure, is beyond the power of the city counsel, and is therefore void. City
20 of Chicago v. Banker, 112 Ill. App. 94, 99-100.

21 This same legal principle is applicable in this case. The Defendant can lawfully travel in his
22 automobile due to his Constitutionally guaranteed right to do so. This right he has equally with all
23 citizens/Americans using the public road for travel. These principles would be abrogated if he is compelled
24 to take out a license.

25 A further study into the nature of a "license" will continue to show that the defendant is not required
26 to have a license to travel in his automobiles, and thus does not come under the purview of Title14, where
27 the defendant is required to have a driver's license in the Connecticut General Statutes. This is due to the
28 fact that a license can only grant or confer a right or privilege, which does not legally exist without a
license.

29 The object of a license is to confer a right or power which does not exist without it. Payne v.
30 Massey, 196 S.W. 2d 493; 145 Tex. 237, 241.

31 To license means to confer on a person the right to do something which otherwise he would not
32 have the right to do. City of Louisville v. Sebree, 214 S.W. 2d 248, 253; 308 Ky. 420.

33 The object of license is to confer right or power which does not exist without it and exercise of
34 which without license would be illegal. Inter-City Coach Lines v. Harrison, 157 S.E. 673, 676; 172 Ga. 390.

35 According to these authorities, a "driver's license" apparently grants or confers some sort of right
36 or privilege. A driver's license then can only be required of someone who does not have an inherent right
37 to use the public roads. The defendant, as previously shown, already possesses an inalienable and
38 constitutional right to use the public roads in his travels, and therefore does not need to secure the right to
do so by way of a license.

39 A license is a privilege granted by "the State,"* * *To constitute a privilege, the grant must confer
40 authority to do something which, without the grant, would be illegal; for if what is to be done under the
41 license is open to every one without it, the grant would be merely idle and nugatory, conferring no privilege
42 whatever. A license, therefore implying a privilege, cannot possibly exist with reference to something
43 which is a right, free and open to all, as is the right of the citizen to ride and drive over the streets of the
44 city without charge and without toll. City of Chicago v. Collins et al, 51 N.E. 907, 910.

45 The driver's license, as it applies to the defendant, is "merely idle and nugatory" because the right
46 it confers, or pretends to confer, are already "free and open" to him as an inherent right by the Connecticut

1 Constitution. The driver's license cannot possibly grant the Connecticut a right to travel on the public
2 roads, when he already possesses an inherent right to do so. It has been said that "the individuals ordinary
3 right to the free use of the streets" for travel "cannot be taken from him" See *State v. McCarthy*, 171 So.
314, 316 (Fla.-1936). Where a State can require an American/citizen to obtain a license before he is
allowed to travel, the State has effectually taken his right to travel away from him.

4 The only persons that the courts have repeatedly recognized as having no inherent right to use an
5 automobile on a public road are those who are engaged in commercial activity; such as common carriers,
6 truck drivers, chauffeurs, taxi drivers, etc. See Title 18 United States Code §31. In other words, those who
7 use the public roads for business or personal gain have no inherent right to use the roads as such. They
therefore are subject to licensing because their use of the road is special and extraordinary and can be
deemed unlawful. The courts have repeatedly shown the distinction between the rights of citizens using
the roads for common travel from one using them for commercial purposes:

8 The right of a citizen to travel upon the highway and transport his property thereon, in the ordinary
9 course of life and business, differs radically and obviously from that of one who makes the highway his
10 place of business and uses it for private gain, in the running of a stage coach or omnibus. The former is
11 the usual and ordinary right of a citizen, a common right, a right common to all, while the latter is special,
12 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. *Ex parte M.T. Dickey*, 76 W. Va. 576, 579; 85 S.E. 781 (1915); Cited by:
Schultz v. City of Duluth, 163 Minn. 65, 69, 203 N.W. 449; *Scott v. Hart*, 128 Miss. 353; *State v. Johnson*,
75 Mont. 240; *Cummings v. Jones*, 79 Ore. 276, 280; *Hadfield v. Lundin*, 98 Wash. 657; et al.

13 In a case involving a person engaged in transporting property under contract for hire by truck on
14 the highways, the Supreme Court of Montana revealed the nature of such activity in comparison to one
using the roads for travel:

15 While a citizen has the right to travel upon the public highways and to transport his property
16 thereon, that right does not extend to the use of the highways, either in whole or in part, as a place of
17 business for private gain. For the latter purposes no person has vested right in the use of the highways of
the state, but is a 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. *Barney v. Board of Railroad Com'rs*, 17 Pac.
2d 82, 85 (Mont.-1932).

18 It has been said, "a license to operate an automobile is not property, but a mere privilege." This is
19 true, all licenses are a privilege. But nowhere does it say that travel in an automobile is a mere privilege.
20 The Legislature cannot make travel upon the roads and highways conditional upon the obtaining of a
license, because the act of ordinary travel is not a privilege but an ordinary right. The Legislature can,
however, require a license for one using the roads for profit for such use is a privilege:

21 The use of the streets as a place of business or as a main instrumentality of business is accorded
22 as a mere privilege and not as a matter of natural right. *Reo Bus Line Co. v. Bus Line Co.*, 272 S.W. 18,
20, 209 Ky. 40.

23 The Appellant/Defendant has never used his automobile for private gain or commercial activity on
24 the public roads, but rather was using his inherent right to travel thereon prior to his arrest. Even though
25 this fact is true and correct, the Appellant/Defendant does not deal with any type of commerce with his
automobile for gain. Cases such as: *Chicago v. Collins*, *Thompson v. Smith*, *House v. Cramer*, et al., are
not related to interstate commerce or even interstate travel.

26 The Driver's License is of a commercial nature and character. Such licenses are and can only be
27 used to grant permission to one using the roads in a commercial capacity, and have no relation to their
use in the exercise of the fundamental right to travel:

28 The ordinary use of the streets by the citizens is an inherent right which cannot be taken from him
by the city and may only be controlled by reasonable regulation, while the right to use the streets for

1 conducting thereupon a private business of any character is not an inherent or vested right and can only
2 be acquired by permission or license from the city. *Davis v. City of Houston*, 264 S.W. 625, 629 (Tex. Civ.
App.); *State v. Quigg*, 114 So. 859, 862 (Fla.-1927). See Also: *Lane v. Whitaker*, 275 F. 476, 480.

3 The Appellant, prior to his arrest, was traveling in his Toyota, a 1989, on the public roads in
4 Connecticut by common law right, and thus having equal rights with other travelers, such as pedestrians,
5 bicyclists, horse and carriages, etc., all of which have an inalienable right of free passage on the public
6 road. Therefore, the defendant needs no license to obtain a right (free passage on a public road) he
7 already possesses. The State cannot compel the Appellant to acquire a license before he is allowed to
exercise his constitutional right of liberty and to travel. This same principle holds true regarding the
exercise of all constitutional rights there can be no license required before they are allowed to be
exercised. For instance, in a case regarding the right of freedom of the press, the United States Supreme
Court held that a law, which prohibits the distribution of printing materials except by license, is invalid. The
Court stated, to wit:

8 We think that the ordinance is invalid on its face. Whatever the motive which induced its adoption,
9 its character is such that it strikes at the very foundation of the freedom of the press by subjection it to
10 license and censorship. The struggle for the freedom of the press was primarily directed against the power
of the licensor. It was against that power that John Milton directed his assault by his "Appeal for the Liberty
of Unlicensed Printers." *Lovell v. Griffin*, 303 U.S. 444, 451 (1937); *Thornhill v. Alabama*, 310 U.S. 88, 97
(1939).

11 Regarding the constitutional right to freedom of speech, Justice Douglas had stated in a U.S.
12 Supreme Court decision that: "No one may be required to obtain a license in order to speak." *Thomas v.*
Collins, 323 U.S. 516, 543 (1944). Thus, "The State" can no more license the Appellant's right to travel in
13 his automobile than it could license his right to print or speak, for they are all inalienable rights.

14 The reason a right cannot be licensed is that the license (a statutory right) would require the
Appellant to surrender his inalienable right in lieu thereof, just to obtain permission (i.e. license) to do what
he already has a right to do. The State has no power to compel a citizen to surrender an inalienable right:

15 Inalienable, means incapable of being surrendered or transferred, at least without one's consent.
16 *Morrison v. State, Mo. App.* 252 S.W. 2d 97, 101.

17 The right of liberty and the right to move from place to place are natural and inalienable rights,
endowed to us by our Creator, and secured by the Constitution of Connecticut. They thus are rights that
18 the Defendant possesses and he refuses to surrender or transfer such rights to the State by way of
licensing.

19 Licensing distinguished from mere Regulation

20 In *Ex parte Dickey*, supra, et al., the court pointed out the distinction in legislative power over a
citizen using the public roads for ordinary travel, over one using them in a commercial capacity. The courts
holding is: "As to the former (the citizen using the road for common travel) the extent of legislative power
21 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." We see that the legislature has the power to preclude or prevent
22 those engaged in commercial activity from being on the public roads, but no such power is extended over
the citizenry using it for ordinary travel. In this case the legislative power is limited to mere regulation.

23 Where a citizen is required to have a license before he can travel anywhere in the several States,
24 the licensor has

25 Continued at www.lawyerdude.8k.com/hoster2.html

26 This page is continued from www.lawyerdude.8k.com/hoster.html

27 absolute power and control over his/her liberty to travel, to earn a living, transport his property, etc. The
licensor (The Department of Motor Vehicles) would then have complete authority not only to grant, but
also to prevent, revoke, or prohibit an American and/or citizen's liberty and right to travel

28 A license means leave to do a thing which the licensor could prevent. *Blatz Brewing Co. v. Collins*,

1 160 P.2d 37, 39, 69 C.A. 2d 639; *Western Electric Co. v. Patent Reproducer Corp.*, 43 F.2d 116, 118.

2 The authority to license implies the power to prohibit, such being the meaning of the term. *The City of Burlington v. Bumgardner*, 42 Iowa 673, 674.

3 A license, pure and simple, is a mere personal privilege, and it is revocable at law, at the pleasure
4 of the licensor, even when money has been paid for it. *River Development Corp. v. Liberty Corp.*, 133 A.2d
373, 385; 45 N.J. Super. 445.

5 The power of the legislature over the common travel of citizens extends only to such reasonable
6 regulations that would promote safe travel for all. It never included the power to prohibit it by way of
licensing. Such authority to prohibit a right would not conform to or fulfill the purpose and meaning of
"regulate."

7 Regulate implies arranging in proper order and controlling a thing or condition which already exists
8 and is not synonymous with prohibit. *Yaworski v. Town of Canterbury*, 154 A.2d 758, 760; 21 Conn. Sup.
347.

9 The power to regulate does not fairly mean the power to prohibit. *Andrews v. State*, 50 Tenn. (3
Heisk.) 165, 180.

10 Regulate, as ordinarily used, means to subject to rules or restrictions, to adjust by rule or method,
11 to govern, and is not synonymous with prohibit. *Simpkins v. State*, P 168, 170; 35 Okla. Cr. 14

12 The power to license is the power to prohibit and does not conform to proper regulation of a
13 Constitutional right. Licensing is an "extraordinary" measure, which cannot be used to regulate an
"ordinary right," like the right of travel, since it prohibits that right.

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

17 Also, once a person has accepted a license, his rights become limited by the terms of the license
18 or rules of the licensor. Any Constitutional rights that would normally stand above the rules under a
license, now become limited by and subordinate to the terms and rules under the license statute or by the
licensor:

19 The rights of a licensee can rise no higher than the terms of the statute or ordinance by which he
20 became the holder. *Steves v. Robie*, 139 Me. 359, 363.

21 A license, such as a drivers license, allows the licensor to do things to or require things of the
22 licensee that would otherwise be outside the power of the State, or a trespass upon his constitutional
23 rights, such as blood and breath tests, mandatory seat belt use, etc., not to mention excluding him and his
24 automobile from the public roads. This type of prohibitive power to exclude one from traveling on the public
25 road by way of licensing, could only apply to those who had no inherent right to use the streets in the first
26 place, such as a common carrier, as explained in *Ex parte Dickey*.

27 In *Easton v Dowdy*, 219 Ga. 555, the holding in the Georgia Supreme Court with said cite, that
28 where someone wishes to use the public roads for business purposes, such as a "taxicab business," the
licensor can "grant or refuse a license in their discretion." Also, the licensor can "prescribe such terms and
conditions as it may see fit, and individuals desiring to avail themselves of such permission must comply
with such terms and conditions, whether they are reasonable or unreasonable." The same situation would
hold true with a driver's license. They thus are an unreasonable mode of regulating rights.

29 The police power of the States extends only to such measures as are reasonable, and the general
30 rule is that all police regulations must be reasonable under all circumstances. *Ex parte A.M. Smythe*, 116
31 Tex. Crim. 146, 147; 28 S.W. 2d 161.

32 To transcend beyond the bounds of reasonable regulations of a constitutional right would
33 constitute an invasion of that right. The reasonable regulation of a constitutional right, such as the right to
34 freely travel on a public way, never included the power to prohibit it by licensing a person. Since

1 "regulation is inconsistent with prohibition or exclusion" (Chicago Coach Co. v. City of Chicago, 337 Ill.
2 200, 206), licensing is inconsistent with proper regulation of a right. This lower court/tribunal apparently
3 believes this Appellant is required to have a license, making the assumption that since the legislature has
4 the authority to establish reasonable regulations for common travel, it also has the power to license it.
5 This, of course, is a false assumption. The following holdings will correct this incorrect assumption at the
6 heartland.

7 Does the power to regulate confer the right to license? We think not...We discover that to license
8 and to regulate do not require the exercise of the same power, and the same objects are not attained by
9 the acts authorized, and this being settled leads to the conclusion that the first cannot be exercised under
10 authority to do the last. See *The City of Burlington v. Bumgardner*, 42 Iowa 673, 674.

11 The power to regulate does not necessarily include the power to license. In passing on the
12 question of whether in a particular case the power to regulate includes the power to license, it is well to
13 bear in mind the distinction between regulation and license. Regulations apply equally to all. A license,
14 however, gives to the licensee a special privilege not accorded to others and which he himself otherwise
15 would not enjoy. Once a power to license exists, certain acts becomes illegal for all who have not been
16 licensed. *Village of Brooklyn Center v. Rippen*, 255 Minn. 334, 336-37; 96 N.W. 2d 585

17 The "act" of traveling in the several states or Connecticut has never been illegal. Nor is the nature
18 of the act such that it can be illegal or regarded as a "special privilege." it would be foolish and
19 unconstitutional to say it is. Traveling in this country, regardless of what mode of conveyance used, has
20 never been regarded as such because the power to license a citizen for exercising this right has never
21 existed. This is because reasonable regulations of an inalienable right do not include compelling a citizen
22 to waive his constitutional rights by submitting him to licensing, the very nature of which subjects the
23 licensee to rules that can be unreasonable or a further trespass on his rights. In short, the exercise of an
24 inalienable right cannot be made illegal by subjecting a person to a license. Legislative statute or fiat
25 cannot change the nature of a constitutional right. The right or liberty to freely travel, which had existed
26 when the Constitution of Connecticut was adopted, exists today, as the right is unchangeable:

27 Two basic purpose of a written constitution are:

- 28 1: Securing to the people certain unchangeable rights and remedies;
- 29 2: Curtailment of unrestricted governmental activity within certain defined fields.

30 Authority: *Du Pont v. Du Pont*, 85 A. 2d 724, 728 (Del.B1951)

31 It becomes apparent that this court/tribunal is trying to change the purpose and intent of the
32 Constitution of Connecticut. It is also apparent that this legislative tribunal (a de facto court) is trying to
33 apply new and different legal principal to the exercise of constitutional rights that were originally beyond
34 the power of "The State" to apply. The fact that an automobile is now being used to exercise this
35 "unchangeable" inherent right to freely travel makes no difference in this case because, as previously
36 shown, automobiles and pick-up vehicles have the "same right" (*House v Cramer*, supra) as those modes
37 of travel used since the adoption of Connecticut's Constitution. Thus, the same legal principles apply only
38 to the automobile as with other modes of travel:

39 That the use of automobiles on the highways for business or recreation is unlawful, is no longer
40 open to question. Such use involves only the application of a new appliance and mode of travel, rather
41 than any new legal principle. *Deputy v. Kimmell*, 73 W. Va. 595, 597 (1914).

42 The California Constitution contains no grant of power to take away our right to use the road - and such a
43 grant would violate the privileges and immunities clause.

44 Neither the state nor the Motor Vehicle Department can license the Defendant for traveling in an
45 automobile any more than it could have licensed one traveling on foot or horse or carriage when the
46 California Constitution was adopted.

47 It is obvious the intent of the Constitution was to preserve the inherent right and liberty of people to
48 freely travel, and no absolute power to license people before they were allowed to exercise this basic right
was ever imagined or considered. This intent of the Constitution exists to day and is applicable to the

1 Appellant traveling in his automobile/pick-up vehicle.

2 The means which a constitutional provision had when adopted, it has today; its intent does not change
3 with time nor with conditions; while it operates upon new subjects and change conditions, it operates with
4 the same meaning and intent which it had when formulated and adopted. Cooley's Constitutional
5 Limitations (8th Ed.) Vol. 1, p. 123. As judge Cooley stated, to wit: AA constitution is not to be made to
6 mean one thing at one time, and another at some subsequent time when the circumstances may have so
7 changed as perhaps to make a different rule in the case seems desirable. Travelers' Ins. C. v. Marshall,
8 76 S.W. (2d) 1007, 1011; 124 Texas 45.

9 This legislative court is bound to uphold the Constitution of Connecticut as it was written, which it
10 reluctantly failed to do in its biased and distorted decision, one which was totally unsupported by fact or
11 law. The Appellant can use an automobile/pick-up vehicle in his travel with the same freedom and legal
12 right as that which was intended under the Constitution of Connecticut for a man to freely walk or ride his
13 horse on the public road. The conditions may change but the meaning of the law does not. The trial court
14 had all ignored and evaded the manner of constitutional law and rights in its decision. The court was
15 apparently aware that if it had applied and upheld the rights and legal principles that were secured and
16 fixed by Constitution, that it could never apply any driver's licensing statutes to the Defendant for traveling
17 in his automobile to date. Will this legislative court having heard the above avoid the arguments in this
18 matter by twisting them out of context, and then stating that the Defendants arguments are not supported
19 by case law or statute? While this has been shown to be totally false, it is strange that this legislative court
20 has not stated that Constitutional law did not support the arguments presented! If such issues were of
21 paramount importance why would this legislative court avoid this matter? This legislative court may find it
22 necessary to hold the police power of this State as an absolute power over the Appellant's Constitutional,
23 inherent, and unalienable rights. This false position may have been necessary for them to take as being
24 the only way such licensing legislation could be upheld and applied to the Defendant, not to mention giving
25 the police a bear hug. The Appellant's liberty and inherent right to freely travel are paramount over the
26 police powers and cannot be superseded by licensing.

27 The powers of government, under our system, are nowhere absolute. They are but grants of
28 authority from the people, and are limited to their true purpose. The fundamental rights of the people are
inherent and have not been yielded to governmental control. They are not the subjects of government
authority. They are the subjects of individual authority. Constitutional powers can never transcend
constitutional rights. The police power is subject to the limitations imposed by the Constitution upon every
power of government; and it will not be suffered to invade or impair the fundamental liberties of the citizen,
those natural rights which are the chief concern of the Constitution and for whose protection it was
ordained by the people.* * * It [a constitutional right], is not a right, therefore, over which the police power
is paramount. Like every other fundamental liberty, it is a right to which the police power is subordinate.
Spann v. City of Dallas, 235 S.W. 513, 515; 111 Tex. 350 (1921). Goldman v. Crowther, 147 Md. 282,
306-07; 128 Atl. 50, 59 (1925).

Since the police power is "subordinate" to constitutional rights, the police power cannot possibly
license (i.e. prohibit, make unlawful, or turn in to a privilege) the exercise of such a right, and thereby
"transcend" such a right and put itself in a superior position. These rights are the most important part of
the law of the land and such rights are beyond the reach of legislative interference. Thus the police power
cannot constitutionally license these rights because to require a license by statute for the right to travel is
to infer that the citizen has no inherent, vested or constitutional right to travel. This is the argument of the
defendant from the very beginning of this case, and one that this legislative court has continually evaded
and avoided. The driver's license is an unwarranted interference with the Appellant's fundamental right of
travel in his automobile.

The right of a citizen to travel upon the public highways* * *includes the right to drive a
horse-drawn carriage or wagon thereon, or to operate an automobile thereon,* * *The rights aforesaid,
being fundamental, are constitutional rights, and while the exercise thereof may be reasonably regulated

1 by legislative act in pursuant of the police power of the State, and although those powers are broad, they
2 do not rise above those privileges which are embedded in the constitutional structure. The police power
3 cannot justify the enactment of any law which amounts to an arbitrary and unwarranted interference with,
4 or unreasonable restriction on, those rights of the citizen which are fundamental. *Teche Lines v. Danforth*,
5 12 So. 2d 784, 787-88 (1943).

6 It is an undisputed fact that the courts/tribunals having created smoke screens by avoiding the
7 above said subject matters, having nothing to do with the subject matters at hand, and has also tried to
8 justify licensing by inferring it is imposed under the police power in the interest of public safety. Working
9 with such unclean hands by administrators is unacceptable in what was designed by the founding fathers
10 as "Honorable," now brings a whole new meaning into Superior court/tribunal. This lower court/tribunal
11 nonetheless yet to show how much licensing promotes public safety and welfare, and thus could not even
12 justify or verify. This said court tribunal using the police power as a cover for its inept statements. The fact
13 is that the police power cannot invade the area of inherent rights.

14 Where the ostensible object of an enactment is to secure the public comfort, welfare, or safety, it
15 must appear to be adopted to that end. It cannot invade the rights of persons and property under the guise
16 of a mere police regulation. *City of Mt. Vernon v. Julian*, 369 Ill. 447, 451 (1938).

17 But the police power, even as thus defined, vague and vast as it is, has its limitations, and it cannot
18 justify and act which violates the prohibitions, expressed or implied, of the state or federal constitutions. If
19 this were not so, and if the police power were superior to the constitution and if it extended to all objects
20 which could be embraced within the meaning of the words "general welfare," as defined by the
21 lexicographers, the constitutions would be so much waste paper, because no right of the individual would
22 be beyond its reach, and every property right and personal privilege and immunity of the citizen could be
23 invaded at the will of the state, whenever in its judgment the convenience, prosperity, or mental or physical
24 comfort of the public required it. *Tighe v. Osborne*, 149 Md. 349, 357; 181 A. 801, 803.

25 The argument that the driver's license must be forced on each and every citizen for the sake of
26 public safety, and thereby assuring only competent drivers are on the road, make a waste of paper of the
27 Constitution by ignoring the fundamental rights involved. The administrators of the lower court/tribunal on
28 public safety and welfare are actually in itself a false assumption. The first licensing law aimed at the
private citizen in 1933, was required for a "person" to obtain a "driver's license under this act, was to sign
an application stating "that he is competent to operate a motor vehicle upon the public highways," and pay
25 cents. Thus, the most illiterate and incompetent person could obtain a license. Anyone who had a
visual, mental, or physical impairment could obtain a license, and anyone who was unfamiliar with the
rules of the road or had never used an automobile could obtain a license. And indeed this did happen.

The driver's license is a typical example of an abridgement of freedom by gradual and stealthy
encroachments. The IRS is another example. When the Connecticut license law was passed on April 21,
1933 (just a short time after FDR declared the United States bankrupt on March 9, 1933), it did not go into
effect for almost a year later on March 1, 1934. So even though the law was placed on the books, it lay
dormant for a year during which time nothing changed in the lives of citizens in traveling upon the roads
thereby suppressing any immediate objections to it. And when it was enacted, history shows it was loosely
enforced. The continued enforcement of the license is seen today to include everything from roadblocks to
requiring mandatory seatbelts and insurance. Furthermore, the gradual evolution and adoption of
"examinations" fourteen years after the license law was enacted was necessary because the people had
to first be lulled into the idea that the State could license their right to travel. Where these "examinations"
were required at the same time the 'driver's license" was required, along with its heavy and strict
enforcement, mandatory seatbelt, mandatory insurance, etc., the people would then have seen it as an
obvious and sudden usurpation of an inherent right and rebelled against it. Throughout our history we
have been forewarned of such gradual encroachments upon our rights:

I believe there are more instances of the abridgment of freedom of the people by gradual and silent
encroachment of those in power than by violent and sudden usurpations.----James Madison.

Illegitimate and constitutional practices get their first footing in that way, namely, by silent
approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to

1 the rule that constitutional provisions for the security of persons and property should be liberally
2 construed.* * *It is the duty of the courts to be watchful for the constitutional rights of the citizen, and
3 against any stealthy encroachments thereon. Boyd v. United States (1886), 116 U.S. 616, 635; Ex parte
4 Rhodes, 202 Ala. 68, 71.

5 The State has gradually convinced the citizenry that the exercise of their inalienable and
6 constitutional right to liberty and to freely travel is an unlawful act, by gradually convincing them that a
7 license is first required before the liberty and right to travel can be exercised. It thus would seem the
8 primary purpose to which the driver's license serves is that of legal control of a right, identification, and
9 revenue, and not one of public safety.

10 Thus, the Defendant does and cannot constitutionally come under the purview of the "driver's
11 licensing" statute.

12 Abrogation of the Right of Property by stealthy encroachment

13 The nature of a driver's license is such that it also infringes upon and prohibits the use of one's
14 property (i.e. automobile/pick-up vehicle). Appellant has never waived his rights, knowingly, intelligently, or
15 voluntarily to the use of his automobile via application of the driver's license. The State of Connecticut
16 driver's license statute disallows a citizen to use his property (an automobile) and where he does use it,
17 that property is taken away (towed and/or compounded). Such statutes cannot be held as being valid
18 against an American and/or citizen.

19 Property in a thing consists not merely in its ownership and possession, but in the unrestricted right
20 of use, enjoyment and disposal. Anything which destroys any of these elements of property, to that extent
21 destroys the property itself. The substantial value of property lies in its use. If the right of use be denied,
22 the value of the property is annihilated and ownership is rendered a barren right. Therefore a law which
23 forbids the use of a certain kind of property, strips it of an essential attribute and in actual result proscribes
24 its ownership.* * * Since the right of the citizen to use his property as he choose so long as he harms
25 nobody, is an inherent and constitutional right, the police power cannot be invoked for the abridgment of a
26 particular use of private property, unless such use reasonably endangers or threatens the public health,
27 the public safety, the public comfort or welfare. Spann v. City of Dallas, 235 S. W. 513, 514-15.

28 So far as such use of one's property may be had without injury to others it is a lawful use which
cannot be absolutely prohibited by the legislative department under the guise of the exercise. In re Kelso,
147 Cal. 609, 612 (1905).

To date, this legislative court/tribunal acting with an administrator designated from de facto
Legislation (rule makers for the corporate State), under bankruptcy supplies no evidence that the
Defendant has caused any injury or property damage in the use of his property traveling upon the public
roads. The "driver's license" can and would allow the Defendant's property to be abridged by forbidding
him to use that property until he becomes licensed.

An automobile is not dangerous per se. Thus, rule and legal principles (such as a license
prohibiting its use), which are applicable to those things required "extraordinary care in the use and
control," are not applicable to automobiles/pick-up vehicles. This court/tribunal has given no justification
for prohibiting the Defendant the use of his property.

29 Conclusions applicable to Defendant's use of the roads in common tenancy

30 The ill-trained Gestapo police here are mistaken about the law. They and the courts here are both
31 short-sighted with regard to the right to use the roads.

32 1. Right to Travel. You all swore to uphold the constitution.

33 2. Common Tenancy of the public road. No license is required for a tenant in common to use the
34 common property.

35 3. Legislature has no right to dissolve our tenancy. Traveling on the roads in California (except the toll
36 roads) has always been free to all. The legislature has no authority to take away that right.

37 C. The driver's license creates a distinction in rights of citizens using the public roads for travel. All
38

1 citizens are to have equal rights in the use of the roads for ordinary travel and none are to have superior
rights (i.e. bicyclists) over another (i.e. automobilists/pick-up vehicles). The driver's license imposes a
2 burden and restriction on Americans and/or citizens traveling by automobiles/pick-up vehicles that does
not exist on other travelers. D. The driver's license confers a statutory right, that being the right to travel on
3 the public roads with an automobile/pick-up vehicle, which the Appellant already possess an inalienable,
constitutional and vested right. Thus the driver's license is nugatory and meaningless against the
4 Appellant.

5 The driver's license gives to the licensor the power to prohibit and preclude the Defendant's right to
use the public roads for travel. This is an extraordinary measure that could only be used on this engaged
6 in commercial travel.

7 The driver's license makes the Defendant's constitutional liberty and right of locomotion
subordinate to the police powers. However, the police power can never transcend constitutional rights but
rather is always subordinate to them since these rights are part of the supreme law of this State.

8 Other constitutional rights of the Defendant are subject to be limited or forced to be waived by any
9 terms or rules under such licensing. This would constitute an "unreasonable" exercise of police powers.

10 The driver's license, where applied to the Defendant, would require him to surrender and transfer
his inalienable right of liberty and locomotion to this State in lieu of the license (i.e. statutory privilege)
which is constitutionally impossible.

11 A word about administrative law and statutes. In California, the meaning of statutes has been
12 diluted. Subject matter which might better be relegated to regulations and been elevated to the status of
statute. "While in practical effect regulations may be called "little laws" they are at most but off-spring of
13 statutes." See United States v. Jones, 345 U.S. 377, 73 S.Ct. 759, 97 L ED.. 1108. The result is that
neither the statute nor the regulations are complete without the other, and only together do they have
14 any force. In effect, therefore, the construction of one necessarily involves the construction of the other.
See U.S. v. Mersky, 361 U.S. 431, 80 S.Ct. 459

15 These powers are utilized in the Superior courts throughout California and nearly all the states, not
just as a resource for income (taking of property from the people traveling in Connecticut, but also in the
16 same way the Jews in Nazi Germany were identified with a tattoo on the arm for control.

17 The claim and exercise of a Constitutional right cannot be converted into a crime.@ Miller v U.S.,
230 F.2d 488, 489. Murdock v Pennsylvania (1943) 319 U.S. 105, 63 S.Ct. 870, 87 Lawyers Edition ____,

18 _____
19 www.lawyerdude.8k.com/murdock.html

20 Signed, William Hoster: _____ Date: _____
Applicant, pro se

Proof of Service

21 I, Douglas Palaschak, declare the following under penalty of perjury. I served this Document #5597
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22 Signed Douglas Palaschak _____ Date _____

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