

NOTICE: Information Below is for Education ONLY - Not Legal Advice

I, me, my-self, live-living wo/man are born free with inherent rights in Peace. Legal cases, codes, statutes, etc., apply ONLY to its legal fictions, NOT live-living. I, me, my-self NEVER use fiction language. Using correct language helps us all.

Consent and License... 2014-07-20

Ed Ylst format/edit

Who Owns What? Consumer Goods or Equipment?

Part A Who owns it?

California (and most other states) **Law prohibits** Cities and Counties from enforcing City or County Codes and ordinances upon Property that is **NOT OWNED** by the City or county - even if the property is within City limits. California Penal Code; Chapter 5b CITATIONS FOR VIOLATIONS OF COUNTY OR CITY AND COUNTY ORDINANCES Sections 853.1 through 853.4 was repealed in 1967. SCOTUS ruled that Municipalities cannot exert any Ownership and control over property that is not OWNED by them, see Palazzolo V. Rhode Island 533 US 606,150 L.Ed. 2d 592, 121 S.ct._ (2001) (no expiration date on the taking clause for Cities illegal enforcement of its codes on the man's private property and restricting the man's Business) Affirming both Lucas v. South Carolina Coastal Council. 505 US 1003, 120 L. Ed. 2d 798. (1992)

- ARE YOU SAYING THAT YOU OWN MY MOTORCYCLE that you took from me, from the side of the road, without warrant? (*War Rant?*)

American Jurisprudence

The right of property is a fundamental, natural, inherent, and inalienable right.... In fact, it does not owe its origin to the constitutions which protect it, for it existed before them. It is sometimes **characterized judicially as a sacred right**, the protection of which is one of the most important objects of government.

(Sacred - say-creed... Scriptures -script yours... Gospel - go spell...?)

- Do you wish to trespass on my right of property?

"Users of the highway for transportation of persons and property **for hire may be subjected** to special regulations not applicable to those using the highway for public purposes." Richmond Baking Co. vs. Department of Treasury 18 N.E. 2d 788.

In California, a license is defined as "A permit, granted by an appropriate governmental body, generally for a consideration, **to a person or firm, or corporation** to pursue some occupation or **to carry on some business subject to regulation under the police power.**" Rosenblatt vs. California 158 P2d 199, 300.

- 1) "**Operation** of a motor vehicle upon public streets and highways is not a mere privilege but is a **RIGHT or liberty** protected by the guarantees of Federal and State constitutions." Adams vs. City of Pocatello 416 P2d 46
- 2) "One who DRIVES an automobile is an **operator** within meaning of the Motor Vehicle Act." Pontius vs. McClean 113 CA 452

- 3) "The word '**operator**' shall **NOT include** any person who solely transports his own property and who transports no persons or property for hire or compensation." Statutes at Large California Chapter 412 p.833
- 4) "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 partakes of **the nature of a liberty** within the meaning of the Constitutional guarantees...Berberian vs. Lussier (1958) 139 A2d 869, 872
- 5) "The RIGHT of the citizen to drive on the public street with **freedom from police interference**, unless he is engaged in suspicious conduct associated in some manner with criminality is a **FUNDAMENTAL CONSTITUTIONAL RIGHT** which must be protected by the courts." People vs. Horton 14 Cal. App. 3rd 667 (1971)
- 6) "The RIGHT to TRAVEL on the public highways is a ~~constitutional~~ RIGHT." Teche Lines vs. Danforth, Miss. 12 So 2d 784, 787
- 7) "The right to travel is part of the 'liberty' that a citizen cannot be deprived of without due process of law." Kent vs. Dulles 357 U.S. 116, U.S. vs. Laub 385 U.S. 475

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**Non-Commercial Driver License is a fraud.** Commercial and non-commercial licenses are the SAME THING! Non-Commercial Driver License is a **LEGAL TERM OF ART**. A legal term of art can mean something other than what you BELIEVE it means.

**A DRIVER** is someone who's COMPENSATED, i.e. **GETS PAID**. But don't believe me, believe your own EYES! LOOK at what's written in the screen shot of the STATUTES OF CALIFORNIA. I didn't make that up, that's what THEY wrote!

**DRIVING IS A PROFESSION.** A class C license is required to drive a cab. A cab is a motor vehicle. Now take a look at the DRIVER LICENSE issued to you by the DMV. What class is it?

Are you beginning to understand? Are you beginning to see? Have you been misled? Have you asked your servants for permission to engage in some activity that you already have the unalienable right to be actually and lawfully involved in?

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Part B

- 1) "The activity licensed by state DMVs — the operation of motor vehicles — is itself integrally related to interstate commerce".
Seth Waxman, Solicitor General, U.S. Department of Justice
- 2) Reno v. Condon, 528 U.S. 141, January 12, 2000; Supreme Court of the United States
"Section 250... "(a) It is a misdemeanor for any person to drive a motor vehicle upon a highway unless he then holds a valid operator's or

California Commercial Code 9109(1), and the automobile will be classified as **'consumer goods'** rather than equipment. The phraseology of § 9102(2) defining goods used or bought for use primarily in business seems to contemplate a distinction between the collateral automobile 'in business' and the mere use of the collateral automobile for some **commercial, economic or income producing** purpose by one not engaged in 'business". In re Barnes, 11 USS rep. Serv. 697 (1972)

- 5) "So long as one uses his private property for private purposes and does not devote it to the public use, the public has **no interest in it and no voice** in its control. Assoc. Pipe v. Railroad Comm. 176 Cal. 518.
- 6) "Under the UCC § 9-109 there is a real distinction between goods purchased for **personal use** and those purchase for **business use**. The two are **mutually exclusive** and the principal **use** to which the property is put **should be considered as determinative**". James Talcott, Inc. v. Gee, 5 UCC rep. Serv. 1028, 266 cal. App. 2d. 384, 72 Cal. Repr. (1968)
- 7) "**The use** to which an item is put rather than its physical characteristics, **determine** whether it should be **classified** as **'consumer goods'** under UCC § 9-109(1) or **'equipment'** under UCC § 9-109(2)". Grimes v. Massey Ferguson, Inc., 23 UCC Rep. Serv. 655, 355 So. 2d. 338 (Ala.,1978)
- 8) "A **carriage is** peculiarly a family or **household article**. It contributes in a large degree to the health, convenience, comfort and welfare of the householder, or of the family". Aurthur v. Morgan., 113 U.S. 495, 500, 5 S.Ct. 241, 243 (S.D.Ny 1884)
- 9) "The term 'household goods'... includes everything about the house that is usually held and enjoyed therewith and that tends to the comfort and accommodation of the household." Lawwill v. Lawwill, 515 P.2d. 900, 903, 21 Ariz. App.75, 19A Words and Phrases – Permanent Edition (West) pocket part 94
- 10) **Courts have no right, no power, to extend statute** by construction, so as to dispense with any conditions legislature has seen fit to impose. Gassner v. Patterson, (1863) 23 C. 299;
- 11)... likewise, **the Courts must take the statute as they find it**. It is their duty to construe it as it stands enacted. Callahan v. San Francisco, (1945) 68 CA2d. 286, 156 P.2d. 479; Santa Clara County Dist. Atty. Investigators Assoc. v. Santa Clara County, (1975) 51 CA 3d.255, 124, Cal. Rptr. 115
- 12) **Courts are not at liberty to extend application of law** to subjects not included within it. Spreckles v. Graham (1924), 194 C. 516, 228 P. 1040

Part E **WEST'S ANNOTATED, Commercial Code © 1990**

(West's published copy write law used by police does not show State enabling clauses within its text)

§ 9109. Classification of Goods:

"Consumer goods"; "Equipment"; "Farm Products"; "Inventory"

Goods are:

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

WEST’S > California Code Comment, By: John A. Bohn and Charles J. Williams

Prior California Law:

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

Official comment 1.

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

Official Comment 2

“The classification of goods in UCC § 9-109 are mutually exclusive”.

McFadden v. Mercantile-Safe Deposit & Trust Co., 8 UCC Rep. Serv. 766,260 Md. 601, 273, A.2d. 198 (1971)

“Automobile purchased for the purpose of transporting **buyer to and from his place of employment was ‘**consumer goods**’ as defined in UCC § 9-109”.** Mallicoat v. Volunteer Finance & Loan Corp., 3 UCC Rep. Serv. 1035,415 S.W. 2d. 347 (Tenn. App., 1966)

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**Your car/ truck/ motorcycle/ van are either - consumer goods or equipment - but they cannot be both at the same time.**

**We’ve been lied to, and the liars and thieves are still getting paid.**

**Part F                                      American Jurisprudence 2nd 1964 vol. 16**

**CONSTITUTIONAL LAW Pg. 403 – 405**

- 1) No one is bound to obey an unconstitutional law and no courts are bound to enforce it. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby.
- 2) It is said **all persons are presumed to know the law**, meaning that **ignorance of the law excuses no one**; if any person acts under an unconstitutional statute, he does so at his peril and must take the consequences. Pg. 403 – 405

## Judge acting outside his/her jurisdiction

- 1) US vs. Will, 449 U.S. 200, 216, 101 S. ct, 471, 66 L. Ed. 2nd 392, 406 (1980) Cohen vs. Virginia, 19 U.S. (6wheat) 264, 404 5 L. Ed. 257 (1821).  
“When a judge acts when he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason.”
- 2) Miller v. US (5th Circuit) 230 F. 2d. 486 (1956) “The claim and exercise of a constitutional right cannot thus be converted into a crime”
- 3) Miranda v. Arizona 384 US 436 (1966)  
“Where **rights are secured by the constitution** are involved, there can be no rule making or legislation which would abrogate them.”
- 4) Hale v. Henkel 201 US 43 (1906)  
“...There is a **clear distinction...between an individual and a corporation...**  
The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way...He owes nothing to the public so long as he does not trespass upon their rights. Upon the other hand, the corporation is a creature of the state...its powers are limited by law.”
- 5) Byars v. United States 273 US 28 (1927)  
“...it is the **duty of courts** to be watchful for the constitutional rights of the citizen, and against any stealthy encroachment thereon.”
- 6) Staub v. Baxley 355 US 313 (1958)  
“...an ordinance which makes the **peaceful enjoyment of freedoms** which the constitution guarantees contingent upon the uncontrolled will of an official – as by requiring a permit or license which may be granted or withheld in the discretion of such official – is an **unconstitutional censorship or prior restraint** upon the enjoyment of those freedoms.”
- 7) Cohens v. Virginia (6 Wheaton) 19 US 264 (1821)  
“**A law cannot exceed the authority of the lawgiver.** We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution. The several state legislatures and judiciaries, are all bound by solemn obligation of an oath, to support the federal constitution;... willfully legislating in violation of that constitution...[is] guilty of perjury. [309]”
- 8) Ex Parte Young 209 US 123 (1908)  
“The Eleventh Amendment provides **no shield** for a state official confronted by a claim that he had deprived another of a federal right under the color of state law ...when a state officer acts under a state law in a manner violative of the federal constitution. And he is, in that case, stripped of his official or representative character, and is subjected in his person to the consequences of his individual conduct. **The state has no power to impart to him any immunity from responsibility** to the supreme authority of the United States.”



- 4) Traffic or commerce; trade; sale **or exchange of merchandise, bills, money**, and the like. The passing of goods or commodities from one person to another for an equivalent in goods or money. *Senior v. Ratterman*, 44 Ohio St. 673, 11 N.E. 321; *Fine v. Moran*, 74 Fla. 417, 77 So. 533, 538; *Bruno v. U.S.*, C.C.A.Mass., 289 F. 649, 655; *Kroger Grocery and Baking Co. V. Schwer*, 36 Ohio App. 512, 173 N.E. 633.
- 5) The subjects of **transportation** on a route, **as persons or goods**; the passing to and fro of persons, animals, vehicles, or vessels, along a route of transportation, as a long a street, canal etc. *United States v. Golden Gate Bridge and Highway Dist. of California*, D.C. Cal., 37 F. Supp. 505, 512.
- 6) Black's Law Dictionary. 4th Ed., p. 1667 **COMMERCIAL**. Relating to or connected with trade and traffic or commerce in general. "Zante Currents", C.C. Cal., 73 F. 189. Occupied with commerce. *Bowles v. Co-Operative G. L. F. Farm Products*, D.C.N.Y., 53 F. Supp. 413, 415. Black's Law Dictionary, 4th Ed., p. 337
- 7) **INTERSTATE COMMERCE**. Traffic, intercourse, commercial trading, or the transportation of persons or property between or among the several states of the Union, or from between points in one state and points in another state; commerce between the states, or between places in different states. It comprehends all the component parts of commercial intercourse between different states. [Cites omitted] Black's Law Dictionary, 4th Ed., p. 955

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See: Challenging the Jurisdiction by Robyna Choleton
 Format /edit by Ed Ylst

Followed by Ed Ylst Summary

"Jurisdiction" simply means legal power" - Ed Ylst-ed.