

APPENDIX G

SPEED TRAPS: A CENTURY OF GOVERNMENT CORRUPTION

It's an OLD Story

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INTRODUCTION

This Section presents century-old reference material on highways and our rights to use them, that the use of the automobile resulted in no new principles of highway law, the rights of others as the basis for ALL lawful regulation, and several century-old examples of “speed traps”.

This Section concludes that:

- Highways are PROPERTY owned by the public (Inalienable Right);
- Their free and unobstructed use is a RIGHT, including use by motor vehicle, lawfully limited ONLY by infringement of the Inalienable Rights of others, which translates to the SAFETY of others;
- The invention of the automobile introduced no new principles of existing highway law;
- The “correlative right of transit” provides an ADDITIONAL basis for the above Rights;
- Police power of the state to regulate is lawful IF reasonable/constitutional, for public SAFETY;
- Speed limits existed long before the automobile, and “immoderate speed is a question for the jury”;
- Traffic safety laws cannot “unduly restrict the rights of the careful driver”, must satisfy their INTENT;
- “Thus, the Legislature cannot, under the guise of protecting public interests, impose unusual and unnecessary restrictions upon individual liberty, lawful occupation, or the use of property”;
- “Illegal police methods - there is no excuse for illegal deprivations upon personal security and private property on the part of police officials who arrest persons for violating speed limits”;
- “Fairness of laws - oppressive execution of the laws by unscrupulous officers rather than against the regulations themselves”;
- 1902-1915 Speed Trap examples: “arbitrary methods”, “unscrupulous speed trap operators”, “reap a golden harvest from the pockets of motorists”, “legalized plunder”.
- That generally, a CENTURY AGO, corrupt public officials were misusing the “law” to steal from the public, violating many of their Rights in the process, JUST AS THEY DO TODAY.
- That, based on more than a century of history and practice, TODAY, these deprivations are NOT the result of good intentions, but result from long-established, planned CORRUPTION.
- The originators, supporters and operators of speed traps are criminals that occupy ALL THREE branches of government;
- Today, with speed traps, the above Rights no longer exist, where corruption DOES.

Most of the following references were found using Google Books, usually its Advanced Search. The URLs are <http://books.google.com/> and http://books.google.com/advanced_book_search. With the Advanced search, a range of publishing years may be entered. As an example, using a year range of 1800 to 1880 and the phrase, "highway law", 417 hits were obtained in Jan, 2010.

The References are from about a century ago. Four of them, "Angell" (1868), "Huddy"(1906 & 1909), "Berry" (1909 & 1916) and "Davids" (1911) are identified in the References sub-section below in detail. Others are in the body of the text. Most of the bolding and underlining emphasis is by this Author.

For those readers that wish to save time, read the Section titles and the **bolding and underlining**.

Conclusions are presented at the end of each sub-section, and at the end of the document.

Highways - Right to Use.

1868, PRE-Automobile: "Angell":

Chapter 1. History of highways and types of roads.

Page 3, "Highways". **Highways are public roads, which every citizen has a right to use.**

Angell, Pages 74 & 75. § 84. **Of the Public Use.** [This discussion is on eminent domain, however, in § 85 it briefly discusses the rights of the public.]

"One thing is, however, incontrovertible, which is, that the necessities of the public to the use to which the property is appropriated must exist as the *basis* upon which the right is founded. [2]

This "right to use" is reiterated in Sections 86, 87 and 327.

Davids, Page 17, § 16. Legality of Use on the Highway.

"That motor vehicles, in the absence of restrictive statute, lawfully may be used upon city streets and rural highways is undisputed. **The right to use such vehicles is established by numerous decisions.[6]** It has been said that the motor car is a recognized, though modern, means of conveyance, and, subject to such restrictions as the legislature has chosen to impose with regard to its operation upon highways, **may be lawfully used upon them in the same way and with the same freedom as a wagon, carriage, cart, or other less modern vehicle.[7]**

"Huddy", 1st & 2nd Editions:

Page 41, § 4 General purposes of highways and streets.

"Primarily the general purposes of streets and highways is that of travel either on foot by a pedestrian or in a vehicle propelled by animal or other power. The members of the public have a right to use the public avenues for the purpose of travel and the transportation of property. . . and each is equally restricted in the exercise of his rights by the corresponding rights of the other."

[Footnote No. 4]: “It can hardly be questioned that the primary and fundamental purpose of a public highway, street, or alley, is to accommodate the public travel, to afford citizens and strangers an opportunity to pass and repass on foot or in vehicles with such movable property as they may have occasion to transport, and every man has a right to use on the road a conveyance of his own at will, subject to such proper regulation as may be prescribed by authority.”

Berry, Page 15 - § 14. **Automobile is lawful conveyance.** . . . Not only are these rights recognized and enforced by the courts,[3] but many statutes also recognize them in common with the rights of other vehicles.[4]

As was said by the court in the case of House vs. Cramer:[5]

"The right to make use of the automobile as a vehicle of travel along the highways of the state is no longer an open question. **The owners thereof have the same rights in the roads and streets as the drivers of horses or those riding a bicycle or traveling by some other vehicle.** But they are to use this means of locomotion with due regards for the rights of others having occasion to travel on the highways."

Berry, Pages 196-197 - ‘§164 **Highway defined.** ‘The term “highway” has been defined to be “a public way open and free to anyone who has occasion to pass along it on foot or with any kind of a vehicle.” [56]

Berry, Pages 198-199 - §165-166 Cont’d, “§165 **Use of highway.** “They belong from side to side and end to end to the public, that the public may **ENJOY** the right of traveling and transporting their goods over them. [69]

[1st Ed., p104, §114: SAME]

[Second Edition:]

“The fundamental idea of a highway is not only that it is public for free and unmolested passage thereon by all persons desiring to use it, but the use of a highway is not a privilege, but a right, limited by the rights of others, and to be exercised in a reasonable manner.”[70]

[NOTE THE ONLY limitation is the “rights of others”, and “reasonable manner”. The arbitrary speed limit of a speed trap does not satisfy this limitation.]

“In the absence of any limitation imposed by lawful authority the highways may be used for any and every kind of public travel and transportation which the necessities or convenience of the public may require.”. . . [71]

Circa 1915:

Lawyers' Reports Annotated - Page 943

by Lawyers Co-operative Publishing Company - Law reports, digests, etc. United States - 1915

“. . . This, however, can only be done when the paramount right of the public to the

full, free, and safe use of the street in all of its parts is not thereby infringed upon.
West Chicago Masonic Asso. v. Cohn, 102 Ill. 210, 55 L.R.A. 235, 86 Am. St. Rep. 327, 61 N. E. 439.”

...
“... **the street under the surface of the ground could only be used in such a manner as would safeguard the paramount right of the public to the full and unobstructed use of the street for the purpose for which it was dedicated;**”

Circa 1895:

Atlantic reporter, Volume 32 - Page 883
West Publishing Company - Law - 1895

“At the same time the **public has a paramount right to travel over a public highway.**”

Circa 1894:

West Coast Reporter, Vol. IV, Oct.-Dec., 1884, p518, Sup. Ct. Cal.

“As we have already said, the rights of the people in the navigable rivers of the state are paramount and controlling. . . . **but she [the state] cannot grant the rights of the people to the use of the navigable waters flowing over it; these are inalienable.** Any grant of the soil, therefore, would be subject to **the paramount rights of the people to the use of the highway. . . . It is, therefore, beyond the power of legislatures to destroy or abridge such rights, or to authorize their impairment.**”

From both Huddy and Berry - both automobile law reference books - we see that the public OWNS the highways (Property), and we have an unobstructed “Right” to use them without infringement, limited only by the Inalienable Rights of others. These are Inalienable Rights that CANNOT have changed over the last century, because NO government authority exists to do so. These Authors KNEW the definition of the word, “Right”.

Automobile Use - No New Principles of Law.

Berry, p12-13 - §13 **History of Bicycle.** “**The position of the automobile and the bicycle, in the view of the law are so nearly alike that it is well to refer briefly to the history of the bicycle, as the principles of law applicable will necessarily be referred to in this work. However, no new principles of law are involved; the courts are merely applying old principles to a new and novel mode of conveyance.**”[45]

Berry, p200-201 - §167 **Use of automobiles on the highways.** **The use of the highways for automobiles involves the application of a new appliance and mode of travel, rather than of any new principle.** [73] **It does not exclude or seriously interfere with the original modes in which the highways were used, but simply adds another in furtherance of the general object for which they were dedicated. [1st Ed., p104, §115: SAME]**

p201: There is no longer any doubt but that the owners of automobiles have the same rights on the public highways as the owners of other kinds of vehicles. [78]

These rights, however, must be exercised with a due regard for the rights of others using the highways. [79] [1st Ed., p105, §115: SAME]

Huddy SECOND Ed., Preface to First Edition, Page v:

“Very true, **many of the cases have merely called for the application of established rules of law**, in dealing with the motor vehicle; but there have been decided numerous points of special application to the automobile and its operation on the public avenues of travel . . .”

Huddy SECOND Ed., Preface to Second Edition, Page xi:

“Two striking and important principles of law concerning the motor vehicle have been established since the first edition appeared.

“The first and most important is that the automobile is not an agency dangerous *per se* and to be classed with combustibles, explosives . . .

“The second important question which has been settled is that the owner of an automobile is not liable for the acts of another to whom he has loaned his machine . . .”

From these last two Huddy quotes, we see that the only two “principles” of law are that automobiles (also a “carriage”, p10, § 5.) are not dangerous *per se*, and that the driver and not the owner is liable for misuse of the auto - thus, as Berry stated, there are no new principles of highway law in the OPERATION of the automobile. From Angell we see that highway law existed before the automobile, and from here we see that the automobile introduced no new principles to this law.

Inalienable Rights of Others Translates to SAFETY of Others.

Huddy, Page 85, § 1. [Automobile] Right to operate on the highway.

“For so long as they are constructed and propelled in a manner consistent with the use of highways, and are calculated to subserve the public as a beneficial means of transportation with reasonable safety to travelers by ordinary modes, they have equal rights with other vehicles in common use to occupy the streets and roads. **Their use, nevertheless, should be accompanied with that degree of prudence in management and consideration for the rights of others which is consistent with their safety.**”

Huddy, Page 88, § 3. The law of the road - In general.

A highway is for the use of the public at large; indeed it has been defined to be a road which every citizen has a right to use. This being so, it is necessary that the travel and traffic on the highway shall be governed by certain laws that the rights of each citizen may be certain of protection.

Huddy, Page109, § 5. Reciprocal rights and duties.

“A person with a horse and wagon, and a person with an automobile, each has a right to use the highways with his respective vehicle, **but it is the duty of each to exercise his right with due regard to the corresponding rights of the other.**”¹¹

Berry, Pages14-15 - §14 Automobile is lawful conveyance. . . . **But they are to use this means of locomotion with due regard for the rights of others having the occasion to travel on the highways.'**

[1st Ed. {1909}, p17, §18: SAME, then adds NEXT:]

"In a word, their owners are subject to that well-known maxim of the law that, 'A man must use his own property as not to interfere with others in the use of theirs.'[6]

NOTE THAT this is an "Inalienable Rights" issue - vehicle use is a RIGHT, limited ONLY by interference with the rights of others, and thus the "statutory regulations" they are "subject to" are based ONLY upon this foundation.

Berry, p142-143 - §125 **Right of motorist to use highways. The driver of an automobile and any other user of the highways, aside from special provisions changing the rule, have equal rights in the use of the same, and each is required to exercise reasonable care not to injure the other, or infringe upon the other's rights.**

Davids, Page 76. **§ 94. Mutual Obligation of Operators of Motor Vehicles, and Others.** A person operating an automobile and a person lawfully using the highway in another manner ordinarily have equal rights thereon,¹ and **it is the duty of each to exercise his right with due regard to the right of the other.**² The legal measure of duty is the same upon both of the parties.³

New Mexico Department of Transportation Signing & Striping Manual of March 2008 defines: "Highway" or "street" – A public way generally open to the use of the public **as a matter of right for the purpose of vehicular travel**, including the entire area within the right-of- way.

And:

"Public highway" – Every way or place generally open to the use of the public **as a matter of right** for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction.

This sub-section reiterates the Right to use our highways that can lawfully be infringed ONLY by the interference with the Rights of others, which primarily translates to the SAFETY of others.

The Correlative Right of Transit.

The following is from Huddy's 1909 2nd Ed., pp310-317, "§ 5. The Right of transit." It involves the authority of states to tax out-of-state automobile drivers, which is not permitted, not due to interstate commerce, but due to the "correlative right of transit". The reasoning is that the federal government may require the services of its citizens at any of its offices anywhere and that, in turn there exists the correlative right of transit which means that its citizens have the reciprocative right of access to the federal government by the "**ordinary means of travel**" to its offices. This is based on the 1867 U.S. Supreme Court case, Crandall v. Nevada.

Huddy's logic begins with U.S. citizenship and the citizens' "right of transit", by the "*ordinary means of travel*" described in *Crandall v. Nevada*, and that - in 1909 and unquestionably today - the automobile meets the definition of "ordinary means of travel". Although few if any public officials - be they politicians or judges - are willing to recognize this fact today, combined with all the Rights and law violations described in this paper, it remains equally true now. The *Crandall v. Nevada* decision mentioned land offices as one example of such a federal office, and the Act of April 25, 1812, 2 Story's Laws U. S. 1238 equates post offices in the same category.

Specifically, Huddy, beginning on page 314 states:

"The government, also, has its offices of secondary importance in all other parts of the country. On the seacoasts and on the rivers it has its ports of entry. In the interior it has its land offices, and its sub-treasuries. In all these it demands the services of its citizens, and is entitled to bring them to close points from all quarters of the nation, and no power can exist in a State to obstruct this right that would enable it to defeat the purposes for which the government was established.

"The Federal power has a right to declare and prosecute wars, and, as a necessary incident, to raise and transport troops through and over the territory of any State of the Union.

"If this right is dependent in any sense, however limited, upon the pleasure of a State, the government itself may be overthrown by an obstruction to its exercise. . . .

The correlative right of transit. - "But if the government has these rights on her own account, the citizen also has correlative rights. He has the right to come to the seat of government to assert any claim he may have upon the government, or to transact any business he may have with it, to seek its protection, to share its offices, to engage in administering its functions. He has a right to *free access* to its seaports through which all the operations of foreign trade and commerce are conducted, to the sub-treasuries, the land offices, the revenue offices, and the courts of justice in the several States, and this right is in its nature independent of the will of any State over whose soil he must pass in the exercise of it.

Huddy also described the U.S. Supreme Court "Passenger Cases" of 1849, quoting the Court as follows:

"Living as we do under a common government, charged with the great concerns of the whole Union, every citizen of the United States from the most remote states or territories, *is entitled to free access, not only to the principal departments established at Washington, but also to its judicial tribunals and public offices in every state in the Union. For all the great purposes for which the Federal government was formed, we are one people, with one common country.*"

"We are citizens of the United States, and as members of the same community, must have the right to pass and repass through every part of it without interruption, as freely as in our own states." [italics emphasis Huddy's, bolding emphasis this author's.]

Thus, combining the Supreme Court cases, *Crandall v. Nevada*, with its "right of transit" by the "*ordinary means of travel*" and the Passenger Cases' "must have the right to pass and repass through every part of it without interruption, as freely as in our own states", this Right, along

with our Inalienable Liberty and Property Rights, means that motor vehicle use is a RIGHT which may not be infringed or denied unless the Rights of others are in turn infringed. Clearly then, speed traps violate ALL these Rights, plus, due to their resulting increased accident rates, the Inalienable Right to Life.

The “correlative right of transit” provides a separate but additional basis for the Right to travel by the “ordinary means of travel” which in 1909 certainly included the automobile, as it certainly does today.

Authority to Regulate Speed, Fairness of laws.

PRE-AUTOMOBILE, from 1868:

Angell, p424, § 342 - **“Rate of Speed. Another duty which travelers are bound to observe is to drive at a moderate rate of speed. To drive a carriage through a crowded or populous street at such a rate or in such a manner as to endanger the safety of the inhabitants is an indictable offense at common law, and amounts to a breach of the peace. In this country, driving faster than an ordinary traveling pace in the streets of populous cities is very generally prohibited by statutes or municipal ordinances;** and it is a well-settled principle, that a person, who is engaged in an illegal or prohibited course of conduct is liable for all the consequences of his acts.[2] But, independently of this principle, driving at an immoderate rate of speed is, in itself, a culpable negligence, from which, if an injury result, without fault of the person injured, the author is liable for it.[3] **What is immoderate speed is a question for the jury.** Best, C.J., speaks of it as such speed that the horses cannot be stopped or properly directed; and Barbour, J., speaking for the Supreme Court of the United States, describes it as "rapid driving, which, under the circumstances of the case, amounts . . .”

Thus, speed limits existed before the automobile. **Also note the phrase, “a question for the jury”:** somehow, in the last 142 years, the jury requirement has been eliminated from our traffic courts. Just think - if we could argue a speed trap ticket in front of a jury of our peers, we would have a far better chance at justice, because those “peers” are in the same boat. **Shifting the authority from a jury to a single, corrupt traffic court judge whose court benefits directly or indirectly in the resulting booty, is NECESSARY to the success of speed traps.**

Huddy, Page 22, § 6. - “. . . **but it is to be regretted that in some of the States, there has been a disposition to extract revenue from automobilists under the licensing power of the government. The revenue features of the automobile laws are clearly unauthorized, since the police powers of the States do not permit taxation beyond a reasonable limit.**

Berry, Pages 36-37 - **“§31 Power of state to regulate the use of Property. Under the police power of the state the Legislature may enact all manner of wholesome and reasonable laws, not repugnant to the constitution, which it may deem for the good and welfare of the people.[8] . . .**

“The power to regulate invests the Legislature with a large discretion to determine

what measures are necessary to preserve the public interests and protect private rights.[11]”

[1st Ed., p29, §30: SAME]

NOTE AGAIN - The RESTRICTIONS placed on this power.

Huddy, Page 295, Chapter 25, Automobile Legislation.

§ 1. General considerations.

“The legislative regulation of motoring is of vital importance to motor-car owners and operators, not only from the standpoint of keeping within the law, but because every motorist has, or should have, a desire to see that these laws are fair and reasonable in their tendency to protect public safety. Prejudicial or otherwise discriminating legislation against motoring is to be condemned, and every effort should be made in maintaining the freedom of the road and to protect the road rights from measures imposing unreasonable hardships.”

Berry, p72-73 - §60. **Power to regulate the speed of automobiles.** Under a general grant of police power, a municipal corporation may, **in the interest of the public safety**, regulate the speed of automobiles in its streets and ways.³¹

Huddy, Page 295, § 2. **Fairness of laws.**

“Legislation on the whole, has been very fair in most of the states in its interest for the public and the motorist. Only occasionally enactments have seemed to be grossly unreasonable and discriminating. The greatest complaint is concerning the oppressive execution of the laws by unscrupulous officers rather than against the regulations themselves. Some of the law periodicals are advocating more stringent legislation in reference to reckless motoring and the use of motor cars on the streets. One who has studied and compared the legislation of the various states of the Union and of England, and the decisions handed down by the courts, and has considered well the legal status of the motor car, would hesitate long before advising enactment of drastic legislation which would also unduly restrict the rights of the careful driver.”

Note that, in both the Speed Trap Study and the Legal Aspects document, “the careful driver” is the one most likely to be punished for BEING a “careful driver”, a gross violation and direct contradiction of the intent of the law.

Berry, Pages 72-73. “§60. **Power to regulate the speed of automobiles.** Under a general grant of police power, a municipal corporation may, **in the interest of the public safety**, regulate the speed of automobiles in its streets and ways.³¹”

Berry, Pages 80-81. §68 [Municipal] Ordinances - “. . . **must be reasonably construed, in a manner consistent with the intent of the authority enacting them**”

. . . **“Where an ordinance is open to two constructions, one legal, the other illegal, that construction must prevail that will preserve its validity.[63]”**

This “one legal, the other illegal” expression is an excellent example of the Bosque Farms Speed Trap.

Davids, Page25. **§ 22. Source of Power of States. Such regulations are a legitimate exercise of the police power 8 for the promotion of the safety of the public.**⁷ In one of the earlier cases the court said: "There can be no question of the right of the legislature, in the exercise of the police power, to regulate the driving of automobiles and motorcycles on the public ways of the commonwealth. **They are capable of being driven and are apt to be driven at such a high rate of speed, and when not properly driven are so dangerous, as to make some regulation necessary for the safety of other persons on the public ways.**"

Davids, Page 31. *Validity of Laws Generally.*

§ 29. As Exercise of Police Power. The enactment of laws prescribing conditions to be complied with in the operation of motor vehicles is an appropriate exercise of the police power for the preservation of the safety of the public in the use of the streets and highways.¹ The New Jersey court has said in this connection: "Turning from the trolley car to the automobile, we see introduced into use on the highways a vehicle propelled by a power as great and capable of attaining speed still greater than a trolley car. We see a machine confined to no part of the street, and which, if driven by an inexperienced or reckless driver, is a menace to all who are entitled to use the street. **It seems too obvious for further remark that the legislature has the same right to protect other users of the highways against these dangers as it has to guard them against the unrestricted movements of a trolley car. Therefore, the provisions of the statute which limit the rate of speed, which require the display of signals and the use of efficient brakes, are all appropriate to preserve safety in the use of the road.**"

Davids, Page 58. **§ 74. Necessity for Limitation of Speed.** Motor vehicles as a rule are capable of being driven at great speed,⁵ and **the experience of the public in being obliged to submit to danger from the immoderate speed of these vehicles, or to abandon the highways to their use, has made enactments to restrain their speed a necessity.**⁸

From the traffic safety experience and research that has occurred over the last century, the phrase, "danger from the immoderate speed" is far better understood today. For example, the safety effects of speed variance were unknown a hundred years ago.

Davids, Page 58. **§ 75. Power of Legislature to Limit Speed. The legislature in the exercise of the police power for the promotion of the safety of the public in the use of the highways may prescribe a reasonable maximum rate of speed at which automobiles may be driven.**⁷

Davids, Page 250. **§ 256. Negligent, Reckless, or Dangerous Driving.** [Footnote 3.] . . . "Common Traveling Pace."—In *State v. Smith*, 29 R. I. 245, 69 Atl. 1061, the defendant was prosecuted for fast driving in violation of the statute. . . . A complaint, brought under it, that one drove or rode at a speed greater than a common traveling pace, **charges the offense with sufficient clearness to protect the accused in his right to be informed of the nature and cause of the accusation against him; and he is not, on account of the**

uncertainty of the language of the statute, liable to be deprived of his liberty and property without due process of law."

This sub-section clearly states that government DOES have lawful authority to regulate automobile use, including speed PRIOR TO THE INVENTION OF THE AUTOMOBILE, as long as such laws are "fair and reasonable" and not "repugnant to the constitution", and in the interests of public SAFETY, and that these laws cannot "unduly restrict the rights of the careful driver", and must satisfy the intent of the law. Also clearly, speed traps, a century ago and today, VIOLATE these lawful requirements. Furthermore, speeding was LONG AGO a "a question for the jury", which no longer exists.

Limitation of Police Power, Illegal Police Methods, Speed Trap Examples.

Berry, Pages 36-37 - "**§31 Power of state to regulate the use of Property. Under the police power of the state the Legislature may enact all manner of wholesome and reasonable laws, not repugnant to the constitution, which it may deem for the good and welfare of the people.[8] . . .**

"The power to regulate invests the Legislature with a large discretion to determine what measures are necessary to preserve the public interests and protect private rights.[11]"

AND:

"§31. Limitation of police power. By virtue of the constitution of our government the police power is limited by the organic law of the state and nation.²¹ Therefore, to justify the state in interposing its authority in behalf of the public, it must appear that the interests of the public generally, as distinguished from a particular class, require such interference, and that the means are reasonably necessary for the accomplishment of the desired purpose, and not unduly oppressive upon individuals.²² Thus, the Legislature cannot, under the guise of protecting public interests, impose unusual and unnecessary restrictions upon individual liberty, lawful occupation, or the use of property,²³ nor overthrow vested rights.²⁴ Its power is limited by the organic laws, and to enactments relating to the interests or welfare of the public,²⁵ and, hence, the state will not be allowed to encroach or trample upon any of the just rights of the citizen, which the constitution intended to secure against diminution or abridgment.²⁶ Thus, property rights will not be permitted to be invaded under the guise of a police regulation for the preservation of health when such is clearly not the object and purpose of the regulation.^{27"}

NOTE the phrase, "must appear": today, criminal public officials steadfastly maintain this "appearance" while intentionally violating many Rights in order to enforcement and profit from traffic laws that are NOT "in the interests of the public".

Huddy, Page 201, § 10. **Illegal police methods.** “Notwithstanding the fact that the law is violated frequently by automobilists, there is no excuse for illegal depredations upon personal security and private property on the part of police officials who arrest persons for violating speed limits. . . .”

Huddy, Page 295, § 2. **Fairness of laws.** “The greatest complaint is concerning the oppressive execution of the laws by unscrupulous officers rather than against the regulations themselves.”

Read the above, large-font, bolded and underlined text AGAIN.

Consider that this was written A CENTURY AGO. Obviously, way back then, thoroughly corrupt public officials existed, just as they do today, with their arbitrary enforcement of arbitrary traffic laws. Obviously, way back then, drivers’ most basic Rights were being violated just as they are today.

EARLY EXAMPLES OF SPEED TRAPS:

Some of the examples below are from “**The Horseless Age**”. Huddy, in his 1909 Second Edition Preface on page xiii, states, “The author desires to thank the *Horseless Age*, for the valuable assistance rendered in the compilation of this work.

From 1904:

Automotive industries, Volume 10, 1904, p509: ‘. . . by motorists, who feel that the attractiveness of the most picturesque and best drive out of Chicago is more than offset **by the arbitrary methods of the police of the towns, who laid various traps to catch those who exceeded the absurdly low speed limit.** These traps took the form of concealed or "plainclothes" . . . !’

From 1915:

Automotive industries, Volume 33 - Page 631: “**Wins Pa. Speed Trap Appeal**”
“**For a long time many officers in the county have been reaping a harvest by jumping out of bushes and arresting automobilists on the charge of speeding.**”

From 1912:

Papers, addresses and resolutions before the American Road Congress ... - Page 174
American Association for Highway Improvement - Reference- 191 pages
“ . . . issued by a multitude of cities and villages and the activities of the **unscrupulous speed trap operators who were actuated solely by mercenary motives . . .**”

From 1915:

Dependable Highways - Page 14: “**... warning motorists against a speed trap. Cases growing out of arrests were contested and the trapper finally driven to private life. ...**”

From 1908:

“The Horseless Age”, Vol. 21, No. 25, June 21, 1908, page 722: “**Warning of Police Trap**”

“Motorists who drive in New Jersey should beware of a speed trap which is being operated in the village of New Providence . . .”

From 1910:

Motor age, Volume 18 - Page 11: **“Ohio constables and justices no longer can reap a golden harvest from the pockets of motorists, for the speed trap in Ohio is doomed. ...”**

From 1902:

The Horseless age: the automobile trade magazine, Volume 9 - Page 454

‘The Question of Speed Under the New Law.

‘George E. Chamberlin, chairman of the law committee of the Automobile Club of America, in an interview with THE HORSELESS AGE, said he believed there would be difficulty in securing convictions of the anti-speed law, and that un-warrantable arrests are likely to be made unless some suitable method is adopted by the authorities to secure positive proof of the speed at which an automobiles travel. He expressed himself as follows:

“The word of a policeman that an automobile exceeded the speed limit is not sufficient evidence, and his charge of an infraction of the law must be supported by corroborative testimony that can be sustained. Otherwise the assumption of innocence should prevail.”

This is a 1902 example of the difference between 1902 and 2009 - today, such “corroborative testimony” is simply not required by our arbitrary traffic courts, to their great profit.]

From 1908:

The Horseless age: the automobile trade magazine, Vol. 21, No. 7: 1908

“Legislation Discussed at Jersey Motorists’ Meeting.

[Judge William H. Hotchkiss, of Buffalo and Pres. of the A.A.A.]

“With respect to definite speed limits, the Judge had the following to say:

“‘Miles per hour’ is a statutory speed trap, where prejudice starts the stop watch at one end, and legalized plunder bars the way at the other. The true principle, and, in road regulation, it is as old as the camel or the cart, is that unlawful speed should be determined, not arbitrarily by miles per hour, but, by the condition of the highway and the traffic thereon at the time, that is, whether, in the judgement of men, the rate is such as then and there to endanger the lives and property of others.”

This is a century-old example of essentially the same “legalized plunder” that characterizes ALL speed traps, then and today. One probable difference is that, a century ago, the then-also-corrupt public officials may not have realized that speed traps injure and kill people, as they do today.]

The earliest of these examples is from 1902. Obviously, speed traps, and the criminal public officials that ran/run them, have existed for over a century. Given all this history and background, the criminal methods today are much more refined and have become extremely difficult to counter, particularly when the courts and their “judges” are an integral part of this criminal process.

COMPARE THE ABOVE CENTURY-OLD EXAMPLES TO May 07, 2009:

http://www.ohio.com/news/break_news/44551342.html

Troopers in ticket-writing frenzy

By Bob Dyer, Akron [OH] Beacon Journal columnist

“The Ohio Highway Patrol is determined to bring safety to our interstates — even if it kills us.” . . . So here we are, stuck with an artificially low speed limit, and where does the Ohio Highway Patrol choose to unleash a ticket-writing frenzy? . . . Even worse than picayune tickets is the added danger — for motorists and troopers.”

OR TO THE Upper Moreland, PA, July 21 2008, Board of Commissioners Meeting Minutes:

<http://www.uppermoreland.org/commissioners/minutes.aspx?id=28>

“Chief Nestel replied he has spoken with the Chief of Police of Hatboro, and he agrees that the speed is lower than it should be. Because Hatboro vigorously enforces the artificially low speed limit, doesn't make it right.”

[WOW. An honest police chief. With integrity. How does he keep his job?]

CONCLUSIONS

See the bulleted list on the first page.

A century ago and more, it was clearly stated that highways are owned by the public who have DUAL Inalienable Rights (Liberty and Property) to their use that - like ALL Inalienable Rights - can be lawfully infringed ONLY when the Rights of others are infringed. That the automobile introduced NO new principles in highway law. The “correlative right of transit” provides a separate but additional basis for the Right to travel by the “ordinary means of travel” which in 1909 certainly included the automobile, as it certainly does today. These unchangeable Rights go far beyond the obvious unlawfulness of speed traps and applies to ALL traffic and highway laws - if they are not provably based on the interference with the Inalienable Rights of others, they are not laws.

The same Inalienable Rights apply to the driver's license and vehicle registration because deprivation of the driver's license violates the Inalienable Right to Liberty and Property, and deprivation of the vehicle registration violates the Inalienable Right to Property. Where the requirements for both are reasonable from a traffic safety standpoint, they CANNOT be lawfully denied, revoked or suspended for ANY reason other than on the interference with the Inalienable Rights of others, which boils down to traffic safety ONLY. Yet today, millions of drivers have been deprived of their licenses for reasons that have nothing to do with driving, and millions more for non-safety reasons.

Over the last century, the increases of arbitrary government power over the American driver have been astronomical (See Sec.11, Garfinkel, overdue library book fines???), including state defiance of the U.S. Supreme Court. Because the “American driver” is almost exactly equivalent to the “American taxpayer”, and the “American driver” is about 68 percent of the total U.S.

Population, arbitrary power over the “American driver” is also arbitrary power over the “American taxpayer” and arbitrary power over the majority of the American People.

But, what if the tables were turned? What if the “American driver/taxpayer” turned off those taxes? After all, in the United States, there can be no constitutional law that can force the “American taxpayer” to pay taxes to support an arbitrary government. What if the “American driver/taxpayer” exercised lawful power over arbitrary power? The result would likely be one of two large changes - either our government officials would cease to be arbitrary, or they would use force and violence to continue toward totalitarian government.

A century ago and more, it was clearly stated that government DOES have lawful authority to regulate automobile use, including speed, even PRIOR TO THE INVENTION OF THE AUTOMOBILE, as long as such laws are “fair and reasonable” and not “repugnant to the constitution”, and in the interests of public SAFETY, and that these laws cannot “unduly restrict the rights of the careful driver”, and must satisfy the intent of the law. Also, speeding was, circa 1868, “a question for the jury”, which no longer exists in any practical sense.

In the “Limitation of Police Power” section, we find that this power is limited: **“Thus, the Legislature cannot, under the guise of protecting public interests, impose unusual and unnecessary restrictions upon individual liberty, lawful occupation, or the use of property”** and, **“ . . . the state will not be allowed to encroach or trample upon any of the just rights of the citizen, which the constitution intended to secure against diminution or abridgment.”²⁶** **Thus, property rights will not be permitted to be invaded under the guise of a police regulation for the preservation of health when such is clearly not the object and purpose of the regulation.”** Under the law here in the United States, these requirements CANNOT have changed. In practice, however, with thoroughly criminal public officials in ALL THREE branches of government, these requirements most certainly HAVE changed, and particularly in the operation of speed traps and their resulting thefts, and increased injuries and deaths.

The above, century-old examples of speed traps conclusively show a century of corruption within local and state governments, nationwide. Obviously, over the last hundred years, this corruption has increased and become a well-established means of theft from the driving public. Speed traps, with their impact on both liberty and property, have been known to be illegal for over a century, yet they still exist. **The 2008 and 2009 examples show that speed traps and criminal public officials have not changed in a hundred years, except to increase.**

With over a hundred years to become established, combined with the many methods used by corrupt public officials’ to resist drivers’ efforts to obtain justice (primarily in the courts, **today without the benefit of a jury**), the existence of speed traps today cannot be “by accident”; it cannot be the result of good intentions. Today, speed trap operators can only be criminals who know exactly what they are doing and what it takes to do it.

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