[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 liberty, to acquire and possess property, and to pursue happiness and safety. It 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 drive a horse-drawn carriage or wagon thereon, or to operate an automobile thereon, for the usual and ordinary purposes of life and business.](https://casetext.com/case/thompson-v-smith-24?passage=3cEfTz4Yu5B1xpQUpSFvsQ)

[1](https://casetext.com/case/thompson-v-smith-24?passage=_h_-zL8C7iZUk3amRyonBQ)

[It is not a mere privilege, like the privilege of moving a house in the street, operating a business stand in the street, or transporting persons or property for hire along the street, which a city may permit or prohibit at will.](https://casetext.com/case/thompson-v-smith-24?passage=_h_-zL8C7iZUk3amRyonBQ)

[1](https://casetext.com/case/thompson-v-smith-24?passage=b-Sp0gT70erYGTNLZ8w-WA)

[The exercise of such a common right the city may, under its police power, regulate in the interest of the public safety and welfare; but it may not arbitrarily or unreasonably prohibit or restrict it, nor may it permit one to exercise it and refuse to permit another of like qualifications, under like conditions and circumstances, to exercise it.](https://casetext.com/case/thompson-v-smith-24?passage=b-Sp0gT70erYGTNLZ8w-WA) *Taylor* v. *Smith*, 140 Va. 217, 124 S. E. 259; *Ex parte Dickey*, 76 W. Va. 576, 85 S. E. 781, L. R. A. 1915-F, 840; *Hadfield* v. *Lundin*, 98 Wash. 657, 168 Pac. 516, L. R. A. 1918-B, 909, Ann. Cas. 1918-C, 942.