

riages *ejusdem generis* with the carriages specified in the first. (a) So also a statute declaring a bicycle to be a carriage, so far as regards the obligation of the rider to observe the rule of the road, (3 Gen. Stat. N.J., p. 2940, sec. 570), does not make it a carriage within the purview of a statute empowering a turnpike company to collect tolls from "carriages of burthen or pleasure," where it is apparent from another portion of the statute that the carriages meant are those drawn by beasts. (b) Nor can a bicyclist be charged tolls for the use of a road under Howard's Mich. Stat. sec. 3582, permitting a charge of two cents per mile for "any vehicle or carriage drawn by two animals," and one cent per mile for "every vehicle or carriage drawn by one animal," as well as for "every horse and rider or led horse." The Court "hesitated to say" that a motor cycle could with propriety escape tolls under this statute, but considered "that a distinction might be made between vehicles propelled by man, and those depending upon animal power for propulsion, and that this would not do violence to the Act, which had always been construed to permit the use of highways by persons who did not depend upon some means of conveyance besides their own power of locomotion." This view, it was thought, received a strong support from the fact that the bicycle had been used for nearly a quarter of a century, and that it was difficult to conceive of riders submitting to a general practice of charging toll without a protest which would have led to a settlement of the question in the Courts. The distinction thus drawn between carriages propelled by human agency and by motors would, it was believed, "protect the road companies from a use of their roads by substitutes for those vehicles which the law contemplated should be charged for, and at the same time protect the pedestrian in his increased power of locomotion by the aid of the wheel. (c)

On the other hand a recent Pennsylvania decision has construed a general clause in a statute very strictly against bicyclists, and, as the present writer ventures to think, in a sense not easily reconcilable with the tenor of the statute as a whole. Tolls, it was held, might be exacted from a bicyclist under a statute authorizing the collection of tolls from the drivers of certain specified vehicles "or

(a) *Williams v. Ellis* (1880) 5 Q.B.D. 175.

(b) *Gloucester, &c., Co. v. Leppoe* (N.J. 1898) 40 Atl. Rep. 681.

(c) *Murfin v. Detroit, &c., Co.* (Mich., 1897) 38 L.R.A. 198; 71 N.W. 1108.