

principles. (e) Thus a bicycle is a "vehicle" within the meaning of sec. 12 of the Liverpool Corporation Act of 1889, which forbids the use of "any vehicle exclusively or principally for the purpose of displaying advertisements" without the consent of the Corporation. (f) [See also secs. 4, 5, post.]

The conclusions at which the Courts, reasoning upon purely common law principles, have thus arrived are in many States embodied in statutory provisions, which declare that bicycles and their riders are entitled to the same rights and subject to the same restrictions in the use of the highways as are prescribed in the case of carriages drawn by horses. (g)

The doctrine which places cycles on the same footing as horse-drawn vehicles is really a particular application of the wider principle that it is the essential character of the vehicle itself, and not the motive power, which determines the rights and liabilities of the person using it. To this principle would seem to be referable the English decision that a motor tricycle capable of being propelled either by foot-power or by steam is within the purview of sec. 38 of the English Locomotives' Act of 1878, which prescribes certain regulations for the working of "any locomotive propelled by steam or any other than animal power," and that a conviction for a breach either of those regulations, or of any others prescribed by the earlier Locomotives Acts (24 & 25 Vict., c. 70, and 28 & 29 Vict. c. 83), should be sustained, although the person travelling on the tricycle was propelling it with his feet at the place where he was arrested. Pollock, B., who wrote the opinion of the Court, pointed out that the tricycle could not be less within this description because it was capable of propulsion in the ordinary way by the foot of the rider, and that it had been expressly found in the case that

(e) *Swift v. City of Topeka* (1890) 43 Kan. 671; 8 L.R.A. 77.

(f) *Ellis v. Nott-Brown* (Q.B.D., 1896) 60 J.P. 760.

(g) Louisiana Acts, 1890, No. 13, p. 10; Rev. Stat. p. 860. Pennsylvania Act of 1889, P.L. 44. New York Rev. Stat., Highway Law, sec. 162. The last two of these enactments cover not only bicycles, but also tricycles and all other vehicles propelled by hand or foot. That the Ontario Act prescribing the relative obligations of cyclists and the drivers of other vehicles in the use of roads is a practical recognition of the same principle is sufficiently obvious (see sec. 4 *post*). So far as turnpike companies are concerned, the Pennsylvania Act just referred to has, it is held, had the effect of establishing, out of reach of the discretion of the company, the bicyclist's right upon the highway, and of placing a peremptory limitation upon the power of the company to exact excessive tolls: *Geiger v. Perkiomen Turnpike Road* (1895) 167, Pa. 582; 28 L.R.A. 458 (see sec. 11, *post*).