

"leading," and not a few of them are derived from reports and periodicals which are to be found only in the large libraries, we have taken special pains to state the substance of each decision with sufficient fullness to shew the precise grounds upon which it was based.

**2. Right of bicyclists to use highways, generally**—For a considerable period after cycles first came into common use, attempts were occasionally made to have them placed, for judicial purposes, on a different footing from other vehicles. For example, so recently as 1889, it was still regarded as a debatable question in the United States whether the riding of a bicycle upon a public highway ought not to be pronounced a nuisance in such a sense as to make the rider absolutely liable if a horse took fright at the machine, and damage ensued. (a) But this inclination to treat a cyclist as a sort of "*caput lupinum*," who was entitled to very scant indulgence in case of an accident upon the highway, has nearly, if not altogether, ceased to exercise any influence upon the Courts, and the doctrine is now firmly established that a bicycle, so far as the use of the highways is concerned, is to be classed in the same category as horse-drawn vehicles. It follows, therefore, that to ride one in the usual manner, as is now done upon the public highway, for convenience, recreation, pleasure or business, is not unlawful; (b) and that the rights of bicyclists are referred to the simple principle that they are upon an equality with and governed by the same rules as persons riding or driving any other vehicle or carriage. (c) "Bicycles are not an obstruction to, or an unreasonable use of, the public streets of a city, but rather a new and improved method of using the same, and germane to their principal object as a passage-way." (d)

That bicycles must also be subject to the same restrictions and disabilities as other vehicles follows readily enough from general

(a) *Holland v. Barch* (1889) 120 Ind. 46.

(b) *Thompson v. Dodge* (1894) 58 Minn. 555. The Court said: "A highway is intended for public use, and a person riding or driving a horse has no rights superior to those of a person riding a bicycle."

(c) *Holland v. Barch* (1889) 120 Ind. 46. *City of Emporia v. Wagner* (1897) 6 Kan. App. 659; 49 Pac. 7-1. It may be mentioned in passing that for the purpose of assessing a tariff, bicycles have been declared by the United States Government to be "carriages"; see Adams' U.S. Tariff (ed. 1890), p. 99.

(d) *Swift v. Topeka* (1890) 43 Kan. 671; 8 L.R.A. 772.