

should be given shewing that the use of the footpath had the effect of injuring, etc., persons travelling thereon. (*h*)

A bicycle being a vehicle in the eye of the law, a person who rides one longitudinally along a footpath is deemed to be guilty of a violation of a statute providing that "it shall be unlawful for any person to ride or drive upon" any kind of "sidewalk for the use of foot passengers, unless in the necessary act of crossing the same." (*i*)

The effect of the Pennsylvania Act (April 23, 1889, P. L. 110), giving cyclists the same rights and subjecting them to the same restrictions in regard to the use of public highways as the drivers of vehicles drawn by horses, is to bring cyclists within the purview of a later Act (May 7, 1889, P. L. 44), imposing a penalty upon anyone who "wilfully or maliciously rides or drives any horse or other animal upon any footway laid along a highway." The Court said :

"It will scarcely be disputed that a bicycle is within the spirit of the Act; it is wholly improbable that the legislature intended to exempt him. The sidewalk is for travellers, men, women, and children. A very few years of observation in the new mode of travelling by bicycle has resulted in the conclusion that this vehicle is fully as dangerous to those walking on the same road as a carriage drawn by a horse. . . . No bicyclist, with due regards to the safety and rights of his fellows, should demand the use, in common with foot-travellers, of a walk with such a vehicle." (*j*)

A municipal by-law which provides that "no person shall by any animal, vehicle, lumber, building, fence, or other material, goods, wares, merchandize, or chattels, in any way encumber, obstruct or foul any street . . . sidewalk," etc., is infringed by the use of a velocipede on a sidewalk, even though no one is near it. (*k*) Under the Ontario Consolidated Municipal Act of 1892, s. 496, s-s. 27, empowering a municipality to "prevent the encumbering, injuring, fouling, by animals, vehicles, vessels or other means, of any road, street . . . or other communication," it is competent for a municipal council to pass a by-law prohibiting any

(*h*) *Brotherton v. Titterton* (Q.B.D. 1896) 60 J.P. 72. [Action for assault against constable].

(*i*) *Mercer v. Corbin* (1889) 117 Ind. 450; 3 L.R.A. 221.

(*j*) *Commonwealth v. Forrest* (1895) 170 Pa. 40; 29 L.R.A. 365.

(*k*) *Reg. v. Plummer* (1871) 30 U.C.R. 41.