

ing this view, and doubtless the controversy will ultimately be terminated everywhere by the same means. (b)

Meantime it must be admitted that the weight of such judicial authority as we have at present is decidedly against the view that a bicycle falls into the category of baggage.

In a case in an English County Court the judge ruled that a bicycle could not be treated as ordinary passenger's luggage, but his reasons are not reported. (c)

In 1897 at one of the London Police Courts a magistrate held that a bicycle is not luggage which a cabman is bound to carry free. (d)

The same conclusion was arrived at last year in a *nisi prius* case in which it was necessary to determine the meaning of the expression "ordinary luggage" in a Railway Act limiting the amount which a passenger might take free of charge. (e)

Counsel for plaintiff argued that the bicycle was as much for a man's personal use as his walking-stick or umbrella, that the expression "ordinary luggage" was not limited to clothes, but would clearly cover, for example, such articles as roller skates, between which and a bicycle there was no essential distinction, and that the arguments based on the fact of the large space occupied by a wheel was equally applicable to things which were unquestionably luggage, such as a lady's trunk. Counsel for defendant, on the other hand, laid stress upon the fact that the statute, as it only mentioned limits of weight and not of size, could not mean that passengers could take anything of any size. He put the case of boating men, demanding that their skiffs should be carried as luggage. Channell, J., in delivering judgment said :

"I am clearly of opinion that a bicycle cannot be considered as ordinary baggage within the meaning of the statute. . . . I think there are certain requirements which articles must meet in order that they may be ordinary luggage. First, they must be for the personal use of the passenger ; secondly, they must be for use in connection with the journey, i.e., must be something habitually taken by a person when travelling for his own use, not necessarily during the actual journey, but for use while he

(b) For example, by the N.Y. Laws of 1896, c. 333, p. 273, bicycles are declared to be baggage, and the passenger is not required to cover them.

(c) *Great Western R. Co. v. Edwards*, noticed in the Solicitor's Journal, Nov. 7, 1896, by a writer who doubts the correctness of the ruling next referred to regarding the obligations of cabmen, for the reason that the Act prescribing their duties contains no words justifying the inference that the load which they are obliged to carry free must consist of "ordinary luggage."

(d) See Law Journal (Eng.), Oct. 9, p. 484.

(e) *Britten v. Great Northern R. Co.* (Nov. 1898) 15 Times L.R. 71 [an action to recover back a sum paid for the bicycle under protest].