

It is extremely questionable whether these decisions would now be followed if similar questions of construction were presented in any jurisdiction outside that in which they were rendered. At present the position would doubtless be taken everywhere that a legislative body which possesses a merely limited authority, not extending to the impairment of the fundamental rights of citizens, is not entitled to restrict the use of cycles by any laws which would place cyclists in a less favoured position than persons using other vehicles. That the power of such a body is of sufficient extent to enforce upon cyclists an observance of such rules and regulations as are reasonably necessary to secure the safety of other travellers is undeniable, but that their authority goes no further than this would seem to be an unavoidable corollary from the doctrine which places cycles in the same legal category as other vehicles.

This view is supported by two recent cases, one of which lays it down that, where a statute gives a municipal council the power to regulate the riding of bicycles over the sidewalks of a city, a Court will not pronounce invalid, as being unreasonable, an ordinance providing that bicyclists must have an alarm bell and a lamp on their wheels, and ring the former on approaching all crossings and sidewalks, whether there are any pedestrians on them or not; (d) while in the other it is held that, as a citizen has the absolute right to choose for himself the mode of conveyance he desires, subject to the sole condition that he will observe all those requirements which are known as the law of the road, a municipal ordinance which attempts to forbid bicyclists to use that part of the street which is devoted to the use of vehicles, is void as against common right. (e)

4. Reciprocal duties of cyclists and other persons travelling upon highways—The cases dealing with the right of action for injuries inflicted or received by cyclists, as the result of the wilful or careless

(d) *City of Emporia v. Wagner* (1897) 6 Kan. App. 659; 49 Pac. Rep. 701.

(e) *Swift v. Topeka* (1890) 43 Kan. 671; 8 L.R.A. 772, where the Court, for the purpose of sustaining the validity of an ordinance declaring it to be unlawful to ride a bicycle within the limits of the municipality, or "across a bridge" specified by name, construed this provision as being merely a prohibition directed against the use of a bicycle on the sidewalks of the bridge, and not as a prohibition against riding it on any part of the bridge, including that which is used by vehicles generally.