

On the other hand a municipal ordinance requiring every owner of a bicycle resident in the city to pay an annual sum of one dollar, and be furnished with a tag placed upon the upright underneath the handlebar, is not a proper exercise of the police power, and is illegal as a revenue measure, where there are about 7,000 resident bicycle owners in the city, and the streets are used by many non-resident bicyclists, and the cost of the tags is less than four cents apiece. (d)

An Illinois Court has granted an injunction to restrain the enforcement of an ordinance requiring the payment of a license fee, and the procuring of a license for all vehicles and bicycles in public and private use. (e)

13. Cycles as a subject of contracts of sale or lease—One who sells a bicycle on the instalment plan, retaining the title to it until the purchase price is paid, and takes it back for repairs while some instalments remain unpaid, loses his lien for such repairs when it is returned, and if he subsequently obtains possession of the wheel against the will of the purchaser, he has no right to hold it until he is paid the price of the repairs in addition to the balance of the purchase price. (a) The special rights which the vendor acquires under such a contract of sale, as a result of a default in one of the payments, are not waived by an offer of the vendor's agent to return a portion of the bicycle which has been placed in his hands for repairs, if the vendee will pay the defaulted instalment and the one next due. Such an offer is merely the tender of a new agree-

(d) *Densmore v. Erie* (Penna. C. P.) 7 Pa. Dist. Rep. 355.

(e) *Collins v. Chicago*, Chicago Legal News, 1897, p. 436. The grounds upon which the very lengthy and elaborate judgment of the Court was based were in brief as follows: (1) That, as the City of Chicago was only empowered by its charter to license certain specified occupations, the principle, *expressio unius est exclusio alterius*, negatived the existence of this power as regards anyone who was not pursuing one of these occupations; (2) that the validity of the ordinance could not be sustained under the power conferred in the charter to regulate the use of the streets, for the question to be decided was not one of the power of the city to exact a license fee from persons using the streets for business purposes; (3) that the exercise of the power claimed could not be sustained under the article of the general Act relating to the incorporation of cities, which allowed the laying of special assessments for street improvements; (4) that the ordinance, on its face, was clearly an attempt to raise a special fund for the improvement of the streets, and a license fee exacted for a general or special revenue purpose was void as an exercise of the licensing power; (5) that the license fee was essentially a tax on specific articles of personal property, which were conceded to have been already assessed for general taxation at their value, and that a second taxation of such property by declaring that it should not be used until it paid another tax levied, as in the ordinance, without regard to values, was open to the two-fold constitutional objection of being double taxation and of violating the principle of equality and uniformity.

(a) *Block v. Dowd* (1897) 120 N.C. 402.