



KeyCite Yellow Flag - Negative Treatment

Distinguished by [Story v. Commonwealth](#), Va., June 10, 1940

155 Va. 367

Supreme Court of Appeals of Virginia.

W. L. THOMPSON

v.

D. C. SMITH, Chief of Police.

September 12, 1930.

*367 Absent, Campbell and Holt, JJ.

Synopsis

Appeal from Corporation Court of Lynchburg.

Bill by W. L. Thompson against D. C. Smith, Chief of Police of the City of Lynchburg. From a decree dismissing the bill upon demurrer, plaintiff appeals.

Reversed and remanded.

West Headnotes (35)

[1] Automobiles

In General; Grounds

48A Automobiles

48AIV License and Regulation of
Chauffeurs or Operators48AK144 Suspension or Revocation of
License

48AK144.1 In General; Grounds

48AK144.1(1) In general

(Formerly 48Ak133)

Ordinance provision that driver's permit should be perpetual held not to prevent valid amendment, applicable to permits already issued, providing for revocations.

[Cases that cite this headnote](#)**[2] Municipal Corporations**

Power to Control and Regulate

268 Municipal Corporations

268XI Use and Regulation of Public
Places, Property, and Works

268XI(A) Streets and Other Public Ways

268k660 Power to Control and Regulate

268k661 In General

268k661(1) In general

Power to control and regulate use of streets is continuing power exercisable whenever city thinks proper.

[Cases that cite this headnote](#)**[3] Automobiles**

License and Registration

Automobiles

In General; Grounds

48A Automobiles

48AIV License and Regulation of
Chauffeurs or Operators

48AK135 License and Registration

48AK136 In general

(Formerly 48Ak133)

48A Automobiles

48AIV License and Regulation of
Chauffeurs or Operators48AK144 Suspension or Revocation of
License

48AK144.1 In General; Grounds

48AK144.1(1) In general

(Formerly 48Ak133)

Issuance and revocation of drivers' permits is exercise of police power. Const.1902, § 159.

[Cases that cite this headnote](#)**[4] Automobiles** Reinstatement or new license, in
general

48A Automobiles

48AIV License and Regulation of
Chauffeurs or Operators48AK144 Suspension or Revocation of
License48AK144.7 Reinstatement or new license,
in general

(Formerly 48Ak144.3, 48Ak144)

Judge of municipal court, exercising function, under ordinance, of passing on application for reinstatement of revoked driver's permit, is acting as administrative, not judicial, officer.

[Cases that cite this headnote](#)

[5] Automobiles

🔑 [Reinstatement or new license, in general](#)

48A Automobiles

48AIV License and Regulation of Chauffeurs or Operators

48Ak144 Suspension or Revocation of License

48Ak144.7 Reinstatement or new license, in general

(Formerly 48Ak144.3, 48Ak133)

Ordinance provision authorizing driver's permit reinstatement by municipal judge held void.

[Cases that cite this headnote](#)

[6] Automobiles

🔑 [Right to use motor vehicles on highways](#)

Constitutional Law

🔑 [Freedom of Travel and Movement](#)

48A Automobiles

48AI Control, Regulation, and Use in General

48Ak4 Right to use motor vehicles on highways

(Formerly 92k82)

92 Constitutional Law

92XII Freedom of Travel and Movement

92k1280 In general

(Formerly 92k83(4.1), 92k83(4),

92k83(1), 92k82)

Citizen's right to travel upon public highways and transport his property thereon in ordinary course of life and business is common right.

[Cases that cite this headnote](#)

[7] Highways

🔑 [Right to use](#)

200 Highways

200IX Regulation and Use for Travel

200IX(B) Use of Highway and Law of the Road

200k167 Right to use

(Formerly 200k168)

Citizen's right to travel upon public highways includes right to use usual conveyances of time, including horse-drawn carriage, or automobile, for ordinary purposes of life and business.

[2 Cases that cite this headnote](#)

[8] Municipal Corporations

🔑 [Mode of Use and Regulation Thereof in General](#)

268 Municipal Corporations

268XI Use and Regulation of Public Places, Property, and Works

268XI(A) Streets and Other Public Ways

268k701 Use as Highway

268k703 Mode of Use and Regulation Thereof in General

268k703(1) In general

Citizen's right to travel upon public highways and use usual conveyances in so doing is not mere privilege which city may permit or prohibit at will.

[2 Cases that cite this headnote](#)

[9] Municipal Corporations

🔑 [Mode of Use and Regulation Thereof in General](#)

268 Municipal Corporations

268XI Use and Regulation of Public Places, Property, and Works

268XI(A) Streets and Other Public Ways

268k701 Use as Highway

268k703 Mode of Use and Regulation Thereof in General

268k703(1) In general

City, in regulating, under police power, citizen's right to travel upon public streets, may not arbitrarily or unreasonably prohibit or restrict it, nor permit one, and refuse another of like qualifications, under like conditions, to exercise it.

[5 Cases that cite this headnote](#)

[10] Automobiles

🔑 [License and Registration](#)

Automobiles **In General; Grounds**

48A Automobiles

48AIV License and Regulation of Chauffeurs or Operators

48Ak135 License and Registration

48Ak136 In general

(Formerly 48Ak133)

48A Automobiles

48AIV License and Regulation of Chauffeurs or Operators

48Ak144 Suspension or Revocation of License

48Ak144.1 In General; Grounds

48Ak144.1(1) In general

(Formerly 48Ak133)

Cities may regulate exercise of right to drive private automobile on streets by granting, refusing, and revoking permits, but only under rules of general application.

[1 Cases that cite this headnote](#)

[11] Constitutional Law **To Executive, in General**

92 Constitutional Law

92XX Separation of Powers

92XX(B) Legislative Powers and Functions

92XX(B)4 Delegation of Powers

92k2405 To Executive, in General

92k2406 In general

(Formerly 92k62(1), 92k62)

It is a fundamental principle of our system of government that the rights of men are to be determined by the law itself, and not by the let or leave of administrative officers or bureaus. It is the prerogative of the legislative branch of the government to determine and declare what the law shall be, and the legislative branch may not delegate this function to executive or administrative officers.

[7 Cases that cite this headnote](#)

[12] Municipal Corporations **Delegation of power by municipality**

268 Municipal Corporations

268X Police Power and Regulations

268X(A) Delegation, Extent, and Exercise of Power

268k591 Delegation of power by municipality

City may invest administrative officer with reasonable discretion, especially in carrying out police power, provided discretion is ministerial.

[Cases that cite this headnote](#)

[13] Constitutional Law **Fact finding**

92 Constitutional Law

92XX Separation of Powers

92XX(B) Legislative Powers and Functions

92XX(B)4 Delegation of Powers

92k2405 To Executive, in General

92k2409 Fact finding

(Formerly 92k62(4), 92k62)

In regulating exercise of common right, legislative body must declare policy of law and fix legal principles to control in given cases, but administrative body may be invested with power to ascertain facts and conditions to which policy and principles apply.

[3 Cases that cite this headnote](#)

[14] Automobiles **In General; Grounds**

48A Automobiles

48AIV License and Regulation of Chauffeurs or Operators

48Ak144 Suspension or Revocation of License

48Ak144.1 In General; Grounds

48Ak144.1(1) In general

(Formerly 48Ak133, 268k662)

Portion of ordinance authorizing police chief to revoke driver's permit who, "in his opinion," becomes unfit to drive held void.

[1 Cases that cite this headnote](#)

[15] Injunction

🔑 Drivers' licenses

212 Injunction

212IV Particular Subjects of Relief

212IV(O) Motor Vehicles

212k1413 Drivers' licenses

(Formerly 212k77(2))

Where ordinance provision authorizing police chief to revoke driver's permit was void, provision for application to municipal court judge for reinstatement held not adequate remedy at law, as regards injunction.

[Cases that cite this headnote](#)

[16] Equity**🔑 Grounds of jurisdiction in general**

150 Equity

150I Jurisdiction, Principles, and Maxims

150I(A) Nature, Grounds, Subjects, and Extent of Jurisdiction in General

150k3 Grounds of jurisdiction in general

The invalidity or unconstitutionality of a statute or ordinance is not of itself a ground of equity jurisdiction. A court of equity has not jurisdiction to enjoin acts only because they are attempted or threatened under color of an unconstitutional or void statute or ordinance. Further circumstances must be shown which bring the case within some recognized ground of equity jurisdiction; but inadequacy of legal remedy or irreparable injury are well recognized grounds of equity jurisdiction.

[2 Cases that cite this headnote](#)

[17] Equity**🔑 Adequacy of Legal Remedy**

150 Equity

150I Jurisdiction, Principles, and Maxims

150I(B) Remedy at Law and Multiplicity of Suits

150k45 Adequacy of Legal Remedy

150k46 In general

Equity will not refuse relief because of the existence of a remedy at law, unless such remedy is adequate.

[2 Cases that cite this headnote](#)

[18] Injunction**🔑 On ground of invalidity**

212 Injunction

212IV Particular Subjects of Relief

212IV(E) Governments, Laws, and Regulations in General

212k1251 Injunctions Against

Enforcement of Laws and Regulations

212k1253 On ground of invalidity

(Formerly 212k13, 212k85(2))

Injunction lies against enforcement of "void statute or ordinance", where legal remedy is not as complete or adequate as injunction, or where threatened or attempted enforcement will do irreparable injury to person in interfering with exercise of common fundamental personal right.

[1 Cases that cite this headnote](#)

[19] Injunction**🔑 Drivers' licenses**

212 Injunction

212IV Particular Subjects of Relief

212IV(O) Motor Vehicles

212k1413 Drivers' licenses

(Formerly 212k85(2))

Injunction lies to restrain chief of police from enforcing invalid ordinance provision authorizing him to revoke driver's permit.

[Cases that cite this headnote](#)

[20] Constitutional Law**🔑 Municipalities and municipal employees and officials**

92 Constitutional Law

92XX Separation of Powers

92XX(B) Legislative Powers and Functions

92XX(B)4 Delegation of Powers

92k2434 To State and Local Authorities

92k2437 Municipalities and municipal employees and officials

(Formerly 92k62(1))

The principle that the rights of men are to be determined by the law itself and not by administrative officers does not mean, however, that no discretion can be left to administrative officers in administering the law. Government could not be efficiently carried on if something could not be left to the judgment and discretion of administrative officers to accomplish in detail what is authorized or required by law in general terms. This is particularly true where the discretion to be exercised relates to police regulations. But the reasonable discretion which may be vested in city administrative officers is limited to a discretion in its essence ministerial and not legislative, though it may be such as may be exercised by the legislature.

[12 Cases that cite this headnote](#)

[21] **Constitutional Law**

🔑 To Executive, in General

Municipal Corporations

🔑 Delegation of power by municipality

92 Constitutional Law

92XX Separation of Powers

92XX(B) Legislative Powers and Functions

92XX(B)4 Delegation of Powers

92k2405 To Executive, in General

92k2406 In general

(Formerly 92k62(1))

268 Municipal Corporations

268X Police Power and Regulations

268X(A) Delegation, Extent, and Exercise of Power

268k591 Delegation of power by municipality

(Formerly 92k62(1))

Mere matters of detail within the policy and the legal principles and standards established by the statute or ordinance may properly be left to administrative discretion; for the determination of such matters of detail is more essentially ministerial than legislative.

[3 Cases that cite this headnote](#)

[22] **Municipal Corporations**

🔑 Municipal boards or officers

268 Municipal Corporations

268XI Use and Regulation of Public Places, Property, and Works

268XI(A) Streets and Other Public Ways

268k660 Power to Control and Regulate

268k662 Municipal boards or officers

Where an ordinance provides that no permit shall be issued to an applicant unless his examination by the chief of police discloses that he possesses such ability and knowledge to safely operate an automobile as in the judgment of the chief of police qualifies the applicant to receive such permit, the discretion vested in the chief of police is essentially ministerial and not legislative.

[2 Cases that cite this headnote](#)

[23] **Municipal Corporations**

🔑 Municipal boards or officers

268 Municipal Corporations

268XI Use and Regulation of Public Places, Property, and Works

268XI(A) Streets and Other Public Ways

268k660 Power to Control and Regulate

268k662 Municipal boards or officers

An ordinance may use general terms in defining the declared policy of the law and in fixing the legal principles which are to control the discretion of administrative officers in administering the law, where the technical knowledge or sense and experience of men render the terms reasonably certain, but this has no application to an ordinance permitting the revocation of a permit to drive an automobile by the chief of police, when in his opinion the driver becomes unfit to drive.

[6 Cases that cite this headnote](#)

[24] **Highways**

 [Right to use](#)

200 Highways

200IX Regulation and Use for Travel

200IX(B) Use of Highway and Law of the Road

200k167 Right to use

(Formerly 200k168)

Whether a right to use the public highways for the ordinary and usual purposes of life be a property right or not, it is a very valuable right, not a mere privilege.

[Cases that cite this headnote](#)**[25] Injunction** [On ground of invalidity](#)

212 Injunction

212IV Particular Subjects of Relief

212IV(E) Governments, Laws, and Regulations in General

212k1251 Injunctions Against

Enforcement of Laws and Regulations

212k1253 On ground of invalidity

(Formerly 212k85(2))

It is recognized that an injunction will lie to enjoin the threatened enforcement of an invalid statute or ordinance where the lawful use and enjoyment of private property will be injuriously affected by its enforcement, or where the right of a person to conduct a lawful business will be injuriously affected thereby, unless the remedy at law be manifestly as complete and adequate as an injunction suit.

[1 Cases that cite this headnote](#)**[26] Injunction** [Drivers' licenses](#)

212 Injunction

212IV Particular Subjects of Relief

212IV(O) Motor Vehicles

212k1413 Drivers' licenses

(Formerly 212k85(2))

The real object of the instant suit was to obtain for the applicant freedom from the restraint imposed by a void ordinance upon his exercise of the common right to drive his automobile on the streets of a city. Complainant might have proceeded

by petition for mandamus to compel the chief of police to restore his driving permit, or have waited until arrested upon the charge of driving without a permit and then interposed the defense that the provisions of the ordinance under which his permit had been taken from him were void. Neither of these remedies is as complete and adequate as a suit for injunction to protect complainant against wrongful interference, under color of a void ordinance, with his right to drive an automobile.

[1 Cases that cite this headnote](#)**[27] Injunction** [Streets, highways, sidewalks, and alleys](#)

212 Injunction

212IV Particular Subjects of Relief

212IV(F) Government Property, Facilities, Funds, and Revenue

212k1266 Streets, highways, sidewalks, and alleys

(Formerly 212k93)

It has been said that it is beyond the scope of the powers of a court of equity to enforce personal rights as distinguished from property rights, but this distinction is not well made. Fundamental personal rights, such as the right of a person to travel the public highways of the State, are not less sacred and valuable rights, or less subject to the protection of a court of equity, in a proper case, than are property rights.

[2 Cases that cite this headnote](#)**[28] Injunction** [Streets, highways, sidewalks, and alleys](#)

212 Injunction

212IV Particular Subjects of Relief

212IV(F) Government Property, Facilities, Funds, and Revenue

212k1266 Streets, highways, sidewalks, and alleys

(Formerly 212k93)

An injunction suit is often a more appropriate and effective method of resisting the invasion of or interference with a personal right, such as the right to travel on the public highways, under color of void statute or ordinance than any common law remedy; and where the remedy at law is not as complete and as fully adequate as an injunction suit, or where the threatened or attempted enforcement of a void statute or ordinance will do irreparable injury to a person in interfering with the exercise of such a common fundamental personal right, a suit for injunction will lie.

[2 Cases that cite this headnote](#)

[29] Automobiles

 [Right to use motor vehicles on highways](#)

[48A](#) Automobiles

[48AI](#) Control, Regulation, and Use in General

[48Ak4](#) Right to use motor vehicles on highways

Citizen's right to travel upon public highways includes right to use usual conveyances of time, including automobile for ordinary purposes of life and business.

[3 Cases that cite this headnote](#)

[30] Automobiles

 [Association or joint owners](#)

[48A](#) Automobiles

[48AII](#) License and Registration of Private Vehicles

[48Ak31](#) Ownership of Vehicles

[48Ak33](#) Association or joint owners

If the provision of an ordinance authorizing the chief of police to revoke a driver's permit, when he deems the driver unfit to drive, is void, because it is a delegation of legislative power to an administrative office and vests the chief of police with an arbitrary

discretion, the provision of the same ordinance authorizing the exercise of the same discretion by the judge of the municipal court upon an application for reinstatement of the permit is also void; and the provision of the ordinance that the person whose permit has been revoked by the chief of police may apply to the judge of the municipal court for reinstatement cannot constitute an adequate remedy at law.

[10 Cases that cite this headnote](#)

[31] Automobiles

 [In General; Grounds](#)

[48A](#) Automobiles

[48AIV](#) License and Regulation of Chauffeurs or Operators

[48Ak144](#) Suspension or Revocation of License

[48Ak144.1](#) In General; Grounds

[48Ak144.1\(1\)](#) In general

(Formerly [48Ak133](#))

An ordinance providing for the granting of permits to automobile drivers provided that the permit should "be perpetual unless revoked as provided in this chapter." No provision was made in the chapter for revocation of the permits; therefore, it was contended that the city could not thereafter by amendment of the ordinance provide for revocation of the permits. But the power of a city to control and regulate the use of its streets is a continuing power to be exercised as often and whenever the city may think proper; therefore, there is no merit in this contention.

[1 Cases that cite this headnote](#)

[32] Automobiles

 [In General; Grounds](#)

[48A](#) Automobiles

[48AIV](#) License and Regulation of Chauffeurs or Operators

[48Ak144](#) Suspension or Revocation of License

[48Ak144.1](#) In General; Grounds

[48Ak144.1\(1\)](#) In general

(Formerly 48Ak133)

The issuance and revocation of permits to automobile drivers by a city is merely a means of exercising the police power of the State delegated to the city to regulate the use of the public highways in the interest of the public safety and welfare. The Constitution of Virginia, section 159, expressly provides that “the exercise of the police power of the State shall never be abridged.” Consequently, although the ordinance under which a permit is issued states that it shall be perpetual, by amendment or later ordinance the city may provide for the revocation of the permit.

[4 Cases that cite this headnote](#)

[33] Automobiles

 [License and Registration](#)

Automobiles

 [Eligibility for license](#)

Automobiles

 [In General; Grounds](#)

[48A Automobiles](#)

[48AIV License and Regulation of Chauffeurs or Operators](#)

[48Ak135 License and Registration](#)

[48Ak136 In general](#)

(Formerly 48Ak133, 48Ak144)

[48A Automobiles](#)

[48AIV License and Regulation of Chauffeurs or Operators](#)

[48Ak135 License and Registration](#)

[48Ak138 Eligibility for license](#)

(Formerly 48Ak133, 48Ak144)

[48A Automobiles](#)

[48AIV License and Regulation of Chauffeurs or Operators](#)

[48Ak144 Suspension or Revocation of License](#)

[48Ak144.1 In General; Grounds](#)

[48Ak144.1\(1\) In general](#)

(Formerly 48Ak133, 48Ak144)

The regulation of the exercise of the right to drive a private automobile on the streets of the city may be accomplished in part by the city by granting, refusing, and revoking under rules of general

application permits to drive an automobile on its streets; but such permits may not be arbitrarily refused or revoked, or permitted to be held by some and refused to others of like qualifications, under like circumstances and conditions.

[1 Cases that cite this headnote](#)

[34] Automobiles

 [License and Registration](#)

[48A Automobiles](#)

[48AIV License and Regulation of Chauffeurs or Operators](#)

[48Ak135 License and Registration](#)

[48Ak136 In general](#)

(Formerly 48Ak133)

The doctrine that when the State or city has the power to prohibit the doing of an act altogether, it has the power to permit the doing of the act under any condition, or subject to any regulation, however arbitrary, has no application to a permit issued for the purpose of regulating the exercise of the common right to operate a private automobile on the streets of a city.

[2 Cases that cite this headnote](#)

[35] Automobiles

 [Administrative procedure in general](#)

[48A Automobiles](#)

[48AIV License and Regulation of Chauffeurs or Operators](#)

[48Ak144 Suspension or Revocation of License](#)

[48Ak144.2 Procedure](#)

[48Ak144.2\(1\) Administrative procedure in general](#)

(Formerly 48Ak144)

While a city, in the exercise of its police power, may revoke driving permits for some cause unrelated to the use of the public highways and the safety of persons and property thereon, it must do so by legislative enactment and not by administrative edict.

[1 Cases that cite this headnote](#)

VIRGINIA REPORTS SYNOPSIS

Appeal from a decree of the Corporation Court of the city of Lynchburg. Decree for defendant. Complainant appeals.

Reversed.

The opinion states the case.

VIRGINIA REPORTS HEADNOTES AND CLASSIFICATION

1. AUTOMOBILES — *Permits — Perpetual Permit — Revocation — City's Right to Regulate Use of Streets a Continuing Power.* — An ordinance providing for the granting of permits to automobile drivers provided that the permit should 'be perpetual unless revoked as provided in this chapter.' No provision was made in the chapter for revocation of the permits; therefore, it was contended that the city could not thereafter by amendment of the ordinance provide for revocation of the permits. But the power of a city to control and regulate the use of its streets is a continuing power to be exercised as often and whenever the city may think proper; therefore, there is no merit in this contention.

2. AUTOMOBILES — *Permits — Exercise of Police Power not to be Abridged.* — The issuance and revocation of permits to automobile drivers by a city is merely a means of exercising the police power of the State delegated to the city to regulate the use of the public highways in the interest of the public safety and welfare. The Constitution of Virginia, section 159, expressly provides that 'the exercise of the police power of the State shall never be abridged.' Consequently, although the ordinance under which a permit is issued states that it shall be perpetual, by amendment or later ordinance the city may provide for the revocation of the permit.

3. AUTOMOBILES — *Permit to Drive Automobile — Municipal Ordinance Providing for Revocation of Permit — Judge of Municipal Court Acts as Administrative Officer as to Reinstatement of Permit.* — A city ordinance authorized the chief of police to revoke the permit of any driver who, in his opinion, becomes unfit to drive, but further provided that the holder might apply to the judge of the municipal court

to have his permit reinstated. When acting upon an application for the reinstatement of a permit revoked by the chief of police, the judge of the municipal court is acting as an administrative officer, and not in a judicial capacity; and his discretionary power is the same as that of the chief of police, except that the exercise of his discretion may supersede that of the chief of police.

4. AUTOMOBILES — *Permit to Drive Automobile — Municipal Ordinance Providing for Revocation of Permit — Judge of Municipal Court Acts as Administrative Officer as to Reinstatement of Permit — Right of Application for Reinstatement not Adequate Remedy at Law.* — If the provision of an ordinance authorizing the chief of police to revoke a driver's permit, when he deems the driver unfit to drive, is void, because it is a delegation of legislative power to an administrative office and vests the chief of police with an arbitrary discretion, the provision of the same ordinance authorizing the exercise of the same discretion by the judge of the municipal court upon an application for reinstatement of the permit is also void; and the provision of the ordinance that the person whose permit has been revoked by the chief of police may apply to the judge of the municipal court for reinstatement cannot constitute an adequate remedy at law.

5. STREETS AND HIGHWAYS — *Right of Citizen of Travel and Transport Property — Use of Ordinary Vehicles.* — The right of a citizen to travel upon the public highways and to transport his property thereon in the ordinary course of life and business is a common right which he has under his right to enjoy life and liberty, to acquire and possess property, and to pursue happiness and safety. It includes the right in so doing to use the ordinary and usual conveyances of the day. This right is not a mere privilege which a city may permit or prohibit at will.

6. STREETS AND HIGHWAYS — *Right of Citizen to Travel and Transport Property — Use of Ordinary Vehicles — Police Power.* — The right of a citizen to travel and transport property and to use the ordinary and usual conveyances of the day may, under the police power, be regulated by the city in the interest of public safety and welfare; but the city may not arbitrarily or unreasonably prohibit or restrict it, nor may it permit one to exercise it and refuse to permit another of like qualifications, under like conditions and circumstances, to exercise it.

7. AUTOMOBILES — *Drivers' Permits — Arbitrary Revocation.* — The regulation of the exercise of the right to drive a private automobile on the streets of the city may be accomplished in part by the city by granting, refusing, and revoking under rules of general application permits to drive an automobile on its streets; but such permits may not be arbitrarily refused or revoked, or permitted to be held by some and refused to others of like qualifications, under like circumstances and conditions.

8. AUTOMOBILES — *Exercise of Right to Drive — Granting and Revoking Permits — Arbitrary Discretion.* — The doctrine that when the State or city had the power to prohibit the doing of an act altogether, it has the power to permit the doing of the act under any condition, or subject to any regulation, however arbitrary, has no application to a permit issued for the purpose of regulating the exercise of the common right to operate a private automobile on the streets of a city.

9. PUBLIC OFFICERS — *Powers of Administrative Officers — Legislation by Administrative Officers.* — It is a fundamental principle of our system of government that the rights of men are to be determined by the law itself, and not by the let or leave of administrative officers or bureaus. It is the prerogative of the legislative branch of the government to determine and declare what the law shall be, and the legislative branch may not delegate this function to executive or administrative officers.

10. PUBLIC OFFICERS — *Powers of Administrative Officers — Discretion of Administrative Officers.* — The principle that the rights of men are to be determined by the law itself and not by administrative officers does not mean, however, that no discretion can be left to administrative officers in administering the law. Government could not be efficiently carried on if something could not be left to the judgment and discretion of administrative officers to accomplish in detail what is authorized or required by law in general terms. This is particularly true where the discretion to be exercised relates to police regulations. But the reasonable discretion which may be vested in city administrative officers is limited to a discretion in its essence ministerial and not legislative, though it may be such as may be exercised by the legislature.

11. PUBLIC OFFICERS — *Discretion of Administrative Officers — Delegation of Legislative Power — Test.* — The legislature must declare the policy of the law and fix the legal principles which

are to control in given cases; but an administrative body may be invested with the power to ascertain the facts and conditions to which the policy and principles apply.

12. PUBLIC OFFICERS — *Discretion of Administrative Officers — Delegation of Legislative Power — Details Ministerial.* — Mere matters of detail within the policy and the legal principles and standards established by the statute or ordinance may properly be left to administrative discretion; for the determination of such matters of detail is more essentially ministerial than legislative.

13. AUTOMOBILES — *Permits to Drive — Chief of Police to Grant Permits — Validity of Ordinance — Discretion of Chief of Police Ministerial or Legislative.* — Where an ordinance provides that no permit shall be issued to an applicant unless his examination by the chief of police discloses that he possesses such ability and knowledge to safely operate an automobile as in the judgment of the chief of police qualifies the applicant to receive such permit, the discretion vested in the chief of police is essentially ministerial and not legislative.

14. AUTOMOBILES — *Permits to Drive — Revocation of Permit — Grounds for Revocation — Unfit to Drive.* — An ordinance, after specifying a number of causes for which the permit of a driver might be revoked by the chief of police, further authorized and directed the chief of police 'to revoke the permit of any driver who, in his opinion, becomes unfit to drive an automobile on the streets of the city,' with the right to the holder of the permit to apply to the judge of the municipal court to have it reinstated.

Held: That this provision of the ordinance as to revocation where a driver is deemed 'unfit' failed to declare the policy of the law and fix the legal principles which are to control the discretion of the chief of police and is void as a delegation of legislative powers to an administrative officer.

15. ORDINANCES — *Delegation of Legislative Powers to Administrative Officer — Ordinance may Use General Terms — Revocation of Permit of Driver when Driver is Deemed Unfit to Drive.* — An ordinance may use general terms in defining the declared policy of the law and in fixing the legal principles which are to control the discretion of administrative officers in administering the law, where the technical knowledge or sense and experience of men render the terms reasonably certain, but this has no

application to an ordinance permitting the revocation of a permit to drive an automobile by the chief of police, when in his opinion the driver becomes unfit to drive.

16. AUTOMOBILES — *Permits — Revocation for Matters Unrelated to the Use of the Highway.* — While a city, in the exercise of its police power, may revoke driving permits for some cause unrelated to the use of the public highways and the safety of persons and property thereon, it must do so by legislative enactment and not by administrative edict. §17. STREETS AND HIGHWAYS — *Right to Use the Public Highways — Whether Property Right.* — Whether a right to use the public highways for the ordinary and usual purposes of life be a property right or not, it is a very valuable right, not a mere privilege.

18. INJUNCTIONS — *Jurisdiction — Grounds of Equity Jurisdiction — Unconstitutionality of a Statute or Ordinance.* — The invalidity or unconstitutionality of a statute or ordinance is not of itself a ground of equity jurisdiction. A court of equity has not jurisdiction to enjoin acts only because they are attempted or threatened under color of an unconstitutional or void statute or ordinance. Further circumstances must be shown which bring the case within some recognized ground of equity jurisdiction; but inadequacy of legal remedy or irreparable injury are well recognized grounds of equity jurisdiction.

19. INJUNCTIONS — *Jurisdiction — Invalid Statute or Ordinance — Property Rights Threatened — Adequate Remedy at Law.* — It is recognized that an injunction will lie to enjoin the threatened enforcement of an invalid statute or ordinance where the lawful use and enjoyment of private property will be injuriously affected by its enforcement, or where the right of a person to conduct a lawful business will be injuriously affected thereby, unless the remedy at law be manifestly as complete and adequate as an injunction suit.

20. INJUNCTIONS — *Jurisdiction — Enforcement of Personal Rights — Right to Travel on Highway.* — It has been said that it is beyond the scope of the powers of a court of equity to enforce personal rights as distinguished from property rights, but this distinction is not well made. Fundamental personal rights, such as the right of a person to travel the public highways of the State, are not less sacred and valuable rights, or less subject to the protection of a court of equity, in a proper case, than are property rights.

21. INJUNCTIONS — *Jurisdiction — Enforcement of Right to Travel on Highway — Irreparable Injury.* — An injunction suit is often a more appropriate and effective method of resisting the invasion of or interference with a personal right, such as the right to travel on the public highways, under color of void statute or ordinance than any common law remedy; and where the remedy at law is not as complete and as fully adequate as an injunction suit, or where the threatened or attempted enforcement of a void statute or ordinance will do irreparable injury to a person in interfering with the exercise of such a common fundamental personal right, a suit for injunction will lie.

22. INJUNCTIONS — *Irreparable Injury — Definition.* — By irreparable injury is meant an injury of such a nature that fair and reasonable redress may not be had in a court of law and to refuse the injunction would be a denial of justice.

23. AUTOMOBILES — *Revocation of Driver's Permit — Injunction — Case of Bar.* — The real object of the instant suit was to obtain for the applicant freedom from the restraint imposed by a void ordinance upon his exercise of the common right to drive his automobile on the streets of a city. Complainant might have proceeded by petition for mandamus to compel the chief of police to restore his driving permit, or have waited until arrested upon the charge of driving without a permit and then interposed the defense that the provisions of the ordinance under which his permit had been taken from him were void. Neither of these remedies is as complete and adequate as a suit for injunction to protect complainant against wrongful interference, under color of a void ordinance, with his right to drive an automobile.

END OF VIRGINIA REPORTS HEADNOTES AND CLASSIFICATION

Attorneys and Law Firms

****581 *371** *A. S. Hester*, for the appellant.

T. G. Hobbs, for the appellee.

Opinion

JUDGE: EPES

EPES, J., delivered the opinion of the court.

W. L. Thompson appeals from a decree entered on March 15, 1929, by the Corporation Court of the city of Lynchburg *372 dismissing upon demurrer a bill in chancery filed by him against D. C. Smith, chief of police of said city, in which he prays that said chief of police be enjoined from interfering with his operation of his private passenger automobile on the streets of Lynchburg, and that the chief of police be compelled to restore to him his permit to operate a private automobile on said streets, which permit it is alleged the chief of police has revoked, acting under the italicized provision of sub-section 'c' of section 134 of the general ordinances of the city of Lynchburg below quoted.

Section 134 of the general ordinances of the city of Lynchburg, as amended by an ordinance adopted September 22, 1925, reads as follows:

'(a) It shall be unlawful for any person (other than transients remaining in the the city exceeding seven days) to drive or operate any motor vehicle upon the streets of the city until a permit so to do has been issued to such person by the chief of police.

'(b) Any person desiring to secure such permit shall apply in person therefor to the chief of police, who shall cause such applicant to be carefully examined as to his or her ability to safely and properly operate motor vehicles upon the streets of the city, and as to his or her knowledge of the traffic laws of the State of Virginia and city of Lynchburg. And no permit shall be issued to such person unless such examination shall disclose that he or she possesses such ability and knowledge as, *in the judgment of the chief of police*, qualifies such person to receive such permit. And in no event shall any such permit be issued to any person under the age of sixteen years. * * *

'(c) The person to whom such permit shall be issued, shall pay a fee of \$1.00 therefor; and such permit shall always be carried by such person while operating any motor vehicle upon the streets of the city, and shall be presented by such person to any police officer upon request. Such *373 permit shall be perpetual unless revoked as provided in this chapter. *Conviction of a felony, or of violating the prohibition law*, shall revoke such permit for a period of twelve months and conviction of the violations of the traffic laws three

times within one year shall revoke such permit for such time as the judge of the municipal court may direct, not to exceed one year. *The chief of police is authorized and directed to revoke the permit of any driver who, in his opinion, becomes unfit to drive an automobile on the streets of the city*, with the right to the holder of such permit to apply to the judge of the municipal court to have his permit reinstated.'

Prior to said amendment of September 28, 1925, section 134 read just as it now does, except that it did not contain the last two sentences **582 of sub-section 'c,' which were added by said amendment.

After setting forth the said ordinance, the amendment thereof, and that Thompson had been issued the permit revoked by the chief of police prior to September 28, 1925, the bill alleges the following facts:

When said permit was issued to him, Thompson then possessed, and has always since possessed, all the requirements, ability and knowledge required by said ordinance as a prerequisite to the issuance of a permit to drive an automobile on the streets of Lynchburg. Thompson is the owner of the automobile which he was driving at the time his permit was revoked, and had been driving an automobile on the streets of Lynchburg for more than ten years without any complaint having been made as to his ability to drive an automobile safely and properly. He has not become in any way incapable of driving an automobile since his permit was granted. He has not been convicted of any offense for the conviction of which said ordinance authorizes the revocation of his permit.

The circumstances of the revocation of Thompson's permit were these.

*374 Prior to the revocation of his permit he had been twice convicted before the judge of the municipal court of the city of Lynchburg of speeding on the city streets, and on each conviction was fined \$50. He did not appear to make any defense on either occasion. On the second trial the judge of the municipal court at first ordered Thompson's permit revoked; but when it was brought to his attention that the ordinance authorized him to revoke a permit for a conviction of violating the traffic laws only when the defendant has been

convicted three times within one year, he so modified his judgment as to omit the revocation of the permit.

Thompson continued to drive his car in the city of Lynchburg for some time after said second conviction without any interference from the police; but in November, 1928, he was summoned to appear before the judge of the municipal court on the charge of driving a car without a permit. When the case was heard Thompson claimed to have a permit, and testified he had not received any notice from anyone that his permit had been revoked. The chief of police testified that he had written Thompson that his permit had been revoked, but that he did not know whether Thompson had gotten the notice or not.

The judge of the municipal court held that Thompson could not be convicted on this testimony of driving without a license or permit; but instructed the chief of police to notify him there and then that his permit was revoked. The chief of police then and there in open court notified Thompson that his permit was revoked; but no reason was given at the time for the revocation of his permit by either the judge of the municipal court or by the chief of police.

The bill charges that the chief of police in revoking this permit acted under the italicized provision of subsection 'c' of section 134 of the general ordinances, as amended, hereinbefore quoted; and that the chief of police was *375 without authority to revoke said permit for the following reasons:

(1) Thompson had acquired a vested right in his permit prior to the time the ordinance was amended so as to provide for the revocation of permits; and if this amendment is intended to apply to permits granted before it was adopted it is void, because it violates section 58 of the Constitution of Virginia which prohibits the passage of *ex post facto* laws or laws impairing the obligation of contracts.

(2) The provision authorizing the chief of police 'to revoke the permit of any driver who, *in his opinion*, becomes unfit to drive an automobile on the streets of the city' is void, because it is a delegation of legislative power to an administrative officer, in that it authorizes the chief of police to revoke a permit whenever, *in his opinion*, the holder thereof has done

or omitted to do something, the doing or omission of which the chief of police thinks renders the holder unfit to drive an automobile on the streets of the city, without prescribing any uniform rule, applicable to all persons alike, as to what constitutes unfitness to drive an automobile on the streets of the city, or laying down any rule for the guidance and control of the chief of police in determining what constitutes unfitness to drive an automobile on the streets of the city.

The bill further alleges that if Thompson be deprived of the right to drive his automobile on the streets of the city 'he will sustain irreparable injury in his pursuance of happiness and in acquiring and the use of his property.'

The sole ground of demurrer stated is that 'the bill on its face shows that the plaintiff has a remedy at law to have his rights in this case determined, in that the ordinance set forth in said bill provides that the plaintiff shall have the right to apply to the judge of the municipal court to have his permit reinstated, and that said plaintiff has failed to exercise his legal right and cannot apply for an injunction *376 until he has exhausted his legal remedy.' The trial court sustained this ground of demurrer and dismissed the bill.

[1] [2] [3] The contention made by the appellant that the ordinance under which his permit was granted provided that it should 'be perpetual unless revoked as provided in this chapter,' and that as no provision was made in said chapter for revocation thereof, therefore, **583 the city could not thereafter by amendment of the ordinance provide for revocation of his permit, is not well made. The power of a city to control and regulate the use of its streets is a continuing power to be exercised as often and whenever the city may think proper. *Washington, etc., Ry. Co. v. City Council of Alexandria*, 98 Va. 344, 36 S.E. 385. The issuance and revocation of such permits by a city is merely a means of exercising the police power of the State delegated to the city to regulate the use of the public highways in the interest of the public safety and welfare. The Constitution of Virginia expressly provides that 'the exercise of the police power of the State shall never be abridged.' (Constitution Virginia, section 159.)

[4] [5] But the appellant contends that the provision of this ordinance authorizing the chief of police 'to

revoke the permit of any driver who, in his opinion, becomes unfit to drive an automobile on the streets of the city' is void because it is a delegation of legislative power to an administrative officer. If this contention is good, then the ground of demurrer relied upon by the appellee is not good.

When acting upon an application for the reinstatement of a permit revoked by the chief of police, the judge of the municipal court is acting as an administrative officer, and not in a judicial capacity; and his discretionary power is the same as that of the chief of police, except that the exercise of his discretion may supersede that of the chief of police. He is controlled by no more specific definition of what constitutes being unfit to drive an automobile *377 on the streets of the city, or rule for determining what constitutes such unfitness, than is the chief of police. Therefore, if the provisions of the ordinance authorizing the chief of police to revoke a permit be void because it is a delegation of legislative powers to an administrative officer, and vests an arbitrary and uncontrolled discretion in the chief of police, the provisions of the ordinance authorizing the exercise of the same discretion by the judge of the municipal court upon an application for reinstatement of the permit is also void (*State ex rel. Makris v. Superior Court*, 113 Wash. 296, 193 Pac. 845, 12 A.L.R. 1428); and the provision of the ordinance that the person whose permit has been revoked by the chief of police may apply to the judge of the municipal court for a reinstatement thereof cannot constitute an adequate remedy at law.

[6] [7] [8] The right of a citizen to travel upon the public highways and to transport his property thereon in the ordinary course of life and business is a common right which he has under his right to enjoy life and liberty, to acquire and possess property, and to pursue happiness and safety. It includes the right in so doing to use the ordinary and usual conveyances of the day; and under the existing modes of travel includes the right to drive a horse-drawn carriage or wagon thereon, or to operate an automobile thereon, for the usual and ordinary purposes of life and business. It is not a mere privilege, like the privilege of moving a house in the street, operating a business stand in the street, or transporting persons or property for hire along the street, which a city may permit or prohibit at will.

[9] The exercise of such a common right the city may, under its police power, regulate in the interest of the public safety and welfare; but it may not arbitrarily or unreasonably prohibit or restrict it, nor may it permit one to exercise it and refuse to permit another of like qualifications, *378 under like conditions and circumstances, to exercise it. *Taylor v. Smith*, 140 Va. 217, 124 S.E. 259; *Ex parte Dickey*, 76 W.Va. 576, 85 S.E. 781, L.R.A. 1915-F, 840; *Hadfield v. Lundin*, 98 Wash. 657, 168 Pac. 516, L.R.A. 1918-B, 909, Ann. Cas. 1918-C, 942.

[10] The regulation of the exercise of the right to drive a private automobile on the streets of the city may be accomplished in part by the city by granting, refusing, and revoking, under rules of general application, permits to drive an automobile on its streets; but such permits may not be arbitrarily refused or revoked, or permitted to be held by some and refused to other of like qualifications, under like circumstances and conditions.

It has been said that when the State or a city has the power to prohibit the doing of an act altogether, it has the power to permit the doing of the act upon any condition, or subject to any regulation, however arbitrary or capricious it may be; and may lawfully delegate to executive or administrative officers an uncontrolled and arbitrary discretion as to granting and revoking permits or licenses to do such acts; *Taylor v. Smith*, 140 Va. 217, 124 S.E. 259, 263; *State ex rel. Crumpton v. Montgomery*, 177 Ala. 221, 59 So. 294; *State v. Gray*, 61 Conn. 39, 22 Atl. 675; *City of St. Joseph v. Levin*, 128 Mo. 588, 31 S.W. 101, 49 Am.St.Rep. 577; *Brown v. Stubbs*, 128 Md. 129, 97 Atl. 227.

This doctrine has been pronounced most often in cases involving the granting, refusing, and revoking of licenses or permits to sell intoxicating liquors, or to do other things which because of their character are, or tend to be, injurious, as for instance keeping a gambling house or a bawdy-house, or operating a junk or pawn shop; and it has also been applied to cases involving permits or licenses to transport persons or property for hire along the streets. See *Taylor v. Smith*, *supra*, and cases there cited. But this doctrine has no application to permits issued for the purpose *379 of

regulating the exercise of the common right to operate a private automobile **584 on the streets of a city, in the usual and ordinary way, to transport the driver's person and property.

[11] It is a fundamental principle of our system of government that the rights of men are to be determined by the law itself, and not by the let or leave of administrative officers or bureaus. This principle ought not to be surrendered for convenience or in effect nullified for the sake of expediency. It is the prerogative and function of the legislative branch of the government, whether State or municipal, to determine and declare what the law shall be, and the legislative branch of the government may not divest itself of this function or delegate it to executive or administrative officers.

[12] This does not mean, however, that no discretion can be left to administrative officers in administering the law. Government could not be efficiently carried on if something could not be left to the judgment and discretion of administrative officers to accomplish in detail what is authorized or required by law in general terms. Without this power legislation would become either oppressive or inefficient. There would be confusion in the laws, and in an effort to detail and particularize, the law would miss sufficiency both in provision and detail. *Block v. Chicago*, 239 Ill. 251, 87 N.E. 1011, 130 Am.St.R. 219; *Mutual Film Corp. v. Ohio Indus. Comm.*, 236 U.S. 239, 35 Sup.Ct. 387, 59 L.Ed. 552, Ann. Cas. 1916-C 296. This is particularly true where the discretion to be exercised by administrative officers relates to police regulations designed to protect the public morals, health, safety and general welfare. As said by Burks, J., in *Taylor v. Smith*, *supra*: 'A city may, in the exercise of its police power, invest its administrative and executive officers with a reasonable discretion in the performance of duties devolved upon *380 them to that end, whenever it is necessary for the safety and welfare of the public.' But, it should be added, the reasonable discretion which may be vested in its administrative officers is limited to a discretion in its essence ministerial and not legislative, though it may be such as may be exercised by the legislature.

In principle, legislation and administration are quite distinct powers; but in practical application the line

which separates their exercise is not clearly marked or easily defined. However, in their definition in practical application lies the difference between government by legislation and government by bureaucracy, which, though contrary to the genius of our government, some courts have gone far towards sustaining.

The decisions of the various courts, and sometimes of the same court, are in conflict as to what constitutes a delegation of legislative power to administrative officers and bureaus. The majority of the cases lay down the rule that statutes or ordinances vesting discretion in administrative officers and bureaus must lay down rules and tests to guide and control them in the exercise of the discretion granted in order to be valid; but several courts apply the rule with varying degree of strictness. Other cases go so far in sustaining, especially in cases involving police regulation, grants of discretionary power to administrative officers and bureaus without prescribing any definite rule or specified conditions to which the officers must conform, as, in effect, to substitute for government by legislation, government by administrative officers and bureaus. For a collection of the cases on this subject see note in 12 A.L.R., page 1435 *et seq.*

[13] Where a statute or ordinance assumes to regulate the exercise of a common right, such as that here involved, by requiring a permit for the exercise thereof, which is to be granted or refused and may be revoked by an administrative *381 officer in his discretion, the correct principles for determining whether it is void because it delegates legislative power to the administrative officer are stated by the court in *Mutual Film Corp. v. Ohio Industrial Commission*, 236 U.S. 239, 35 Sup.Ct. 387, 392, 59 L.Ed. 552, Ann. Cas. 1916-C, 296, in the following language: 'The legislature must declare the policy of the law and fix the legal principles which are to control in given cases; but an administrative body may be invested with the power to ascertain the facts and conditions to which the policy and principles apply.'

Mere matters of detail within the policy, and the legal principles and standards established by the statute or ordinance, may properly be left to administrative discretion, for the determination of such matters of detail is more essentially ministerial than legislative. In declaring the policy of the law and fixing the legal

principles and standards which are to control in the administration of the law, general terms, which get precision from the technical knowledge or sense and experience of men and thereby become reasonably certain, may be used; and an administrative officer or bureau may be invested with the power to ascertain and determine whether the qualifications, facts or conditions comprehended in and required by such general terms exist, and whether the provisions of the law so fixed and declared have been complied with in accordance with the generally accepted meaning of the words. *Mutual Film Corp. v. Ohio Industrial Commission, supra*; *Yee Bow v. Cleveland*, 99 Ohio St. 269, 124 N.E. 132, 12 A.L.R. 1424; *Block v. Chicago*, 239 Ill. 251, 87 N.E. 1011, 130 Am.St.Rep. 219.

The following statutes and ordinances to which this last mentioned principle is applicable **585 have been upheld, though sometimes upon other grounds: A statute empowering a State Board of Censors, to permit exhibitions of 'only such *382 films as are in the judgment and discretion of the Board of Censors of a moral, educational or amusing and harmless character,' *Mutual Film Corp. v. Ohio Industrial Commission, supra*; an ordinance empowering the chief of police to refuse permits for the showing of pictures which are 'immoral or obscene,' *Block v. Chicago*, 239 Ill. 251, 87 N.E. 1011, 1014, 130 Am.St.Rep. 219; a statute granting discretion to the Board of Dental Examiners to determine in granting licenses to practice dentistry what constitutes 'a reputable dental college,' *Ex parte Whitley*, 144 Cal. 167, 77 Pac. 879, 1 Ann.Cas. 13; a statute providing for revocation of a physician's license for fraud in obtaining the certificate, the commission of criminal abortion, the conviction of a felony involving moral turpitude, or chronic inebriety, and for other 'grossly unprofessional or dishonorable conduct of a character likely to deceive or defraud the public,' *Forman v. State Board of Health*, 157 Ky. 123, 162 S.W. 796, 798; a statute requiring the Health Commissioner in granting a permit to conduct a laundry to ascertain whether the sanitary and drainage arrangements were sufficient to protect the public health and whether adequate ventilation, plumbing and draining facilities had been provided, *Yee Bow v. Cleveland*, 99 Ohio St. 269, 124 N.E. 132, 12 A.L.R. 1424; an ordinance empowering officers of the police department 'to direct all traffic in accordance with the provisions of this ordinance or in emergencies as

public safety or convenience may require,' *City of Chicago v. Marriotto*, 332 Ill. 44, 163 N.E. 369, 60 A.L.R. 501.

In *Hall v. Geiger-Jones Co.*, 242 U.S. 539, 37 S.Ct. 217, 222, 61 L.Ed. 480, L.R.A. 1917-F, 514, Ann. Cas. 1917-C, 643, the court held an ordinance valid which required an applicant for a license to deal in corporate securities to satisfy the commissioner that he was a person of good repute, saying: 'Reputation and character are quite tangible *383 attributes, but there can be no legislative definition of them that can automatically attach to or identify individuals possessing them, and necessarily the aid of some executive agency shall be invoked.'

The ordinance here in question declares the policy of the law and fixes the legal principles which are to control the chief of police in granting a driving permit. The applicant must demonstrate his ability to safely and properly operate motor vehicles upon the streets of the city, and demonstrate that he knows the traffic laws of the State and the city, and shall be sixteen years of age or over. While the ordinance provides that no permit shall be issued to the applicant unless his examination by the chief of police shall disclose that he possesses such ability and knowledge 'as in the judgment of the chief of police qualifies such person to receive such permit,' the discretion here vested in the chief of police is essentially ministerial and not legislative.

But when we come to examine the provisions with reference to revocation of permits by the chief of police the policy of the law and the legal principles which are to control the action of the chief of police are not determined or determinable from the terms of the ordinance.

The ordinance specifically provides that conviction of a felony or of a violation of the prohibition law shall of itself operate to revoke a driving permit for a period of twelve months, and that if the holder of the permit shall be convicted of violation of the traffic laws three times within any one year his permit shall be revoked for such time, not exceeding one year, as the judge of the municipal court shall determine; and it is necessarily implied that subsequent lack of the requisites for the

issuance of a permit constitutes unfitness to drive on the streets of the city within the policy of the ordinance.

Thus far the policy of the law may be said to be declared; but it is clear that it is intended by the ordinance to vest *384 the chief of police with authority to revoke permits for other causes, if *in his opinion* such causes render the holder of a permit unfit to drive on the streets of the city. But for what other causes is it the policy of the law that the chief of police may revoke a driving permit? What legal principles shall guide and control him in determining what other causes, characteristics or acts, or things done or omitted, make a man unfit to drive on the streets of the city of Lynchburg? To what standard of conduct must the holder of a permit conform to be immune from the official axe? Are the causes for which a permit may be revoked by the chief of police only those which relate to the proper use of the streets and highways and the safety of persons and property thereon? Or does the policy of the law extend so far as to authorize the revocation of a permit because the holder has done things which have a relation to the general security of the property of citizens (as, for instance, committed petit larceny), or to the morals of the community (as, for instance, transported women of bad reputation in his automobile)? Is it the policy of this ordinance to authorize the revocation of a permit because the holder is not of good character, or because he has had an accident which caused damage for which he is financially unable to pay?

The ordinance has made conviction of any felony a cause for revocation. May the chief of police add thereto as cause for revocation the conviction of any misdemeanor? Or, if he may not make all misdemeanors cause for **586 revocation, then what misdemeanors may he make cause for revocation?

The ordinance has made conviction of the holder of a permit of a violation of the traffic laws three times in any one year cause for revocation for a period not exceeding one year. May the chief of police in his discretion so modify this express provision as to make a single violation of the *385 traffic laws a cause for revocation? If so, for what period of time may he revoke the license for a single violation of a provision of the traffic laws?

The ordinance has made conviction of a violation of the prohibition law cause for revocation for twelve months. May the chief of police add to this suspicion of or reputation of having violated the prohibition law as cause for revocation?

And may the chief of police and judge of the municipal court make the period of revocation for causes not specified in the ordinance much exceed a year, or indeed perpetual, by refusing to issue another permit or to reinstate the permit revoked?

Certainly the ordinance itself affords no answer to these questions as to the scope of the policy of the law therein declared. It is left wide open to the uncontrolled discretion of the chief of police in each individual case. The principle that an ordinance may use general terms in defining the declared policy of the law and in fixing the legal principles which are to control the discretion of the administrative officer in administering the law, where the technical knowledge or sense and experience of men render the terms reasonably certain, has no application here; for the term 'unfit to drive an automobile on the streets of the city' is clearly intended to extend beyond what can be said the technical knowledge or the sense and experience of men have rendered reasonably certain.

While the city of Lynchburg, in the exercise of its police power, may revoke driving permits for some cause unrelated to the use of the public highways and the safety of persons and property thereon, it must do so by legislative enactment and not by administrative edict.

[14] That portion of the ordinance here in question which authorizes the chief of police 'to revoke the permit of any driver, who, in his opinion, becomes unfit to drive an automobile *386 on the streets of the city,' fails to declare the policy of the law and fix the legal principles which are to control the discretion of the chief of police in the revocation of licenses in determining what constitutes unfitness to drive an automobile on the streets of the city; and is void because it delegates powers essentially legislative to an administrative officer.

[15] This being true, the provision that the person whose permit is revoked by the chief of police may

apply to the judge of the municipal court for a reinstatement thereof cannot constitute an adequate remedy at law.

But it is said that a suit for injunction will not lie in the instant case because no property rights of the appellant have been invaded. Whether a right to use the public highways for the ordinary and usual purposes of life be a property right or not, it is a very valuable right, not a mere privilege.

[16] [17] The invalidity or unconstitutionality of a statute or ordinance is not of itself a ground of equity jurisdiction. A court of equity has not jurisdiction to enjoin acts only because they are attempted or threatened under color of an unconstitutional or void statute or ordinance. Further circumstances must be shown which bring the case within some recognized ground of equity jurisdiction, 14 R.C.L., Injunctions, section 141; *Coal & Coke Ry. Co. v. Conley, et al.*, 67 W.Va. 129, 67 S.E. 613; but inadequacy of legal remedy or irreparable injury are well recognized grounds of equity jurisdiction.

[18] It is recognized that an injunction will lie to enjoin the threatened enforcement of an invalid statute or ordinance where the lawful use and enjoyment of private property will be injuriously affected by its enforcement (*Bristol, etc., Co. v. Bristol*, 97 Va. 304, 33 S.E. 588, 75 Am.St.Rep. 783; *City of Roanoke v. Bolling*, 101 Va. 182, 43 S.E. 343), or where the right of a person to conduct a lawful *387 business will be injuriously affected thereby (*Parrish v. City of Richmond*, 119 Va. 180, 89 S.E. 102), unless the remedy at law be manifestly as complete and adequate as an injunction suit. But it has been said that it is beyond the scope of the powers of court of equity to enforce personal rights as distinguished from property rights. 32 C.J., Injunctions, section 430, page 272.

This distinction, we think, is not well made. Fundamental personal rights, such as the right of a person to travel the public highways of the State, are not less sacred and valuable rights, or less subject to the protection of a court of equity, in a proper case, than are property rights.

An injunction suit is often a more appropriate and effective method of resisting the invasion of or

interference with such a personal right under color or void statute or ordinance than any common law remedy; and where the remedy at law is not as complete and as fully adequate as an injunction suit, or where the threatened or attempted enforcement of a void statute or ordinance will do irreparable injury to a person in interfering with the exercise of such a common fundamental personal right, a suit for injunction will lie. And, by irreparable injury is meant an injury of such a nature that fair and reasonable redress may not be had in a court of law and that to refuse the injunction would **587 be a denial of justice. High on Injunctions (4th Ed.), section 22.

[19] Freedom from the restraint imposed by this void ordinance upon the exercise of Thompson's common right to drive his automobile on the streets of the city of Lynchburg is the real object of the complainant's bill. His only remedies at law were, (1) to proceed by petition for mandamus to compel the chief of police to restore to him his driving permit, or (2) to wait until arrested upon the charge of driving without a permit and then interpose the defense that the provisions of the ordinance under which *388 his permit had been taken from him were void. In the instant case, neither of these remedies is as complete and adequate as a suit for injunction to protect the complainant against the wrongful interference, under the color of a void ordinance, with the lawful exercise of his common personal right to drive an automobile; and the bill alleges that unless the chief of police be restrained, complainant 'will sustain irreparable injury in his pursuance of happiness and in acquiring and the use of his property.'

The court erred in dismissing the bill, and the decree of the court will be reversed and the case remanded to the trial court for further proceedings thereon.

Reversed.

CAMPBELL and HOLT, JJ., absent.

All Citations

155 Va. 367, 154 S.E. 579, 71 A.L.R. 604

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Negative Treatment

Negative Citing References (2)

The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:

Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by	 1. Story v. Commonwealth MOST NEGATIVE 9 S.E.2d 344 , Va. Appeal from State Corporation Commission. Proceeding by the Commonwealth against J. L. Story to revoke respondent's certificates of registration as agent of several insurance...	June 10, 1940	Case		—
Distinguished by	2. Newman v. Garcia  2016 WL 8939133 , M.D.Fla. Daniel Newman, proceeding pro se, filed a complaint alleging Officer J.R. Garcia of the Jacksonville Sheriff's Office violated his constitutional rights. Doc. 2. Before the Court...	Sep. 26, 2016	Case		10 S.E.

Citing References (169)

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<p>1. Elizabeth River Crossings OpCo, LLC v. Meeks ¶¶ 749 S.E.2d 176, 188+ , Va.</p> <p>TRANSPORTATION - User Fees. Tolls on users of transportation facilities were not "taxes" for purpose of claim of unlawfully delegated legislative authority.</p>	Oct. 31, 2013	Case		11 S.E.
Discussed by	<p>2. Butler v. Commonwealth ¶¶ 53 S.E.2d 152, 154+ , Va.</p> <p>Error to Circuit Court, Mecklenburg County; G. E. Mitchell, Jr., Judge. Proceeding by James T. Butler to review the action of the Commissioner of the Division of Motor Vehicles of...</p>	Apr. 26, 1949	Case		—
Discussed by	<p>3. Maxfield v. Corwin ¶¶ 1987 WL 339903, *2+ , W.D.Mich.</p> <p>On November 21, 1986, pro se plaintiff Michael J. Maxfield filed what appears to be a civil rights complaint against various state and county officials within Montcalm County. ...</p>	Mar. 17, 1987	Case		—
Discussed by	<p>4. Gordon v. State ¶¶ 697 P.2d 1192, 1194+ , Idaho App.</p> <p>Motorist was convicted in the District Court, Fourth Judicial District, Ada County, Deborah A. Bail, J., of failure to produce vehicle registration and failure to exhibit proof of...</p>	Mar. 20, 1985	Case		9 S.E.
Discussed by	<p>5. City of Spokane v. Port ¶¶ 716 P.2d 945, 947+ , Wash.App. Div. 3</p> <p>Defendant was convicted in the Superior Court, Spokane County, Thomas E. Merryman, J., of driving without a driver's license and she appealed. The Court of Appeals, McInturff,...</p>	Mar. 27, 1986	Case		—
Discussed by	<p>6. The Honorable Danny C. Ball 1982-83 Va. Op. Atty. Gen. 607+</p> <p>You have requested my opinion concerning your duties under the Wise County Severance License Ordinance. Your inquiry raises questions on the validity of the ordinance which...</p>	Oct. 07, 1982	Administrative Decision		—
Distinguished by NEGATIVE	<p>7. Newman v. Garcia ¶¶ 2016 WL 8939133, *4 , M.D.Fla.</p> <p>Daniel Newman, proceeding pro se, filed a complaint alleging Officer J.R. Garcia of the Jacksonville Sheriff's Office violated his constitutional rights. Doc. 2. Before the Court...</p>	Sep. 26, 2016	Case		10 S.E.
Distinguished by NEGATIVE	<p> 8. Story v. Commonwealth 9 S.E.2d 344, 346 , Va.</p> <p>Appeal from State Corporation Commission. Proceeding by the Commonwealth against J. L. Story to revoke respondent's certificates of registration as agent of several insurance...</p>	June 10, 1940	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	9. Volkswagen of America, Inc. v. Smit ¶ 689 S.E.2d 679, 687+ , Va. BUSINESS ORGANIZATIONS - Franchises and Dealerships. Statute that required automobile distributor to ship equitable percentage of new models to dealer was impermissibly vague as...	Feb. 25, 2010	Case		13 S.E.
Cited by	10. Cochran v. Fairfax County Bd. of Zoning Appeals 594 S.E.2d 571, 577 , Va. REAL PROPERTY - Zoning and Planning. Board of zoning appeals may grant variances only to avoid unconstitutional result.	Apr. 23, 2004	Case		—
Cited by	11. Bell v. Dorey Elec. Co. 448 S.E.2d 622, 623 , Va. Commissioner of Labor and Industry filed civil actions against company for violating vocational occupational safety standard (VOS standards). The Circuit Court, City of Norfolk,...	Sep. 16, 1994	Case		—
Cited by	12. Ticonderoga Farms, Inc. v. County of Loudoun 409 S.E.2d 446, 448 , Va. Christmas tree farm accepted off-site woody waste materials which it intended to convert into a compost for agriculture. Tree farm brought action for declaratory judgment and...	Sep. 20, 1991	Case		—
Cited by	13. Ames v. Town of Painter 389 S.E.2d 702, 705+ , Va. Petition for certiorari was filed seeking review of grant by board of zoning appeals of special use permit for migrant labor camp. The Circuit Court, Accomack County, N. Wescott...	Mar. 02, 1990	Case		—
Cited by	14. National Ass'n for Advancement of Colored People v. Committee on Offenses Against Administration of Justice ¶ 114 S.E.2d 721, 731 , Va. Suit for discovery of certain records in possession of Committee on Offenses Against the Administration of Justice and to enjoin Committee from requiring disclosure of names or...	June 13, 1960	Case		16 S.E.
Cited by	15. Andrews v. Board of Sup'rs of Loudoun County 107 S.E.2d 445, 447+ , Va. Proceeding for review of granting of use permit by board of zoning appeals of county wherein controlling issue was validity of zoning ordinance. The Circuit Court, Loudoun County,...	Mar. 16, 1959	Case		—
Cited by	16. Ours Properties, Inc. v. Ley 96 S.E.2d 754, 757+ , Va. Mandamus proceeding to direct building inspector to issue building permit denied by inspector and by planning commission on ground that use sought to be had under the permit would...	Mar. 11, 1957	Case		13 S.E.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 17. Chapel v. Commonwealth 89 S.E.2d 337, 340+ , Va. Defendant was convicted of engaging in the cleaning, dyeing and pressing business without a license from the State Dry Cleaners Board. The Corporation Court of the City of...	Oct. 10, 1955	Case		—
Cited by	 18. Tate v. Lamb 81 S.E.2d 743, 749 , Va. Equitable action to restrain Acting Commissioner of Motor Vehicles from revoking plaintiff's operator's and chauffeur's licenses for 60 days following two alleged convictions of...	May 03, 1954	Case		—
Cited by	19. Kizee v. Conway 35 S.E.2d 99, 102+ , Va. Error to Corporation Court of City of Danville; Henry C. Leigh, Judge. Action by J. W. Kizee, Sr., and others against P. F. Conway and others, constituting the Council of the City...	Sep. 05, 1945	Case		—
Cited by	 20. Dickerson v. Commonwealth 24 S.E.2d 550, 556 , Va. Error to Circuit Court, Prince William County; Walter T. McCarthy, Judge. Earl Dickerson was convicted of transporting intoxicating liquor in excess of one gallon through the State...	Mar. 08, 1943	Case		—
Cited by	 21. Assaid v. City of Roanoke 18 S.E.2d 287, 288+ , Va. Error to Hustings Court of Roanoke; J. L. Almond, Jr., Judge. C. A. Assaid was convicted of unlawfully operating a billiard saloon or pool room without first obtaining a license to...	Jan. 19, 1942	Case		11 S.E.
Cited by	 22. Commonwealth v. Ellett 4 S.E.2d 762, 767 , Va. Error to Hustings Court of Richmond; John L. Ingram, Judge. Proceeding in the matter of the application of W. O. Ellett to the Director of the Division of Motor Vehicles for...	Oct. 09, 1939	Case		—
Cited by	23. Reynolds v. Milk Com'n of Virginia 179 S.E. 507, 521 , Va. Appeal from Law and Equity Court of City of Richmond, Part 2. Suit by the Milk Commission of Virginia against R. J. Reynolds and others. From an adverse decree defendants appeal...	Mar. 29, 1935	Case		—
Cited by	 24. Reynolds v. Milk Commission of Virginia 177 S.E. 44, 52+ , Va. Appeal from Law and Equity Court of City of Richmond, Part 2. Suit by the Milk Commission of Virginia against R.J. Reynolds and others. From an adverse decree defendants appeal...	Nov. 15, 1934	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 25. Southern Ry. Co. v. Commonwealth ¶ 167 S.E. 578, 581 , Va. Error to State Corporation Commission. Proceeding by the Commonwealth against the Southern Railway Company to force defendant to build an overhead crossing. The State Corporation...	Jan. 12, 1933	Case		—
Cited by	26. Fairfax County Water Authority v. City of Falls Church ¶ 2010 WL 7371241, *5 , Va.Cir.Ct. Dear Counsel: This matter came before the Court on September 23, 2009. Subsequent to a bench trial and after considering the pleadings and the arguments of counsel, the Court took...	Jan. 06, 2010	Case		17 S.E.
Cited by	27. Fuentes v. Board of Sup'rs 2000 WL 1210446, *2 , Va.Cir.Ct. This matter is before the Court on Defendants' Pleas in Bar and Demurrers to Plaintiff's Motion for Declaratory Judgment. The Court heard oral argument July 6, 2000, after...	July 27, 2000	Case		—
Cited by	28. Vienna v. Secord ¶ 1991 WL 835081, *3 , Va.Cir.Ct. The Court has had this case under advisement to consider whether the Implied Consent Law, ' 18.2-268, Code of Virginia, (1950), as amended, providing for revocation of the...	July 24, 1991	Case		—
Cited by	29. Harter v. Quade 1985 WL 306911, *2 , Va.Cir.Ct. In this case five health care providers contend that a failure to comply with the notice provisions of a Medical Malpractice Rule precludes a trial upon the merits of a claim for...	Dec. 31, 1985	Case		11 S.E.
Cited by	30. Gavis v. Board of Zoning Appeals of City of Winchester ¶ 1985 WL 306753, *2 , Va.Cir.Ct. The Court must decide whether the Board of Zoning Appeals of the City of Winchester properly denied a request for a determination that a proposed "garage and storage" building...	Feb. 08, 1985	Case		—
Cited by	31. Craig v. Amherst County Bd. of Supervisors 1974 WL 176516, *1 , Va.Cir.Ct. The plaintiff, Craig, brought this action to request the Court to declare "The Trailer Parking Ordinance" of Amherst County unconstitutional and void. Counsel have filed excellent...	Oct. 22, 1974	Case		—
Cited by	 32. U.S. v. Baker 45 F.3d 837, 850 , 4th Cir.(N.C.) Inmate sought review of civil commitment hearing. The United States District Court, Eastern District of North Carolina, W. Earl Britt, J., 836 F.Supp. 1237, held that inmate's...	Jan. 25, 1995	Case		11 S.E.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<p> 33. State of Md. v. E.P.A. 530 F.2d 215, 227 , 4th Cir.</p> <p>On petition for review of orders and regulations promulgated by the Environmental Protection Agency under authority of the Clean Air Act, the Court of Appeals, Widener, Circuit...</p>	Sep. 19, 1975	Case		—
Cited by	<p> 34. La Forest v. Board of Com'rs of Dist. of Columbia 92 F.2d 547, 550 , App.D.C.</p> <p>STEPHENS, Associate Justice, dissenting. In error to the Board of Commissioners of the District of Columbia. Alfred M. LaForest pleaded guilty to the charge of unlawfully exceeding...</p>	Aug. 09, 1937	Case		—
Cited by	<p>35. United States v. Daymont Underwood 2016 WL 6406215, *5 , E.D.Va.</p> <p>This matter comes before the Court on Daymont Underwood's "Notice (In Lieu of Motion) of my Challenge to the Political Jurisdiction of the United States of America Over Me and...</p>	Oct. 27, 2016	Case		—
Cited by	<p> 36. U.S. v. Newdunn Associates 195 F.Supp.2d 751, 767 , E.D.Va.</p> <p>ENVIRONMENTAL LAW - Wetlands. Army Corps of Engineers did not have authority to regulate drainage property under Clean Water Act.</p>	Apr. 03, 2002	Case		—
Cited by	<p>37. Whittle v. Nesmith  51 So.2d 6, 8 , Ala.</p> <p>Bill by W. A. Whittle against W. J. Nesmith and others, for injunction to restrain enforcement of a municipal ordinance of the City of Cullman. The Circuit Court, Cullman County,...</p>	Feb. 22, 1951	Case		—
Cited by	<p>38. Shelton v. City of Birmingham 165 So.2d 912, 913 , Ala.App.</p> <p>Defendant was convicted by the Circuit Court, Jefferson County, George Lewis Bailes, J., of violating city ordinance by refusing to comply with a lawful order of a police officer,...</p>	Aug. 18, 1964	Case		8 S.E.
Cited by	<p>39. Thornhill v. Kirkman 62 So.2d 740, 741 , Fla.</p> <p>Proceeding by automobile driver to enjoin suspension of his driver's license for one year by Director of Public Safety without notice and upon information that driver had been...</p>	Jan. 16, 1953	Case		—
Cited by	<p>40. Silverman v. Mayor of Savannah 186 S.E.2d 447, 451 , Ga.App.</p> <p>Action brought by attorneys against mayor and aldermen of city seeking a refund of the license fees paid to defendants under protest and threat of criminal prosecution. The...</p>	Nov. 18, 1971	Case		—
Cited by	<p>41. State v. Heitz 238 P.2d 439, 442 , Idaho</p> <p>Richard F. Heitz was convicted in the District Court of the Eleventh Judicial District, Twin Falls County, Hugh A. Baker, J., of violating statute authorizing the Commissioner of...</p>	Nov. 20, 1951	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 42. State v. Kouni 76 P.2d 917, 922 , Idaho Appeal from District Court, Clearwater County; Gillies D. Hodge, Judge. Kenneth Kouni was convicted of driving a motor vehicle while his operator's license was suspended, and he...	Jan. 12, 1938	Case		—
Cited by	43. Kerth v. Hopkins County Bd. of Ed. 346 S.W.2d 737, 742 , Ky. Suit by a county board of education assailing action of the Prevailing Wage Board in establishing a prevailing wage schedule for public works. The Franklin Circuit Court, Henry...	May 19, 1961	Case		14 18 S.E.
Cited by	 44. Pressman v. Barnes 121 A.2d 816, 822 , Md. Taxpayers brought suit against Director of Traffic and Mayor and City Council of Baltimore to invalidate ordinance creating office of Director of Traffic and administrative...	Apr. 10, 1956	Case		—
Cited by	45. Ellis v. Rudy 189 A. 281, 284 , Md. Appeal from Baltimore City Court; Eugene O'Dunne, Judge. Proceeding by Winfield C. Ellis for a writ of mandamus to compel Walter R. Rudy, Commissioner of Motor Vehicles of...	Jan. 13, 1937	Case		—
Cited by	46. Continental Southern Lines v. Klaas  65 So.2d 575, 592 , Miss. Action for death of plaintiffs' intestate when automobile driven by him collided with oncoming truck of one defendant which entered wrong lane when truck in front of it, belonging...	June 08, 1953	Case		7 S.E.
Cited by	 47. Teche Lines, Inc., v. Danforth 12 So.2d 784, 787 , Miss. In Banc. Appeal from Circuit Court, Jones County; F. Burkitt Collins, Judge. Death action by Hazel Danforth and others against Teche Lines, Inc. Judgment for plaintiffs, and...	Apr. 05, 1943	Case		7 S.E.
Cited by	 48. Harvell v. Scheidt 107 S.E.2d 549, 552 , N.C. Proceeding on appeal from determination of Department of Motor Vehicles ordering suspension of petitioner's operator's license. The Superior Court, Wake County, Raymond B. Mallard,...	Mar. 18, 1959	Case		—
Cited by	49. State v. Board of Com'rs of City of Las Vegas 1 P.2d 570, 576 , Nev. Original proceedings in mandamus by the State, on the relation of Roy Grimes and others, against the Board of Commissioners of the City of Las Vegas and others. Writ denied....	July 08, 1931	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 50. Moresch v. O'Regan 187 A. 619, 622 , N.J.Ch. Suit by Irving Moresch against Daniel T. O'Regan, Prosecutor of the County of Hudson, and others. On order to show cause. Order and judgment for complainant.	Oct. 22, 1936	Case		—
Cited by	 51. Matz v. J.L. Curtis Cartage Co. 7 N.E.2d 220, 225 , Ohio Appeal from Court of Appeals, Cuyahoga County. Action by Peter Matz, administrator, against the J. L. Curtis Cartage Company. From a judgment of the Court of Appeals affirming a...	Mar. 17, 1937	Case		—
Cited by	52. State v. Kelley 1987 WL 15058, *9+ , Ohio App. 11 Dist. On October 8, 1985, defendant-appellant, Claire Kelley, was arrested for speeding, R.C. 4511.21(D), and for operating a motor vehicle without a valid driver's license, R.C....	July 31, 1987	Case		—
Cited by	53. Ohio Turnpike Commission v. Texaco, Inc.  297 N.E.2d 557, 561 , Ohio Com.Pl. Ohio Turnpike Commission filed complaint seeking a preliminary injunction to prevent oil company from restricting the purchase of gasoline and diesel fuel by customers while using...	June 13, 1973	Case		—
Cited by	54. Commonwealth v. Dandridge 2018 WL 3298084, *3 , Pa.Super. Appellant, Charles Owen Dandridge, Jr., appeals from the judgment of sentence imposed on May 25, 2017, following his jury conviction for fleeing or attempting to elude a police...	July 05, 2018	Case		—
Cited by	 55. Berberian v. Lussier 139 A.2d 869, 872 , R.I. Bill in equity to enjoin registrar of motor vehicles from suspending operator's license of complainant because of his failure to deposit security with the registrar as provided in...	Mar. 26, 1958	Case		—
Cited by	 56. South Carolina State Highway Dept. v. Harbin 86 S.E.2d 466, 471 , S.C. Proceeding for a writ of certiorari to review an order of the Circuit Court setting aside and declaring void a suspension by the highway department of a driver's license of the...	Mar. 15, 1955	Case		—
Cited by	57. Houck v. Minton 212 S.W.2d 891, 896 , Tenn. Appeal from Chancery Court, Davidson County; Wm. J. Wade, Chancellor. Injunction suit by Lawrence Houck and others against Jack Minton and others to restrain the Nashville Traffic...	July 17, 1948	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	58. Rutherford v. City of Nashville 79 S.W.2d 581, 585 , Tenn. Appeal from Chancery Court, Davidson County; R. B. C. Howell, Chancellor. Suit by James W. Rutherford, on behalf of himself and other taxpayers, against the City of Nashville. ...	Feb. 23, 1935	Case		—
Cited by	59. Stringham v. Salt Lake City 201 P.2d 758, 762 , Utah Appeal from Third Judicial District Court, Salt Lake County; A. H. Ellett, Judge. Action for injunction by I. R. Stringham and others against Salt Lake City. From the judgment,...	Jan. 17, 1949	Case		9 S.E.
Cited by	60. Spanish Fork Westfield Irr. Co. v. District Court of Salt Lake County 104 P.2d 353, 359 , Utah Original suit for writ of prohibition by the Spanish Fork West Field Irrigation Company and others against the District Court of Salt Lake County, and the Honorable Allen G....	July 10, 1940	Case		16 17 S.E.
Cited by	61. Rowell v. State Board of Agriculture ¶¶ 99 P.2d 1, 3 , Utah Original proceeding by John Rowell and another, a copartnership, doing business as the Millcreek Dairy, against the State Board of Agriculture and others for a writ of prohibition,...	Feb. 07, 1940	Case		11 S.E.
Cited by	62. Farmington City v. Lake 304 P.3d 881, 882 , Utah App. CRIMINAL JUSTICE - Appeals. Court of Appeals could consider constitutional claim on appeal from district court following conviction originating in the justice court.	June 06, 2013	Case		—
Cited by	63. Nulter v. State Road Commission of West Virginia 193 S.E. 549, 553 , W.Va. Certified from Circuit Court, Kanawha County. Suit by Wirt Nulter against the State Road Commission of West Virginia and others, wherein a ruling of the circuit court was certified...	Oct. 26, 1937	Case		—
Cited by	64. Eastwood v. Wyoming Highway Dept. ¶¶ 301 P.2d 818, 823 , Wyo. Proceeding on application filed in the District Court, Laramie County, Sam M. Thompson, J., to set aside revocation of plaintiff's driver's license. The case was sent to the...	Sep. 25, 1956	Case		—
Cited by	65. Honorable Paul W. Rosenblum 1985-1987 Ky. Op. Atty. Gen. 2-87 You request an opinion of this office concerning the revocation of motor vehicle operators' licenses issued to nonresidents of Kentucky, and which nonresidents are convicted of...	Apr. 29, 1985	Administrative Decision		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	66. Oregon State Highway Commission 21 Or. Op. Atty. Gen. 39, 39+ With your letter of August 21, 1942, you have submitted excerpts from minutes of a meeting of the Oregon State Highway Commission held on June 25, 1942, from which it appears that...	Aug. 25, 1942	Administrative Decision		—
Cited by	67. Department of Agriculture 18 Or. Op. Atty. Gen. 44, 44+ It appears from your letter of August 21, 1936, that an authorized bee inspector for Tillamook county has been restrained by the owner of certain bees from inspecting same. You...	Aug. 25, 1936	Administrative Decision		—
Cited by	68. Mr. William A. Pruitt 1986-87 Va. Op. Atty. Gen. 338 You ask two questions concerning the authority of the Marine Resources Commission (the 'Commission') to assess royalties pursuant to § 62.1-3 of the Code of Virginia. You first...	Aug. 15, 1986	Administrative Decision		—
Cited by	69. The Honorable J. G. Overstreet 1985-86 Va. Op. Atty. Gen. 81 You ask whether the Board of Supervisors for Bedford County (the "Board") has the authority to restrict ingress and egress to a subdivision as requested in a petition presented...	Apr. 15, 1986	Administrative Decision		9 S.E.
Cited by	70. The Honorable John C. Buchanan 1984-85 Va. Op. Atty. Gen. 180+ You have asked whether, in adopting section V809.13(a)(2) of the Virginia Coal Surface Mining Regulations, the Board of Conservation and Economic Development (the "Board") has...	Oct. 18, 1984	Administrative Decision		—
Cited by	71. The Honorable J. Richmond Low, Jr. 1980-81 Va. Op. Atty. Gen. 104 You ask two questions about a permit granted by King George County in July 1975 to utilize 400 acres for the mining of sand and gravel, prior to the county's adoption of a zoning...	July 14, 1980	Administrative Decision		—
Cited by	72. Honorable Jack A. Nuckols 49 W. Va. Op. Atty. Gen. 270 This is in reply to your letter requesting an opinion upon the following: "Has the Commissioner of Motor Vehicles authority, under existing statutes, to design and administer,..."	Nov. 27, 1961	Administrative Decision		—
Mentioned by	73. City of Waynesboro v. Keiser 191 S.E.2d 196, 199, Va. Petition for correction of alleged erroneous assessments of real estate taxes. The Circuit Court of the City of Waynesboro, C. G. Quesenbery, J., entered order reducing...	Sep. 01, 1972	Case		11 S.E.
Mentioned by	74. York v. City of Danville 152 S.E.2d 259, 264, Va. Defendants were charged with parading without a permit in violation of city ordinance. The Corporation Court of Danville, Archibald M. Aiken, J., found defendants guilty of...	Jan. 16, 1967	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	 75. Richmond Funeral Directors' Ass'n v. Groth 120 S.E.2d 467, 470 , Va. Mandamus to compel the city director of public safety to reinstate rules and regulations previously promulgated for restricting parking of vehicles on city highways 'at places...	June 12, 1961	Case		—
Mentioned by	76. Flax v. City of Richmond 52 S.E.2d 250, 255 , Va. Error to Hustings Court of Richmond; John L. Ingram, Judge. Proceeding by Herbert Flax for issuance of an order and certificate authorizing him to be licensed as a pawnbroker...	Mar. 07, 1949	Case		—
Mentioned by	 77. Robert v. City of Norfolk 49 S.E.2d 697, 699 , Va. Error to Corporation Court of City of Norfolk; R. B. Spindle, Judge. Emil Robert was convicted in the police court of the city of Norfolk for soliciting magazine subscriptions on...	Oct. 11, 1948	Case		9 S.E.
Mentioned by	 78. City of Alexandria v. Texas Co. 1 S.E.2d 296, 298 , Va. Appeal from Circuit Court of Alexandria; Walter T. McCarthy, Judge. Suit by the Texas Company against the City of Alexandria to enjoin the city and its officials from interfering...	Feb. 20, 1939	Case		9 S.E.
Mentioned by	79. 7-Eleven, Inc. v. Department of Environmental Quality 590 S.E.2d 84, 109 , Va.App. ENVIRONMENTAL LAW - Underground Storage Tanks. Settlement costs land lessee paid to neighboring landowner could be recovered from Petroleum Storage Tank Fund.	Dec. 30, 2003	Case		—
Mentioned by	 80. Commonwealth v. Dorey Elec. Co. 1991 WL 11015292, *1 , Va.Cir.Ct. This matter is before the court on the defendant Dorey Electric Company's motion to dismiss the indictment served on it for numerous reasons as stated in the brief filed on behalf...	Dec. 16, 1991	Case		11 S.E.
Mentioned by	81. White v. Board of Adjustment of City of Birmingham 15 So.2d 585, 589 , Ala. Appeal by Ethel White to the Circuit Court of Jefferson County from a judgment or decision of the Board of Adjustment of the City of Birmingham denying a petition to rent...	Oct. 28, 1943	Case		—
Mentioned by	 82. Beach v. City of Phoenix 667 P.2d 1327, 1329 , Ariz.App. Div. 1 Action was brought against city and others seeking damages plaintiff sustained when she was struck by an automobile. The Superior Court, Maricopa County, Cause No. C-385879,...	Sep. 09, 1982	Case		8 S.E.

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	 83. Orloff v. Los Angeles Turf Club 180 P.2d 321, 325 , Cal. Action by Morris Orloff against the Los Angeles Turf Club, Inc., and others, to enjoin ejection of plaintiff from race track premises. From a judgment of dismissal, plaintiff...	May 16, 1947	Case		—
Mentioned by	 84. Bueneman v. City of Santa Barbara 65 P.2d 884, 886 , Cal. In Bank. Action by Fred T. Bueneman and others, as trustees for the Wardrobe Laundry Company, a trust estate, against the City of Santa Barbara, a municipal corporation, and...	Feb. 27, 1937	Case		—
Mentioned by	 85. Bueneman v. City of Santa Barbara 59 P.2d 998, 999 , Cal. In Bank. Action by Fred T. Bueneman and others, as trustees for Wardrobe Laundry Companies, a trust estate, against the City of Santa Barbara, a municipal corporation, and others. ...	July 30, 1936	Case		—
Mentioned by	 86. Kenyon v. City of Chicopee 70 N.E.2d 241, 245 , Mass. Suit by Jesse Kenyon and others against City of Chicopee and others for a decree that city ordinance prohibiting distribution of handbills, circulars, etc., is unconstitutional and...	Dec. 09, 1946	Case		13 S.E.
Mentioned by	87. In re Probasco 257 N.W. 861, 864 , Mich. Proceeding in the matter of the petition of Harry O. Probasco for an order setting aside the suspension of his operator's license. The circuit court dismissed the petition without...	Dec. 10, 1934	Case		—
Mentioned by	88. In re Cavitt 157 N.W.2d 171, 182 , Neb. Proceeding relating to the sterilization of a mentally deficient person. The State appealed from a judgment of the District Court of Gage County, Colwell, J., which reversed an...	Mar. 08, 1968	Case		—
Mentioned by	89. Montgomery v. Blazek 73 N.W.2d 402, 406 , Neb. Action against Department of Roads and Irrigation and Chief Supervisor of Financial Responsibility of Motor Vehicle Division of Department, to permanently enjoin enforcement of...	Dec. 02, 1955	Case		—
Mentioned by	 90. Village of Waterbury v. Melendy 199 A. 236, 241 , Vt. Appeal in Chancery, Washington County; Allen R. Sturtevant, Chancellor. Suit by the Village of Waterbury to enjoin Emery A. Melendy and others, constituting the Board of Public...	May 03, 1938	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	91. Blumenthal v. City of Cheyenne 186 P.2d 556, 571 , Wyo. Appeal from District Court, Laramie County; H. R. Christmas, Judge. Action by Arthur Blumenthal and others against City of Cheyenne, a municipal corporation, and others, to enjoin...	Nov. 18, 1947	Case		—
Mentioned by	92. Weber v. City of Cheyenne 97 P.2d 667, 671 , Wyo. Appeal from District Court, Laramie County; Sam M. Thompson, Judge. Suit by Jake Weber against the City of Cheyenne to restrain the enforcement of a zoning ordinance. From a...	Jan. 09, 1940	Case		9 S.E.
Mentioned by	93. Sifre v. Pellon, Jr., Juez 54 D.P.R. 587, 587 , P.R. Solicitud interesando la expedición de un auto inhibitorio. Sin lugar, anulándose el auto expedido.	Apr. 12, 1939	Case		—
Mentioned by	94. The Honorable Ralph S. Northam 2012 WL 4044319 (Va.A.G.), *2 I am responding to your request for an official advisory opinion in accordance with § 2.2-505 of the Code of Virginia. You inquire whether the General Assembly may delegate to the...	Sep. 07, 2012	Administrative Decision		—
Mentioned by	95. The Honorable Phillip Hamilton 1999 Va. Op. Atty. Gen. 3, 3 MLE ADMINISTRATION OF GOVERNMENT GENERALLY: AT-RISK YOUTH AND FAMILIES. State pool of funds is to be expended for residential and nonresidential services provided to targeted...	Aug. 13, 1999	Administrative Decision		—
Mentioned by	96. Mr. Max C. Welch 43 W. Va. Op. Atty. Gen. 342 We have your letter of July 7, 1949, which reads as follows: "The West Virginia Real Estate Commission is of the opinion that since non-resident brokers and salesmen are issued a...	Aug. 03, 1949	Administrative Decision		13 S.E.
—	97. Ordinance providing for suspension or revocation of state-issued driver's license as within municipal power 92 A.L.R.2d 204 This annotation discusses the power of a municipality to enact an ordinance providing for the suspension or revocation of a state-issued driver's license. Since the present...	1963	ALR	—	—
—	98. Validity of statute or ordinance vesting discretion in public officials without prescribing a rule of action 92 A.L.R. 400 (Supplementing annotations in 12 A.L.R. 1435, and 54 A.L.R. 1104.) The purpose of this annotation is to treat the question whether statutes or ordinances which confer a...	1934	ALR	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	99. Validity of statute or ordinance relating to granting or revocation of license or permit to operate automobile 108 A.L.R. 1162 "The right to operate motor vehicles in public places is not a natural and unrestrained right, but a privilege subject to reasonable regulations in the interest of the public under..."	1937	ALR	—	—
—	100. Jurisdiction of equity to protect personal rights; modern view 175 A.L.R. 438 Questions as to the existence and exercise of equitable jurisdiction to protect rights of a personal nature, sometimes characterized as rights of personality, recur with frequency....	1948	ALR	—	18 S.E.
—	101. Validity of statute or ordinance relating to granting or revocation of license or permit to operate automobile 71 A.L.R. 616 The validity of an ordinance prohibiting persons under a specified age from operating an automobile is beyond the scope of this annotation. See <i>Ex parte Epperson</i> (1911) 61 Tex....	1931	ALR	—	—
—	102. Local Government Law s 9:9, § 9:9. Delegation of functions and powers—Legislative functions and powers In some states, the legislative function is lodged in a body composed of elected officials, such as the city council or the county legislature. In other states, the direct...	2019	Other Secondary Source	—	—
—	103. Local Government Law s 15:35, § 15:35. Administration of license requirements Courts have consistently and uniformly held that the irreducible minimum required by the rule of law, as it pertains to the administration of licensing requirements, is that local...	2019	Other Secondary Source	—	—
—	104. Local Government Law s 15:40, § 15:40. Revocation or suspension—Grounds Licenses may be issued either for a specified length of time or for an indeterminate time. In the former case, the license lapses unless timely application is made for its renewal...	2019	Other Secondary Source	—	—
—	105. McQuillin The Law of Municipal Corporations s 10:45, § 10:45. Delegation of municipal powers—Legislative, governmental or discretionary power The rule is well settled that legislative power cannot be delegated by a municipality, unless expressly authorized by the statute conferring the power. So, judicial, as...	2019	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	106. McQuillin The Law of Municipal Corporations s 10:46, § 10:46. Delegation of municipal powers—Administrative and executive powers Administrative and executive functions are designed to carry out and effectuate the provisions of the laws. In their performance by municipal officers or employees no discretion is...	2019	Other Secondary Source	—	11 S.E.
—	107. McQuillin The Law of Municipal Corporations s 26:82, § 26:82. Delegation of powers to boards or officials—Guides and standards An ordinance should provide all of the terms under which the license or permit is to be issued and prescribe a uniform rule applicable to all of the class to which it is intended...	2019	Other Secondary Source	—	14 S.E.
—	108. McQuillin The Law of Municipal Corporations s 30:41, § 30:41. Municipal powers Aside from constitutional restriction, since the highways of the state, including streets and public ways in cities, towns and villages are under the primary and paramount control...	2019	Other Secondary Source	—	2 S.E.
—	109. McQuillin The Law of Municipal Corporations s 49:57, § 49:57. In general Municipal corporations are subject to, and may invoke, the usual appropriate equitable remedies. An injunction is an equitable remedy. Thus in a proper case an equitable action,...	2019	Other Secondary Source	—	16 S.E.
—	110. McQuillin The Law of Municipal Corporations s 49:58, § 49:58. Injunction against city In the exercise of the sound discretion of the court, and in conformity with the rules applicable to injunctions generally, an injunction will lie to restrain a municipal...	2019	Other Secondary Source	—	—
—	111. McQuillin The Law of Municipal Corporations s 49:61, § 49:61. Injunction against city—Enforcement of ordinances Ordinarily, an injunction will not lie to enjoin the enforcement, by city officers to restrain prosecutions under municipal ordinances. It is only where the enforcement will result...	2019	Other Secondary Source	—	18 S.E.
—	112. McQuillin The Law of Municipal Corporations s 24:584, § 24:584. Generally This division discusses police regulation of the streets generally, including regulation of their use for meetings and parades; and following divisions of this chapter treat...	2019	Other Secondary Source	—	—
—	113. McQuillin The Law of Municipal Corporations s 24:633, § 24:633. Scope and extent of municipal regulation A municipal corporation ordinarily has full power and authority to regulate and control traffic on its streets. Accordingly, municipal corporations ordinarily may and do enact and...	2019	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	114. McQuillin The Law of Municipal Corporations s 26:101, § 26:101. Power and discretion of officials Authority to revoke or suspend licenses or permits for legal cause generally can be delegated to a specified official or board. This grant of authority has been ruled not to be an...	2019	Other Secondary Source	—	—
—	115. McQuillin The Law of Municipal Corporations s 26:103, § 26:103. Rights of licensees—Arbitrary or discriminatory revocation A license or permit cannot be revoked arbitrarily without cause or without authority of law, especially where on the faith of it the owner has incurred material expense. Thus, a...	2019	Other Secondary Source	—	14 S.E.
—	116. McQuillin The Law of Municipal Corporations s 26:159, § 26:159. Driver, operator, or chauffeur license States reserve exclusive control of the issuance of drivers' licenses, and it is clear that a city has no power to regulate the license privilege granted by the state. This may be...	2019	Other Secondary Source	—	3 S.E.
—	117. Ordinance Law Annotations Automobiles; Motor Vehicles; Bicycles s 4, § 4. Suspension and revocation Ordinance Law Annotations Automobiles; Motor Vehicles; Bicycles A municipal ordinance which prohibits operating a motor vehicle while a license is suspended, revoked or refused is not in conflict with the state statute which is limited to...	2019	Other Secondary Source	—	—
—	118. West's A.L.R. Digest 150K3, # 3. Grounds of jurisdiction in general West's A.L.R. Digest	2019	Other Secondary Source	—	16 S.E.
—	119. West's A.L.R. Digest 48AK4, # 4. Right to use motor vehicles on highways West's A.L.R. Digest	2019	Other Secondary Source	—	7 8 S.E.
—	120. West's A.L.R. Digest 150K46, # 46. In general West's A.L.R. Digest	2019	Other Secondary Source	—	17 S.E.
—	121. West's A.L.R. Digest 48AK33, # 33. Association or joint owners West's A.L.R. Digest	2019	Other Secondary Source	—	5 14 15 S.E.
—	122. West's A.L.R. Digest 200K167, # 167. Right to use West's A.L.R. Digest	2019	Other Secondary Source	—	7 S.E.
—	123. West's A.L.R. Digest 268K591, # 591. Delegation of power by municipality West's A.L.R. Digest	2019	Other Secondary Source	—	12 S.E.
—	124. West's A.L.R. Digest 268K662, # 662. Municipal boards or officers West's A.L.R. Digest	2019	Other Secondary Source	—	14 S.E.

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—	125. West's A.L.R. Digest 48AK136, # 136. --In general West's A.L.R. Digest	2019	Other Secondary Source	—	10 S.E.
—	126. West's A.L.R. Digest 92K1280, # 1280. In general West's A.L.R. Digest	2019	Other Secondary Source	—	6 7 S.E.
—	127. West's A.L.R. Digest 92K2406, # 2406. --In general West's A.L.R. Digest	2019	Other Secondary Source	—	11 S.E.
—	128. West's A.L.R. Digest 92K2409, # 2409. Fact finding West's A.L.R. Digest	2019	Other Secondary Source	—	13 S.E.
—	129. West's A.L.R. Digest 92K2437, # 2437. --Municipalities and municipal employees and officials West's A.L.R. Digest	2019	Other Secondary Source	—	—
—	130. West's A.L.R. Digest 212K1253, # 1253. On ground of invalidity West's A.L.R. Digest	2019	Other Secondary Source	—	18 S.E.
—	131. West's A.L.R. Digest 212K1266, # 1266. Streets, highways, sidewalks, and alleys West's A.L.R. Digest	2019	Other Secondary Source	—	18 S.E.
—	132. West's A.L.R. Digest 212K1413, # 1413. Drivers' licenses West's A.L.R. Digest	2019	Other Secondary Source	—	15 19 S.E.
—	133. West's A.L.R. Digest 48AK144.7, # 144.7. --Reinstatement or new license; in general West's A.L.R. Digest	2019	Other Secondary Source	—	4 5 S.E.
—	134. West's A.L.R. Digest 268K661(1), # 661(1). In general West's A.L.R. Digest	2019	Other Secondary Source	—	2 S.E.
—	135. West's A.L.R. Digest 268K703(1), # 703(1). --In general West's A.L.R. Digest	2019	Other Secondary Source	—	8 9 S.E.
—	136. West's A.L.R. Digest 48AK144.1(1), # 144.1(1). --In general West's A.L.R. Digest	2019	Other Secondary Source	—	1 S.E.
—	137. West's A.L.R. Digest 48AK144.2(1), # 144.2(1). --Administrative procedure in general West's A.L.R. Digest	2019	Other Secondary Source	—	—
—	138. Am. Jur. 2d Automobiles and Highway Traffic s 23, § 23. Regulation by public officers and boards Am. Jur. 2d Automobiles and Highway Traffic A statute or ordinance placing discretionary power in an administrative agency must furnish standards for those who administer such power. Accordingly, legislative power to...	2019	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	139. Am. Jur. 2d Automobiles and Highway Traffic s 103, § 103. Application for, and issuance or refusal of, license Am. Jur. 2d Automobiles and Highway Traffic In order to procure a driver's license, a person needs to meet statutory requirements, such as filing an application with designated officials and paying a specified fee. Under...	2019	Other Secondary Source	—	—
—	140. Am. Jur. 2d Constitutional Law s 316, § 316. Limitations on rule; permissible delegation Am. Jur. 2d Constitutional Law The general rule barring delegation of legislative powers is subject to several recognized limitations or exceptions. Thus, the rule does not bar Congress or other legislatures...	2019	Other Secondary Source	—	—
—	141. Am. Jur. 2d Highways, Streets, and Bridges s 144, § 144. Use of highways, generally Am. Jur. 2d Highways, Streets, and Bridges Streets and highways are established and maintained primarily for purposes of travel by the public, and incidental uses. Although the use of highways for purposes of travel and...	2019	Other Secondary Source	—	8 S.E.
—	142. Am. Jur. 2d Highways, Streets, and Bridges s 145, § 145. Right of all to use Am. Jur. 2d Highways, Streets, and Bridges The public are entitled to a free passage along the highway. The existence of a public highway creates a public easement of travel, which permits the general traveling public to...	2019	Other Secondary Source	—	—
—	143. Am. Jur. 2d Highways, Streets, and Bridges s 152, § 152. Regulation and control of highways, generally Am. Jur. 2d Highways, Streets, and Bridges The management and control of highways and streets involve the exercise of legislative and administrative functions, which courts will not assume. The legislature, as...	2019	Other Secondary Source	—	2 S.E.
—	144. Am. Jur. 2d Highways, Streets, and Bridges s 154, § 154. Delegation of power to administrative officers Am. Jur. 2d Highways, Streets, and Bridges Legislative power to promulgate regulations relating to the use of streets may not be delegated to ministerial officers, to be exercised in their uncontrolled discretion, but...	2019	Other Secondary Source	—	—
—	145. Am. Jur. 2d Highways, Streets, and Bridges s 155, § 155. Surrender of powers Am. Jur. 2d Highways, Streets, and Bridges Government power to control and regulate the use of highways in the public interest may not be surrendered or impaired by contract, particularly where municipalities are involved,...	2019	Other Secondary Source	—	2 S.E.

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—	146. Am. Jur. 2d Highways, Streets, and Bridges s 156, § 156. Validity of regulations Am. Jur. 2d Highways, Streets, and Bridges In addition to the requirement that regulations governing the use of highways must be constitutional, they must be reasonable and impartial. However, exact precision is not...	2019	Other Secondary Source	—	—
—	147. Am. Jur. 2d Highways, Streets, and Bridges s 157, § 157. Validity of regulations—Discrimination; classification Am. Jur. 2d Highways, Streets, and Bridges Regulations pertaining to the use of highways and streets must not unjustly discriminate between individuals or classes. Reasonable classifications will be upheld. A classification...	2019	Other Secondary Source	—	—
—	148. Am. Jur. 2d Highways, Streets, and Bridges s 163, § 163. Local authority over use of highways, generally Am. Jur. 2d Highways, Streets, and Bridges Frequently, the legislature gives municipal corporations exclusive control over all the streets, alleys, and other public ways within their borders. The power of a municipality to...	2019	Other Secondary Source	—	2 S.E.
—	149. Am. Jur. 2d Injunctions s 29, § 29. Adequacy of mandamus Am. Jur. 2d Injunctions In application of the principle that equity will not grant an injunction where there is an adequate remedy at law, an action for an injunction cannot be successfully maintained if...	2019	Other Secondary Source	—	—
—	150. Am. Jur. 2d Licenses and Permits s 36, § 36. Need for guidelines Am. Jur. 2d Licenses and Permits Although discretionary power may be delegated by the legislature to a licensing authority, it is essential that reasonable guidelines be provided. The courts will generally strike...	2019	Other Secondary Source	—	—
—	151. Am. Jur. 2d Licenses and Permits s 37, § 37. Need for guidelines—Power to determine qualifications Am. Jur. 2d Licenses and Permits To the extent that an ordinance sets forth adequate criteria for granting a license, which preserves the legislative grant of discretion through written criteria that adequately...	2019	Other Secondary Source	—	—
—	152. Am. Jur. 2d Licenses and Permits s 57, § 57. Need for guidelines in delegation of power to suspend or revoke license Am. Jur. 2d Licenses and Permits The general principles governing the delegation, to administrative agencies and officers, of authority to grant and refuse licenses are commonly applied to matters concerned with...	2019	Other Secondary Source	—	—

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—	153. CJS Injunctions s 226, § 226. When injunction not available CJS Injunctions On the other hand, a court of equity will not interfere with the exercise of discretionary powers on the part of a municipal corporation or its officers as long as the limits of...	2019	Other Secondary Source	—	—
—	154. CJS Motor Vehicles s 323, § 323. Municipality CJS Motor Vehicles Within constitutional limits, the state legislature may, in whole or in part, delegate the power to license operators of motor vehicles to municipalities. The municipalities may...	2019	Other Secondary Source	—	—
—	155. CJS Motor Vehicles s 332, § 332. Prescribed by municipalities CJS Motor Vehicles A municipality, in the interest of public safety, may inquire into, and decide on, the qualifications and fitness of persons desiring to act as drivers of motor vehicles for hire...	2019	Other Secondary Source	—	—
—	156. CJS Motor Vehicles s 468, § 468. Generally CJS Motor Vehicles Once driving privileges are revoked, their restoration is not automatic. Before a licensee can be allowed to operate a motor vehicle in the jurisdiction after a suspension or...	2019	Other Secondary Source	—	—
—	157. CJS Municipal Corporations s 207, § 207. Delegation of power—Ministerial, executive, or administrative powers CJS Municipal Corporations The general rule against the delegation of power does not forbid the delegation of ministerial, executive, or administrative functions to subordinate officials. While it has been...	2019	Other Secondary Source	—	12 S.E.
—	158. CJS Municipal Corporations s 1949, § 1949. Regulation of use by municipal corporation—Limitation on municipal regulation CJS Municipal Corporations A municipality, in regulating the right to travel on its streets, may not unreasonably or arbitrarily prohibit or restrict it or deprive the public of the right to use the streets...	2019	Other Secondary Source	—	9 S.E.
—	159. THE CONVENIENCE OF THE GUILLOTINE?: VIDEO PROCEEDINGS IN FEDERAL PROSECUTIONS 80 Denv. U. L. Rev. 63 , 71+ L1-4,T4Introduction 64 I. L2-4,T4Benefits and Costs Associated with Video Proceedings 65 A. L3-4,T4Potential Increases in Institutional Economy, Safety, and Convenience 65. B...	2002	Law Review	—	11 S.E.

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—	160. ACCESS TO THE AIRWAYS AFTER SEPTEMBER 11: DO AVIATION BUSINESSES DEVASTATED BY THE RESTRICTIONS HAVE A FIFTH AMENDMENT REMEDY? 30 Hastings Const. L.Q. 173 , 195+ The attacks of September 11, 2001 evoked a sense of panic throughout aviation. This use of our own commercial aircraft was the first direct assault on our nation's airspace...	2002	Law Review	—	6 S.E.
—	161. A LEGAL RESPONSE TO THE SOVEREIGN CITIZEN MOVEMENT 80 Mont. L. Rev. 153 , 169+ "A little knowledge is a dangerous thing. It may also prove costly." In early 2016, armed antigovernment protesters led by Ammon Bundy occupied the Malheur National Wildlife...	2019	Law Review	—	6 8 S.E.
—	162. STATE CONSTITUTIONAL LAW IN THE NEW DEAL PERIOD 67 Rutgers U. L. Rev. 1141 , 1167 ABSTRACT: The 1930s is generally understood to be a period of constitutional revolution in the United States, with a restrictive conservative U.S. Supreme Court giving way to a...	2015	Law Review	—	—
—	163. ADMINISTRATIVE LAW-EQUITY-INJUNCTION AGAINST ADMINISTRATIVE BOARDS 16 Tex. L. Rev. 257 , 257 The State Board of Barber Examiners gave the plaintiff notice of a hearing in which he was to show cause why his certificate of registration to practice barbering should not be...	1938	Law Review	—	—
—	164. MARSHALL V. NORTHERN VIRGINIA TRANSPORTATION AUTHORITY: THE SUPREME COURT OF VIRGINIA RULES THAT TAXES CAN BE IMPOSED BY ELECTED BODIES ONLY 43 U. Rich. L. Rev. 51 , 72 On February 29, 2008, by a unanimous vote in Marshall v. Northern Virginia Transportation Authority, the Supreme Court of Virginia invalidated the provisions of the omnibus...	2008	Law Review	—	—
—	165. GUARDING THE GUARDIANS: JUDGES' RIGHTS AND VIRGINIA'S JUDICIAL INQUIRY AND REVIEW COMMISSION 43 U. Rich. L. Rev. 473 , 522 "Quis custodiet ipsos custodes" The headline read, "Pants-Dropping, Coin-Flipping Incidents Cost Virginia Judge His Job." From the small town of Wise, Virginia, across the...	2008	Law Review	—	11 S.E.
—	166. EQUITABLE JURISDICTION TO PROTECT MEMBERSHIP IN A VOLUNTARY ASSOCIATION 58 Yale L.J. 999 , 1006 While voluntary associations can settle most of their own problems privately, their internal affairs, like those of any organization, cannot be completely immune to judicial...	1949	Law Review	—	—

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—	167. EXCLUSION OF NEGROES FROM STATE SUPPORTED PROFESSIONAL SCHOOLS 45 Yale L.J. 1296 , 1301+ A Negro citizen of Maryland, admittedly qualified, was refused admission to the Law School of the University of Maryland, the only publicly supported law school in the state, on...	1936	Law Review	—	—
—	168. P 14,476 VOLKSWAGEN OF AMERICA, INC. V. DEMERST B. SMIT, COMMISSIONER OF THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES, ET AL. Volkswagen of America, Inc. v. Demerst B. Smit, Commissioner of the Virginia Department of Motor Vehicles, et al. ¶ 14,476. Supreme Court of Virginia. Case No. 082305.279 Va 327,...	2010	Other Secondary Source	—	11 13 S.E.
—	169. P 30,535 THERON J. BELL, COMMISSIONER OF LABOR V. DOREY ELECTRIC CO. Employment Safety & Health Guide Theron J. Bell, Commissioner of Labor v. Dorey Electric Co. ¶ 30,535. Supreme Court of Virginia Docket No. 931632 September 16, 1994 Guilford D. Ware and Martha M. Poindexter for the...	1994	Other Secondary Source	—	—

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Cited	 1. Block v. City of Chicago 87 N.E. 1011, Ill., 1909 Error to Superior Court, Cook County; Farline Q. Ball, Judge. Bill by Jake Block and others to enjoin the City of Chicago from enforcing an ordinance. Decree of dismissal, and...	Case			584+
Cited	2. Bristol Door & Lumber Co. v. City of Bristol 33 S.E. 588, Va., 1899 Appeal from corporation court of city of Bristol. Suit by the Bristol Door & Lumber Company against the city of Bristol to restrain abatement of an alleged nuisance. From a decree...	Case			586
Distinguished	 3. Brown v. Stubbs 97 A. 227, Md., 1916 Appeal from Superior Court of Baltimore City; John J. Dobler, Judge. Petition for mandamus by Ambrose S. Brown against Clarence E. Stubbs, Inspector of Buildings. From an order...	Case			583
Cited	4. City of Chicago v. Marriotto 163 N.E. 369, Ill., 1928 Olinto Marriotto was convicted for violation of a traffic ordinance of the City of Chicago, and he appeals. Affirmed.	Case		”	585
Mentioned	5. City of Roanoke v. Bolling 43 S.E. 343, Va., 1903 Appeal from circuit court of city of Roanoke. Action by Bartlett Bolling against the city of Roanoke and another. From a judgment in favor of plaintiff, defendants appeal....	Case			586
Distinguished	 6. City of St. Joseph v. Levin 31 S.W. 101, Mo., 1895 Appeal from criminal court, Buchanan county; Silas Woodson, Judge. A. J. Levin appeals from a judgment of the criminal court affirming a conviction by a police court for violating...	Case			583
Cited	 7. Coal & Coke Ry. Co. v. Conley 67 S.E. 613, W.Va., 1910 Appeal from Circuit Court, Kanawha County. Bill by the Coal & Coke Railway Company against William G. Conley and S. B. Avis. Decree for complainant, and defendants appeal. Reversed...	Case			586
Mentioned	 8. Ex parte Dickey 85 S.E. 781, W.Va., 1915 Original proceedings for habeas corpus by M. T. Dickey against Sam Davis, Chief of Police. Writ refused.	Case			583

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Cited	9. Ex parte Whitley 77 P. 879, Cal., 1904 In bank. Application for writ of habeas corpus by C. H. Whitley against George Wittman, chief of police of the city and county of San Francisco. Writ dismissed.	Case			585
Cited	10. Forman v. State Board of Health 162 S.W. 796, Ky., 1914 Appeal from Circuit Court, Jefferson County, Chancery Branch, Second Division. Suit by George W. Forman against the State Board of Health. Judgment for defendant, and plaintiff...	Case		”	585
Mentioned	11. Generic Investigation on the Commission's Own Motion Whether or Not to Implement Elec. and Natural Gas Utility Lifeline Rates 1981 WL 721502, Wis.P.S.C., 1981 were ordered to submit electric and natural gas information by February 1, 1980 related to the following: (i) other residential customers (ii) reduced earnings (iii) other...	Administrative Decision & Guidance			585
Mentioned	12. Hadfield v. Lundin 168 P. 516, Wash., 1917 En Banc. Appeal from Superior Court, King County; Mitchell Gilliam, Judge. Action by Earl Hadfield in his own behalf, and in behalf of others similarly situated, against Alfred H...	Case			583
Cited	13. Hall v. Geiger-Jones Co. 37 S.Ct. 217, U.S.Ohio, 1917 THREE APPEALS from the District Court of the United States for the Southern District of Ohio to review decrees enjoining the enforcement of the so-called 'Blue Sky' law of that...	Case			585
Discussed	14. Mutual Film Corp. v. Industrial Commission of Ohio 35 S.Ct. 387, U.S.Ohio, 1915 APPEAL from the District Court of the United States for the Northern District of Ohio to review a decree refusing to restrain the enforcement of a state statute for the censorship...	Case		”	584+
Cited	15. Parrish v. City of Richmond 89 S.E. 102, Va., 1916 Appeal from Hustings Court of Richmond. Suit by Parrish and others against the City of Richmond. From a decree for defendant, complainants appeal. Reversed and rendered.	Case			586

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Distinguished	 16. State v. Gray 22 A. 675, Conn., 1891 Appeal from court of common pleas, New London county; CRUMP, Judge. Mason P. Gray, a druggist, having been convicted for unlawfully keeping for sale and selling spirituous and...	Case			583
Distinguished	 17. State v. Montgomery 59 So. 294, Ala., 1912 Appeal from Circuit Court, Montgomery County; W. W. Pearson, Judge. Quo warranto by the State, on the relation of W. B. Crumpton, against Arthur H. Montgomery and others as Excise...	Case			583
Cited	 18. State v. Superior Court of Pierce County 193 P. 845, Wash., 1920 Department 1. Petition for writ of certiorari by the State, on the relation of Tom Makris, against the Superior Court of Pierce County. Judgment of the superior court denying...	Case			583+
Distinguished	 19. Taylor v. Smith 124 S.E. 259, Va., 1924 Error to Corporation Court of Roanoke. Mandamus by R. C. Smith against one Taylor, Superintendent of Police of the City of Roanoke. Judgment for plaintiff, and defendant brings...	Case			583+
Cited	20. Washington, A. & Mt. V. Ry. Co. v. City Council of Alexandria 36 S.E. 385, Va., 1900 Appeal from circuit court of city of Alexandria. Mandamus by the city council of Alexandria against the Washington, Alexandria & Mt. Vernon Railway Company to compel compliance...	Case			583
Cited	21. Yee Bow v. City of Cleveland 124 N.E. 132, Ohio, 1919 Error to Court of Appeals, Cuyahoga County. Petition by Yee Bow against the City of Cleveland and others to restrain the enforcement of a city ordinance. A general demurrer was...	Case			584+

History

There are no History results for this citation.

Filings

There are no Filings for this citation.