

the bicycle had wheels did not make it a carriage any more than it did a wheelbarrow or roller-skates. The Courts, however, held that the words "any sort of carriage" were broad enough to include the bicycle, and that the person propelling a bicycle drives it as much as one drives a horse or as an engineer drives an engine for he controls its course and regulates its speed.

The anomalous character of the bicycle and its use, however, necessitates some slight variations in applying the law of carriages and vehicles to it, and it seems that the wheelman in riding the road partakes somewhat of the nature of a horseman and to some extent reaps the benefits and disadvantages of the immemorial usages and customs applicable to him. For instance, it seems that there is no law requiring a horseman to turn to the right. The rule seems to be that a man on horseback should be governed rather by his notions of prudence, and should be required to consider somewhat the convenience of vehicles which he meets, depending upon their character. A horseman should yield the travelled track to a vehicle, particularly if it is heavily laden, where he can do so without peril. The facts that bicycles and horses can pass along a track much narrower than that required for carriages, and that they also occupy much less space in length, are of weight in determining the duty of the wheelman or rider. So, too, is the fact that his control is more absolute than that of the driver of horses attached to carriages. A bicyclist, however, cannot be forced to ride his machine on dangerous ground, and the cardinal rule, subject to the above

considerations, is: "Keep to the right."

In general terms the law of the bicycle may be summed up in the following paragraphs:

All persons have a right to use a public highway in the ordinary manner in safety, and municipal corporations or cities are liable to bicyclists for injuries incurred by reason of defective roads, provided they are not guilty of contributory negligence. But a municipal corporation is not an insurer, and all that is required of it is that it shall use reasonable diligence to keep the highway in reasonably good condition for safe travel by the ordinary means of vehicles in general. But the corporation is under no special obligation to wheelmen, and an obstruction or defect which will cause an injury to a wheel or its rider, will not sustain an action unless it is also sufficient to operate as a defect with relation to vehicles in general. Thus, a stone might be disastrous to a bicycle and still have no effect upon a carriage, and in such case the wheelman would probably have no action.

The driver or owner of a vehicle who wilfully or negligently causes a collision or damages a bicycle while left standing by the street curb or roadside, would be liable for the injury; but it is the duty of a wheelman to avert collision if possible, and he cannot recover damages unless he himself was free from contributory negligence in permitting the collision or the injury complained of.

A person injured while committing an illegal act cannot recover therefor; so in States having Sunday laws, a wheelman riding on Sunday for business or pleasure cannot recover damages if injured.