

imposed must be higher. But a little consideration will shew that this conclusion by no means follows as a matter of course. On the one hand it is undeniable that defects which are quite innocuous to a horse-drawn vehicle are often such as to be exceedingly dangerous to a cycle. But, on the other hand, it is equally undeniable that, in fixing the measure of care incumbent upon the road-officers, it would be unjust not to give them the benefit of such inferences as may reasonably be drawn from the fact that a cycle occupies a much smaller space and can be turned in any direction much more readily than other vehicles. It is impossible to contend with any shew of reason that the formulation of an absolutely rigid doctrine which would bind such officials to provide a roadway which should be safe for a vehicle the construction of which renders it peculiarly susceptible of injury is logically defensible, when a comparison of the same vehicle with others also shews that, owing to its compactness and mobility, its rider is often much more favourably situated than the drivers of those vehicles for avoiding a dangerous place.

The practical difficulties raised by these opposing considerations are extremely embarrassing. On the one hand, it is clear that the effect of fixing the attention too exclusively on the greater fragility and instability of the cycle will be, in most instances, to lay upon highway officials a far higher standard of care than they are now obliged to satisfy, and that an enormous additional expenditure of money would be required if every public highway is to be maintained in such a condition that a cyclist might always rely on escaping injury while holding as straight a course and exercising no greater vigilance than the driver of a horse-drawn vehicle commonly exercises. On the other hand, if an exaggerated importance should be ascribed to the small size of the cycle and its capacity for being readily guided, there will be no little danger of drifting towards a doctrine which would virtually make a cyclist the insurer of his own safety. The only course, therefore, which would seem to be open at present, in cases involving the question under discussion, is to leave the jury to settle the liability of the highway officials under instructions which will indicate clearly the various considerations which enure to the advantage or disadvantage of the cyclist, as contrasted with other travellers. (d)

(d) That this is conformable to the ordinary practice in the case of ordinary vehicles need scarcely be said. It must be a question of fact altogether for the