

other persons. Hence, in the absence of any apparent reason for supposing that the sight of his wheel will frighten the horses of a carriage which he sees approaching, a bicyclist lawfully travelling in the ordinary manner along a public highway, cannot be charged with negligence because he does not stop and inquire whether the horses will be frightened, or because he does not anticipate the contingency of their taking fright. (q)

Similarly, and in reliance upon the same principle, it has been held that a complaint is demurrable which simply alleges that the defendant rode his bicycle in the centre of the road, at the rate of fifteen miles an hour, to and within twenty-five feet of the heads of the horses driven by the plaintiff, the consequence being that they took fright and ran away and upset the plaintiff's carriage. (r)

(d) *Duty of bicyclists to carry bells and lamps.*—Upon general principles it would seem that, where there is no statute or ordinance prescribing the use of bells and lights, the omission of a cyclist to carry them is, in case of a collision, some evidence, at least, of negligence, the inference of a want of care being more or less peremptory according to the circumstances, such as the degree of obscurity, the number of foot passengers likely to be met upon the highway, and so forth. The Supreme Court of Iowa has recently laid it down, in a case where the bicyclist was injured through a collision with a bicycle, that "a person who rides a bicycle without a light or other signal of warning in a public thoroughfare, when he is liable to meet moving vehicles or pedestrians, at a time when objects can be discerned readily at a distance of but a few feet is, as matter of law, guilty of negligence." (s)

Section 85 of the English Local Government Act of 1888, declaring that a bicycle is a carriage within the Highway Acts, and subjecting to a penalty persons who ride a bicycle without a light at certain hours, merely has the effect of making the offences created by the Highway Acts susceptible of being committed by bicyclists as well as the drivers of other vehicles. It does not operate so as to bring the new offence of omitting to carry a light within the purview of the clauses in the earlier statutes which give

(q) *Thompson v. Dodge* (1894) 58 Minn. 555; 28 L.R.A. 608. But by the Virginia Laws, 1896, the obligation is imposed upon bicyclists of dismounting if an approaching team appears to be frightened.

(r) *Holland v. Bartch* (1889) 120 Ind. 46.

(s) *Cook v. Fogarty* (1897) 72 N.W. 677; 39 L.R.A. 488.