son, even on Deacon's own shewing, could not be taken as authorising the making of the contracts in the names of these companies. That was not the true effect of the evidence. What was intended by the use of the forms was, that the contracts should be made in the names of these companies.

CAMPEAU v. MAHAFFEY—KELLY, J.—JAN. 17.

Negligence—Collision of Bicycle with Motor Vehicle on Pier—Injury to Bicyclist—Fault of Bicyclist—Rule of Road—Highway—Motor Vehicles Act, sec. 23—Evidence—Onus—Findings of Trial Judge.]—Action for damages for injury to the plaintiff and destruction of his bicycle in a collision with the defendant's motor vehicle, caused, as the plaintiff alleged, by the reckless and negligent driving of the defendant's vehicle. The action was tried without a jury at Welland. KELLY, J., in a written judgment, said that the collision occurred on the concrete pavement of a pier leading to an elevator. The plaintiff, who was a workman in this elevator, was riding northerly on his bicycle on the westerly side of this concrete pavement—the side on which he would reasonably expect to meet any southbound traffic. He said that the most westerly portion of the pavement was used by pedestrians and bicyclists. The defendant was proceeding southerly in his vehicle, on the westerly part of the pavement—following the recognised rule of the road. If the plaintiff and others, pedestrians and bicyclists, used the westerly portion of the pavement when travelling northward, there was nothing to indicate that the defendant knew that there was such a practice or that he had any reason to expect to meet, on that side, north-bound traffic. Travelling northerly was a motor truck carrying several men. The plaintiff was following the truck. The truck was travelling in a direction which necessitated the defendant keeping well over on the westerly side of the pavement. The plaintiff said that he saw the defendant coming when he was about 100 yards distant from him. The defendant, thus pressed by the position of the truck, was suddenly confronted with the plaintiff's approach; he promptly slowed down, and had come to a standstill when the plaintiff's bicycle struck the car. The plaintiff took his chances and was alone responsible for what happened. The defendant made the most of the difficult situation which suddenly confronted him while he was proceeding on the proper side of the pavement. It was argued that the pavement was on a highway within the meaning of the Motor Vehicles Act. There was no evidence of this; but,