

Where the statute prescribing what side of the road shall be taken by vehicles cannot be construed so as to cover bicycles, the question whether the driver of a freight wagon shall turn to the right when meeting a bicyclist is one to be determined with reference to the consideration whether it is reasonably necessary, and this depends solely on what should be conduct in such a case of a driver of ordinary skill and prudence. The driver of such a wagon, therefore, who takes the wrong side of a road, preparatory to stopping at a house, is not bound to exercise the highest degree of care, but merely ordinary and reasonable care, to avoid collision with a bicyclist coming in the opposite direction. On the other hand, the fact that there is no statute defining the duties of the parties prevents the bicyclist from asserting that he has any absolute right to pass between the wagon and the curb on his own side of the street, or to assume that the driver will turn out for him towards the other side. (n)

The negligence of the bicyclist himself has been held to be the proximate cause of a collision with a wagon, where the evidence shewed that he undertook to ride through a space of three or four feet between that wagon and another which it was passing, rather than turn to the left and ride over a strip of road covered with fresh laid macadam, although it also appeared that the accident would probably not have happened if the defendant, noticing what the bicyclist was trying to do had not pulled his horse to the left so as to give more room, the first effect of the movement being that the space between the wagons was somewhat narrowed. (o)

One who drives so recklessly as to run into a bicyclist going in the same direction and injure him and his bicycle may be convicted of assault. (p)

(c) *Liability for frightening horses (Compare also sec. 2, ante).—*

In cases where a bicyclist is charged with negligently frightening horses by the use of his wheel, his responsibility is measured by the general principle that a person cannot be made to suffer for his acts, unless they were done in such a manner and at such a time as to shew that he was acting in disregard of the rights of

(n) *Peltier v. Bradley & Co.* (1895) 67 Conn. 42; 32 L.R.A. 651.

(o) *Rolland v. Dawes* (1898) 13 Que. Rep. Jud. 52.

(p) *Comm v. Dooley* (Penna. C.P.) 6 Pa. Dist. Rep. 381.