10. Injuries to bicycles left standing in streets—It is not negligence for the owner of a bicycle to leave it standing in a driveway alongside a curbstone, placed in a proper manner so as not to interfere unduly with the rights of others, and the driver of a wagon who negligently runs it against a bicycle so placed must respond in damages for the injury. (*a*)

Whether a bicyclist who leaves his wheel standing against the curbstone in front of a wagon is negligent in failing to ascertain whether the horse was unattended and unfastened is a question of fact for the jury. (*b*)

11. Payment of tolls, liability of cycles to—Whether tolls can be exacted from wheelmen is, of course, a question which must be determined, as a matter of construction, from the provisions of the statute which in the given case creates the right to collect the tolls. Upon the whole the inclination of the Courts is against extending the operation of such statutes to cycles, and very properly so, for it is obvious that the cost of maintaining a roadway is not increased in any appreciable degree by their passage. Thus a Turnpike Act, which contains one provision allowing the collection of a toll of a certain amount for horses or other beasts drawing various kinds of carriages, cycles not being included, and the specific enumeration being followed by the words "or other such carriage," and also another provision allowing the collection of a toll of different amount for "every carriage of whatever description, ... drawn or impelled, or set, or kept in motion by steam, or other power or agency than being drawn by any horse, etc.," does not authorize the collection of a toll on a bicycle, as it is presumed that the carriages referred to in the second provision must be car-

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that he was not paying proper heed to his safety, and that this knowledge was obtained soon enough to have enabled him to slacken speed sufficiently to have prevented a collision. The majority of the Court also held that contributory negligence was conclusively established by the evidence, the duty of a wheelman under such circumstances being to keep his faculties of sight and hearing on the alert for the purpose of ascertaining whether he is in danger of a collision.

(*a*) *Lindsay* v. *Winn* (Penna. C.P.), 3 Pa. Distr. Rep. 811: *Lacy* v. *Winn* (Penna. C.P.), 4 Pa. Distr. Rep. 409. In the latter case the trial judge said in his charge: "The defendant had no more right to drive into the bicycle there than he would have a right to drive over another man's wagon standing there."

(*b*) *Wagner* v. *New York, &c., Co.* (N.Y. Supr. Ct., 1897) 46 N.Y. Supp. 939, where a finding of the jury that the driver of the wagon was bound to indemnify the owner of the bicycle was held to be sufficiently supported by evidence, that his horse, being thus left unattended and unfastened, started forward of its own accord and drew the wagon against the bicycle.