So also the fact that the driver of a vehicle does not turn to the right as he approaches a bicyclist riding in the opposite direction is prima facie evidence of negligence. (*h*)

The extent to which a bicyclist meeting a horse-drawn vehicle is entitled to rely upon its driver's observance of the rules of the road is a question which must be determined by the special facts of each case. On the one hand there is no difficulty in admitting that, if the circumstances shew positive heedlessness on the part of a bicyclist who rides into the pole of a wagon, it is immaterial whether the wagon was or was not on the proper side of the road. (*i*)

So, too, there is no reason why bicycles should not, in a general sense, be regarded as within the scope of the doctrine laid down in an American case, that, "while a statute may prescribe general rules as to the use of the road, it does not undertake to define what may be the duties and liabilities of travellers under all possible circumstances, and that a man may not remain stubbornly and doggedly upon the right side of the travelled part of the highway, and wantonly produce a collision which a slight change of position would have avoided." (*j*) But it is sufficiently obvious that a rigid application of this doctrine might easily be productive of great injustice to wheelmen. In cases where it becomes necessary to determine the relative culpability of bicyclists and the drivers of horse-drawn vehicles, the fact that the manner in which the latter will commonly act, when an emergency presents itself, must be largely influenced by the fact that, if a collision does take place, the bicyclist will certainly be the principal, if not the only sufferer.

(*h*) *Cook* v. *Fogarty* (Iowa Sup. Ct. 1897) 72 N.W. 677; 39 L.R.A. 488. A declaration which alleges that the plaintiff, while riding his bicycle along a certain street, in the exercise of due care, was run over by the defendant's horse and carriage, negligently driven by a servant of the defendant while acting in the scope of his employment, and was severely injured and his bicycle demolished, is not demurable, where the grounds assigned for the demurrer are merely that it neither avers specifically that the injuries were incurred by reason of any fault or negligence of the defendant; nor that the alleged servant of the defendant was engaged at the time on the defendant's business; and that, if it states any cause of action, it joins in one count two separate causes of action, viz., the injury to the rider and to the bicycle: *Braithwaite* v. *Hall* (1897) 168 Mass. 38.

(*i*) *Rowland* v. *Wanamaker* (Penna. C.P., 1897) 7 Pa. Distr. Rep., 249.

(*j*) *O'Malley* v. *Dorn* (1859), 7 Wis. 236, holding that an instruction implying that, if a vehicle had been driven to the right-hand side of the travelled strip of the highway, at the time it came into collision with another, the driver was necessarily free from negligence, is rightly refused.