of their journey, for health, recreation or locomotion. A bicycle is in fact one of those things which a traveller takes with him for his own personal use or convenience, according to the habits or wants of the particular class to which he belongs, either with reference to the immediate necessities or to the ultimate purposes of the journey.

FUNCTIONS OF JUDGE AND JURY IN NEGLIGENCE ACTIONS.

Owing to some conflict of judicial opinion, and the tendency towards dicta in negligence actions, solicitors as well as counsel experience grave difficulty in advising on the rights of plaintiffs, and the chances of reaching a jury. One might naturally suppose that some well defined rule could be adopted which would govern all cases, but (doubtless due to the fact that because in no two cases are the circumstances exactly alike), it is clear that such a rule could not reasonably be universal in its application. Lately, judges are coming more closely together in their rulings as to what cases shall and what shall not go to a jury, and it is with a view of ascertaining the general principle which brings this about, that this article is written. A plain statement will be more useful than a technical discussion, and in order to arrive at a practical conclusion, the simplest method will be adopted.

In any action of negligence, it must be apparent on the authorities that it is the province of the judge to determine at the close of the plaintiffs' case, whether or not there is any evidence of negligence on the part of the defendant. If there is none, in his opinion, the same rule which applies to all cases must apply, and a non-suit will be ordered. If, in his view of the facts, there is some evidence of negligence, the case goes to the jury, limited by the consideration as to whether such negligence was the cause of the injury complained of. In other words, the negligence of the defendant must be relevant to and connected with the issue. This is the elementary stage.

Then comes the second question : Was the plaintiff him-