

two that it was going "very fast." The defendant himself said he had been going about twenty miles an hour, but reduced speed slightly before passing the first bicyclist. Another witness, who was travelling in the car, said they had been going about twenty-five miles an hour, but had reduced speed.

As to the position of the parties at the moment of impact there was also a very significant conflict of evidence. The surviving bicyclist swore that when the car passed him he had already dismounted, and was standing on the footpath on his proper side of the road. He was supported in this by another witness, who was on the same path as the bicyclist, and saw the accident. He declared that when the motor-car struck the deceased man and his bicycle both bicyclists were standing on the footpath by their bicycles. Another witness who was very close, in a carriage attached to the front of the motor-cycle, described the motor-car as striking the second bicyclist while still on his machine, and throwing him into the air. The defendant's counsel seems to have adopted this theory, and in cross-examining the survivor, Sayer, got him to admit that he dismounted somewhat suddenly, without giving his companion, who was close behind him, any warning, the suggestion being that the deceased when struck was swerving out towards the middle of the road. The defendant himself, however, appears to have failed to appreciate his counsel's line of defence. His version was that both bicyclists were riding, and that there was plenty of room to pass; he could not account for the accident. The Judge in summing up explained the Motor-Car Act of 1903 as meaning not that a speed of twenty miles an hour was allowed in all cases and everywhere, but that it was never to be exceeded, while in some places and on some occasions even seven miles an hour might be excessive; it might be the duty of the driver to proceed with great caution, or even to stop. He then, upon a verdict of *guilty* being returned, sentenced the defendant to six months' imprisonment, a serious but not a severe punishment.