

common use. Roads must necessarily be improved to meet the demands of modern traffic and modern vehicles. Now that the bicycle has come to stay and is a recognized means of transit, its use being controlled by municipal by-laws in many places, it is not unreasonable that roads should be made so reasonably safe as to meet its requirements. That this is well settled law is sufficiently clear from the case of *O'Connor v. Otonabee*, 35 Q.B., p. 88, where the words of the judgment are, "The road that will do because it must do, and is the only road that can be given in a new country, will not answer in an older and better settled place; and the road that will do there may not be sufficient in a wealthier and more travelled section; and a road that will do in one part of a city may not do in the main or principal streets of the same city. . . . The only rule that can be given is that the public are entitled to have, and the body having jurisdiction are required to provide, such a road which, under all the circumstances, the public may reasonably demand, etc."

There is another feature of the case which should not be overlooked. When a person sees before him, and is using for lawful purposes, a stretch of asphalt pavement, surely he may assume that all parts of that pavement are in proper repair, and that each part is in a condition equally good with that in which asphalt pavements are elsewhere generally found.

In a case in the United States it was said that "a highway established for the general benefit of passage and traffic must admit of new methods of use whenever it is found that the general benefit requires them; and if the law should preclude the adaptation of the use to the new methods, it would defeat, in greater or less degree, the purpose for which highways are established."

The decision in this case is of great importance to all wheelmen, and this being the first time, we believe, that the point has come up, it is to be regretted that the fiat of the Attorney-General has not been obtained in order to make it a test case, the amount involved being insufficient to allow an appeal in the usual way.