

recovering damages from the parties responsible for the condition of the highway for injuries received through the overturning of his vehicle by an obstruction negligently left on the road. (*g*)

7. Special enactments for the protection and convenience of cyclists—In one State an attempt has recently been made to check, by a penal statute, the detestable practice of dropping upon highways substances calculated to injure cycles, (*a*) and it is to be hoped that all legislatures will shortly recognize the futility of leaving a person who suffers from malicious acts of this sort to exact satisfaction by a civil action.

The fact that, in some places, legislative bodies are even willing to accord special privileges to bicycles, as against other vehicles, is a very significant token of the change which, as already remarked (sec. 2, *ante*), public opinion has undergone in regard to their position among the appliances of transportation. For example, the Ontario Municipal Act, sec. 640 (Rev. Stat. Ont., p. 2633), empowers municipal councils to set apart for the exclusive use of bicyclists a portion of the highway, which cannot thereafter be used by riders of horses or drivers of vehicles drawn by horses without incurring a certain penalty.

8. Injuries to cyclists at railway crossings—When approaching a railway track a bicyclist must dismount, or at least bring his wheel to such a stop as will enable him to look up and down the track and listen, in the manner required of a pedestrian. What may be called a "bicyclist's stop," viz., circling a wheel round and round at a distance of five or ten yards from the track, is not a sufficient compliance with the requirements of the law under such circumstances, a full stop being demanded not merely to the end that he may have time and opportunity for observation, but in order that undivided attention may be secured. (*a*)

(*g*) *Gale v. Lisbon* (1872) 52 N.H. 174.

(*a*) See N.Y. Laws (1896) c. 333, p. 273.

(*a*) *Robertson v. Penna R. Co.* (1897) 180 Pa. 43. Here the bicyclist had waited, without dismounting, for one train to pass, and while on the crossing was caught by another, the evidence being that there was a space of seven feet clear between the nearest track and the adjacent building which intercepted his view of the approaching train.