

ahead of Job. When they got to the top of the bridge Sayer saw a motor-cycle coming towards them on its proper side. He and Job were going at a speed of seven or eight miles an hour. He then saw a motor-car (which was being driven by the defendant) about 200 yards away coming towards them very fast. When he (Sayer) was at the bottom of the decline leading from the top of the bridge he saw that the motor-car was gradually coming out towards its off-side so as to pass the motor-cycle. The road at this point rose in each direction, so that the motor-car was coming down a decline. Sayer thereupon got off his bicycle and stood on the footpath on his proper side of the road. When the motor-car got near it swerved out towards him and passed him at a distance of about 18 in., and he turned round and saw Job lying about ten yards behind him with his face on the road and his feet on the footpath, having been struck by the motor-car. The motor-car stopped a few yards on the other side of the bridge, and the defendant, who was driving the car, and the occupants thereof, a lady and a gentleman, came back to the scene of the accident.

The medical evidence was that Job was brought to the hospital suffering from a compound fracture of the left leg and a fracture at the base of the skull. He never regained consciousness, and died on April 8 at 10.30 A.M.

The case for the defence was that the accident was caused by the first bicyclist jumping quickly off his machine without giving Job, who was only a few feet behind him, any warning, thereby compelling him to swerve out towards the middle of the road and thus come in contact with the motor-car, and that the speed of the motor-car, even if it was excessive, which was denied, was not the cause of the accident.

The remainder of the evidence, which was decidedly interesting from our present point of view, may be summarised as follows: First, as to pace. An expert described the motor-car as a 20-h.p. car, weighing one ton, and capable when new of going forty miles an hour on the level. In answer to the Judge, who asked the often heard question why, if the legal limit of speed was twenty miles an hour, cars were built to go forty, this witness said that it was to enable the car to go up hill at a fair speed. He admitted that when going down hill the car could gain a speed even higher than forty miles an hour by reason of its own momentum. As to the actual pace at the time of the accident a typical difference of opinion was shown. Of five witnesses who were on the road near, three swore that the car was going "at least thirty miles an hour";