

Appeal in *Sinden v. Brown*. Everybody, of course, is assumed to know the law, but, as a matter of painful experience, a great many persons are constantly acting in entire ignorance of the law, and, amongst others, public officers; and it is a fair question whether the Legislature did not intend to protect them even when they so acted, provided they *bona fide* believe they are acting in discharge of their public duty; and where there is any question as to their *bona fides*, whether that is not a matter that should be submitted to a jury. This, at all events, seems to us (we say it with all due deference) a more reasonable view than that adopted in *Kelly v. Barton*.

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THE recent decision of His Honour Judge Morson, in the Division Court case of *George v. City of Toronto*, has caused some surprise to bicyclists, both legal and lay, in many quarters. The plaintiff sued for damages sustained by a fall from his bicycle, caused by a hole in an asphalt pavement on a street in this city. The learned judge non-suited the plaintiff, being of the opinion that the hole which caused the damage "did not render the roadway unfit for ordinary vehicular traffic," and, further, that "the bicycle does not stand on any higher plane, so far as the highways are concerned, than an ordinary vehicle." The remark of the judge (as reported) expressing his regret that bicyclists have as much rights as the law allows them was, of course, quite beside the question before him for adjudication. Others may, or may not, have the same thought on the subject.

If by his decision the learned judge means that a bicycle is not an ordinary vehicle, it is to be regretted that he was unable to take judicial notice of a fact patent to all, and his remark contrasts strangely with a statement attributed to him during the case, that bicyclists were "as thick as bees." But if his words indicate that he considers a bicycle to be, and to stand on the same plane, as an ordinary vehicle, he is probably correct.

The law is that every public road is to be kept in repair by the Corporation. With the improvements in the lightness and speed of the methods of transport there must, we submit, be the necessary concomitant of better roads. That which would be a sufficient roadway for a Red River cart would not be considered fit for the use of an ordinary light wagon or buggy, such as are now in