

forward to the age of civilization when every man has to yield something of his own will for the good of the whole community and try to follow the golden rule of doing to others as he would they should do to him.

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### NEGLIGENCE--RULE OF THE ROAD.

A writer in the *University of Pennsylvania Law Review* discusses this subject in its March number. There are probably more cases of interest to us as to this in the United States than in England, as our rule conforms more to that of the former than of the latter. He writes as follows:—

A recent case raised the question of the rights and liabilities of drivers of vehicles on public streets. A wagon was proceeding along the left-hand side of a street, twenty feet wide. On the same side of the street there was a high board fence. The plaintiff, a boy of eleven years, was coming up behind the wagon on a bicycle, and started to pass between it and the fence on the left. As he was even with the front of the wagon, the horses swerved towards him; and before the driver could get them back, they had thrown the boy against the fence. The driver had not known that the boy was back of him, or that he was attempting to pass. The court affirmed a judgment for the plaintiff, upholding the trial judge, who had allowed the jury to say whether or not the conduct of the driver was negligent.

There were two points decided in the case. In the first place, the court had to consider whether negligence can be imputed from a violation of the so-called "Rule of the Road." The question was answered in the negative. This, it will be seen, is representative of the weight of authority. The authorities in England are confined to about a half-dozen short cases in the early part of the last century. The law as contained in them seems to be that a breach of the rule of the road is not per se negligence. Thus, it was held, in *Pluckwell v. Wilson* (1832), 5 C. & P. 375, that a person is not bound to keep to the customary side of the road, but that if he does not, he is bound