THE LAW AND THE WHEEL.

Some of the Legal Decisions as to the Status of the Bicycle.

Detriot Free Press.

The use of the bicycle for the purpose of locomotion and travel is so recent that aslyet there is little adjudication as to the rights and liabilities of travelers employing it upon the highway; but the trend of judicial authority seems to place the wheel on a plane of equality with other vehicles.

The early advent of the bicycle met with strenuous opposition, both from pedestrians and agencies on the road, the former contending that it was a vehicle and should be excluded from the sidewalk and the latter asserting that it was an object of terror, the use of which was perilous in that it frightened horses. But by degrees this child of adversity began to be recognized by the courts and its legal status to be established. Finally its paternity was established and it was placed in the category of carriages and vehicles.

Although Blackstone Coke and other common law jurists never experienced the sensation of a spin on a bicycle, yet we look to the law of the mother country for the earliest cases involving the law of the wheel.

The authorities, almost without exception now recognize the bicycle as a "carriage" or "vehicle" entitled to the rights of carriages and vehicles in general, and no longer regard it as an obstruction to or an unreasonable use of the streets or roads, but rather a new and improved method of using the same, and "germane to their principal use as a pathway." One Taylor, an Englishman, was the first to take the bicycle in court, and the case of Taylor against Goodwin is a leading one. Mr. Goodwin sprinted on a certain road in violation of a statute making the furious driving of a carriage upon the highway an offense. Upon the trial he did not deny the allegation of immoderate speed, but contended that the bicycle was not a "carriage" and that the word "driven" as ordinarily understood was not applicable to the bicycle, and that the mere fact that it had wheels did not make it a carriage anymore than a wheelbarrow or roller skates. But the court was of the opinion that it was a carriage in the full sense of the word, and that persons riding it may be said to "drive" it in the sense that an engineer drives an engine, although he guides as well as propels it.

Investigation discloses American authorities.

In applying the established law of the road to the wheel, probably it is not entitled to the dignity of a carriage, and while there is no authority for the statement, it seems that the wheelman in riding on the road should be governed by the immemorial usage and custom appliable to horsemen. It has been held that there is no law requiring a man on horseback to turn either to the right or to the left of the road. He should be governed by his notions of prudence. A horseman should yield the traveled track to a vehicle where he can do so without peril.

A bicycle and a horse can pass along a track much narrower than that required for carriages; they also occupy much less linear space. In both cases the control of the traveler is more absolute than in the case of horses attached to carriages, but the bicyclists cannot be forced toride his machine on dangerous ground. The cardinal rule, however is to keep to the right.

Summing up the law pertaining to bicycles in a general way, it may be said:

1. Municipal corporations or cities are liable to bicyclists for injuries incurred by reason of defective roads)i. e., unguarded embankments, a deep rut, a large stone), provided he is not guilty of contributory negligence. A city is under no special obligation to wheelmen, and the defect must be such as to cause injury to vehicles in general. A bicyclist injured while riding on Sunday for pleasure cannot recover in States where "Sunday laws" are in force.

2. A wheelman has a right of action against the driver or ower of a vehicle who wilfully or negligently causes a collision or damages his wheel while left standing by the street curb or road side. It is the duty of a wheelman, however, to avert collision, if possible, and he cannot recover damages if his own negligence is the proximate cause of the injury complained of.

3. A traveler on the left hand side of the road probably assumes all risks, and is prima facie guilty of negligence.

4. Vehicles going in the same direction, the hindermost may pass on either side.

5. Sidewalks are exclusively for foot passengers, but a foot passenger has the right to walk in tha highway, and is entitled to cross the street where he may elect, but is guilty of negligence if he attempts to cross ahead of a vehicle. And the fact that a vehicle is on the wrong side of the road is no evidence of negligence in an action for injury to a pedestrian.

6. A bicyclist employing an immoderate rate of speed on a highway or street may be liable civilly and criminally in case of accident. If he recklessly runs his wheel against a pedestrain he is liable for assault and battery. Recklessness will sometimes supply the place of criminal intent, and if a bicyclist kills a human being while going at a dangerous speed he may be convicted of manslaughter.

The term "immoderate rate of speed" cannot be accurately defined. It depends upon time place and circumstances.

There is no statutory or case law in the State of Michigan in regard to the bicycle. The Common council of Detroit passed an ordinance regulating the use of the wheel on the streets, but it was vetoed by the mayor.

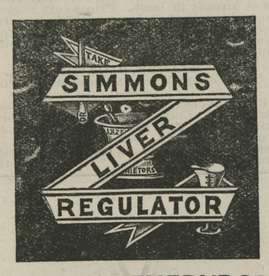
The question, however, of whether improved methods of locomotion are advisable on public roads arose in Michigan as early as 1876, and the opinion of Judge Cooley, in the case of Macumber vs. Nichols is of interest to all wheelmen, and although written long before the adoption of the bicycle, it seems to anticipate radical innovations in the methods of locomotion on the highway.

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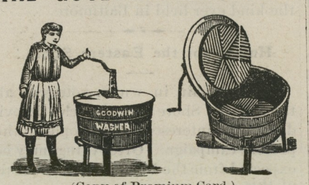
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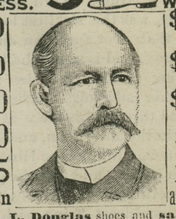
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