Legal Status of the Bicycle Not Yet Clearly Defined.

some of the Legal Decisions Which Have Been Called Forth by the Wonderful Growth of the Great Wheeling Sport.

From the Detroit Free Press.

The use of the bicycle for the pur-pose of locomotion and traveles so recent that as yet there is little adjudirecent that as yet there is little adjudi-cation as to the rights and liability of travelers employing it upon the high-way; but the trend of judicial author-ity seems to place the wheel on a plane of equality with other vehicles.

The carly advent of the bicycle met with strenuous opposition, both from pedestrians and agencies of the road, the former contending that it was a vehicle and should be excluded from the sidewalk and the latter asserting

the sidewalk and the latter asserting that it was an object of terror, the use that it was an object of terror, the use of which was perilous in that it fright-ened horses. But by degrees this child of adversity began to be recognized by the courts and its legal status 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 coun-try for the earliest cases involving

law of the wheel. A LEADING CASE.

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 unreasonably use of the streets or roads, but rather a new the streets or roads. and improved method of using the same, and "sermane to their principal use as a pathway." One Taylor, an Englishman, was the first to take the bleyele into court, and the case of Taylor against Goodwin is a leading one. Mr. Goodwir sprinted on a certain road in violation of a statute making the furious driving of a carriage on the highway an offence. Upon the trial he did not deny the imputation 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 any more than a wheelbarrow or roller skates. But the court was of the opinfon that it was a carriage in the full sense of the word, and that persons riding it might be said to "drive" it in the same sense that an engineer drives an engine, although he guides as well

as propels it.
Investigation discloses American auin 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 man in riding on the road should be governed by the immemorial usage and custom applicable to be seen as the strongest of all the minor league to the strongest of the strongest of the minor league to the strongest of the strongest of the minor league to the strongest of the strongest of the minor league to the strongest of the governed by the immemorial usage and custom applicable to horsemen. It has been held that there is no law requiring a man on horseback to turn to either the right or to the left hand. 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.

Bill Lange's ankle is mending. He says he will sprint over the circuit as fast as ever next scason. Sout Stration has refired from base bail for good, and is now inthe mercantile business at Taylorsville, Ky. With Tom McCarthy as captain of the Brooklyns it begins to look as if Dave Foutz is a case of excess baggage. With Rogers, Stricker and McAuley out the captain of the Brooklyns it begins to look as if Dave Brooklyns it as a case of excess baggage.

along a track much narrower than that required for carriages; they also oc-cupy 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 bicyclist cannot be forced to ride his machine on dangerous ground. The

THE LAW SUMMED UP.

1. Municipal corporations or cities are liable to a bicyclist for injuries incurred by reason of defective roads (i. e., unguarded embankment, a deep rut, a large stone), provided he is not IT. HOWEVER, IS A VEHICLE 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 or business cannot recover in states where "Sun-

cannot recover in states where Sunday laws' are in force.

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

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

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

passengers, but a foot passenger has a right to walk in the 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 ve-hicle. And the fact that the 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 immed-

erate rate of speed on a highway or street may be liable civily or criminal-ly in case of accident. If he recklessly runs his wheel against a pedestrian he is liable for assault and battery. Recklessness will sometimes supply the place of criminal intent, and if a bi-cyclist kills a human being while going

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

law in the state of Michigan in regard to the bicycle. The common council of Detroit passed an ordinance regulat-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
admissible 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 positive loss.

wheelmen, and although written long before the adoption of the bicycle, it seems to anticipate radical innova-tions in the methods of locomotion on the highway.

BASE BALL NOTES.

Providence has signed five pitchers. Pottsville has signed Jack O'Brien to play short. Rochester plays but nine scheduled Sun-

Hochester plays but nine scheduled Sunday games at home.

The Eastern league celebration of Harry Wright day will be April 25.

Joe Knight, Lyons and Murray will compose the Providence outfield this season. Fred Pfeffer's retirement from major league base ball is now predicted by his enemies.

The Syracuse Star team will open the league season like this: Delaney, Jordan Bristow Willis, Whitehill, Mason, pitchers; Rafter, Hess, catchers; Carel, first base; Eagan, second base; Reiliy.

third base; Moss, short stop; Smith, left field; Garry, center field; Minshan, right lield.

Here is something wonderful indeed; George Kuntsell, of the Syracuse team, says that the four clubs which will close the season in the first division of the Eastern league are Providence, Rochester, Toronto and Syracuse.

George Mahoney, the Georgetown's star twilrer, says he will never enter the professional ranks, and refuses to entertain any proposition from a major league club. So the major magnates would do well to save a waste of time by opening negotiations with Mahoney that will prove futile. President Freedman, of the New York Hase Ball club, says he doesn't care whether Amos Rusie pitches for the club or not, and that under no circumstances will he remit the fines imposed upon the player last season for infractions of the rules. "I would sooner go out and spend \$10,000 for another pitcher than give in to Rusie on this," said Mr. Freedman, in a fit of passion, "It isn't a question of \$200. There is principle involved in this siash, and I will not give in if Rusie doesn't pitch a ball all season."

Tuesday morning the members of the Boston Base Ball team, who are practicing at Charlottesville, Va., went out to Maplewood cemetery at that place, and each man placed a bunch of flowers upon the grave of Charles Ferguson, the famous Philadelphia pitcher, who died some years ago. He was a Charlottesville boy and commenced his base ball work with the old Virginia league, but soon withdrew to accept an offer from the Philadelphia club, whose manager recognized at or that the would be the leading pitcher of the country, as many atterward very sent that he would be the leading pitcher of the kinds words which were said by the Bostons about the dead base ball player.

BICYCLE NEWS AND GOSSIP.

Charles Kiesel is riding a "96" Sterling Morris Sloan has purchased a handsome Morris Sloan has purchased a handsome new Percless.

Henry Hitchcock has received his new Is-pound road wheel. It's a Keating.
Captum Lacas of the Scranton Bicycle club, is riding a new "Yellow Fellow."
Spalding Official "80" Base Bail Guides for sale at Piorcy's, 22 Wyoming avenue. Lieutemant Governor Wattes has purchased a Stearns wheel for his son, Lawrence.
Captuin Charles Carr, of the Green.

chased a Stearns wheel for his son, Lawrence.

Captain Charles Carr, of the Green Ridge Wheelmen, is "pushing" a new Kcating.

Editor Beamish, of the Free Press, has joined the throng. Richard has ordered a "bike."

E. H. Sothern, the well-known actor, and Bronson Howard, the playwright, will start on a European bleycle trip in a few months.

E. C. Stearns, the Syracuse cycle manufacturer, has returned from his Bermuda Island trip. He says the climate is a fine one for cycling.

"Pop" Foote, who trained the Scranton Bioycle club's racing team last season, has been engaged as a salesman in Bittenhender & Co.'s bleycle department.

Manuger of cycling agency, to clerk—What did the lady wish who just called? Clork—She wants her bicycle enameled in black. Her husband has just died.

Spalding' Omcial "8" Base Bail Guides for sale at Florey's, 22 Wyoming avenue.

Tanden riding promises to be very popular this season. All the makers report extra large sales for the double-seated machine. Many triplets are also being ordered.

A. B. Dunning, jr., of this city, was

chine. Many triplets are also being ordered.

A. B. Dunning, jr., of this city, was
in Harrisburg Wednesday last attending
a meeting of the League of American
Wheelmen committee on highway and
road improvements.

The writer was incated to a delightful
tandem ride on Tuesday on a Tribune
tandem by Ben Keller, whose father, M.
T. Keller, sells that and several other
high-gravie wheels. The tandem is of the
combination pattern, and runs unusually
smooth.

smooth.

Robert White, mamager of Foote & Shear company's bleyele department, treated many of his friends to a ride on the new Cleveland tandem received by his firm last week. The machine is of the double diamond frame pattern, with an 80-inch gear. It is a beauty.

H. E. Marvel, salesman for the Hartford Rubber works, is calling on the biggies of the Hartford single tube tire. Mr. Marvel is one of the most, popular travelling salesman in the business and lepushing a good thing, viz.; the Hartford life.

A meeting was held recently at Gormuliy & Jeffery's Elighth avenue store of the New York Cycle oard of Trade, and members of the leading sundry manufacturers. The conference provoked a good deal of discussion, without arriving at the object of the meeting, to wit: the manitenance of list prices on lamps, bells and cyclometers. The retail dealers are objecting to the handling of these goods by the big department stores. No solution of the problem is at hand, but one is wasted very badly.

STATISTICS OF

Interesting Pacts and Pigures About Trotters and Pacers.

2:03 3-4 and Fantasy Is Proud of the Three-Year-Old Championship.

The new record books of trotting and pacing contain some interesting statistics relating to harness racing in 1895. Although no account is taken of races in which the winner's time is slower than 2.30, summaries of over 6.500 harness contests are printed this year, showing a slight increase over the volume of sport in 1894. As only about two-thirds of all harness races are won a standard time it is probable that no in standard time, it is probable that no fewer than 9,000 or 10,000 trotting and pacing contests took place last year on the tracks of the United States and

on the tracks of the United States and Canada.

Something like 1,200 meetings were held by the 1,000 or more driving clubs and fair associations, and at these meetings nearly 14,000 different horses started for the \$3,000,000 or more hung up in prizes and stakes, says the Sun. According to the trotting turf guide the total number of trotters in the 2,30 list at the close of 1895 was 11,889, but the compiler has rejected on technical grounds a good many records which are generally accepted by other authorities, so that the roll of honor now really exceeds 12,000 trotters. Of these about 1,400 gained their best records last year, and something like 1,000 pacers also entered the 2,30 list.

STRONG SHOWING OF PACERS.

STRONG SHOWING OF PACERS. The strong showing made by the acers is one of the notable features of The strong showing made by the pacers is one of the notable features of the statistics of 1895. Ten years ago the complete list of 2.30 pacers numbered less than 500 horses, and at the close of 1890 there were only 1.251 side-wheelers having records as fast as 2.30. Yet so rapid has been the rise of the once despised pacer that the list now comprises more than 4.500 animals, and it is increasing at a rate which bids fair some day to place the lateral-gaited horses in the majority. Just how many pacers there are in the 2.30 list at present is a matter of some uncertainty. In 1891 the 2.25 list comprised 894 pacers, while the turf guide four years later gives the names and records of 3.455 side-wheelers that have equaled or beaten this mark.

For the first time in many years the compilation for 1895 shows no change in the list of champion trotters, not a world's record having been shattered the less campaign. Ally, with

in the list of champion trotters, not a world's record having been shattered during the last campaign. Alix, with her mark of 2.03%, made at Galesburg, September 19, 1894, holds the paim in the open class. The dead Etalph Wilkes still heads the list of 5-year-old trotters with his record of 2.063%, gained at Nashville in 1894. Directur's 2.05% remains the heat time on record for 4mains the best time on record for 4-year-olds and for trotting stallions of

FANTASY THE CHAMPION. Fantasy holds the champion 3-year old record, but it is 2.08%, and not 2.08%, as the turf guide has it. Arion's marvelous mile in 2.10%, to old style sulky as a 2-year-old in 1891, still stands unapproached, and it is the only champion record which has withstood the advent of the speed-increasing pneumatic wheels. The yearling record of Adbell, 2.33, made in 1894, was

ble promises to be one of the most for-midable strings of trotters and pacers in the east this year. Besides John R. Gentry, Trainer W. J. Anderws is now working Bouncer, 2.10½; Orangelander, 2.16½; Quality, 2.21, and the pacers Spalpeen, 2.17½; Adornment, 2.16½; Katie Greenlander, 2.17½; Mimi, 2.19,

and Sufficient, 2.21%, together with a

RECORDS THAT STILL STAND

and Sufficient, 2.21%, together with a number of green youngsters. Spalpeen, who paced in 2.17%, as a 2-year-old in 1895, has shifted to the diagonal gait, and he promises so well as a trotter that Mr. Simpson has entered him in the \$3,000 stake for the 2.30 class at Fleetwood. In Mimi, a daughter of Electrician, that paced in 2.18 last season as a 2-year-old, and Rebecca Simmons, a filly that cost her owner \$175 at a public sale about a year ago, Mr. Simpson says he has two very promising candidates for the \$20,000 Kentucky Futurity, to be trotted and paced next October. PURCHASE OF LOTTIE THOM. PURCHASE OF LOTTLE THOM.

The New York breeder has just purchased from John E. Madden the noted brood mare Lottle Thorn, 2.23%, the dam of H. R. C. Watson's Oscar William, 2.12%, and the granddam of Rebecta Simmons. Like the dam of Bouncer, she is a daughter of Mambrino Patchen, and Mr. Simpson will breed her to Hummer with the hope of getting another 4-year-old that is good enough to win the Transylvania.

Andrews will probably open the campaign with the Empire City stable at Mystic park, Boston, about the middle of June, going west in time for the opening of the grand circuit at Saginaw opening of the grand circuit at sagina-and coming down the line to New York. After the Fleetwood meeting the horses will go to Boston and other New Eng-land meetings, winding up the camland meetings, winding up the cam-paign in the west in October, with starts at Terre Haute, Louisville and Lexington. Mr. Simpson will probably give a high class meeting in September at Cuba, N. Y., where his breeding farm is located.

GENERAL SPORTING NOTES. Jim Daly has received the following from Corbett: "Try and force Fitzsimmons to fight me, and oblige your friend." John J. Quinn, manager for Peter Maher, says that he will back Peter for \$10,000 for a fight with Fitzsimmons, if "Fitz" positively refuses to meet Corbett.

It is said that Watson, the designer, has asked Richard G. Allan, of the Allan Steamship line, on behalf of the German emperer, to represent that celebrity on board his new Meteor in all the Clydo



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races and in the regattas in English and Irish waters.

M. F. Sweney, the holder of the world's record for the high Jump, has determined to join the professional ranks. He has accepted the position of athletic director at Hill school, Potistown, Pa.

The athletic teamor the University of California have received a telegram from the Harvard team accepting a challenge to meet oh May 23. The California team will meet the athletes of several other colleges on their eastern tourney.

The report that Larned, Foote and probably Chace will all play in the English lawn tennis championships at Wimbleton mext July, and that Larned will also play in a number of the other big tennis events there this spring has been confirmed.

While Valkyrie III, is till moored in the Eric Basin, Brooklyn, her racing spars are in England, where they were sant last autumn. As yet there has been no move made to fit her out for her return trip, nor has a crew been secured to come over and sail for home.

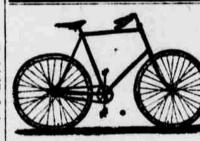
That Australian starting machine can be beaten, as the following, taken from a California paper of recent date, will show: "Jockey Shields has clearly mastered the situation, and, while he does not beat the flag, he comes pretty near ducking the webbing." Three times in a single day he shot his mount out from under the barrier, while it was making its upward flight, and before some of the pin-heads got their mouths closed again Shields was showing the way at a merry clip. He won every mount Wednesday, and won all the way too. If some of the other boys do not get onto the wrinkle Shields will have an immense following."

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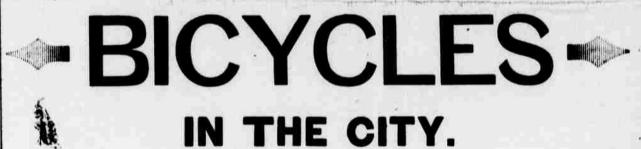
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