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### STATUTORY CONSTRUCTION.

*Inconsistent Clauses.*]—See INSURANCE, 3.

### STREET RAILWAY.

*Operation of Electric Car—Duty of Motor Man—Frightening Horses—Nonsuit.*]—It is the duty of a motor man, operating an electric car upon a public street, if he sees a horse in the street before him that is greatly frightened at the car, so as to endanger his driver or other persons in the street, to do what he reasonably can in the management of his car to diminish the fright of the horse; and it is also his duty in running the car to look out and see whether, by frightening horses or otherwise, he is putting in peril other persons lawfully using the street on foot or with teams.

*Ellis v. Lynn and Boston S. R. Co.* (1893-4), 160 Mass. 341, applied.

*Held*, in this case, STREET, J., dissenting, that the fair inference from the evidence was that the motor man saw the plaintiff's

horses were becoming frightened by the moving car, and that they were likely to become unmanageable and run away, and that he saw the signal given by the plaintiff and understood it to be a signal for him to stop the car; and it was his duty, under these circumstances, to do what he reasonably could to avoid the obvious danger, and the case should not have been withdrawn from the jury. *Myers v. Brantford Street R. W. Co.*, 309. Reversed on appeal.

### SUCCESSION DUTY.

*Bank Deposit Receipt—Foreign Domicile.*]—See REVENUE, 1.

### SUBROGATE COURT.

*Appeal.*]—See APPEAL.

### TRADE MARK.

1. *Trade Description—False Application of—"Quadruple Plate"—Evidence.*]—The defendants by an advertisement in a newspaper described certain tea-sets as "quadruple plate," stating that the regular price thereof was "\$12.00 a set, Saturday at \$6.00." The purchaser of one of the sets, before making his purchase, inquired, and was informed, by the saleswoman of the defendant, that it was one of the tea-sets advertised, and that the advertisement could be relied upon—