

ROSE, J., read a dissenting judgment. He was of opinion that the finding of the jury did not mean that the car was stopped in an unusually or unduly violent manner; by a "sudden stop" they meant a stop of which no warning was given; and the plaintiff was not entitled to judgment upon the finding. Passengers who are standing ought to take precautions against being thrown down by any stop that is not unusually violent. There was no evidence to support the finding of the jury that the stop was at an "irregular" place.

*Appeal dismissed; ROSE, J., dissenting.*

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SECOND DIVISIONAL COURT.

FEBRUARY 26TH, 1917.

NESTOR v. NESTOR.

*Will—Construction—Devise of Homestead to Son, Subject to Right of other Children to Use it as a Home—Right to Endure beyond Lifetime of Devisee.*

Appeal by the plaintiff from the judgment of MULOCK, C.J.Ex., ante 220.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and ROSE, JJ.

A. C. Kingstone, for the appellant.

G. B. Burson, for the defendants, respondents.

THE COURT allowed the appeal with costs, holding that the effect of the will was, that the home for the family was to last during the lifetime of its members, and not merely during the lifetime of the devisee.