

gent in continuing on his course without seeing or heeding the frightened condition of the horse. It is urged by the defendant that the only indications of fright mentioned by the plaintiff's father were that the horse "lifted up his ears and kind of shook" and that the truck driver could not be found negligent for failing to observe these signs. The answer is that there is nothing in the record which compels the conclusion that the witness undertook to enumerate all the evidences of fright which the horse showed, while other evidence in the case drew the picture of a man exerting all his strength to control a horse which was trying to run away and at the same time holding onto his infant son. The jury might have found that the driver of the defendant's truck continued to approach an obviously frightened horse without slackening his speed, in violation both of the command of the statute (P. L., c. 103, s. 9) and the dictates of due care. The case should have been submitted to the jury.

New trial.

All concurred.

Cheshire, }
Dec. 3, 1929. }

ARTHUR OLSEN, *Trustee*, v. WILLIAM DINAGAN & a.

Petitioner, pro se.

Per Curiam. The petitioner is instructed that the divorce did not terminate the trust, and that it continues while the divorced wife lives unless the son predeceases her.

Case discharged.