

the income on certain moneys in the hands of the trustees, being the accumulations of income unexpended or unused during his minority which may be earned between the date at which he attained majority and the date at which the said accumulations may become his property under the will and codicils or the date of his death, which ever shall first happen. LENNOX, J., holds that Frank Harrison is not presently entitled to the interest accrued or accruing upon the fund in the trustees' hands, and will not be entitled to it during the currency of the twenty years. Order declaring accordingly. Costs of all parties out of the estate—those of the trustees on a solicitor and client basis. A. E. Knox, for the Toronto General Trusts Corporation, the trustees. E. G. Long, for Frank Harrison. F. W. Harcourt, K.C., for the infants.

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BALL V. WABASH R.R. CO.—SUTHERLAND, J.—JUNE 25.

*Trial—Findings of Jury—Negligence—Contributory Negligence—Injury to Servant of Railway Company—Conflicting Findings—New Trial—Rule 501(1).*]—Action by a fireman employed by the defendants to recover damages for personal injuries alleged to have been caused by the negligence of the defendants or their servants. The plaintiff was in the cab of one of the defendants' locomotive engines, engaged in cleaning it, when, as he alleged, the nozzle of the squirt-hose attached to the boiler of the engine flew up from the floor of the cab, by reason of the pressure of steam and hot water from the boiler, and a stream of scalding water therefrom struck him in the face, severely scalding it and destroying the sight of his right eye. The action was tried before SUTHERLAND, J., and a jury. The jury found, in answer to questions, that the injuries of the plaintiff were caused by the negligence of the defendants, and that such negligence consisted in not seeing that the valve was properly closed. The jury, in answer to further questions, found that the plaintiff's injuries were not the result of his own negligence, but that, by the exercise of reasonable care, he might have avoided the accident, and that what he could have done was to have examined the valve before attempting to use the hose. The learned Judge, in a considered judgment, adjudges that the answers of the jury are conflicting, and leaves the case for re-trial: Rule 501(1). Costs to date to be costs in the cause. A. A. Ingram, for the plaintiff. H. E. Rose, K.C., for the defendants.