6. If yes, in what did such negligence consist? A. Consisted of misjudgment of distance by Nesbitt of street-car from crossing.

The trial Judge questioned the jurors as to the meaning of the answer to question 6; and they said that they meant that, had the plaintiff gone more slowly, he might not have met with the accident.

The appeal was heard by MACLAREN, MAGEE, and HODGINS, JJ.A., and LATCHFORD, J.

Taylor McVeity, for the appellants.

J. E. Caldwell, for the plaintiff, respondent.

MAGEE, J.A., in a written judgment, set forth the facts and referred to the evidence and the findings of the jury. He said that the view of the learned trial Judge as to the findings was thus expressed:—

"There were three acts of negligence: (1) that the defendants' car was going at an excessive speed; (2) that the plaintiff was going at an excessive speed; and (3) that the morotman, after the danger of a collision became apparent to him, or ought to have become apparent to him, could, by the exercise of reasonable care, have avoided the accident. . . . They say this plaintiff came down at too high a speed, but that the motorman, if he had been on the look-out, would have realised the danger, and in that event he could have avoided the accident. . . . My view of it is that the negligence of the defendants was the last negligence, and that their ultimate negligence was the cause of the accident."

The position could not be more pithily expressed. There was no reason to disturb either the findings of the jury or the judgment thereon.

The appeal should be dismissed.

MACLAREN, J.A., agreed with MAGEE, J.A.

HODGINS, J.A., and LATCHFORD, J., agreed in the result.

Appeal dismissed with costs.