and thereby to cut down the estate tail to a life estate in the granddaughter. The power to make a will is inoperative in regard to an estate tail as such, but the use of the words merely shews that the testator was not aware that effect could not be given to that provision (as to testamentary disposition) without destroying that which appears to be the primary and controlling intention.

I would reverse the decision and declare that the land vests by way of estate tail in the granddaughter. The old case of Frank v. Stovin, 3 East 548, is in point, following Roe v. Grew, 2 Wils. 322, and approved of in Pelham Clinton v. Duke of Newcastle, [1902] 1 Ch. 3, affirmed in the Lords, [1903] A. C. 111. See also Bell v. Carey, 8 C. B. 876. I also refer to Papillon v. Voice, 2 P. Wms. 471, where the Master of the Rolls thought that the words "without impeachment of waste" were enough to change what would otherwise have been an estate tail in the first taker—but he was reversed on appeal by King, L.C.

Costs here and below out of estate.

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RIDDELL, J. NOVEMBER 18TH, 1910.

## *YOUNG v. TOWN OF GRAVENHURST.

*Negligence — Personal Injuries — Electric Current Supplied by Municipal Corporation for Lighting Houses — Municipal Light and Heat Act—Municipal Waterworks Act—Electrical Plant in Charge of Board of Commissioners—Statutory Agents —Liability of Corporation — Supply of Electricity Obtained from Distant Place—Powers of Commissioners—Effect of Going beyond—Defective System — Dangerous Defects—Person Injured in House—High Tension Current—Care not Exercised—Construction, Inspection, and Repair—Absence of Contributory Negligence—Damages—Elements Considered in Assessing.*

Action for damages for personal injuries sustained by the plaintiff John Young, a boy of eleven, who was burned by a current of electricity from the town supply, and for the expense and loss occasioned to his mother and co-plaintiff by reason thereof.

* This case will be reported in the Ontario Law Reports.