

If any of the previous bequests were invalid, the money bequeathed by them fell into the residue and was impressed with the trust for religious purposes; and the Court would execute the trust and administer the fund by means of a scheme.

The learned Chief Justice, in dealing with each bequest, gave reasons for his views, and cited many authorities.

The appeal of the appellant Mary Cameron, he said, should be dismissed, and the appeal of the other appellants allowed, with a declaration that bequests (4), (7), and (9) are valid and effectual, that bequest (8) falls into the residue; and there should be a reference to the Master to propound a scheme for the application of the residuary estate.

The costs of all parties should be paid out of the residuary estate—those of the executors and trustees between solicitor and client.

MACLAREN and MAGEE, JJ.A., and LENNOX, J., concurred with the Chief Justice.

FERGUSON, J.A., reached the same result, for reasons given in writing.

*Judgment as stated by the Chief Justice.*

FIRST DIVISIONAL COURT.

NOVEMBER 12TH, 1917.

\*ONTARIO HUGHES-OWENS LIMITED v. OTTAWA  
ELECTRIC R.W. CO.

*Negligence—Street Railway—Collision of Street-car with Automobile  
—Negligence of Driver of Street-car—Finding of Jury not  
Supported by Evidence — Judicature Act, sec. 27—Ultimate  
Negligence—New Trial.*

Appeal by the defendant company from the judgment of SUTHERLAND, J., at the trial, upon the findings of a jury, in favour of the plaintiff company for the recovery of \$754.23 damages and costs, in an action for injury to the plaintiff company's automobile in a collision with a street-car of the defendants in a highway, by reason of the negligence of the defendant company's motor-man, as the plaintiff company alleged.