

In order to shew compliance with an order of a master or superior officer, it is not necessary that the order should be of a formal and imperative character. If the employee knows what evidently is required of him, and even if he suggests something in the way of doing it, he being ignorant of danger, and if the master adopts and directs it, and in the doing of it an injury to the workman is caused, there may be liability by the master.

If the employer signifies in any reasonable way what is wanted, and the servant, all in good faith, obeys, that is sufficient. See Labatt on Master and Servant, vol. 4, p. 3915.

There will be judgment for the plaintiff against the defendants the Canadian Pacific Railway Company for \$1,000 with costs.

The action against the defendants the Toronto Hamilton and Buffalo Railway Company will be dismissed with costs if such costs are demanded.

LATCHFORD, J.

NOVEMBER 2ND, 1914.

GAUTHIER v. VILLAGE OF CALEDONIA.

Highway—Injury to Pedestrian by Fall upon Ice-covered Sidewalk—Liability of Municipal Corporation—Evidence—Negligence—"Gross Negligence"—Municipal Act, R.S.O. 1914 ch. 192, sec. 460, sub-sec. 3.

Action for damages for personal injuries sustained by reason of a fall upon an ice-covered sidewalk in the village of Caledonia.

The action was tried by LATCHFORD, J., without a jury.

W. E. Kelly, K.C., for the plaintiffs.

H. Arrell, for the defendants.

LATCHFORD, J.:—This action is brought by Alexis Gauthier and his wife against the defendant corporation for damages resulting from injuries sustained by Mrs. Gauthier on the morning of the 6th March, 1914, by falling on an ice-covered sidewalk near her residence, at a point immediately east of a driveway leading from the travelled way of a street into the premises of one Martindale.