by the men, although in the employment of the defendants, was not done in the course of their employment, but was done for Dunlop.

This is somewhat similar to the case put by my brother Magee during the argument:—A farmer, who has some cordwood upon his farm, is willing that one of his hired men shall have the benefit of a quantity of it, and says to him, "John, you may take my team and waggon, and the other man, Robert, may assist you in taking that cordwood away for your own use." The man, either through negligent driving, or, as in this case, by improperly piling the wood upon the highway, does something which causes injury to another; it seems to me it would be clear in such a case, that the farmer would not be answerable, for what was being done by the man was being done for himself; and so also in regard to the assistance given by the man who, upon this suggestion, was permitted to assist him.

In the case of Story v. Ashton, L. R. 4 Q. B. 476, there is a discussion as to the circumstances in which it may properly be found that a servant is not acting in the course of his employment, and in which it may be found that he is so acting.

Again, in a case of Sanderson v. Collins, a decision of the Court of Appeal, [1904] 1 K. B. 628, the language of the Master of the Rolls seems to me particularly apposite to this case. He says: "If the servant in doing any act breaks the connection of service between himself and his master, the act done in those circumstances is not that of the master."

Now, it seems to me that when Dunlop determined to avail himself of the privilege given to him by defendants to take the ties for his own use, and commenced to remove them for that purpose, as plainly he did upon the testimony, that moment there was a breaking of the connection of service between himself and his master, and after that time he and the men under him cannot be said to have done the act which they did in the course of their employment, but that the more proper view of it is that they did it for Dunlop.

There are two other (American) cases which may be referred to. In Baxter v. Chicago, Rock Island, and Pacific R. W. Co., 87 Iowa, it appeared that cattle had been run down upon the railway track, and one of them had been injured and had been left upon the highway, upon the cattle-guard. The company was made liable because it was the duty of the sectionman, by whose negligent act in removing the cattle the injury complained of was occasioned, although he was not employed for that particular section, if he found such an obstruction, to remove it.