

Dawson v. London Street R. W. Co., 18 P. R. 223, Caselman v. Ottawa, etc., R. W. Co., *ib.* 261, and Odell v. City of Ottawa, 12 P. R. 446, followed.

FERGUSON, J., agreed.

MEREDITH, J., agreed that the engine-driver was an officer, but did not base his opinion upon the peculiar circumstances of this case.

Appeal allowed and order of Master restored. Costs of appeal and below to be in the cause.