It will be observed that the virtual effect of these provisions is to abolish the master's immunity for railway accidents in all, or nearly all instances in which the injury was caused by the negligence of subordinate agents engaged in directing the movements of the rolling stock. Taken in connection with the preceding subsections, they supplement a railway servant's right of action of railway servants in such a manner that the Act, as a whole, may be regarded as being, for practical purposes, the equivalent, so far as such servants are concerned, of the statutes of those American States in which the doctrine of co-service is declared to be no defence in cases where the injury was caused by negligence in the operation of a railway (*b*).

2. Person having "the charge or control of signal points" or a "switch."—The only English case in which these words have been discussed discloses so much diversity of opinion as to their import, that the decision, except as a determination that there is no right of action for the negligence of the particular employé who caused the injury, is not of much service as a precedent. (*a*) The

(*b*) Iowa, Kansas, Minnesota.

(*a*) *Gibbs* v. *Great Western R. Co.* (C.A. 1884) 12 Q.B.D. 208, 53 L.J. Q.B. Div. 343, 50 L.T.N.S. 7, 32 W.R. 329, 48 J.P. 230, aff'g S.C. (1884) 11 Q.B.D. 22, 48 L.T.N.S. 640, 31 W.R. 722. There it was held that the defendant could not be held responsible where the evidence shewed that it was the duty of one Fisher, the employé whose act was the immediate cause of the injury, to clean, oil, and adjust the points and wires of the locking apparatus at various places along a portion of the line, and to do slight repairs; that for these purposes he was, with several other men, subject to the orders of an inspector in the same department, who was responsible for the proper condition of the points and locking gear, which were moved and worked by men in the signal boxes; and that Fisher having taken the cover off some points and locking gear in order to oil them, negligently left it projecting over the metals of the line, and so injured a fellow workman. In the Divisional Court, Mathew, J. said: "I find a difficulty in ascertaining what was precisely meant by the general language used in sub-s. 5, but, upon the best interpretation I can give, I think the legislature had in contemplation the negligence of some person having charge or control of the points for the purposes of traffic and of movement. As Fisher did not answer that description, but was merely employed to oil, clean, and adjust that which was moved by some other thing in the charge and control of some other person, I am of opinion that there was no evidence to bring the case within the provisions of sub-s. 5." Field, J. doubted whether the words "charge or control" are intended to mean different things. In the Court of Appeal, Brett, M.R., expressed his views as follows: "I cannot think that there is any colour for saying he had the control of the points, and the only question is whether he is a person who had the charge of them within the meaning of the statute. I think that to be such a person he should be one who has the general charge of the points, and not one who merely has the charge of them at some particular moment. Now what evidence is there that Fisher was a person who had such general charge? It is true that he himself said he had the charge, but to act upon such evidence would be to make him the judge of the law and not the