number of vehicles going upon wheels which the locomotive is taking along the railway." He thought the legislature intended a "very wide scope" to be given to the language used, and that, "speaking in a general way, the legislature meant that a locomotive engine by itself, or anything that was drawn along a railway, or was in course of being drawn along a railway by that locomotive engine," should be included in the word (*c*). The actual extent of the decision cited is that several temporarily detached cars constitute a "train," but, as there is nothing in the opinions of the other Law Lords to indicate that they were inclined to put a less liberal construction upon the statute than the Lord Chancellor, his theory of its meaning may perhaps be regarded as the one judicially accepted in England.

In a Massachusetts case involving facts closely analogous to those under review by the House of Lords, a similar conclusion was arrived at, the statutory word being held applicable to a number of cars coupled together, forming one connected whole and moving from one point to another upon a railroad, in the ordinary course of its traffic, under an impetus imparted to them by a locomotive which shortly before the accident had been detached (*d*). That this court is prepared to accept, if it has not already accepted, a construction of the statute not less favourable to the servant than that adopted by Lord Halsbury, is also inferable from two other decisions holding that a locomotive and a single car connected together and run upon a railroad constitute a "train" (*e*).

(*c*). *What employés are deemed to have "charge or control" of a train—Conductors.*—A conductor is the employé to whom the statutory description is most obviously applicable, and it is not disputed that a railway company is prima facie responsible for his negligence (*f*). This presumption may be rebutted by shewing

(*c*) *McCord* v. *Cammell* (1896) A.C. (H.L.E.) 57, 65 L.J.Q.B. 202, 73 L.T.N.S. 634.

(*d*) *Caron* v. *Boston &c. R. Co.* (1895) 164 Mass. 523.

(*e*) *Lacey* v. *Old Colony R. Co.* (1891) 153 Mass. 112, 26 N.E. 437, followed in *Shea* v. *New York, N.H. & H.R. Co.* (1899) 173 Mass. 177, 53 N.E. 396.

(*f*) *In Chicago & E.I.R. Co.* v. *Richards*, (Ind. App. 1901), 61 N.E. 18, it was held that a complaint was not demurrable, which alleged in substance that a brakeman, while climbing up to the top of a car, was struck by another car which had been negligently left by the conductor of another train on an adjoining side track at a place where the two tracks were only five feet apart, and, owing to the transverse slope on which the side track was laid, the stationary car leaned over towards the other track.