

swer in damages to such employee as if he were a stranger and not engaged in such service or employment in the cases following :

"1. When the injury is caused by reason of any defect in the condition of the ways, works or machinery connected with or used in the business of the employer which arose from or had not been discovered or remedied, owing to the negligence of the employer or of any person in the service of the employer and entrusted by him with the duty of seeing that the ways, works or machinery were in proper condition; or when the injury is caused by reason of the incompetency of a fellow-servant, in the selection of whom the employer, or any person in the service of the employer and entrusted by him with the duty of selecting servants, did not use due care and diligence.

"2. Where the injury is caused by reason of the negligence of any person in the service of the employer entrusted with and exercising superintendence, whose sole or principal duty is that of superintendence.

When an employer sublets the whole or any part of the work to be done, to a sub-contractor, and the sub-contractor uses the ways, works, machinery or plant owned or furnished by the employer, then any employee of such sub-contractor, injured through any defect in such ways, works, machinery or plant, shall have a right of action against the original employer, provided that such defect arose or had not been discovered or remedied through the negligence of the employer or of some person entrusted by him with the duty of seeing that they were in proper condition.

4. When such injury is caused by reason of the negligence of any person in the employment of the employer who has the charge or control of any signal, switch, locomotive, engine, car or train upon a railroad.

Sec. 2. If any of the injuries set forth in the foregoing Act for which a master or employer would have been liable under the terms of this Act, results in the death of the employee, then his personal representatives shall be entitled to maintain an action therefor, provided, however, that not more than one action shall be for and in respect of the same subject matter of complaint, and that